

United States Senate

WASHINGTON, DC 20510

July 23, 2024

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

Dear Mr. Calio,

Over the past five days, thousands of flight cancellations have disrupted travel, ruined vacations, and caused significant stress for travelers. Following the largest IT outage in history, more than 10,000 flights have been cancelled,¹ including 4,500 by Delta Airlines alone.² Although airlines are working quickly to restore their operations, they are ultimately responsible for the performance of their own technology. Additionally, airlines can — and should be — prepared for major disruptions in air travel. Finally, the recently enacted *FAA Reauthorization Act* included new protections that require airlines to provide cash refunds automatically when a passenger chooses not to rebook or accept a voucher. We therefore urge your members to comply with existing consumer protection law and honor their commitments to ensure travelers receive adequate customer service, and, where applicable, refunds, vouchers, and compensation for associated costs. It is unacceptable that, after another disruptive event, passengers have yet again been left frustrated with the service and responsiveness of the aviation industry.

Following the CrowdStrike IT outage and the subsequent cancellation of thousands of flights, there were widespread reports of chaos and confusion for travelers. In addition to the thousands of cancellations and delays, travelers reported extraordinarily long wait times to connect with customer service representatives. Many passengers were left stranded, unable to get rebooked and, in some instances, unable to find hotel accommodations in the case of overnight rescheduled flights. As of Monday, July 22, thousands of flights were still being cancelled, the bulk of which by Delta Airlines.

Several new regulations and consumer protection laws protect flyers' rights to refunds. We fought hard to ensure the *FAA Reauthorization Act* included provisions that require airlines provide passengers automatic, cash refunds when a traveler chooses not to rebook or accept a voucher. Further, when passengers do accept a voucher from an airline, that voucher cannot expire in less than five years. These laws bolster new rules issued by the U.S. Department of Transportation (DOT), which entitle consumers to prompt refunds when they elect not to receive

¹ Data provided by Flightaware.com, <https://www.flightaware.com/live/cancelled/today>.

² Scottile et al., *Hundreds of US flights are canceled for the 4th straight day. Here's the latest on the global tech outage*, CNN (Jul. 22, 2024), <https://www.cnn.com/2024/07/22/us/microsoft-power-outage-crowdstrike-it/index.html>.

a rebooking or a voucher.³ Additionally, because DOT declared this recent incident a “controllable event” for airlines,⁴ airlines must uphold the commitments related to these events in their customer service plans, including providing refunds to passengers and assistance with associated costs, such as lodging, food, and transportation.⁵ With many passengers stranded across the country, compliance with these regulations is critical to protect travelers.

Unfortunately, news reports have raised questions about airline compliance. For example, Transportation Secretary Pete Buttigieg announced on Twitter, now-called X, that he was receiving reports that some airlines were only offering flight credits to passengers for cancelled flights — a violation of the law.⁶ Some Delta passengers also reported not being provided hotel accommodations, despite the airline committing to do so in its customer service plan.⁷ Even worse, at the height of this confusion, many Delta travelers experienced up to 24-hour wait times before reaching a customer service representative.⁸ Furthermore, airlines also reportedly caused additional confusion by issuing “travel waivers” for consumers to be rebooked without a fee.⁹ But existing rules already require airlines to rebook passengers — either on their own flights or on a carrier with whom they have an agreement¹⁰ — raising questions about why airlines are offering customers these waivers at all. If these reports are accurate, it is unacceptable that airlines are not upholding their commitments and providing travelers with much-needed assistance during these difficult circumstances.

The past weekend’s events appear to be yet another example of airlines’ poor response to passengers stranded and in need of assistance. Unfortunately, travelers are increasingly seeing airlines consider meltdowns ‘business as usual.’ With new consumer protection laws enacted under the *Federal Aviation Administration Reauthorization Act*, it is long past time that airlines get their act together when responding to these disruptive events. We urge your members to take all necessary action to make passengers whole and avoid any unnecessary disruptions to their travel.

Thank you for your attention to this important issue.

Sincerely,

³ Gregory Wallace, *New federal rules on airline refunds require cash instead of vouchers*, CNN (Apr. 24, 2024), <https://www.cnn.com/travel/new-federal-rules-airline-refunds-cash/index.html>.

⁴ U.S. Dep’t of Transportation, *Travel Alert: Large Scale IT-Systems Outage Affecting Air Travel* (Jul. 19, 2024), <https://www.transportation.gov/resources/individuals/aviation-consumer-protection/travel-alert-large-scale-it-systems-outage>.

⁵ U.S. Dep’t of Transportation, *Airline Customer Dashboard*, <https://www.transportation.gov/airconsumer/airline-customer-service-dashboard>.

⁶ Secretary Peter Buttigieg on X, <https://x.com/SecretaryPete>.

⁷ Niraj Choksi & Emily Flitter, *Flight Delays and Cancellations Continue Saturday but in Lower Numbers*, N.Y. Times (Jul. 20, 2024), <https://www.nytimes.com/2024/07/20/business/tech-outage-flight-delays-cancellations.html>.

⁸ Dalia Faheid, *Restorations are ongoing after global tech outage strands thousands at airports, disrupts hospitals and public services*, CNN (Jul. 20, 2024), <https://www.cnn.com/2024/07/20/us/flights-canceled-delayed-global-it-outage/index.html>.

⁹ Press Release, Delta Airlines, *Delta people working 24/7 to restore operation, support customers, get crews to right place at right time* (Jul. 22, 2024), <https://news.delta.com/tags/july-19-22-2024-operation>.

¹⁰ See U.S. Dep’t of Transportation, *supra* note 5.

Edward J. Markey

Senator Edward J. Markey

Richard Blumenthal

Senator Richard Blumenthal

Elizabeth Warren

Senator Elizabeth Warren

Josh Hawley

Senator Josh Hawley