

107TH CONGRESS  
1ST SESSION

# H. R. 1792

To amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2001

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

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## A BILL

To amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity.

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 Customer Serv-  
5 ice Improvement Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1           (1) Airline traffic in the United States is in-  
2           creasing. The number of passengers carried by  
3           United States air carriers has nearly tripled since  
4           1978, to over 660 million annually. The number is  
5           expected to grow to more than 1 billion by 2010.  
6           The number of domestic flights has been steadily in-  
7           creasing as well.

8           (2) The Inspector General of the Department of  
9           Transportation has found that this growth in traffic  
10          has been accompanied by increases in delays, can-  
11          cellations, and customer dissatisfaction with air car-  
12          rier service.

13                 (A) The Federal Aviation Administration  
14                 has reported that, between 1995 and 2000,  
15                 delays increased 90 percent and cancellations  
16                 increased 104 percent. In 2000, over 1 in 4  
17                 flights were delayed, canceled, or diverted, af-  
18                 fecting approximately 163 million passengers.

19                 (B) At the 30 largest United States air-  
20                 ports, the number of flights with taxi-out times  
21                 of 1 hour or more increased 165 percent be-  
22                 tween 1995 and 2000. The number of flights  
23                 with taxi-out times of 4 hours or more in-  
24                 creased 341 percent during the same period.

1           (C) Certain flights, particularly those  
2           scheduled during peak periods at the nation's  
3           busiest airports, are subject to chronic delays.  
4           In December, 2000, 626 regularly scheduled  
5           flights arrived late 70 percent of the time or  
6           more, as reported by the Department of Trans-  
7           portation.

8           (D) The number of consumer complaints  
9           filed with the Department of Transportation  
10          about airline travel has nearly quadrupled since  
11          1995. According to the Department of Trans-  
12          portation's Inspector General, air carriers re-  
13          ceive between 100 and 400 complaints for every  
14          complaint filed with the Department of Trans-  
15          portation.

16          (3) During the same time period in which the  
17          number of complaints about airline travel has in-  
18          creased, the resources devoted to the Department of  
19          Transportation's handling of such complaints have  
20          declined sharply. The Department of Transpor-  
21          tation's Inspector General has reported that the  
22          staffing of the Department of Transportation office  
23          responsible for handling airline customer service  
24          complaints declined from 40 in 1985 to just 17 in  
25          2000.

1           (4) In June, 1999, the Air Transport Associa-  
2           tion and its member airlines agreed to an Airline  
3           Customer Service Commitment designed to address  
4           mounting consumer dissatisfaction and improve cus-  
5           tomer service in the industry.

6           (5) The Inspector General of the Department of  
7           Transportation has found that the airlines' vol-  
8           untary commitment to better service, set forth in the  
9           Airline Customer Service Commitment, has resulted  
10          in positive changes in how air travelers are treated.

11          (6) While the Inspector General's final report  
12          noted that the voluntary effort has produced benefits  
13          faster than would a legislative or regulatory man-  
14          date, which could have taken years to implement,  
15          the Inspector General has recommended additional  
16          changes that require legislation and regulations.

17          (7) The Airline Customer Service Commitment  
18          has prompted the airlines to address consumer con-  
19          cerns in many areas, ranging from providing infor-  
20          mation more accurately on delays to explaining that  
21          lower fares may be available through the Internet.

22          (8) Air carriers need to do more, in the areas  
23          under their control, to reduce over-scheduling, the  
24          number of chronically late or chronically canceled

1 flights, and the amount of checked baggage that  
2 does not show up with the passenger upon arrival.

3 (9) The airlines were cooperative with, and re-  
4 sponsive to, many of the suggestions the Inspector  
5 General made in the interim report last year.

6 (10) The Inspector General has determined  
7 that, while there has been significant progress in im-  
8 proving airline customer service, certain areas cov-  
9 ered by the Airline Customer Service Commitment  
10 are in need of significant clarification and improve-  
11 ment and, where appropriate, enforcement action.

12 **SEC. 3. DEPARTMENT OF TRANSPORTATION TO DEVOTE**  
13 **GREATER RESOURCES TO AIRLINE PAS-**  
14 **SENGER CONSUMER PROTECTION.**

15 (a) IN GENERAL.—The Secretary of Transportation  
16 shall increase the resources of the Department of Trans-  
17 portation allocated to providing—

18 (1) airline passenger consumer protection and  
19 related services; and

20 (2) oversight and enforcement of laws and regu-  
21 lations within the jurisdiction of the Department  
22 that provide protection for air travelers.

