

**Calendar No. 35**

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 319**

**[Report No. 107–13]**

To amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity.

---

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2001

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

APRIL 26, 2001

Reported by Mr. MCCAIN, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

---

**A BILL**

To amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity.

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 Customer Serv-  
5       ice Improvement Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

8               (1) The Inspector General of the Department of  
9       Transportation has found that the airlines’ vol-  
10      untary commitment to better service, set forth in the  
11      Airline Customer Service Commitment, has resulted  
12      in positive changes in how air travelers are treated.

13              (2) While the Inspector General’s Final report  
14      noted that the voluntary effort has produced benefits  
15      faster than a legislative or regulatory mandate,  
16      which could have taken years to implement, the In-  
17      spector General has recommended additional  
18      changes that require legislation and regulations.

19              (3) The Airline Customer Service Commitment  
20      has prompted the airlines to address consumer con-  
21      cerns in many areas, ranging from providing infor-  
22      mation more accurately on delays to explaining that  
23      lower fares may be available through the Internet.

1           (4) The airlines were cooperative with, and re-  
 2           sponsive to, many of the suggestions the Inspector  
 3           General made in the interim report last year.

4           (5) The Inspector General has determined that,  
 5           while there has been significant progress in improv-  
 6           ing airline customer service, certain areas covered by  
 7           the Airline Customer Service Commitment are in  
 8           need of significant clarification and improvement  
 9           and, where appropriate, enforcement action.

10 **SEC. 3. DEPARTMENT OF TRANSPORTATION TO DEVOTE**  
 11 **GREATER RESOURCES TO AIRLINE PAS-**  
 12 **SENGER CONSUMER PROTECTION.**

13           (a) IN GENERAL.—The Secretary of Transportation  
 14           shall increase the resources of the Department of Trans-  
 15           portation allocated to providing—

16           (1) airline passenger consumer protection and  
 17           related services; and

18           (2) oversight and enforcement of laws and regu-  
 19           lations within the jurisdiction of the Department  
 20           that provide protection for air travelers.

21           (b) REPORT.—Within 60 days after the date of enact-  
 22           ment of this Act, the Secretary shall report to the Senate  
 23           Committee on Commerce, Science, and Transportation  
 24           and the House Committee on Transportation and Infra-  
 25           structure measures taken by the Secretary to carry out

1 subsection (a), together with a request for additional  
 2 funds or measures, if necessary, to carry out that sub-  
 3 section fully.

4 **SEC. 4. AIRLINE CUSTOMER SERVICE COMMITMENT.**

5 (a) IN GENERAL.—Chapter 417 of title 49, United  
 6 States Code, is amended by adding at the end the fol-  
 7 lowing:

8 “SUBCHAPTER IV. AIRLINE CUSTOMER  
 9 SERVICE

10 “§ 41781. Airline customer service requirements

11 “(a) IN GENERAL.—Within 60 days after the date  
 12 of enactment of the Airline Customer Service Improve-  
 13 ment Act, each large air carrier shall incorporate the pro-  
 14 visions of the Airline Customer Service Commitment exe-  
 15 cuted by the Air Transport Association and 14 of its mem-  
 16 ber airlines on June 17, 1999, in its contract of carriage.

17 “(b) ADDITIONAL OBLIGATIONS.—Within 60 days  
 18 after the date of enactment of the Airline Customer Serv-  
 19 ice Improvement Act, each large air carrier shall institute  
 20 the following practices:

21 “(1) Include fares available at the air carrier’s  
 22 ticket offices and airport ticket service counters  
 23 when quoting the lowest fare available to passengers.

1           “(2) Notify customers that lower fares may be  
2           available through other distribution systems, includ-  
3           ing Internet websites.

4           “(3) Provide, no later than the 5th day of each  
5           month, the air carrier’s on-time performance rate for  
6           each scheduled flight for the most recently-ended  
7           month for which data is available through its Inter-  
8           net website.

9           “(4) Disclose, without being requested, the on-  
10          time performance and cancellation rate for a chron-  
11          ically-delayed or canceled flight whenever a customer  
12          makes a reservation or purchases a ticket on such  
13          a flight.

