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Airline Passenger Rights Legislation in the 107th Congress

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Airline Passenger Rights Legislation in the 107th Congress

Summary

Congressional advocates of enhanced airline passenger rights have introduced legislation in the 107th Congress that proposes remedies to a variety of consumer complaints. Most of the bills include provisions requiring prompt and truthful disclosure of reasons for delays, cancellations, and diverted flights. Others, found in some of the bills, include: preventing airlines from assessing a fee against, or prohibiting a ticket holder from using, only part of a ticket; requiring airlines to make available information on all fares offered through any media (phone, internet, etc.); and giving passengers the right to exit flights delayed on the ground beyond a certain length of time. Some bills would increase penalties for violating aviation consumer protection law or increase the airlines' liability for mistreatment of passengers.

During the 106th Congress, the Air Transport Association (ATA), which represents the major air carriers, successfully forestalled major legislation using three major strategies. First, the ATA took issue with the perceived extent of consumer dissatisfaction by comparing the relative number of complaints reported to the Department of Transportation (DOT) to the high passenger volume. Second, the ATA argued that most delays were due to the weather and to the air traffic control system. Finally, to mitigate the perception of some Members of Congress that legislation was needed, the ATA proposed a voluntary "Airline Customer Service Commitment," hereafter referred to as the Service Commitment. All the major carriers would develop customer service plans that would include their commitment to promises such as offering the lowest fare available; notifying customers of known delays, cancellations and diversions; providing on time baggage delivery of checked baggage; and being more responsive to customer complaints.

On February 13, 2001, the DOT Office of the Inspector General (IG) released its report on how well the airlines have met their Service Commitments. It concluded that, while the airlines were making some progress on some of the Commitments, that there were significant shortfalls on others.

Two bills, introduced following release of the IG's report—the Air Customer Service Improvement Act (S. 319) and the Fair Treatment of Airline Passengers Act (S. 483)—incorporate many of the IG's recommendations, including provisions to make the Service Commitments enforceable. After incorporating a significant number of provisions from S. 483, the Senate Committee on Commerce, Science, and Transportation reported out S. 319, on February 13, 2001.

After two summers of record delays, cancellations, and consumer complaints, these indicators have improved significantly during the first half of 2001. It remains to be seen if this improvement will be enough to forestall the proposed legislative remedies in the 107th Congress.

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Airline Passenger Rights Legislation in the 107th Congress

In the 107th Congress, supporters of enhanced airline passenger rights have introduced legislation significantly influenced by both legislation introduced in the 106th Congress and the airline industry's response to that threat of legislative remedies. As a group, the various bills' provisions address the issue of how to respond to a reported growing consumer dissatisfaction with airline service. Also at issue is the appropriate degree of federal involvement in protecting airline customers. Two summers of record delays and flight cancellations by the major airlines, and a perception of complacency by airlines concerning customer discontent, have led to a variety of proposed remedies to consumer complaints, related to delays, cancellations, lost or misrouted baggage, partial ticket use, and the provision of complete fare information. For 2001, delays, cancellations, and consumer complaints have all declined from the high levels of 1999 and 2000. It remains to be seen, however, if this improvement will be enough to forestall the momentum toward legislative remedies in the 107th Congress.¹

This report examines legislation pertaining to airline consumer protection in the 107th Congress. For background it first summarizes legislation proposed in the 106th Congress and the airlines' response. The report then briefly examines the findings of the Department of Transportation Inspector General's February 13, 2001 report on airline customer service. It then discusses the legislative remedies proposed in the 107th Congress. Finally, a side-by-side presentation of provisions from six airline passenger rights bills is set forth.

Background

Airline Consumer Rights legislation in the 106th Congress

Early in the 106th Congress, a number of bills, referred to collectively in the press as "airline passenger bill of rights" legislation, were introduced in both

¹Better weather, lower capacity utilization because of the slowing economy, schedule changes at certain congested airports, the absence of the ComAir fleet because of a strike, as well as industry efforts to improve customer service, are among the reasons mentioned in discussions of the improvements in the delay and cancellation rates and the reduced number of consumer complaints filed with DOT in 2001.

the House and Senate.² Their introduction followed close on the heels of a major airline consumer event. Just days before the 106th Congress first met, a powerful storm swept across the upper midwest dropping nearly a foot of snow on the Detroit Metropolitan-Wayne County Airport. In the high winds and low temperatures that followed the snowfall, nearly 50 aircraft, loaded with passengers, were trapped on the airport's taxiways and aprons. Some of the flights were not allowed to deplane for over seven hours and, as the time wore on, some aircraft ran out of food, water, and functioning toilets. The extreme nature of the Detroit incident, the seeming complacency of the initial airline response, and wide press coverage helped increase public attention to already growing airline passenger discontent with airline customer service and business practices.

The bills introduced in the 106th Congress included a variety of legislative remedies as well as a range of enforcement mechanisms and penalties. All the bills required prompt announcement and truthful disclosure of any flight delays, cancellations, or diversions. About half of the bills required full access to fare information regardless of the technology or method of access (e.g. via telephone or internet). Other consumer rights provisions addressed in two or more bills included: partial ticket use; the right of access to services and the right to deplane from delayed aircraft; restrictions on federal preemption of state consumer protection laws; and a number of provisions of benefit to travel agents. About half of the bills provided for fines for violation of the acts' provisions or set airline financial liability for each passenger subject to a non-safety delay or cancellation. Other bills would have made violation of certain provisions subject to existing DOT enforcement procedures as "unfair or deceptive practices" and "unfair methods of competition" under 49 U.S.C. 41712. None of these free-standing passenger rights bills were enacted.

The Air Carriers' Response. The Air Transport Association (ATA), which represents the major air carriers, responded to these passenger rights bills in several ways.³ In testimony before the Senate Commerce Committee, on March 11, 1999, ATA President, Carol Hallett, said that the airlines would accept responsibility for the service failures that are within their control. She also, however, pointed to severe weather and air traffic control as the two main causes of delay (the most common customer complaint). She charged that 65% of delays were attributable "directly to the ATC [air traffic control] system." Finally, the ATA argued that legislation to improve customer treatment was unnecessary because the air carriers were voluntarily making changes that would improve their customer service.

²For a detailed examination of passenger rights bills in the 106th congress see, *Airline Passenger Rights legislation in the 106th Congress*, by Robert S. Kirk. CRS Report RL30691.

³See *Statement of Carol B. Hallett, President and Chief Executive Officer, Air Transport Association of America, before the Senate Commerce Committee Hearing on S. 383, the Airline Passenger Fairness Act*. Washington, March 11, 1999. 6 p.

