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## Aviation Group Client Update

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### **AIRLINES FOR AMERICA (A4A) REQUESTS CONFIRMATION OF REGULATORY FREEZE**

On January 27, 2017, A4A requested that the Department of Transportation (DOT) announce that it intends to comply with the regulatory freeze covered by the January 20, 2017 Presidential Memorandum to agency heads directing a "[Regulatory Freeze Pending Review](#)" (the "Memorandum").

**Summary.** A4A's request specifically referred to the fast-approaching deadlines for three regulations: (1) comments on the proposed rule for mobile phone use due February 13, (2) implementation of certain provisions of Passenger Protection Rule III due February 15, and (3) responses to the Request for Information on distribution practices due March 31. A4A also requests that, should regulatory action continue, a new 60-day comment or response period be issued in order to comply with the Memorandum's directive to postpone regulations' effective dates by 60 days.

**Background.** The President's Memorandum directed all agencies to freeze all proposed, pending, and final rules, and agency actions promoting or leading to the promotion of final rules or regulations), including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking), as well as agency statements of general applicability and future effect setting forth agency policy on, or interpretation of, a statutory or regulatory issue.

A4A's request has not gone without opposition however. The Travel Technology Association ("TTA") urged the DOT not to take up A4A's request. TTA argues that none of the proceedings for which A4A requests an extension are at a stage at which new regulations have been issued, and therefore the Memorandum does not apply to them. Although TTA contends that indefinite suspension of the comment period in these proceedings is not required under the Freeze Memorandum, TTA is open to a 30-day extension of the due dates for comments on two of the three proceedings. However, TTA opposes any further extension of the response date for the RFI on the grounds that the RFI proceeding is merely a request for information, is not a rulemaking proceeding, and is not affected by the Memorandum.

If you have any questions or would like further information, please contact Shelley Ewalt.

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