

105TH CONGRESS
2D SESSION

S. 1977

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 SENATE OF THE UNITED STATES

APRIL 23, 1998

Mr. D'AMATO (for himself and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 The 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 or
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 comparative information from travel agents
25 and other independent sources about air transpor-

1 tation passenger services and fares in an efficient
2 and convenient manner.”.

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 (hereinafter in this Act referred to as the “Sec-
7 retary”) shall undertake a study of the availability to con-
8 sumers of adequate unbiased information about air trans-
9 portation passenger services and fares. The study shall in-
10 clude an investigation of the following practices:

11 (1) Air carrier policies that deter or prevent
12 travel agents or other independent sources from
13 using competitively efficient phone systems, com-
14 puter reservation systems, or other electronic sys-
15 tems to communicate or consummate transactions
16 with the public.

17 (2) Air carrier policies that deter or prevent
18 travel agents and other independent sources from of-
19 fering the public the same or greater concessions,
20 benefits, or services than those offered by air car-
21 riers directly to those consumers.

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

1 agents and other independent sources, including
2 joint sales activities, denial of competitive tools, and
3 denial of distribution efficiencies.

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

8 (5) As the Secretary considers appropriate, any
9 other practices which may impair consumer access to
10 independently distributed unbiased comparative in-
11 formation about air transportation passenger serv-
12 ices of fares.

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

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

18 The Secretary shall, after notice and hearing, order
19 any air carrier or other party engaged in any practice or
20 policy which constitutes a predatory, unfair, or deceptive
21 practice or unfair method of competition which restricts
22 the widespread, convenient, and efficient access by the
23 public to unbiased comparative air transportation pas-
24 senger service and fare information or the sale, booking,

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

○