The ATA Airline Customer Service Commitment. On June 17, 1999, the ATA announced that each of the major air carriers would develop voluntary customer service plans guided by a twelve part “Airline Customer Service Commitment.” In their Service Commitments the ATA carriers claim they will:

- ! Offer the lowest fare available [from the airline’s telephone reservation system]
- ! Notify customers of known delays, cancellations and diversions
- ! Provide on-time baggage delivery [return misdirected bags within 24 hours]
- ! Support an increase in the lost baggage liability limit
- ! Allow reservations to be held or canceled [for 24 hours]
- ! Provide prompt refunds [7 day credit card; 20 days for cash]
- ! Properly accommodate disabled and special needs passengers
- ! Meet customers’ essential needs during long on-aircraft delays
- ! Handle “bumped” passengers with fairness and consistency
- ! Disclose travel itinerary, cancellation policies, frequent flyer rules and aircraft configuration
- ! Ensure good customer service from code-share partners
- ! Be more responsive to customer complaints.

An ATA transmittal letter to the Senate Commerce Committee stated that its view was that only a voluntary commitment from the industry could improve customer service without “unintended and costly consequences.”

The Re-emergence of Airline Passenger Rights Issues. After the release of the ATA voluntary plan, many thought airline passenger rights would not be an issue for the rest of the first session. However, although some Members of Congress supported giving the ATA plan a chance, others voiced skepticism of the likely effectiveness of voluntary industry commitments. In the waning days of the first session of the 106th Congress, during floor debate in the Senate, both on the DOT FY2000 appropriations bill and the FAA reauthorization bill, airline passenger protection issues reemerged in the form of multiple amendments to the two bills.

The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (P.L. 106-181; AIR21) and the FY2000 DOT Appropriations Act (P.L. 106-69) included provisions that both altered some consumer protection provisions of Title 49, and also included provisions that called for investigatory studies by the DOT Inspector General (IG) and the General Accounting Office (GAO). The changes to the aviation consumer protection statutes were few in number and included raising the maximum penalty for violating the passenger consumer protection provisions to \$2,500, ordering DOT to raise the maximum liability for lost luggage, and making the failure of an air carrier or ticket agent to notify a purchaser of an e-ticket of its expiration date an “unfair or deceptive” practice. More significant for the 107th Congress are the investigatory studies, especially the one that required the IG to monitor the implementation of any of the voluntary airline customer service plans submitted to DOT by the air carriers. For this study, the IG was required to report on the effectiveness of the

customer service plans and to make recommendations for improving accountability, enforcement, and consumer protections for airline passengers.

There was no further legislative action in the 106th Congress. Most members of Congress were willing to wait and see what the IG's final report concluded and recommended. Some would argue that the ATA's strategy had successfully forestalled passage of an airline passenger rights bill in the 106th Congress. On the other hand, the congressionally mandated studies of the air carriers' implementation of their customer service plans and other business practices insured that the airline passenger rights issue would remain alive into the 107th Congress.

The IG's Report on the Airline Customer Commitment

On February 13, 2001 the DOT Office of the Inspector General (IG) released its final report analyzing the progress made by the airlines under their voluntary "Customer Service Commitment."⁴ The IG report concluded that, although progress had been made, there were still significant shortfalls, especially in provisions that "trigger when there is a flight delay or cancellation." These provisions include keeping customers informed of delays and cancellations and also meeting customers' "essential needs" during extended on-aircraft delays. The report also found a need for improvement in regard to the provision for fairness and consistency in bumping practices on flights that are oversold. The IG concluded that the policies for accommodating passengers delayed overnight were often inconsistent with the Service Commitment or the airlines contracts of carriage. On the positive side the report found that, in general the airlines were complying with the commitment to offer the lowest fare, to provide prompt ticket refunds, to be more responsive to customer complaints, and to support a higher payout for lost baggage. The report, however, pointed out that the Service Commitments did nothing to address the underlying problem of delays and cancellations.

The IG recommended that:

- ! the Customer Service Commitments be made enforceable either by requiring their inclusion in the airlines' contracts of carriage or by regulation;
- ! a commitment be added to establish a quality assurance and performance measurement system and to audit compliance with the commitment;
- ! the resources allocated to the DOT division responsible for consumer protection be significantly increased;

⁴Department of Transportation. Office of the Inspector General. *Final Report on the Airline Customer Service Commitment*. Washington, the Office. 127 p. Internet address: [<http://www.oig.dot.gov/audits/av2001020.htm>]

- ! at the time of booking and without being asked, the prior month's on-time performance rate for consistently delayed and/or cancelled flights be disclosed to consumers;
- ! airlines clarify in their customer service plans what is meant by an "extended period of time" and "emergency" so passengers know what to expect. The airlines should also ensure that comprehensive customer service contingency plans specify the efforts that will be made to get passengers off the aircraft when delayed for extended periods;
- ! DOT should establish a standard check-in time and disclose it on the ticket jacket; assure that all bumped volunteers are equally compensated; increase compensation to bumped passengers; and disclose orally to passengers that involuntarily bumped passengers must be compensated in advance of payments being offered to volunteers;
- ! a uniform system for tracking delays, cancellations, and their causes be established and implemented;
- ! capacity benchmarks for the nations top 30 airports be established to provide a common framework for understanding what maximum arrival and departure rate can physically be accommodated by an airport by time of day under optimum conditions.

By early June 2001, 14 ATA member airlines had voluntarily incorporated the ATA customer service commitments into their contracts of carriage. Critics, however, argue that the vagueness of the language of the commitments limits the importance of their inclusion in the contracts of carriage for consumers.

