

United States Senate
WASHINGTON, DC 20510

August 23, 2016

Mr. Jeffrey Zients
Director of the National Economic Council
Assistant to the President for Economic Policy
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

CC: The Honorable Anthony Foxx
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Mr. Zients:

Earlier this year, the President issued Executive Order (E.O.) 13725, directing executive departments and agencies to identify specific actions they can take to address undue burdens on competition and improve consumer access to information needed to make informed purchasing decisions, thereby supporting economic growth. We share the President's goal of ensuring consumers and workers have the information they need to make informed choices. Accordingly, we write to raise our concerns about potentially anticompetitive and anti-consumer behavior among airlines that may be suppressing consumer ability to make informed flight decisions. Such actions would run directly counter to the President's goal of promoting a competitive marketplace, and we urge you to recommend the Department of Transportation (DOT) to use its existing statutory authority to ensure that consumers have unfettered access to airlines' flight schedule and pricing information.

The traveling public depends on third-party price comparison sites to make apples-to-apples comparisons among fares and flights and to select the best price, schedule, and airport from all available options. Unfortunately, some airlines appear to be taking steps to restrict consumer access to fare and schedule information on such sites. For example, Delta prohibits certain third-party price comparison travel websites, including online travel agents (OTAs) and "meta-search" websites, from fully accessing the airline's flight data. A consumer wishing to see how Delta's prices and schedules stack up against other carriers on the OTA TripAdvisor, or a meta-search site like Hipmunk, would be out of luck.¹ Southwest Airlines withholds its information from travel sites entirely. This lack of transparency is forcing consumers to gather fare, schedule, and availability information directly from the websites of airlines partaking in this behavior, thus hindering the ability to easily compare information when booking travel, reducing

¹ Jack Nicas, *Travel Websites Allege Delta Air Lines Is Shutting Them Out*, WALL ST. J. (May 20, 2015), <http://www.wsj.com/articles/travel-websites-allege-delta-air-lines-is-shutting-them-out-1432094461>.

the need for airlines to offer competitive products, and eliminating an important catalyst for pricing competition.

We believe such practices are damaging to consumers and potentially violate our existing consumer protection laws that promote competition in the air transportation industry. In March, Senators Blumenthal and Markey wrote to DOT requesting the Secretary use its existing statutory authority to promote transparent price competition that will allow consumers to quickly and easily make good purchasing decisions, but the Department has yet to take that action.

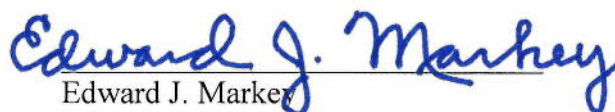
Given the unprecedented level of consolidation within the airline industry, it is more important than ever that Americans maintain the ability to comparison shop. As you know, E.O. 13725 directs departments and agencies to report to the President and to you, as Director of the National Economic Council, on specific actions they can take to support competition. We respectfully request information regarding what actions DOT has stated it will undertake, pursuant to its "Agency Responsibilities" in E.O. 13725, to ensure consumers can easily access accurate flight fare and schedule information.

Thank you in advance for your attention to this issue. We appreciate your focus on increasing competition in all sectors, and look forward to working with you.

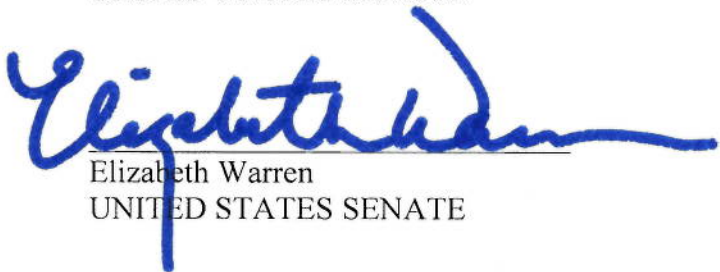
Sincerely,



Richard Blumenthal
UNITED STATES SENATE



Edward J. Markey
UNITED STATES SENATE



Elizabeth Warren
UNITED STATES SENATE