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## United States Senate

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May 22, 2026

The Honorable Sean Duffy  
Secretary of Transportation  
U.S. Department of Transportation  
1200 New Jersey Ave., S.E.  
Washington, DC 20590

Dear Secretary Duffy,

Despite your loudly professed goal of making flying family-friendly, the Department of Transportation (DOT) appears to have abandoned its rulemaking to prohibit airlines from charging a fee for parents to sit next to their young children on planes. In August 2024, the Department issued the proposed rule to ban these family seating fees, as required by Section 516 of the *FAA Reauthorization Act of 2024*, a provision that I championed alongside now-Vice President JD Vance. Yet, for more than 18 months, DOT has taken no action to finalize this rule. Given the Department's other recent deregulatory actions that favor airline profits over lowering costs for flyers, this action is unacceptable. I therefore urge the Department to finalize the draft rule, without changes, within 60 days, and eliminate these outrageous fees.

A ban on family seating fees is a common-sense, bipartisan provision that now-Vice President Vance and I worked hard to include in the *FAA Reauthorization Act of 2024*. As the Senate Commerce, Science, and Transportation Committee drafted the *FAA Reauthorization* bill, then-Senator Vance and I wrote to the Committee's Chair and Ranking Member urging the inclusion of a ban on family seating fees in the legislation.<sup>1</sup> As we wrote then: "Airlines should never be allowed to force parents to choose between paying more and being separated from their kids."<sup>2</sup> We sent that letter in June 2023, we secured critical language in the *FAA Reauthorization Act* in May 2024,<sup>3</sup> and DOT launched its rulemaking on August 9, 2024.<sup>4</sup> The draft rule bans

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<sup>1</sup> Letter from Senators Edward J. Markey and JD Vance to Senators Maria Cantwell and Ted Cruz (June 7, 2023), [https://www.markey.senate.gov/imo/media/doc/senator\\_markey\\_letter\\_to\\_commerce\\_committee\\_on\\_family\\_seating\\_fees\\_-\\_060723.pdf](https://www.markey.senate.gov/imo/media/doc/senator_markey_letter_to_commerce_committee_on_family_seating_fees_-_060723.pdf).

<sup>2</sup> *Id.*

<sup>3</sup> FAA Reauthorization Act of 2024, Pub. L. No. 118-63, § 516, 138 Stat. 1025, 1197-98 (2024).

<sup>4</sup> Family Seating in Air Transportation Proposed Rule, 89 Fed. Reg. 65,272 (proposed Aug. 9, 2024) (to be codified at 14 C.F.R. pts. 259, 261).

airlines from charging parents to sit next to their children, requires adjacent seating for parents and their kids in every class of service, mandates free rebooking if adjacent seating is unavailable, and requires airlines to disclose families' right to free family seating.<sup>5</sup> But since releasing the proposed rule, DOT has seemingly abandoned all efforts to protect families from these extortionate family seating fees.

The failure to advance this common-sense, family-friendly protection stands in stark contrast to the Department's own campaign to "Make Travel Family Friendly Again."<sup>6</sup> As part of that campaign, DOT expressly recognized that "it can be challenging to travel as a family."<sup>7</sup> To that end, according to DOT's family seating dashboard, four of the nine largest U.S. airlines — Allegiant, Delta, Southwest, and United — do not guarantee that parents can sit next to their young children for free.<sup>8</sup> Notably, five other carriers — American, Alaska, JetBlue, Frontier, and Hawaiian — committed to fee-free family seating, demonstrating that this provision is doable and not overly burdensome.<sup>9</sup> Seating a young child far from their parent is an obvious safety risk, and many families feel they have no choice but to pay the seating fees, raising the already high cost of plane travel. Given DOT's interest in making "travel family friendly again," it is strange that the Department has taken no action to ban this predatory practice that drives up costs for families.

DOT's failure to ban family seating fees is the latest example in a deeply concerning trend in DOT actions that prioritize airline bottom lines over family budgets. Last year, Airlines for America — the industry trade association — filed 93 pages of recommendations for DOT, urging it to weaken or eliminate virtually every existing passenger protection, including rules or proposed rules concerning transparency of fees, cash refunds, compensation for flight disruptions, and, unsurprisingly, family seating fees.<sup>10</sup> Unfortunately for flying families, DOT's subsequently published regulatory agenda reflected many of the items on the airline industry's deregulatory wish list.<sup>11</sup> With ticket prices soaring due to rising fuel costs — a result of President Donald Trump's illegal war in Iran — DOT should be working aggressively to reduce the cost of plane travel.<sup>12</sup> That the Trump DOT won't move ahead with a ban on family seating fees — a

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<sup>5</sup> *Id.*

<sup>6</sup> Press Release, U.S. Dep't of Transportation, Transportation Secretary Duffy Launches "Make Travel Family Friendly Again" Campaign, Announces \$1B in Funding to Support Initiative (Dec. 8, 2025), <https://www.transportation.gov/briefing-room/transportation-secretary-duffy-launches-make-travel-family-friendly-again-campaign>.

<sup>7</sup> *Id.*

<sup>8</sup> *Airline Family Seating Dashboard*, U.S. Dep't of Transportation, <https://www.transportation.gov/airconsumer/airline-family-seating-dashboard> (last visited Apr. 20, 2026).

<sup>9</sup> *Id.*

<sup>10</sup> Comment from Airlines for America, Ensuring Lawful Regulation; Reducing Regulation and Controlling Regulatory Costs, 14 C.F.R. chs. I-III (May 6, 2025), <https://www.regulations.gov/comment/DOT-OST-2025-0026-0845>.

<sup>11</sup> U.S. Dep't of Transportation, *Agency Rule List - Spring 2025*, [https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION\\_GET\\_AGENCY\\_RULE\\_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=2100](https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=2100) (last visited Apr. 27, 2026).

<sup>12</sup> See, e.g., Deirdre Bardolf, *Airline CEO sparks backlash after revealing what's really driving sky-high ticket prices*, Fox News (Apr. 25, 2026), <https://www.foxnews.com/travel/airline-ceo-sparks-backlash-revealing-whats-really-driving-sky-high-ticket-prices>.

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bipartisan proposal championed by the current Republican Vice President — demonstrates its true favored constituency: the airline industry.

I therefore urge DOT to finalize the proposed rule, as currently drafted, banning family seating fees within 60 days. American families deserve to fly without the stress of having to open their wallets to sit next to their young child. DOT has the power to immediately help “make travel family friendly again” by eliminating the most outrageous airline fee: family seating fees. DOT should issue a final rule without further delay. If the Department does not move ahead with a final rule within 60 days, I request a written response explaining DOT’s decision.

Thank you for your full consideration of this important issue. I look forward to working with the Department on behalf of airline passengers across the country.

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Markey". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Edward J. Markey  
United States Senator