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Congress of the United States  
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July 24, 2024

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

Dear Secretary Buttigieg,

I am writing to you regarding the recently enacted FAA Reauthorization Act of 2024 (P.L. 118-63), which includes provisions for additional slot exemptions at Washington National Airport (DCA). I opposed these additional slot exemptions in the strongest terms possible. I believe they threaten safety and service at DCA and were advanced to serve the narrow special interests of certain airlines and Members of Congress.

As the Department of Transportation begins its consideration of which airlines will be granted these new slot exemptions, I urge the Department to not award new slot exemptions to any airlines currently under investigation by the Department for potential violations of Federal statutory, regulatory, and policy requirements pertaining to airline customer rights to timely and automatic refunds. The Department should also take into consideration airline compliance with passenger refund requirements when awarding new slot exemptions.

According to reports, certain airlines have consistently cancelled flights and failed to provide refunds to customers in a timely manner.<sup>1</sup> Additionally, some airlines have created unnecessary barriers, making it difficult for passengers to receive the refunds they are due. This behavior is unacceptable and detrimental to the trust and confidence that customers place in our aviation system.

The Biden-Harris Administration has taken significant steps to protect airline passengers, including the recent finalization of a rule that requires airlines to provide automatic cash refunds when they cancel or significantly change flights.<sup>2</sup> This new requirement is a major victory for airline customers, ensuring that they receive the compensation they are entitled to without having to navigate complex and often frustrating processes. It reflects our commitment to holding airlines accountable and prioritizing the rights and needs of passengers.

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<sup>1</sup> *Delta Under Federal Investigation as it Cancels Thousands of Flights*, Washington Post (July 23, 2024) (online at <https://www.washingtonpost.com/transportation/2024/07/23/delta-flight-cancellations-dot-investigation-crowdstrike-outage/>).

<sup>2</sup> *Biden-Harris Administration Announces Final Rule Requiring Automatic Refunds of Airline Tickets and Ancillary Service Fees*, U.S. Department of Transportation. (April 24, 2024) (online at <https://www.transportation.gov/briefing-room/biden-harris-administration-announces-final-rule-requiring-automatic-refunds-airline>).

It is imperative that the Department considers the past performance and customer service record of airlines when allocating the new slot exemptions at DCA. Granting additional slots to airlines that have demonstrated poor performance or customer service, particularly in the areas of flight cancellations and refunds, would be incongruent with the goal of providing safe, reliable, and efficient service at Washington National Airport.


As you know, DCA has the nation's busiest runway, and according to an analysis from the Federal Aviation Administration, "DCA ranks 10<sup>th</sup> among the most delayed airports in the [National Airspace System], but only 19<sup>th</sup> in terms of operations, indicating that DCA is more delay prone than most other airports."<sup>3</sup> The new slot exemptions will increase delays, worsen congestion, and imperil passenger safety. The Department should not award slot exemptions to airlines that will only exacerbate the considerable negative impact on DCA operations created by these new slot exemptions.

Choosing airlines with poor performance and customer service would also be inconsistent with the requirements of the new slot exemptions, which must "have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions." Bad actors in the market do nothing to advance competition.

I urge you to ensure that the airlines selected for these new slot exemptions have a proven track record of reliability, transparency, and responsiveness to customer needs. Doing so would reinforce the Administration's commitment to protecting airline passengers and maintaining a high standard of service in our aviation system. If those standards cannot be met, no additional slot exemptions should be awarded.

Thank you for your attention to this important matter. I look forward to your response and to seeing the continued positive impact of the Biden-Harris Administration's efforts to enhance passenger rights and protections.

Best Regards,

A handwritten signature in blue ink that reads "Gerald E. Connolly". The signature is fluid and cursive, with a large, stylized initial "G" and a long horizontal stroke extending to the right.

Gerald E. Connolly  
Member of Congress  
11<sup>th</sup> District, Virginia

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<sup>3</sup> *Capital Access Alliance: DCA Air Service Analysis*, Memorandum, Federal Aviation Administration. (May 25, 2023)