August 21, 2026

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building, 5th Floor, W58-213
District of Columbia, 20590-0001

Re: Notice of Proposed Rulemaking, Enhancing Flexibility of Air Fare Price Advertising (DOT-OST-2025-0831)

Summary

The American Economic Liberties Project, Consumer Action, the Consumer Federation of America, FLYERSRIGHTS, the National Consumers League, Travelers United, and the U.S. Public Interest Research Group strongly oppose the U.S. Department of Transportation's ("DOT" or "Department") attempt to weaken or eliminate the Full Fare Advertising Rule ("Rule") found at 14 C.F.R. Part 399.84.

First issued in 1984, the record supporting the Rule is strong and irrefutable. DOT has provided zero economic evidence, data, or justification in support of its proposal. The Department's Regulatory Impact Analysis ("RIA" or "2026 Analysis") does not address a previous DOT analysis that quantifiably supported the Rule. Alarmingly, the RIA categorizes the promotion of illegal activity—drip pricing—as a benefit of the Department's proposal.

DOT does not consider the significant drip pricing that would occur should it rely on 26 U.S.C. § 7275, as the Internal Revenue Code's full fare requirements do not cover many of the common government taxes and fees included in airfares. The Department also does not acknowledge the pre-Rule administrative law judge holdings that advertisers must display full fares to remain in compliance with 49 U.S.C. § 41712.

The judiciary has been clear that the Rule is constitutional and speculation otherwise is unfounded. Furthermore, DOT's supposition that Congress did not intend for the Department to regulate price advertising is wholly disproven by the legislative record.

Lastly, the NPRM identifies nine guidance documents for rescission, although two items in the list appear to refer to the same document. Consumer advocates urge the retention of five of the eight unique guidance documents as they reflect continued expectations of consumers and regulators that enforce prohibitions on unfair and deceptive practices.

Given the fundamental factual deficiencies in the Notice of Proposed Rulemaking ("NPRM"), the undersigned consumer representatives advocate for DOT to abandon the proceeding and retain the Rule as currently codified. However, should the Department continue with this effort, the Department should issue a supplemental notice of proposed rulemaking to remedy the factual discrepancies at the heart of this proceeding.

Respectfully submitted,

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I. The Reagan Administration Promulgated the Full Fare Advertising Rule to Protect the Public. The Rule Remains Valid and Necessary Today

In 1984, following the U.S. Senate's confirmation of President Reagan's three appointees to the five-member Civil Aeronautics Board ("CAB" or "Board"),[1] the Republican majority promulgated the industry-wide Full Fare Advertising Rule at 14 C.F.R. Part 399.84.[2] The CAB issued the rule pursuant to its authority to combat unfair or deceptive practices,[3] having identified continued violations of a tax statute that DOT today cites as justification for potentially eliminating the Full Fare Advertising Rule.[4] That is, President Reagan's administration identified a deficiency so enormous with the implementation of 26 U.S.C. § 7275 that it initiated and finalized a discretionary rulemaking process, resulting in 14 C.F.R. § 399.84. DOT's proposal to wholly eliminate the Reagan-era regulation would risk harm to the American travel public at levels not seen since before the modern deregulated era.

A. The Full History of the Rule Begins in 1982, Not 2011

DOT's NPRM omits all history of the Rule before 2011 and starts its "Background" section with the Department's 2011 final rule titled "Enhancing Airline Passenger Protections" ("2011 Amendments" or "2011 Updates"), which included amendments to the now more than

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[1] President Reagan had appointed three of the five members of the Board by the time of the Full Fare Advertising Rule's drafting and implementation. *See* "Nomination of Clinton Dan McKinnon to be a Member of the Civil Aeronautics Board, and Designation as Chairman," Ronald Reagan Presidential Library & Museum (Aug. 27, 1981). https://www.reaganlibrary.gov/archives/speech/nomination-clinton-dan-mckinnon-be-member-civil-aeronautics-board-and-designation; "Nomination of Diane Kay Morales To Be a Member of the Civil Aeronautics Board," The American Presidency Project (Dec. 6, 1982). https://www.presidency.ucsb.edu/documents/nomination-diane-kay-morales-be-member-the-civil-aeronautics-board; "Nomination of Barbara E. McConnell To Be a Member of the Civil Aeronautics Board," The American Presidency Project (Aug. 26, 1983). https://www.presidency.ucsb.edu/documents/nomination-barbara-e-mcconnell-be-member-the-civil-aeronautics-board; All three of President Reagan's nominees were confirmed by the U.S. Senate before November 1983. *See* "…[Diane Morales] was a member of the Civil Aeronautics Board from 1983 to 1985." *from* "Diane Morales – Department of Defense," The White House (published between 2001 and 2009). https://georgewbush-whitehouse.archives.gov/results/leadership/bios/moralesd.html; "Remarks at the Swearing-in Ceremony for Barbara E. McConnell as a Member of the Civil Aeronautics Board," Ronald Reagan Presidential Library & Museum (Sep. 23, 1983) https://www.reaganlibrary.gov/archives/speech/remarks-swearing-ceremony-barbara-e-mcconnell-member-civil-aeronautics-board. "Civil Aeronautics Board" in "Reagan Cabinet Nominees Include Two Women," CQ Almanac (1983). https://library.cqpress.com/cqalmanac/document.php?id=cqal83-857-26232-1197085#_.

[2] Final Rule, "Policy Statements; Amendment No. 88 to Part 399; Docket 41184; PS—113," Civil Aeronautics Board, 49 FR 49440 (Dec. 20, 1984). https://archives.federalregister.gov/issue_slice/1984/12/20/49440-49447.pdf

[3] Currently housed at 49 U.S.C. § 41712 and enforced by DOT. https://www.govinfo.gov/content/pkg/USCODE-2024-title49/pdf/USCODE-2024-title49-subtitleVII-partA-subpartii-chap417-subchapI-sec41712.pdf; Originally found in § 411 of the Federal Aviation Act. https://www.govinfo.gov/content/pkg/STATUTE-72/pdf/STATUTE-72-Pg731.pdf#page=39

[4] 26 U.S.C. § 7275. Penalty for offenses relating to certain airline tickets and advertising (making it a misdemeanor with a maximum $100 penalty for, among other things, advertisements that state less than the total price of airfare). https://www.govinfo.gov/content/pkg/USCODE-2024-title26/pdf/USCODE-2024-title26-subtitleF-chap75-subchapB-sec7275.pdf

40-year-old consumer protection Rule.[5] It is important for the record in this proceeding to be clear on the true history of the Full Fare Advertising Rule.

On December 27, 1982, Donald L. Pevsner filed a petition for a CAB rulemaking for public charter operators to ensure "[a]ny solicitation material that states a price per passenger shall state such price as a single figure of total cost, including taxes and services."[6] To support the request, Pevsner identified deceptive advertisements of charter flights prominently displaying the carrier's fare, with taxes and service fees disclosed only as a percentage in smaller type.[7] Pevsner argued that this practice made "valid price comparisons by consumers impossible."[8] Since 1975, the CAB had a requirement at 14 C.F.R. § 399.84 prohibiting separated pricing in advertisements, but the policy was only applicable to group inclusive tours.[9]

The record identified that *Economy Traveler*, a travel periodical, had cited its encounters with deceptive price advertising in its support of Pevsner's petition.[10] The docket also stated that an unnamed travel agency wrote to endorse the proposal, stating that the partitioning of certain taxes and fees from the airfare deprived travel agents of their legitimate commissions.[11] The Better Business Bureau of Metropolitan New York also expressed its view that the use of percentage add-ons may mislead consumers.[12]

After receiving the petition, the Board's Enforcement Division investigated the air travel industry's price advertising practices and found it difficult for honest advertisers to compete with those who deceptively partitioned their pricing in marketing materials.[13] The CAB concluded that "the use of add-ons is a problem that cannot be rectified through informal methods. The board believes that competition will best be served if consumers can easily determine the price of the product. The Board is therefore granting Mr. Pevsner's petition and proposing a rule that would required[*sic*] all price advertisements to state the total price the consumer must pay…although Mr. Pevsner's petition was directed toward the advertising of charter prices, there have been similar problems in the advertising of prices for scheduled service. See Orders

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[5] Final Rule "Enhancing Airline Passenger Protections," U.S. Department of Transportation, "Section 7. Full Fare Advertising A. Change in Enforcement Policy" (Apr. 25, 2011). https://www.federalregister.gov/documents/2011/04/25/2011-9736/enhancing-airline-passenger-protections

[6] Notice of Proposed Rulemaking, "Public Charters and Statements of General Policy," Civil Aeronautics Board, Docket 41184, 48 FR 50900 (docket dated Oct. 14, 1983, published in the Federal Register Nov. 4, 1983). https://www.govinfo.gov/content/pkg/FR-1983-11-04/pdf/FR-1983-11-04.pdf#page=34

[7] *Id.*

[8] *Id.*

[9] "Deceptive Practices in Advertising Group Inclusive Tours," 14 C.F.R. Part 399.84, PS-62, 40 FR 4906-4907 (Feb. 3, 1975). https://www.govinfo.gov/content/pkg/FR-1975-02-03/pdf/FR-1975-02-03.pdf#page=22

[10] Notice of Proposed Rulemaking, "Public Charters and Statements of General Policy," Civil Aeronautics Board, Docket 41184, 48 FR 50900-50901 (docket dated Oct. 14, 1983, published in the Federal Register Nov. 4, 1983). https://www.govinfo.gov/content/pkg/FR-1983-11-04/pdf/FR-1983-11-04.pdf#page=34

[11] *Id.* page 50901

[12] *Id.* page 50901

[13] *Id.* page 50901

79-12-184, December 27, 1979 [*World Airways*] and 82-12-119, December 27, 1982 [*United v. Pacific East Air*] where the Board found price ads for scheduled service to be unfair and deceptive because they did not comply with the tax laws."[14]

On November 4, 1983, the Federal Register published the Board's notice of proposed rulemaking to expand its price transparency requirements for group inclusive tours to the entire airline industry.[15] The CAB published the final Rule in the Federal Register on December 20, 1984, to go into effect in early 1985.[16] For the next few decades, DOT made minor changes to the Rule and utilized enforcement discretion—particularly to exempt certain government-imposed charges, among other issues—while largely maintaining the policy's core price transparency requirements.[17]

The last major amendment to 14 C.F.R. § 399.84 was in 2011, when DOT returned its enforcement of the rule to more closely resemble the original policy as finalized by the Reagan Administration, which had first required the inclusion of government taxes and fees within a singular advertised fare.[18] The 2024 rule titled Enhancing Transparency of Airline Ancillary Service Fees[19] did make minor, largely technical, adjustments to 14 C.F.R. § 399.84. As today's NPRM correctly states, the Department's narrow changes to the Rule in 2024 are no longer valid following a 2026 court decision that found a procedural oversight in the rulemaking process.[20]

B. DOT's 2011 Amendment on Prominence Was Part of An Effort to Ensure Airline Flexibility

The Department included within the 2011 Updates a provision allowing carriers to list government taxes "separately" so long as they are not "displayed prominently" and not

[14] *Id.* page 50901
[15] *Id.* page 50900
[16] Final Rule, "Policy Statements; Amendment No. 88 to Part 399; Docket 41184; PS—113," Civil Aeronautics Board, 49 FR 49440 (Dec. 20, 1984). https://archives.federalregister.gov/issue_slice/1984/12/20/49440-49447.pdf
[17] *See* "Background" of NPRM "Price Advertising," U.S. Department of Transportation, 70 FR 73960-73961 (Dec 14. 2005). https://www.govinfo.gov/content/pkg/FR-2005-12-14/pdf/05-23841.pdf
[18] Final Rule, "Enhancing Airline Passenger Protections," U.S. Department of Transportation, at "7. Full Fare Advertising A. Change in Enforcement Policy" (Apr. 25, 2011). https://www.federalregister.gov/documents/2011/04/25/2011-9736/enhancing-airline-passenger-protections
[19] Final Rule, "Enhancing Transparency of Airline Ancillary Service Fees," U.S. Department of Transportation (Apr. 30, 2024). https://www.federalregister.gov/documents/2024/04/30/2024-08609/enhancing-transparency-of-airline-ancillary-service-fees
[20] Notice of Proposed Rulemaking "Enhancing Flexibility of Air Fare Price Advertising," U.S. Department of Transportation, "5. Final Rule on Transparency of Ancillary Fees; Effect on Price Advertising Requirements" (Jul. 1, 2026). https://www.federalregister.gov/documents/2011/04/25/2011-9736/enhancing-airline-passenger-protections; *Airlines for Am.* v. *U.S. Dep't of Transp.,* No. 24-60231, 2026 WL 276679 (5th Cir. Feb. 3, 2026) (*en banc*). https://www.ca5.uscourts.gov/opinions/pub/24/24-60231-CV1.pdf

"presented in the same or larger size as the total price."[21] This was a more flexible regulatory framework compared to the Reagan Administration's original text which did not explicitly allow for the listing of government taxes in addition to the total price.[22] The 2011 Updates also gave back to carriers flexibility in listing government taxes that had not been formally available to them since a 1989 D.C. Circuit opinion struck down, due to notice-and-comment failures, previous attempts by the Department to permit unbundling of government-imposed charges that otherwise would be included in the total fare per the 1984 rule.[23]

The Department made clear with its 2011 Amendments that carriers could inform consumers of the portion of airfare that comes from government taxes and fees. The 2011 guidance on prominence clarified DOT's commitment to non-deceptive advertising while still allowing airlines flexibility in their marketing displays. Without this provision, carriers were concerned they could not separately reiterate government taxes at all.[24] The Rule's provision regarding prominence is wholly consistent with the bipartisan mandate from Congress found at 26 U.S.C. § 7275 that requires carriers to state the full fare "at least as prominently as [taxes separately displayed]."[25] Indeed the NPRM identifies no conflict between the Rule and the tax provision.

