

107TH CONGRESS
1ST SESSION

H. R. 384

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2001

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airline Passenger Fair
5 Treatment Act of 2001”.

6 **SEC. 2. FAIR TREATMENT OF AIRLINE PASSENGERS.**

7 Section 41712 of title 49, United States Code, is
8 amended—

1 (1) by striking “On the initiative” and inserting
2 “(a) DUTY OF THE SECRETARY.—On the initiative”;
3 and

4 (2) by adding at the end thereof the following:

5 “(c) SPECIFIC PRACTICES.—For purposes of sub-
6 section (a), the terms ‘unfair or deceptive practice’ and
7 ‘unfair method of competition’ include each of the fol-
8 lowing:

9 “(1) ACCESS TO FARES.—The failure of an air
10 carrier or foreign air carrier to provide a consumer
11 full access to all fares for air transportation provided
12 by the air carrier or foreign air carrier, regardless
13 of the technology or other method the consumer uses
14 to access the fares.

15 “(2) FLIGHT DELAYS.—The failure of an air
16 carrier or foreign air carrier to provide a passenger
17 of the carrier with an accurate explanation of the
18 reasons for a flight delay, cancellation, or diversion
19 from a ticketed itinerary.

20 “(3) PRICING POLICIES.—Any action of an air
21 carrier or foreign air carrier—

22 “(A) to prohibit a person (including a gov-
23 ernmental entity) that purchases air transpor-
24 tation from only using a portion of the air
25 transportation purchased (including using the

1 air transportation purchased only for 1-way
2 travel instead of round-trip travel); or

3 “(B) to assess an additional fee on or
4 charge to—

5 “(i) such a person; or

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

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

14 “(A) to provide the ticket agent with writ-
15 ten notice, and a full statement of reasons con-
16 stituting just causes for the action, on or before
17 the 90th day preceding the action; and

18 “(B) to provide the ticket agent with at
19 least 60 days to correct any deficiency claimed
20 in the written notice,

21 except in cases of insolvency, an assignment for the
22 benefit of creditors, bankruptcy, or nonpayment of
23 sums due under the appointment.”.

1 **SEC. 3. CLARIFICATION REGARDING ENFORCEMENT OF**
2 **STATE LAWS.**

3 Section 41713(b)(1) of title 49, United States Code,
4 is amended by striking “related to a price, route, or service
5 of an air carrier that may provide air transportation under
6 this subpart” and inserting “that directly prescribes a
7 price, route, or level of service for air transportation pro-
8 vided by an air carrier under this subpart”.

9 **SEC. 4. EMERGENCY MEDICAL ASSISTANCE, RIGHT OF**
10 **EGRESS.**

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

14 **“§ 41722. Airline passenger rights**

15 “(a) RIGHT TO IN-FLIGHT EMERGENCY MEDICAL
16 CARE.—

17 “(1) IN GENERAL.—The Secretary of Transpor-
18 tation shall issue regulations to establish minimum
19 standards for resuscitation, emergency medical, and
20 first-aid equipment and supplies to be carried on
21 board an aircraft operated by an air carrier in air
22 transportation that is capable of carrying at least 30
23 passengers.

24 “(2) CONSIDERATIONS.—In issuing regulations
25 under paragraph (1), the Secretary shall consider—

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

3 “(B) the need for special training of air
4 carrier personnel to operate the equipment safe-
5 ly and effectively;

6 “(C) the space limitations of each type of
7 aircraft;

8 “(D) the effect of the regulations on air-
9 craft operations;

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

12 “(F) other relevant factors.

13 “(3) CONSULTATION.—Before issuing regula-
14 tions under paragraph (1), the Secretary shall con-
15 sult with the Surgeon General.

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

22 “(1) the aircraft is parked at an airport ter-
23 minal gate with access to ramp or other facilities
24 through which passengers are customarily boarded
25 and deplaned;

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

3 “(3) the captain of the aircraft has not been in-
4 formed by air traffic control authorities that the air-
5 craft can be cleared for departure within 15 min-
6 utes.”.

7 (b) CONFORMING AMENDMENT.—The analysis for
8 chapter 417 of such title is amended by adding at the end
9 the following:

“41722. Airline passenger rights.”.

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