



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

April 18, 2022

Dear Secretary Buttigieg:

Consumer Reports is writing to request that you use the power of your office to protect airline passengers during an unprecedented time of flight disruptions. Anger and frustration over air travel is higher than at any time in recent memory as record numbers of flight cancellations have been made worse by the breakdown of customer service and staffing shortages. With the summer travel season approaching, flight cancellations and delays are expected to intensify in the months ahead.

The lesson that has become clear in recent years is that we need new rules and stronger oversight by the Department of Transportation to ensure airline passengers are treated fairly when they book a flight and take to the skies.

Consider recent events:

- According to the [U.S. Department of Transportation](#), 111,018 flights were canceled by domestic carriers in 2021—and the numbers keep climbing. For millions of passengers, there's uncertainty over rebookings, refunds, and accommodations. The airlines point to bad weather and air traffic control, but staff shortages caused by industry furloughs, encouraged early retirements, and outsourcing have compounded these problems. And another 1,000 cancellations occurred earlier this week.

[www.usatoday.com/story/travel/airline-news/2022/04/10/jetblue-spirit-flight-cancellations/9532955002/](http://www.usatoday.com/story/travel/airline-news/2022/04/10/jetblue-spirit-flight-cancellations/9532955002/)

- During Covid, more than \$10 billion in flight refunds were withheld, and DOT statistics indicate consumer complaints over refunds increased 57 times in 2020. Many consumers who canceled flights due to Covid concerns and government restrictions were frustrated that the airlines would only offer vouchers for future travel instead of providing refunds. In some cases, airlines withheld refunds, even when required by law after canceling flights. All this despite receiving more than \$50 billion in taxpayer bailouts.

- In 2016 Congress mandated airlines not charge fees for kids under 13 to sit with their families, yet the practice continues. Consumer Reports filed a Freedom of Information Act request with DOT and analyzed complaints from families concerning children as young as 4, 3, 2, and even 1—you read that right—that were assigned seats apart from their families. Young children seated alone pose serious threats over Covid health protocols, emergency evacuations, and FBI’s warnings of inflight sexual assaults.

Mr. Secretary, you should investigate and hold accountable airlines for failing to minimize flight cancellations and withholding refunds to passengers who were legally entitled to them. And you should put an end to the extra fees families are charged for sitting with young children.

Consumer Reports is forwarding to you a petition with nearly 30,000 signatures, asking you to support these passenger protections. DOT’s role is critical because the Secretary is “the only sheriff in town” when it comes to protecting airline travelers.

Since 1978, federal preemption means state courts, state legislatures, and state attorneys general have virtually no authority to intervene for air passengers. When it comes to our rights aloft, we’re at the mercy of your office and the airlines’ Contracts of Carriage, which are binding, one-sided “contracts of adhesion” whenever we book a flight.

We’ve analyzed Contracts of Carriage for many years, and can affirm these documents have changed radically. The contracts—also called Conditions of Carriage or Tariffs—are easier to obtain online, but they’re lengthy and dense; studded with legalese; and quite murky on critical questions of compensation and accommodations.

What’s more, in the real world airlines have heavily outsourced and undertrained critical staff, including many interfacing directly with passengers on such issues, including at call centers with wait times that routinely run for several hours.

Airline passengers need one set of clear, consistent rules uniformly applied to ALL airlines operating within the US, so passengers can understand and assert their rights when faced with lengthy flight delays, canceled flights, involuntary bumping, or mishandled baggage.

Passengers—and not just airlines—should be allowed to cancel flights and get a full refund without penalty during “force majeure” situations such as Covid. And tight aircraft seats—which are a comfort, health, and safety issue during emergency evacuations—should adhere to minimum sizing standards.

It simply doesn’t have to be this confusing, time-consuming, and frustrating to determine your rights as a passenger. For years now, the European Union has provided—and enforced!—a set of uniform, consistent, easy to understand [rules for air travelers](#). More recently, Canada introduced a similar [passenger bill of rights](#) that anyone can quickly decipher. Furthermore, such regulations apply to ALL airlines operating within these

regions, so ironically US airlines treat their passengers much better in say, Amsterdam or Frankfurt or Paris, than in Atlanta or Chicago or Dallas.

Secretary Buttigieg, after nearly two years of nonstop air travel chaos, we respectfully request that you stand up for passengers and bring order, fairness, and accountability to the airline industry.

Sincerely,

William J. McGee  
Aviation Adviser  
Consumer Reports