

Congress of the United States
House of Representatives
Washington, DC 20515-1304

November 5, 2025

Ed Bastian
Chief Executive Officer
Delta Air Lines, Inc.
P.O. Box 20706
Atlanta, GA 30320

Dear Mr. Bastian:

We write with grave concern regarding Delta’s plans to deploy generative artificial intelligence (AI) in its ticket pricing system. At a time when Americans are struggling to afford basic necessities, the airline industry is already highly concentrated, and generative AI is being deployed throughout the economy with limited transparency, this move could drive up prices for consumers and result in individualized, surveillance-based price discrimination. The public deserves clarity, yet Delta’s response to the letter sent by Senators Gallego, Warner, and Blumenthal failed to answer any of their substantive questions.¹ We expect a more specific and transparent response to this letter.

As you know, last month Delta President Glen Hauenstein stated on an earnings call that the company has partnered with Fetcherr, an Israeli company specializing in generative AI pricing and inventory, to expand its use of generative AI to cover 20 percent of its domestic ticket pricing by the end of 2025—and eventually to cover all of its pricing.² He also said early results from generative AI-driven pricing show “amazingly favorable” revenues for the company.³

We recognize that Delta and other airlines have long used a form of dynamic pricing that adjusts prices based on demand, timing, and other market conditions, and that Delta denies it is moving towards surveillance pricing, which provides “individualized offers based on personal information.”⁴ However, Mr. Hauenstein previously stated that Delta will use generative AI-powered pricing to ensure airfares are tailored to “that flight, on that time, to you, the individual,” and the CEO of Fetcherr has said his company is using “all the data we can get our hands on.”⁵

¹ Delta, *Delta responds to misinformation around AI pricing* (Aug. 7, 2025), <https://news.delta.com/delta-responds-misinformation-around-ai-pricing>

² Irina Ivanova, *Delta moves toward eliminating set prices in favor of AI that determines how much you personally will pay for a ticket*, *Fortune* (July 16, 2025), <https://fortune.com/2025/07/16/delta-moves-toward-eliminating-set-prices-in-favor-of-ai-that-determines-how-much-you-personally-will-pay-for-a-ticket/>

³ *Id.*

⁴ Joshua Sidorowicz, *Delta plans to use AI in ticket pricing. Here's how it could impact the cost to fly.*, *CBS News* (July 31, 2025), <https://www.cbsnews.com/philadelphia/news/ai-ticket-prices-airlines-cost-to-fly/>

⁵ *Supra*, note 2; Ted Reed, *Airline Pricing Systems Are ‘Ancient.’ Here’s How AI Can Help*, *Forbes* (Aug. 23, 2024),

There are also numerous examples in other industries of companies using generative AI to engage in surveillance pricing, which is distinguishable from dynamic pricing and other forms of price discrimination in that it uses the highly personal data of an individual (often obtained by data brokers and other third-parties) such as location, device, income, social media activity, purchase history, and search history to set an individualized price designed to extract the maximum amount of money from the consumer.⁶

Individualized pricing would clearly benefit Delta's bottom line at the expense of most consumers. A Yale study found individualized pricing increases airline revenues up to 5 percent.⁷ As we know from past studies, only wealthy consumers are likely to reap the benefit of more tailored pricing as they have more choices and are most often the recipients of existing loyalty and points programs.⁸

And while Delta claims it has "strict safeguards to ensure compliance with federal law,"⁹ it has not explained what those safeguards are, provided any meaningful transparency into its agreement with Fetcherr or the data that is being used to train the generative AI-powered algorithms, or otherwise provided evidence that it is not moving towards surveillance pricing. Moreover, this commitment is not especially strong given the relative lack of federal privacy laws, stalled efforts at the Federal Trade Commission to regulate surveillance pricing, and the Trump Administration's overall deference to Big Tech and deregulatory approach to generative AI.¹⁰

This issue has implications that extend beyond Delta and the aviation industry. Fetcherr also counts the airlines Azul, WestJet, Virgin Atlantic, and VivaAerobus as clients, and its co-founder Robby Nissan said once the company is "established in the airline industry, we will move to hospitality, car rentals, cruises, whatever."¹¹ Using the same generative AI-based pricing models across competitor airlines may implicate Delta in an illegal conspiracy to fix prices, and the risk of other forms of coordination are high.¹²

As the Supreme Court has said, "[p]rice is the central nervous system of the economy".¹³ Deploying this technology in partnership with Fetcherr without adequate transparency or

<https://www.forbes.com/sites/tedreed/2024/08/21/airline-pricing-systems-are-ancient-heres-how-ai-can-help/>

⁶ See Federal Trade Commission, *FTC Surveillance Pricing Study Indicates Wide Range of Personal Data Used to Set Individualized Consumer Prices* (Jan. 17, 2025),

<https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-surveillance-pricing-study-indicates-wide-range-personal-data-used-set-individualized-consumer>

⁷ Jose M. Betancourt et al., *Dynamic Price Competition: Theory and Evidence from Airline Markets*, NBER Working Paper 30347 (revised Apr. 2023), https://www.nber.org/system/files/working_papers/w30347/w30347.pdf

⁸ See Justin Kloczko, *Surveillance Price-Gouging*, Consumer Watchdog (Dec. 2024), <https://consumerwatchdog.org/wp-content/uploads/2024/12/Surveillance-Price-Gouging.pdf>; Emily Lorsch, *Are lower-income Americans paying for wealthy consumers' credit card rewards? Some economists say they are*, CNBC (May 27, 2023), <https://www.cnbc.com/2023/05/27/lower-income-americans-pay-for-wealthys-credit-card-rewards-some-economists-say.html>

⁹ *Supra*, note 2.