14          “(5) Establish a plan with respect to pas-  
15          sengers who must unexpectedly remain overnight  
16          during a trip due to flight delays, cancellations, or  
17          diversions.

18          “(6) Tell all passengers on a flight what the air  
19          carrier is required to pay passengers involuntarily  
20          denied boarding before making offers to passengers  
21          to induce them voluntarily to relinquish seats.

22          “(c) COMPLIANCE ASSURANCE.—

23               “(1) AIR CARRIER FUNCTIONS.—Each large air  
24          carrier also shall—

1           “(A) establish a customer service quality  
2           assurance and performance measurement sys-  
3           tem within 90 days after the date of enactment  
4           of the Airline Customer Service Improvement  
5           Act;

6           “(B) establish an internal audit process to  
7           measure compliance with the commitments and  
8           its customer service plan within 90 days after  
9           the date of enactment of the Airline Customer  
10          Service Improvement Act; and

11          “(C) cooperate fully with any Department  
12          of Transportation audit of its customer service  
13          quality assurance system or review of its inter-  
14          nal audit.

15          “(2) DOT FUNCTIONS.—The Secretary of  
16          Transportation shall—

17               “(A) monitor compliance by large air ear-  
18               riers with the requirements of this section and  
19               take such action under subpart IV of this title  
20               as may be necessary to enforce compliance with  
21               this section under subpart IV of this title;

22               “(B) monitor air carrier customer service  
23               quality assurance and performance measure-  
24               ment systems to ensure that air carriers are

1 meeting fully their airline passenger service  
2 commitments; and

3 “(C) review the internal audits conducted  
4 by air carriers of their air carrier customer  
5 service quality assurance and performance  
6 measurement systems.

7 “(d) DEFINITIONS.—In this section—

8 “(1) LARGE AIR CARRIER.—The term ‘large air  
9 carrier’ means an air carrier holding a certificate  
10 issued under section 41102 that—

11 “(A) operates aircraft designed to have a  
12 maximum passenger capacity of more than 60  
13 seats or a maximum payload capacity of more  
14 than 18,000 pounds; or

15 “(B) conducts operations where one or  
16 both terminals of a flight stage are outside the  
17 50 states of the United States, the District of  
18 Columbia, the Commonwealth of Puerto Rico  
19 and the U.S. Virgin Islands.

20 “(2) CHRONICALLY DELAYED OR CANCELED.—

21 A flight shall be considered to be chronically-delayed  
22 or canceled if at least 40 percent of the flight’s de-  
23 partures are delayed for at least 15 minutes or at  
24 least 40 percent of the flights are canceled.”.

1       (b) ~~ENFORCEMENT.~~—Section 46301(a)(7) of title 49,  
 2 United States Code, is amended by striking “40112 or  
 3 41727” and inserting “40112, 41727, or 41781”.

4       (c) ~~CONFORMING AMENDMENT.~~—The chapter anal-  
 5 ysis for chapter 417 of title 49, United States Code, is  
 6 amended by adding at the end the following:

“SUBCHAPTER IV. AIRLINE CUSTOMER SERVICE

“41781. Airline customer service requirements”.

7 **SEC. 5. OTHER SERVICE-ENHANCING IMPROVEMENTS.**

8       (a) ~~IN GENERAL.~~—Within 90 days after the date of  
 9 enactment of this Act, each large air carrier (as defined  
 10 in section 41781(d)(1)) shall—

11           (1) establish realistic targets for reducing  
 12 chronically-delayed and canceled flights;

13           (2) establish a system passengers may use be-  
 14 fore departing for the airport to determine whether  
 15 there is a lengthy flight delay or whether a flight has  
 16 been canceled;

17           (3) develop and implement a system for track-  
 18 ing and documenting the amount of time between  
 19 the receipt of a passenger’s claim for missing bag-  
 20 gage and the delivery of the baggage to the pas-  
 21 senger, including the time taken by a courier or  
 22 other delivery service to deliver found baggage to the  
 23 passenger;



1           (4) monitor and report its efforts to improve  
2           services provided to passengers with disabilities and  
3           special needs, including services provided at airports  
4           such as check-in, passenger security screening (par-  
5           ticularly for passengers who use wheelchairs), board-  
6           ing, and disembarkation;

