

United States Senate

WASHINGTON, DC 20510

July 21, 2022

The Honorable Lina Khan
Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Pete Buttigieg
Secretary
Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20591

Dear Commissioner Khan and Secretary Buttigieg,

We write to express our deep concerns regarding the widespread delays and cancellations of flights occurring throughout the United States, and to urge the Federal Trade Commission and Department of Transportation to protect the rights of passengers by investigating the major airlines to ensure they are not engaging in unfair and exploitative business practices.

The current number of airline delays and cancellations is unacceptable and harming American airline passengers. Through May of this year, there were already more than twice as many canceled flights within, into, or out of the U.S. than during the same period in 2018. Delays are also up, with 135,000 more delayed flights in the first five months of this year than in the same period in 2018. These issues have continued in recent weeks, including over the Juneteenth/Father's Day weekend when more than 35,000 flights were canceled or delayed. Despite all of these issues, passengers are also experiencing increased ticket prices.

In other words, Americans are paying more for an increasingly worse service.

Not only are passengers suffering, but crew members are as well. All the while, the airlines themselves are posting substantial profits. In the second quarter of 2022, airlines had profits above pre-pandemic levels—which is more than enough to sustain, retain, and retrain essential workers. Further, these profits are on top of the more than \$50 billion they received from the Federal government in COVID-19 relief bills.

Taken together, it is evident that airlines have prioritized higher profit margins and increasing shareholder wealth over quality customer service and the wellbeing of their workforce.

Thus, we urge you to investigate the major airlines, including but not limited to the following issues:

- 1. Whether the airlines are knowingly engaging in unfair or deceptive business practices by offering flights that they know are logistically impossible to execute.** Airlines cannot punish customers for self-inflicted staffing problems by offering flights that the airlines know will be delayed or canceled. For example, by scheduling a flight at a times that would overwork their employees, or failing to provide a usable aircraft.

2. **Whether the airlines are properly informing consumers of the ability to be compensated for significantly delayed or canceled flights.** Airlines are required to offer compensation to customers when significant delays or full cancellations of flights occur. However, the FTC and DOT must ensure that all airline customers are being made aware of this right.

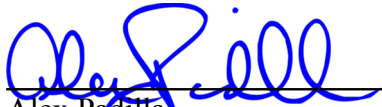
3. **Whether the airlines are properly compensating consumers for significantly delayed or canceled flights.** In addition to ensuring that customers have knowledge regarding the airlines' policy on flight delays and cancellations, airlines must and offer the proper amount of compensation.

Especially given the tens of billions of taxpayer dollars that the aviation industry received amid the height of the COVID-19 pandemic, it is imperative that the FTC and DOT investigate the industry to ensure that the major airlines are not conducting unfair or deceptive business practices at the expense of consumers. Thank you for your attention to this important matter. We look forward to your response.

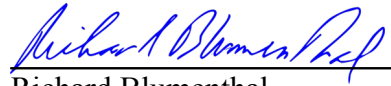
Sincerely,



Kirsten Gillibrand
United States Senator



Alex Padilla
United States Senator



Richard Blumenthal
United States Senator