

RICHARD J. DURBIN, ILLINOIS, CHAIR

SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE K. HIRONO, HAWAII
CORY A. BOOKER, NEW JERSEY
ALEX PADILLA, CALIFORNIA
JON OSSOFF, GEORGIA
PETER WELCH, VERMONT
LAPHONZA R. BUTLER, CALIFORNIA

LINDSEY O. GRAHAM, SOUTH CAROLINA
CHARLES E. GRASSLEY, IOWA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
JOSH HAWLEY, MISSOURI
TOM COTTON, ARKANSAS
JOHN KENNEDY, LOUISIANA
THOM TILLIS, NORTH CAROLINA
MARSHA BLACKBURN, TENNESSEE

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 12, 2024

Scott Kirby
Chief Executive Officer
United Airlines
233 S. Wacker Drive
Chicago, IL 60606

Dear Mr. Kirby:

I write to extend a formal invitation for you to appear and testify on Tuesday, April 9, 2024, at a Senate Committee on the Judiciary hearing on the topic of competition in the credit card market. The hearing is scheduled to begin at 10:00 a.m. in Room G50 of the Dirksen Senate Office Building. I am writing to you directly because I understand that your representatives have declined my prior requests for you to testify at this hearing and, instead, have offered to send Andrew Nocella, United's Executive Vice President and Chief Commercial Officer, in your place.

You have aggressively opposed efforts to bring competition to the credit card market in order to protect the billions of dollars in windfall profits your company collects through its co-branded credit card. For example, in July 2023, United joined other airlines in a letter to members of Congress opposing my *Credit Card Competition Act*, claiming it would put credit card rewards programs in jeopardy—a claim that has proven false.¹ In United's October 2023 earnings call, you similarly claimed the bill is “bad policy” and emphasized that you had personally “spent now a fair amount of time in D.C. talking to people” about the bill.

Particularly given your self-proclaimed personal engagement in this issue, it is critical that the Committee, and the American people, hear directly from you in defense of a status quo that allowed Visa and Mastercard to levy a total of \$93 billion in credit card fees on consumers, small businesses, and others in 2022 alone.

¹ Christian Johnson, *Rewards Margins are High Enough to Withstand Competition*, CMSPI (July 21, 2023), <https://cmspi.com/rewards-margins-are-high-enough-to-withstand-competition/>; see also Evan Zimmer, *Credit Card Competition Act Won't End Rewards Programs, Says One Financial Expert. Here's Why*, CNET MONEY (Aug. 2, 2023) (“I doubt rewards will be affected because of the importance placed by consumers on their rewards programs. There are plenty of other places [credit card issuers can] recoup a reduction in fee income.” (alteration in original)), <https://www.cnet.com/personal-finance/credit-cards/advice/how-the-credit-card-competition-act-will-impact-consumers-and-businesses/>.

Please confirm that you will attend and testify at that hearing no later than Monday, March 4, 2024.

Sincerely,

A handwritten signature in blue ink that reads "Dick Durbin". The signature is written in a cursive style with a large, stylized "D" and "R".

Richard J. Durbin
Chair