

106TH CONGRESS
1ST SESSION

H. R. 700

To amend title 49, United States Code, to provide enhanced protections
for airline passengers.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1999

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

A BILL

To amend title 49, United States Code, to provide enhanced
protections 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 Bill
5 of Rights Act of 1999”.

6 **SEC. 2. AIRLINE PASSENGER PROTECTION.**

7 (a) IN GENERAL.—Subchapter I of chapter 417 of
8 title 49, United States Code, is amended by adding at the
9 end the following:

1 **“§ 41716. Air carrier passenger protection**

2 “(a) USE OF SINGLE FLIGHT NUMBER.—No air car-
3 rier may use a single flight number to denote a flight that
4 the air carrier knows will involve a change in aircraft be-
5 tween segments of the flight.

6 “(b) DELAY, CANCELLATION, OR DIVERSION.—

7 “(1) EXPLANATION REQUIRED.—An announce-
8 ment by an air carrier of (A) a delay or cancellation
9 of a flight, or (B) a diversion of a flight to an air-
10 port other than the airport at which the flight is
11 scheduled to land, shall include an explanation of the
12 reason or reasons for the delay, cancellation, or di-
13 version.

14 “(2) PROHIBITION ON FALSE OR MISLEADING
15 EXPLANATIONS.—No air carrier shall provide an ex-
16 planation under paragraph (1) that the air carrier
17 knows or has reason to know is false or misleading.

18 “(c) EXCESSIVE DEPARTURE AND ARRIVAL
19 DELAY.—

20 “(1) LIABILITY IMPOSED.—An air carrier shall
21 be liable to each passenger on an aircraft for an ex-
22 cessive departure or arrival delay of the aircraft.

23 “(2) AMOUNT OF LIABILITY.—

24 “(A) DELAYS OF MORE THAN 2 BUT LESS
25 THAN 3 HOURS.—If the excessive departure or
26 arrival delay is more than 2 but less than 3

1 hours, the amount of liability under paragraph
2 (1) shall be 200 percent of the price paid by the
3 passenger for transportation by the air carrier.

4 “(B) DELAYS OF 3 HOURS OR MORE.—If
5 the excessive departure or arrival delay is 3
6 hours or more, the amount of liability under
7 paragraph (1) shall be—

8 “(i) the amount determined under
9 subparagraph (A), plus

10 “(ii) an additional 100 percent of the
11 price paid by the passenger for such trans-
12 portation multiplied by the number of
13 hours (or portion thereof) that such period
14 exceeds 3 hours.

15 “(3) EXCESSIVE DEPARTURE OR ARRIVAL
16 DELAY.—In paragraph (1), the term ‘excessive de-
17 parture or arrival delay’ means a period of time in
18 excess of 2 hours—

19 “(A) in the case of departure delay, begin-
20 ning when the door of an aircraft is closed at
21 an airport and ending when the aircraft takes
22 off from the airport or when the door of the air-
23 craft is open for deplaning of passengers at the
24 airport; and

1 “(B) in the case of arrival delay, beginning
2 upon touchdown of an aircraft at an airport
3 and ending when the door of the aircraft is
4 open for deplaning of passengers at the airport.

5 “(4) DEPARTURE DELAYS CAUSED BY AIR
6 TRAFFIC CONTROL DIRECTIVES.—Notwithstanding
7 paragraph (3), a departure delay in excess of 2
8 hours shall not be treated as an excessive departure
9 delay for purposes of paragraph (1) if the Adminis-
10 trator of the Federal Aviation Administration deter-
11 mines that the departure delay was the result of an
12 air traffic control directive and that the carrier did
13 not receive notification that it would receive such di-
14 rective prior to the scheduled departure time of the
15 flight.

16 “(d) ECONOMIC CANCELLATIONS.—

17 “(1) NONSAFETY CANCELLATIONS.—If, on the
18 date a flight of an air carrier is scheduled, the car-
19 rier cancels the flight for reasons other than safety,
20 the carrier shall provide to each passenger that has
21 purchased air transportation on the flight—

22 “(A) air transportation in a timely manner
23 to the destination for which such passenger
24 purchased the air transportation; and

1 “(B) a refund of the amount paid for the
2 air transportation.

3 “(2) PATTERNS OF PRACTICE.—

4 “(A) NOTIFICATION OF SECRETARY.—If
5 an air carrier cancels a flight, the air carrier
6 shall submit to the Secretary of Transportation,
7 in writing before the 30th day following the
8 date of cancellation of the flight, the following
9 information with respect to the flight:

10 “(i) The flight number.

11 “(ii) The date and scheduled time of
12 departure of the flight.

13 “(iii) The percentage of seats on the
14 flight that would have been filled, as of the
15 date of cancellation, if the flight was not
16 canceled.

17 “(B) PERIODIC REVIEWS.—The Secretary
18 shall periodically review information submitted
19 under subparagraph (A) by each air carrier to
20 determine if there is a pattern of the air carrier
21 canceling a specific flight or canceling flights
22 that are undersold.

23 “(C) INVESTIGATION.—If the Secretary
24 determines under subparagraph (B) that there
25 is a pattern of an air carrier canceling a spe-

1 cific flight or canceling flights that are
2 undersold, the Secretary shall conduct an inves-
3 tigation to determine whether the air carrier is
4 canceling the flight or flights for reasons other
5 than safety.