¹⁰ See Sorelle Friedler et al, *What to make of the Trump administration's AI Action Plan*, Brookings (July 31, 2025), <https://www.brookings.edu/articles/what-to-make-of-the-trump-administrations-ai-action-plan/>

¹¹ *Supra*, note 2.

¹² *United States v. Socony-Vacuum Oil Co.*, 310 U. S. 150, 224 (1940).

guardrails could allow Delta to manipulate this central nervous system to jack up prices for consumers using their personal data against them, and potentially harm competition in the highly concentrated commercial aviation industry. We agree with Mr. Hauenstein, who stated that the shift to generative AI-determined pricing could “be very dangerous, if it’s not controlled and it’s not done correctly.”¹⁴

For these reasons, and because Delta’s response to the letter sent by Senators Gallego, Warner, and Blumenthal did not address their questions, we request your response tailored to the following questions by November 18, 2025:

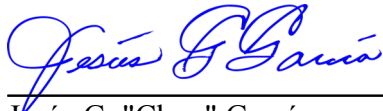
1. What specific safeguards is Delta implementing to ensure the generative AI pricing recommendation functionality it uses comply with federal, state, and local laws?
2. Which federal, state, and local laws does Delta intend to comply with?
3. What data inputs are being used to train the algorithm underlying the generative AI pricing recommendation functionality?
 - a. Are any of the following categories of personal information being used to train the generative AI pricing recommendation functionality: location, device, income, social media activity, purchase history, and search history?
4. How is Fetcherr acquiring the data being used to train the generative AI pricing recommendation functionality?
5. What specific restrictions, if any, are included in the agreement between Delta and Fetcherr related to the collection and use of personal data in the generative AI pricing recommendation functionality?
 - a. How does Delta define “personal data” and “personal information”?
 - b. Does Delta target customers with individualized prices based on any data, whether “personal” or not?
6. Does Delta accept the recommendations made by Fetcherr’s system as a default setting?
 - a. What type of inputs does a Delta price analyst see today?
 - b. Have the roles or responsibilities of Delta’s human price analysts changed at all with respect to the use of AI pricing?
 - c. Is the adoption of Fetcherr’s recommendations automated for any portion of Delta’s pricing?
7. How is Delta determining which routes in its domestic network will be priced using the generative AI pricing recommendation functionality by the end of this year?
 - a. Does the 20 percent figure refer to a percentage of advertised fares, purchased fares, routes, or some other figure?
 - b. How many passengers per day do you anticipate will be shown fares or purchase fares set or informed by Delta’s customized pricing model at 20 percent roll out?
8. Has Delta engaged with the Department of Transportation, Federal Aviation Administration, Federal Trade Commission, consumer advocacy groups, labor unions, or

¹³ *National Soc’y of Prof. Engineers v. United States*, 435 U.S. 679, 692 (1978) (quoting *United States v. Socony-Vacuum Oil Co.*, 310 U. S. 150, 226 n. 59 (1940)) (internal quotation marks omitted).

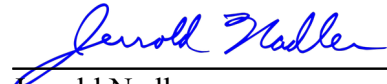
¹⁴ Jess Weatherbed, *Delta Air Lines is using AI to set the maximum price you’re willing to pay*, The Verge (July 18, 2025), <https://www.theverge.com/news/709556/delta-air-lines-ai-ticket-price-rollout>

outside technologists or ethicists to evaluate the potential impact of AI on its current or future customized pricing strategies?

Sincerely,



Jesús G. "Chuy" García
Member of Congress



Jerrold Nadler
Member of Congress



Greg Casar
Member of Congress



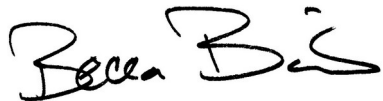
Eleanor Holmes Norton
Member of Congress



Rashida Tlaib
Member of Congress



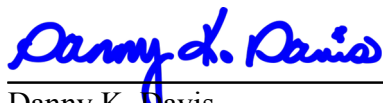
Paul D. Tonko
Member of Congress



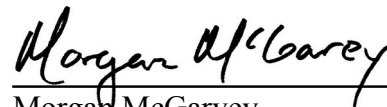
Becca Balint
Member of Congress



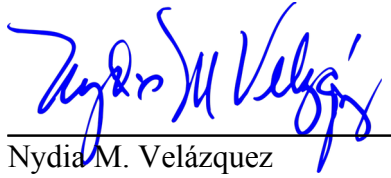
Andre Carson
Member of Congress



Danny K. Davis
Member of Congress



Morgan McGarvey
Member of Congress



Nydia M. Velázquez
Member of Congress



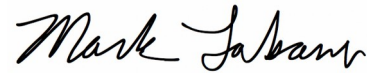
James P. McGovern
Member of Congress



Summer L. Lee
Member of Congress



Dan Goldman
Member of Congress



MARK TAKANO
Member of Congress



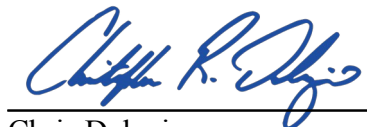
Dwight Evans
Member of Congress



Yvette D. Clarke
Member of Congress



Judy Chu
Member of Congress



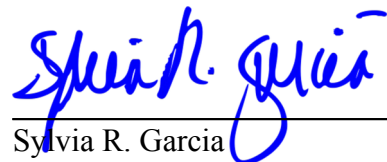
Chris Deluzio
Member of Congress



Marcy Kaptur
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Sylvia R. Garcia
Member of Congress



Mark DeSaulnier
Member of Congress



Pramila Jayapal
Member of Congress