



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

August 1, 2022

The Honorable Kirsten Gillibrand
United States Senate
Washington, DC 20510

Dear Senator Gillibrand:

Thank you for your letter on actions that the U.S. Department of Transportation (DOT) is taking to address increased airline delay times and cancellations, and the impact of those disruptions on American consumers.

We share the expectation that when Americans buy airline tickets, they will get where they need to go safely, affordably, and reliably. After an unacceptable level of delays and cancellations over the Memorial Day holiday, I brought together airline CEOs to express the same concerns you shared in your letter. I pushed them to re-analyze whether they can reliably operate the schedules they have published. In addition, I pressed them to improve their customer service protocols. Passengers should be able to quickly reach a customer service agent and rebook their flight or obtain a refund if they are no longer interested in continuing their travel when flight disruptions occur. I will work collaboratively with the airlines to support their efforts to reduce delays and cancellations while holding them accountable to Americans spending their hard-earned money on airline tickets.

The Department's Office of Aviation Consumer Protection (OACP) closely monitors airline operations and works tirelessly to ensure that airlines are complying with consumer protection requirements and that the rights of travelers are protected. The Department has augmented the number of DOT staff handling consumer complaints to expeditiously process air travel service complaints. When there are significant flight disruptions, OACP calls in airline representatives to discuss their operations and scheduling methods to determine if the airline engaged in unfair or deceptive practices.

Meanwhile, the Department has taken significant action to hold airlines accountable if they fail to fulfill their obligations, including by providing refunds when a flight is cancelled or significantly changed. Last year, we assessed the largest fine in the Department's history for consumer protection violations, against a carrier for extreme delays in providing refunds to thousands of consumers for flights to or from the United States that the carrier canceled or significantly changed. OACP has now concluded its investigation of ten other airlines and is planning to pursue enforcement action against them. The Office is also actively investigating refund practices of more than ten additional airlines flying to, from, or within the United States.

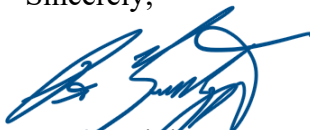
In addition to these investigations and enforcement actions, the Department submitted to the Office of Management and Budget for review a notice of proposed rulemaking on Airline Ticket Refunds and Consumer Protections and expects it to be ready to be issued very soon. In that rulemaking, the Department would clarify that airlines and ticket agents must provide prompt ticket refunds to passengers when a carrier cancels or makes a significant change to a flight and the passenger does not accept an alternative flight from that airline. It would also clarify the meaning of “cancellation” and “significant change,” including addressing whether new itineraries involving delays of a certain length or additional stops constitute a significant change requiring a refund. In addition, the rulemaking would address refund eligibility under special circumstances that are currently not addressed by the Department’s existing regulations, such as refund eligibility when there are government-imposed travel restrictions. The Department expects that these proposed changes, if adopted, would help consumers when their travel plans are disrupted.

The Department is also taking other actions to protect American travelers. We plan to issue a notice of proposed rulemaking to ensure that consumers have information on ancillary fees before they purchase a ticket, including baggage fees, change fees, cancellation fees, and fees that affect families traveling with children. In fact, on July 8, 2022, the Department issued a notice urging U.S. airlines to ensure that children who are age 13 or younger are seated next to an accompanying adult with no charge. OACP will monitor how airlines handle family seating and will consider potential regulation to ensure airlines’ seating policies are not barriers to a child sitting next to an adult family member or other accompanying adult.

Finally, although airline-reported data show that the vast majority of delays and cancellations are not due to Air Traffic Control, the Federal Aviation Administration (FAA) has several efforts underway to keep the aviation system moving safely and efficiently. This includes working closely with airlines to plan for expected bad weather or other airspace disruptions, sharing information about airspace events more frequently with airlines, and allowing airlines to use alternate routes and altitudes to keep aircraft moving whenever possible. The FAA is also placing more air traffic controllers in locations, such as Florida, where additional staffing is needed to meet greater demand. In early May, the FAA held a two-day meeting with the airlines to increase the efficiency of the Florida airspace after seeing traffic at dozens of airports increase well above pre-pandemic levels. In some cases, the agency has seen demand at airports reach 150 percent of 2019-levels.

I appreciate your leadership on this important issue and look forward to working together to protect American travelers. If I can provide further information or assistance, please feel free to reach out or contact Mohsin Syed, Assistant Secretary for Governmental Affairs, at mohsin.syed@dot.gov. A similar response has been sent to Senator Padilla and Senator Blumenthal.

Sincerely,



Pete Buttigieg



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

August 1, 2022

The Honorable Alex Padilla
United States Senate
Washington, DC 20510

Dear Senator Padilla:

Thank you for your July 21, 2022 letter on actions that the U.S. Department of Transportation (DOT) is taking to address increased airline delay times and cancellations, and the impact of those disruptions on American consumers.

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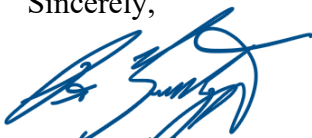
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