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[Report No. 107-13]

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2001

Mr. MCCAIN (for himself, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. FEINGOLD, Mr. KERRY, Ms. SNOWE, Mr. REID, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

APRIL 26, 2001

Reported by Mr. MCCAIN, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

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:

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

13 (2) While the Inspector General’s Final report
14 noted that the voluntary effort has produced benefits
15 faster than a legislative or regulatory mandate,
16 which could have taken years to implement, the In-
17 spector General has recommended additional
18 changes that require legislation and regulations.

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

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

4 (5) The Inspector General has determined that,
5 while there has been significant progress in improv-
6 ing airline customer service, certain areas covered by
7 the Airline Customer Service Commitment are in
8 need of significant clarification and improvement
9 and, where appropriate, enforcement action.

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

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

16 (1) airline passenger consumer protection and
17 related services; and

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

21 (b) **REPORT.**—Within 60 days after the date of enact-
22 ment of this Act, the Secretary shall report to the Senate
23 Committee on Commerce, Science, and Transportation
24 and the House Committee on Transportation and Infra-
25 structure measures taken by the Secretary to carry out

1 subsection (a), together with a request for additional
 2 funds or measures, if necessary, to carry out that sub-
 3 section fully.

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

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

8 “SUBCHAPTER IV. AIRLINE CUSTOMER
 9 SERVICE

10 “§ 41781. Airline customer service requirements

11 “(a) IN GENERAL.—Within 60 days after the date
 12 of enactment of the Airline Customer Service Improve-
 13 ment Act, each large air carrier shall incorporate the pro-
 14 visions of the Airline Customer Service Commitment exe-
 15 cuted by the Air Transport Association and 14 of its mem-
 16 ber airlines on June 17, 1999, in its contract of carriage.

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

21 “(1) Include fares available at the air carrier’s
 22 ticket offices and airport ticket service counters
 23 when quoting the lowest fare available to passengers.

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

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

9 “(4) Disclose, without being requested, the on-
10 time performance and cancellation rate for a chron-
11 ically-delayed or canceled flight whenever a customer
12 makes a reservation or purchases a ticket on such
13 a flight.

14 “(5) Establish a plan with respect to pas-
15 sengers who must unexpectedly remain overnight
16 during a trip due to flight delays, cancellations, or
17 diversions.

18 “(6) Tell all passengers on a flight what the air
19 carrier is required to pay passengers involuntarily
20 denied boarding before making offers to passengers
21 to induce them voluntarily to relinquish seats.

22 “(c) COMPLIANCE ASSURANCE.—

23 “(1) AIR CARRIER FUNCTIONS.—Each large air
24 carrier also shall—

1 “(A) establish a customer service quality
2 assurance and performance measurement sys-
3 tem within 90 days after the date of enactment
4 of the Airline Customer Service Improvement
5 Act;

6 “(B) establish an internal audit process to
7 measure compliance with the commitments and
8 its customer service plan within 90 days after
9 the date of enactment of the Airline Customer
10 Service Improvement Act; and

11 “(C) cooperate fully with any Department
12 of Transportation audit of its customer service
13 quality assurance system or review of its inter-
14 nal audit.

15 “(2) DOT FUNCTIONS.—The Secretary of
16 Transportation shall—

17 “(A) monitor compliance by large air ear-
18 riers with the requirements of this section and
19 take such action under subpart IV of this title
20 as may be necessary to enforce compliance with
21 this section under subpart IV of this title;

22 “(B) monitor air carrier customer service
23 quality assurance and performance measure-
24 ment systems to ensure that air carriers are

1 meeting fully their airline passenger service
2 commitments; and

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

7 “(d) DEFINITIONS.—In this section—

8 “(1) LARGE AIR CARRIER.—The term ‘large air
9 carrier’ means an air carrier holding a certificate
10 issued under section 41102 that—

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

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

20 “(2) CHRONICALLY DELAYED OR CANCELED.—

21 A flight shall be considered to be chronically-delayed
22 or canceled if at least 40 percent of the flight’s de-
23 partures are delayed for at least 15 minutes or at
24 least 40 percent of the flights are canceled.”.