Proposed Legislative Remedies of the 107th Congress

Most of the passenger rights bills introduced in the 107th Congress are influenced by legislation introduced in the 106th Congress or by the findings of the DOT IG, or both. Four of the bills, S. 200, the Air Travelers Fair Treatment Act (Senator Reid), H.R. 332, the Aviation Consumer Right to Know Act (Representatives DeFazio and Slaughter), H.R. 384, the Airline Passenger Fair Treatment Act (Representatives Sweeny), and H.R. 907, the Airline Competition and Passenger Rights Act (Representative Dingell) all revived numerous provisions from legislation first introduced in the 106th Congress. Following release of the IG report on the airlines' customer service performance, two new bills, S. 319, the Airline Customer Service Improvement Act (Senators McCain, Hollings, Hutchison) and S. 483, the Fair Treatment of Airline Passengers Act (Senator Wyden), were introduced. These bills include provisions to make the voluntary service commitments enforceable. They also include provisions that would implement many of the IG's other recommendations. During a Senate Committee on Commerce, Science and Transportation mark-up, a significant number of provisions from S. 483 were added by amendment in the nature of a substitute to S. 319, which was reported on March 15, 2001, with Senator Wyden becoming the fourth sponsor. In early May Representatives Sweeny and

Dingell combined many of the provisions of their two bills (H.R. 384 and H.R. 907) and introduced H.R. 1734, the Airline Passenger Bill of Rights Act.⁵

Although there are significant differences in provisions of the airline passenger consumer rights bills introduced in the 107th Congress, it is possible to place many of the provisions into comparable issue categories. This section describes these provisions in a general way and does not include provisions that are unique to a one bill. For detail on six individual bills, see the side-by-side comparison that is set forth in the table at the end of this report.⁶

Access to All Fares

About half of the bills introduced would require air carriers to make available to customers information on all fares charged by an airline regardless of the technology or means used to access the information. The heart of this issue is the “lowest fare available” debate. Under this provision, for example, if someone contacts an air carrier by telephone the air carrier’s agent would have to notify the customer if there were a cheaper fare being offered via internet or through travel agencies. Two of the bills (S. 319 and S. 483) would simply require the airlines to notify customers that cheaper fares may be available through other distribution systems.

Access to Services and the Right to Deplane From Delayed Aircraft During Emergencies

Three bills (H.R. 1734, S. 200, and H.R. 907), included language that would have limited to one hour the length of time airlines can require passengers to stay aboard an aircraft during ground-delayed departures or arrivals at an airport. H.R. 907 also requires DOT to issue regulations that require air carriers ensure access to necessary services and conditions including food, water, restroom facilities, and also provide for an ability to deplane in the event of a weather or other emergency. S. 319, H.R. 1734, and H.R. 907 require air carriers to ensure that comprehensive emergency plans are maintained and coordinated with local airport authorities and the FAA.

Baggage Handling

S. 319 and S. 483 would both require more detailed and accurate information on mishandled baggage. S. 319 would require a luggage tracking system be established and a toll free telephone number passengers can call to

⁵From here on in the text H.R. 384, because virtually all of its provisions were incorporated in H.R. 1734 will not be mentioned.

⁶The side-by-side includes H.R. 1734, S. 200, S. 332, H.R. 907, S. 483, and S. 319. H.R. 571, the Airline Customer Right to Know Act (Representative Bilirakus), H.R. 711, “to clarify that State attorneys general may enforce State consumer protection laws with respect to air transportation...” (Representatives Trancredo and Schaffer) and S. 633, the Aviation Delay Prevention Act (Senators Hutchison and Rockefeller) are discussed in the text.

check on the status of their delayed luggage. It also requires that passengers who do not check luggage not be counted when calculating the rate of mishandled luggage. S. 483 sets forth specific statistical categories that must be reported and requires air carriers to establish performance goals aimed at reducing the incidence of mishandled baggage.

Bumping and Overbooking

S. 319 and S. 483 have similar provisions that require: DOT to establish a uniform check-in deadline and require airlines to disclose it on their ticket jackets; notification that involuntarily bumped passengers must be offered compensation before any offers are made to volunteers. S. 483 also requires that air carriers, on request, tell a passenger whether a flight is oversold. H.R. 1734 and H.R. 907 would also push the boarding deadline right up to the time that the aircraft's door is closed.

Delays, Cancellations, and Diversions

Virtually all the bills introduced include provisions that require prompt notification and truthful explanation of any flight delays, cancellations, or diversions.

Chronically Delayed or Cancelled Flights. Four bills (S. 319, S. 483, H.R. 1734, and H.R. 907) include provisions that require air carriers to disclose, without being asked, to customers when they are making a reservation or purchasing a ticket, the on-time performance and cancellation rate for any chronically-delayed or cancelled flights. H.R. 1734 and H.R. 907 would make failure to make such a disclosure an unfair or deceptive practice and unfair method of competition. S. 319 would require that DOT include a table in the Air Travel Consumer report that shows, for the most recent three month period, flight numbers of flights delayed by 15 minutes or more 40% of the time or more and flights canceled 30% of the time or more.

Information System Provisions. Four bills (S. 319, S. 483, H.R. 1734, and H.R. 907) also include a variety of information system requirements, including setting up a notification system that would notify passengers before they leave for the airport that their flight will be cancelled or delayed. These three bills also require that air carriers coordinate with airport officials to assure that master airport flight display monitors contain up-to-date flight information and are consistent with their own monitors. Another provision, in S. 319 and S. 483, would require air carriers to post the on-time performance for each scheduled flight for the previous month on their web sites.

Enforcement Provisions

Airline passenger rights legislation introduced in the 107th Congress includes a variety of approaches to enforcement. S. 319 and S. 483 both contain provisions that would implement a number of the IG recommendations regarding enforcement. These bills would require the major air carriers to write

their customer service plans into their contracts of carriage, thus making the provisions enforceable in court under contract law (as mentioned earlier, in early June, 14 of the ATA airlines announced that they had voluntarily incorporated the customer service commitments into their contracts of carriage).⁷ S. 319, in addition, requires that DOT monitor compliance to provisions of the bill and to take enforcement actions as necessary. The agency is to monitor customer service quality assurance and performance measurement systems and review the airlines' internal audits. S. 319 and S. 483 would also amend 49 U.S. C. Section 46301 to extend the \$2,500 per occurrence penalty to violations of any of the bill's provisions. The other bills rely on existing enforcement mechanisms or expanding the coverage of existing law under 49 U.S. C. 41712 relating to "unfair or deceptive trade practices" or "unfair methods of competition."⁸ Finally, these bills call for DOT to increase resources for the airline passenger consumer protection activities of the Department.

Both the monitoring requirements and the expanded Section 41712 practices would be the responsibility of the DOT Assistant General Counsel for Aviation Enforcement and Proceedings. At this writing, this office has a staff of 22, including 8 attorneys and 9 transportation industry and consumer analysts. Some argue that the proposed enforcement provisions could overwhelm the Assistant General Counsel's staff.⁹ AIR21 authorized a significant increase in funding but appropriations for this activity have been significantly below the authorized level.

⁷Some of the enforcement provisions refer to the air carrier contract of carriage. When a passenger purchases a ticket from an airline the passenger's rights and responsibilities as well as the limits of the air carrier's responsibilities and liabilities are set forth in a "contract of carriage" (COC). On the back of the ticket, in the ticket jacket, or on the ticket jacket itself is a summary of selected provisions of the COC and a reference to the full text. As mentioned in the text, by writing the customer commitments into their COCs, the air carriers could be held liable under contract law for violating their commitments. Some airlines have made the full text of their COCs available on their internet web sites others still require that a request be made to their customer service departments.

