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April 16, 2014

The Honorable Maria Cantwell
Chair
Subcommittee on Aviation Operations, Safety, and Security
U.S. Senate Committee on Commerce, Science, and Transportation
427 Hart Senate Office Building
Washington, DC 20510

The Honorable Kelly Ayotte
Ranking Member
Subcommittee on Aviation Operations, Safety, and Security
U.S. Senate Committee on Commerce, Science, and Transportation
560 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Cantwell and Ayotte:

I am writing on behalf of the American Society of Travel Agents (ASTA) and our more than 3,300 member companies to express deep concern about rumored Senate companion legislation to the Transparent Airfares Act of 2014 (H.R. 4156), recently passed by the House Transportation and Infrastructure Committee.

H.R. 4156 relates to 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. Importantly, and contrary to some of the rhetoric surrounding this issue, there is nothing in the DOT's rule prohibiting charges included within the total price – including taxes and fees – from being listed separately, so long as the total price is displayed more prominently than the separately-listed components.² In July 2012, the full-fare advertising rule was affirmed by the U.S. Court of Appeals for the D.C. Circuit, and the Supreme Court denied further review.³ ASTA strongly supports this pro-consumer 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, cert. denied April 1, 2013.

Considered in haste without the benefit of a House committee hearing, the Transparent Airfares Act would 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 many aviation stakeholders’ concerns about the significant tax burden on air travel, that tax burden is not at issue here.⁴ What is at issue is a key consumer protection principle we hope the subcommittee shares – 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.”⁵

At best, H.R. 4156 will undermine efficient comparison shopping. At worst, it will result in travelers being duped into premature carrier selection decisions and higher prices. In short, ASTA believes that the Transparent Airfares Act would represent a giant step backward in terms of true airfare transparency.

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 to oppose any Senate companion to H.R. 4156 that might be introduced.

ASTA would welcome the opportunity to meet with you and your staff to discuss this critical issue and consumer transparency issues generally. To set up such a meeting, or for assistance with this or any issue related to the travel industry, please don’t hesitate to contact me or Eben Peck, ASTA’s Vice President of Government Affairs, at (703) 739-6842 or epeck@asta.org.

Thank you for considering ASTA’s views on this critical matter.

Yours Sincerely,



Zane Kerby
President and Chief Executive Officer

CC: Honorable Members, U.S. Senate Committee on Commerce, Science and Transportation

⁴ Peck, Eben. “[Short-Term Fix, Long-Term Damage.](#)” *Travel Weekly*, November 12, 2012.

⁵ Elliott, Christopher. “[Will a Proposed Airfare Transparency Law Help Consumers, or Let the Airlines be Deceptive?](#)” *Washington Post*, March 13, 2014.