PREPARED STATEMENT FOR THE RECORD OF

TRAVEL TECH ASSOCIATION

for the

SUBCOMMITTEE ON THE ADMINISTRATIVE STATE,

REGULATORY REFORM, AND ANTITRUST

COMMITTEE ON THE JUDICIARY

UNITED STATES HOUSE OF REPRESENTATIVES

at a hearing entitled

"THE 30,000 FOOT VIEW: COMPETITION AND REGULATION IN THE U.S. AIRLINE INDUSTRY"

JUNE 24, 2026

Thank you for the opportunity for the Travel Tech Association ("Travel Tech") to submit written comments for the Subcommittee's consideration ahead of its hearing on "The 30,000 Foot View: Competition and Regulation in the U.S. Airline Industry." We appreciate the Subcommittee's leadership on these issues and its longstanding expertise in antitrust and competition policy.

Travel Tech is a nonprofit membership organization representing companies across the travel technology ecosystem. Guided by our focus on advancing policy and industry growth, Travel Tech advocates for policies that support competition, innovation, and a strong technology-enabled travel marketplace while helping members navigate the policy and regulatory issues shaping the industry's future. Our members include online travel agencies, metasearch engines, Global Distribution Systems, Travel Management Companies, short-term rental platforms, and an expanding list of travel technology start-ups and growth-stage companies.

Today, Congress is convening its second major hearing on airline competition in less than a year, reflecting growing bipartisan recognition that serious competitive concerns exist within the U.S. airline industry and that consumers increasingly bear the consequences through higher fares, reduced choice, diminished transparency, and weakened competitive pressure.

In recent decades, the airline marketplace has evolved in ways that have reduced competition across important segments of the industry. Consolidation among major carriers and certain distribution and contracting practices adopted by the largest airlines have weakened competitive pressure, limited comparison shopping and consumer choice, and made it increasingly difficult for smaller competitors—including ultra-low-cost carriers—to achieve visibility with consumers searching for travel options online.

In response to these legitimate concerns raised by policymakers and consumers alike, the Committee may hear claims that efforts to address competition problems would amount to "re-regulating" the airline industry and returning to the pre-1978 era of government-controlled fares and routes. Respectfully, that framing misunderstands both the modern marketplace and the nature of the concerns now before the Committee. The airline industry and marketplace of 1978 no longer exist—and that is a positive development for consumers, competition, and the industry itself.

Travel Tech witnessed the transformation in the airline industry firsthand. Several of our member companies—at the time, small and emerging technology start-ups—helped create digital marketplaces that empowered consumers for the first time to search, compare, and purchase competing airline offerings side-by-side in real time. These innovations helped bring to life the competitive promise of the Airline Deregulation Act by expanding transparency, reducing search costs, increasing consumer choice, and enabling airlines of all sizes to compete for travelers in a more open marketplace.

To address the competitive concerns happening today, Congress need not "re-regulate" the airline industry or enact an entirely new legal framework. Instead, existing antitrust law, if properly enforced, provides many of the tools necessary to evaluate and address exclusionary conduct in concentrated markets. Indeed, the enduring strength of the Sherman Antitrust Act is that it was designed not for a single technology or industry, but to address the broader and timeless problem of firms using market power in ways that suppress competition and disadvantage rivals. Although enacted long before commercial aviation or the internet, the Sherman Act continues to provide the framework necessary to protect competition and consumers in modern digital marketplaces. What is needed is not a new regulatory regime, but meaningful enforcement of existing competition laws where appropriate, and closing gaps in the current law that prevent robust enforcement consistent with other areas of the economy.

Before proceeding further, it is important to clarify a point that is often misunderstood in public policy discussions concerning airline distribution. Travel intermediaries—also referred to as the "indirect distribution channel" which includes, among others, online travel agencies, metasearch platforms, Global Distribution Systems, and Travel Management Companies. These channels provide broad consumer reach, help improve load factors, and allow carriers to compete for travelers across domestic and international markets. Travelers use intermediary platforms to compare flights across multiple airlines, schedules, prices, and service offerings in a single location, reducing search costs and improving transparency. For smaller and low-cost carriers in particular, these platforms can provide essential visibility to consumers who otherwise may never encounter their offerings during the shopping process. Airlines provide intermediaries with varying levels of access to fare, schedule, availability, and ancillary service information for purposes of marketing and selling airline tickets, but often with unfair conditions attached.

