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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 399

[Docket No. DOT-OST-2025-0831]

RIN: 2105-AF37

Enhancing Flexibility of Air Fare Price Advertising

AGENCY: Office of the Secretary (OST), U.S. Department of Transportation (DOT).

ACTION: Proposed rule; extension of comment period.

SUMMARY: The U.S. Department of Transportation (Department or DOT) is extending the comment end date for interested persons to submit comments to its proposed rule on Enhancing Flexibility of Air Fare Price Advertising from July 31, 2026, to August 21, 2026.

DATES: The comment period for the proposed rule, which was published in the *Federal Register* on July 1, 2026, at 91 FR 39932, is extended to August 21, 2026.

ADDRESSES: You may file comments identified by the docket number DOT-OST-2025-0831 by any of the following methods:

- Federal eRulemaking Portal: go to https://www.regulations.gov and follow the online instructions for submitting comments.
- Mail: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., West Building, 5th Floor, W58-213, Washington, D.C. 20590-0001.
- Hand Delivery or Courier: West Building 5th Floor, Room W58-213, 1200 New Jersey Avenue, S.E., between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays. Commenters using this method of delivery should contact Docket Services at 202-366-9826 or 202-366-9317 before delivery to ensure staff is available to receive the delivery.

Instructions: You must include the agency name and docket number DOT-OST-2025-0831 or the Regulatory Identifier Number (RIN) for the rulemaking at the beginning of your comment. All comments received will be posted without change to https://www.regulations.gov, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) For information on DOT's compliance with the Privacy Act, please visit https://www.transportation.gov/privacy.

Docket: For access to the docket to read background documents and comments received, go to https://www.regulations.gov or to the street address listed above. Follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Robert Gorman, Kyle Joseph, or Blane A. Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590, 202-366-9342; robert.gorman@dot.gov, kyle.joseph@dot.gov, or blane.workie@dot.gov (email).

SUPPLEMENTAL INFORMATION: On July 1, 2026, the Department published in the *Federal Register* a Notice of Proposed Rulemaking (NPRM) that proposed to amend its rule on air fare advertising to allow the total fare, including taxes and fees, to be displayed with the same prominence as any individual components. The Department also proposed eliminating a prescriptive advertising regulation stating that components of a fare may not be presented in the same or larger size as the total price. In addition, the Department proposed rescinding nine air fare price advertising guidance documents as being outdated, unnecessary, or de facto regulations that were issued without adhering to the notice-and-comment procedures of the Administrative Procedure Act. The Department also solicited comment on whether to repeal its "full fare rule," which requires the advertised price of passenger air transportation to be the entire price to be paid by the consumer (including taxes) for such air transportation. While the Department did not propose specific rule text for such a repeal, the Department noted that a provision of the Internal Revenue Code already establishes standards for the display of taxes in advertisements for air transportation. The NPRM provided for a comment period of 30 days after publication of the NPRM in the *Federal Register*, *i.e.*, July 31, 2026.

On July 20, 2026, Airlines for America (A4A) filed a request to extend the public comment period on the NPRM for an additional 21 days. A4A contends that the NPRM raises many complex issues related to price advertising, including issues of Constitutional law and the interplay between the authorities of the Department and other agencies. A4A stated that the requested extension aligns with the Department's regulations which indicate that a comment period of 60 or more days be reserved for significant rulemakings as defined in Executive Order 12866. A4A also noted that it has not had the opportunity to review the Department's Regulatory Impact Analysis (RIA) because it had not been posted to the docket.

On July 22, 2026, Southwest Airlines (Southwest) also filed a request to extend the comment period by 21 days. Southwest emphasized that the Department requested comment on two very substantial potential changes to price advertising – recission of nine impactful guidance documents and repeal of full fare advertising rule. Southwest indicated that it believes that the repeal of the full fare rule 14 years after it has gone into effect would be extremely disruptive and preliminarily opposes the recission of the nine guidance documents, but notes that additional time is necessary for the carrier to study the impact of each guidance document.

On July 28, 2026, the Travel Technology Association (Travel Tech) filed a request to extend the comment period by 30 days. Travel Tech argues that the NPRM requires careful review because it seeks comment on a range of potentially significant changes to the current regulatory framework, including repeal of the full fare rule and rescission of nine guidance documents. Travel Tech notes that further time is necessary because the Department has raised the novel issue of the impact of the Internal Revenue Code on air fare advertising. Like A4A, Travel Tech also states that additional time is necessary to review the Department's RIA.

As of the date of this notice, the Department has received no comments opposing an extension of the comment period.

The Department has carefully considered the requests to extend the comment period on the price advertising NPRM filed by A4A, Southwest, and Travel Tech. After considering the arguments presented, the Department has decided to extend the comment period of the proposed rule for 21 days from July 31, 2026, to August 21, 2026. In doing so, the Department acknowledges that the NPRM raises important issues which require in-depth analysis and consideration by stakeholders. The Department also recognizes its oversight in not posting its RIA to the docket at the same time as the NPRM itself. The Department posted the RIA on July 24, 2026. The Department believes that granting a 21-day extension of the original 30-day comment period is sufficient to allow stakeholders to study the RIA and to conduct a thorough and careful consideration of all potential impacts of the proposed rule, and to prepare comments.[1] Late-filed comments will be considered to the extent practicable.

Signed in Washington, DC, under authority delegated at 49 CFR 1.27(n).

Gregory Zerzan,

General Counsel.

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[1] This notice is consistent with 49 CFR 5.13(i), relating to rulemakings, such as this NPRM, that have been deemed nonsignificant by the Office of Information and Regulatory Affairs ("generally, absent special considerations to be described in the NPRM, the comment period for nonsignificant DOT rules should be at least 30 days, and typically the comment period for significant DOT rules should be 60 days")