C. DOT's 2011 Updates Resulted in Enhanced Carrier Compliance and Fewer Penalties

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[21] 14 C.F.R. § 399.84(a).
https://www.ecfr.gov/current/title-14/chapter-II/subchapter-F/part-399/subpart-G/section-399.84

[22] Final Rule, "Policy Statements; Amendment No. 88 to Part 399; Docket 41184; PS—113," Civil Aeronautics Board, 49 FR 49440 (Dec. 20, 1984). https://archives.federalregister.gov/issue_slice/1984/12/20/49440-49447.pdf

[23] Alaska v. Skinner, 868 F2d. 441 (D.C. Cir. Feb. 28, 1989).
https://law.justia.com/cases/federal/appellate-courts/F2/868/441/17293/

[24] "Some airlines were concerned that passengers would not know how much of their total price consists of government imposed taxes and fees. We want to assure these carriers that nothing in this rule prohibits them from making this information available to consumers. This final rule allows carriers to advise the public in their fare solicitations about government taxes and fees, or other mandatory carrier or ticket agent imposed charges applicable to their airfares. Sellers of air transportation may have pop-ups or links adjacent to an advertised price to take the consumer to a listing of such charges, or they may display these charges on the same page in fine print if they prefer. Such charges must accurately reflect the actual costs to the carrier of the service or matter covered, be displayed on a per passenger basis, and be displayed in a manner that otherwise does not deceive consumers. Consequently, the rule requires that any such listing not be displayed prominently and be presented in significantly smaller type than the listing of the total price to ensure that consumers are not confused about the total price they must pay. Also, we are prohibiting the presentation of any 'total' fares in advertising that exclude taxes, fees or other charges since the major impact of such presentations is to confuse and deceive consumers." *from* Final Rule "Enhancing Airline Passenger Protections," U.S. Department of Transportation,
"Section 7. Full Fare Advertising A. Change in Enforcement Policy" (Apr. 25, 2011).
https://www.federalregister.gov/documents/2011/04/25/2011-9736/enhancing-airline-passenger-protections

[25] 26 U.S.C. § 7275(b)(2) "if any such advertising states separately the amount to be paid for such transportation or the amount of such taxes, state such total at least as prominently as the more prominently stated of the amount to be paid for such transportation or the amount of such taxes and shall describe such taxes substantially as: 'user taxes to pay for airport construction and airway safety and operations'."
https://www.govinfo.gov/content/pkg/USCODE-2024-title26/pdf/USCODE-2024-title26-subtitleF-chap75-subchapB-sec7275.pdf

Earlier this year, the Department stated that "consistent with the Administration's enforcement philosophy, [the Office of Aviation Consumer Protection's] OACP's enforcement focus will be on ensuring compliance with civil rights and consumer protection regulations rather than finding and penalizing entities for violations. Proactive measures to promote compliance benefit the public by creating a culture of compliance where regulated entities work to prevent violations from happening in the first place."[26] The 2011 Amendments had this exact effect. If DOT wishes to accomplish its stated goals of proactive compliance rather than penalization, it should retain the 2011 Updates as codified.

In 2020, under the leadership of Secretary Chao, DOT told the U.S. Government Accountability Office ("GAO," a legislative branch agency) that the 2011 Amendments' "clarifying changes in the full fare advertising and codeshare disclosure regulations[] likely contributed to the post-2012 declines in consent orders for certain types of violations by increasing companies' understanding of their responsibilities."[27] The data on consent orders issued for violations of the Full Fare Advertising Rule supports DOT's previous position. See the following statistics on consent orders issued by DOT for violations of the Rule between 2008 and 2019, taken from the 2020 GAO report examining the Department's consumer protection work.[28]

Table 1: Numbers of Consent Orders Issued by DOT Containing Selected Types of Violations (2008–2019)

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total[a]
Full fare advertising	10	10	19	22	25	11	7	4	6	3	3	2	**122**

The Department has not explained its reversal regarding its position that the 2011 Updates increased compliance by carriers without necessitating formal penalties, which is among DOT's stated goals for its current enforcement posture. Considering that the Department's 2020 characterization of the impact of the 2011 Updates' is backed by data, DOT has a high bar to clear should it seek to refute its previous position.

D. The Trump-Vance Administration Has Pursued Prominence Requirements for Other Industries as Recently as Last Month

Prominence regulations for advertising are a longstanding and non-partisan practice to prevent consumer deception. For examples promulgated just within the U.S. Supreme Court's

[26] Notice of Proposed Guidance, "Notice Regarding Investigatory and Enforcement Policies and Procedures of the Office of Aviation Consumer Protection," U.S. Department of Transportation (Jan. 6, 2026). https://www.federalregister.gov/documents/2026/01/06/2025-24282/notice-regarding-investigatory-and-enforcement-policies-and-procedures-of-the-office-of-aviation

[27] "Aviation Consumer Protection[,] Increased Transparency Could Help Build Confidence in DOT's Enforcement Approach," U.S. Government Accountability Office, page 19 (Oct. 2020). https://www.gao.gov/assets/gao-21-109.pdf

[28] *Id.* page 34

contemporary First Amendment jurisprudence, the FTC's bipartisan[29] 2024 prohibition on certain hidden fees regulates that businesses "must disclose the total price more prominently than any other pricing information."[30] Additionally, the FTC's bipartisan[31] 2024 rule to ban fake reviews includes requirements that certain disclosures must be "clear and conspicuous" within an advertisement, which is another way to regulate prominence.[32]

DOT does not address the fact that its First Amendment analysis regarding its Rule appears inconsistent with the approach of the greater Trump-Vance Administration, which, in addition to supporting those 2024 FTC rules, has taken novel actions to combat deceptive practices based on prominence. In a 2025 lawsuit brought by the FTC and seven state attorneys general, the Federal Trade Commission ("FTC") argued that Ticketmaster deceived Americans by using hidden fees and making pricing information "less prominent."[33] The complaint further outlined that Ticketmaster's decision-making on "not displaying the fee details more prominently" was "centered around increasing conversion rates and revenue. One executive noted: 'the less transparent the higher the conversion.'"[34] The FTC's logical conclusion that a ticketing business intentionally deceived consumers in pricing displays to increase revenue also applies to airfare advertising.

In December 2025, the FTC proposed a stipulated order requiring Greystar to, among other things, advertise "the Total Monthly Leasing Price more prominently than any other representation regarding Pricing Information."[35] A few months later, in March 2026, the FTC issued an advance notice of proposed rulemaking ("ANPRM") titled "Rule on Unfair or

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[29] The final rule was issued in a 4-1 vote. ("Federal Trade Commission Announces Bipartisan Rule Banning Junk Ticket and Hotel Fees," Federal Trade Commission [Dec. 17, 2024]. https://www.ftc.gov/news-events/news/press-releases/2024/12/federal-trade-commission-announces-bipartisan-rule-banning-junk-ticket-hotel-fees); The one dissenting vote was unrelated to the merits of the rule, but the timing of its issuance. ("Dissenting Statement of Commissioner Andrew N. Ferguson Regarding the Unfair or Deceptive Fees Rulemaking Matter Number R207011," Federal Trade Commission [Dec. 17, 2024]. https://www.ftc.gov/system/files/ftc_gov/pdf/ferguson-junk-fees-dissent.pdf)

[30] 16 § 464.2(b). https://www.ecfr.gov/current/title-16/chapter-I/subchapter-D/part-464. ("In any offer, display, or advertisement that represents any price of a covered good or service, a business must disclose the total price more prominently than any other pricing information. However, where the final amount of payment for the transaction is displayed, the final amount of payment must be disclosed more prominently than, or as prominently as, the total price.")

[31] The final rule was ratified 5-0. ("Federal Trade Commission Announces Final Rule Banning Fake Reviews and Testimonials," Federal Trade Commission [Aug. 14, 2024]. https://www.ftc.gov/news-events/news/press-releases/2024/08/federal-trade-commission-announces-final-rule-banning-fake-reviews-testimonials)

[32] 16 C.F.R. Part 465.5. https://www.ecfr.gov/current/title-16/chapter-I/subchapter-D/part-465

[33] Complaint for Permanent Injunction, Monetary Relief, Civil Penalties, And Other Relief, *FTC et al. v. Live Nation Entertainment et al.,* page 29 (C.D. Cal. Sep. 18, 2025). https://www.ftc.gov/system/files/ftc_gov/pdf/FTCvLiveNation-Ticketmaster-Complaint-filed.pdf

[34] *Id.* page 30

[35] [Proposed] Stipulated Order for Permanent Injunction, Monetary Judgment, and Other Relief, *FTC and Colorado v. Greystar et al.*, page 6 (D. Colo. Dec. 2, 2025). https://www.ftc.gov/system/files/ftc_gov/pdf/Greystar-Order_0.pdf

Deceptive Rental Housing Fee Practices."[36] In this ANPRM, the FTC explicitly touted its *Greystar* order that required the total price to be displayed "most prominently," the agency positively highlighted "several" state laws prohibiting the advertising of rental prices "without displaying most prominently a single total rent," and the notice sought input on a proposal to "require rental housing providers, in any offer, display, or advertisement that represents any price of rental housing, to disclose the total rent including all mandatory fees and charges more prominently than any other pricing information."[37]

In April 2026, the FTC issued another ANPRM titled "Rule on Unfair or Deceptive Fees in Online Food Delivery Services."[38] The ANPRM approvingly cited a 2023 order resulting from *District of Columbia v. Grubhub Holdings*[39] that required Grubhub to, among other things, "prominently disclose that additional fees may apply to a consumer's order and provide information about such fees on the same page or via a hyperlink or similar method."[40] The ANPRM then sought comment on a proposal to "require online food delivery platforms, in any offer, display, or advertisement that represents the total price of goods or services, to disclose the total price including all mandatory fees and charges more prominently than any other pricing information."[41]

Last month, July 2026, the FTC solicited comment on a controversial policy statement that was explicitly requested by President Trump.[42] Among other things, the policy statement outlined prominence requirements for certain disclosures regarding AI, relying on the agency's authority to prohibit unfair and deceptive practices. Specifically, with all emphasis added, the FTC proposed that "[a]n adequate disclaimer could not be buried in terms of service, for instance. It would have to clearly and conspicuously dispel the notion that the system is designed to give the best answer possible. Such a disclaimer would need to be prominent, and it is doubtful that a

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[36] Advance Notice of Proposed Rulemaking, "Rule on Unfair or Deceptive Rental Housing Fee Practices," Federal Trade Commission (Mar. 13, 2026). https://www.federalregister.gov/documents/2026/03/13/2026-04907/rule-on-unfair-or-deceptive-rental-housing-fee-practices
[37] *Id.*
[38] Advance notice of Proposed Rulemaking, "Rule on Unfair or Deceptive Fees in Online Food Delivery Services," Federal Trade Commission (Apr. 16, 2026). https://www.federalregister.gov/documents/2026/04/16/2026-07473/rule-on-unfair-or-deceptive-fees-in-online-food-delivery-services
[39] *District of Columbia v. Grubhub Holdings*, No. 2022 CA 001199 B (D.C. Super. Ct. Jan. 4, 2023). https://oag.dc.gov/sites/default/files/2022-12/2022.12.30%20Consent%20Judgment%20and%20Order.pdf
[40] Advance notice of Proposed Rulemaking, "Rule on Unfair or Deceptive Fees in Online Food Delivery Services," Federal Trade Commission (Apr. 16, 2026). https://www.federalregister.gov/documents/2026/04/16/2026-07473/rule-on-unfair-or-deceptive-fees-in-online-food-delivery-services
[41] *Id.*
[42] "FTC Seeks Public Comment on Policy Statement Addressing AI Accuracy," Federal Trade Commission (Jul. 1, 2026). https://www.ftc.gov/news-events/news/press-releases/2026/07/ftc-seeks-public-comment-policy-statement-addressing-ai-accuracy

one-time disclosure subsequently hidden away in fine print would suffice. The more that the disclosure cuts against the reasonable expectations that users would take away from other contexts, the more persistent and prominent it would need to be. A prominent misrepresentation is unlikely to be remedied by a less prominent, subsequent disclosure."[43] Although many public interest advocates oppose the substance of the FTC's proposed policy statement, the agency's effort at the request of the White House shows that the FTC and President Trump do not believe prominence requirements are unconstitutional.