1 (b) **ENFORCEMENT.**—Section 46301(a)(7) of title 49,
 2 United States Code, is amended by striking “40112 or
 3 41727” and inserting “40112, 41727, or 41781”.

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

“SUBCHAPTER IV. AIRLINE CUSTOMER SERVICE

“41781. Airline customer service requirements”.

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

8 (a) **IN GENERAL.**—Within 90 days after the date of
 9 enactment of this Act, each large air carrier (as defined
 10 in section 41781(d)(1)) shall—

11 (1) establish realistic targets for reducing
 12 chronically delayed and canceled flights;

13 (2) establish a system passengers may use be-
 14 fore departing for the airport to determine whether
 15 there is a lengthy flight delay or whether a flight has
 16 been canceled;

17 (3) develop and implement a system for track-
 18 ing and documenting the amount of time between
 19 the receipt of a passenger’s claim for missing bag-
 20 gage and the delivery of the baggage to the pas-
 21 senger, including the time taken by a courier or
 22 other delivery service to deliver found baggage to the
 23 passenger;

1 (4) monitor and report its efforts to improve
2 services provided to passengers with disabilities and
3 special needs, including services provided at airports
4 such as check-in, passenger security screening (par-
5 ticularly for passengers who use wheelchairs), board-
6 ing, and disembarkation;

7 (5) clarify terminology used to advise pas-
8 sengers of unscheduled delays or interruptions in
9 service, such as “extended period of time” and
10 “emergency”, in order better to inform passengers
11 about what they can expect during on-board delays;

12 (6) ensure that comprehensive passenger service
13 contingency plans are properly maintained and that
14 the plans, and any changes to those plans, are co-
15 ordinated with local airport authorities and the Fed-
16 eral Aviation Administration;

17 (7) ensure that master airport flight informa-
18 tion display monitors contain accurate, up-to-date
19 flight information and that the information is con-
20 sistent with that shown on the carrier’s flight infor-
21 mation display monitors;

22 (8) establish a toll-free telephone number that
23 a passenger may use to check on the status of
24 checked baggage that was not delivered on arrival at
25 the passenger’s destination;

1 (9) if it maintains a domestic code-share ar-
2 rangement with another air carrier, conclude an
3 agreement under which it will conduct an annual
4 audit of that air carrier's compliance with the other
5 air carrier's airline customer service commitment;
6 and

7 (10) if it has a frequent flyer program, make
8 available to the public a comprehensive report of fre-
9 quent flyer redemption information in their customer
10 literature and annual reports, including information
11 on the percentage of successful redemption of fre-
12 quent flyer awards and the number of seats available
13 for such awards in the air carrier's top 100 origin
14 and destination markets.

15 (b) INITIAL RESPONSE REPORTS.—

16 (1) AIR CARRIERS.—Within 90 days after the
17 date of enactment of this Act, each large air carrier
18 shall report to the Secretary of Transportation on
19 its implementation of the obligations imposed on it
20 by this Act.

21 (2) SECRETARY.—Within 270 days after the
22 date of enactment of this Act, the Secretary of
23 Transportation shall report to the Congress on the
24 implementation by large air carriers of the obliga-
25 tions imposed on them by this Act, together with

1 such additional findings and recommendations for
2 additional legislative or regulatory action as the Sec-
3 retary deems appropriate.

4 **SEC. 6. IMPROVED DOT STATISTICS.**

5 (a) **MISSING BAGGAGE.**—In calculating and reporting
6 the rate of mishandled baggage for air carriers, the De-
7 partment of Transportation shall not take into account
8 passengers who do not check any baggage.

9 (b) **CHRONICALLY DELAYED OR CANCELED**
10 **FLIGHTS.**—The Office of Aviation Enforcement and Pro-
11 ceedings of the Department of Transportation in coordina-
12 tion with the Bureau of Transportation Statistics of the
13 Department of Transportation, shall include a table in the
14 Air Travel Consumer Report that shows flights chronically
15 delayed by 15 minutes or more and flights canceled 40
16 percent or more for 3 consecutive months or more.

