

Passenger Bill of Rights and Other Aviation Issues

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A very hot topic of discussion in Washington, D.C. is airline passenger rights. This issue has also been receiving widespread national media coverage.

On March 10, the House Transportation and Infrastructure’s aviation subcommittee held a hearing on H.R. 700, the “Airline Passenger Bill of Rights Act of 1999.”

The bill, introduced on February 10 by House Transportation and Infrastructure Committee Chairman Bud Shuster (R-PA), would provide enhanced protections for airline passengers, including but not limited to the following:

- Holding air carriers liable for excessive departure and arrival delays, with the amount of compensation differing according to delay time (unless the delays are ATC-driven),
- requiring carriers to provide explanations to passengers for any flight delays, cancellations or diversions, and
- mandating that air carriers provide alternative air transportation and compensation to passengers if flights are canceled due to non-safety reasons.

The Senate Commerce Committee held a hearing on its version of the so-called “airline passenger bill of rights” legislation - S. 383 - on March 11. Although the bill is not as stringent as H.R. 700, it would establish a national policy of fair treatment for airline passengers. The bill was introduced in February by Sen. Ron Wyden (D-OR) and Commerce Committee Chairman John McCain (R-AZ).

On March 10, the Administration also jumped on the airline-passenger-rights bandwagon and presented its version of such legislation to Congress under the title of the “Airline Passenger Fair Treatment Initiative.” The penalties in-

cluded in this bill are less punitive than those proposed by the House and Senate.

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Airport and Airway Trust Fund

On March 11, the House Transportation and Infrastructure Committee unanimously reported H.R. 1000, the “Aviation Investment and Reform Act for the 21st Century.” This comprehensive, five-year FAA reauthorization bill also contains several ALPA-supported safety measures. These initiatives—originally included in last year’s FAA bill, but removed from the stripped-down, six-month authorization—are:

- Requiring the installation of collision avoidance equipment at least as good as TCAS II in cargo aircraft, with a payload capacity of 15,000 kg or more by 2003,
- authorizing \$8 million for the purchase and installation of “universal access systems,”
- directing FAA to issue an NPRM on small airport certification, and authorizing \$15 million for each of the next four fiscal years following the effective date of the regulations to assist airports with compliance, and
- authorizing an annual \$450,000 for wildlife hazard mitigation measures and management of FAA’S wildlife strike database.

H.R. 1000 also would provide \$3 million per year for the prevention of runway incursions, impose a \$25,000 civil penalty against unruly airline passengers, and provide “whistleblower” protection for airline employees, among other

items. It was introduced by House Transportation Committee Chairman Shuster on March 4.

To aid the development of this multi-year reauthorization bill, the House Aviation Subcommittee held several hearings on related issues. On February 4, Director of ALPA's Engineering and Air Safety Department John O'Brien testified at one of these hearings to provide the Association's views on the financial commitment necessary to enhance the safety of the airport and ATC system.

The bill now awaits floor consideration—a move not expected until the disagreement between the Transportation Committee and the House Appropriations and Budget Committees over taking the Airport and Airway Trust Fund off-budget is settled.

On the Senate side, S. 82, a two-year reauthorization bill, still awaits floor action after being reported out of the Senate Commerce Committee on February 11. The bill almost mirrors the one passed by that body in 1998, but was not enacted before adjournment. It contains the other ALPA-supported safety measure included in the original FAA reauthorization bill, directing FAA to issue a rulemaking within six months after the date of enactment to improve runway safety areas, and to require the installation of precision approach path indicators (PAPIs).

In addition, H.R. 99—passed by the House in February—has been placed on the Senate calendar, but no further action has occurred. This bill would extend Airport Improvement funding until September 30. In response to the House, the Senate passed its own short-term extension, a 60-day bill, on March 18. It remains to be seen how the differences between the two bills will be worked out. An extension is necessary to prevent a lapse in the program while Congress irons out the differences in the two multi-year reauthorization bills. The current authorization expires on March 31.

Small community services

The issue of small community services is being revisited on Capitol Hill. This is not a big surprise to anyone following the issue. Last year, House Aviation Subcommittee Chairman John Duncan (R-TN)—a major proponent of increased service to the so-called "pockets of pain"—presided over hearings on the issue and indicated that similar hearings would take place in 1999.

H.R. 1000, the House's comprehensive, five-

year FAA reauthorization bill (see Airport and Airway Trust Fund section) addresses the establishment of a "regional air service incentive program." This initiative would provide lines of credit to commuter air carriers for the purchase of regional jet aircraft for use in serving underserved small and mid-sized cities.

In the Senate, two bills were introduced in February to improve aviation services to small communities. Sen. John Rockefeller IV (D-WV) introduced S. 379, the "Air Service Restoration Act," and Sen. Bill Frist (R-TN) introduced the "Small Communities Air Service Act of 1999," S. 304. Both bills were referred to the Senate Commerce Committee for its consideration, but no further action has occurred as of this writing.

ALPA is working with the major carriers to deal effectively with the issue of small community aviation development during this Congress. We will continue to keep you apprised of any future developments.

Social Security/Medicare

Probably the two most important and contentious social issues Congress will tackle this year are Social Security and Medicare. Earlier this year, the President proposed that 62 percent of the total estimated budget surpluses for the next 15 years (\$2.7 trillion) be used to bolster the Social Security trust fund. The remaining 40 percent (\$1.7 trillion) would be utilized to shore up Medicare cash reserves and support new retirement savings accounts, the so-called "USA Accounts," as well as to fund other assorted domestic and defense programs. However, a difference of opinions exists between the President and the Republican congressional majority on how to spend the projected budget surpluses. The Republicans believe that a large chunk of it should be dedicated to tax cuts, a favorite party platform.

ALPA will continue to closely monitor the Social Security/Medicare debate, specifically its potential impact on labor as it continues to unfold in the months ahead.

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