

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<https://oversight.house.gov>

April 1, 2025

The Honorable Sean Duffy
Secretary
U.S. Department of Transportation
1200 New York Ave., SE
Washington, DC 20590

Dear Secretary Duffy:

The Committee on Oversight and Government Reform is conducting oversight of a Request for Information (RFI) jointly issued by the Department of Justice (DOJ) and the Department of Transportation (DOT) related to competition in the airline industry.¹ Former Attorney General Merrick Garland and Secretary of Transportation Pete Buttigieg, in a rush to publish the RFI in the days running up to the 2024 Presidential election, may have circumvented the required Paperwork Reduction Act of 1995 (PRA) provisions in a rush to appease critics of the airline industry.² Circumvention of the PRA is inconsistent with President Donald Trump's pledge to bring efficiency back to the federal government. The Committee requests you initiate a review of the procedures used to publish this RFI and provide a staff-level briefing regarding your findings.

The stated purpose of the PRA includes "to minimize the paperwork burden ... resulting from the collection of information by and for the Federal Government."³ To further that purpose, Congress established the Office of Information and Regulatory Affairs (OIRA), whose Director "shall oversee the review and approval of the collection of information and the reduction of information collection burden"⁴ The law further requires "with respect to the collection of information and the control of paperwork, the Director shall review and approve proposed agency collection of information."⁵ It is not clear what, if any, review by OIRA occurred in this case.

The RFI is arguably a backdoor for left-wing advocates to argue that the airline industry, a capital-intensive and high-cost industry, needs tighter regulation and more government control.

¹ U.S. Dep't of Justice & U.S. Dep't of Transportation, *Request for Information on Competition in Air Transportation*, Docket No. ATR 103 (Oct. 24, 2024), available at <https://downloads.regulations.gov/ATR-2024-0001-0002/content.pdf>.

² Paperwork Reduction Act of 1995, Pub. L. No. 104-13, (1995).

³ *Id.*

⁴ *Id.* at § 3504(a)(1)(B)(i).

⁵ *Id.* at § 3504(c)(1).

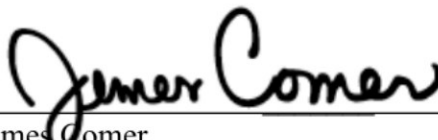
It casts a wide net, asking for responses to nearly seventy distinct questions over ten topic areas ranging from very broad general questions to more granular topics related to issues like ticket sales, airline rewards programs, and labor markets. Most of the questions request data and analysis of nearly every aspect of the air transportation industry which are overbroad and onerous. Even more concerning are the very leading questions about competition in the market and perceived harms that have occurred, including asking for “real-world examples” of agency action or lack of action and their impacts. In totality, the RFI seems designed to be a fishing expedition for airline critics to push for greater control and regulation of the U.S. airline industry.

To ensure that DOJ and DOT followed the law in publishing their RFI on competition in the airline industry, we ask you to initiate a review to determine whether the law was complied with and if not, provide us with an explanation of why. Specifically, the review should include:

1. Was there an analysis of the burden the RFI will place on the private sector?
2. Did DOJ and DOT submit the RFI for OIRA review and approval prior to publication?
3. Did DOJ and DOT discuss any preconceived outcome before publishing the RFI?
4. What discussions did DOJ and DOT have with the White House or non-governmental organizations before releasing the RFI?

The Committee on Oversight and Government Reform is the principal oversight committee in the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Additionally, the Committee is charged with legislative jurisdiction over “Federal paperwork reduction” under House Rule X. If you have any questions about this request, please contact Committee Majority staff at (b)(6) Thank you for attention to this important matter.

Sincerely,



James Comer
Chairman

Cc: The Honorable Gerald Connolly, Ranking Member
Committee on Oversight and Government Reform