

103^D CONGRESS
1ST SESSION

H. R. 80

To amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. BOEHLERT introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

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 Bankruptcy
5 Passenger Protection Act of 1993”.

6 **SEC. 2. REPORTING AND OTHER REQUIREMENTS.**

7 (a) IN GENERAL.—Title IV of the Federal Aviation
8 Act of 1958 (49 U.S.C. App. 1371–1389) is amended by
9 adding at the end thereof the following new section:

1 **“SEC. 420. BANKRUPTCY TRANSPORTATION PLANS.**

2 “(a) DEVELOPMENT.—

3 “(1) ORDER.—Not later than 60 days after the
4 date of the enactment of this section, the Secretary
5 shall issue an order authorizing covered air carriers
6 to develop a plan for providing air transportation for
7 any person who holds an airline ticket for provision
8 of such transportation by a covered air carrier who,
9 after the date of purchase of such ticket, becomes a
10 debtor in a case under title 11, United States Code.
11 Such order shall also include an exemption in ac-
12 cordance with section 414.

13 “(2) DEADLINE FOR SUBMISSION.—Any plan
14 developed under paragraph (1) shall be submitted to
15 the Secretary for approval within 180 days after the
16 date of the enactment of this section.

17 “(b) TIME LIMIT AND BASIS FOR APPROVAL.—If a
18 plan is submitted to the Secretary in accordance with sub-
19 section (a), the Secretary shall approve or disapprove such
20 plan within 60 days after the date of such submission. If
21 the Secretary determines that such plan will provide (or
22 would provide if all covered air carriers participate in im-
23 plementation of such plan) satisfactory protection for all
24 persons who hold airline tickets described in subsection
25 (a), the Secretary shall approve such plan. Otherwise, the
26 Secretary shall disapprove such plan.

1 “(c) IMPLEMENTATION OF APPROVED PLANS.—If
2 the Secretary approves a plan under this section, the Sec-
3 retary shall issue an order requiring implementation of
4 such plan by the covered air carriers who submitted such
5 plan and any other covered air carriers. If there are any
6 covered air carriers who did not participate in development
7 of a plan approved under this section, such carriers shall
8 be treated under such order and plan in the same manner
9 as carriers who did participate in development of such
10 plan.

11 “(d) REGULATIONS.—If a plan described in sub-
12 section (a) is not submitted within 180 days after the date
13 of the enactment of this section, or if the Secretary dis-
14 approves a plan submitted in accordance with subsection
15 (a), or if the Secretary determines that a plan approved
16 under this section is not being implemented in a manner
17 which provides satisfactory protection for all persons who
18 hold airline tickets described in subsection (a), the Sec-
19 retary shall issue regulations requiring all covered air car-
20 riers to provide air transportation for persons who hold
21 such tickets. Such regulations must be issued within 90
22 days after the expiration of such 180-day period, the date
23 of disapproval of such plan, or the date of such determina-
24 tion, as the case may be.

25 “(e) DEFINITIONS.—For purposes of this section—

1 “(1) AIRLINE TICKET.—The term ‘airline tick-
2 et’ means any written instrument that embodies a
3 contract of carriage between a covered air carrier
4 and a passenger thereof for interstate or overseas
5 air transportation.

6 “(2) COVERED AIR CARRIER.—The term ‘cov-
7 ered air carrier’ means—

8 “(A) an air carrier which provides inter-
9 state or overseas air transportation primarily
10 with aircraft having seating for more than 60
11 passengers and which in the 12-month period
12 preceding the date of the enactment of this sec-
13 tion, enplaned more than .2 percent of the total
14 number of passengers enplaned on all aircraft
15 used to provide interstate and overseas air
16 transportation in such period; and

17 “(B) an air carrier not described in sub-
18 paragraph (A) who enters into an agreement
19 with an air carrier who is described in subpara-
20 graph (A) to operate under or use a single air
21 carrier designator code to provide interstate or
22 overseas air transportation, but only with re-
23 spect to those operations of the carrier not de-
24 scribed in subparagraph (A) which are carried
25 out under such code.

1 “(3) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Transportation.”.

3 (b) CONFORMING AMENDMENT TO TABLE OF CON-
4 TENTS.—The table of contents in the first section of the
5 Federal Aviation Act of 1958 is amended by adding at
6 the end of the material relating to title IV the following:

“Sec. 420. Bankruptcy transportation plans.

“ (a) Development.

“ (b) Time limit and basis for approval.

“ (c) Implementation of approved plans.

“ (d) Regulations.

“ (e) Definitions.”.

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