23 (b) REPORT.—Within 60 days after the date of enact-  
24 ment of this Act, the Secretary shall report to the Senate  
25 Committee on Commerce, Science, and Transportation

1 and the House Committee on Transportation and Infra-  
2 structure measures taken by the Secretary to carry out  
3 subsection (a), together with a request for additional  
4 funds or measures, if necessary, to carry out that sub-  
5 section fully.

6 **SEC. 4. AIRLINE CUSTOMER SERVICE COMMITMENT.**

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

10 “SUBCHAPTER IV—AIRLINE CUSTOMER  
11 SERVICE

12 “§ 41781. Airline customer service requirements

13 “(a) IN GENERAL.—Within 60 days after the date  
14 of enactment of the Airline Customer Service Improve-  
15 ment Act, each large air carrier shall incorporate in its  
16 contract of carriage—

17 “(1) the provisions of the Airline Customer  
18 Service Commitment executed by the Air Transport  
19 Association and 14 of its member airlines on June  
20 17, 1999; and

21 “(2) its customer service plan developed in ac-  
22 cordance with that Commitment to the extent that  
23 the plan is more specific or broader than the Com-  
24 mitment.

1       “(b) ADDITIONAL OBLIGATIONS.—Within 60 days  
2 after the date of enactment of the Airline Customer Serv-  
3 ice Improvement Act, each large air carrier shall institute  
4 the following practices:

5           “(1) Provide to customers at an airport and on  
6 board an aircraft, in a timely, reasonable, and truth-  
7 ful manner, the best information available to the air  
8 carrier regarding a delay, cancellation, or diversion  
9 affecting the customers’ flight, including—

10           “(A) the cause of any such delay, cancella-  
11 tion, or diversion; and

12           “(B) for a delayed flight, the air carrier’s  
13 best estimate of the departure time.

14           “(2) Offer the lowest fare available for which a  
15 customer is eligible at the air carrier’s ticket offices  
16 and airport ticket service counters for the date,  
17 flight, and class of service requested.

18           “(3) Notify customers that lower fares may be  
19 available through other distribution systems, includ-  
20 ing Internet websites.

21           “(4) Provide, no later than the 5th day of each  
22 month, the air carrier’s on-time performance rate for  
23 each scheduled flight for the most recently ended  
24 month for which data is available through its Inter-  
25 net website.

1           “(5) Disclose, without being requested, the on-  
2           time performance and cancellation rate for a chron-  
3           ically delayed or chronically canceled flight whenever  
4           a customer makes a reservation or purchases a tick-  
5           et on such a flight.

6           “(6) Establish a plan with respect to pas-  
7           sengers who must unexpectedly remain overnight  
8           during a trip due to flight delays, cancellations, or  
9           diversions.

10           “(7) Tell all passengers on a flight what the air  
11           carrier is required to pay passengers involuntarily  
12           denied boarding before making offers to passengers  
13           to induce them to relinquish seats voluntarily.

14           “(c) COMPLIANCE ASSURANCE.—

15           “(1) AIR CARRIER FUNCTIONS.—Each large air  
16           carrier also shall—

17                   “(A) establish a customer service quality  
18                   assurance and performance measurement sys-  
19                   tem within 90 days after the date of enactment  
20                   of the Airline Customer Service Improvement  
21                   Act;

22                   “(B) establish an internal audit process to  
23                   measure compliance with the commitments and  
24                   obligations under subsections (a) and (b) within

1           90 days after the date of enactment of the Air-  
2           line Customer Service Improvement Act; and

3           “(C) cooperate fully with any Department  
4           of Transportation audit of its customer service  
5           quality assurance system or review of its inter-  
6           nal audit.

7           “(2) DOT FUNCTIONS.—The Secretary of  
8           Transportation shall—

9           “(A) monitor compliance by large air car-  
10          riers with the requirements of this section and  
11          take such action under subpart IV of this title  
12          as may be necessary to enforce compliance with  
13          this section under subpart IV of this title;

14          “(B) monitor, in particular, and enforce  
15          air carrier performance under paragraphs (1),  
16          (2), (3), (5), and (7) of subsection (b), focusing  
17          on practices and patterns of conduct rather  
18          than specific incidents of failure to follow the  
19          air carrier’s established practices;

20          “(C) monitor air carrier customer service  
21          quality assurance and performance measure-  
22          ment systems to ensure that air carriers are  
23          meeting fully their airline passenger service  
24          commitments; and

1           “(D) review the internal audits conducted  
2           by air carriers of their air carrier customer  
3           service quality assurance and performance  
4           measurement systems.