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

18 (a) **UNIFORM CHECK-IN DEADLINE.**—The Secretary
19 of Transportation shall initiate a rulemaking within 30
20 days after the date of enactment of this Act to amend
21 the Department of Transportation's Regulations to estab-
22 lish a uniform check-in deadline and to require air carriers
23 to disclose, both in their contracts of carriage and on tick-
24 et jackets, their policies on how those deadlines apply to
25 passengers making connections.

1 (b) **BUMPED PASSENGER COMPENSATION.**—The Sec-
2 retary of Transportation shall initiate a rulemaking within
3 30 days after the date of enactment of this Act to amend
4 the Department of Transportation’s Regulation (14
5 C.F.R. 250.5) governing the amount of denied boarding
6 compensation for passengers denied boarding involuntarily
7 to increase the maximum amount thereof.

8 (c) **CLARIFY CERTAIN TERMS.**—The Secretary of
9 Transportation shall clarify the terms “any undue or un-
10 reasonable preference or advantage” and “unjust or un-
11 reasonable prejudice or disadvantage”, as used in section
12 250.3 of the Department of Transportation’s Regulations
13 (14 C.F.R. 250.3), for purposes of air carrier priority
14 rules or criteria for passengers denied boarding involun-
15 tarily.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Airline Customer Serv-*
18 *ice Improvement Act”.*

19 **SEC. 2. FINDINGS.**

20 *The Congress finds the following:*

21 (1) *Airline traffic in the United States is in-*
22 *creasing. The number of passengers carried by United*
23 *States air carriers has nearly tripled since 1978, to*
24 *over 660 million annually. The number is expected to*

1 *grow to more than 1 billion by 2010. The number of*
2 *domestic flights has been steadily increasing as well.*

3 *(2) The Inspector General of the Department of*
4 *Transportation has found that this growth in traffic*
5 *has been accompanied by increases in delays, can-*
6 *cancellations, and customer dissatisfaction with air car-*
7 *rier service.*

8 *(A) The Federal Aviation Administration*
9 *has reported that, between 1995 and 2000, delays*
10 *increased 90 percent and cancellations increased*
11 *104 percent. In 2000, over 1 in 4 flights were de-*
12 *layed, canceled, or diverted, affecting approxi-*
13 *mately 163 million passengers.*

14 *(B) At the 30 largest United States air-*
15 *ports, the number of flights with taxi-out times*
16 *of 1 hour or more increased 165 percent between*
17 *1995 and 2000. The number of flights with taxi-*
18 *out times of 4 hours or more increased 341 per-*
19 *cent during the same period.*

20 *(C) Certain flights, particularly those sched-*
21 *uled during peak periods at the nation's busiest*
22 *airports, are subject to chronic delays. In Decem-*
23 *ber, 2000, 626 regularly scheduled flights arrived*
24 *late 70 percent of the time or more, as reported*
25 *by the Department of Transportation.*

1 (D) *The number of consumer complaints*
2 *filed with the Department of Transportation*
3 *about airline travel has nearly quadrupled since*
4 *1995. According to the Department of Transpor-*
5 *tation's Inspector General, air carriers receive*
6 *between 100 and 400 complaints for every com-*
7 *plaint filed with the Department of Transpor-*
8 *tation.*

9 (3) *During the same time period in which the*
10 *number of complaints about airline travel has in-*
11 *creased, the resources devoted to the Department of*
12 *Transportation's handling of such complaints have*
13 *declined sharply. The Department of Transportation's*
14 *Inspector General has reported that the staffing of the*
15 *Department of Transportation office responsible for*
16 *handling airline customer service complaints declined*
17 *from 40 in 1985 to just 17 in 2000.*

18 (4) *In June, 1999, the Air Transport Association*
19 *and its member airlines agreed to an Airline Cus-*
20 *tomers Service Commitment designed to address*
21 *mounting consumer dissatisfaction and improve cus-*
22 *tomers service in the industry.*

