

106TH CONGRESS
1ST SESSION

H. R. 1030

To establish a commission to study the airline industry and to recommend policies to ensure consumer information and choice.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 1999

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

A BILL

To establish a commission to study the airline industry and to recommend policies to ensure consumer information and choice.

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 “Improved Consumer
5 Access to Travel Information Act”.

6 **SEC. 2. NATIONAL COMMISSION TO ENSURE CONSUMER IN-**
7 **FORMATION AND CHOICE IN THE AIRLINE IN-**
8 **DUSTRY.**

9 (a) FINDINGS.—The Congress finds the following:

1 (1) The continued success of a deregulated air-
2 line system requires that consumers have full access
3 to complete information concerning airline fares,
4 routes, and other services.

5 (2) The means of distributing information
6 about the products and services of the airline indus-
7 try are changing; during the past four years, airlines
8 have begun selling a larger percentage of their prod-
9 ucts and services directly to consumers, and Internet
10 businesses are now offering services that allow con-
11 sumers to compare prices for these products and
12 services.

13 (3) Airline policies with respect to travel agen-
14 cies, who historically have sold a majority of the air-
15 line industry's products and services, threaten the
16 ability of consumers to gather the information nec-
17 essary to evaluate market prices, routes, and serv-
18 ices.

19 (4) Further reductions in the number of travel
20 agents and greater marketplace reliance on direct
21 airline sales may result in a marketplace in which
22 consumers lack sufficient information and are there-
23 by forced to pay higher prices.

24 (b) ESTABLISHMENT.—There is established a com-
25 mission to be known as the “National Commission to En-

1 sure Consumer Information and Choice in the Airline In-
2 dustry” (hereinafter in this section referred to as the
3 “Commission”).

4 (c) DUTIES.—

5 (1) STUDY.—The Commission shall undertake a
6 study of—

7 (A) consumer access to information about
8 the products and services of the airline indus-
9 try;

10 (B) the effect on the marketplace of the
11 emergence of new means of distributing such
12 products and services;

13 (C) the effect on consumers of the declin-
14 ing financial condition of travel agents in the
15 United States; and

16 (D) the impediments imposed by the air-
17 line industry on distributors of the industry’s
18 products and services, including travel agents
19 and Internet-based distributors.

20 (2) POLICY RECOMMENDATIONS.—Based on the
21 results of the study described in paragraph (1), the
22 Commission shall recommend to the President and
23 Congress policies necessary—

1 (A) to ensure full consumer access to com-
2 plete information concerning airline fares,
3 routes, and other services;

4 (B) to ensure that the means of distribut-
5 ing the products and services of the airline in-
6 dustry, and of disseminating information about
7 such products and services, is adequate to en-
8 sure that competitive information is available in
9 the marketplace;

10 (C) to ensure that distributors of the prod-
11 ucts and services of the airline industry have
12 adequate relief from illegal, anticompetitive
13 practices that occur in the marketplace; and

14 (D) to foster healthy competition in the
15 airline industry and the entry of new entrants.

16 (d) SPECIFIC MATTERS TO BE ADDRESSED.—In car-
17 rying out the study authorized under subsection (c)(1), the
18 Commission shall specifically address the following:

19 (1) CONSUMER ACCESS TO INFORMATION.—

20 With respect to consumer access to information re-
21 garding the services and products offered by the air-
22 line industry:

23 (A) The state of such access.

24 (B) The effect in the next 5 years of the
25 making of alliances in the airline industry.

1 (C) Whether and to what degree the trends
2 regarding such access will produce benefits to
3 consumers.

4 (2) MEANS OF DISTRIBUTION.—With respect to
5 the means of distributing the products and services
6 of the airline industry:

7 (A) The state of such means of distribu-
8 tion.

9 (B) The roles played by travel agencies
10 and Internet-based providers of travel informa-
11 tion and services in distributing such products
12 and services.

13 (C) Whether the policies of the United
14 States promote the access of consumers to mul-
15 tiple means of distribution.

16 (3) AIRLINE RESERVATION SYSTEMS.—With re-
17 spect to airline reservation systems:

18 (A) The rules, regulations, policies, and
19 practices of the industry governing such sys-
20 tems.

21 (B) How trends in such systems will affect
22 consumers, including—

23 (i) the effect on consumer access to
24 flight reservation information; and

1 (ii) the effect on consumers of the use
2 by the airline industry of penalties and
3 promotions to convince distributors to use
4 such systems, and the degree of consumer
5 awareness of such penalties and pro-
6 motions.