⁸Some would argue that failure of the airlines to fulfill the ATA customer commitments could be considered a deceptive trade practice and could therefore lead to enforcement actions by the Counsel for Aviation Enforcement and Proceedings.

⁹As reported in the IG's final report the Office staff is half as large as it was in 1985, when the Office had a staff of 40. The decline in staffing has continued even as consumer complaints received by the office have gone from 6,026 in 1995 to 23,381 in 2000. In 2000 the Office had a staff of 17. Five new positions were authorized for FY2001. AIR21 also added other responsibilities to be carried out by the Office including a provision requiring comprehensive investigation of each disability-related complaint (there were 595 in CY1999 and 676 in CY2000); extension of the disabled passenger discrimination law to international flights; and a variety of data collection and reporting requirements. The House-passed FY2002 appropriations bill (H.R. 2299) provides for 9 of the 20 new staff requested by DOT. The Senate-passed bill (S. 2278) fully funds the request.

Some of the bills would increase the airline liability for specific violations. For example, S. 319, S. 483, and H.R. 907 all would modify bumping regulations to increase the maximum compensation amount. H.R. 907 includes a unique airline liability provision. The bill would set the airline liability for a delay of between two and three hours at 200% of the price paid for a ticket on the delayed flight and another 100% for each additional hour or portion of an hour above three hours delay. Delays caused by certain air traffic control directives, mechanical, and other safety concerns are exempted.

Federal Preemption of State Consumer Law

Six bills include a provision designed to narrow the scope of federal preemption of the application of state consumer protection laws to air transportation.¹⁰ The intent of these provisions is to allow state and local officials to enforce state consumer protection laws with respect to air transportation and the advertisement of air transportation services. One of the bills, H.R. 711 (Representatives Tancredo/ Schaffer) presents this provision as a stand-alone bill.

Partial Ticket Use

Four bills (H.R. 1734, H.R. 332, H.R. 1074, and H.R. 907) include provisions that would prevent air carriers from assessing a fee against or prohibiting a ticket holder from using only part of a ticket. This would shield consumers who use “back-to-back” round trip ticketing or “hidden city” ticketing. Back-to-back ticketing generally refers to purchasing two round trip discount tickets but only using one way on each ticket (usually to avoid the weekend stay-over requirements). Hidden city ticketing refers to a passenger who wishes to fly to a hub destination but buys a cheaper ticket to a city served through the hub. The passenger simply gets off the plane at the hub airport and does not use the ticket for the final leg of the flight. Airlines argue that they must be allowed, when a passenger does not show up for a trip segment, to cancel any remaining trip segments. Otherwise, they argue, especially when demand is high, they could deny a passenger a reservation when an empty seat actually exists.

AIR21 included a provision that required the General Accounting Office (GAO) to study the potential impacts of legalization of partial ticket use. The study, released at the end of July 2001, concludes that “restricting the ability of airlines to forbid hidden-city and back-to-back ticketing is unlikely to help consumers...[and] would likely have unintended consequences that could hurt some consumers. Nevertheless, consumer advocates and passengers have

¹⁰ Preemption is the “Doctrine adopted by U.S. Supreme Court [based on the U.S. Constitution’s supremacy clause] holding that certain matters are of such a national, as opposed to local, character that federal laws preempt or take precedence over state laws. As such, a state may not pass a law inconsistent with the federal law.” *Blacks Law Dictionary*. St. Paul, Minnesota, 1990. p 1177. See also *State and Local Sanctions: Some Constitutional Issues*, by Jean J. Grimmett. CRS Report 98-795 A.

legitimate concerns that some fares are higher than what might be expected in a more competitive market.”¹¹

Travel Agent Provisions

Three bills (H.R. 1734, S. 200, and H.R. 907) include provisions that could be seen as benefitting travel agents. Their provisions require that air carriers provide 90 days notice to a ticket agent if the carrier wishes to cancel, terminate, or not renew the agent’s appointment as a carrier agent. It would give the agent 60 days to correct any deficiency identified by the air carrier as a reason for ending the agent’s appointment.

Other Legislation

The Airline Customer Notification Act (H.R. 571)

The Airline Customer Notification Act (Representative Bilirakis), amends the consumer protection provisions of Title 49 of the U.S. Code. Its provisions require air carriers to announce the reason or reasons for: a delay of two or more hours or cancellation of a flight; the diversion of a flight to another airport; a one hour delay of deplaning after touchdown; and, in the case of a delay, the expected length of the delay. Passengers may request the reason or reasons in writing. The passenger’s right to notification must be posted at the gate or ticket counter. Finally, the bill includes a prohibition on false or misleading explanations. Because of H.R. 571’s conciseness, it is not included in the side-by-side.

Consumer-Friendly Airline Ticket Transfer Act (H.R. 1074)

The Consumer-Friendly Airline Ticket Transfer Act (Representative Gibbons), requires DOT to issue regulations, within 90 days of enactment, that require air carriers to make paper tickets for intrastate or interstate air transportation, transferrable at no cost. Also within 90 days DOT is to make recommendations to Congress relating to the transfer of electronic tickets. As mentioned earlier, H.R. 1074 also includes provisions to prevent air carriers from prohibiting or assessing a fee for partial ticket use.

The Aviation Delay Prevention Act (S. 633)

The Aviation Delay Prevention Act (Senators Hutchison and Rockefeller) was proposed as an amendment to S. 319, but was withdrawn during mark-up and

¹¹General Accounting Office. *Aviation Competition: Restricting Airline Ticketing Rules Unlikely to Help Consumers*. GAO-01-831. July 31, 2001. Washington, GAO, 2001. p. 44-45.

was later introduced as a stand-alone bill. The intent of the bill was to provide some near term relief to airport congestion and delay by spreading out peak hour schedules and also accelerating capacity-enhancing airport projects. As introduced, S. 633 had three main provisions. First, it called for a review of and report on air carrier over-scheduling at large hub airports, an analysis of the congestion mitigation authority of DOT, and recommendations for increasing DOT's authority. Second, the bill would have provided air carriers with a limited exemption from the antitrust laws allowing them to discuss, in the presence of a DOT representative, cooperative scheduling arrangements to reduce over-scheduling. Third, the bill called for DOT to implement an expedited coordinated environmental and judicial review process (done concurrently not consecutively) for airport capacity-enhancement projects.