7           (5) clarify terminology used to advise pas-  
8           sengers of unscheduled delays or interruptions in  
9           service, such as “extended period of time” and  
10          “emergency”, in order better to inform passengers  
11          about what they can expect during on-board delays;

12          (6) ensure that comprehensive passenger service  
13          contingency plans are properly maintained and that  
14          the plans, and any changes to those plans, are co-  
15          ordinated with local airport authorities and the Fed-  
16          eral Aviation Administration;

17          (7) ensure that master airport flight informa-  
18          tion display monitors contain accurate, up-to-date  
19          flight information and that the information is con-  
20          sistent with that shown on the carrier’s flight infor-  
21          mation display monitors;

22          (8) establish a toll-free telephone number that  
23          a passenger may use to check on the status of  
24          checked baggage that was not delivered on arrival at  
25          the passenger’s destination;

1           (9) if it maintains a domestic code-share ar-  
 2           rangement with another air carrier, conclude an  
 3           agreement under which it will conduct an annual  
 4           audit of that air carrier's compliance with the other  
 5           air carrier's airline customer service commitment;  
 6           and

7           (10) if it has a frequent flyer program, make  
 8           available to the public a comprehensive report of fre-  
 9           quent flyer redemption information in their customer  
 10          literature and annual reports, including information  
 11          on the percentage of successful redemption of fre-  
 12          quent flyer awards and the number of seats available  
 13          for such awards in the air carrier's top 100 origin  
 14          and destination markets.

15       (b) INITIAL RESPONSE REPORTS.—

16           (1) AIR CARRIERS.—Within 90 days after the  
 17          date of enactment of this Act, each large air carrier  
 18          shall report to the Secretary of Transportation on  
 19          its implementation of the obligations imposed on it  
 20          by this Act.

21           (2) SECRETARY.—Within 270 days after the  
 22          date of enactment of this Act, the Secretary of  
 23          Transportation shall report to the Congress on the  
 24          implementation by large air carriers of the obliga-  
 25          tions imposed on them by this Act, together with

1       such additional findings and recommendations for  
2       additional legislative or regulatory action as the Sec-  
3       retary deems appropriate.

4   **SEC. 6. IMPROVED DOT STATISTICS.**

5       (a) **MISSING BAGGAGE.**—In calculating and reporting  
6       the rate of mishandled baggage for air carriers, the De-  
7       partment of Transportation shall not take into account  
8       passengers who do not check any baggage.

9       (b) **CHRONICALLY DELAYED OR CANCELED**  
10      **FLIGHTS.**—The Office of Aviation Enforcement and Pro-  
11      ceedings of the Department of Transportation in coordina-  
12      tion with the Bureau of Transportation Statistics of the  
13      Department of Transportation, shall include a table in the  
14      Air Travel Consumer Report that shows flights chronically  
15      delayed by 15 minutes or more and flights canceled 40  
16      percent or more for 3 consecutive months or more.

17   **SEC. 7. DOT REGULATIONS ON BUMPING.**

18      (a) **UNIFORM CHECK-IN DEADLINE.**—The Secretary  
19      of Transportation shall initiate a rulemaking within 30  
20      days after the date of enactment of this Act to amend  
21      the Department of Transportation's Regulations to estab-  
22      lish a uniform check-in deadline and to require air carriers  
23      to disclose, both in their contracts of carriage and on tick-  
24      et jackets, their policies on how those deadlines apply to  
25      passengers making connections.

1       (b) **BUMPED PASSENGER COMPENSATION.**—The Sec-  
 2 retary of Transportation shall initiate a rulemaking within  
 3 30 days after the date of enactment of this Act to amend  
 4 the Department of Transportation’s Regulation (14  
 5 C.F.R. 250.5) governing the amount of denied boarding  
 6 compensation for passengers denied boarding involuntarily  
 7 to increase the maximum amount thereof.

8       (c) **CLARIFY CERTAIN TERMS.**—The Secretary of  
 9 Transportation shall clarify the terms “any undue or un-  
 10 reasonable preference or advantage” and “unjust or un-  
 11 reasonable prejudice or disadvantage”, as used in section  
 12 250.3 of the Department of Transportation’s Regulations  
 13 (14 C.F.R. 250.3), for purposes of air carrier priority  
 14 rules or criteria for passengers denied boarding involun-  
 15 tarily.

