

106TH CONGRESS
1ST SESSION

H. R. 2200

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 1999

Mr. SWEENEY introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

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 “Omnibus Airline Pas-
5 senger Fair Treatment Act of 1999”.

6 **SEC. 2. FAIR TREATMENT OF AIRLINE PASSENGERS.**

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

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

4 (2) by adding at the end thereof the following:
5 “(b) SPECIFIC PRACTICES.—For purposes of sub-
6 section (a), the terms ‘unfair or deceptive practice’ and
7 ‘unfair method of competition’ include each of the fol-
8 lowing:

9 “(1) ACCESS TO FARES.—The failure of an air
10 carrier or foreign air carrier to provide a consumer
11 full access to all fares for air transportation provided
12 by the air carrier or foreign air carrier, regardless
13 of the technology or other method the consumer uses
14 to access the fares.

15 “(2) FLIGHT DELAYS.—The failure of an air
16 carrier or foreign air carrier to provide a passenger
17 of the carrier with an accurate explanation of the
18 reasons for a flight delay, cancellation, or diversion
19 from a ticketed itinerary.

20 “(3) PRICING POLICIES.—Any action of an air
21 carrier or foreign air carrier—

22 “(A) to prohibit a person (including a gov-
23 ernmental entity) that purchases air transpor-
24 tation from only using a portion of the air
25 transportation purchased (including using the

1 air transportation purchased only for 1-way
2 travel instead of round-trip travel); or

3 “(B) to assess an additional fee on or
4 charge to—

5 “(i) such a person; or

6 “(ii) any ticket agent that sold the air
7 transportation to such person.

8 “(4) TERMINATION OF TICKET AGENTS.—In
9 the case of a termination, cancellation, nonrenewal,
10 or substantial change in the competitive cir-
11 cumstances of the appointment of a ticket agent by
12 an air carrier or foreign air carrier, the failure of
13 the air carrier or foreign air carrier—

14 “(A) to provide the ticket agent with writ-
15 ten notice, and a full statement of reasons for
16 the action, on or before the 90th day preceding
17 the action; and

18 “(B) to provide the ticket agent with at
19 least 60 days to correct any deficiency claimed
20 in the written notice,
21 except in cases of insolvency, an assignment for the
22 benefit of creditors, bankruptcy, or nonpayment of
23 sums due under the appointment.”.

1 **SEC. 3. CLARIFICATION REGARDING ENFORCEMENT OF**
2 **STATE LAWS.**

3 Section 41713(b)(1) of title 49, United States Code,
4 is amended by striking “related to a price, route, or service
5 of an air carrier that may provide air transportation under
6 this subpart” and inserting “that directly prescribes a
7 price, route, or level of service for air transportation pro-
8 vided by an air carrier under this subpart”.

9 **SEC. 4. EMERGENCY MEDICAL ASSISTANCE, RIGHT OF**
10 **EGRESS.**

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

14 **“§ 41717. Airline passenger rights**

15 “(a) RIGHT TO IN-FLIGHT EMERGENCY MEDICAL
16 CARE.—

17 “(1) IN GENERAL.—The Secretary of Transpor-
18 tation shall issue regulations to establish minimum
19 standards for resuscitation, emergency medical, and
20 first-aid equipment and supplies to be carried on
21 board an aircraft operated by an air carrier in air
22 transportation that is capable of carrying at least 30
23 passengers.

24 “(2) CONSIDERATIONS.—In issuing regulations
25 under paragraph (1), the Secretary shall consider—

1 “(A) the weight and size of the equipment
2 described in paragraph (1);

3 “(B) the need for special training of air
4 carrier personnel to operate the equipment safely
5 and effectively;

6 “(C) the space limitations of each type of
7 aircraft;

8 “(D) the effect of the regulations on aircraft
9 operations;

10 “(E) the practical experience of airlines in
11 carrying and operating similar equipment; and

12 “(F) other relevant factors.

13 “(3) CONSULTATION.—Before issuing regulations
14 under paragraph (1), the Secretary shall consult
15 with the Surgeon General.

