

107TH CONGRESS  
1ST SESSION

# H. R. 1407

To amend title 49, United States Code, to permit air carriers to meet and discuss their schedules in order to reduce flight delays, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. MICA, Mr. LIPINSKI, Mr. HUTCHINSON, Mr. DEFazio, Mr. HORN, Ms. MILLENDER-McDONALD, Mr. QUINN, Ms. NORTON, Mr. EHLERS, Mr. BACHUS, Mr. BAKER, Mr. COOKSEY, Mr. LOBIONDO, Mr. ISAKSON, Mr. HAYES, Mr. JOHNSON of Illinois, Mr. KENNEDY of Minnesota, and Mr. KIRK) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to permit air carriers to meet and discuss their schedules in order to reduce flight delays, 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. SCHEDULING COMMITTEES, DISCUSSIONS, AND**  
4 **AGREEMENTS.**

5 (a) IN GENERAL.—Chapter 401 of title 49, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing:

1 **“§ 40129. Air carrier discussions of and agreements**  
2 **relating to flight scheduling**

3 “(a) DISCUSSIONS TO REDUCE DELAYS.—

4 “(1) REQUEST.—An air carrier may file with  
5 the Secretary of Transportation a request for au-  
6 thority to discuss with one or more other air carriers  
7 or foreign air carriers agreements or cooperative ar-  
8 rangements relating to limiting flights at an airport  
9 during a time period that the Secretary determines  
10 that scheduled air transportation exceeds the capac-  
11 ity of the airport. The purpose of the discussion  
12 shall be to reduce delays at the airport during such  
13 time period.

14 “(2) APPROVAL.—The Secretary shall approve  
15 a request filed under this subsection if the Secretary  
16 finds that the discussions requested will facilitate  
17 voluntary adjustments in air carrier schedules that  
18 could lead to a substantial reduction in travel delays  
19 and improvement of air transportation service to the  
20 public. The Secretary may impose such terms and  
21 conditions to an approval under this subsection as  
22 the Secretary determines are necessary to protect  
23 the public interest and to carry out the objectives of  
24 this subsection.

25 “(3) NOTICE.—Before a discussion may be held  
26 under this subsection, the Secretary shall provide at

1 least 3 days notice of the proposed discussion to all  
2 air carriers and foreign air carriers that are pro-  
3 viding service to the airport that will be the subject  
4 of such discussion.

5 “(4) MONITORING.—The Secretary or a rep-  
6 resentative of the Secretary shall attend and monitor  
7 any discussion or other effort to enter into an agree-  
8 ment or cooperative arrangement under this sub-  
9 section.

10 “(5) DISCUSSIONS OPEN TO PUBLIC.—A discus-  
11 sion held under this subsection shall be open to the  
12 public.

13 “(b) AGREEMENTS.—

14 “(1) REQUEST.—An air carrier may file with  
15 the Secretary a request for approval of an agree-  
16 ment or cooperative arrangement relating to inter-  
17 state air transportation, and any modification of  
18 such an agreement or arrangement, reached as a re-  
19 sult of a discussion held under subsection (a).

20 “(2) APPROVAL.—The Secretary shall approve  
21 an agreement, arrangement, or modification for  
22 which a request is filed under this subsection if the  
23 Secretary finds that the agreement, arrangement, or  
24 modification is not adverse to the public interest and  
25 is necessary to reduce air travel delays and that a

1 substantial reduction in such delays cannot be  
2 achieved by any other immediately available means.

3 “(c) LIMITATIONS.—

4 “(1) RATES, FARES, CHARGES, AND IN-FLIGHT  
5 SERVICES.—The participants in a discussion ap-  
6 proved under subsection (a) may not discuss or  
7 enter into an agreement or cooperative arrangement  
8 regarding rates, fares, charges, or in-flight services.

9 “(2) CITY PAIRS.—The participants in a discus-  
10 sion approved under subsection (a) may not discuss  
11 particular city pairs or submit to another air carrier  
12 or foreign air carrier information concerning their  
13 proposed service or schedules in a fashion that indi-  
14 cates the city pairs involved.

15 “(d) TERMINATION.—This section shall cease to be  
16 in effect after September 30, 2003; except that an agree-  
17 ment, cooperative arrangement, or modification approved  
18 by the Secretary in accordance with this section may con-  
19 tinue in effect after such date at the discretion of the Sec-  
20 retary.”.

21 (b) CONFORMING AMENDMENT.—The analysis for  
22 such chapter is amended by adding at the end the fol-  
23 lowing:

“40129. Air carrier discussions and agreements relating to flight scheduling.”.

1 **SEC. 2. LIMITED EXEMPTION FROM ANTITRUST LAWS.**

2 Section 41308 of title 49, United States Code, is  
3 amended—

4 (1) in subsection (b) by striking “41309” and  
5 inserting “40129, 41309,”; and

6 (2) in subsection (c)—

7 (A) by inserting “40129 or” before  
8 “41309” the first place it appears; and

9 (B) by striking “41309(b)(1),” and insert-  
10 ing “40129(b) or “41309(b)(1), as the case  
11 may be,”.

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