16 **SECTION 1. SHORT TITLE.**

17       *This Act may be cited as the “Airline Customer Serv-*  
 18 *ice Improvement Act”.*

19 **SEC. 2. FINDINGS.**

20       *The Congress finds the following:*

21           (1) *Airline traffic in the United States is in-*  
 22 *creasing. The number of passengers carried by United*  
 23 *States air carriers has nearly tripled since 1978, to*  
 24 *over 660 million annually. The number is expected to*

1       *grow to more than 1 billion by 2010. The number of*  
2       *domestic flights has been steadily increasing as well.*

3               *(2) The Inspector General of the Department of*  
4       *Transportation has found that this growth in traffic*  
5       *has been accompanied by increases in delays, can-*  
6       *cellations, and customer dissatisfaction with air car-*  
7       *rier service.*

8               *(A) The Federal Aviation Administration*  
9       *has reported that, between 1995 and 2000, delays*  
10       *increased 90 percent and cancellations increased*  
11       *104 percent. In 2000, over 1 in 4 flights were de-*  
12       *layed, canceled, or diverted, affecting approxi-*  
13       *mately 163 million passengers.*

14               *(B) At the 30 largest United States air-*  
15       *ports, the number of flights with taxi-out times*  
16       *of 1 hour or more increased 165 percent between*  
17       *1995 and 2000. The number of flights with taxi-*  
18       *out times of 4 hours or more increased 341 per-*  
19       *cent during the same period.*

20               *(C) Certain flights, particularly those sched-*  
21       *uled during peak periods at the nation's busiest*  
22       *airports, are subject to chronic delays. In Decem-*  
23       *ber, 2000, 626 regularly scheduled flights arrived*  
24       *late 70 percent of the time or more, as reported*  
25       *by the Department of Transportation.*

1           (D) *The number of consumer complaints*  
2           *filed with the Department of Transportation*  
3           *about airline travel has nearly quadrupled since*  
4           *1995. According to the Department of Transpor-*  
5           *tation's Inspector General, air carriers receive*  
6           *between 100 and 400 complaints for every com-*  
7           *plaint filed with the Department of Transpor-*  
8           *tation.*

9           (3) *During the same time period in which the*  
10          *number of complaints about airline travel has in-*  
11          *creased, the resources devoted to the Department of*  
12          *Transportation's handling of such complaints have*  
13          *declined sharply. The Department of Transportation's*  
14          *Inspector General has reported that the staffing of the*  
15          *Department of Transportation office responsible for*  
16          *handling airline customer service complaints declined*  
17          *from 40 in 1985 to just 17 in 2000.*

18          (4) *In June, 1999, the Air Transport Association*  
19          *and its member airlines agreed to an Airline Cus-*  
20          *tomers Service Commitment designed to address*  
21          *mounting consumer dissatisfaction and improve cus-*  
22          *tomers service in the industry.*

23          (5) *The Inspector General of the Department of*  
24          *Transportation has found that the airlines' voluntary*  
25          *commitment to better service, set forth in the Airline*

1     *Customer Service Commitment, has resulted in posi-*  
2     *tive changes in how air travelers are treated.*

3             *(6) While the Inspector General's final report*  
4     *noted that the voluntary effort has produced benefits*  
5     *faster than would a legislative or regulatory mandate,*  
6     *which could have taken years to implement, the In-*  
7     *spector General has recommended additional changes*  
8     *that require legislation and regulations.*

9             *(7) The Airline Customer Service Commitment*  
10    *has prompted the airlines to address consumer con-*  
11    *cerns in many areas, ranging from providing infor-*  
12    *mation more accurately on delays to explaining that*  
13    *lower fares may be available through the Internet.*

14            *(8) Air carriers need to do more, in the areas*  
15    *under their control, to reduce over-scheduling, the*  
16    *number of chronically late or chronically canceled*  
17    *flights, and the amount of checked baggage that does*  
18    *not show up with the passenger upon arrival.*

19            *(9) The airlines were cooperative with, and re-*  
20    *sponsive to, many of the suggestions the Inspector*  
21    *General made in the interim report last year.*