6 “(D) RESTITUTION.—If, as a result of an
7 investigation under subparagraph (C), the Sec-
8 retary determines that a flight is canceled by an
9 air carrier for reasons other than safety, the
10 carrier shall provide a refund to each passenger
11 who purchased air transportation for that flight
12 equal to the amount they paid for that air
13 transportation even if the carrier provided the
14 air transportation to those passengers.

15 “(E) UNDERSOLD DEFINED.—In this sec-
16 tion, a flight of an air carrier is undersold as
17 of a certain date if 70 percent or more of the
18 seats on the flight are not purchased on or be-
19 fore such date.

20 “(3) LIMITATION ON CANCELLATIONS FOR REA-
21 SONS OTHER THAN SAFETY.—In this subsection, a
22 flight shall not be treated as being canceled for rea-
23 sons other than safety if the flight is canceled be-
24 cause of, among other things, an insufficient number
25 of crew, weather, or mechanical problems that pre-

1 vent the safe operation of the flight or prevent the
2 flight from operating in accordance with regulations
3 of the Federal Aviation Administration.

4 “(e) LOST BAGGAGE.—If an air carrier finds baggage
5 or property that has on it the name of an individual, the
6 carrier shall make a good faith effort to find the individual
7 and return the baggage or property to the individual.

8 “(f) LIMITATION ON SECURITY SCREENINGS.—No
9 air carrier or airport may conduct or have conducted a
10 security procedure at an airport in a manner that results
11 in a child under 2 years of age being separated from the
12 child’s parent or guardian without the consent of the par-
13 ent or guardian.

14 “(g) CODE SHARING.—No air carrier, foreign air car-
15 rier, or ticket agent may sell air transportation in the
16 United States for a flight that bears a designator code
17 of a carrier other than the carrier that will provide the
18 air transportation unless the air carrier, foreign air car-
19 rier, or ticket agent selling the air transportation first in-
20 forms the person purchasing the air transportation that
21 the carrier providing the air transportation will be a car-
22 rier other than the carrier whose designator code is used
23 to identify the flight.

24 “(h) AIR CARRIER PRICING POLICIES.—An air car-
25 rier may not—

1 “(1) prohibit a person (including a govern-
 2 mental entity) that purchases air transportation
 3 from only using a portion of the air transportation
 4 purchased (including using the air transportation
 5 purchased only for 1-way travel instead of round-trip
 6 travel); and

7 “(2) assess an additional fee on or charge to—

8 “(A) such a person; or

9 “(B) any ticket agent that sold the air
 10 transportation to such person.

11 “(i) FREQUENT FLYER AWARDS.—Upon request of
 12 any person (including a governmental entity), an air car-
 13 rier shall disclose the number or percentage of seats that
 14 the carrier intends to make available on a specific date
 15 for use by a person redeeming an award under a frequent
 16 flyer program of the carrier on any route in air transpor-
 17 tation provided by the carrier.

18 “(j) REGULATIONS.—The Secretary may issue regu-
 19 lations to carry out this section.”.

20 (b) CONFORMING AMENDMENT.—The table of sec-
 21 tions for such title is amended by inserting after the item
 22 relating to section 41715 the following:

“41716. Air carrier passenger protection.”.

23 **SEC. 3. CIVIL PENALTIES.**

24 Section 46301(a) of title 49, United States Code, is
 25 amended—

1 (1) in paragraph (6) by inserting “MAXIMUM
2 PENALTY FOR VIOLATIONS RELATING TO AIR SERV-
3 ICE TERMINATION NOTICES.—” before “Notwith-
4 standing”;

5 (2) by aligning paragraph (6) with paragraph
6 (5) of such section; and

7 (3) by adding at the end the following:

8 “(7) MAXIMUM PENALTY FOR VIOLATIONS RE-
9 LATING TO SINGLE FLIGHT NUMBER REQUIRE-
10 MENT.—Notwithstanding paragraph (1), the maxi-
11 mum civil penalty for an air carrier violating section
12 41716(a) with respect to a flight of an air carrier
13 shall be an amount determined by multiplying the
14 maximum amount of a civil penalty under paragraph
15 (1) by the number of passengers on the flight.

16 “(8) MAXIMUM PENALTY FOR VIOLATIONS RE-
17 LATING TO EXPLANATIONS OF DELAYS, CANCELLA-
18 TIONS, AND DIVERSIONS.—Notwithstanding para-
19 graph (1), the maximum civil penalty for an air car-
20 rier violating section 41716(b) with respect to a
21 flight of an air carrier shall be an amount deter-
22 mined by multiplying the maximum amount of a
23 civil penalty under paragraph (1) by the number of
24 passengers who paid for transportation on the
25 flight.”.

1 **SEC. 4. UNACCOMPANIED CHILDREN.**

2 (a) STUDY.—The Secretary of Transportation shall
3 conduct a study to determine if air carriers are providing,
4 during changes of planes, a level of supervision of unac-
5 companied children under 12 years of age that is sufficient
6 to ensure the safety of such children.

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Secretary shall transmit to
9 Congress a report containing the results of the study con-
10 ducted under this section.

