

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, DC**

**Request for Information on the FY 2026–2030
DOT Strategic Plan**

DOT-OST-2025-0963-0001

COMMENTS OF THE TRAVEL TECHNOLOGY ASSOCIATION

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The Travel Technology Association (Travel Tech) submits these comments in response to the U.S. Department of Transportation’s (DOT or Department) Request for Information (RFI) on its FY 2026–2030 Strategic Plan. Travel Tech is the leading trade association representing technology-based travel platforms. Our members include Online Travel Agencies (“OTAs”), Global Distribution Systems (“GDSs”), metasearch platforms, Travel Management Companies (“TMCs”), and other travel technology innovators.¹

Travel Tech members—many of which are “Ticket Agents” and therefore regulated by the DOT under 49 U.S.C. § 40102(a)(45)—created the infrastructure from which travelers and airlines continue to benefit today. Travel Tech member companies offer a wide range of flight options in real time to consumers, enabling competition among carriers and making air travel more affordable for everyday Americans.

Travel Tech supports DOT’s mission to ensure safe, efficient, and competitive transportation systems. DOT regulations have a direct impact on the ability of consumers to access competitive ticket fares. We welcome the opportunity to provide input on strategies, performance measures, emerging challenges, and stakeholder engagement approaches that will help DOT’s Strategic Plan deliver tangible benefits for consumers while fostering a competitive and innovative air travel marketplace. In these comments, Travel Tech directs its comments to

¹ Please refer to Appendix A for detailed descriptions of each type of Travel Tech member companies.

airline consumer protection matters as the organization does not currently interact with DOT on any other matter.

DOT Question: What strategies or priorities should the DOT adopt to improve the Nation's transportation systems?

Airline travel has become increasingly expensive for hardworking Americans, with families and small businesses often priced out of flying. The high cost of airline tickets is driven in large part by the lack of competition among U.S. carriers. Decades of consolidation have left just four airlines controlling the majority of domestic routes, creating a near-oligopoly that limits consumer choice and pushes fares higher. DOT has the opportunity to pursue targeted priorities in its strategic plan that will increase competition among carriers, which will in turn decrease the cost of flying for Americans.

Targeted Reforms to Ensure DOT Grants of Antitrust Immunity (ATI) Support Consumers and Airline Marketplace Competition

Travel Tech welcomed Secretary Duffy's recent decision to withdraw the Delta/Aeroméxico Joint Venture grant of antitrust immunity (ATI), after finding the alliance no longer delivered the consumer benefits originally promised. In its filing, DOT cited its commitment to "restoring a level playing field for all market participants as soon as possible" as its rationale for revocation.² The Department of Justice (DOJ) concurred, stating "immunizing conduct from the antitrust laws...risks undermining our free-market system and so must be done sparingly, carefully, and only in pursuit of legitimate—and actually realized—benefits."³ As the DOT reviews other grants of ATI to ensure they provide consumer and market benefits, it should consider two targeted reforms.

First, DOT should update the two internal studies it relies on to guide initial ATI assessments of proposed joint ventures, *International Aviation Developments: Global*

² Order 2025-7-12, Supplemental Order to Show Cause, Joint Application of Delta Air Lines, Inc. & Aerovías de México, S.A. de C.V. for Approval of and Antitrust Immunity for Alliance Agreements, Docket No. DOT-OST-2015-0070, at 2 (Department of Transportation, July 19, 2025), available at <https://www.transportation.gov/sites/dot.gov/files/2025-07/>

³ "Competition is particularly valuable in the airline industry. Airline competition benefits American consumers whether they are traveling for work or leisure within the United States or to a foreign destination. Competition drives lower prices, better quality, and more of the services consumers want." Delta-Aeroméxico Comments of DOJ - DOT-OST-2015-0070-0342.pdf

Deregulation Takes Off and *International Aviation Developments, Second Report: Transatlantic Deregulation—The Alliance Network Effect*.⁴ These studies, issued by the DOT’s Office of Aviation Analysis in 1999 and 2000, are more than twenty-five years old and predate major shifts in the marketplace. Since then, consolidation has left the “big four” carriers (American, Delta, United, and Southwest) controlling approximately 70% of domestic capacity,⁵ following mergers including Delta–Northwest (2008), United–Continental (2010), Southwest–AirTran (2011), and American–US Airways (2013). They also predate the digital transformation of distribution, including the rise of e-commerce and online platforms, which has reshaped consumer expectations for transparent, cross-carrier shopping. Travel Tech supports DOT issuing a Request for Information to gather stakeholder input and data to update these studies. The DOT should then publish the updated report(s) for public comment, followed by issuance of finalized versions. In doing so, the DOT will ensure future initial grants of ATI are based on current market competition dynamics.

