

107TH CONGRESS  
1ST SESSION

# S. 200

To establish a national policy of basic consumer fair treatment for airline passengers, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2001

Mr. REID introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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# A BILL

To establish a national policy of basic consumer fair treatment for airline passengers, 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. SHORT TITLE.**

4       This Act may be cited as the “Air Travelers Fair  
5 Treatment Act of 2001”.

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

7       Section 41712 of title 49, United States Code, is  
8 amended by adding at the end the following:

1       “(c) SPECIFIC PRACTICES.—For purposes of sub-  
2 section (a), the term ‘unfair or deceptive practice’ includes  
3 each of the following:

4           “(1) FLIGHT DELAYS.—The failure of an air  
5 carrier or foreign air carrier to provide a passenger  
6 of the carrier with an accurate explanation of the  
7 reasons for a flight delay, cancellation, or diversion  
8 from a ticketed itinerary.

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

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

19           “(B) to provide the ticket agent with at  
20 least 60 days to correct any deficiency claimed  
21 in the written notice,

22 except in cases of insolvency, an assignment for the  
23 benefit of creditors, bankruptcy, or nonpayment of  
24 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.—Subchapter I of chapter 417 of  
12 title 49, United States Code, is amended by adding at the  
13 end the following:

14 **“§ 41722. Airline passenger rights**

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

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

24 “(2) CONSIDERATIONS.—In prescribing regula-  
25 tions under paragraph (1), the Secretary shall  
26 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 safe-  
5                   ly and effectively;

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

8                             “(D) the effect of the regulations on air-  
9                             craft 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 prescribing regu-  
14                   lations under paragraph (1), the Secretary shall con-  
15                   sult with the Surgeon General of the Public Health  
16                   Service.

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

23               “(1) the aircraft is parked at an airport ter-  
24               minal gate with access to ramp or other facilities

1       through which passengers are customarily boarded  
2       and deplaned;

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

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

9           (b) CONFORMING AMENDMENT.—The analysis for  
10      chapter 417 of title 49, United States Code, is amended  
11      by adding at the end the following:

“41722. Airline passenger rights.”.

12 **SEC. 5. CONSUMER ACCESS TO INFORMATION.**

13           (a) REQUIREMENT FOR PROGRAM.—

14           (1) IN GENERAL.—Chapter 447 of title 49,  
15      United States Code, is amended by adding at the  
16      end the following new section:

17 **“§ 44727. Air traveler safety program**

18           “(a) IN GENERAL.—

19           “(1) WRITTEN INFORMATION.—The Secretary  
20      of Transportation (in this section referred to as the  
21      ‘Secretary’) shall require in regulations, for a period  
22      determined by the Secretary, that each air carrier  
23      that provides interstate air transportation or foreign  
24      air transportation to provide written information  
25      upon request, to passengers that purchase passage

1 for interstate or foreign air transportation con-  
2 cerning the following:

3 “(A) Safety inspection reviews conducted  
4 by the Administrator of the Federal Aviation  
5 Administration (in this section referred to as  
6 the ‘Administrator’) on the aircraft of that air  
7 carrier.

8 “(B) The safety ranking of that air car-  
9 rier, as determined by the Administrator in ac-  
10 cordance with applicable law.

11 “(C) The compliance of the members of  
12 the crew of the aircraft with any applicable cer-  
13 tification requirements under this subtitle.

14 “(2) GUIDELINES.—The regulations issued by  
15 the Secretary under this subsection shall provide  
16 guidelines for air carriers relating to the provision of  
17 the information referred to in paragraph (1).

18 “(3) REQUEST FOR INFORMATION.—An air car-  
19 rier shall be required to provide to a passenger, on  
20 request, any information concerning the safety of  
21 aircraft and the competency of persons issued a cer-  
22 tificate under this subtitle for the operation of the  
23 aircraft that the Secretary, to the extent allowable  
24 by law, determines to be appropriate.

25 “(b) SUBMISSION OF PERFORMANCE REVIEW.—

1           “(1) IN GENERAL.—Not later than December  
2           31 of each year, the Secretary shall submit a report  
3           to Congress regarding the safety of air carriers that  
4           provide interstate or foreign air transportation. The  
5           report shall include with respect to the year in which  
6           the report is filed—

7           “(A) the number of accidents and a de-  
8           scription of such accidents of air carriers attrib-  
9           utable to each air carrier that provides inter-  
10           state or foreign air transportation; and

11           “(B) the names of makers of aircraft that  
12           have been involved in an accident.

