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# United States Senate

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April 17, 2017

The Honorable Elaine Chao  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20950

Dear Secretary Chao:

For several years, consumers across the nation have complained about a steady decline in the level and quality of service they receive from air carriers. This month's events at O'Hare International Airport were shocking, but they are far from the only example of passengers being treated poorly by air carriers. Unfortunately, far too many Americans no longer trust airlines to offer reliable, high-quality service.

Air carriers must be held accountable for their passengers' well-being and the quality of their service, and the U.S. Department of Transportation must play an active role in improving accountability. However, the Department recently delayed implementation of an important regulation intended to protect passengers and their property—seemingly without first meeting the legal requirements to issue that delay.

Delaying this critical consumer protection, which would have improved reporting requirements for mishandled and damaged baggage could have a profound impact on disabled travelers – many of whom are Veterans like myself. The delay appears to be part of a troubling pattern of decisions by the Trump Administration that show disregard for Americans living with disabilities and I urge you to reconsider.

Though all travelers deserve information about the frequency with which an airline damages or loses baggage—information this regulation would have helped provide—travelers with disabilities need access to that information. If an airline loses a passenger's baggage, it is a serious inconvenience. If a wheelchair or motorized scooter is damaged or lost, it represents a complete loss of mobility and independence for that passenger.

I know this first-hand—and this issue is personal for me. In the past year, I have had my personal wheelchair mishandled and damaged several times. I have spent hours filling out paperwork and working with the carrier to replace damaged parts. On a recent trip, I retrieved my wheelchair at the end of the jet bridge, but a titanium rod had been damaged during the flight and my chair literally broke apart while I was sitting in it. The airline was apologetic, but I was left without my primary wheelchair for over five days. I was lucky to have access to additional mobility devices during that time, but many consumers with disabilities do not.

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In addition to how this delay will affect passengers with disability, I am also deeply troubled that the Department delayed this rule without any obvious reasoning. It appears the decision to delay this protection was predicated almost entirely on a one-paragraph email received from an airline trade association that provided no explanation of why it was needed, other than stating the industry is "facing some real challenges." Surely federal policies must be based on more than a single email from a special interest group?

All airline passengers are entitled to dignified treatment that recognizes and supports their needs, but the Department's delay makes it harder for travelers with disabilities to receive it. That is unacceptable. No passenger should have to feel the shame of being left in the lurch, immobile on a plane. Disabled airline passengers deserve far better than this. Accordingly, I urge you to take immediate action to reverse the current delay in implementing the rule.

Sincerely,

A handwritten signature in blue ink that reads "Tammy Duckworth". The signature is fluid and cursive, with the first name "Tammy" being larger and more prominent than the last name "Duckworth".

Tammy Duckworth  
United States Senator