BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, DC

Notice of Proposed Rulemaking on Enhancing Flexibility of Air Fare Price Advertising

Docket No. DOT-OST-2025-0831

COMMENTS OF TRAVEL TECH ASSOCIATION

Travel Tech Association ("Travel Tech") respectfully submits these comments in response to the U.S. Department of Transportation's ("Department" or "DOT") Notice of Proposed Rulemaking on Enhancing Flexibility of Air Fare Price Advertising ("NPRM") regarding proposed amendments to the Full Fare Advertising Rule as codified at 14 C.F.R. § 399.84(a) ("FFAR").[1]

Introduction and Executive Summary

Travel Tech is the voice of the travel technology industry. Our members include leading online travel agencies, Global Distribution Systems, travel management companies, metasearch platforms, short-term rental marketplaces, and other travel technology companies that connect travelers with travel options across the globe. Travel Tech members help millions of consumers compare travel options, understand pricing, and make informed purchasing decisions in a competitive and transparent marketplace. As a result, Travel Tech has long advocated for policies that promote consumer choice, innovation, competition, and transparency in travel distribution. Consistent with that mission, Travel Tech has historically supported robust disclosure requirements that enable travelers to understand the true cost of air travel before making a purchase decision.

Travel Tech has been an active participant in Department proceedings concerning airline consumer protections for more than twenty-five years. Throughout that time, the Association has consistently supported policies that ensure consumers receive clear and accurate information about airfares and related travel costs. Travel Tech's members operate at the point where consumers compare competing airline offerings, making

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

transparent and comparable price information essential to the functioning of the marketplace.

For that reason, Travel Tech strongly opposes repeal of the Full Fare Advertising Rule and opposes material weakening of the rule's consumer protection framework. The current rule requires that consumers see the total price of air transportation—including all mandatory taxes and fees—at the first point of fare display. This straightforward requirement has served consumers and the marketplace well for more than a decade by ensuring that travelers can make apples-to-apples comparisons among competing air transportation options. The rule prevents misleading advertising practices, promotes informed consumer decision-making, and fosters competition based on the actual price consumers will pay rather than on artificially low headline fares.

Importantly, the FFAR is not a burdensome or outdated regulation. To the contrary, it represents one of the Department's clearest and most successful consumer protection measures. By requiring upfront disclosure of the full price of a ticket, the rule reduces consumer confusion, improves transparency, and creates a level playing field among airlines, ticket agents, and other travel sellers. The principle underlying the rule is simple: consumers should know the total cost of a product upfront so they can make informed purchasing decisions.

Travel Tech is pleased to see that the Department expressly confirms in the NPRM that it "remains committed to the requirement that carriers display the total price to be paid by the consumer."[2]

Travel Tech urges the Department to retain the existing FFAR. However, if the Department nevertheless concludes that revisions are appropriate, any changes should be limited to the narrow revisions proposed in the NPRM. The Department should reject the alternative approaches discussed in the NPRM that would repeal the FFAR in whole or in part, as such a repeal would eliminate important consumer and marketplace protections.

I. THE EXISTING FFAR SHOULD BE RETAINED IN ITS CURRENT FORM

A. The FFAR Continues to Provide Important Consumer Protections.

When the Department adopted the FFAR in 2011, it did so after determining that consumers needed access to complete fare information at the first point of comparison. This was because consumers felt "confused or deceived when the fare provided after an

[2] (NPRM at 39933).

initial air fare inquiry did not reflect the total cost of travel."[3] As recited by the Department's NPRM, consumers need "a full picture of the total price," and to understand the true cost of travel, need to see the entire price to be paid the first time an airfare is presented. [4] The NPRM reaffirms these foundational findings and describes requiring display of the total price as an "essential consumer protection."[5]

The Department's Regulatory Impact Analysis for the NPRM[6] likewise confirms the continuing need for the FFAR. The Price Advertising RIA explains that air travelers are subject to a "wide array of taxes and fees" and that the "combination of different tax types" makes it difficult for consumers to anticipate the total cost of air travel before purchase.[7]

For international travel, the challenge is even greater. The Price Advertising RIA recognizes that international travelers face numerous U.S. and foreign taxes and charges that "can add hundreds of dollars to the cost of a ticket."[8] The Department further notes that differences in routing can create substantial differences in total taxes and fees, increasing "the likelihood of a mismatch between flights with the lowest base fare and lowest total fare."[9] This analysis focuses on government charges but the complexity is only increased when unbundled airfares are factored in. These realities of the current air transportation marketplace demonstrate why consumers need total fare information at the outset of the shopping process. Consumers cannot efficiently compare competing options when a significant portion of the total price is hidden or deferred until later stages of a transaction.