DOT appears to be the outlier among federal agencies in advancing radical speculation that the First Amendment somehow prohibits consumer protections against deception based on prominence. Furthermore, the Department's proposal to roll back all-in pricing and prominence requirements for airfare is seemingly misaligned with the Administration's broader agenda to implement these very same requirements in the rest of the American economy. DOT has not justified why air travelers should be subject to these deceptive practices while consumers in other markets enjoy protections. Furthermore, if the Department moves forward with its proposal, it would be seeking to advance extreme legal theories that would directly undermine the FTC's work in these similarly-situated sectors.

II. DOT Should Retain the Full Fare Advertising Rule Without Change

DOT puts forth two proposals. The first seeks to undo certain prominence requirements that were included within the 2011 Updates. The second considers eliminating the regulation entirely. Both paths would significantly harm Americans, with full repeal of the Rule being considerably more injurious. As the Department accurately described in 2005, "[a]ir transportation is unlike other industries in that we have the sole authority to regulate airlines' fare advertisements by prohibiting practices that are unfair or deceptive…The States are preempted from regulating in this area. Thus, unlike advertising in other industries, where either the States or the FTC, or both, can take action against abusive practices, if we do not exercise our authority, consumers and competitors have no governmental recourse against advertising that is unfair or deceptive."[44]

The Full Fare Advertising Rule remains necessary today given carriers' dependence on deceptive pricing practices has only grown since the Rule was originally issued. For example, airlines have unbundled several common services, including basic baggage allowances, into separate—and often hidden—add-on fees. This practice makes accurate price comparison and fair competition impossible if the fees are not transparently disclosed.[45] Additionally, carriers have engaged in the

[43] Federal Trade Commission's Proposed Policy Statement Concerning the Suppression of Accuracy in Artificial Intelligence Systems, Federal Trade Commission, page 9 (Jul. 1, 2026). https://www.ftc.gov/system/files/ftc_gov/pdf/ai-policy-statement_0.pdf
[44] Notice of Proposed Rulemaking, "Price Advertising," U.S. Department of Transportation (Dec. 14, 2005). https://www.federalregister.gov/documents/2005/12/14/05-23841/price-advertising
[45] *See* Brief of Amici Curiae Consumer Federation of America, American Economic Liberties Project, National Consumers League, & U.S. Public Interest Research Group in Support of Respondent, *Airlines for Am. v. U.S. Dep't*

inexcusable practice of charging traveling families hidden fees to sit together, a business model that harms the public and has moved the industry further from the Reagan Administration's vision of fair competition via honest price advertising.[46] Lastly, every major airline appears to rely on dynamic pricing software to set their fares with opaque algorithms. This pervasive practice has negatively impacted competition—disadvantaging businesses who might wish to offer consumers steady and fair pricing models—and encouraged price gouging and invasions of consumer privacy.[47]

The public interest supports retaining the Full Fare Advertising Rule as promulgated today, without change. Consumer advocates urge DOT to abandon this proceeding and instead redirect its rulemaking efforts toward addressing the harms stemming from practices surrounding ancillary fees, family separation, and dynamic pricing.

III. Today's NPRM Does Not Attempt to Refute the Rule's Extensive Supporting Record. The Record Remains Valid and Incontrovertible

Consumer advocates today concur with the arguments documented in the extensive record developed since the 1970s in numerous rulemaking proceedings and enforcement actions supporting the required advertising of full fares. Misleading advertising of prices harms consumers and fair competition—amounting to a violation of 49 U.S.C. § 41712. DOT does not contest this long-accepted understanding. This interpretation of authority over unfair and deceptive practices is not unique to airfares. Other agencies' controlling applications of authority banning unfair and deceptive practices—primarily by the FTC—have also long prohibited hidden fees as harmful to consumers and competition.[48]

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of Transp., Case 24-60231, Document 134 (Oct. 16, 2024). https://democracyforward.org/wp-content/uploads/2026/01/Airlines-for-Amer-v.-Dept-of-Trans-24-60231-No.-134-5th-Cir.-Oct.-16-2024.pdf

[46] *See* Notice of Proposed Rulemaking, "Family Seating in Air Transportation," U.S. Department of Transportation (5th Cir. Aug. 9, 2024). https://www.federalregister.gov/documents/2024/08/09/2024-17323/family-seating-in-air-transportation

[47] Letter From Seven Passenger Rights and Data Privacy Organizations Urging DOT to Investigate Airline Pricing Practices, National Consumers League (Apr. 24, 2026). https://nclnet.org/wp-content/uploads/2026/04/Advocates-Letter-JetBlue-Pricing.pdf

[48] "Federal Trade Commission Announces Bipartisan Rule Banning Junk Ticket and Hotel Fees," Federal Trade Commission (Dec. 17, 2024). https://www.ftc.gov/news-events/news/press-releases/2024/12/federal-trade-commission-announces-bipartisan-rule-banning-junk-ticket-hotel-fees; "FTC Warns 97 Auto Dealership Groups About Deceptive Pricing," Federal Trade Commission (Mar. 13, 2026). https://www.ftc.gov/news-events/news/press-releases/2026/03/ftc-warns-97-auto-dealership-groups-about-deceptive-pricing; "Greystar Agrees to Pay $24 Million and Stop Deceptive Advertising Practices as a Result of FTC and Colorado Lawsuit Alleging the Firm Deceived Consumers About Rent Prices," Federal Trade Commission (Dec. 2, 2025). https://www.ftc.gov/news-events/news/press-releases/2025/12/greystar-agrees-pay-24-million-stop-deceptive-advertising-practices-result-ftc-colorado-lawsuit; "Instacart to Pay $60 Million in Consumer Refunds to Settle FTC Lawsuit Over Allegations it Engaged in Deceptive Tactics," Federal Trade Commission (Dec. 18, 2025).

As today's NPRM does not refute or attempt to disprove DOT's (and previously, the CAB's) decades of economic justification and evidence for issuing, maintaining, and enforcing 14 C.F.R. § 399.84, the public must assume the previously established record remains valid. This conclusion is supported by DOT's impressive record in support of the Rule, including economic data and analysis, which has received explicit approval from a federal court. Specifically, in 2012, the U.S. Court of Appeals for the D.C. Circuit stated "[n]ot only have the airlines offered us no basis for questioning DOT's interpretation of its rule, but they give short shrift to the record as a whole. In addition to the comments mentioned by the airlines, DOT relied on the following evidence: (1) comments from the original 1984 rulemaking, (2) roughly 500 comments from the 2006 hearing explaining how consumers were being confused by advertisements that itemized price components rather than display a single, total price, and (3) feedback from its 'Regulation Room,' an online forum DOT employs to solicit comments."[49]

DOT justified the 2011 Amendments with an analysis finding that the public would receive $29 million in monetized benefits over a 10-year period.[50] Accounting for estimated costs, the Department calculated the net benefits of the 2011 Updates to be $22.2 million.[51] The Department today provides zero evidence to invalidate the record and analyses that the D.C. Circuit made clear "sufficiently support the intuitive conclusion" that partitioned prices likely deceive consumers, likely because neither economic facts nor consumer experience have changed to render the Rule unnecessary. The Department would have a significant hurdle to overcome in attempting to disprove the record supporting the benefits of the Full Fare Advertising Rule. The Department has yet to clear that hurdle.

IV. DOT's Proposal Identifies Significant Harm and No Actual Benefit to the Public

Congress has required DOT to regulate in the public interest and for its actions to be consistent with public convenience and necessity.[52] The legislature designated this public interest mandate as the very first section of the Air Commerce and Safety part of the Aviation Programs subtitle to ensure Congress's message is clear. The law unambiguously requires the Department to use its authority on behalf of the American people, not select special interests.

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https://www.ftc.gov/news-events/news/press-releases/2025/12/instacart-pay-60-million-consumer-refunds-settle-ftc-lawsuit-over-allegations-it-engaged-deceptive.

[49] *Spirit Airlines, Inc. v. U.S. DOT*, Nos. 11-1219 and 11-1222, 687 F.3d 403, page 8 (D.C. Cir. Jul. 24, 2012). https://media.cadc.uscourts.gov/opinions/docs/2012/07/11-1219-1385164.pdf

[50] Final Rule, "Enhancing Airline Passenger Protections," U.S. Department of Transportation (Apr. 25, 2011). https://www.federalregister.gov/documents/2011/04/25/2011-9736/enhancing-airline-passenger-protections

[51] *Id.*

[52] 49 U.S.C. § 40101 - Policy. https://www.govinfo.gov/content/pkg/USCODE-2024-title49/pdf/USCODE-2024-title49-subtitleVII-partA-subparti-chap401-sec40101.pdf

For DOT to evaluate whether its regulatory actions advance the public interest, federal law stipulates that the Department's actions should—among other factors—promote "the availability of a variety of adequate, economic, efficient, and low-priced services without unreasonable discrimination or unfair or deceptive practices"[53] and for DOT to "develop[] and maintain[] a sound regulatory system that is responsive to the needs of the public…"[54] 49 U.S.C. § 40101 alone includes two different directives for the Department to use its resources to eradicate unfair and deceptive practices and five unique mandates for DOT to prioritize a functional marketplace and fair competition.

The NPRM does not meet 49 U.S.C. § 40101's public interest standards. DOT proposes to either loosen or eliminate restrictions against misleading airfare advertising, which would have the effect of promoting the very unfair and deceptive practice Congress has authorized at least two agencies to eradicate. The Department's proposal would also harm competition by increasing consumer confusion and making accurate price comparison impossible without extensive effort from the public.

DOT identifies no evidence-based public need under 49 U.S.C. § 40101 that it must address. The Department's 2026 Analysis states the need for deregulatory action is based on the radical claim that carriers are operating under "regulatory failure" due to the "undue burden" of the Rule.[55] DOT provides no facts or data to support its claim that price transparency requirements have caused regulatory failure, and the RIA's lack of explanation raises several questions. For example, does the Department believe that regulatory failure began with the Reagan Administration's 1984 finalization of the Rule? Or does DOT contend that displaying full fares most prominently generates regulatory failure, while the 1970 law stipulating full fares to be advertised "at least as prominently" as its constituent fees does not? Why does the Department suspect price transparency might cause regulatory failure for airlines but not live-event ticketers, hotels, rental housing providers, or food delivery services?

One of Secretary Duffy's first actions after taking office was to require DOT "rulemaking activities" to be "based on sound economic principles and analysis supported by rigorous cost-benefit requirements and data-driven decisions."[56] The Secretary made sure to clarify that "[t]his requirement shall apply regardless of whether the activities in question fall below the economic threshold required for review by the Office of Information and Regulatory Affairs."[57]

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[53] *Id.* § 40101(a)(4)
[54] *Id.* § 40101(a)(7)
[55] Enhancing Flexibility of Air Fare Price Advertising - Regulatory Impact Analysis - RIN 2105-AF37, U.S. Department of Transportation, page 3 (Jul. 24, 2026).
https://www.regulations.gov/document/DOT-OST-2025-0831-0046
[56] DOT Order 2100.7 "Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities," U.S. Department of Transportation (Feb. 2025).
https://www.transportation.gov/sites/dot.gov/files/2025-02/DOT_2100.7-Ensuring_Reliance_Upon_Sound_Economic_Analysis_in_DOT_Policies.pdf
[57] *Id.*

Secretary Duffy continued by declaring "[t]o engage in…rulemaking, the benefits must be estimated to outweigh the costs."[58] And less than one year ago, the Department announced that "speculative harms are insufficient to initiate a rulemaking."[59] Yet today's rulemaking is entirely based on unevidenced speculation and puts forth a cost-benefit analysis that estimates significant net harms for everyday Americans.

Contrary to the Secretary's directive, the Department offers no economic principles or data to justify its proposal. What DOT does offer are comments written by airline lobbyists—who have a distinct interest counter to public necessity—alongside speculation on judicial and legislative thinking (which these comments discuss in greater detail in Sections VII. and VIII.). The NPRM fails to meet the Department's statutory public interest standards and does not reflect reasoned decision-making.

A. DOT's Regulatory Impact Analysis Fails to Consider Critical Factors

The 2026 Analysis does not address DOT's previous estimation that its 2011 Amendments would result in $22.2 million in net benefits to the public ($29 million in benefits before costs).[60] Given the Department's failure to contend with this standing estimation, the public should presume that undoing the 2011 Updates would result in $22.2 million in net harms to the public, while a full repeal of the Rule would inflict considerably greater injury. Yet the RIA does not include these already quantified dollar amounts.

Additionally, the 2026 Analysis contends that "[s]mall carriers, travel agents, or tour operators would not be required to make any changes to their advertisements, websites, information systems, or pricing strategies. Passengers on small carriers or consumers who book travel through small travel agencies or tour operators would continue to be presented with full fares upfront…" These claims do not account for the fact that proponents of unfair and deceptive advertising practices will likely feel emboldened should DOT continue with either of its proposals (as elaborated further in Section V.A.).

