



December 14, 2021

Mr. Nicholas E. Calio  
President and Chief Executive Officer  
Airlines for America  
1275 Pennsylvania Avenue, NW, Suite 1300  
Washington, D.C. 20004

Dear Mr. Calio:

We write with renewed concerns about airline ticketing policies for consumers amid the continued spread of novel coronavirus strains and new restrictions on passengers entering the United States in response to the Omicron variant. Consumers have a right to know upfront about airline change and cancellation policies. Further, airlines should accommodate passengers seeking to make changes to their travel plans with little to no cost while the public health emergency continues, even when booking “nonrefundable” tickets. We also remind airlines that federal rules require prompt refunds for tickets canceled by the airline, which have occurred frequently during the pandemic.

The continued public health emergency posed by COVID-19 is highlighted most recently by the Biden Administration’s implementation of new restrictions on passengers coming into the United States.<sup>1</sup> As of Monday, those aboard flights inbound to the U.S. are required to show proof of a negative test within 24 hours of travel, no matter their vaccine status or country of origin. These changes and others will no doubt increase the need for passengers to cancel or change flights.

The COVID-19 pandemic has undoubtedly placed significant burdens on the aviation industry and made it difficult to predict shifts in passenger demand. We recognize the difficult situation many airlines are trying to navigate and understand that consumers assume some level of risk when booking flights. However, Congress and the American people placed significant trust in airlines by providing \$54 billion in funding for passenger air carriers to ensure that layoffs did not occur and airlines could continue to operate. The airlines’ continued failure to do right by consumers frustrates that purpose.

Airlines can help to ease the stress felt by many Americans eager to travel again by ensuring policies are both flexible and transparent during these unpredictable times. Consumers need to understand the options available to them when booking airline tickets so they can make

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<sup>1</sup> “President Biden Announces New Actions to Protect Americans Against the Delta and Omicron Variants as We Battle COVID-19 this Winter,” *White House*, December 2, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/02/fact-sheet-president-biden-announces-new-actions-to-protect-americans-against-the-delta-and-omicron-variants-as-we-battle-covid-19-this-winter/>.

informed decisions about any changes to their plans. We ask for your commitment to ensuring airlines will provide passengers with transparency up front about any changes to ticketing policy. Additionally, we feel strongly that your carriers have a moral obligation to offer flexibility to customers in the form of suspending all flight change and cancellation fees for every class of ticket, as well as offering refunds – or at the very minimum, flight credits that last indefinitely – until the end of the public health emergency. The airlines’ contracts of carriage include a host of force majeure exceptions for the carriers themselves, and it is only fair that a worldwide pandemic represents a similar exception for passengers.

We must also reiterate our demand that airlines provide immediate refunds for flights canceled by airlines in 2020 and into 2021, as required by law. We are deeply troubled by recent estimates from experts that “airlines still owe customers upwards of \$20 billion in refunds for flights that were canceled last year.”<sup>2</sup> According to data released by the U.S. Department of Transportation, all-time record numbers of consumer complaints concerning refunds for canceled flights continued into the first half of this year.<sup>3</sup> It is simply unacceptable for airlines to continue denying consumers the refunds that they are legally entitled. Consumers should not have to rely on federal enforcement to secure refunds owed to them under current laws and regulations. Swift action by your carriers to address outstanding refunds is long overdue.

We appreciate your attention to this important matter and look forward to your response.

Sincerely,



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RICHARD BLUMENTHAL  
United States Senate



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EDWARD J. MARKEY  
United States Senate

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<sup>2</sup> Kate Gibson, “Airlines still owe travelers billions in refunds for flights canceled in 2020,” *CBS News*, December 2, 2021, <https://www.cbsnews.com/news/airlines-owe-billions-refunds-cancelled-flights-2020/>.

<sup>3</sup> “USDOT Details Efforts to Secure Refunds for American Families For Flights Cancelled Due to COVID-19 Pandemic,” *U.S. Department of Transportation*, September 10, 2021, <https://www.transportation.gov/briefing-room/usdot-details-efforts-secure-refunds-american-families-flights-cancelled-due-covid-19>.