H.R. 6355, THE "AIR SERVICE IMPROVEMENT ACT OF 2008"

H.R. 6355, the "Air Service Improvement Act of 2008", requires air carriers and large- and medium-hub airports to file emergency contingency plans with the Secretary of Transportation for review and approval. The Secretary may establish minimum standards for plans and require airlines to modify the plans they submit. These plans must detail how the air carrier will provide food, water, restroom facilities, cabin ventilation, and medical treatment for passengers onboard an aircraft that is on the ground for an extended period of time without access to the terminal. The plans must also detail how facilities and gates will be shared. The air carriers must update their plans every three years. The airports must update their plans every five years. If airlines do not comply with the requirements of their plan, they are subject to a $25,000 per day penalty. H.R. 6355 requires the Department of Transportation ("DOT") to establish and properly advertise a consumer complaints hotline number for the DOT Aviation Consumer Protection Division and to collect and publish data pertaining to cancelled and diverted flights of air carriers. The bill establishes an Advisory Committee for Aviation Consumer Protection at DOT and provides several studies to provide oversight of customer protections.

H.R. 6355 also mandates a fair and equitable contract negotiation for Federal Aviation Administration ("FAA") air traffic controllers by requiring the FAA and the National Air Traffic Controllers Association to return to the bargaining table under the last mutual agreement. The parties are required to resume negotiations, patterned after the process in Postal Service regulations, until a new contract is adopted. If an agreement is not reached within 45 days after negotiations resume, then the dispute would be submitted to binding arbitration. In the interim period, affected employees are eligible for back pay, subject to the availability of appropriations, not to exceed $20 million.