Without a credible expectation of law enforcement, well-connected and well-resourced air travel businesses will face less pressure to advertise honestly or fairly. Should DOT eliminate formal full fare requirements subject to $75,000 in statutory penalties in favor of the Internal Revenue Service's ("IRS") requirement with an associated $100 fine, the message to carriers is clear—lawbreakers need not worry about the possibility of substantive law enforcement.

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[58] *Id.*

[59] Proposed Rule, "Procedures in Regulating and Enforcing Unfair or Deceptive Practices," U.S. Department of Transportation (Oct. 30, 2025). https://www.federalregister.gov/documents/2025/10/30/2025-19692/procedures-in-regulating-and-enforcing-unfair-or-deceptive-practices

[60] Final Rule, "Enhancing Airline Passenger Protections," U.S. Department of Transportation (Apr. 25, 2011). https://www.federalregister.gov/documents/2011/04/25/2011-9736/enhancing-airline-passenger-protections

Consumers have relied on the Rule's decades of regulatory stability to avoid harm when purchasing airfares. Competing advertisers have similarly relied on the Rule's establishment of a level playing field to ensure they have a fair chance to participate in the marketplace. Yet in DOT's proposed enforcement environment, the assertion that "[p]assengers…would continue to be presented with full fares upfront…" would no longer hold true. If dominant companies begin to advertise misleadingly following DOT's clear signaling, smaller competitors would face significant market pressure to follow suit, rendering false the Department's claim that "[s]mall carriers, travel agents, or tour operators would not be required to make any changes…" Indeed, the competitive harms from such a race to the bottom is one of the primary reasons the CAB originally issued the Full Fare Advertising Rule[61] and among the justifications the FTC cites for its recent codification of "full fare" requirements for live-event ticketing.[62]

Furthermore, under DOT's proposed enforcement landscape, holding misleading advertisers of airfares accountable under the Internal Revenue Code would require reliance on a flat penalty structure, with $100 fines applicable regardless of the size of the deceiver. Reliance on IRS fines capped at $100 would amount to a toothless slap on the wrist for dominant air carriers and differs significantly from DOT's penalties for violations of the Full Fare Advertising Rule. Statutory penalties for Rule violations carry a liability not to exceed $75,000 unless the lawbreaker is an individual or small business—those non-dominant entities are not subject to more than $2,500 per violation.[63] This discrepancy in penalty calculations further disadvantages small businesses should the Department abdicate in favor of IRS enforcement, as dominant corporations are more likely to shrug off a $100 fine but more humble competitors may not be able to afford the same calculation. The RIA does not address the harms to the public and competitors should the administration rely solely on the Internal Revenue Code's $100 penalty.

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[61] "the Enforcement Division discovered that for some advertisers the use of percentage add-ons was a matter of competitive pressure—they are used only when other competitors in the market use them. In one instance, which occurred shortly after the Enforcement Division's letter was sent, an operator advertised a tour at '$343' while another advertised a similar tour at '$299' but with an asterisk stating 'plus 15% tax and service.' Shortly thereafter the first tour operator changed its advertisements to '$299 plus 15% tax and service.'" *from* Notice of Proposed Rulemaking, "Public Charters and Statements of General Policy," Civil Aeronautics Board, Docket 41184, 48 FR 50901 (docket dated Oct. 14, 1983, published in the Federal Register Nov. 4, 1983). https://www.govinfo.gov/content/pkg/FR-1983-11-04/pdf/FR-1983-11-04.pdf#page=35

[62] "For example, as noted in the NPRM, one market participant in the live-event ticketing industry, StubHub, unilaterally adopted all-in pricing in 2014 but soon reverted back to its original model after it lost significant market share when customers incorrectly perceived StubHub's prices to be higher." *from* Final Rule, "Trade Regulation Rule on Unfair or Deceptive Fees," Federal Trade Commission (Jan. 10, 2025). https://www.federalregister.gov/documents/2025/01/10/2024-30293/trade-regulation-rule-on-unfair-or-deceptive-fees

[63] 49 U.S.C. § 46301(a)(5)(D). https://www.govinfo.gov/content/pkg/USCODE-2024-title49/pdf/USCODE-2024-title49-subtitleVII-partA-subpartiv-chap463-sec46301.pdf

Lastly, the 2026 Analysis fails to consider that 26 U.S.C. § 7275 does not cover all government taxes and fees, while the Full Fare Advertising Rule does. 26 U.S.C. § 7275 only requires the inclusion of the federal excise tax, the domestic segment tax, and the international departure and arrival taxes in airfare displays. Other common taxes and fees, like passenger facility charges, passenger civil aviation security service fees, animal and plant health inspection service fees, immigration inspection fees, customs inspection fees, and charges imposed by foreign authorities, are not addressed by 26 U.S.C. § 7275. Sample tickets show that these excluded taxes and fees can increase the total cost to consumers by 8%-39% (see Section V.B. of these comments). The RIA does not consider the significant harms consumers would face should DOT rely on the insufficient coverage found in the Internal Revenue Code.

B. DOT's Estimated Benefits Are Insufficient and Largely Inaccurate

Regarding the NPRM's proposed repeal of prominence requirements, the 2026 Analysis incorrectly claims that "[c]onsumers would benefit from increased transparency and a more familiar shopping experience. The transparency results from allowing sellers to present both the airline's mandatory charges and government-imposed taxes and fees more conspicuously, giving consumers a clear picture of how much of the ticket price reflects airfare versus mandatory government levies. Furthermore, allowing firms to present its mandatory charges and government charges more prominently may help to avoid consumer confusion…While the risk of misperception cannot be eliminated, the proposed rule would improve consumer comprehension of airfare and the perception of fairness relative to the status quo."

Actual consumer representatives wholly reject these estimated "benefits" for passengers. DOT has not identified a single consumer requesting these changes. Tellingly, the Department has only identified airline lobbyists as advocates for the proposed changes.

DOT's proposal to allow components of a total to be displayed as prominently as the total cost itself will not create a more familiar shopping experience since the familiar shopping experience for 15 years has been for consumers to assess one clearly identifiable price. Additionally, reshaping the regulatory framework in the manner the Department has proposed will only increase public confusion regarding airfares, not increase transparency.

"[G]iving consumers a clear picture of how much of the ticket price reflects airfare versus mandatory government levies" is not a valid public benefit since consumers are not currently precluded from easily learning this information if they so choose. Additionally, consumers do not need to know this information to make an informed purchasing decision. The average consumer is not concerned about how much of the full fare comes from government levies just as the average consumer does not care to know how much of the total is attributable to the carrier's labor budget or aircraft supply costs.

The Department offers no supporting evidence for the claim that "allowing firms to present its mandatory charges and government charges more prominently may help to avoid consumer confusion." Consumer advocates strongly disagree with this supposition and largely oppose this proceeding because DOT's proposal will only increase consumer confusion.

That "the proposed rule would improve consumer comprehension of airfare and the perception of fairness relative to the status quo" is insufficient to justify significant economic harm to the American public. Consumers' comprehension of airfare is best improved when they are able to clearly identify a single total of all mandatory charges. That is the comprehension that is paramount in a free marketplace system. It is unclear what "perception of fairness" the Department is referencing and DOT does not explain how the current requirement to present the public with full fares might create a perception of unfairness.

Addressing the proposed full repeal of the Rule, the RIA states the "primary benefits [from repealing the Rule] for firms would stem from the reduction in regulatory friction and the expansion of marketing freedom. The [Rule] and 26 U.S.C. § 7275 have slightly different requirements, creating overlapping mandates. Repealing the [Rule] would eliminate the costs associated with these misaligned requirements, streamlining compliance efforts."[64] However, there are no misalignments between the Rule and the Internal Revenue Code. By construction, compliance with the Rule automatically ensures carriers are in compliance with 26 U.S.C. § 7275. In fact, following DOT's codification of the 2011 Updates to allow carriers to separately state government taxes and fees in addition to the full fare, Congress swiftly passed a law to amend 26 U.S.C. § 7275 to make certain no friction would arise.[65]

Alarmingly, the 2026 Analysis estimates as a benefit from repealing the Rule that "[f]irms might be able to withhold firm-imposed or government imposed charges from their initial advertisements…that is, some re-emergence of drip pricing could occur."[66] It is shocking that DOT would list drip pricing as a benefit of its proposal. Drip pricing in air travel has been an illegal, unfair, and deceptive practice under what is now 49 U.S.C. § 41712 since 1975.[67] Indeed, the RIA itself states the Department has an "obligation to prevent unfair and deceptive practices,

[64] Enhancing Flexibility of Air Fare Price Advertising - Regulatory Impact Analysis - RIN 2105-AF37, U.S. Department of Transportation, page 8 (Jul. 24, 2026). https://www.regulations.gov/document/DOT-OST-2025-0831-0046

[65] FAA Modernization and Reform Act of 2012, § 1104. https://www.govinfo.gov/content/pkg/STATUTE-126/pdf/STATUTE-126-Pg11.pdf#page=141

[66] Enhancing Flexibility of Air Fare Price Advertising - Regulatory Impact Analysis - RIN 2105-AF37, U.S. Department of Transportation, page 8 (Jul. 24, 2026). https://www.regulations.gov/document/DOT-OST-2025-0831-0046

[67] "Deceptive Practices in Advertising Group Inclusive Tours," 14 C.F.R. Part 399.84, PS-62, 40 FR 4906-4907 (Feb. 3, 1975). https://www.govinfo.gov/content/pkg/FR-1975-02-03/pdf/FR-1975-02-03.pdf#page=22

such as drip pricing."[68] And, as the NPRM highlights, bipartisan supermajorities in the House of Representatives[69] and the Senate[70] voted overwhelmingly to explicitly codify a prohibition on drip pricing of airfares via the Airport and Airway Developement Act of 1970.[71] Estimating the resurgence of unlawful conduct as a benefit of DOT's proposal is not reasoned decision-making nor is it in the public interest.

C. DOT's Estimated Costs Are Significant and Terminative for the Proceeding

DOT's own 2026 Analysis outlines over several pages the potential harms to consumers should the Department proceed with its NPRM, and that is without consideration of the critical factors highlighted above in Section IV.A. Indeed, the only academic material the RIA cites demonstrates the harms of drip pricing and reinforces the need to retain and enforce the Rule without change.[72]

The Department predicts that if it repeals the Rule entirely, "[a]irlines may choose to exploit [regulatory] uncertainty by testing fare advertisement strategies that were previously considered inappropriate under the [Rule]." Not only would these anticipated advertisement strategies be inappropriate under the Rule, they would surely be illegal under 26 U.S.C. § 7275 (and therefore unlawful under longstanding administrative interpretation of DOT's unfairness authority).[73] The RIA continues by stating the significant harms to consumers from drip pricing, which public interest advocates concur with and urge DOT to continue to prohibit.

The 2026 Analysis concludes that should the Department fail to enforce full fare requirements, "net benefits would likely be negative."[74] Yet that appears to be the course DOT has charted, especially in light of its proposed enforcement guidance announcing the Department's intention

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[68] Enhancing Flexibility of Air Fare Price Advertising - Regulatory Impact Analysis - RIN 2105-AF37, U.S. Department of Transportation, page 4 (Jul. 24, 2026).
https://www.regulations.gov/document/DOT-OST-2025-0831-0046

[69] 115 Cong. Rec. 33312 (Nov. 6, 1969).
https://www.congress.gov/91/crecb/1969/11/06/GPO-CRECB-1969-pt25-1-1.pdf#page=58

[70] 116 Cong. Rec. 5082-5083 (Feb. 26, 1970).
https://www.congress.gov/91/crecb/1970/02/26/GPO-CRECB-1970-pt4-5-1.pdf#page=125

[71] Airport and Airway Development Act of 1970, H.R.14465, 91st Congress.
https://www.congress.gov/bill/91st-congress/house-bill/14465/text

[72] Enhancing Flexibility of Air Fare Price Advertising - Regulatory Impact Analysis - RIN 2105-AF37, U.S. Department of Transportation, footnotes 2, 3, 4, 5, 6, 7, 8, and 9 (Jul. 24, 2026).
https://www.regulations.gov/document/DOT-OST-2025-0831-0046

[73] *World Airways*, 84 C.A.B. 699, Order 79-12-184, Dockets 35268, 35274 (C.A.B. Dec. 27, 1979) ("Since section 411 of the Act is patterned after section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, Judge Hartsock correctly relied upon judicial precedents supporting the proposition that an 'unfair practice' -- as that term is used in both statutes -- can describe conduct that violates public policy, even if the particular practice is not itself otherwise proscribed by either statute [citations omitted].")