In committee, an amendment in the nature of a substitute significantly altered the text and scope of S. 633. The Senate Commerce Committee version of the bill shifts the initiative for action from the airlines to the DOT and also adds a number new provisions. The bill, as reported, requires that, within one year of enactment and for each of the next five years, DOT must complete a review and report on air carrier over-scheduling and scheduling practices, including flight cancellations for economic reasons, at large hub airports and must include an analysis of the congestion mitigation authority of the Secretary and make recommendations for providing additional authority. The bill provides that the Secretary of DOT may request that air carriers meet with the administrator of the FAA to discuss flight reductions at severely congested airports. The bill provides for short-term "stormy weather agreement" limited antitrust exemptions for airlines to meet to discuss schedules. The Secretary of DOT is to identify airports--from among those included in the Airport Capacity Benchmark Report--where delays occur that significantly affect the national airport and airway system. If any of those identified airports have no plans in place to increase airport capacity, DOT is to create a task force to conduct capacity enhancement studies these airports. Any airport for which a capacity enhancement study recommends building a new runway or reconfiguring its existing runways becomes a National Capacity Project. DOT is required to complete an environmental review within five years and expedite funding for the project. Airports not following through with the recommended capacity expansion can lose funding for non-capacity projects as well as loss of passenger facility charge revenues. The bill includes a five year pilot program that would allow airport sponsors to pay for additional environmental specialists and attorneys from outside the U.S. government to assist in providing an appropriate level of planning and environmental review of runway development projects for designated national capacity projects. The PFC eligibility for gate related airport improvements is expanded and AIP funds would be available for construction of air traffic control towers. The bill would raise the noise set-aside for AIP discretionary funds to 35%. This provision also appears to make National Capacity Projects eligible for AIP noise mitigation funds without having to meet the requirement of having an FAA approved "Part 150" noise mitigation plan. DOT is also directed to provide a list of categorical exclusions currently recognized and a list of additional proposed categorical exclusions under the National Environmental Policy Act of 1969.

The Airline Passenger Treatment bill (H.R. 1407)

As reported (H. Rept. 107-77, part 2), The Airline Passenger Treatment Act (Representative Young) allows air carriers at an airport to file a request with the Attorney General (AG) for authority to discuss with one or more other air carriers, agreements or cooperative arrangements relating to limiting flights at an airport during a time period that the AG determines that scheduled flights exceed the capacity of the airport. The purpose of the meeting is to discuss reducing delays during that time period. The bill would allow for limited antitrust exemption. The AG must, however, find that the voluntary adjustments could lead to a substantial reduction in travel delays and improved service without substantially lessening competition or tending to create a monopoly. Three days notice must be given to all carriers providing service or seeking to provide service at the airport under discussion. The AG or his/her representative will attend and monitor the meeting. Unanimous agreement of the carriers at the airport is required. Participants may not discuss rates, fares, charges, in-flight service, or service to any city pair. The meetings are to be public. The AG will consult with the Secretary of DOT in making the decision. The legislation's provisions would expire after September 30, 2003.

Side-by-Side Comparison of Passenger Rights Legislation in the 107th Congress

The side-by-side comparison (Table 1) sets forth provisions of six airline passenger rights bills that have been introduced so far during the 107th Congress. The analysis does not include bills or provisions that have been written to increase competition or to increase service to underserved areas. A complete indexed list of passenger rights topics covered in the bills is provided on the next page, to enhance the side-by side comparison that follows.

Index of Legislative Topics of Airline Passenger Rights Bills

Topic	S. 319	H.R. 1734	H.R. 332	S. 200	S. 483	H.R. 907	Page
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Baggage: DOT's method of calculating mishandled baggage	X	--	--	--	X	--	14
Baggage: handling performance goals	X	--	--	--	X	--	14
Bumping: check-in deadlines	X	X	--	--	X	X	15
Bumping: passenger compensation priorities	X	--	--	--	X	--	15
Bumping: compensation in addition to existing law	--	X	--	--	--	X	15
Bumping: compensation	X	--	--	--	X	X	16
Bumping: disclosure of oversold flights, on request	--	--	--	--	X	--	16
Bumping: policy disclosure	--	--	--	--	X	--	16
Bumping: regulation modification	--	X	--	--	--	--	17
Civil penalties	X	--	--	--	X	--	17
Code sharing	X	--	--	--	--	--	17
Compliance assurance (DOT functions)	X	--	--	--	--	--	18
Compliance assurance (Air Carrier functions)	X	--	--	--	X	--	19
Contracts of carriage: availability of copies	--	--	--	--	X	--	19
Contracts of carriage: incorporation of Customer Service Commitments/ customer service plans	X	--	--	--	X	--	20
Customer service plan modification	--	--	--	--	X	--	20
Customer service plan adoption	X	--	--	--	X	--	20
Delays/cancellations: chronically delayed flight information publication	X	--	--	--	X	--	21
Delays/cancellations: definition of chronically delayed/cancelled flights	X	X	--	--	X	--	21
Delays/cancellations: right to de-plane	--	X	--	X	--	X	22

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Topic	S. 319	H.R. 1734	H.R. 332	S. 200	S. 483	H.R. 907	Page
Delays/cancellations: disclosure of chronically-delayed or canceled flights	X	X	--	--	X	X	22
Delays/cancellations: notification	X	X	X	X	X	X	23
Delays/cancellations: advance information...	X	X	--	--	X	X	23
Delays/cancellations: public information...telephone/WEB	--		--	--	X	--	24
Delays/cancellations: disclosure of on-time performance	X	--	--	--	X	--	24
Delays: improvement targets for delayed or cancelled flights	X	--	--	--	--	--	24
Delays: liability for excessive...	--	--	--	--	--	X	25
Disabled and special needs services	X	--	--	--	--	--	25
Disabled passengers' equipment	X	--	--	--	--	--	25
Emergency medical services	X	--	--	X	--	--	26
Emergency plans	X	X	--	--	--	X	26
Enforcement funding: funding for DOT enforcement of airline passenger protection provisions	X	--	--	--	X	--	27
Fares: access to lowest fares	X	X	X	--	X	X	27
Federal preemption of state consumer law	--	X	X	X	--	X	28
Frequent flyer information	X	--	X	--	X	--	28
Information monitors: coordination of displays	X	X	--	--	X	X	28
Initial response reports	X	--	--	--	--	---	29
Insecticide warnings	--	--	X	--	--	--	29
Overnight accommodations: plans for passengers stranded...	X	X	--	--	--	--	29
Partial ticket use	--	X	X	--	--	X	30
Passenger rights publication	--	X	--	--	--	X	30
Review of regulations	X	--	--	--	X	--	31
Safety: access to safety information	--	--	--	X	--	--	31
Safety: performance review reports	--	--	--	X	--	--	31
Small air carrier exception	--	--	--	--	X	--	32