22            *(10) The Inspector General has determined that,*  
23    *while there has been significant progress in improving*  
24    *airline customer service, certain areas covered by the*  
25    *Airline Customer Service Commitment are in need of*

1        *significant clarification and improvement and, where*  
 2        *appropriate, enforcement action.*

3    **SEC. 3. DEPARTMENT OF TRANSPORTATION TO DEVOTE**  
 4                    **GREATER RESOURCES TO AIRLINE PAS-**  
 5                    **SENGER CONSUMER PROTECTION.**

6        *(a) IN GENERAL.—The Secretary of Transportation*  
 7        *shall increase the resources of the Department of Transpor-*  
 8        *tation allocated to providing—*

9                    *(1) airline passenger consumer protection and*  
 10        *related services; and*

11                    *(2) oversight and enforcement of laws and regu-*  
 12        *lations within the jurisdiction of the Department that*  
 13        *provide protection for air travelers.*

14        *(b) REPORT.—Within 60 days after the date of enact-*  
 15        *ment of this Act, the Secretary shall report to the Senate*  
 16        *Committee on Commerce, Science, and Transportation and*  
 17        *the House Committee on Transportation and Infrastructure*  
 18        *measures taken by the Secretary to carry out subsection (a),*  
 19        *together with a request for additional funds or measures,*  
 20        *if necessary, to carry out that subsection fully.*

21    **SEC. 4. AIRLINE CUSTOMER SERVICE COMMITMENT.**

22        *(a) IN GENERAL.—Chapter 417 of title 49, United*  
 23        *States Code, is amended by adding at the end the following:*



1 “SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

2 “§ 41781. *Airline customer service requirements*

3 “(a) *IN GENERAL.*—Within 60 days after the date of  
4 enactment of the Airline Customer Service Improvement  
5 Act, each large air carrier shall incorporate in its contract  
6 of carriage—

7 “(1) *the provisions of the Airline Customer Serv-*  
8 *ice Commitment executed by the Air Transport Asso-*  
9 *ciation and 14 of its member airlines on June 17,*  
10 *1999; and*

11 “(2) *its customer service plan developed in ac-*  
12 *cordance with that Commitment to the extent that the*  
13 *plan is more specific or broader than the Commit-*  
14 *ment.*

15 “(b) *ADDITIONAL OBLIGATIONS.*—Within 60 days  
16 after the date of enactment of the Airline Customer Service  
17 Improvement Act, each large air carrier shall institute the  
18 following practices:

19 “(1) *Provide to customers at an airport and on*  
20 *board an aircraft, in a timely, reasonable, and truth-*  
21 *ful manner, the best information available to the air*  
22 *carrier regarding a delay, cancellation, or diversion*  
23 *affecting the customers’ flight, including—*

24 “(A) *the cause of any such delay, cancella-*  
25 *tion, or diversion; and*

1           “(B) for a delayed flight, the air carrier’s  
2           best estimate of the departure time.

3           “(2) Offer the lowest fare available for which a  
4           customer is eligible at the air carrier’s ticket offices  
5           and airport ticket service counters for the date, flight,  
6           and class of service requested.

7           “(3) Notify customers that lower fares may be  
8           available through other distribution systems, includ-  
9           ing Internet websites.

10          “(4) Provide, no later than the 5th day of each  
11          month, the air carrier’s on-time performance rate for  
12          each scheduled flight for the most recently ended  
13          month for which data is available through its Internet  
14          website.

15          “(5) Disclose, without being requested, the on-  
16          time performance and cancellation rate for a chron-  
17          ically delayed or chronically canceled flight whenever  
18          a customer makes a reservation or purchases a ticket  
19          on such a flight.

20          “(6) Establish a plan with respect to passengers  
21          who must unexpectedly remain overnight during a  
22          trip due to flight delays, cancellations, or diversions.