The Department's own economic analysis repeatedly emphasizes the importance of price transparency. The Price Advertising RIA explains that the FFAR was intended to address "drip pricing," which occurs when "sellers display attractive base prices and reveal mandatory or optional 'add-on' costs later in the transaction process."[10]

---

[3] (NPRM at 39933).
[4] NPRM at XXXXX, quoting the 2011 full fare rulemaking: "a full picture of the total price to be paid in order to compare fares and routings" and that "to understand the true cost of travel, consumers need to be able to see the entire price they [must] pay to get to their destination the first time the air fare is presented to them."
[5] (NPRM at 39937).
[6] Enhancing Flexibility of Air Fare Price Advertising Regulatory Impact Analysis, RIN 2105-AF36, February 2026, Docket DOT-OST-2025-0831-0046 ("Price Advertising RIA")
[7] Price Advertising RIA at 2.
[8] Id.
[9] Id.
[10] Id. at 3.

The Department recognizes several harms associated with drip pricing. According to the Price Advertising RIA, drip pricing can make "comparison shopping more difficult," increase search costs, reduce consumer sensitivity to price differences, and distort competition.[11] Most importantly, the Department expressly acknowledges that "[a] well-functioning market depends, in part, on consumers having accurate information regarding the full price of the goods or services being offered."[12]

Travel Tech agrees with that conclusion. Travel Tech's member companies provide consumers with pricing and other information to ensure consumers are choosing the option that is right for them and making an informed decision by clearly understanding the costs they will incur. Transparent total pricing disclosed at the first display of prices is essential for consumers to be able to accurately and consistently evaluate competing flight options for optimized decision-making.

B. THE DEPARTMENT HAS NOT JUSTIFIED ALTERING LONGSTANDING TOTAL-FARE DISPLAY REQUIREMENTS

The current FFAR total fare display requirements regarding how fare components may be displayed were not accidental. They were adopted to ensure that consumers are able to easily identify and focus on the actual amount they would be required to pay. These requirements have been successful. Consumers have become accustomed to receiving airfare information in a format that emphasizes the actual transaction price. The Department-regulated entities have likewise operated under this framework for approximately fifteen years. The Department recognizes that regulated entities already comply with these requirements and do not identify significant benefits or savings for regulated entities.[13] Meanwhile, the only consumer benefit identified by the Department in the Price Advertising RIA, that consumers would benefit from "increased transparency and a more familiar shopping experience," does not logically follow from removing text and prominence requirements. The Department states that firms would no longer be locked-in to a single format, allowing "market-forces" to shape displays. This does not explain how this would create increased transparency for consumers or a "more familiar" shopping experience.

[11] Id. at 3-4, concluding that "distortive information asymmetry created by drip pricing results in decreased consumer surplus and an increase in societal deadweight loss when compared to a fully-informed market.".
[12] Id. at 4.
[13] Id. at 7.

Travel Tech members substantially invest in developing and maintaining comprehensive technical systems to enable display of accurate and total price information on the initial displays provided to consumers on their platforms. Travel Tech members are invested in providing the information that consumers need to have confidence in the robust air travel marketplace. Members confirm that consumers are accustomed to the existing airfare advertising requirements that have been in place for approximately 15 years. Accordingly, the Department has provided no compelling evidence that revising the current prominence and text size requirements, which have protected consumers and improved the functioning of the marketplace for the past decade and a half, is necessary or useful to consumers or regulated entities.