Travel Tech does not contend that airlines lack the right to innovate, modernize their distribution systems, or determine how their products are marketed and sold. Nor do we suggest that any carrier should be compelled to use any particular intermediary or business model. Rather, the concern arises when firms with substantial market power use discriminatory access to critical marketplace information and distribution channels in ways that reduce transparency, disadvantage rivals, and impair consumers' ability to comparison shop in the open marketplace.

As this Subcommittee has previously examined in industries ranging from railroads to telecommunications to digital platforms, control over access to critical infrastructure or marketplace information can create substantial competitive concerns when exercised by dominant firms. The cumulative effect of certain airline distribution and contracting practices has been to reduce transparency and weaken competitive pressure within important segments of the marketplace.

These practices include:

- Withholding or degrading access to certain airline content, including information regarding fares, schedules, seat availability, and ancillary services;
- Adopting contractual restrictions that ban intermediaries from displaying comparative information or directing consumers toward lower-cost alternatives;
- Imposing surcharges or economic penalties on certain bookings made through intermediary channels;
- Conditioning access to important marketplace information, including real-time pricing and ancillary fee data, on acceptance of restrictive contractual terms; and
- Using exclusive dealing, tying arrangements, or anti-steering provisions that threaten competition on the merits.

The cumulative effect of these practices can be significant. Consumers may face reduced ability to comparison shop across airlines in a transparent and efficient manner. Smaller carriers and new entrants may face diminished visibility in the marketplace. Travelers may encounter greater difficulty comparing ancillary fees or identifying lower-cost alternatives across competing airlines. These effects are particularly important in a marketplace where the four largest carriers collectively account for the overwhelming majority of domestic passenger traffic and capacity in many key markets.

These concerns are not theoretical, and they lack any sort of procompetitive justification. American consumers increasingly encounter higher prices, fragmented shopping experiences in which certain fare options, ancillary fees, or airline products are unavailable or difficult to compare across platforms, and lower quality airline experiences.

The essential issue is whether dominant carriers with substantial market power may use their dominance to exact control over critical marketplace information and distribution in ways that limit consumers' access to price information to the detriment of marketplace competition and smaller competitors.

The enforcement of antitrust laws addressing analogous conduct remains active and highly relevant today. Just last week, on June 16, the U.S. Department of Justice announced a settlement with OhioHealth Corporation prohibiting the use of contractual provisions that allegedly deterred lower-cost health plans and limited price competition for consumers and employers.[1] Notably, the lawsuit was filed only four months ago by the Department of Justice in partnership with Ohio Attorney General Dave Yost. In announcing the case, Acting Assistant Attorney General Omeed A. Assefi of the Justice Department's Antitrust Division stated that the lawsuit challenged "anticompetitive contract restrictions that prevent consumers from choosing lower-cost health plans and severely limit consumers' access to price information."[2]

Although involving a different industry, the principles underlying the OhioHealth enforcement action are directly relevant here: consumers benefit when markets remain transparent, comparison shopping remains possible, and firms with market power are not permitted to use contractual restrictions or control over critical information to impede competition and comparison shopping.

For these reasons, Travel Tech respectfully encourages the Subcommittee to conduct robust oversight of these issues, along with further examination by the Justice Department regarding competitive conditions within airline distribution markets and related contracting practices.

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[1] Press Release, U.S. Justice Dep't, Justice Department Requires OhioHealth to Stop Using Anticompetitive Healthcare Contract Terms That Raise Costs for Ohio Patients (June 16, 2026), https://www.justice.gov/opa/pr/justice-department-requires-ohiohealth-stop-using-anticompetitive-healthcare-contract-terms.

[2] Press Release, U.S. Justice Dep't, Justice Department Sues OhioHealth for Anticompetitive Healthcare Contracts that Increase Costs for Ohio Patients (February 20, 2026), https://www.justice.gov/opa/pr/justice-department-sues-ohiohealth-anticompetitive-healthcare-contracts-increase-costs-ohio

Consumers, smaller competitors, and the broader marketplace all benefit when competition occurs openly, transparently, and on the merits.

Thank you.