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June 28, 2022

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

Dear Secretary Buttigieg:

All over this country, airline passengers are growing increasingly frustrated by the massive increase in flight delays, cancellations, and outrageously high prices they are forced to pay for tickets, checked bags and other fees. Thousands of flight disruptions have left passengers and crew members stranded at crowded airports from one end of the country to the other forcing them to miss weddings, funerals, and business meetings and ruining family vacations that have been planned for months in advance.

I am writing today to urge you to take immediate action to substantially reduce the number of airline cancellations and delays in our country and to protect the rights of airline passengers throughout our nation.

While the price of airline tickets have skyrocketed by 38 percent over the last year, airline delays have increased by 50 percent and cancellations are up by 18 percent compared to where they were before the pandemic. So far this year, one out of every five flights in the United States were delayed, while airlines are cancelling flights four times as often on high-travel weekends than they did in 2019.

Perhaps most shocking is recent allegations from the American Airlines pilots' union that airlines are intentionally scheduling flights they can't staff due to a pilot shortage.¹

That is simply unacceptable. Let's be clear. During the pandemic, when air travel came to a near halt, U.S. taxpayers came to the rescue and gave \$54 billion to the airline industry. The top eight airlines alone received nearly \$50 billion in taxpayer assistance from the federal government.

Given all of the generous taxpayer support that has been provided to the airline industry, all of us have a responsibility to make sure that passengers and crew members are treated with respect, not contempt.

Therefore, I am urging you to take the following actions:

¹ <https://www.nbcnews.com/news/us-news/american-airlines-pilot-calls-faa-monitor-airlines-says-are-scheduling-rcna34978>

1. **Require airlines to promptly refund passengers for flights that have been delayed over an hour.** Under current law, airline customers are entitled to a refund if the airline makes a significant schedule change and/or significantly delays a flight and the consumer chooses not to travel. However, your agency has not issued clear guidance for what constitutes a “significant” change or delay. I am urging you to require airlines to provide ticket refunds and alternative transportation to all passengers for flights delayed between one and four hours. Further, airlines must be required to cover the meals and lodging for all passengers of flights delayed more than four hours in addition to a ticket refund and alternative means of transportation. Passengers should not be forced to spend hundreds or thousands of dollars on lodging or other last-minute flight bookings after long delays and cancellations.
2. **Impose fines on airlines for flights that are delayed more than two hours.** In 2009, it was not uncommon for airline passengers to be stuck on the tarmac for hours on end. To address this problem, then-Transportation Secretary Ray LaHood under the Obama Administration implemented the Tarmac Delay Rule which fines airlines up to \$27,500 per passenger for allowing domestic flights to sit on the tarmac for more than three hours and international flights to remain on the tarmac for more than four hours without providing passengers an opportunity to deplane. Ten months after this rule was enacted tarmac delays went down by nearly 98 percent.

I am urging you to strengthen and expand this regulation by imposing the full fine of \$27,500 per passenger for all domestic flights that are delayed more than two hours and all international flights that are delayed more than three hours when passengers are forced to wait on the tarmac. Further, I urge you to impose a fine of \$15,000 per passenger for *all* domestic flights that are delayed more than two hours and *all* international flights that are delayed more than three hours for reasons that are not weather-related.

3. **Impose fines on airlines for scheduling flights that they are unable to properly staff.** Airlines must be fined \$55,000 per passenger if they cancel flights that they know cannot be fully staffed. We cannot allow airlines to increase revenue by encouraging Americans to book flights that corporate executives understand will never take off because of staffing shortages.

Taxpayers bailed out the airline industry during their time of need. Now, it is the responsibility of the airline industry and the Department of Transportation to ensure, to the maximum extent possible, that the flying public and crew members are able to get to their destinations on time and without delay.

Thank you for your attention to this important matter. I look forward to receiving your response.

Sincerely,



Bernard Sanders
United States Senator