23 (5) *The Inspector General of the Department of*
24 *Transportation has found that the airlines' voluntary*
25 *commitment to better service, set forth in the Airline*

1 *Customer Service Commitment, has resulted in posi-*
2 *tive changes in how air travelers are treated.*

3 (6) *While the Inspector General's final report*
4 *noted that the voluntary effort has produced benefits*
5 *faster than would a legislative or regulatory mandate,*
6 *which could have taken years to implement, the In-*
7 *pector General has recommended additional changes*
8 *that require legislation and regulations.*

9 (7) *The Airline Customer Service Commitment*
10 *has prompted the airlines to address consumer con-*
11 *cerns in many areas, ranging from providing infor-*
12 *mation more accurately on delays to explaining that*
13 *lower fares may be available through the Internet.*

14 (8) *Air carriers need to do more, in the areas*
15 *under their control, to reduce over-scheduling, the*
16 *number of chronically late or chronically canceled*
17 *flights, and the amount of checked baggage that does*
18 *not show up with the passenger upon arrival.*

19 (9) *The airlines were cooperative with, and re-*
20 *sponsive to, many of the suggestions the Inspector*
21 *General made in the interim report last year.*

22 (10) *The Inspector General has determined that,*
23 *while there has been significant progress in improving*
24 *airline customer service, certain areas covered by the*
25 *Airline Customer Service Commitment are in need of*

1 *significant clarification and improvement and, where*
2 *appropriate, enforcement action.*

3 **SEC. 3. DEPARTMENT OF TRANSPORTATION TO DEVOTE**
4 **GREATER RESOURCES TO AIRLINE PAS-**
5 **SENGER CONSUMER PROTECTION.**

6 *(a) IN GENERAL.—The Secretary of Transportation*
7 *shall increase the resources of the Department of Transpor-*
8 *tation allocated to providing—*

9 *(1) airline passenger consumer protection and*
10 *related services; and*

11 *(2) oversight and enforcement of laws and regu-*
12 *lations within the jurisdiction of the Department that*
13 *provide protection for air travelers.*

14 *(b) REPORT.—Within 60 days after the date of enact-*
15 *ment of this Act, the Secretary shall report to the Senate*
16 *Committee on Commerce, Science, and Transportation and*
17 *the House Committee on Transportation and Infrastructure*
18 *measures taken by the Secretary to carry out subsection (a),*
19 *together with a request for additional funds or measures,*
20 *if necessary, to carry out that subsection fully.*

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

22 *(a) IN GENERAL.—Chapter 417 of title 49, United*
23 *States Code, is amended by adding at the end the following:*

1 “SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

2 “§ 41781. *Airline customer service requirements*

3 “(a) *IN GENERAL.*—*Within 60 days after the date of*
4 *enactment of the Airline Customer Service Improvement*
5 *Act, each large air carrier shall incorporate in its contract*
6 *of carriage—*

7 “(1) *the provisions of the Airline Customer Serv-*
8 *ice Commitment executed by the Air Transport Asso-*
9 *ciation and 14 of its member airlines on June 17,*
10 *1999; and*

11 “(2) *its customer service plan developed in ac-*
12 *cordance with that Commitment to the extent that the*
13 *plan is more specific or broader than the Commit-*
14 *ment.*

15 “(b) *ADDITIONAL OBLIGATIONS.*—*Within 60 days*
16 *after the date of enactment of the Airline Customer Service*
17 *Improvement Act, each large air carrier shall institute the*
18 *following practices:*

19 “(1) *Provide to customers at an airport and on*
20 *board an aircraft, in a timely, reasonable, and truth-*
21 *ful manner, the best information available to the air*
22 *carrier regarding a delay, cancellation, or diversion*
23 *affecting the customers’ flight, including—*

24 “(A) *the cause of any such delay, cancella-*
25 *tion, or diversion; and*

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

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

7 “(3) Notify customers that lower fares may be
8 available through other distribution systems, includ-
9 ing Internet websites.