16 “(b) RIGHT TO EXIT AIRCRAFT.—No air carrier or
17 foreign air carrier operating an aircraft in air transportation
18 shall prevent or hinder (including by failing to assist)
19 any passenger from exiting the aircraft (under the
20 same circumstances as any member of the flight crew is
21 permitted to exit the aircraft) if—

22 “(1) the aircraft is parked at an airport terminal
23 gate with access to ramp or other facilities
24 through which passengers are customarily boarded
25 and deplaned;

1 “(2) the aircraft has remained at the gate more
2 than 1 hour past its scheduled departure time;

3 “(3) the captain of the aircraft has not been in-
4 formed by air traffic control authorities that the air-
5 craft can be cleared for departure within 15 min-
6 utes.”.

7 **SEC. 5. ENSURING CONSUMER ACCESS TO TRAVEL INFOR-**
8 **MATION.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) The continued success of a deregulated air-
11 line system requires that consumers have full access
12 to complete information concerning airline fares,
13 routes, and other services.

14 (2) The means of distributing information
15 about the products and services of the airline indus-
16 try are changing; during the past four years, airlines
17 have begun selling a larger percentage of their prod-
18 ucts and services directly to consumers, and Internet
19 businesses are now offering services that allow con-
20 sumers to compare prices for these products and
21 services.

22 (3) Airline policies with respect to travel agen-
23 cies, who historically have sold a majority of the air-
24 line industry’s products and services, threaten the
25 ability of consumers to gather the information nec-

1 essary to evaluate market prices, routes, and serv-
2 ices.

3 (4) Further reductions in the number of travel
4 agents and greater marketplace reliance on direct
5 airline sales may result in a marketplace in which
6 consumers lack sufficient information and are there-
7 by forced to pay higher prices.

8 (b) ESTABLISHMENT.—There is established a com-
9 mission to be known as the “National Commission to En-
10 sure Consumer Information and Choice in the Airline In-
11 dustry” (hereinafter in this section referred to as the
12 “Commission”).

13 (c) DUTIES.—

14 (1) STUDY.—The Commission shall undertake a
15 study of—

16 (A) consumer access to information about
17 the products and services of the airline indus-
18 try;

19 (B) the effect on the marketplace of the
20 emergence of new means of distributing such
21 products and services;

22 (C) the effect on consumers of the declin-
23 ing financial condition of travel agents in the
24 United States; and

1 (D) the impediments imposed by the air-
2 line industry on distributors of the industry's
3 products and services, including travel agents
4 and Internet-based distributors.

5 (2) POLICY RECOMMENDATIONS.—Based on the
6 results of the study described in paragraph (1), the
7 Commission shall recommend to the President and
8 Congress policies necessary—

9 (A) to ensure full consumer access to com-
10 plete information concerning airline fares,
11 routes, and other services;

12 (B) to ensure that the means of distrib-
13 uting the products and services of the airline in-
14 dustry, and of disseminating information about
15 such products and services, is adequate to en-
16 sure that competitive information is available in
17 the marketplace;

18 (C) to ensure that distributors of the prod-
19 ucts and services of the airline industry have
20 adequate relief from illegal, anticompetitive
21 practices that occur in the marketplace; and

22 (D) to foster healthy competition in the
23 airline industry and the entry of new entrants.

1 (d) SPECIFIC MATTERS TO BE ADDRESSED.—In car-
2 rying out the study authorized under subsection (c)(1), the
3 Commission shall specifically address the following:

4 (1) CONSUMER ACCESS TO INFORMATION.—

5 With respect to consumer access to information re-
6 garding the services and products offered by the air-
7 line industry:

8 (A) The state of such access.

9 (B) The effect in the next 5 years of the
10 making of alliances in the airline industry.

11 (C) Whether and to what degree the trends
12 regarding such access will produce benefits to
13 consumers.

14 (2) MEANS OF DISTRIBUTION.—With respect to
15 the means of distributing the products and services
16 of the airline industry:

17 (A) The state of such means of distribu-
18 tion.

19 (B) The roles played by travel agencies
20 and Internet-based providers of travel informa-
21 tion and services in distributing such products
22 and services.

23 (C) Whether the policies of the United
24 States promote the access of consumers to mul-
25 tiple means of distribution.

1 (3) AIRLINE RESERVATION SYSTEMS.—With re-
2 spect to airline reservation systems:

3 (A) The rules, regulations, policies, and
4 practices of the industry governing such sys-
5 tems.

6 (B) How trends in such systems will affect
7 consumers, including—

8 (i) the effect on consumer access to
9 flight reservation information; and

10 (ii) the effect on consumers of the use
11 by the airline industry of penalties and
12 promotions to convince distributors to use
13 such systems, and the degree of consumer
14 awareness of such penalties and pro-
15 motions.

