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January 12, 2022

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

Dear Secretary Buttigieg,

I write to inquire about the U.S. Department of Transportation's (DOT) handling of consumer complaints related to airline travel refunds. Throughout the COVID-19 pandemic, members of the travelling public have endured countless flight delays and cancellations, often at no fault of their own, and incurred additional expenses as a result. U.S. DOT must rigorously enforce existing laws and ensure consumers are receiving the full refunds to which they are entitled.

Airlines are legally required to provide refunds for flights they cancel or significantly delay. However, airlines have been reluctant to provide refunds or slow to process refund requests. U.S. DOT received a record number of consumer complaints over airlines' failure to provide refunds in 2020 and early 2021.¹ In October 2021, the most recent month for which statistics have been published, more than half of the nearly 4,000 airline service complaints U.S. DOT received were about refunds.² While U.S. DOT has taken significant strides to help consumers secure refunds thus far, it must continue to be vigilant.

Since December 24, 2021, airlines have cancelled nearly 20,000 flights.³ Stranded consumers have been stuck footing the bill – paying for lodging, meals, additional transportation, and more. Airlines are not currently required to compensate consumers for these additional

¹ U.S. Department of Transportation, "USDOT Details Efforts to Secure Refunds for American Families For Flights Cancelled Due to COVID-19 Pandemic," <https://www.transportation.gov/briefing-room/usdot-details-efforts-secure-refunds-american-families-flights-cancelled-due-covid-19> (accessed January 11, 2022).

² U.S. Department of Transportation, "Air Travel Consumer Report: October 2021 Numbers," <https://content.govdelivery.com/accounts/USDOT/bulletins/3044aea> (accessed January 11, 2022).

³ Mychael Schnell, "More than 1,700 flights canceled in the US Wednesday, almost 20,000 since Christmas Eve," *The Hill* (Washington, D.C.), January 5, 2022, <https://thehill.com/policy/transportation/588495-more-than-1700-flights-canceled-in-us-wednesday-almost-20000-since>.

expenses. I have introduced legislation, S.3222, the Airline Passengers' Bill of Rights, to ensure that airlines do provide consumers with adequate refunds and compensation for the additional costs incurred from delayed and cancelled flights. While this legislation is pending, U.S. DOT should be seeking full compensation for consumers' costs when pursuing refunds.

The Office of Aviation Consumer Protection (OACP) at U.S. DOT is the federal enforcement authority for consumer protection and civil rights issues about airlines. As you are well aware, OACP's responsibilities include ensuring airlines comply with refund requirements. Because state attorneys general are largely prevented from taking action to address consumer complaints under the Airline Deregulation Act, OACP is consumers' primary line of defense when seeking recourse from airlines.

I respectfully request answers to the following questions by January 26, 2022:

1. Please explain OACP's process for handling consumer complaints such as refund requests, including timelines associated with responding to consumers and ultimate decisions from the airlines.
2. How many consumer complaints has U.S. DOT received in November and December? Of that number, how many concerned refunds due to delayed or cancelled flights?
3. Of the 1,952 complaints regarding refunds U.S. DOT received in October 2021:
 - a. how many did U.S. DOT choose to pursue?
 - b. of those pursued, how many refunds was U.S. DOT able to secure? Was the refund provided by the airline the full amount requested by the consumer?
 - c. for the complaints for which you could not secure refunds, please explain why not.
4. What percentage of complaints seeking refunds ultimately do not receive a refund? Please explain why.
5. When OACP seeks a refund for consumers, does it consider and seek compensation for additional costs incurred by the consumer like lodging or meals? Please explain why or why not.
6. Does OACP track how many airline complaints are referred to U.S. DOT from other consumer protection agencies, such as state attorneys general? If so, how many complaints were referred to DOT from such agencies in 2020 and 2021?
7. What does U.S. DOT believe is the root cause of the airlines' delays in issuing refunds? What policy recommendations, if any, does U.S. DOT suggest to prevent this from reoccurring?

8. What additional resources does OACP need to adequately address all the complaints it receives, especially those concerning refunds?

Thank you for your attention to this important matter. I look forward to your response.

Sincerely,



Richard Blumenthal
United States Senate

CC: Office of Aviation Consumer Protection, U.S. Department of Transportation