

111TH CONGRESS
2D SESSION

S. 3691

To establish rules to assist consumers to compare airfares and other costs applicable to tickets for air transportation, to amend the Internal Revenue Code of 1986 to provide that fees charged for carry-on and checked baggage on passenger aircraft are subject to the excise tax imposed on transportation of persons by air, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2010

Mr. WEBB introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To establish rules to assist consumers to compare airfares and other costs applicable to tickets for air transportation, to amend the Internal Revenue Code of 1986 to provide that fees charged for carry-on and checked baggage on passenger aircraft are subject to the excise tax imposed on transportation of persons by air, and for other purposes.

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 “Airline Baggage
5 Transparency and Accountability Act”.

1 **SEC. 2. NOTIFICATION REQUIREMENTS WITH RESPECT TO**
2 **THE SALE OF AIRLINE TICKETS.**

3 (a) IN GENERAL.—The Office of Aviation Consumer
4 Protection and Enforcement of the Department of Trans-
5 portation shall establish rules to ensure that all consumers
6 are able to easily and fairly compare airfares and other
7 costs applicable to tickets for air transportation, including
8 all taxes and fees.

9 (b) NOTICE OF TAXES AND FEES APPLICABLE TO
10 TICKETS FOR AIR TRANSPORTATION.—Section 41712 of
11 title 49, United States Code, is amended by adding at the
12 end the following:

13 “(c) NOTICE OF TAXES AND FEES APPLICABLE TO
14 TICKETS FOR AIR TRANSPORTATION.—

15 “(1) IN GENERAL.—It shall be an unfair or de-
16 ceptive practice under subsection (a) for an air car-
17 rier, foreign air carrier, or ticket agent to sell a tick-
18 et for air transportation unless the air carrier, for-
19 eign air carrier, or ticket agent, as the case may
20 be—

21 “(A) displays information with respect to
22 the taxes and fees described in paragraph (2),
23 including the amount and a description of each
24 such tax or fee, simultaneously with and in rea-
25 sonable proximity to the price listed for the
26 ticket; and

1 “(B) in the case of a ticket for air trans-
2 portation sold on the Internet, provides to the
3 purchaser of the ticket information with respect
4 to the taxes and fees described in paragraph
5 (2), including the amount and a description of
6 each such tax or fee, before requiring the pur-
7 chaser to provide any personal information, in-
8 cluding the name, address, phone number, e-
9 mail address, or credit card information of the
10 purchaser.

11 “(2) TAXES AND FEES DESCRIBED.—The taxes
12 and fees described in this paragraph are all taxes,
13 fees, and charges applicable to a ticket for air trans-
14 portation, including—

15 “(A) all taxes, fees, charges, and sur-
16 charges included in the price paid by a pur-
17 chaser for the ticket, including fuel surcharges
18 and surcharges relating to peak or holiday trav-
19 el; and

20 “(B) any fees for checked baggage, seating
21 assignments, and optional in-flight goods and
22 services, and other fees that may be charged
23 after the ticket is purchased.”.

24 (c) RULEMAKING.—The Secretary of Transportation,
25 in consultation with the Administrator of the Federal

1 Aviation Administration, shall prescribe such regulations
2 as may be necessary to carry out section 41712(c) of title
3 49, United States Code, as added by subsection (b).

4 **SEC. 3. FEES FOR CARRY-ON AND CHECKED BAGGAGE**
5 **TREATED AS PAID FOR TAXABLE TRANSPOR-**
6 **TATION.**

7 (a) IN GENERAL.—Section 4261(e) of the Internal
8 Revenue Code of 1986 is amended by adding at the end
9 the following:

10 “(6) AMOUNTS PAID FOR CARRY-ON OR
11 CHECKED BAGGAGE.—Any amount paid by an air-
12 line passenger to check baggage for transit on the
13 aircraft carrying such passenger or to personally
14 carry baggage into the cabin or overhead storage
15 compartments of the aircraft carrying such pas-
16 senger shall be treated for purposes of subsection (a)
17 as an amount paid for taxable transportation.”.

18 (b) EFFECTIVE DATE.—The amendment may by this
19 section shall apply to transportation beginning on or after
20 the date of the enactment of this Act.

21 **SEC. 4. AUTHORITY OF AVIATION CONSUMER PROTECTION**
22 **DIVISION WITH RESPECT TO CLAIMS RELAT-**
23 **ING TO LOST AND STOLEN BAGGAGE.**

24 (a) IN GENERAL.—The Assistant General Counsel
25 for Aviation Enforcement and Proceedings shall, acting

1 through the Aviation Consumer Protection Division, have
2 authority to carry out consumer protection compliance and
3 enforcement activities relating to claims by passengers
4 with respect to lost, stolen, and damaged baggage.

5 (b) RESPONSIBILITY OF DIVISION.—The Aviation
6 Consumer Protection Division shall also have authority to
7 do the following:

8 (1) INFORMATION COLLECTION.—Collect infor-
9 mation from each air carrier operating under part
10 121 of title 14, Code of Federal Regulations, with
11 respect to the air carrier's procedures and perform-
12 ance relating to lost, stolen, and damaged baggage.

13 (2) PUBLICATION OF INFORMATION.—Make the
14 information collected pursuant to paragraph (1)
15 available to the public on the Department of Trans-
16 portation website.

○