5           “(d) DEFINITIONS.—In this section:

6           “(1) LARGE AIR CARRIER.—The term ‘large air  
7           carrier’ means an air carrier holding a certificate  
8           issued under section 41102 that conducts scheduled  
9           passenger air transportation and—

10           “(A) operates aircraft designed to have a  
11           maximum passenger capacity of more than 60  
12           seats or a maximum payload capacity of more  
13           than 18,000 pounds; or

14           “(B) conducts operations where one or  
15           both terminals of a flight stage are outside the  
16           50 States of the United States, the District of  
17           Columbia, the Commonwealth of Puerto Rico  
18           and the U.S. Virgin Islands.

19           “(2) CHRONICALLY DELAYED FLIGHT.—The  
20           term ‘chronically delayed flight’ means a regularly  
21           scheduled flight that has failed to arrive on time (as  
22           defined in section 234.2 of title 14, Code of Federal  
23           Regulations) at least 40 percent of the time during  
24           the most recent 3-month period for which data are  
25           available.

1           “(3) CHRONICALLY CANCELED FLIGHT.—The  
2 term ‘chronically canceled flight’ means a regularly  
3 scheduled flight at least 30 percent of the departures  
4 of which have been canceled during the most recent  
5 3-month period for which data are available.”.

6           (b) ENFORCEMENT.—Section 46301(a)(7) of title 49,  
7 United States Code, is amended by striking “40127 or  
8 41712” and inserting “40127, 41712, or 41781”.

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

“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

“41781. Airline customer service requirements.”.

12 **SEC. 5. OTHER SERVICE-ENHANCING IMPROVEMENTS.**

13           (a) IN GENERAL.—Within 90 days after the date of  
14 enactment of this Act, each large air carrier (as defined  
15 in section 41781(d)(1) of title 49, United States Code)  
16 shall—

17           (1) establish realistic targets for reducing  
18 chronically delayed and chronically canceled flights;

19           (2) establish a system passengers may use be-  
20 fore departing for the airport to determine whether  
21 there is a lengthy flight delay or whether a flight has  
22 been canceled;

23           (3) establish realistic performance goals for re-  
24 ducing the number of mishandled bags;

1           (4) develop and implement a system for track-  
2           ing and documenting the amount of time between  
3           the receipt of a passenger’s claim for missing bag-  
4           gage and the delivery of the baggage to the pas-  
5           senger, including the time taken by a courier or  
6           other delivery service to deliver found baggage to the  
7           passenger;

8           (5) monitor and report its efforts to improve  
9           services provided to passengers with disabilities and  
10          special needs, including services provided at airports  
11          such as check-in, passenger security screening (par-  
12          ticularly for passengers who use wheelchairs), board-  
13          ing, and disembarkation;

14          (6) clarify terminology used to advise pas-  
15          sengers of unscheduled delays or interruptions in  
16          service, such as “extended period of time” and  
17          “emergency”, in order to inform passengers better  
18          about what they can expect during on-board delays;

19          (7) ensure that comprehensive passenger service  
20          contingency plans are properly maintained and that  
21          the plans, and any changes to those plans, are co-  
22          ordinated with local airport authorities and the Fed-  
23          eral Aviation Administration;

24          (8) ensure that master airport flight informa-  
25          tion display monitors contain accurate, up-to-date

1 flight information and that the information is con-  
2 sistent with that shown on the carrier's flight infor-  
3 mation display monitors;

4 (9) establish a toll-free telephone number that  
5 a passenger may use to check on the status of  
6 checked baggage that was not delivered on arrival at  
7 the passenger's destination;

8 (10) if it maintains a domestic code-share ar-  
9 rangement with another air carrier, conclude an  
10 agreement under which it will conduct an annual  
11 audit of the code-share air carrier's compliance with  
12 the Airline Customer Service Commitment; and

13 (11) if it has a frequent flyer program, make  
14 available to the public a comprehensive report of fre-  
15 quent flyer redemption information in its customer  
16 literature and annual reports, including information  
17 on the percentage of successful redemption of fre-  
18 quent flyer awards and the number of seats available  
19 for such awards in the air carrier's top 100 origin  
20 and destination markets.

21 (b) INITIAL RESPONSE REPORTS.—

22 (1) AIR CARRIERS.—Within 90 days after the  
23 date of enactment of this Act, each large air carrier  
24 shall report to the Secretary of Transportation on

1 its implementation of the obligations imposed on it  
2 by this Act.

3 (2) SECRETARY.—Within 270 days after the  
4 date of enactment of this Act, the Secretary of  
5 Transportation shall report to the Congress on the  
6 implementation by large air carriers of the obliga-  
7 tions imposed on them by this Act, together with  
8 such additional findings and recommendations for  
9 additional legislative or regulatory action as the Sec-  
10 retary deems appropriate.

