

April 24, 2026

The Honorable Sean P. Duffy
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave, SE
District of Columbia, 20590

Dear Secretary Duffy,

Air travelers have long suffered from confusing dynamic pricing structures when attempting to secure airfare. Prices can jump significantly and without warning, causing consumer and competitive harm. The undersigned public interest organizations urge the U.S. Department of Transportation (“DOT” or “Department”) to investigate air carriers’ pricing strategies.

On April 18, 2026, a consumer publicly complained about a “\$230 increase on a ticket after one day” when attempting to book tickets to fly on JetBlue Airways to attend a funeral.¹ In response, JetBlue responded with tips to reduce the amount of data the carrier collects on consumers who visit its website: “Try clearing your cache and cookies or booking with an incognito window.” This seemed to confirm what many travelers have long suspected—that airlines use consumer data to determine prices. JetBlue has since deleted the online post and stated that the representative spoke in error. For consumers who experience confusing price increases, such an excuse strains credulity.

In July 2025, Delta Air Lines’ president told investors that it already sets prices for 3% of its network with artificial intelligence (“AI”) and that it planned to increase its usage of AI to determine airfares for 20% of its flights.² The news sparked widespread apprehension, with Secretary Duffy stating that he has a “concern broadly about AI pricing” and warning that “to try to individualize pricing on seats based on how much you make or don’t make or who you are, I can guarantee you that we will investigate if anyone does that.”³

In October 2024, as Hurricane Milton threatened the East Coast, airfares skyrocketed. Anecdotes from consumers online showed prices jumping from \$83 to \$850⁴ and \$140 to \$1,200.⁵ Others reported airfares as high as \$1,678⁶ and \$2,615.⁷ Importantly, the fare increases were not isolated to just one airline. All major carriers’ dynamic pricing models appeared to output unusual and

¹ “JetBlue in hot water after X post about \$230 spike sparks surveillance pricing accusations,” *New York Post*, April 21, 2026. <https://nypost.com/2026/04/21/business/jetblue-x-post-sparks-surveillance-pricing-accusations-crazy/>

² “How Delta is using AI for ticket pricing and what it means for air travel,” *ABC News*, August 5, 2025. <https://abcnews.com/GMA/Travel/delta-ai-ticket-pricing-means-air-travel/story?id=124343088>

³ “Secretary Duffy Hosts Press Conference on Unleashing American Drone Dominance,” *U.S. Department of Transportation*, August 5, 2025. <https://www.youtube.com/live/iGwZFhUO41U?t=1281s>

⁴ Online post on X by @Alicia47889487, October 8, 2024. <https://x.com/Alicia47889487/status/1843638542708457706>

⁵ Online post on X by @sapsandthecity, October 8, 2024. <https://x.com/sapsandthecity/status/1843653324157137205>

⁶ Online post on X by @onestpress, October 7, 2024. <https://x.com/onestpress/status/1843407265388474377>

⁷ Online post on X by @W0rldWideJess, October 7, 2024. <https://x.com/W0rldWideJess/status/1843482162844271004>

exorbitant prices as well. This also sparked Departmental interest, with DOT stating that it was monitoring flights to “make sure airlines are not charging excessively increasing fares.”⁸

In July 2024, Federal Trade Commission Commissioner (now Chairman) Ferguson shared similar concerns around data-driven pricing strategies. Ferguson voted to authorize an agency investigation into the practices and stated that “Congress and the American people should be made aware of whether and how consumers’ private data may be used to affect their pocketbooks.”⁹ He continued by stating that “consumers may well see personalized pricing as unfair or even manipulative, and it may undermine their trust in the digital marketplace.”

Whether an airline is taking advantage of passengers escaping a hurricane, flying to a funeral, or traveling for leisure, there should be no legal distinction. Dynamic pricing is clearly unfair. Consumers lose money with no reasonable way to avoid the practice. Carriers’ confusing and contradictory statements on their pricing habits underscore how travelers cannot reasonably avoid these practices.

If we take JetBlue at its word—that you cannot escape its dynamic pricing algorithm by limiting data collection via browser functions—then how *can* a consumer avoid this unfair practice? If we accede to industry association representatives’ distinction that they do not use “personal” data, but that they do use data indicative of broader interest in a flight, including the number of page visits or consumer search times, then the practice is truly unavoidable. Consumers cannot reasonably control how long they search for a flight, especially if they are coordinating amongst a larger party or still solidifying travel plans. Nor are there reasonably accessible technologies that would allow consumers to block these kinds of data collection practices.

Some carriers may contend that they do not “individualize” prices and that they instead dynamically increase prices for a whole flight. This is a distinction without a difference for passengers. From the traveler’s perspective, the price is unfairly inflated either way. An individual passenger cannot easily determine if only their fare is higher, or if the entire flight became more costly. Especially if only one consumer is viewing a given itinerary at a time, which is not implausible for certain routes, the end result is the same. And from a statutory perspective, it makes no difference. 49 U.S.C. 41712 does not provide an exception for unfair practices so long as they impact an entire flight, rather than just one consumer.

In light of longstanding and recurring confusion surrounding carriers’ pricing practices, the undersigned public interest organizations urge the Department to utilize its authority under 49 U.S.C. 41708 and request special reports regarding:

- The total number of prices changes (both increases and decreases) the largest airlines effectuate for a specific flight and how often they effectuate these changes;
- How often the largest airlines change airfare prices more than once in one day;
- How often the largest airlines change airfare prices more than once in one week;

⁸ Online post on X by @SecretaryPete, *U.S. Department of Transportation*, October 7, 2024. <https://x.com/SecretaryPete/status/1843464151324389620>

⁹ “Concurring Statement of Commissioner Andrew N. Ferguson,” *Federal Trade Commission*, July 23, 2024. https://www.ftc.gov/system/files/ftc_gov/pdf/surveillance-pricing-6b-ferguson-concurrence.pdf

- The total number of price changes the largest airlines effectuate for airfares on their most popular routes and how often they effectuate these changes;
- What inputs airlines consider when effectuating price changes;
- What consumer data airlines consider when effectuating price changes, including non-personalized or anonymous data;
- How airlines obtain consumer data to effectuate price changes; and
- Whether an airline effectuates price changes on an individual or per-consumer basis, or both.

Thank you for your attention to this important consumer protection issue.

Sincerely,

Center for Digital Democracy
Consumer Action
Consumer Federation of America
Electronic Privacy Information Center
FlyersRights
National Consumers League
U.S. PIRG