

106TH CONGRESS  
2D SESSION

# S. 2891

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

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IN THE SENATE OF THE UNITED STATES

JULY 19, 2000

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.

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 2000”.

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 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) FLIGHT DELAYS.—The failure of an air  
10 carrier or foreign air carrier to provide a passenger  
11 of the carrier with an accurate explanation of the  
12 reasons for a flight delay, cancellation, or diversion  
13 from a ticketed itinerary.

14 “(2) PRICING POLICIES.—Any action of an air  
15 carrier or foreign air carrier—

16 “(A) to prohibit a person (including a gov-  
17 ernmental entity) that purchases air transpor-  
18 tation from only using a portion of the air  
19 transportation purchased (including using the  
20 air transportation purchased only for 1-way  
21 travel instead of round-trip travel); or

22 “(B) to assess an additional fee on or  
23 charge to—

24 “(i) such a person; or

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

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

9                   “(A) to provide the ticket agent with writ-  
10                  ten notice, and a full statement of reasons for  
11                  the action, on or before the 90th day preceding  
12                  the action; and

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

19 **SEC. 3. CLARIFICATION REGARDING ENFORCEMENT OF**  
20 **STATE LAWS.**

21                  Section 41713(b)(1) of title 49, United States Code,  
22                  is amended by striking “related to a price, route, or service  
23                  of an air carrier that may provide air transportation under  
24                  this subpart” and inserting “that directly prescribes a

1 price, route, or level of service for air transportation pro-  
 2 vided by an air carrier under this subpart”.

3 **SEC. 4. EMERGENCY MEDICAL ASSISTANCE; RIGHT OF**  
 4 **EGRESS.**

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

8 **“§ 41717. Airline passenger rights**

9 “(a) RIGHT TO IN-FLIGHT EMERGENCY MEDICAL  
 10 CARE.—

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

18 “(2) CONSIDERATIONS.—In prescribing regula-  
 19 tions under paragraph (1), the Secretary shall  
 20 consider—

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

23 “(B) the need for special training of air  
 24 carrier personnel to operate the equipment safe-  
 25 ly and effectively;

1           “(C) the space limitations of each type of  
2 aircraft;

3           “(D) the effect of the regulations on air-  
4 craft operations;

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

7           “(F) other relevant factors.

8           “(3) CONSULTATION.—Before prescribing regu-  
9 lations under paragraph (1), the Secretary shall con-  
10 sult with the Surgeon General.

11          “(b) RIGHT TO EXIT AIRCRAFT.—No air carrier or  
12 foreign air carrier operating an aircraft in air transpor-  
13 tation shall prevent or hinder (including by failing to as-  
14 sist) any passenger from exiting the aircraft (under the  
15 same circumstances as any member of the flight crew is  
16 permitted to exit the aircraft) if—

17           “(1) the aircraft is parked at an airport ter-  
18 minal gate with access to ramp or other facilities  
19 through which passengers are customarily boarded  
20 and deplaned;

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

23           “(3) the captain of the aircraft has not been in-  
24 formed by air traffic control authorities that the air-



1 products and services, including travel agents  
2 and Internet-based distributors.

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

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

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

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

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

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

1           (1) CONSUMER ACCESS TO INFORMATION.—

2           With respect to consumer access to information re-  
3           garding the services and products offered by the air-  
4           line industry:

5                   (A) The state of such access.

6                   (B) The effect of such access over the next  
7                   5 years of the making of alliances in the airline  
8                   industry.

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

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

15                   (A) The state of such means of distribu-  
16                   tion.

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

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

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

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

4 (B) How trends in such systems will affect  
5 consumers, including—

6 (i) the effect on consumer access to  
7 flight reservation information; and

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

14 (4) LEGAL IMPEDIMENTS TO DISTRIBUTORS  
15 SEEKING RELIEF FOR ANTICOMPETITIVE ACTIONS.—

16 The policies of the United States with respect to the  
17 legal impediments to distributors seeking relief for  
18 anticompetitive actions, including—

19 (A) Federal preemption of civil actions  
20 against airlines; and

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

24 (d) MEMBERSHIP.—

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

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

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

9           (C) 2 voting members and 2 nonvoting  
10 members appointed by the Minority Leader of  
11 the House of Representatives.

12           (D) 3 voting members and 3 nonvoting  
13 members appointed by the Majority Leader of  
14 the Senate.

15           (E) 2 voting members and 2 nonvoting  
16 members appointed by the Minority Leader of  
17 the Senate

18           (2) QUALIFICATIONS.—Voting members ap-  
19 pointed pursuant to paragraph (1) shall be ap-  
20 pointed from among individuals who are experts in  
21 economics, service product distribution, or transpor-  
22 tation, or any related discipline, and who can rep-  
23 resent consumers, passengers, shippers, travel  
24 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) CHAIRPERSON.—The President, in consulta-  
12 tion with the Speaker of the House of Representa-  
13 tives and the majority leader of the Senate, shall  
14 designate the Chairperson of the Commission from  
15 among its voting members.

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

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

22           (g) 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 (h) 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 (i) 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 (j) 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 (b)(2).

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

1 report under subsection (l). 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 (l) 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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