III. IF THE DEPARTMENT DECIDES TO MODIFY THE RULE, IT SHOULD LIMIT CHANGES TO THE NPRM'S PROPOSED TEXT

Travel Tech strongly supports retaining the current requirement that consumers be shown the total fare upfront, inclusive of all applicable fees and taxes. If the Department revises the FFAR, it must preserve this core protection. Travel Tech opposes a full or partial repeal of the FFAR and supports the proposed rule text in the NPRM as the only acceptable option among the alternatives identified by the Department. This is because unlike the alternatives, the proposed rule text continues to provide a clear requirement for disclosure of the total fare.[14] As discussed above, this is essential for consumer protection and a well-functioning market.

Travel Tech members have experience developing displays that provide numerous presentations across media and devices. As the Department recognizes in explaining its view regarding displaying fare components "prominently," it is not inherently an unfair or deceptive practice, "so long as the total price is just as prominent."[15] The Price Advertising RIA likewise recognizes the importance of displaying total price, concluding that the proposed rule "continues to address the market failure brought about by drip pricing by requiring airlines to display the full fare upfront to consumers."[16] The Department's own Price Advertising RIA demonstrates that the Department need not go further as its proposal satisfies deregulatory objectives while still retaining consumer and marketplace protections.

[14] (NPRM at 39940).
[15] (NPRM at 39938).
[16] Price Advertising RIA at 4. The Department further explains that the proposal "reduces the rigidity of the earlier mandate while retaining safeguards against consumer deception."

Critically, the Department concludes that the proposal would continue to ensure consumers have "the information they need to make optimal decisions."[17] Travel Tech agrees that this is a key element that must be retained. Unlike repeal, the proposed rule would preserve the core consumer protections of the FFAR: consumers would continue to see the total fare at the outset of the shopping process and would not be returned to a drip-pricing environment. Although displaying multiple fare components with equal prominence may require consumers to review fare information more carefully, any final rule must retain the requirement that the total price be clearly and prominently displayed upfront.

Accordingly, if the Department determines that revisions are necessary, those revisions should be limited to the specific regulatory text proposed in the NPRM. The Department should not go further.

IV. THE DEPARTMENT SHOULD NOT REPEAL THE FFAR (PARTIALLY OR ENTIRELY)

The NPRM also seeks comment on whether the Department should repeal the FFAR in whole or in part and rely instead on the advertising requirements of the Internal Revenue Code at 26 USC § 4262 ("IRC Provision"). Travel Tech strongly opposes either alternative, whether repealing the FFAR partially or entirely.

The Department's own regulatory analysis identifies serious risks associated with repeal of the FFAR and reliance on the IRC Provision. The Price Advertising RIA acknowledges that repeal could result in firms "withhold[ing] firm-imposed or government-imposed charges from their initial advertisements" and that "some re-emergence of drip pricing could occur."[18]

The Price Advertising RIA further explains that if drip pricing reappears, consumers would face "significant costs in the form of information asymmetry and economic inefficiency."[19] The outcome for consumers would be to face greater difficulty comparing prices across carriers and to incur additional search costs.[20]

Indeed, the Department specifically recognizes that drip pricing can lead to "sub-optimal consumption decisions, where consumers purchase tickets they would not have bought had they known the full price upfront or avoid travel altogether."[21] The Price Advertising

[17] Price Advertising RIA at 7.
[18] Price Advertising RIA at 8.
[19] Id. at 9.
[20] Id.
[21] Id.

RIA ultimately concludes that to the extent repeal of the FFAR and reliance on the IRC Provision results in greater use of drip pricing, "net benefits would likely be negative."[22] These statements are fundamentally inconsistent with repealing the FFAR and relying in whole or in part on the IRC Provision.

Moreover, the NPRM recognizes that the IRC Provision addresses only a subset of the disclosures currently required by the FFAR. The Department notes that the FFAR extended advertising requirements beyond taxes and applied them to all mandatory charges associated with air transportation.[23] The Department specifically acknowledges that the IRC Provision does not address carrier-imposed fees and that the FFAR created "a broader and more restrictive regulatory scheme."[24]

That distinction is critical. One of the principal reasons the Department adopted the FFAR was the evolution of air transportation pricing, technology, and advertising methods. Changes included unbundled services, increasingly complicated routings, and new advertising channels. As described in the NPRM, the Department's original concerns included "social media platforms, unbundling of the cost of air travel into components that must be purchased separately, and offers of more complicated routing with multiple connections" that often produced "a lower base fare but higher taxes and fees."[25] The IRC Provision, which dates from 1970, was not designed to address the complexity of the modern air travel marketplace. The FFAR was specifically adopted to address those modern realities.

