

Bill Nelson

AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish the position of Aviation Consumer Advocate, and for other purposes.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 1405

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 Beginning on page 258, strike line 11 and all that
2 follows through page 260, line 16, and insert the following:

3 SEC. _____. ~~_____~~

4 ~~_____~~. *Aviation Consumer Advocate and*

5 (a) IN GENERAL.—The Secretary of Transportation
6 shall review aviation consumer complaints received that al-
7 lege a violation of law and, as appropriate, pursue enforce-
8 ment or corrective actions that would be in the public in-
9 terest.

Complaint Resolution Improvement

1 (b) CONSIDERATIONS.—In considering which cases to
2 pursue for enforcement or corrective action under sub-
3 section (a), the Secretary shall consider—

4 (1) Air Carrier Access Act of 1986 (Public Law
5 99–435; 100 Stat. 1080);

6 (2) unfair and deceptive practices by air car-
7 riers, foreign air carriers, and ticket agents;

8 (3) the terms and conditions agreed to between
9 passengers and air carriers, foreign air carriers, or
10 ticket agents;

11 (4) aviation consumer protection and tarmac
12 delay contingency planning requirements for both
13 airports and airlines; and

14 (5) any other applicable law.

15 (c) AVIATION CONSUMER ADVOCATE.—

16 (1) IN GENERAL.—Within the Aviation Con-
17 sumer Protection Division, there shall be an Aviation
18 Consumer Advocate.

19 (2) FUNCTIONS.—The Aviation Consumer Ad-
20 vocate, shall—

21 (A) assist consumers in resolving carrier
22 service complaints filed with the Aviation Con-
23 sumer Protection Division;

1 (B) evaluate the resolution by the Depart-
2 ment of Transportation of carrier service com-
3 plaints;

4 (C) identify and recommend actions the
5 Department can take to improve the enforce-
6 ment of aviation consumer protection rules and
7 resolution of carrier service complaints; and

8 (D) identify and recommend regulations
9 and policies that can be amended to more effec-
10 tively resolve carrier service complaints.

11 (d) ANNUAL REPORTS.—The Department, through
12 the Aviation Consumer Advocate, shall submit to the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate and the Committee on Transportation and Infra-
15 structure of the House of Representatives an annual re-
16 port summarizing the following:

17 (1) The total number of annual complaints re-
18 ceived by the Department, including the number of
19 complaints by the name of each air carrier and for-
20 eign air carrier.

21 (2) The total number of annual complaints by
22 category of complaint.

23 (3) The number of complaints referred in the
24 preceding year for enforcement or corrective action
25 by the Department.

- 1 (4) Any recommendations under paragraphs
- 2 (2)(C) and (2)(D) of subsection (c).
- 3 (5) Such other data as the Aviation Consumer
- 4 Advocate considers appropriate.