11 **SEC. 6. IMPROVED DOT STATISTICS.**

12 (a) MISSING BAGGAGE.—In calculating and reporting  
13 the rate of mishandled baggage for air carriers, the De-  
14 partment of Transportation shall not take into account  
15 passengers who do not check any baggage.

16 (b) CHRONICALLY DELAYED OR CANCELED  
17 FLIGHTS.—The Office of Aviation Enforcement and Pro-  
18 ceedings of the Department of Transportation, in coordi-  
19 nation with the Bureau of Transportation Statistics of the  
20 Department of Transportation, shall include a table in the  
21 Air Travel Consumer Report that shows flights that are  
22 chronically delayed or chronically canceled (as defined in  
23 section 41781(d) (2) and (3), respectively, of title 49,  
24 United States Code).

1 **SEC. 7. DOT REGULATIONS ON BUMPING.**

2 (a) UNIFORM CHECK-IN DEADLINE.—The Secretary  
3 of Transportation shall initiate a rulemaking within 30  
4 days after the date of enactment of this Act to amend  
5 the Department of Transportation’s Regulations to con-  
6 sider establishing a uniform check-in deadline and to re-  
7 quire air carriers to disclose, both in their contracts of  
8 carriage and on ticket jackets, their policies on how those  
9 deadlines apply to passengers making connections.

10 (b) BUMPED PASSENGER COMPENSATION.—The Sec-  
11 retary of Transportation shall initiate a rulemaking within  
12 30 days after the date of enactment of this Act to amend  
13 section 250.5 of the Department of Transportation’s Reg-  
14 ulations (14 C.F.R. 250.5) governing the amount of de-  
15 nied boarding compensation for passengers denied board-  
16 ing involuntarily to increase the maximum amount there-  
17 of.

18 (c) CLARIFY CERTAIN TERMS.—The Secretary of  
19 Transportation shall clarify the terms “any undue or un-  
20 reasonable preference or advantage” and “unjust or un-  
21 reasonable prejudice or disadvantage”, as used in section  
22 250.3 of the Department of Transportation’s Regulations  
23 (14 C.F.R. 250.3), for purposes of air carrier priority  
24 rules or criteria for passengers denied boarding involun-  
25 tarily.

1 **SEC. 8. STUDY OF DAMAGE TO PASSENGERS WITH DISABIL-**  
2 **ITIES' EQUIPMENT.**

3 The Secretary of Transportation shall conduct a  
4 study of incidents of damage to equipment of passengers  
5 with disabilities attributable to air carriers' treatment of  
6 that equipment.

7 **SEC. 9. REVIEW OF REGULATIONS.**

8 Within 1 year after the date of enactment of this Act,  
9 the Secretary shall complete a thorough review of the De-  
10 partment of Transportation's regulations that relate to air  
11 carriers' treatment of customers, and make such modifica-  
12 tions as may be necessary or appropriate to promote the  
13 purposes of this Act or otherwise protect consumers.

14 **SEC. 10. EMERGENCY MEDICAL ASSISTANCE.**

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

18 **“§ 41722. Airline passenger emergency in-flight med-**  
19 **ical care**

20 “(a) IN GENERAL.—The Secretary of Transportation  
21 shall prescribe regulations to establish minimum stand-  
22 ards for resuscitation, emergency medical, and first-aid  
23 equipment and supplies to be carried on-board an aircraft  
24 operated by an air carrier in air transportation that is ca-  
25 pable of carrying at least 30 passengers.

1       “(b) FACTORS CONSIDERED.—In prescribing regula-  
2 tions under subsection (a), the Secretary shall consider—

3               “(1) the weight and size of the equipment de-  
4 scribed in subsection (a);

5               “(2) the need for special training of air carrier  
6 personnel to operate the equipment safely and effec-  
7 tively;

8               “(3) the space limitations of each type of air-  
9 craft to which the standards apply;

10              “(4) the effect of the regulations on aircraft op-  
11 erations;

12              “(5) the practical experience of airlines in car-  
13 rying and operating similar equipment, and whether  
14 any air carriers are already training appropriate per-  
15 sonnel to an acceptable level of proficiency in the op-  
16 eration of such equipment and the provision of first-  
17 aid; and

18              “(6) such other factors as the Secretary finds  
19 relevant.

20       “(c) CONSULTATION WITH SURGEON GENERAL.—  
21 Before prescribing regulations under subsection (a), the  
22 Secretary shall consult with the Surgeon General of the  
23 United States.”.

24       (b) CONFORMING AMENDMENT.—The chapter anal-  
25 ysis for chapter 417 of title 49, United States Code, is

- 1 amended by inserting after the item relating to section
- 2 41721 the following:

“41722. Airline passenger emergency in-flight medical care.”.

