

107TH CONGRESS
1ST SESSION

S. 200

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

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

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 officials 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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