10 “(4) Provide, no later than the 5th day of each
11 month, the air carrier’s on-time performance rate for
12 each scheduled flight for the most recently ended
13 month for which data is available through its Internet
14 website.

15 “(5) Disclose, without being requested, the on-
16 time performance and cancellation rate for a chron-
17 ically delayed or chronically canceled flight whenever
18 a customer makes a reservation or purchases a ticket
19 on such a flight.

20 “(6) Establish a plan with respect to passengers
21 who must unexpectedly remain overnight during a
22 trip due to flight delays, cancellations, or diversions.

23 “(7) Tell all passengers on a flight what the air
24 carrier is required to pay passengers involuntarily

1 *denied boarding before making offers to passengers to*
2 *induce them to relinquish seats voluntarily.*

3 *“(c) COMPLIANCE ASSURANCE.—*

4 *“(1) AIR CARRIER FUNCTIONS.—Each large air*
5 *carrier also shall—*

6 *“(A) establish a customer service quality as-*
7 *surance and performance measurement system*
8 *within 90 days after the date of enactment of the*
9 *Airline Customer Service Improvement Act;*

10 *“(B) establish an internal audit process to*
11 *measure compliance with the commitments and*
12 *obligations under subsections (a) and (b) within*
13 *90 days after the date of enactment of the Airline*
14 *Customer Service Improvement Act; and*

15 *“(C) cooperate fully with any Department*
16 *of Transportation audit of its customer service*
17 *quality assurance system or review of its inter-*
18 *nal audit.*

19 *“(2) DOT FUNCTIONS.—The Secretary of Trans-*
20 *portation shall—*

21 *“(A) monitor compliance by large air car-*
22 *riers with the requirements of this section and*
23 *take such action under subpart IV of this title as*
24 *may be necessary to enforce compliance with this*
25 *section under subpart IV of this title;*

1 “(B) monitor, in particular, and enforce air
2 carrier performance under paragraphs (1), (2),
3 (3), (5), and (7) of subsection (b), focusing on
4 practices and patterns of conduct rather than
5 specific incidents of failure to follow the air car-
6 rier’s established practices;

7 “(C) monitor air carrier customer service
8 quality assurance and performance measurement
9 systems to ensure that air carriers are meeting
10 fully their airline passenger service commit-
11 ments; and

12 “(D) review the internal audits conducted
13 by air carriers of their air carrier customer serv-
14 ice quality assurance and performance measure-
15 ment systems.

16 “(d) DEFINITIONS.—In this section:

17 “(1) LARGE AIR CARRIER.—The term ‘large air
18 carrier’ means an air carrier holding a certificate
19 issued under section 41102 that conducts scheduled
20 passenger air transportation and—

21 “(A) operates aircraft designed to have a
22 maximum passenger capacity of more than 60
23 seats or a maximum payload capacity of more
24 than 18,000 pounds; or

1 “(B) conducts operations where one or both
2 terminals of a flight stage are outside the 50
3 states of the United States, the District of Co-
4 lumbia, the Commonwealth of Puerto Rico and
5 the U.S. Virgin Islands.

6 “(2) *CHRONICALLY DELAYED FLIGHT*.—The term
7 ‘chronically delayed flight’ means a regularly sched-
8 uled flight that has failed to arrive on time (as de-
9 fined in section 234.2 of title 14, Code of Federal Reg-
10 ulations) at least 40 percent of the time during the
11 most recent 3-month period for which data are avail-
12 able.

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

18 (b) *ENFORCEMENT*.—Section 46301(a)(7) of title 49,
19 United States Code, is amended by striking “40127 or
20 41712” and inserting “40127, 41712, or 41781”.

21 (c) *CONFORMING AMENDMENT*.—The chapter analysis
22 for chapter 417 of title 49, United States Code, is amended
23 by adding at the end the following:

“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

“41781. Airline customer service requirements.”.