Second, DOT should establish a recurring, public-facing standardized review process for each antitrust-immunized airline alliance, at a minimum every three years after issuance, to assess whether the claimed public benefits of the alliance have been realized and continue to justify the grant of immunity. These reviews should be transparent and open to public comment to ensure that consumers and other stakeholders, including intermediaries, have an opportunity to provide input on the actual impact of immunized alliances. While the DOT requires annual reassessment of ATI once granted, there is no mechanism for stakeholders, including the DOJ, to assess whether these agreements remain in the public interest and whether promises of lower fares or enhanced connectivity have been fulfilled or persisted over time.

At the request of then-Chairman Mike Lee and Ranking Member Amy Klobuchar of the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights, the Government Accountability Office (GAO) examined DOT’s approach to ATI and published its

⁴ See U.S. Department of Transportation, Office of the Secretary, *International Aviation Developments: Global Deregulation Takes Off* (Dec. 1999), <https://www.transportation.gov/sites/dot.gov/files/docs/globalderegtake.pdf>; U.S. Department of Transportation, Office of the Secretary, *International Aviation Developments, Second Report: Transatlantic Deregulation—The Alliance Network Effect* (Oct. 2000), <https://www.transportation.gov/sites/dot.gov/files/docs/transatlantidereg.pdf>.

⁵ Official Airline Guide (OAG), *Biggest Airlines in the U.S.* (July 1, 2025), <https://www.oag.com/blog/biggest-airlines-in-the-us>.

2019 report, *International Air Alliances: Greater Transparency Needed on DOT's Efforts to Monitor the Effects of Antitrust Immunity*.⁶ GAO observed that the Department had not historically provided external reporting on the effects of antitrust immunity, which limited the ability of Congress and the public to assess whether promised consumer benefits were realized. In response, DOT enhanced its ATI webpage with additional information, and GAO marked the recommendation as implemented. However, these steps did not establish a recurring, public review process.

By taking up these targeted reforms – updating the reports on which the DOT relies to assess initial applications of ATI to joint ventures and establishing a recurring, public-facing review process for ATI grants once given, Secretary Duffy will have a significant positive impact on airline competition and consumers.

⁶ U.S. Government Accountability Office, *"International Air Alliances: Greater Transparency Needed on DOT's Efforts to Monitor the Effects of Antitrust Immunity," GAO-19-237 (2019)*, <https://www.gao.gov/products/gao-19-237>. (GAO found that DOT had not provided adequate public reporting on its monitoring of immunized alliances and recommending greater external transparency; GAO later noted DOT's updates to its webpage on immunized alliances and marked the recommendation "Closed – Implemented").

Rely on Existing Authority to Ensure Americans Can See the Full Cost of Their Travel

Americans deserve to see the true cost of their air travel, including optional ancillary fees – the costs of checked bags, family seating fees, and change and cancellation policies – before purchase. This transparency protects them from unexpected costs, improves their ability to comparison-shop, and supports competition among airlines. However, airlines often choose to withhold or limit access to ancillary fee costs from consumers who choose to shop for air travel on third party or “intermediary” sites, including those offered by Travel Tech member companies.

While Travel Tech members were supportive of the rule’s intent to increase ancillary fee transparency, multiple provisions of the 2024 *Enhancing Transparency of Airline Ancillary Service Fees* Final Rule made compliance unworkable. Instead of revising the Ancillary Fee Rule, DOT should instead look to the prior *Enhancing Airline Passenger Protections* Final Rule (codified at 14 C.F.R. § 399.85) as a more workable and tested starting point for providing consumers more transparency on ancillary fee costs.⁷ Airlines and ticket agents have built systems to comply with this earlier rule, which already required baggage-fee disclosure during the booking process before purchase (§ 399.85(d)), a carrier webpage listing all ancillary fees (§ 399.85(c)(5)), and disclosure again on the e-ticket confirmation after purchase (§ 399.85(k)).⁸ For companies aggregating from hundreds of airlines in real time for hundreds of thousands of users, preserving this framework avoids degraded search times, lost sales, and negative consumer experiences.