23          “(7) Tell all passengers on a flight what the air  
24          carrier is required to pay passengers involuntarily

1       *denied boarding before making offers to passengers to*  
 2       *induce them to relinquish seats voluntarily.*

3       “(c) *COMPLIANCE ASSURANCE.*—

4               “(1) *AIR CARRIER FUNCTIONS.*—*Each large air*  
 5       *carrier also shall—*

6                       “(A) *establish a customer service quality as-*  
 7       *surance and performance measurement system*  
 8       *within 90 days after the date of enactment of the*  
 9       *Airline Customer Service Improvement Act;*

10                      “(B) *establish an internal audit process to*  
 11       *measure compliance with the commitments and*  
 12       *obligations under subsections (a) and (b) within*  
 13       *90 days after the date of enactment of the Airline*  
 14       *Customer Service Improvement Act; and*

15                      “(C) *cooperate fully with any Department*  
 16       *of Transportation audit of its customer service*  
 17       *quality assurance system or review of its inter-*  
 18       *nal audit.*

19               “(2) *DOT FUNCTIONS.*—*The Secretary of Trans-*  
 20       *portation shall—*

21                      “(A) *monitor compliance by large air car-*  
 22       *riers with the requirements of this section and*  
 23       *take such action under subpart IV of this title as*  
 24       *may be necessary to enforce compliance with this*  
 25       *section under subpart IV of this title;*

1           “(B) monitor, in particular, and enforce air  
 2           carrier performance under paragraphs (1), (2),  
 3           (3), (5), and (7) of subsection (b), focusing on  
 4           practices and patterns of conduct rather than  
 5           specific incidents of failure to follow the air car-  
 6           rier’s established practices;

7           “(C) monitor air carrier customer service  
 8           quality assurance and performance measurement  
 9           systems to ensure that air carriers are meeting  
 10          fully their airline passenger service commit-  
 11          ments; and

12          “(D) review the internal audits conducted  
 13          by air carriers of their air carrier customer serv-  
 14          ice quality assurance and performance measure-  
 15          ment systems.

16          “(d) DEFINITIONS.—In this section:

17               “(1) LARGE AIR CARRIER.—The term ‘large air  
 18               carrier’ means an air carrier holding a certificate  
 19               issued under section 41102 that conducts scheduled  
 20               passenger air transportation and—

21               “(A) operates aircraft designed to have a  
 22               maximum passenger capacity of more than 60  
 23               seats or a maximum payload capacity of more  
 24               than 18,000 pounds; or

1           “(B) conducts operations where one or both  
 2           terminals of a flight stage are outside the 50  
 3           states of the United States, the District of Co-  
 4           lumbia, the Commonwealth of Puerto Rico and  
 5           the U.S. Virgin Islands.

6           “(2) *CHRONICALLY DELAYED FLIGHT*.—The term  
 7           ‘chronically delayed flight’ means a regularly sched-  
 8           uled flight that has failed to arrive on time (as de-  
 9           fined in section 234.2 of title 14, Code of Federal Reg-  
 10          ulations) at least 40 percent of the time during the  
 11          most recent 3-month period for which data are avail-  
 12          able.

13          “(3) *CHRONICALLY CANCELED FLIGHT*.—The  
 14          term ‘chronically canceled flight’ means a regularly  
 15          scheduled flight at least 30 percent of the departures  
 16          of which have been canceled during the most recent 3-  
 17          month period for which data are available.”.

18          (b) *ENFORCEMENT*.—Section 46301(a)(7) of title 49,  
 19          United States Code, is amended by striking “40127 or  
 20          41712” and inserting “40127, 41712, or 41781”.

21          (c) *CONFORMING AMENDMENT*.—The chapter analysis  
 22          for chapter 417 of title 49, United States Code, is amended  
 23          by adding at the end the following:

“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

“41781. Airline customer service requirements.”.

1 **SEC. 5. OTHER SERVICE-ENHANCING IMPROVEMENTS.**

2       (a) *IN GENERAL.*—Within 90 days after the date of  
3 enactment of this Act, each large air carrier (as defined  
4 in section 41781(d)(1) of title 49, United States Code)  
5 shall—

6           (1) *establish realistic targets for reducing chron-*  
7 *ically delayed and chronically canceled flights;*

8           (2) *establish a system passengers may use before*  
9 *departing for the airport to determine whether there*  
10 *is a lengthy flight delay or whether a flight has been*  
11 *canceled;*

12          (3) *establish realistic performance goals for re-*  
13 *ducing the number of mishandled bags;*