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

2 (a) *IN GENERAL.*—Within 90 days after the date of
3 enactment of this Act, each large air carrier (as defined
4 in section 41781(d)(1) of title 49, United States Code)
5 shall—

6 (1) *establish realistic targets for reducing chron-*
7 *ically delayed and chronically canceled flights;*

8 (2) *establish a system passengers may use before*
9 *departing for the airport to determine whether there*
10 *is a lengthy flight delay or whether a flight has been*
11 *canceled;*

12 (3) *establish realistic performance goals for re-*
13 *ducing the number of mishandled bags;*

14 (4) *develop and implement a system for tracking*
15 *and documenting the amount of time between the re-*
16 *ceipt of a passenger's claim for missing baggage and*
17 *the delivery of the baggage to the passenger, including*
18 *the time taken by a courier or other delivery service*
19 *to deliver found baggage to the passenger;*

20 (5) *monitor and report its efforts to improve*
21 *services provided to passengers with disabilities and*
22 *special needs, including services provided at airports*
23 *such as check-in, passenger security screening (par-*
24 *ticularly for passengers who use wheelchairs), board-*
25 *ing, and disembarkation;*

1 (6) *clarify terminology used to advise passengers*
2 *of unscheduled delays or interruptions in service, such*
3 *as “extended period of time” and “emergency”, in*
4 *order to inform passengers better about what they can*
5 *expect during on-board delays;*

6 (7) *ensure that comprehensive passenger service*
7 *contingency plans are properly maintained and that*
8 *the plans, and any changes to those plans, are coordi-*
9 *nated with local airport authorities and the Federal*
10 *Aviation Administration;*

11 (8) *ensure that master airport flight information*
12 *display monitors contain accurate, up-to-date flight*
13 *information and that the information is consistent*
14 *with that shown on the carrier’s flight information*
15 *display monitors;*

16 (9) *establish a toll-free telephone number that a*
17 *passenger may use to check on the status of checked*
18 *baggage that was not delivered on arrival at the pas-*
19 *senger’s destination;*

20 (10) *if it maintains a domestic code-share ar-*
21 *rangement with another air carrier, conclude an*
22 *agreement under which it will conduct an annual*
23 *audit of the code-share air carrier’s compliance with*
24 *the Airline Customer Service Commitment; and*

1 (11) *if it has a frequent flyer program, make*
2 *available to the public a comprehensive report of fre-*
3 *quent flyer redemption information in its customer*
4 *literature and annual reports, including information*
5 *on the percentage of successful redemption of frequent*
6 *flyer awards and the number of seats available for*
7 *such awards in the air carrier's top 100 origin and*
8 *destination markets.*

9 **(b) INITIAL RESPONSE REPORTS.—**

10 (1) *AIR CARRIERS.—Within 90 days after the*
11 *date of enactment of this Act, each large air carrier*
12 *shall report to the Secretary of Transportation on its*
13 *implementation of the obligations imposed on it by*
14 *this Act.*

15 (2) *SECRETARY.—Within 270 days after the date*
16 *of enactment of this Act, the Secretary of Transpor-*
17 *tation shall report to the Congress on the implementa-*
18 *tion by large air carriers of the obligations imposed*
19 *on them by this Act, together with such additional*
20 *findings and recommendations for additional legisla-*
21 *tive or regulatory action as the Secretary deems ap-*
22 *propriate.*

23 **SEC. 6. IMPROVED DOT STATISTICS.**

24 (a) *MISSING BAGGAGE.—In calculating and reporting*
25 *the rate of mishandled baggage for air carriers, the Depart-*

1 *ment of Transportation shall not take into account pas-*
2 *sengers who do not check any baggage.*

3 (b) *CHRONICALLY DELAYED OR CANCELED*
4 *FLIGHTS.—The Office of Aviation Enforcement and Pro-*
5 *ceedings of the Department of Transportation, in coordina-*
6 *tion with the Bureau of Transportation Statistics of the De-*
7 *partment of Transportation, shall include a table in the Air*
8 *Travel Consumer Report that shows flights that are chron-*
9 *ically delayed or chronically canceled (as defined in section*
10 *41781(d)(2) and (3), respectively, of title 49, United States*
11 *Code).*