The Ancillary Fee Rule was remanded to the DOT by the U.S. Court of Appeals for the Fifth Circuit for failing to follow the Administrative Procedure Act in its cost-benefit analysis.⁹ Consistent with that remand, DOT’s Spring 2025 Unified Agenda now indicates the Department intends to revisit and potentially scale back ancillary fee disclosure requirements (RIN 2105-

⁷ *Enhancing Airline Passenger Protections*, Final Rule, 76 Fed. Reg. 23,110 (Apr. 25, 2011) (codified at 14 C.F.R. § 399.85), available at <https://www.federalregister.gov/documents/2011/04/25/2011-9736/enhancing-airline-passenger-protections>.

⁸ 14 C.F.R. § 399.85 (2025) (e-CFR), available at <https://www.ecfr.gov/current/title-14/chapter-II/subchapter-F/part-399/subpart-G/section-399.85>.

⁹ *Airlines for America, et al., v. Department of Transportation*, 127 F.4th 563 (5th Cir. 2025). The Petitioners have requested that the full Fifth Circuit vacate the rule. See Petition for Rehearing En Banc, No. 24-60231 (5th Cir. Mar. 14, 2025).

AF34), underscoring the need to rely instead on existing, proven transparency rules under § 399.85. If DOT chooses to revisit the Ancillary Fee Rule, it should seek revisions to provisions that made compliance unworkable. The Rule's requirement for passenger-specific fee disclosures would have forced intermediaries to rebuild their search infrastructure. For companies aggregating content from hundreds of airlines in real time, this provision would have dramatically slowed search times for consumers utilizing Travel Tech members' services. Longer website load times have a significant negative impact on online shopping behavior, including decreasing sales, customer satisfaction, and brand perception.

Convene Technical Experts to Guide Airline Consumer Protection Work

In its forthcoming strategic plan, DOT has an opportunity to set technical expertise as the key input for future rulemakings or other actions related to consumer protection, including the marketing and sale of airline tickets. This proposed priority is particularly relevant as DOT reconsiders its advisory councils, including the Airline Consumer Protection Advisory Committee.¹⁰

Digital technologies are core to how airlines and ticket agents offer airline tickets to consumers. Each enables real-time connectivity, automating complex pricing and inventory systems, and delivering seamless search and booking experiences across a vast global marketplace. These technologies are evolving and becoming far more sophisticated than ever before. However, the Department's regulatory approach has not kept pace with how airline travel is sold, managed, and experienced in such a digital-first marketplace. As a result, DOT has proposed and adopted final regulations that often impose technologically infeasible requirements that ultimately reduce consumer benefit and competition, undermining the very goals of the Department's work.

In the past, DOT heavily relied on the Aviation Consumer Protection Advisory Committee (ACPAC) to develop proposed rules on consumer protection matters, including the sale of airline tickets by carriers and intermediaries. Established by the FAA Modernization and Reform Act of 2012, ACPAC, per statute, consists of four representatives: an air carrier, an airport operator, a state or local government official with expertise in consumer protection matters, and a nonprofit public interest group leader with expertise in consumer protection matters. However, except for air carriers, none of these representatives are information system engineers or user-interface experts, given their professions and purviews, and as a result, lack critical technical knowledge and experience about airline and ticket agent technologies. Over-

¹⁰ Oriana Pawlyk & Pavan Acharya, *Aviation and Rail Safety Advisers Dismissed over DEI and Climate Concerns*, POLITICO (Aug. 14, 2025), available at <https://www.eenews.net/articles/aviation-and-rail-safety-advisers-dismissed-over-dei-and-climate-concerns/>. (reporting that DOT dissolved or purged the membership of 25 advisory committees, with a DOT spokesperson confirming the Department's intent to "reconstitute membership," affecting aviation consumer protection and related advisory bodies).

reliance on an advisory committee like ACPAC without such expertise has led to final rules needlessly disconnected from technical realities in a technology-powered industry segment.