16 (4) LEGAL IMPEDIMENTS TO DISTRIBUTORS
17 SEEKING RELIEF FOR ANTICOMPETITIVE ACTIONS.—
18 The policies of the United States with respect to the
19 legal impediments to distributors seeking relief for
20 anticompetitive actions, including—

21 (A) Federal preemption of civil actions
22 against airlines; and

23 (B) the role of the Department of Trans-
24 portation in enforcing rules against anti-
25 competitive practices.

1 (e) MEMBERSHIP.—

2 (1) APPOINTMENT.—The Commission shall be
3 composed of 15 voting members and 11 nonvoting
4 members as follows:

5 (A) 5 voting members and 1 nonvoting
6 member appointed by the President.

7 (B) 3 voting members and 3 nonvoting
8 members appointed by the Speaker of the
9 House of Representatives.

10 (C) 2 voting members and 2 nonvoting
11 members appointed by the minority leader of
12 the House of Representatives.

13 (D) 3 voting members and 3 nonvoting
14 members appointed by the majority leader of
15 the Senate.

16 (E) 2 voting members and 2 nonvoting
17 members appointed by the minority leader of
18 the Senate

19 (2) QUALIFICATIONS.—Voting members ap-
20 pointed pursuant to paragraph (1) shall be ap-
21 pointed from among individuals who are experts in
22 economics, service product distribution, or transpor-
23 tation, or any related discipline, and who can rep-
24 resent consumers, passengers, shippers, travel
25 agents, airlines, or general aviation.

1 (3) TERMS.—Members shall be appointed for
2 the life of the Commission.

3 (4) VACANCIES.—A vacancy in the Commission
4 shall be filled in the manner in which the original
5 appointment was made.

6 (5) TRAVEL EXPENSES.—Members shall serve
7 without pay but shall receive travel expenses, includ-
8 ing per diem in lieu of subsistence, in accordance
9 with subchapter I of chapter 57 of title 5, United
10 States Code.

11 (6) CHAIRMAN.—The President, in consultation
12 with the Speaker of the House of Representatives
13 and the majority leader of the Senate, shall des-
14 ignate the Chairman of the Commission from among
15 its voting members.

16 (f) COMMISSION PANELS.—The Chairman shall es-
17 tablish such panels consisting of voting members of the
18 Commission as the Chairman determines appropriate to
19 carry out the functions of the Commission.

20 (g) STAFF.—The Commission may appoint and fix
21 the pay of such personnel as it considers appropriate.

22 (h) STAFF OF FEDERAL AGENCIES.—Upon request
23 of the Commission, the head of any department or agency
24 of the United States may detail, on a reimbursable basis,
25 any of the personnel of that department or agency to the

1 Commission to assist it in carrying out its duties under
2 this section.

3 (i) OTHER STAFF AND SUPPORT.—Upon the request
4 of the Commission, or a panel of the Commission, the Sec-
5 retary of Transportation shall provide the Commission or
6 panel with professional and administrative staff and other
7 support, on a reimbursable basis, to assist the Commission
8 or panel in carrying out its responsibilities.

9 (j) OBTAINING OFFICIAL DATA.—The Commission
10 may secure directly from any department or agency of the
11 United States information (other than information re-
12 quired by any statute of the United States to be kept con-
13 fidential by such department or agency) necessary for the
14 Commission to carry out its duties under this section.
15 Upon request of the Commission, the head of that depart-
16 ment or agency shall furnish such nonconfidential infor-
17 mation to the Commission.

18 (k) REPORT.—Not later than 1 year after the date
19 on which initial appointments of members to the Commis-
20 sion are completed, the Commission shall transmit to the
21 President and Congress a report on the activities of the
22 Commission, including recommendations made by the
23 Commission under subsection (c)(2).

24 (l) TERMINATION.—The Commission shall terminate
25 on the 30th day following the date of transmittal of the

1 report under subsection (k). All records and papers of the
2 Commission shall thereupon be delivered by the Adminis-
3 trator of General Services for deposit in the National Ar-
4 chives.

5 (m) APPLICABILITY OF THE FEDERAL ADVISORY
6 COMMITTEE ACT.—The Federal Advisory Committee Act
7 (5 U.S.C. App.) shall not apply to the Commission.

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