[74] Enhancing Flexibility of Air Fare Price Advertising - Regulatory Impact Analysis - RIN 2105-AF37, U.S. Department of Transportation, page 9 (Jul. 24, 2026).
https://www.regulations.gov/document/DOT-OST-2025-0831-0046

to avoid penalizing lawbreakers.[75] History has also shown that without the Rule, carriers do indeed engage in drip pricing.[76] There is little mystery as to how advertisers will deceive the public without robust DOT enforcement of consumer protection law. Inflicting tangible costs on Americans to conform with speculative and unjustified theories regarding judicial jurisprudence and legislative intent is not reasoned decision-making.

V. Abdication of DOT's Role in Price Advertising Would Harm the Flying Public

A. Congress Structured DOT As the Primary Regulator of Aviation Consumer Protection

The IRS is not equipped to replace the Department's role in aviation consumer protection. This is because Congress intentionally designated DOT's OACP to execute this work and not the IRS.

The IRS does not have the expert team of public servants found at OACP nor does it have the institutional knowledge or enforcement experience that OACP has. Congress established the Aviation Consumer Advocate at DOT, not at the IRS.[77] Congress authorized an Assistant Secretary for Aviation Consumer Protection at DOT, not the Treasury Department.[78] Congress granted extensive airline reporting and investigative authorities to DOT, not the IRS.[79] After airline complaints reached staggering levels, Congress tripled DOT's statutory penalty amounts, not the IRS's.[80] The legislature augmented OACP's enforcement capabilities *because* it enforces consumer protection measures like the Full Fare Advertising Rule, not *despite* this enforcement history.

There may be consequences specific to the application of criminal tax law for airline misconduct. Should the Department seek to hold carriers accountable for deceptive advertising practices, seeking criminal penalties in addition to DOT's civil enforcement mechanisms may result in a

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[75] Notice of Proposed Guidance, "Notice Regarding Investigatory and Enforcement Policies and Procedures of the Office of Aviation Consumer Protection," U.S. Department of Transportation (Jan. 6, 2026). https://www.federalregister.gov/documents/2026/01/06/2025-24282/notice-regarding-investigatory-and-enforcement-policies-and-procedures-of-the-office-of-aviation

[76] Notice of Proposed Rulemaking, "Public Charters and Statements of General Policy," Civil Aeronautics Board, Docket 41184, 48 FR 50901 (docket dated Oct. 14, 1983, published in the Federal Register Nov. 4, 1983). https://www.govinfo.gov/content/pkg/FR-1983-11-04/pdf/FR-1983-11-04.pdf#page=35; *World Airways*, 84 C.A.B. 699, Order 79-12-184, Dockets 35268, 35274 (C.A.B. Dec. 27, 1979); *United v. Pacific East Air*, 99 C.A.B. 586, Order 82-12-119, Docket 40991 (C.A.B. Dec. 27, 1982)

[77] FAA Reauthorization Act of 2018, § 424(c). https://www.congress.gov/115/plaws/publ254/PLAW-115publ254.pdf#page=153

[78] FAA Reauthorization Act of 2024, § 501. https://www.congress.gov/118/plaws/publ63/PLAW-118publ63.pdf#page=162

[79] 49 U.S.C. §§ 41708. Reports and 41709. Records of air carriers. https://www.govinfo.gov/content/pkg/USCODE-2024-title49/pdf/USCODE-2024-title49-subtitleVII-partA-subpartii-chap417-subchapI-sec41708.pdf

[80] FAA Reauthorization Act of 2024, § 507. https://www.congress.gov/118/plaws/publ63/PLAW-118publ63.pdf#page=169

greater deterrent effect compared to the application of civil penalties alone. For example, a violative airline's reputation as a criminal lawbreaker may reduce its standing with the federal government in different administrative, judicial, and legislative proceedings, producing an outcome distinct from what is available to the Department under 49 U.S.C. § 46301. Consumer advocates would certainly support multi-agency enforcement to protect the public. However, that does not appear to be what DOT is proposing.

The Department should not wholly abdicate its statutory mandates in favor of sole IRS enforcement, as the NPRM contemplates. Comparing only the statutory fines per violation of 26 U.S.C. § 7275 and 49 U.S.C. § 41712—$100[81] versus $75,000,[82] respectively—highlights the significant leniency DOT is considering for lawbreakers that harm the American public. The Department has already signaled that it does not seek to hold carriers formally accountable when they violate the law.[83] Furthermore, DOT has waived several existing penalties levied against carriers that subjected millions of Americans to harm.[84] Although carriers would remain subject to 26 U.S.C. § 7275 on paper if the Department revokes its Full Fare Advertising Rule, it is doubtful that airlines would sense a credible threat of enforcement given DOT's signaling of disenforcement of the law, nor would a $100 penalty likely provide the deterrent effect required to effectively protect American travelers.

B. 26 U.S.C. § 7275 Is Inadequate As It Does Not Cover All Government Taxes and Fees

The Full Fare Advertising Rule requires advertised prices to include "the entire price to be paid by the customer." 26 U.S.C. § 7275 is not an adequate substitute for this protection as it does not require the inclusion of all taxes in the advertised fare. The Internal Revenue Code only requires

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[81] 26 U.S.C. § 7275(d). https://www.govinfo.gov/content/pkg/USCODE-2024-title26/pdf/USCODE-2024-title26-subtitleF-chap75-subchapB-sec7275.pdf

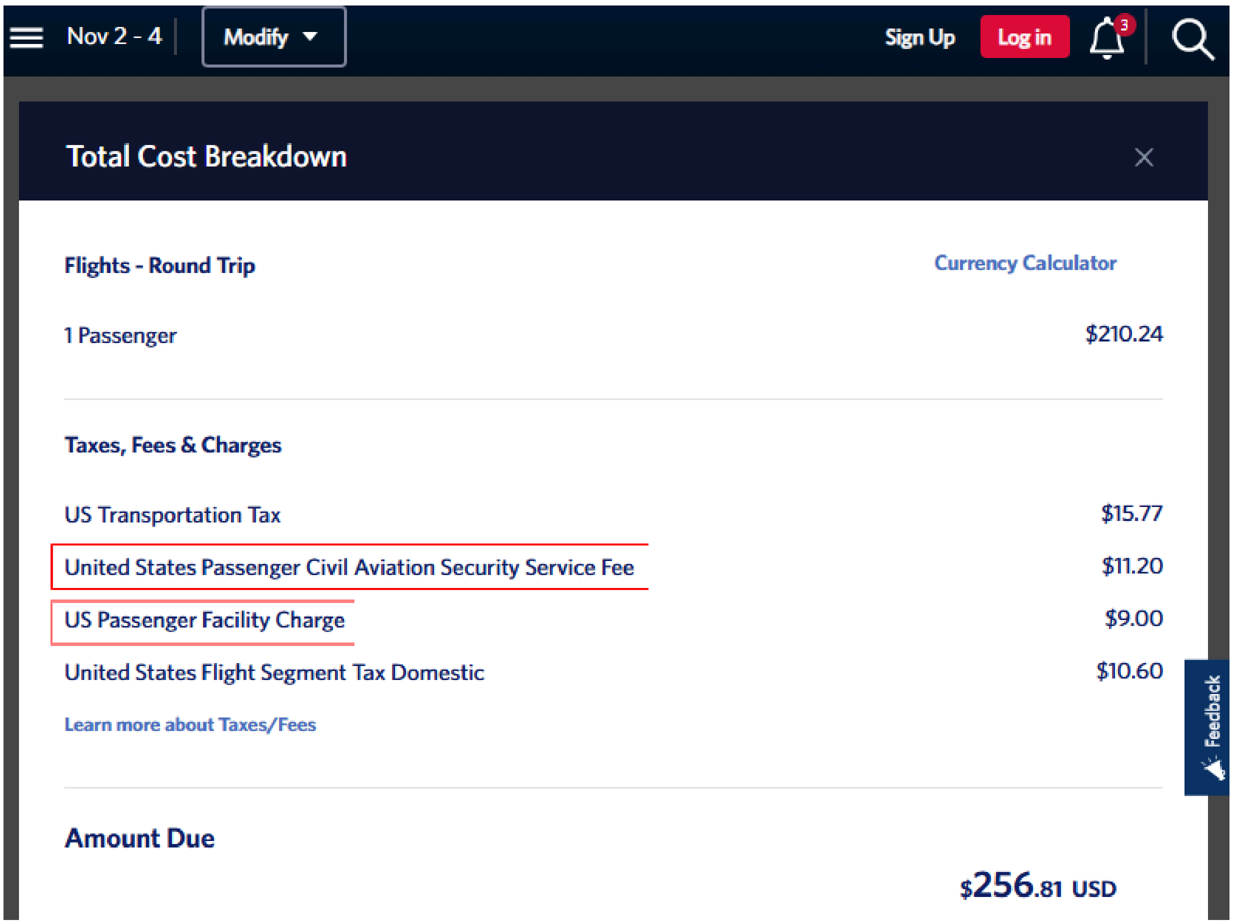
[82] 49 U.S.C. § 46301. Civil penalties. https://www.govinfo.gov/content/pkg/USCODE-2024-title49/pdf/USCODE-2024-title49-subtitleVII-partA-subpartiv-chap463-sec46301.pdf

[83] "OACP's enforcement program focuses on ensuring compliance with Departmental requirements rather than penalizing entities for violations." *from* Notice of Proposed Guidance, "Notice Regarding Investigatory and Enforcement Policies of the Office of Aviation Consumer Protection," U.S. Department of Transportation (Jan. 6, 2026). https://www.federalregister.gov/documents/2026/01/06/2025-24282/notice-regarding-investigatory-and-enforcement-policies-and-procedures-of-the-office-of-aviation

[84] "Southwest Airlines - Order 2025-12-4," U.S. Department of Transportation (Dec. 4, 2025). https://www.transportation.gov/resources/individuals/aviation-consumer-protection/southwest-airlines-order-2025-12-4; "American Airlines - Order 2025-12-5," U.S. Department of Transportation (Dec. 5, 2025). https://www.transportation.gov/airconsumer/american-airlines-order-2025-12-5; "Frontier Airlines Order 2026-4-11," U.S. Department of Transportation (Apr. 11, 2026). https://www.transportation.gov/resources/individuals/aviation-consumer-protection/frontier-airlines-order-2026-4-11

that advertisements “shall…state such cost as the total of (A) the amount to be paid for such transportation, and (B) the taxes imposed by sections 4261(a), (b), and (c)…”[85]

26 U.S.C. §§ 4261(a), (b), and (c) only cover the federal excise tax, the domestic segment tax, and the international departure and arrival taxes. DOT’s proposed reliance on 26 U.S.C. § 7275 would exclude passenger facility charges, passenger civil aviation security service fees, animal and plant health inspection service fees, immigration inspection fees, customs inspection fees, and charges imposed by foreign authorities from full fare advertising requirements.[86]



Consider the above fare offered by a major carrier for a non-stop roundtrip flight from Detroit to Atlanta totaling $256.81, including $46.57 in non-carrier taxes and fees (with highlighting of certain charges added). Should DOT rescind the Full Fare Advertising Rule in favor of reliance

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[85] 26 U.S.C. § 7275(b). https://www.govinfo.gov/content/pkg/USCODE-2024-title26/pdf/USCODE-2024-title26-subtitleF-chap75-subchapB-sec7275.pdf

[86] *See* “Taxes & Carrier-Imposed Fees,” Delta Air Lines (accessed Aug. 4, 2026). https://www.delta.com/us/en/booking-information/fare-classes-and-tickets/taxes-and-fees; “U.S. Government-Imposed Taxes on Air Transportation,” Airlines for America (Jan. 1, 2026). https://www.airlines.org/dataset/government-imposed-taxes-on-air-transportation/

on 26 U.S.C. § 7275, $20.20 in passenger facility charges and passenger civil aviation security service fees would be excluded from full fare requirements for this itinerary. That is, the airline could advertise the route as $236.61, yet hit consumers with a bill for $256.81—an 8.5% jump in price. Retaining the Rule without change is necessary to avoid such deception.

Fares, taxes and fees

$832.23

$832.23

Fare	$13.00
Passenger Civil Aviation Security Service Fee	$5.60
Transportation Tax International Departure Including Ak And Hi	$23.40
Transportation Tax International Arrival	$23.40
Aphis Passenger Fee Passengers	$3.84
Immigration User Fee	$7.00
Customs User Fee	$7.39
Air Passenger Duty (Apd)	$137.60
Passenger Service Charge Departures	$68.50
Passenger Facility Charge	$4.50
Carrier Imposed Charge	$538.00

The harm to consumers can be even greater for international flights. The ticket above is offered by a major international carrier for a non-stop roundtrip flight (November 2, 2026-November 4, 2026) from New York City (JFK) to London (LHR) with a total cost of $832.23, including $281.23 from non-carrier taxes and fees (with highlighting of certain charges added). 26 U.S.C. § 7275 would miss $234.43 in passenger civil aviation security service fees, animal and plant health inspection service fees, immigration user fees, customs user fees, foreign air passenger duties, foreign passenger service charges, and U.S. airport passenger facility charges in this fare. That is, the airline could advertise the route for $597.80, but charge passengers $832.23—a staggering increase of 39%. 14 C.F.R. § 399.84 as codified prevents such distortions to the marketplace.

