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## United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

July 23, 2024

Mr. Ed Bastian  
Chief Executive Officer  
Delta Air Lines  
1030 Delta Boulevard  
Atlanta, GA 30354

Dear Mr. Bastian,

The technology outage that began on Friday, July 19 caused thousands of flights to be canceled or delayed, disrupting travel plans for travelers worldwide. While this outage affected airlines across the globe, other modes of transportation, and other businesses, there are continued reports that Delta Air Lines has been far slower than similar organizations to recover from this outage. Many travelers remain stranded due to canceled and significantly delayed or changed flights and there have been numerous news reports, as recently as today, of travelers waiting on hold for more than six hours to speak to a Delta customer service agent. Others have had to seek alternate travel options, such as re-booking on other airlines or travelling via train or rental car to their final destination.

The bipartisan Federal Aviation Administration (FAA) Reauthorization Act of 2024, signed into law by President Biden on May 16, 2024, codified the right to a refund for airline passengers whose flights are canceled, significantly delayed, or significantly changed. That provision, included in section 503 of the law, became immediately effective upon signature, and I am concerned that Delta's website and policies do not properly follow this law.

For example, Delta's public website does not accurately and transparently reflect a passenger's legal right to a refund.<sup>1</sup> For instance, the first paragraph on that website makes it appear as though refunds are only available for refundable tickets, when in fact section 503 applies to non-refundable tickets. The website also presents refunds as a secondary option to re-booking or a travel voucher, when in fact section 503 requires these options to be presented co-equally.

I have also read reports of passengers who have been unable to reach customer service representatives by phone and that the Delta website has crashed when they tried to resolve their travel issues. Section 505 of the FAA law provides that "customers should be able to access real-time assistance from customer service agents of air carriers without an excessive wait time,

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<sup>1</sup> <https://www.delta.com/us/en/change-cancel/cancel-flight>.

particularly during times of mass disruptions.” This provision also requires covered airlines, like Delta, to ensure consumers can speak to live customer service agents either by phone or chat within a reasonable time to get direct assistance.

The consumer refunds rights and customer service enhancements in the FAA Reauthorization Act were driven by prior airline travel meltdowns and years of consumers struggling to be made whole when their travel plans are disrupted. While the technology outage was clearly not caused by Delta or any airline, I am nevertheless concerned that Delta is failing to meet the moment and adequately protect the needs of passengers.

The Committee on Commerce, Science, and Transportation will continue to conduct its oversight into the underlying reasons for the technology outage that was reportedly caused by a faulty CrowdStrike security upgrade to Microsoft systems. The Committee will also do its oversight to understand how this singular upgrade could have such a wide impact across all sectors of the global economy and governments. We will seek answers from the airline industry, in particular, about safeguarding its operations and ensuring redundancy to prevent future widespread outages as the global and national impacts on air travel and the flying public are far too important.

In the meantime, Delta must make clear to all its customers subjected to cancellations and significant delays and changes, including as a result of the technology outage, that they are entitled to refunds as a matter of law. Delta should invest significant resources into its customer service operations to ensure that customers are made whole in short order.

I request that you provide a written response by July 30, 2024. Your attention to this request is greatly appreciated.

Sincerely,



Maria Cantwell  
Chair