

105TH CONGRESS
2D SESSION

H. R. 3704

To direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1998

Mr. FORBES introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Access to
5 Travel Information Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) To foster and preserve competition, national
2 transportation policy should support the continu-
3 ation of widespread, convenient, and efficient public
4 access to unbiased comparative air transportation
5 passenger service and fare information.

6 (2) The traveling public relies upon unbiased
7 comparative air transportation passenger service and
8 fare information provided by independent retail trav-
9 el agents and other independent sources.

10 (3) Concentrations of market power, restric-
11 tions on entry, and predatory and discriminatory
12 practices of airlines impair consumer access to inde-
13 pendently distributed unbiased comparative informa-
14 tion about air transportation passenger services and
15 fares.

16 (4) If not corrected, such practices will seri-
17 ously restrict consumer access to the independent
18 and unbiased service and fare information provided
19 by travel agents and other independent sources.

20 **SEC. 3. POLICY.**

21 Section 40101(a) of title 49, United States Code, is
22 amended by adding at the end the following:

23 “(16) ensuring that consumers may obtain un-
24 biased information in an efficient and convenient
25 manner from travel agents and other independent

1 sources about air transportation passenger services
2 and fares.”.

3 **SEC. 4. STUDY; REPORT.**

4 (a) STUDY.—Not later than 60 days after the date
5 of the enactment of this Act, the Secretary of Transpor-
6 tation shall undertake a study of the availability to con-
7 sumers of adequate unbiased information about air trans-
8 portation passenger services and fares. The study shall in-
9 clude an investigation of the following:

10 (1) Air carrier policies that deter or prevent
11 travel agents and other independent sources of such
12 information from using competitively efficient phone
13 systems, computer reservation systems, or other
14 electronic systems to communicate or consummate
15 transactions with the public.

16 (2) Air carrier policies that deter or prevent
17 travel agents and other independent sources of such
18 information from offering the public the same or
19 greater concessions, benefits, or services than those
20 offered by air carriers directly to those consumers.

21 (3) Discriminatory collective or joint operation
22 of assets used to offer concessions, benefits, or serv-
23 ices to the public while denying comparable access to
24 such concessions, benefits, or services through travel
25 agents and other independent sources, including

1 joint sales activities, denial of competitive tools, and
2 denial of distribution efficiencies.

3 (4) Sharing of competitively significant sales
4 transaction data in violation of the confidentiality in-
5 terests of the travel agents or other independent
6 sources that generated such data.

7 (5) As the Secretary of Transportation deter-
8 mines appropriate, any other practices that are like-
9 ly to impair consumer access to independently dis-
10 tributed unbiased comparative information about air
11 transportation passenger services or fares.

12 (b) REPORT.—Not later than 1 year after the date
13 of the enactment of this Act, the Secretary shall transmit
14 to Congress a report of the conclusions of the study re-
15 quired by subsection (a).

16 **SEC. 5. CEASE AND DESIST ORDERS.**

17 After notice and an opportunity for a hearing, the
18 Secretary of Transportation shall order any air carrier or
19 other party engaged in any practice or policy which con-
20 stitutes a predatory, unfair, or deceptive practice or unfair
21 method of competition which restricts the widespread, con-
22 venient, and efficient access by the public to unbiased
23 comparative air transportation passenger service and fare
24 information or the sale, booking, or distribution of air

- 1 transportation passenger services or products, to cease
- 2 and desist therefrom.

○