VI. Airlines Have Successfully Advocated That Violations of 26 U.S.C. § 7275 Are Violations of 49 U.S.C. § 41712

Administrative law judges, at the request of airlines themselves, have established that violations of the Internal Revenue Code requirement for full fare advertising amount to violations of DOT's prohibition on unfair and deceptive practices. These rulings were enforced even before the Full Fare Advertising Rule existed.

In 1979, the full Civil Aeronautics Board, after being petitioned to review an administrative law judge's decision, upheld the determination that World Airways's noncompliance with 26 U.S.C. § 7275 "constitut[ed] thereby an unfair practice within the meaning of section 411 of the [Federal Aviation] Act, as a matter of law."[87] Today, Section 411's prohibition on unfair and deceptive practices in air travel is enforced by DOT via 49 U.S.C. § 41712. The 1979 proceeding was initiated in part due to a complaint by Trans World Airlines against World Airways' unlawful price advertising.[88] The judge issued the original decision five years before the Full Fare Advertising Rule was finalized.[89]

Three years later, in 1982, United Air Lines brought a similar complaint and argued that Pacific East Air violated what is today 49 U.S.C. § 41712 by distributing price advertisements that did not comply with 26 U.S.C. § 7275.[90] An administrative law judge concluded that Pacific East Air's violative conduct indeed exposed the carrier to penalties under what is today 49 U.S.C. § 41712.[91]

The Department has not addressed these reasoned and longstanding rulings. If DOT seeks to disprove this record, the Department must contend—with compelling evidence—why it may believe that competing airlines, the regulator, and administrative law judges were all repeatedly wrong.

VII. DOT's Judicial Concerns Are Speculative and Unsubstantiated

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[87] *World Airways*, 84 C.A.B. 699, Order 79-12-184, Dockets 35268, 35274 (C.A.B. Dec. 27, 1979)
[88] *Id.* footnote 3
[89] *Id.* The original decision is dated September 12, 1979. The CAB affirmed the administrative law judge's ruling on December 27, 1979.
[90] *United v. Pacific East Air*, 99 C.A.B. 586, Order 82-12-119, Docket 40991 (C.A.B. Dec. 27, 1982)
[91] *Id.*

A. The First Amendment Does Not Permit Airlines to Deceive and Injure Americans

The Department asserts that "since the D.C. Circuit rendered the *Spirit* decision, the United States Supreme Court has consistently reviewed commercial speech restrictions more stringently." DOT's citation for this claim is a law journal article written on February 4, 2014.[92] The U.S. Supreme Court declined to hear airlines' First Amendment arguments in *Spirit v. DOT* on April 1, 2013.[93] It is implausible that the Supreme Court radically changed its approach to commercial speech restrictions in the 10 months between the denial of airlines' petition for a writ of certiorari and the law journal's publication.

Furthermore, the Georgetown Law Journal citation reinforces the continued validity of the Full Fare Advertising Rule. The article states "[t]he doctrinal status of 'false and misleading' commercial speech is clear: it is not entitled to First Amendment protection."[94] The Rule directly targets false and misleading advertisements, like the deceptive marketing of airfares that do not display the actual cost to consumers. Berman affirms that "a careful reading of the Court's decisions suggests that it has been, and remains, far more willing to uphold regulations on commercial speech where the governmental purpose is not to keep information from consumers, but rather to protect the fairness of the commercial transaction by preventing consumers from being misled or manipulated."[95]

DOT continues by citing the 2018 decision in *National Institute of Family & Life Advocates v. Becerra* ("*NIFLA*")[96] and stating that "[t]he Supreme Court has also made clear that applying legal standards expansively to uphold laws imposing restrictions on the size and appearance of speech is inconsistent with its governing precedent." However, *NIFLA* is inapplicable to DOT's Full Fare Advertising Rule.

The compelled speech in *NIFLA* does not compare to DOT's disclosure regime under the Full Fare Advertising Rule. *NIFLA* dealt with a California law that required crisis pregnancy centers—religiously-motivated nonprofits—to place notices at centers that, among other things, forced the religious nonprofits to advertise abortion services provided by the state. The Court thus rejected the argument by California that *Zauderer v. Office of Disciplinary Counsel of*

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[92] Berman, "Manipulative Marketing and the First Amendment," Georgetown Law Journal (written Feb. 4, 2014, last revised Mar. 20, 2015). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2294107#
[93] Docket for No. 12-656, *Spirit v. DOT* (Apr. 1, 2013). https://www.supremecourt.gov/docketfiles/12-656.htm
[94] Berman, "Manipulative Marketing and the First Amendment," Georgetown Law Journal, page 523 (written Feb. 4, 2014, last revised Mar. 20, 2015). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2294107#
[95] *Id*. page 500
[96] *Nat'l Inst. of Family & Life Advocates v. Becerra*, 585 U.S. 755 (Jun. 26, 2018). https://www.supremecourt.gov/opinions/17pdf/16-1140_5368.pdf

Supreme Court of Ohio, the controlling precedent on when the government may require the disclosure of "factual, noncontroversial information" in commercial speech, applied.[97]

The Supreme Court recognized that unlike the law at issue in *Zauderer* concerning disclosures in advertisements for legal services, the notices California required were not limited to "purely factual and noncontroversial information." The notices forced centers to notify consumers of state-funded alternatives, including contraception and abortion services the centers were religiously opposed to. Thus, *Zauderer* did not apply in *NIFLA*, and a higher level of scrutiny applied to, and ultimately invalidated, California's notice regime.

DOT nowhere identifies similarities between its disclosures and the challenged law in *NIFLA*. Airlines are not religiously obligated to deceive consumers. And the Full Fare Advertising Rule does not force carriers to disclose the existence of state-funded alternatives, like Amtrak passenger rail service. In fact, the Rule does not require government-dictated script at all.

Indeed, not once in the NPRM does DOT mention *Zauderer* or explain why it now believes *NIFLA*, which was decided eight years ago, compels it to change course. Under *Zauderer*, compelled disclosures survive First Amendment scrutiny where they present factual and noncontroversial information, in a way that is not unduly burdensome to the speaker, and with the goal of preventing consumer confusion or deception. The total price of airfare is factual and noncontroversial information. The requirement that the total price be prominent—while permitting the display of components and other messages by airlines anywhere around the total price—is not so extensive as to be unduly burdensome. And the disclosure is undoubtedly related to DOT's statutory mandate to prevent consumer deception and injury in air travel.

The Department does not explain why it believes the Full Fare Advertising Rule runs afoul of the First Amendment and the *Zauderer* test, or why the *Spirit* court got this exact analysis wrong. DOT also does not explain why it believes the Rule's prominence requirements may violate the First Amendment, but the Internal Revenue Code's prominence requirements do not.

B. All-In Pricing Requirements Would Survive Judicial Review Even Without Deference to Agencies

DOT's NPRM hypothesizes that "if *Spirit* were litigated today, the limits on deference afforded by the court to the agency's interpretation of its regulation could lead to a different decision." The Department's legal reasoning is scant and the NPRM's citation to *Loper Bright Enterprises v. Raimondo* is not relevant.

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[97] *Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio*, 471 U.S. 626-651 (May 28, 1985). https://www.supremecourt.gov/pdfs/USReports/USREPORTS-471_PDFA.pdf#page=704

As the Department concedes in that very section, the deference at issue here is actually *Auer* deference,[98] as clarified in *Kisor v. Wilkie*[99]—not *Chevron* deference for statutory interpretation. *Loper Bright* did away with *Chevron* deference to agency interpretations of their substantive statutes, calling on courts to independently determine the "best reading" of statutory language when deciding if agencies have the authority claimed.[100] *Auer* deference, by contrast, revolves around deference to agency interpretations of their own regulations—not the underlying statutes they implement—and *Auer* was not at issue in nor abrogated by *Loper Bright*.[101] The 2011 Updates did not change or expand the key language of the original rule, nor did they alter the Department's view of its statutory authority. The 2011 Amendments merely clarified that the Department's interpretation of the 1984 regulation would more closely adhere to the original text by providing that the total price of airfare must be displayed to consumers.

That non-existent litigation "could" produce a different outcome is certainly speculative and non-reasoned decisionmaking. Since *Loper Bright*, the federal government has continued to enforce policies prohibiting misleading representations regarding cost and requiring all-in pricing pursuant to general deception authority.[102] DOT nowhere explains why *Loper Bright* forces its hand here but leaves the administration free to pursue the same consumer protection measures of all-in pricing and prominence requirements for other industries.

VIII. Congress Has Long Been Aware of DOT's Full Fare Regulation and Has Only Increased Support for Its Administration

The Department proposes that Congress may not have intended for DOT to regulate the deceptive advertising of airfares and instead may have preferred the IRS to be the sole regulator

[98] *Auer v. Robbins*, 519 U.S. 452 (Feb. 19, 1997). https://www.supremecourt.gov/opinions/boundvolumes/519bv.pdf#page=622

[99] *Kisor v. Wilkie*, 588 U.S. 558 (Jun. 26, 2019). https://www.supremecourt.gov/opinions/18pdf/18-15_9p6b.pdf

[100] *Loper Bright Enterprises v. Raimondo*, 603 U.S. ____ (Jun. 28, 2024). https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf

[101] *See*, *Pub. Safety Spectrum All. v. FCC,* 2026 WL 2093901 (D.C. Cir. July 21, 2026) (recognizing that *Loper Bright* requires de novo review of statutes but *Kisor* and *Auer* still entitle agencies to deference for interpretations of their own regulations). https://media.cadc.uscourts.gov/opinions/docs/2026/07/24-1363-2184211.pdf

[102] "StubHub Refunding $10 Million in Fees to Consumers After Deceptive Ticket Pricing," Federal Trade Commission (Apr. 9, 2026). https://www.ftc.gov/news-events/news/press-releases/2026/04/stubhub-refunding-10-million-fees-consumers-after-deceptive-ticket-pricing; "Instacart to Pay $60 Million in Consumer Refunds to Settle FTC Lawsuit Over Allegations it Engaged in Deceptive Tactics," Federal Trade Commission (Dec. 18, 2025). https://www.ftc.gov/news-events/news/press-releases/2025/12/instacart-pay-60-million-consumer-refunds-settle-ftc-lawsuit-over-allegations-it-engaged-deceptive; "FTC Sues Live Nation and Ticketmaster for Engaging in Illegal Ticket Resale Tactics and Deceiving Artists and Consumers about Price and Ticket Limits," Federal Trade Commission (Sep. 18, 2025). https://www.ftc.gov/news-events/news/press-releases/2025/09/ftc-sues-live-nation-ticketmaster-engaging-illegal-ticket-resale-tactics-deceiving-artists-consumers; "FTC, Illinois Attorney General Take Action Against Grubhub for Harming Diners, Workers, and Small Businesses," Federal Trade Commission (Dec. 17, 2024). https://www.ftc.gov/news-events/news/press-releases/2024/12/ftc-illinois-attorney-general-take-action-against-grubhub-harming-diners-workers-small-businesses

of such practices. The clear and unambiguous answer is that this is an incorrect assumption, particularly since Congress has never passed legislation to this effect. Conversely, the legislature's most significant actions related to DOT's consumer protection enforcement practices, particularly since the 2011 Updates to the Full Fare Advertising Rule, have been to strengthen DOT's administration of the regulation.

The Department's speculation relies on two assumptions. First, that Congress never intended for DOT to regulate the advertising of airfares via 49 U.S.C. § 41712. Second, that Congress must be unaware of DOT's 42-year-old regulation, or else the body would have corrected its alleged mistake. Both of these contentions fail upon inspection of the legislative record.

A. Congress Granted DOT 49 U.S.C. § 41712 Knowing the Statute Would Authorize Full Fare Regulations

Congress explicitly directed the Department (and its predecessor, the Civil Aeronautics Board) to combat unfair and deceptive practices.[103] This statute was modeled on the Federal Trade Commission's authority found in Section 5 of the FTC Act to protect Americans from unfair and deceptive acts and practices.[104] For decades before the establishment of DOT and its 49 U.S.C. § 41712 authority, the FTC used its Section 5 mandate to regulate the advertising of prices.[105] And the CAB itself first regulated deceptive price advertising and required full fare advertising in 1975, specifically for group inclusive tours.[106] The Board then issued its NPRM to expand that prohibition on misleading price advertising to apply industry-wide in 1983, relying on its authority to combat unfair and deceptive practices.[107] The CAB had also used this specific authority at least twice (once in 1979[108] and once in 1982[109]) to take enforcement action against carriers that distributed price advertising materials that did not lawfully display full fares.

