

Congress of the United States

Washington, DC 20515

November 17, 2025

Mr. Scott Kirby, CEO
United Airlines, Inc.

Mr. Robert Isom, CEO
American Airlines Group

Mr. Ed Bastian, CEO
Delta Airlines, Inc.

Mr. Bob Jordan, CEO
Southwest Airlines Co.

Ms. Joanna Geraghty
JetBlue Airlines Co.

Mr. Ben Minicucci, CEO
Alaska Airlines Group

Mr. Carsten Spohr, CEO
Deutsche Lufthansa AG

Mr. Benjamin Smith, CEO
Air France-KLM

Mr. Michael Rousseau, CEO
Air Canada

Dear airline executives:

In light of recent reports of government agencies conducting warrantless surveillance of Americans' travel records, we write to request that you immediately stop the sale of Americans' travel records to government agencies.

The press has reported that the Airline Reporting Corporation (ARC), a data broker collectively owned by your airlines, has for years sold Americans' travel records to U.S. government agencies, including the Department of Homeland Security and the Internal Revenue Service (IRS). Publicly available government contracting records show that the Securities and Exchange Commission has also purchased data from ARC. Documents released by the Federal Bureau of Investigation (FBI) also reveal that ARC has voluntarily searched and turned over Americans' travel records to the FBI in response to mere written requests, rather than insisting on a subpoena or court order.

ARC sells government agencies the ability to search a database of approximately 722 million ticket transactions, spanning 39 months of past and future travel data, according to ARC. DHS has described this database as "an unparalleled intelligence resource." These records include domestic and international tickets booked through over 10,000 U.S.-based travel agencies — including popular travel booking websites like Expedia, Kayak, and Priceline, or through credit card rewards programs — for flights booked on over 240 different airlines, according to ARC. DHS contracting documents also reveal that ARC's tool enables agents to search through the data using identifiers such as passenger name, itinerary, fare details, or credit card number. The responsive search results provide travel records containing the date of travel, flight numbers and airlines, destination and originating airports, as well as the ticket and reservation number.

Because ARC only has data on tickets booked through travel agencies, government agencies seeking information about Americans who book tickets directly with an airline must issue a subpoena or obtain a court order to obtain those records. But ARC's data sales still enable government agencies to search through a database containing 50% of all tickets booked without seeking approval from a judge. Another contracting document that DHS disclosed to the press reveals that ARC enables government users to conduct prospective surveillance using "automatic and recurring searches" so that agencies will be notified as soon as tickets matching certain criteria are booked. Under federal law, the government must meet a higher bar to obtain approval for surveillance of activities in the future than surveillance of historical data — and that is in the

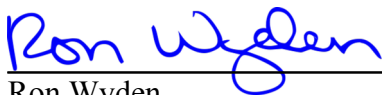
limited situations where Congress has even authorized prospective surveillance. Unfortunately, that principle goes out the window when government agencies buy Americans' data from shady data brokers like ARC.

Americans' privacy rights against government surveillance should not depend on how they buy their plane tickets. Yet because the airlines require U.S.-based travel agencies to use ARC to sell tickets, the only way for travelers who have recently learned about this obscure surveillance program to protect their privacy is to buy their tickets directly from the airlines. Conveniently, direct sales of airplane tickets without a travel agent are also the most profitable for airlines. As such, this surveillance program also raises serious antitrust concerns. Americans who buy their airplane tickets through third party travel agencies, including by redeeming credit card points through a credit card travel portal, deserve the same privacy protections as tickets booked directly through the airlines, whether with cash or frequent flier points.

As with other surveillance programs involving the government's purchase of Americans' personal data, ARC's data sales are an end-run around the privacy rights guaranteed by the Fourth Amendment to the Constitution. Moreover, disclosures made by the IRS to Senator Wyden confirm that it did not follow federal law and its own policies in purchasing airline data from ARC. Under the E-Government Act of 2002, federal agencies must prepare a Privacy Impact Assessment before developing or procuring computer systems or projects that collect, maintain, or disseminate information in identifiable form from or about members of the public. The IRS has confirmed that it did not conduct such a review prior to purchasing Americans' travel data from ARC, and only completed the review after receiving an oversight request from Senator Wyden in June 2025. The IRS also confirmed that it did not conduct a legal review to determine if the purchase of Americans' travel data requires a warrant. In February 2021, after an investigation by the Treasury Inspector General for Tax Administration of the IRS' purchase of cell phone location data, the IRS committed to a policy in which attorneys from the National Office of Criminal Tax Counsel will assess whether emerging investigative tools accessing commercially available data constitute a search requiring a warrant. The IRS indicated that it has now requested such a legal review.

ARC is co-owned by your companies, and each of your companies have a representative on ARC's board of directors. Regardless of whether you approved this practice, or simply failed to stop it, you are directly responsible for this outrageous violation of your customers' privacy. Your customers deserve far better. Accordingly, we urge you to exercise your authority as the corporate owners of ARC to protect your customers' privacy and immediately shut down this program. We also urge you to direct ARC to adopt a policy of only turning over Americans' travel records to the government when legally compelled to do so, except in emergencies.

Sincerely,



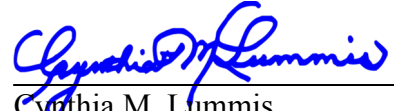
Ron Wyden
United States Senator
Ranking Member, Committee on
Finance



Andy Biggs
Member of Congress



Adriano Espaillat
Chair
Congressional Hispanic Caucus



Cynthia M. Lummis
United States Senator

CC: The Honorable Sean Duffy, Secretary, Department of Transportation
The Honorable Andrew N. Ferguson, Chairman, Federal Trade Commission