

Congress of the United States
Washington, DC 20515

January 5, 2023

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C., 20590

Dear Secretary Buttigieg:

We write to you today to express our strong concerns over the growing problem of mass flight cancellations caused by commercial passenger airlines, including the more than 16,000 flights Southwest Airlines cancelled over the recent holiday season. We urge you to use the full weight of your agency to hold Southwest Airlines accountable, provide stronger consumer protections for passengers and help prevent these types of mass cancellations from occurring in the future.

As you know, while the recent flight cancellations by Southwest Airlines represent the latest examples of mass disruptions to airline flight schedules, they are far from the only ones. For instance, more than 45,000 flights—or approximately 2.5 percent of all scheduled service—were cancelled between June 1 and August 31 of last year. Over that same period, close to a quarter of all flights were delayed by 15 minutes or more. Prior to that, Southwest Airlines cancelled over 2,000 flights over a four-day period in October 2021. Unless immediate action is taken, the rising threat of mass flight cancellations risks jeopardizing Americans' confidence in the reliability of our nation's air transportation network.

To be clear, the Department of Transportation ("Department") under your leadership has made great progress on expanding the rights of airline passengers and conducting rigorous oversight of the airline industry regarding flight cancellations and delays. For instance, the Department, among other things, (1) recently announced its "Airline Customer Service Dashboard," which has helped secure commitments from airlines to cover the costs of rebooking, hotels, meals and transportation if the airline is at fault, (2) issued a notice of proposed rulemaking in August that would codify and provide greater certainty for when passengers could expect ticket refunds when an airline cancels or significantly delays a passenger's flight, (3) issued a notice of proposed rulemaking in October requiring airlines to provide greater transparency in disclosing ancillary service fees, and (4) initiated enforcement actions against six airlines leading to \$600 million in refunds for passengers due to a cancellation or a significantly changed flight.

However, in light of the sheer magnitude of Southwest Airlines' most recent operational failures and the devastating impact these failures and other airline cancellations continue to have on American consumers, we believe much more needs to be done. The abrupt nature of the latest set of cancellations left thousands of passengers with an impossible choice: either pay potentially exorbitant fees to quickly rebook another flight or be left stranded and at risk of missing the holiday season with family and friends. Many of those that had their return flights cancelled were faced with paying for a number of unanticipated expenses, such as meals, hotels and other incidental costs, until a return flight could be booked. The reimbursement of these expenses should not be left at the complete discretion of the airline. Consumers deserve to be fairly compensated when they incur unforeseen expenses and radically altered itineraries due to an issue within the airline's control.

There have also been reports of passengers going hours or sometimes days without any clear communication from the airline after a flight has been cancelled. This is unacceptable. Refunds and other types of compensation policies quickly become meaningless if there's not a clear mechanism or platform for passenger redress. Ensuring passengers and airlines can effectively communicate with one another will allow passengers to swiftly receive any owed compensation as well as any other helpful information a passenger may need after a cancelled or significantly delayed flight.

Furthermore, the Department should make sure that airlines are able to maintain a reasonable level of operational capabilities in the event of extreme weather or other type of potential disruption. Of course, not all disruptions can be controlled. But issuing rules and standards that could help limit or prevent future cancellations and delays arising from these initial disruptions will ultimately benefit consumers much more than any reimbursement policy ever could.

While we believe the above actions to be squarely within the Department's existing legal authorities, we request that you identify and provide for this Committee any additional legal authorities the Department may need in order to further bolster protections for airline passengers.

American travelers have faced a wide array of unique and complex challenges over the last several years. As we consider the upcoming 2023 FAA reauthorization, we look forward to working with you to address these growing challenges and help ensure the airline passenger experience is as safe, fair, and seamless as possible.

We appreciate your attention to this important matter. If you have any questions, please contact [REDACTED].

Sincerely,



Rick Larsen
Member of Congress



Donald M. Payne, Jr.
Member of Congress



Nikema Williams
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Mark DeSaulnier
Member of Congress



Seth Moulton
Member of Congress



Greg Stanton
Member of Congress



Eleanor Holmes Norton
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Stephen F. Lynch
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