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[103] 49 U.S.C. § 41712, previously enforced by the CAB via § 411 of the Federal Aviation Act of 1958. https://www.govinfo.gov/content/pkg/USCODE-2024-title49/pdf/USCODE-2024-title49-subtitleVII-partA-subpartii-chap417-subchapI-sec41712.pdf

[104] 15 U.S.C. § 45. Unfair methods of competition unlawful; prevention by Commission. https://www.govinfo.gov/content/pkg/USCODE-2024-title15/pdf/USCODE-2024-title15-chap2-subchapI-sec45.pdf

[105] *See* 16 C.F.R. § 233—Guides Against Deceptive Pricing (Nov. 8, 1967). https://www.ecfr.gov/current/title-16/chapter-I/subchapter-B/part-233; 16 C.F.R. § 238—Guides Against Bait Advertising (Nov. 8, 1967). https://www.ecfr.gov/current/title-16/chapter-I/subchapter-B/part-238 ; 16 C.F.R. § 251—Guide Concerning Use of the Word "Free" And Similar Representations (Nov. 10, 1971). https://www.ecfr.gov/current/title-16/chapter-I/subchapter-B/part-251

[106] "Deceptive Practices in Advertising Group Inclusive Tours," 14 C.F.R. Part 399.84, PS-62, 40 FR 4906-4907 (Feb. 3, 1975). https://www.govinfo.gov/content/pkg/FR-1975-02-03/pdf/FR-1975-02-03.pdf#page=22

[107] Notice of Proposed Rulemaking, "Public Charters and Statements of General Policy," Civil Aeronautics Board, Docket 41184, 48 FR 50900 (docket dated Oct. 14, 1983, published in the Federal Register Nov. 4, 1983). https://www.govinfo.gov/content/pkg/FR-1983-11-04/pdf/FR-1983-11-04.pdf#page=34

[108] *World Airways*, 84 C.A.B. 699, Order 79-12-184, Dockets 35268, 35274 (Dec. 27, 1979)

[109] *United v. Pacific East Air*, 99 C.A.B. 586, Order 82-12-119, Docket 40991 (Dec. 27, 1982)

Congress observed each of these applications of unfair and deceptive practices authority to regulate price advertising—including the inception of the Full Fare Advertising Rule pursuant to such authority—and in 1984 still chose to grant DOT the same mandate to combat unfair and deceptive practices that the Board was already enforcing against misleading price displays.[110] Congress, knowing that the new DOT would take over the administration of the then in-process expansion of 14 C.F.R. § 399.84, did not modify or otherwise prohibit the Department's ability to do so. In fact, Congress's only related actions have had the opposite effect, to better ease administration of the Rule. For example, after DOT updated its Full Fare Advertising Rule in 2011, the legislature promptly amended the tax law found at 26 U.S.C. § 7275 to ensure it would not interfere with the Department's regulation.[111]

When Congress intends for an agency to execute a law except for a specific area which it prefers another agency to act instead, it makes such intentions clear.[112] The legislature did no such thing with respect to DOT's ability to regulate price advertising. When Congress disapproves of an agency's exercise of statutory authority, it does not remain silent. The legislature frequently utilizes its many tools to end such exercises. Congress may pass a disapproval resolution under the Congressional Review Act,[113] attach policy riders to measures that authorize[114] or fund[115] agencies, or include language to terminate a program within legislation to increase the debt limit,[116] to highlight examples from the past three years. The legislature has unambiguously done

[110] "[The Civil Aeronautics Board Sunset Act of 1984 transfers] the section 411 authority to prevent unfair or deceptive practices and the 404(a) authority to assure 'safe and adequate service' to DOT. This is the core of the so-called 'consumer' authority which the A[irline] D[eregulation] A[ct of 1978] does not address." *from* S. Rep No. 98-565, page 3 (Jul. 25, 1984). https://www.govinfo.gov/content/pkg/SERIALSET-13561_00_00-043-0565-0000/pdf/SERIALSET-13561_00_00-043-0565-0000.pdf; Civil Aeronautics Board Sunset Act of 1984, § 3(e). https://www.congress.gov/98/statute/STATUTE-98/STATUTE-98-Pg1703.pdf

[111] FAA Modernization and Reform Act of 2012, § 1104. https://www.govinfo.gov/content/pkg/STATUTE-126/pdf/STATUTE-126-Pg11.pdf#page=141

[112] *Ex.* 15 U.S.C. § 1454(a) prohibiting the FTC from promulgating regulations for the Fair Packing and Labeling Act regarding certain consumer commodities that fall under the jurisdiction of the Department of Health and Human Services. https://www.govinfo.gov/content/pkg/USCODE-2024-title15/pdf/USCODE-2024-title15-chap39-sec1454.pdf; 15 U.S.C. § 45(a)(2) exempting air carriers from FTC jurisdiction over unfair and deceptive acts and practices as they are instead to be regulated by DOT. https://www.govinfo.gov/content/pkg/USCODE-2024-title15/pdf/USCODE-2024-title15-chap2-subchapI-sec45.pdf

[113] *Ex.* Pub. L. No. 119-10 Disapproving the rule submitted by the Bureau of Consumer Financial Protection relating to "Overdraft Lending: Very Large Financial Institutions." (May 9, 2025). https://www.congress.gov/119/plaws/publ10/PLAW-119publ10.pdf

[114] *Ex.* FAA Reauthorization Act of 2024, § 506 which states the "Secretary [of Transportation] may not establish or maintain more than 4 different customer service dashboards at any given time" after Transportation Secretary Buttigieg began the practice. https://www.congress.gov/118/plaws/publ63/PLAW-118publ63.pdf

[115] *Ex.* H.R.5166, 119th Cong., § 513 (Sep. 5, 2025) which sought to enact the following provision into law via fiscal year 2026 appropriations for the FTC: "None of the funds made available by this Act may be used to implement, administer, or enforce any rule defining or describing unfair methods of competition for purposes of the Federal Trade Commission Act (15 U.S.C. 41 et seq.)." https://www.congress.gov/119/bills/hr5166/BILLS-119hr5166rh.pdf

[116] *Ex.* Fiscal Responsibility Act of 2023, Div. B, Title IV, § 271 Termination of Suspension of Payments on Federal Student Loans; Resumption of Accrual of Interest and Collections. https://www.congress.gov/118/plaws/publ5/PLAW-118publ5.pdf

none of these things with respect to the Full Fare Advertising Rule. DOT suggests Congressional discontent without citing the necessary evidence for such a claim.

It is also not unusual for Congress to grant multiple agencies overlapping statutory authorities.[117] Such overlap does not negate one agency's authority for another, unless expressly written to that effect or unless the statutes are irreconcilable. Neither factors apply with respect to 26 U.S.C. § 7275 and DOT's Rule pursuant to 49 U.S.C. § 41712. The Internal Revenue Code states that the advertising must "state such total at least as prominently" as the display of any comprising fees and taxes. 14 C.F.R. § 399.84 does not conflict with this requirement and instead furthers Congress's consistently reiterated intent to root out harmful practices in air travel—first via the Federal Aviation Act of 1958, followed by the IRS provision in the Airport and Airway Development Act of 1970, and then the creation of what is now 49 U.S.C. § 41712 with the Civil Aeronautics Board Sunset Act of 1984.

B. Congress Has Long Been Aware of DOT's Full Fare Advertising Rule

Congress is indisputably aware of DOT's exercise of its unfair and deceptive authority in promulgating, maintaining, and enforcing the Full Fare Advertising Rule. It is impossible that the thousands of individuals who served in Congress since 1984 were all unaware of the Full Fare Advertising Rule. Indeed, multiple official documents from just the past two decades confirm legislative understanding of the Department's authority and its Rule.

For example, DOT formally notified the legislature on November 17, 2011, of its updates to the Rule as required under the Congressional Review Act.[118] After the Department formally notified Congress of the updated Full Fare Advertising Rule, not a single legislator attempted to overturn the consumer protection via the Congressional Review Act's disapproval mechanism.[119] Certainly such a disapproval resolution would have at least been attempted if DOT had

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[117] For example, DOT has authority to enforce "safe and adequate" interstate air transportation at 49 U.S.C. § 41702 (https://www.govinfo.gov/content/pkg/USCODE-2024-title49/pdf/USCODE-2024-title49-subtitleVII-partA-subparti-chap417-subchapI-sec41702.pdf) while the Federal Aviation Administration also enjoys authority over aviation safety at 49 U.S.C. § 44701 (https://www.govinfo.gov/content/pkg/USCODE-2024-title49/pdf/USCODE-2024-title49-subtitleVII-partA-subpartiii-chap447-sec44701.pdf) and many other code sections. Additionally, the U.S. Department of Justice and the FTC both enforce general antitrust laws. *See*, "Antitrust: DOJ and FTC Jurisdictions Overlap, but Conflicts are Infrequent," U.S. Government Accountability Office (Jan. 3, 2023). https://www.gao.gov/products/gao-23-105790

[118] "Enhancing Airline Passenger Protections; DOT-OST-2010-0140," U.S. Government Accountability Office (received Nov. 17, 2011). https://www.gao.gov/fedrules/169298

[119] A search of disapproval or disapproving joint resolutions introduced during the 112th Congress returns no results related to DOT's 2011 Updates. *See* https://www.congress.gov/quick-search/legislation?wordsPhrases=disapproving&congressGroups%5B0%5D=0&congresses%5B0%5D=112&legislationNumbers=&legislativeAction=&sponsor=on&representative=&senator=&q=%7B%22congress%22%3A%22all%22%2C%22type%22%3A%22joint-resolutions%22%7D; and https://www.congress.gov/quick-search/legislation?wordsPhrases=disapproval&congressGroups%5B0%5D=0&congresses%5B0%5D=112&legislationNumbers=&legislativeAction=&sponsor=on&representative=&senator=&q=%7B%22congress%22%3A%22all%22%2C%22type%22%3A%22joint-resolutions%22%7D

wrongfully misconstrued its authority, as the NPRM speculates. Yet such an effort was never introduced, let alone passed.

Additionally, a 2016 U.S. Senate Committee on Commerce, Science, and Transportation report led by Senator John Thune, a Republican from South Dakota, explicitly confirms Congressional understanding of DOT's application of 49 U.S.C. § 41712 to promulgate the Full Fare Advertising Rule.[120] The report stated "[m]ost of DOT's consumer rules are based on section 41712 of title 49, United States Code, which directs it to 'protect consumers from unfair or deceptive practices.'…In the last 6 years, there have been several significant developments in the area of consumer protection. In December 2009, and again in April 2011, the DOT issued final rules that expanded regulatory protections to aviation consumers. The rules also required consumer access to accurate and adequate information when selecting flights, including full-fare advertising…"[121]

Lastly, the legislative branch conducted an extensive examination of the Department's administration of consumer protection rules.[122] The GAO delivered its findings directly to the two Congressional committees with primary jurisdiction over the Department.[123] In preparing and publishing its 2020 report, the GAO explicitly noted that its oversight included DOT's execution of 49 U.S.C. § 41712[124] and the implementation of the Full Fare Advertising Rule.[125] The report also noted that the Department formally issued 122 consent orders under the Rule from 2008 through 2019.[126] Not once in the 48-page document did GAO express concern that the Department improperly promulgated the rule, erroneously issued the 122 consent orders, or otherwise lacked the authority to regulate price advertising.

C. Congress Has Only Increased Support for the Rule's Administration

Not only has Congress never attempted to undo the Department's application of 49 U.S.C. § 41712 to maintain 14 C.F.R. § 399.84, its most significant actions since the 2011 formal notice from DOT have been to strengthen the Department's rules pursuant to 49 U.S.C. § 41712. As previously mentioned, Congress acted immediately—within just a few months—to ensure the IRS statutory provision would not conflict with DOT's 2011 Updates to the Rule.[127] In 2018, Congress formalized within DOT an Aviation Consumer Advocate to, among other things,

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[120] S. Rep No. 114-428 (Dec. 20, 2016). https://www.congress.gov/114/crpt/srpt428/CRPT-114srpt428.pdf
[121] *Id.* page 8
[122] "Aviation Consumer Protection[:] Increased Transparency Could Help Build Confidence in DOT's Enforcement Approach," U.S. Government Accountability Office (Oct. 2020). https://www.gao.gov/assets/gao-21-109.pdf
[123] *Id*. page 1
[124] *Id*. page 4
[125] *Id*. page 19
[126] *Id*. page 34
[127] FAA Modernization and Reform Act of 2012, § 1104. https://www.govinfo.gov/content/pkg/STATUTE-126/pdf/STATUTE-126-Pg11.pdf#page=141

"identify and recommend actions the Department can take to improve the enforcement of aviation consumer protection rules."[128]

And in 2024, Congress took even more drastic measures to boost DOT's enforcement of aviation consumer protection regulations like the Full Fare Advertising Rule. The legislature authorized a new Assistant Secretary for Aviation Consumer Protection to lead a multi-million-dollar Office of Aviation Consumer Protection to help better enforce 49 U.S.C. § 41712.[129] After complaints against airlines reached record levels, Congress tripled the statutory civil penalty for violations of rules implementing § 41712, including the Full Fare Advertising Rule.[130]

In sum, nothing in the legislative history supports DOT's hypothesis that Congress may have intended for the IRS to solely regulate airfare advertising. Every significant action taken by Congress, especially since DOT's formal notice of its 2011 Updates to the Rule, contradicts the Department's speculation that the IRS may have been Congress's intended regulator.

