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April 8, 2014

The Honorable Bill Shuster
Chairman
House Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Nick Rahall
Ranking Member
House Committee on Transportation and Infrastructure
2163 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Shuster and Representative Rahall:

I am writing on behalf of the American Society of Travel Agents (ASTA) and our more than 3,300 member companies to express concern about and ask for a delay in consideration of legislation soon to be considered by the committee, the Transparent Airfares Act of 2014 (H.R. 4156).

H.R. 4156 concerns the U.S. Department of Transportation's (DOT) full-fare advertising rule, in effect since January 2012.¹ Under that rule, airlines, travel agents and other ticket sellers are prohibited from advertising airfares that do not include the full and final price to be paid by the consumer, including all government-imposed taxes and fees. Please note that the DOT's rule allows charges included within the total price – including taxes and fees – to be listed separately, so long as the total price is displayed more prominently than the separately-listed components.² In July 2012, the rule was affirmed by the U.S. Court of Appeals for the D.C. Circuit, and the Supreme Court denied further review.³ ASTA supports the DOT's full-fare advertising rule and has since 2012 been engaged in the process of assisting our members in complying with it.

¹ Code of Federal Regulations (14 CFR 399.84 a/b).

² See U.S. Department of Transportation's "Additional Guidance on Airfare/Air Tour Price Advertisements," Feb. 21, 2012, which states that "advertisers are free to advise the public in price solicitations about government taxes and fees as well as carrier-or agent-imposed fees that are included within the single total price, so long as that notice is not deceptive."

³ Spirit Airlines, Inc. v. United States Department of Transportation (D.C. Cir. July 24, 2012).

Considered in haste without the benefit of a committee hearing, the Transparent Airfares Act would effectively repeal this rule. The bill calls for allowing taxes and fees to be disclosed, in the case of an online transaction, through “a link or pop-up...in a manner that is easily accessible and viewable by the consumer,” which will not permit consumers to make all-in price comparisons prior to their initial carrier selection. While we share the committee’s concern about the significant tax burden on air travel, ASTA believes that H.R. 4156 represents a step backward in terms of what we hope the committee shares as a key consumer protection principle – that consumers should know the full cost of air travel before purchasing a ticket. Put another way, as a consumer put it in a recent *Washington Post* article, “For the love of Pete, when I’m searching for the best fare, I want to know the *whole* price.”⁴

On behalf of the 105,000 Americans who work at travel agencies throughout the country and the travelers who booked over 142 million air transactions through the agency channel in 2013, I respectfully urge you delay consideration of H.R. 4156 and allow time for a full airing of views on this critical consumer protection issue.

Thank you for considering ASTA’s views on this critical matter. If you or your staff have any questions on this or any issue related to the travel industry, please don’t hesitate to contact me or Eben Peck, ASTA’s VP of Government Affairs, at (703) 739-6842 or epeck@asta.org.

Yours Sincerely,



Zane Kerby
President and Chief Executive Officer

CC: Honorable Members, Subcommittee on Aviation

⁴ Elliott, Christopher. “Will a Proposed Airfare Transparency Law Help Consumers, or Let the Airlines be Deceptive?” *Washington Post*, 13 March 2014.