

106TH CONGRESS
1ST SESSION

S. 383

To establish a national policy of basic consumer fair treatment for airline passengers.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 1999

Mr. WYDEN (for himself, Mr. MCCAIN, Ms. SNOWE, and Mr. BRYAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish a national policy of basic consumer fair treatment for airline passengers.

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 “Airline Passenger
5 Fairness Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) The number of airline passengers on United
9 States carriers is expected to grow from about 600

1 million per year today to about 1 billion by the year
2 2008.

3 (2) Since 1978 the number of certified large air
4 carriers has decreased from 30 to 10. In 1998, 6 of
5 the United States' largest air carriers sought to
6 enter into arrangements that would result in 3 large
7 networks comprising approximately 70 percent of
8 the domestic market.

9 (3) Only $\frac{2}{3}$ of all communities in the United
10 States that had scheduled air service in 1978 still
11 have it today, and $\frac{1}{2}$ of those remaining are served
12 by smaller airlines feeding hub airports.

13 (4) The Department of Transportation's Do-
14 mestic Airline Fares Consumer Report for the 3rd
15 Quarter of 1997 listed 75 major city pairs where
16 fares increased by 30 percent or more year-over-
17 year, while total traffic in these city pairs decreased
18 by 863,500 passengers, or more than 20 percent.

19 (5) A 1998 Department of Transportation
20 study found that large United States air carriers
21 charge twice as much at their large hub airports
22 where there is no low fare competition as they
23 charge at a hub airport where a low fair competitor
24 is present. The General Accounting Office found
25 that fares range from 12 percent to 71 percent high-

1 er at hubs dominated by one carrier or a consor-
2 tium.

3 (6) Complaints filed with the Department of
4 Transportation about airline travel have increased
5 by more than 25 percent over the previous year, and
6 complaints against large United States air carriers
7 have increased from 6,394 in 1997 to 7,994 in
8 1998.

9 (7) The 1997 National Civil Aviation Review
10 Commission reported that recent data indicate the
11 problem of delay in flights is getting worse, and that
12 the number of daily aircraft delays of 15 minutes or
13 longer was nearly 20 percent higher in 1996 than in
14 1995.

15 (8) The 1997 National Civil Aviation Review
16 Commission forecast that United States domestic
17 and international passenger enplanements are ex-
18 pected to increase 52 percent between 1996 and
19 2006, and the Federal Aviation Administration fore-
20 casts annual growth in revenue passenger miles will
21 average 4.2 percent.

22 (9) A 1998 Department of Transportation
23 study found that the large United States air carriers
24 charge about 60 percent more to passengers travel-

1 ing to or from small communities than they charge
2 to passengers traveling between large communities.

3 (10) The Congress has directed the Secretary of
4 Transportation to prohibit unfair and deceptive
5 practices in the airline industry.

6 **SEC. 3. FAIR PRACTICES FOR AIRLINE PASSENGERS.**

7 Section 41712 of title 49, United States Code, is
8 amended—

9 (1) by striking “On the initiative” and inserting
10 “(a) DUTY OF THE SECRETARY.—On the initiative”;
11 and

12 (2) by adding at the end thereof the following:

13 “(b) SPECIFIC PRACTICES.—For purposes of sub-
14 section (a), the terms ‘unfair or deceptive practice’ and
15 ‘unfair method of competition’ include, in the case of a
16 certificated air carrier, an air carrier’s failure—

17 “(1) to inform a ticketed passenger, upon re-
18 quest, whether the flight on which the passenger is
19 ticketed is oversold;

20 “(2) to permit a passenger holding a confirmed
21 reserved space on a flight to use portions of that
22 passenger’s ticket for travel, rather than the entire
23 ticket, regardless of the reason any other portion of
24 the ticket is not used;

1 “(3) to deliver a passenger’s checked baggage
2 within 24 hours after arrival of the flight on which
3 the passenger travelled and on which the passenger
4 checked the baggage, except for reasonable delays in
5 delivery of such baggage;

6 “(4) to provide a consumer full access to all
7 fares for that air carrier, regardless of the tech-
8 nology the consumer uses to access the fares if such
9 information is requested by that consumer;

10 “(5) to provide notice to each passenger holding
11 a confirmed reserved space on a flight with reason-
12 able prior notice when a scheduled flight will be de-
13 layed for any reason (other than reasons of national
14 security);

15 “(6) to inform passengers accurately and truth-
16 fully of the reason for the delay, cancellation, or di-
17 version of a flight;

18 “(7) to refund the full purchase price of an un-
19 used ticket if the passenger requests a refund within
20 48 hours after the ticket is purchased;

21 “(8) to disclose to consumers information that
22 would enable them to make informed decisions about
23 the comparative value of frequent flyer programs
24 among airlines, including—

1 “(A) the number of seats redeemable on
2 each flight; and

3 “(B) the percentage of successful and
4 failed redemptions on each airline and on each
5 flight.

6 “(c) REPORT.—The Secretary shall include informa-
7 tion about violations of subsection (a) by certificated air
8 carriers in the Department of Transportation’s monthly
9 Air Travel Consumer Report.

10 “(d) CONFIRMED RESERVED SPACE.—The term
11 ‘confirmed reserved space’ shall mean a space on a specific
12 date and on a specific flight and class of service of a car-
13 rier which has been requested by a passenger and which
14 the carrier or its agent has verified, by appropriate nota-
15 tion on the ticket or in any other manner provided by the
16 carrier, as being reserved for the accommodation of the
17 passenger.”.

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