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Topic	S. 319	H.R. 1734	H.R. 332	S. 200	S. 483	H.R. 907	Page
Ticket agent appointment cancellation	--	X	--	X	--	X	32
Victims assistance: civil penalties for failure to provide safety or victims' assistance information	--	--	--	X	--	--	32
Victims' assistance toll free telephone	--	--	--	X	--	--	32
Victims' assistance coordination	--	--	--	X	--	--	33
Victims' right to information	--	--	--	X	--	--	33

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Table 1: Side-by-Side Comparison of Selected Provisions From Airline Passenger Rights Legislation: 107th Congress

Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Baggage: information system	Within 90 days of enactment air carriers shall: develop and implement a system for tracking and documenting the amount of time between receipt of a claim for missing baggage and its delivery; and establish a toll free telephone number that passengers can use to check the status of their delayed baggage.	--	--	--	Within 6 months of enactment air carriers shall revise their reporting of mishandled baggage to show: the percentage of checked baggage mishandled during the reporting period; the number of mishandled bags; and the average length of time between the receipt of a passenger's claim for missing baggage and its delivery to the passenger.	--
Baggage: DOT's method of calculating mishandled baggage	In calculating and reporting the rate of mishandled baggage, DOT shall not take into account passengers who do not check any baggage.	--	--	--	Within 6 months of enactment DOT shall revise its method of reporting the rate of mishandled baggage to reflect the reporting requirements of the Act.	--
Baggage: handling performance goals	--	--	--	--	Within 6 months of enactment air carriers shall establish performance goals designed to minimize incidents of mishandled baggage.	--

Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Bumping: check-in deadlines	DOT will initiate within 30 days of enactment a rule-making to establish a uniform check-in deadline and require airlines to disclose it both on the ticket jackets and contracts of carriage.	Passengers shall be eligible for involuntary denied boarding compensation if the passenger checks in at the appropriate airport gate at any time before the door of the aircraft for the flight segment is closed.	--	--	Virtually identical to S. 319.	Identical to H.R. 1734.
Bumping: passenger compensation priorities	Air carriers must tell all passengers on a flight that they are required to pay passengers involuntarily denied boarding before making offers to passengers who volunteer their seats.	--	--	--	Identical to S. 319.	--
Bumping: compensation in addition to existing law	--	In addition to the compensation set forth in existing law, air carriers shall provide for passengers involuntarily bumped: alternate transportation to their final destination; reasonable and immediate compensation for food; and hotel costs if departure time of alternative is not within the same day.	--	--	--	Identical to H.R. 1734.

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Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Bumping: compensation	DOT will initiate within 30 days a rule-making, under 14 C.F.R. 250.5, to increase the maximum compensation amount.	--	--	--	Virtually identical to S. 319.	Within 90 days of enactment, DOT shall modify regulations contained in 14 CFR 250 to conform with the bumping provisions of the act and to adjust the dollar compensation amounts for inflation.
Bumping: disclosure of oversold flights, on request.	--	--	--	--	Upon request, air carrier shall inform a ticketed passenger whether the passenger's flight is oversold.	--
Bumping: policy disclosure	--	--	--	--	Air carriers must disclose on their web sites and on ticket jackets their criteria for determining which passengers will be involuntarily denied boarding on an oversold flight and its procedures for offering compensation to bumped passengers.	--

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Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Bumping: Regulation modification	--	Requires that within 90 days of enactment, DOT modify regulations in 14 CFR title 250, to conform to the bill's subsection on bumping and also to implement the IG's recommendations in its report on airline customer service commitment. ¹²	--	--	--	--
Civil penalties	Amends U.S. Code 49 sec. 46301 to extend the \$2,500 per occurrence penalty to any violations of the consumer provisions of S. 319. [added in committee from S. 483]	--	--	--	Identical to S. 319.	--
Code sharing (the sharing of assets, such as flight numbers, by different air carriers)	Within 90 days of enactment, any large air carrier that maintains a domestic code-share arrangement shall conduct an annual audit of the code share carrier's compliance with the airline customer service commitment.	--	--	--	--	--

¹²The text of this provision makes it unclear if the intent is for DOT to modify regulations to implement all the IG's recommendations or just those related to overbooking and bumping.

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Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Compliance assurance (DOT functions)	DOT shall: monitor compliance to provisions of the Act and take enforcement action if necessary; monitor air carrier customer service QA and performance measurement systems; and review the air carriers' internal audits of their QA and performance measurement systems. Also [added in Committee] DOT shall monitor, in particular, air carrier performance of the information disclosure provisions of the Act concerning delay, cancellations, lowest fares, on-time performance, and bumping priorities, focusing on practices and patterns of conduct.	--	--	--	--	--

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Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Compliance assurance (Air Carrier functions)	Within 90 days of enactment each large air carrier must: establish a customer service quality assurance (QA) and performance system; establish an internal audit process to measure compliance with the commitments and its customer service plan; and cooperate with any DOT audit of its QA system.	--	--	--	Similar to S. 319, except that time frame after enactment is 6 months and the air carriers are required to consult with the DOT IG. The bill also requires that air carrier QA plans and audit systems be submitted to DOT for review and approval.	--
Contracts of carriage: availability of copies	--	--	--	--	Air carriers must post their contracts of carriage on their internet web sites and notify all ticketed customers that the contract is available upon request or on the carrier's web site.	--

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Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Contracts of carriage: incorporation of Customer Service Commitments/ customer service plans	Within 60 days air carriers shall incorporate the provisions of the "Airline Customer Service Commitment" in their contracts of carriage. Also [added in committee from S. 483] provisions of carriers' customer service plans to the extent that the plan is more specific or broader than the service commitment.	--	--	--	Virtually identical to S. 319 as reported.	--
Customer service plan modification	--	--	--	--	Any modification of any air carrier's customer service plan must be promptly incorporated in the carrier's contract of carriage, submitted to the DOT, and posted on the carrier's web site.	--
Customer service plan adoption	Air carriers, if they have not done it already, must develop and adopt a customer service plan based on the ATA Service Commitments. The plan must be submitted to the DOT. [taken from S.483 and added in committee]	--	--	--	Identical to S. 319 as reported.	--

Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Delays/cancellations: chronically delayed or cancelled flight information publication	DOT shall include a table in the Air Travel Consumer Report that shows flights chronically delayed by 15 minutes 40% of the time or more and flights canceled 30% of the time or more for the most recent 3-month period.	--	--	--	Similar to S. 319 but does not include the provision including the information in a table of the Air Travel Consumer Report. It also sets the “consistently canceled” level at 20%.	--
Delays/cancellations: definitions of chronically-delayed or canceled flights.	Chronically-delayed flight means a flight that has failed to arrive on time (i.e. 15 minutes or more after published arrival time) at least 40% of the time during the last 3 months for which data are available. Chronically canceled flight means a flight cancelled at least 30% of the time during the most recent 3-month period for which data are available.	Virtually identical to S. 319 except that section 209 of H.R. 1734 requires DOT, within 60 days of enactment, issue final regulations defining what constitutes a delay of a flight and what constitutes chronically delayed flights.	--	--	A “consistently delayed or canceled flight” means a flight that arrives 15 minutes or more, after its published arrival time, 40 percent of the time during the 3 most recent months for which data are available; or at least 20% of the departures of which have been canceled during the most recent 3 months for which data are available.	--

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Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Delays/cancellations: right to de-plane.	--	Air carriers shall not prevent a passenger from leaving the aircraft if the aircraft is at the gate with access to ramp facilities and the aircraft has remained at the gate for more than an hour and the captain has not been informed by ATC that the aircraft can be cleared for departure in 15 minutes.	--	Identical to H.R. 1734.	--	Identical to H.R. 1734.
Delays/cancellations: disclosure of chronically-delayed or canceled flights.	Large air carriers must disclose, without being asked, the on-time performance and cancellation rate for any chronically-delayed or cancelled flights whenever a customer makes a reservation or buys a ticket.	Failure to disclose, without being asked, the on-time performance and cancellation rate for a chronically delayed or chronically canceled flight whenever a customer makes a reservation or purchases a ticket on such a flight is defined as an unfair or deceptive trade practice and unfair method of competition under 49 U.S.C. 41712.	--	--	Identical to S. 319.	Failure of an air carrier to inform the consumer that a requested flight includes a segment that in the preceding calendar month was either cancelled or delayed, 40% of the time, at least 30 minutes past arrival time is made an unfair or deceptive practice and unfair method of competition.

Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Delays/cancellations: notification	Within 60 days air carriers shall implement a policy to require that air carriers provide in a timely, reasonable, and truthful manner, the best available information regarding each delay, cancellation, or diversion, including: the cause of the delay, cancellation, or diversion; and in the case of a delayed flight the carrier's best estimate of the departure time. [taken from S. 483 and added in Committee]	Requires that air carriers, when announcing a delay, cancellation, or diversion of a flight segment, provide, in a timely and truthful fashion, must include an explanation of the reason or reasons for the delay, cancellation, or diversion. Requires DOT, not later than 1 year after the date of enactment, to issue guidance to assist air carriers in carrying out the notification requirements.	Identical to S. 319.	Failure of an air carrier to provide a passenger with an accurate explanation of the reasons for a flight delay, cancellation, or diversion from a ticketed itinerary is defined as an "unfair or deceptive practice" and "unfair method of competition" under 49 U.S.C. 41712.	Virtually identical to S. 319 as reported. Does not set a 60 day implementation target.	Identical to H.R. 1734.
Delays/cancellations: advance information on delayed or cancelled flights	Within 90 days of enactment, large air carriers shall establish a system that allows passengers, before they leave for the airport, to determine whether a flight has been cancelled or if there is a lengthy delay.	Air carriers, whenever practicable, shall attempt to provide a passenger with notice of a delay or cancellation of a flight segment before passengers depart for the airport.	--	--	Within 6 months of enactment, air carriers shall establish a reasonable system for notifying passengers before their arrival at the airport, when the carrier knows sufficiently in advance that the flight will be canceled or delayed by an hour or more.	Identical to H.R. 1734.

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Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Delays/cancellations: public information (phone/WEB) on delayed, cancelled, or diverted flights	--	--	--	--	Air carriers that have a telephone number or web site for the public to obtain flight status shall ensure that the number or web site will reflect the best and most current information on delays, cancellations, and diversions.	--
Delays/cancellations: disclosure of on-time performance	By the 5 th of each month, air carriers must post the on-time performance for each scheduled flight for the previous month on the air carrier websites.	--	--	--	Virtually identical to S. 319, but does not set the 5 th day of the month deadline for posting on-time performance.	--
Delays: improvement targets for delayed or cancelled flights	Within 90 days of enactment, large air carriers shall establish realistic targets for reducing chronically-delayed flights.	--	--	--	--	--

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Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Delays: liability for excessive delays	--	--	--	--	--	Liability for delay of between 2 and 3 hours is set at 200% of price paid for the ticket. Liability over 3 hours is an additional 100% for each additional hour or portion of hour above 3 hours delay. Exempts delays caused by certain ATC directives, mechanical, and other safety concerns.
Disabled and special needs services	Within 90 days of enactment, large air carriers shall monitor and report their efforts to improve services for passengers with disabilities and special needs.	--	--	--	--	--
Disabled passengers' equipment	Requires DOT to study incidents of damage to the equipment (such as wheel chairs) of passengers with disabilities.	--	--	--	--	--

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Emergency medical services	DOT shall issue regulations to establish minimum standards for resuscitation, emergency medical, and first-aid equipment and supplies to be carried on board an aircraft operated by an air carrier that is capable of carrying more than 30 people. Requires consultation with the Surgeon General.	--	--	Identical to S. 319.	--	--
Emergency plans	Within 90 days of enactment air carriers shall ensure that comprehensive passenger service contingency plans are properly maintained and that the plans and any changes to the plans are coordinated with local airport authorities and the FAA.	An Air carrier shall assure access to necessary services and conditions, including food, water, restroom facilities, and the ability to deplane in the event of a weather or other emergency. Not later than 180 days of enactment, DOT will require air carriers to submit emergency plans describing how they will meet this assurance.	--	--	--	Within 180 days of enactment DOT shall issue final regulations requiring air carriers to submit emergency plans to ensure passenger access to necessary services and conditions, including food, water, restroom facilities, and the ability to deplane in the event of a weather or other emergency.