The Department also acknowledges that repeal would create uncertainty regarding future advertising requirements and depends on proactive enforcement of a standard that is open to interpretation. The Price Advertising RIA expressly states that the implications of repeal of the FFAR and reliance on the IRC provision are "highly uncertain."[26] The Department openly recognizes that advertisers might choose not to provide the total price up front and may challenge any attempt at enforcement of the IRC provision.[27] A vague requirement that does not capture all mandatory fees, which are varied, ever-changing, and multiplying over time, will not protect consumers or a robust marketplace.

[22] Id.
[23] (NPRM at 39937).
[24] (NPRM at 39937).
[25] (NPRM at 39933).
[26] Price Advertising RIA at 8.
[27] Id.

This uncertain regulatory environment invites price obfuscation back into the air travel marketplace, which the Department readily acknowledges.[28] Even if the Department adopted only a partial repeal, retaining the requirement that advertised fares be accurate, not false or misleading, and comply with the IRC Provision regarding prominence, as described in the Price Advertising RIA, the circumstances creating the potential re-emergence of drip pricing are not addressed. Consumers would bear the burden of information asymmetry and economic inefficiency, which undermines the reasonableness of proceeding with a repeal of the FFAR.[29] In short, repeal would replace a successful and well-understood regulatory framework with uncertainty, litigation risk, and the potential reemergence of the very practices the FFAR was designed to eliminate. It should not be adopted by the Department.

V. USE OF DEPARTMENT AUTHORITY OVER AIRFARE PRICE ADVERTISING REMAINS SOUND

Neither the existing FFAR nor the Department's proposed rule text represents unnecessary regulatory layering or an improper exercise of the Department's authority.

The Department's own economic analysis repeatedly explains why incomplete pricing information harms consumers and impairs market performance. As discussed above, the Department recognizes that drip pricing increases search costs, creates information asymmetries, and undermines efficient consumer decision-making.[30]

The NPRM discusses the FTC's Trade Regulation Rule on Unfair or Deceptive Fees and its conclusions regarding hidden fees and misleading pricing practices.[31] The fact that DOT and the Federal Trade Commission ("FTC") have both identified drip pricing as a deceptive practice further demonstrates that regulation of incomplete price advertising falls squarely within the Department's authority. Relying on the Department's parallel authority with the FTC to prohibit unfair and deceptive practices by regulating airfare price advertising to protect consumers and the functioning of the marketplace is appropriate and well-supported. Further, the FFAR is not an unnecessary layer of regulation. Rather, it complements the IRC Provision by providing clarity for modern airfare marketing practices to preserve a well-functioning marketplace and ensure that consumers have accurate information regarding the total price of transportation.

[28] Id. at 9.
[29] Id. at 8.
[30] Price Advertising RIA at 3-4, 9.
[31] (NPRM at 39935-36).

CONCLUSION

For the foregoing reasons, Travel Tech respectfully urges the Department to retain the Full Fare Advertising Rule without modification. Failing that, the Department should adopt the rule text proposed in the NPRM.

The Department's own findings continue to support the rule's core premise: consumers need access to complete fare information in order to make informed decisions, and a well-functioning market depends on consumers having accurate information regarding the full price of goods and services. The Department's analysis further confirms that repeal of the FFAR creates a risk of renewed drip pricing, increased search costs, consumer confusion, and inefficient purchasing decisions.

Accordingly, the Department should retain the existing FFAR. If the Department nevertheless concludes that revisions are warranted, those revisions should be limited to the narrow changes proposed in the NPRM. Under no circumstances should the Department repeal the FFAR in whole or in part and rely exclusively on the IRC Provision, which does not provide the comprehensive consumer protections necessary to preserve transparency, comparability, and informed consumer decision-making in today's air travel marketplace.

Respectfully submitted,



Laura Chadwick
President & CEO

Travel Tech Association
1800 Diagonal Rd, Suite 600
Alexandria, VA 22314
(703) 214-8878
admin@traveltech.org

August 21, 2026