

Flight Delay and Cancellation Compensation Act

Senators Kelly, Blumenthal, and Markey

Background: The Flight Delay and Cancellation Compensation Act directs the Department of Transportation to reestablish popular Biden-era consumer protections that require airlines to compensate passengers for significant delays or flight cancellations when the airline is at fault. It also requires airlines to cover passenger care costs, such as meals, lodging, and transportation to lodging, regardless of the flight disruption's cause.

At a time where flying is already too expensive, this bill ensures that when airlines are responsible for burdensome and costly flight delays, the American people aren't stuck paying the extra price.

The Problem: On November 14, the Trump Administration officially withdrew the Biden-era Advanced Notice of Proposed Rulemaking that would have required airlines to compensate passengers and cover their expenses for lengthy delays or cancellations when those disruptions are caused by the carriers. This is just another example of this Administration's attacks on consumer protections and affordability.

The Solution: Require the Department of Transportation to develop aviation consumer protection recommendations, including cash compensation for flight delays and cancellations, in alignment with global standards and require a rulemaking to implement recommendations.

Specifically, the ***Flight Delay and Cancellation Compensation Act***:

- Requires the Department of Transportation to establish an Aviation Rulemaking Committee that includes consumer protection groups, to develop recommendations for how to implement Biden-era consumer protection rules that would require air carriers to provide consumers experiencing significant flight disruptions cash compensation, free rebooking, and reimbursements for passenger care needs such as meals, lodging for overnight delays, and transportation to and from lodging;
- Requires the ARC to develop recommendations for passenger compensation in alignment with foreign standards including the Canadian Transportation Agency (CTA) Air Passenger Protection Regulations and Regulation (EC) No 261/2004 of the European Parliament and of the Council;
- Sets a baseline standard of compensation of at least \$300 for a delay of more than 3 hours but less than 6 hours; and at least \$600 for a delay of 6 hours or more;
- Directs DOT to undertake a rulemaking to implement the ARC recommendations within 90 days after the ARC report is submitted; and
- Establishes a stricter interim final rule that will go into effect 18 months after the bill is enacted, to prevent DOT from dragging its feet and ensuring the rulemaking takes place.

This bill has been endorsed by the National Consumer League and FlyersRights.