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

13 (a) *UNIFORM CHECK IN DEADLINE.—The Secretary of*
14 *Transportation shall initiate a rulemaking within 30 days*
15 *after the date of enactment of this Act to amend the Depart-*
16 *ment of Transportation’s Regulations to consider estab-*
17 *lishing a uniform check-in deadline and to require air car-*
18 *riers to disclose, both in their contracts of carriage and on*
19 *ticket jackets, their policies on how those deadlines apply*
20 *to passengers making connections.*

21 (b) *BUMPED PASSENGER COMPENSATION.—The Sec-*
22 *retary of Transportation shall initiate a rulemaking within*
23 *30 days after the date of enactment of this Act to amend*
24 *section 250.5 of the Department of Transportation’s Regu-*
25 *lations (14 C.F.R. 250.5) governing the amount of denied*

1 *boarding compensation for passengers denied boarding in-*
2 *voluntarily to increase the maximum amount thereof.*

3 (c) *CLARIFY CERTAIN TERMS.—The Secretary of*
4 *Transportation shall clarify the terms “any undue or un-*
5 *reasonable preference or advantage” and “unjust or unrea-*
6 *sonable prejudice or disadvantage”, as used in section 250.3*
7 *of the Department of Transportation’s Regulations (14*
8 *C.F.R. 250.3), for purposes of air carrier priority rules or*
9 *criteria for passengers denied boarding involuntarily.*

10 **SEC. 8. STUDY OF DAMAGE TO PASSENGERS WITH DISABIL-**
11 **ITIES’ EQUIPMENT.**

12 *The Secretary of Transportation shall conduct a study*
13 *of incidents of damage to equipment of passengers with dis-*
14 *abilities attributable to air carriers’ treatment of that*
15 *equipment.*

16 **SEC. 9. REVIEW OF REGULATIONS.**

17 *Within 1 year after the date of enactment of this Act,*
18 *the Secretary shall complete a thorough review of the De-*
19 *partment of Transportation’s regulations that relate to air*
20 *carriers’ treatment of customers, and make such modifica-*
21 *tions as may be necessary or appropriate to promote the*
22 *purposes of this Act or otherwise protect consumers.*

1 **SEC. 10. EMERGENCY MEDICAL ASSISTANCE.**

2 (a) *IN GENERAL.*—Subchapter I of chapter 417 of title
3 49, United States Code, is amended by adding at the end
4 the following:

5 **“§ 41722. Airline passenger emergency in-flight med-**
6 **ical care**

7 “(a) *IN GENERAL.*—The Secretary of Transportation
8 shall prescribe regulations to establish minimum standards
9 for resuscitation, emergency medical, and first-aid equip-
10 ment and supplies to be carried on board an aircraft oper-
11 ated by an air carrier in air transportation that is capable
12 of carrying at least 30 passengers.

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

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

17 “(2) the need for special training of air carrier
18 personnel to operate the equipment safely and effec-
19 tively;

20 “(3) the space limitations of each type of aircraft
21 to which the standards apply;

22 “(4) the effect of the regulations on aircraft oper-
23 ations;

24 “(5) the practical experience of airlines in car-
25 rying and operating similar equipment, and whether
26 any air carriers are already training appropriate

1 *personnel to an acceptable level of proficiency in the*
2 *operation of such equipment and the provision of*
3 *first-aid; and*

4 *“(6) such other factors as the Secretary finds rel-*
5 *evant.*

6 *“(c) CONSULTATION WITH SURGEON GENERAL.—Be-*
7 *fore prescribing regulations under subsection (a), the Sec-*
8 *retary shall consult with the Surgeon General of the United*
9 *States.”.*

10 *(b) CONFORMING AMENDMENT.—The chapter analysis*
11 *for chapter 417 of title 49, United States Code, is amended*
12 *by inserting after the item relating to section 41721 the fol-*
13 *lowing:*

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

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1ST SESSION

S. 319

[Report No. 107-13]

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.

APRIL 26, 2001

Reported with an amendment