7 (4) LEGAL IMPEDIMENTS TO DISTRIBUTORS
8 SEEKING RELIEF FOR ANTICOMPETITIVE ACTIONS.—
9 The policies of the United States with respect to the
10 legal impediments to distributors seeking relief for
11 anticompetitive actions, including—

12 (A) Federal preemption of civil actions
13 against airlines; and

14 (B) the role of the Department of Trans-
15 portation in enforcing rules against anti-
16 competitive practices.

17 (e) MEMBERSHIP.—

18 (1) APPOINTMENT.—The Commission shall be
19 composed of 15 voting members and 11 nonvoting
20 members as follows:

21 (A) 5 voting members and 1 nonvoting
22 member appointed by the President.

23 (B) 3 voting members and 3 nonvoting
24 members appointed by the Speaker of the
25 House of Representatives.

1 (C) 2 voting members and 2 nonvoting
2 members appointed by the minority leader of
3 the House of Representatives.

4 (D) 3 voting members and 3 nonvoting
5 members appointed by the majority leader of
6 the Senate.

7 (E) 2 voting members and 2 nonvoting
8 members appointed by the minority leader of
9 the Senate

10 (2) QUALIFICATIONS.—Voting members ap-
11 pointed pursuant to paragraph (1) shall be ap-
12 pointed from among individuals who are experts in
13 economics, service product distribution, or transpor-
14 tation, or any related discipline, and who can rep-
15 resent consumers, passengers, shippers, travel
16 agents, airlines, or general aviation.

17 (3) TERMS.—Members shall be appointed for
18 the life of the Commission.

19 (4) VACANCIES.—A vacancy in the Commission
20 shall be filled in the manner in which the original
21 appointment was made.

22 (5) TRAVEL EXPENSES.—Members shall serve
23 without pay but shall receive travel expenses, includ-
24 ing per diem in lieu of subsistence, in accordance

1 with subchapter I of chapter 57 of title 5, United
2 States Code.

3 (6) CHAIRMAN.—The President, in consultation
4 with the Speaker of the House of Representatives
5 and the majority leader of the Senate, shall des-
6 ignate the Chairman of the Commission from among
7 its voting members.

8 (f) COMMISSION PANELS.—The Chairman shall es-
9 tablish such panels consisting of voting members of the
10 Commission as the Chairman determines appropriate to
11 carry out the functions of the Commission.

12 (g) STAFF.—The Commission may appoint and fix
13 the pay of such personnel as it considers appropriate.

14 (h) STAFF OF FEDERAL AGENCIES.—Upon request
15 of the Commission, the head of any department or agency
16 of the United States may detail, on a reimbursable basis,
17 any of the personnel of that department or agency to the
18 Commission to assist it in carrying out its duties under
19 this section.

20 (i) OTHER STAFF AND SUPPORT.—Upon the request
21 of the Commission, or a panel of the Commission, the Sec-
22 retary of Transportation shall provide the Commission or
23 panel with professional and administrative staff and other
24 support, on a reimbursable basis, to assist the Commission
25 or panel in carrying out its responsibilities.

1 (j) OBTAINING OFFICIAL DATA.—The Commission
2 may secure directly from any department or agency of the
3 United States information (other than information re-
4 quired by any statute of the United States to be kept con-
5 fidential by such department or agency) necessary for the
6 Commission to carry out its duties under this section.
7 Upon request of the Commission, the head of that depart-
8 ment or agency shall furnish such nonconfidential infor-
9 mation to the Commission.

10 (k) REPORT.—Not later than 6 months after the date
11 on which initial appointments of members to the Commis-
12 sion are completed, the Commission shall transmit to the
13 President and Congress a report on the activities of the
14 Commission, including recommendations made by the
15 Commission under subsection (c)(2).

16 (l) TERMINATION.—The Commission shall terminate
17 on the 30th day following the date of transmittal of the
18 report under subsection (k). All records and papers of the
19 Commission shall thereupon be delivered by the Adminis-
20 trator of General Services for deposit in the National Ar-
21 chives.

22 (m) APPLICABILITY OF THE FEDERAL ADVISORY
23 COMMITTEE ACT.—The Federal Advisory Committee Act
24 (5 U.S.C. App.) shall not apply to the Commission.

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