14          (4) *develop and implement a system for tracking*  
15 *and documenting the amount of time between the re-*  
16 *ceipt of a passenger's claim for missing baggage and*  
17 *the delivery of the baggage to the passenger, including*  
18 *the time taken by a courier or other delivery service*  
19 *to deliver found baggage to the passenger;*

20          (5) *monitor and report its efforts to improve*  
21 *services provided to passengers with disabilities and*  
22 *special needs, including services provided at airports*  
23 *such as check-in, passenger security screening (par-*  
24 *ticularly for passengers who use wheelchairs), board-*  
25 *ing, and disembarkation;*

1           (6) *clarify terminology used to advise passengers*  
2           *of unscheduled delays or interruptions in service, such*  
3           *as “extended period of time” and “emergency”, in*  
4           *order to inform passengers better about what they can*  
5           *expect during on-board delays;*

6           (7) *ensure that comprehensive passenger service*  
7           *contingency plans are properly maintained and that*  
8           *the plans, and any changes to those plans, are coordi-*  
9           *nated with local airport authorities and the Federal*  
10          *Aviation Administration;*

11          (8) *ensure that master airport flight information*  
12          *display monitors contain accurate, up-to-date flight*  
13          *information and that the information is consistent*  
14          *with that shown on the carrier’s flight information*  
15          *display monitors;*

16          (9) *establish a toll-free telephone number that a*  
17          *passenger may use to check on the status of checked*  
18          *baggage that was not delivered on arrival at the pas-*  
19          *senger’s destination;*

20          (10) *if it maintains a domestic code-share ar-*  
21          *rangement with another air carrier, conclude an*  
22          *agreement under which it will conduct an annual*  
23          *audit of the code-share air carrier’s compliance with*  
24          *the Airline Customer Service Commitment; and*

1           (11) *if it has a frequent flyer program, make*  
 2           *available to the public a comprehensive report of fre-*  
 3           *quent flyer redemption information in its customer*  
 4           *literature and annual reports, including information*  
 5           *on the percentage of successful redemption of frequent*  
 6           *flyer awards and the number of seats available for*  
 7           *such awards in the air carrier's top 100 origin and*  
 8           *destination markets.*

9           (b) *INITIAL RESPONSE REPORTS.—*

10           (1) *AIR CARRIERS.—Within 90 days after the*  
 11           *date of enactment of this Act, each large air carrier*  
 12           *shall report to the Secretary of Transportation on its*  
 13           *implementation of the obligations imposed on it by*  
 14           *this Act.*

15           (2) *SECRETARY.—Within 270 days after the date*  
 16           *of enactment of this Act, the Secretary of Transpor-*  
 17           *tation shall report to the Congress on the implementa-*  
 18           *tion by large air carriers of the obligations imposed*  
 19           *on them by this Act, together with such additional*  
 20           *findings and recommendations for additional legisla-*  
 21           *tive or regulatory action as the Secretary deems ap-*  
 22           *propriate.*

23 **SEC. 6. IMPROVED DOT STATISTICS.**

24           (a) *MISSING BAGGAGE.—In calculating and reporting*  
 25           *the rate of mishandled baggage for air carriers, the Depart-*



1 *ment of Transportation shall not take into account pas-*  
 2 *sengers who do not check any baggage.*

3       (b) *CHRONICALLY DELAYED OR CANCELED*  
 4 *FLIGHTS.*—*The Office of Aviation Enforcement and Pro-*  
 5 *ceedings of the Department of Transportation, in coordina-*  
 6 *tion with the Bureau of Transportation Statistics of the De-*  
 7 *partment of Transportation, shall include a table in the Air*  
 8 *Travel Consumer Report that shows flights that are chron-*  
 9 *ically delayed or chronically canceled (as defined in section*  
 10 *41781(d)(2) and (3), respectively, of title 49, United States*  
 11 *Code).*

12 **SEC. 7. DOT REGULATIONS ON BUMPING.**

13       (a) *UNIFORM CHECK IN DEADLINE.*—*The Secretary of*  
 14 *Transportation shall initiate a rulemaking within 30 days*  
 15 *after the date of enactment of this Act to amend the Depart-*  
 16 *ment of Transportation’s Regulations to consider estab-*  
 17 *lishing a uniform check-in deadline and to require air car-*  
 18 *riers to disclose, both in their contracts of carriage and on*  
 19 *ticket jackets, their policies on how those deadlines apply*  
 20 *to passengers making connections.*