IX. DOT Should Retain Most Guidance Documents to Prevent Misleading Advertising

The Department proposes to rescind nine guidance documents that sought to inform advertisers how to remain in compliance with the Rule and 49 U.S.C. § 41712 more broadly. Yet much of the guidance remains relevant and should be retained. If DOT is concerned these documents did not receive public comment, it could solicit such input without preliminarily proposing to rescind the guidance.

Additionally, two of the guidance documents the Department identifies in the NPRM appear to be the same document: "Disclosure of Airfare Variations: Web vs. Other Sources, Surcharges that May Be Listed Separately in Advertisements" dated November 15, 2004 and "Disclosure of Higher Prices for Airfares Purchased Over the Telephone Via Airline Telephone Reservation Centers Or At Airline Ticket Counters, and Surcharges That May Be Listed Separately In Fare Advertisements" dated November 5, 2004. Consumer advocates believe these are the same document appearing on a DOT webpage with the former header,[131] but officially given the latter

[128] FAA Reauthorization Act of 2018, § 424(c)(2)(C). https://www.congress.gov/115/plaws/publ254/PLAW-115publ254.pdf#page=153
[129] FAA Reauthorization Act of 2024, § 501. https://www.congress.gov/118/plaws/publ63/PLAW-118publ63.pdf#page=162
[130] *Id.* § 507
[131] "Disclosure of airfare variations: web vs. other sources[,] Surcharges that may be listed separately in advertisements," U.S. Department of Transportation (last updated Feb. 7, 2013). https://www.transportation.gov/airconsumer/Disclosure-of-airfare-variations

title.[132] If so, DOT has identified eight unique guidance documents for rescission while listing one of those documents twice in the NPRM.

At least two guidance documents reflect continued interpretations of prohibitions on unfair and deceptive practices across the economy. For example, DOT's guidance that the Department expects "free" fares to not cost consumers money[133] is aligned with recent actions by the FTC and bipartisan state attorneys general holding marketers liable for advertising services as free when charges still may apply.[134] DOT's guidance that charges labeled as a government tax or fee not actually be business-imposed[135] is similarly echoed by bipartisan state attorneys general in contemporary enforcement regimes.[136] These documents reflect the reasonable expectations of consumers and mirror the ongoing applications of prohibitions on unfair and deceptive practices in other sectors. The Department should retain these interpretations.

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[132] "Disclosure of Higher Prices for Airfares Purchased Over the Telephone Via Airline Telephone Reservation Centers Or At Airline Ticket Counters, and Surcharges That May Be Listed Separately In Fare Advertisements," U.S. Department of Transportation (Nov. 5, 2004). https://www.transportation.gov/sites/dot.gov/files/docs/2004-11-15-DOT_0.pdf

[133] "Guidance on Use of Word 'Free' in Advertisements," U.S. Department of Transportation (May 17, 2012). https://www.transportation.gov/individuals/aviation-consumer-protection/guidance-use-word-free-advertisements

[134] "Attorney General Ken Paxton Announces $10.22 Million Settlement with Major Wireless Carriers Over Deceptive and Misleading Advertising Practices," Texas Office of the Attorney General (Jun. 20, 2024) (holding carriers liable for, among other things, advertising free services or products without disclosing potential associated costs). https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-announces-1022-million-settlement-major-wireless-carriers-over-deceptive; "FTC, Illinois Attorney General Take Action Against Grubhub for Harming Diners, Workers, and Small Businesses," Federal Trade Commission (Dec. 17, 2024) (a settlement based on, among other things, Grubhub's use of "free" or "$0" delivery yet still charging consumers). https://www.ftc.gov/news-events/news/press-releases/2024/12/ftc-illinois-attorney-general-take-action-against-grubhub-harming-diners-workers-small-businesses; "AG Racine Secures $3.5 Million from Grubhub for Illegally Charging Hidden Fees, Using Deceptive Marketing Tactics to Boost Profits at Expense of Customers," District of Columbia Office of the Attorney General (Dec. 30, 2022) (another settlement based on, among other things, Grubhub's misleading use of "free delivery" when consumers still faced charges). https://oag.dc.gov/release/ag-racine-secures-35-million-grubhub-illegally; "FTC Issues Opinion Finding that TurboTax Maker Intuit Inc. Engaged in Deceptive Practices," Federal Trade Commission (Jan. 22, 2024) (finding that TurboTax deceived consumers by advertising "free" services that a significant number of consumers faced charges to access). https://www.ftc.gov/news-events/news/press-releases/2024/01/ftc-issues-opinion-finding-turbotax-maker-intuit-inc-engaged-deceptive-practices

[135] "Additional Guidance on Airfare and Air Tour Price Advertisements," U.S. Department of Transportation (Feb. 21, 2012). https://www.transportation.gov/individuals/aviation-consumer-protection/additional-guidance-airfare-and-air-tour-price

[136] "Office of the Attorney General Sues Travel Reservation Site for Deceptive Trade Practices Regarding the True Price of Hotel Rooms," Texas Office of the Attorney General (Aug. 10, 2023) (a lawsuit against Booking Holdings for, among other things, mislabeling business-imposed charges as government taxes). https://www.texasattorneygeneral.gov/news/releases/office-attorney-general-sues-travel-reservation-site-deceptive-trade-practices-regarding-true-price; "AG Racine Secures $3.5 Million from Grubhub for Illegally Charging Hidden Fees, Using Deceptive Marketing Tactics to Boost Profits at Expense of Customers," District of Columbia Office of the Attorney General (Dec. 30, 2022) (another settlement based on, among other things, Grubhub's mislabeling of business-imposed charges as government taxes). https://oag.dc.gov/release/ag-racine-secures-35-million-grubhub-illegally

Another document simply restates DOT's codified policy, seemingly following violations by carriers. The October 3, 2011 guidance document sensibly states that posting on Twitter does not grant an advertiser an exception from the Rule.[137] Consumers do not expect that truth-in-advertising law stops at the boundaries of social media, and neither should advertisers have such a view. Rescinding this guidance would send the wrong message to air travel businesses and potentially expose the public to misleading advertising online.

The August 19, 2011 "FAQ" provides the Department's response to common questions advertisers may have to remain in compliance with the regulation, such as which entities are covered by the rule and how variations in currency exchange rates should be handled.[138] It is unclear what DOT seeks to accomplish by revoking this guidance. Consumer advocates imagine carriers prefer to know the Department's expectations in advance, rather than finding out via enforcement action. If the Department has changed its views regarding which entities may be covered by its price advertising expectations or other similar details, DOT should articulate those changed expectations.

The February 28, 2012 Guidance on the Use of Rounding in Air Fare Advertisements clarifies that DOT prohibits advertisers from deceptively listing a lower price than the actual cost to consumers.[139] Marketers must state the exact cost or round up, but cannot round down. The Department explains that this is especially important for the integrity of entities that may rank or compare advertised fares. Consumer advocates support the retention of this document as companies should not expect they may advertise fares lower than the actual price.

In total, public interest advocates urge the retention of the five following guidance documents to ensure unfair and deceptive advertising practices do not proliferate and to properly inform regulated entities of DOT's expectations:

1. May 17, 2012 Guidance on the Use of the Term "Free" in Air Fare Advertisements and Disclosure of Consumer Costs in Award Travel;[140]
2. February 21, 2012 document addressing the mislabeling of carrier-imposed charges as government taxes and certain deceptive advertising of each-way fares based on a

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[137] "Advertising air fares on social media sites - October 3, 2011," U.S. Department of Transportation (Jan. 3, 2013). https://www.transportation.gov/airconsumer/advertising-air-fares-social-media-sites-october-3-2011
[138] "FAQ on Rule2 for Enhancing Airline Passenger Protections," U.S. Department of Transportation (Aug. 19, 2011). https://www.transportation.gov/airconsumer/faq-rule2-enhancing-airline-passenger-protections
[139] "Guidance on the Use of Rounding in Air Fare Advertisements," U.S. Department of Transportation (Feb. 28, 2012). https://www.transportation.gov/individuals/aviation-consumer-protection/guidance-use-rounding-air-fare-advertisements
[140] "Guidance on Use of Word 'Free' in Advertisements," U.S. Department of Transportation (May 17, 2012). https://www.transportation.gov/individuals/aviation-consumer-protection/guidance-use-word-free-advertisements

roundtrip purchase titled "Additional Guidance on Airfare/Air Tour Price Advertisements;"[141]

3. October 3, 2011 guidance titled Advertising Air Fares on Social Media Sites;[142]
4. August 19, 2011 Answers to Frequently Asked Questions Concerning the Enforcement of the Second Final Rule on Enhancing Airline Passenger Protections (EAPP #2);[143] and
5. February 28, 2012 Guidance on the Use of Rounding in Air Fare Advertisements.[144]

Additionally, DOT should clarify, ideally with direct hyperlinks, the exact guidance documents the Department proposes to rescind given the seemingly inadvertent listing of the same guidance document twice.

X. If DOT Proceeds, Consumer Advocates Request the Issuance of a Supplemental Notice of Proposed Rulemaking to Address Disputed Facts Raised in the Proceeding

Consumer advocates appreciate DOT's issuance of a 21-day extension for the comment period. The additional time allowed for better examination of aspects of the NPRM, including the 2026 Analysis. However, even after an extension, today's NPRM provides for just 51 days of public comment. DOT has historically provided a minimum of 60-day comment periods for the public to provide input on major rulemaking efforts. The Full Fare Advertising Rule itself was initially promulgated via an NPRM open to the public for 60 days;[145] the 2011 Amendments were finalized following a 108-day comment window.[146]

DOT now proposes to undo over 40 years of consumer protection with the shortest opportunity for the public to provide written input in the Department's history. Such an abbreviated timeline violates the longstanding view of the executive branch that rulemakings must "afford the public a meaningful opportunity to comment…which in most cases should include a comment period of

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[141] "Additional Guidance on Airfare and Air Tour Price Advertisements," U.S. Department of Transportation (Feb. 21, 2012). https://www.transportation.gov/individuals/aviation-consumer-protection/additional-guidance-airfare-and-air-tour-price

[142] "Advertising air fares on social media sites - October 3, 2011," U.S. Department of Transportation (updated Jan. 3, 2013). https://www.transportation.gov/airconsumer/advertising-air-fares-social-media-sites-october-3-2011

[143] "FAQ on Rule2 for Enhancing Airline Passenger Protections," U.S. Department of Transportation (Aug. 19, 2011). https://www.transportation.gov/airconsumer/faq-rule2-enhancing-airline-passenger-protections

[144] "Guidance on the Use of Rounding in Air Fare Advertisements," U.S. Department of Transportation (Feb. 28, 2012). https://www.transportation.gov/individuals/aviation-consumer-protection/guidance-use-rounding-air-fare-advertisements

[145] Notice of Proposed Rulemaking, "Public Charters and Statements of General Policy," Civil Aeronautics Board, Docket 41184, 48 FR 50900-50901 (docket dated Oct. 14, 1983, published in the Federal Register Nov. 4, 1983). https://www.govinfo.gov/content/pkg/FR-1983-11-04/pdf/FR-1983-11-04.pdf#page=34

[146] Extension of Comment Period on Proposed Rule, "Enhancing Airline Passenger Protections," U.S. Department of Transportation (Aug. 3, 2010). https://www.federalregister.gov/documents/2010/08/03/2010-19123/enhancing-airline-passenger-protections

not less than 60 days."[147] DOT nowhere identifies cause, let alone good cause, for dispensing with this presumptive 60-day period.

If the Department continues to proceed with this proposal, consumer advocates respectfully request that DOT issue a supplemental notice of proposed rulemaking to address the disputed facts in this matter, to offer for comment the Department's understanding of the full history of the rule, to clarify exactly which guidance documents DOT seeks to rescind, and to allow the public to better comprehend the consequences of its proposal, including the issuance of an analysis of small business impacts.

Proponents of unfair and deceptive practices may have expensive lobbying budgets with dozens, if not hundreds, of staff cumulatively weighing in on behalf of industry interests. Consumer advocates, however, do not have the same resources. If DOT seeks to alter other fundamental aspects of the flying experience, consumer advocates ask for at least 60-days to provide comment.

XI. Conclusion

The Full Fare Advertising Rule remains necessary to protect Americans in air travel. The seven undersigned public interest organizations strongly oppose DOT's proposals to weaken or wholly eliminate the Reagan-era consumer protection. Consumer advocates urge the Department to abandon this proceeding and retain the Rule without change.

Sincerely,

American Economic Liberties Project
Consumer Action
Consumer Federation of America
FLYERSRIGHTS
National Consumers League
Travelers United
U.S. Public Interest Research Group

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[147] Executive Order 12866 Regulatory Planning and Review, § 6(a). (Sep. 30, 1993). https://www.reginfo.gov/public/jsp/Utilities/EO_12866.pdf