13           “(2) AVAILABILITY OF INFORMATION.—The  
14           Secretary shall make the annual report under para-  
15           graph (1) available to any person or entity upon re-  
16           quest.

17           “(c) VICTIMS’ RIGHTS PROGRAM.—

18           “(1) IN GENERAL.—The National Transpor-  
19           tation Safety Board shall establish and administer a  
20           program for victims and survivors of aircraft acci-  
21           dents in air commerce. Under that program, the Na-  
22           tional Transportation Safety Board shall ensure that  
23           such victims and survivors of an accident receive, to  
24           the extent allowable by law, immediate and unre-

1       stricted access to information on the accident that is  
2       made available from—

3               “(A) the air carrier involved in an accident  
4               in air commerce;

5               “(B) the Federal Government; and

6               “(C) State governments and political sub-  
7               divisions thereof.

8               “(2) CLASSIFIED INFORMATION.—Nothing in  
9       paragraph (1) may be construed to authorize a re-  
10       lease of information that is specifically authorized  
11       under criteria established by an Executive order to  
12       be kept secret in the interest of national defense or  
13       foreign policy.

14       “(d) COORDINATION OF VICTIM ASSISTANCE.—

15               “(1) IN GENERAL.—The National Transpor-  
16       tation Safety Board, in cooperation with officials of  
17       appropriate Federal agencies and the American Red  
18       Cross, shall establish a program to ensure the co-  
19       ordination of the disclosure of information under  
20       subsection (c) and assistance provided to victims of  
21       an accident in air commerce.

22               “(2) ESTABLISHMENT OF TOLL-FREE TELE-  
23       PHONE LINE.—

24               “(A) IN GENERAL.—The National Trans-  
25       portation Safety Board, in cooperation with of-

1 ficials of the appropriate Federal agencies and  
2 the American Red Cross, shall establish a toll-  
3 free telephone line to facilitate the provision of  
4 information under paragraph (3).

5 “(B) ACTION BY THE NATIONAL TRANS-  
6 PORTATION SAFETY BOARD.—The National  
7 Transportation Safety Board shall take such  
8 action as may be necessary to ensure—

9 “(i) the publication of the telephone  
10 number of the telephone line established  
11 under subparagraph (A) in newspapers of  
12 general circulation; and

13 “(ii) the provision of such number on  
14 national television news programs.

15 “(3) INFORMATION PROVIDED BY TELEPHONE  
16 LINE.—The telephone line established under para-  
17 graph (2) shall provide the following information  
18 concerning an accident in air commerce:

19 “(A) The identifier name and number of  
20 the aircraft involved in the accident.

21 “(B) The names of known victims of the  
22 accident.

23 “(C) The status of the investigation of the  
24 accident.

1                   “(D) A list of appropriate Federal agencies  
2                   and contacts.

3                   “(E) The facilities at which victims of the  
4                   accident may be identified.

5                   “(e) CIVIL PENALTIES.—

6                   “(1) IN GENERAL.—Any air carrier that fails to  
7                   provide information in accordance with this section  
8                   shall be liable for a civil penalty in an amount not  
9                   to exceed \$100,000 per violation.

10                  “(2) TRAVEL AGENCIES AND OTHER PERSONS  
11                  NOT COVERED.—Paragraph (1) shall not apply to a  
12                  travel agency or other person that does not provide  
13                  interstate or foreign air transportation.

14                  “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
15                  are authorized to be appropriated such sums as may be  
16                  necessary to carry out this section.”.

17                  (2) CONFORMING AMENDMENT.—The analysis  
18                  for chapter 447 of title 49, United States Code, is  
19                  amended by adding at the end the following new  
20                  item:

“44727. Air traveler safety program.”.

21                  (b) TIME FOR REGULATIONS.—The Secretary of  
22                  Transportation shall issue the regulations required by sub-  
23                  section (a) of section 44727 of title 49, United States  
24                  Code (as added by subsection (a)), not later than 90 days  
25                  after the date of enactment of this Act.

1        (c) SUBMITTAL OF FIRST ANNUAL REPORT.—The  
2 Secretary of Transportation shall submit the first annual  
3 report to Congress under subsection (b) of such section  
4 44727 not later than December 31, 2001.

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