To remain effective and fair, the Department’s approach to federal aviation consumer protection must evolve by grounding its work in technical realities. DOT should convene technical advisory committees on an ongoing, consistent basis to build its knowledge of complex technology-driven topics related to the distribution of airline content and their impact on consumers and competition. Such committees should bring together technical engineers and experts from airlines, intermediaries, and technology partners, and other distribution stakeholders. In doing so, these experts can help DOT staff understand the dynamic, API-driven ecosystems of airlines and intermediaries that support the distribution of airline content and sale of tickets. Americans will benefit from future policies that are based on how the modern travel marketplace functions.

DOT Question: What emerging challenges or opportunities in transportation warrant additional DOT activities, investments, research, or analysis?

A major transformation in how airlines share their fares, pricing, availability, and other information with intermediaries – known generally as New Distribution Capability or “NDC” – has been underway for several years. NDC is a messaging protocol developed by the International Air Transport Association (IATA) designed to give airlines more flexibility to make personalized offers to consumers shopping for airline tickets through intermediaries, including many of Travel Tech members and brick-and-mortar travel advisors. In 2014, DOT approved IATA’s proposal to adopt NDC while imposing important safeguards to protect consumers, including that anonymous shopping must be preserved; passengers can’t be forced to reveal personal data to view prices.¹¹

¹¹ U.S. Department of Transportation, *Order Approving IATA Resolution 787 with Conditions*, DOT Order 2014-8-1 (Aug. 6, 2014), <https://downloads.regulations.gov/DOT-OST-2013-0048-0459/content.pdf> (conditioning approval on, inter alia, preservation of anonymous shopping so passengers cannot be required to disclose personal data to view fares. Because IATA resolutions operate as industry-wide agreements among airlines—similar to antitrust immunity requests for international joint ventures and alliances—the DOT has the authority to review, approve, or deny them to protect competition and consumer rights.) Available at: https://www.transportation.gov/sites/dot.gov/files/docs/IATA_Res_787_showcause.pdf

Implementation of NDC has presented a number of issues for consumers, airlines and ticket agents. However, since its approval eleven years ago, DOT has not solicited feedback from industry stakeholders about the ongoing adoption of NDC and its impact on competition and consumers, convened technical experts, nor issued any status reports on the matter. In its new strategic plan, DOT has an opportunity to provide much-needed oversight of this major transformation in how airline tickets are distributed and sold.

Conclusion

Travel Tech appreciates the opportunity to contribute to DOT's development of its FY 2026–2030 Strategic Plan. By building on existing statutory authority and enforcing current consumer protection and transparency rules, DOT can advance its goals without imposing unnecessary or duplicative requirements. Ensuring that all travelers, regardless of booking channel, have access to complete and accurate information will strengthen competition, improve consumer outcomes, and support innovation across the air transportation marketplace. Travel Tech looks forward to continued engagement with DOT as it finalizes and implements the Strategic Plan.

Appendix A

Travel Tech is the leading trade association representing online travel platforms that connect consumers to travel service providers, enabling informed travel decisions. Our members include:

- **Online Travel Agencies (OTAs)** provide competitive marketplaces for consumers to shop, compare, and book travel. OTAs bundle complementary travel offers –such as airline tickets, hotel reservations, and car rentals – saving consumers time and money. They source product offerings and pricing from airlines, Global Distribution Systems (GDSs), wholesalers, and other OTAs.
- **Metasearch Platforms** aggregate travel pricing, availability, and quality information from airlines, hotels, OTAs, and other partners, offering comprehensive comparison tools. These platforms allow travelers to easily compare options across multiple providers, facilitating informed choices and connecting consumers with their preferred booking channels through referral links.
- **Global Distribution Systems (GDSs)** efficiently aggregate, organize, and distribute travel pricing, inventory, and other data from airlines and travel service providers across more than 160 countries into a single portal. GDSs support indirect channels, including OTAs, Brick-and-Mortar Travel Agents, and Travel Management Companies (TMCs), by providing essential data for bookings. Additionally, some GDSs offer software-as-a-service solutions, including reservation systems, commercial and operations tools, agency distribution platforms, and data-driven intelligence solutions, helping airlines manage operations and optimize efficiency.
- **Travel Management Companies (TMCs)** fully manage business travel for individuals, companies, and organizations through negotiated contracts. TMCs utilize both GDSs and direct relationships with travel service providers, including airlines, to secure optimal travel options.
- **Travel Tech start-ups and small- and medium-sized businesses**, which constitute the newest generation of travel tech innovators. These companies leverage the newest digital technologies to make travel more efficient for consumers and travel service providers alike.