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Enforcement funding: funding for DOT enforcement of airline passenger consumer protection provisions	Calls for DOT to increase the Department resources for airline passenger consumer protection of airline passengers and for oversight and enforcement of laws and regulations. Within 60 days of enactment, DOT shall report to the Senate Commerce Committee and the House, Transportation and Infrastructure Committee of measures taken to increase resources and request additional funds or measures needed.	--	--	--	Specifies that in utilizing enforcement monies authorized in AIR21 DOT shall give priority to the areas identified by the IG as needing improvement in its final report on the Airline Customer Service Commitment. Requires consultation with the IG.	--
Fares: access to lowest fares	Within 60 days, large air carriers must implement policies, when quoting the lowest fares, to: include fares available at the air carrier's ticket offices and ticket counters; and notify customers that lower fares may be available through other distribution systems, including internet web sites.	Failure of an air carrier to provide full access to all fares provided by the carrier, regardless of the method used to contact an air carrier is defined as an unfair or deceptive practice and unfair method of competition per 49 U.S. C. 41712.	Requires air carriers to provide full access to all fares regardless of the technology used to access the fares. Requires that air carriers, on request of any person, permit the person to purchase air transportation provided by the carrier at any published fare.	--	Virtually identical to S. 319, except that the provision does not require notification of lower fares on the internet.	Virtually identical to H.R. 1734.

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Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Federal preemption of state consumer law	--	Narrows the federal preemption of state laws, specifying that only state laws that directly prescribe a price, route, or level of service provided by an air carrier are preempted.	Identical to H.R. 1734.	Identical to H.R. 1734.	--	Identical to H.R. 1734.
Frequent flyer information	Within 90 days of enactment, large air carriers shall make available to the public a comprehensive report of frequent flyer redemption information, including: percentage of successful redemption awards; and number of seats available in the carrier's top 100 origin and destination markets.	--	On request, carriers must disclose the number or percentage of seats that will be made available for frequent flyer award passengers on any specific date and route.	--	Virtually identical to S. 319. However, also requires the reporting of the overall percentage of successful redemptions by each air carrier.	--

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Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Information monitors: coordination of departure and arrival displays	Within 90 days of enactment each large air carrier shall ensure that master airport flight information display monitors contain accurate, up-to-date flight information and are consistent with the carriers' own flight information display monitors	Air carriers shall ensure that information monitors at the airport concerned display timely and accurate arrival and departure information.	--	--	Identical to S. 319.	Identical to S. 319.
Initial response reports	Within 90 days of enactment, each large carrier shall report to the DOT on its implementation of the obligations imposed by the act. Within 270 days the Secretary of DOT shall report on the implementation by the large carriers of the obligations imposed on them by the terms of this Act.	--	--	--	--	--

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Topic	Airline Customer Service Improvement Act (S. 319) Reported March 15, 2001 (McCain/Hollings/Hutchison/Wyden)	Airline Passenger Bill of Rights Act (H.R. 1734) Introduced May 3, 2001 (Sweeny/ Dingell)	Aviation Consumer Right to Know Act (H.R. 332) Introduced Jan. 31, 2001 (DeFazio/Slaughter)	Air Travelers Fair Treatment Act (S. 200) Introduced Jan. 29, 2001 (Reid)	Fair Treatment of Airline Passengers Act (S. 483) Introduced March 7, 2001 (Wyden)	Airline Competition and Passenger Rights Act (H.R. 907) Introduced March 7, 2001 (Dingell)
Insecticide warnings	--	--	Prohibits air carriers from selling tickets for a flight on which an insecticide is planned to be used in the aircraft while passengers are on board unless the carrier or ticket agent selling the ticket notifies the customer and provides the name of the insecticide.	--	--	--
Overnight accommodations: plans for passengers stranded overnight	Within 60 days of enactment air carriers must establish a plan with respect to passengers who must unexpectedly remain overnight due to flight delays, cancellations, or diversions.	If an involuntarily bumped passenger's scheduled alternative departure time is not within the same day the passenger shall receive reasonable and immediate compensation for hotel costs.	--	--	--	--

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Partial ticket use	--	Any action by an air carrier to prohibit or impose an additional fee or charge on a person that purchases air transportation from using only a portion of the ticket purchased (including 1-way use travel instead of round trip travel) is defined as an unfair or deceptive practice and unfair method of competition per 49 U.S.C. 14712.	Airlines may not assess a fee against or prohibit a passenger from using only part of a ticket (including 1-way travel on a round-trip ticket).	--	--	Identical to H.R. 1734.
Passenger rights publication	--	Within 180 days of enactment DOT shall, by rule: issue a statement that outlines consumer rights of air passengers; require air carriers to provide the statement to each passenger by conspicuous written material including—on a safety placard given to passenger on the aircraft; on information available at the ticket counter; and on or with the passenger’s ticket.	--	--	--	Identical to H.R. 1734.

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Review of regulations	Within one year of enactment DOT shall complete a thorough review of the Department's regulations that relate to air carriers' treatment of customers, and make such modifications as may be necessary or appropriate to ensure the enforceability of those regulations and the provisions of this Act.[provision of S.483 that was added in committee]	--	--	--	Virtually identical to S. 319, except that the specific areas of review are set forth.	--
Safety: access to safety information	--	--	--	Air carriers must provide, upon passenger request, information on safety inspection reviews, the carrier's safety ranking, and crew certification.	--	--
Safety: performance review reports	--	--	--	Annually DOT will submit a performance review report to Congress that includes each carrier's number of accidents and the makes of aircraft involved.	--	--

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Small air carrier exception	--	--	--	--	Small air carriers that operate no aircraft with more than 30 seats are excepted from the provisions of proposed sections 41722 and 41723 of the Act.	--
Ticket agent appointment cancellation	--	Air carriers must provide 90 days notice to a ticket agent whose appointment the carrier wishes to cancel, terminate, or not renew, giving a full written statement of the reasons. The ticket agent must then be given 60 days to correct any deficiency.	--	Identical to H.R. 1734.	--	Identical to H.R. 1734.
Victims assistance: civil penalties for failure to provide safety or victims' assistance information	--	--	--	An air carrier that fails to provide information required under the bill's safety and victims assistance provisions shall be liable for a civil penalty not to exceed \$100,000 per violation.	--	--
Victims' assistance toll free telephone	--	--	--	The NTSB will establish a toll free telephone number to provide victims access to accident information.	--	--

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Victims' assistance coordination	--	--	--	The NTSB will coordinate with the Red Cross and federal agencies to assure the coordination of the disclosure of information and assistance to victims of aircraft accidents.	--	--
Victims' rights to information	--	--	--	The National Transportation Safety Board (NTSB) will establish and run a program for victims and survivors of aircraft accidents. Victims are to receive immediate and unrestricted access to information from the carrier, federal, state, and local governments.	--	--