21       (b) *BUMPED PASSENGER COMPENSATION.*—*The Sec-*  
 22 *retary of Transportation shall initiate a rulemaking within*  
 23 *30 days after the date of enactment of this Act to amend*  
 24 *section 250.5 of the Department of Transportation’s Regu-*  
 25 *lations (14 C.F.R. 250.5) governing the amount of denied*

1 *boarding compensation for passengers denied boarding in-*  
 2 *voluntarily to increase the maximum amount thereof.*

3 (c) *CLARIFY CERTAIN TERMS.—The Secretary of*  
 4 *Transportation shall clarify the terms “any undue or un-*  
 5 *reasonable preference or advantage” and “unjust or unrea-*  
 6 *sonable prejudice or disadvantage”, as used in section 250.3*  
 7 *of the Department of Transportation’s Regulations (14*  
 8 *C.F.R. 250.3), for purposes of air carrier priority rules or*  
 9 *criteria for passengers denied boarding involuntarily.*

10 **SEC. 8. STUDY OF DAMAGE TO PASSENGERS WITH DISABIL-**  
 11 **ITIES’ EQUIPMENT.**

12 *The Secretary of Transportation shall conduct a study*  
 13 *of incidents of damage to equipment of passengers with dis-*  
 14 *abilities attributable to air carriers’ treatment of that*  
 15 *equipment.*

16 **SEC. 9. REVIEW OF REGULATIONS.**

17 *Within 1 year after the date of enactment of this Act,*  
 18 *the Secretary shall complete a thorough review of the De-*  
 19 *partment of Transportation’s regulations that relate to air*  
 20 *carriers’ treatment of customers, and make such modifica-*  
 21 *tions as may be necessary or appropriate to promote the*  
 22 *purposes of this Act or otherwise protect consumers.*

1 **SEC. 10. EMERGENCY MEDICAL ASSISTANCE.**

2       (a) *IN GENERAL.*—Subchapter I of chapter 417 of title  
3 49, United States Code, is amended by adding at the end  
4 the following:

5 **“§ 41722. Airline passenger emergency in-flight med-**  
6 **ical care**

7       “(a) *IN GENERAL.*—The Secretary of Transportation  
8 shall prescribe regulations to establish minimum standards  
9 for resuscitation, emergency medical, and first-aid equip-  
10 ment and supplies to be carried on board an aircraft oper-  
11 ated by an air carrier in air transportation that is capable  
12 of carrying at least 30 passengers.

13       “(b) *FACTORS CONSIDERED.*—In prescribing regula-  
14 tions under subsection (a), the Secretary shall consider—

15               “(1) the weight and size of the equipment de-  
16 scribed in subsection (a);

17               “(2) the need for special training of air carrier  
18 personnel to operate the equipment safely and effec-  
19 tively;

20               “(3) the space limitations of each type of aircraft  
21 to which the standards apply;

22               “(4) the effect of the regulations on aircraft oper-  
23 ations;

24               “(5) the practical experience of airlines in car-  
25 rying and operating similar equipment, and whether  
26 any air carriers are already training appropriate

1        *personnel to an acceptable level of proficiency in the*  
 2        *operation of such equipment and the provision of*  
 3        *first-aid; and*

4                *“(6) such other factors as the Secretary finds rel-*  
 5        *evant.*

6        *“(c) CONSULTATION WITH SURGEON GENERAL.—Be-*  
 7        *fore prescribing regulations under subsection (a), the Sec-*  
 8        *retary shall consult with the Surgeon General of the United*  
 9        *States.”.*

10        *(b) CONFORMING AMENDMENT.—The chapter analysis*  
 11        *for chapter 417 of title 49, United States Code, is amended*  
 12        *by inserting after the item relating to section 41721 the fol-*  
 13        *lowing:*

*“41722. Airline passenger emergency in-flight medical care.”.*



**Calendar No. 35**

107TH CONGRESS  
1ST SESSION

**S. 319**

**[Report No. 107-13]**

---

---

**A BILL**

To amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity.

---

---

APRIL 26, 2001

Reported with an amendment