

114TH CONGRESS
2D SESSION

H. R. 5291

To amend title 49, United States Code, to provide enhanced consumer protection for air passengers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2016

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

A BILL

To amend title 49, United States Code, to provide enhanced consumer protection for air passengers, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Airline Consumer Protection Act of 2016”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. References to title 49, United States Code.
- Sec. 4. Causes of airline delays or cancellations.
- Sec. 5. Involuntary changes to itineraries.

- Sec. 6. Additional consumer protections.
- Sec. 7. Addressing the needs of families of passengers involved in aircraft accidents.
- Sec. 8. Emergency medical kits.
- Sec. 9. Travelers with disabilities.
- Sec. 10. Extension of Advisory Committee for Aviation Consumer Protection.
- Sec. 11. Extension of competitive access reports.
- Sec. 12. Refunds for delayed baggage.
- Sec. 13. Refunds for other fees that are not honored by a covered air carrier.
- Sec. 14. Disclosure of fees to consumers.
- Sec. 15. Seat assignments.
- Sec. 16. Child seating.
- Sec. 17. Consumer complaint process improvement.
- Sec. 18. Online access to aviation consumer protection information.
- Sec. 19. Study on in cabin wheelchair restraint systems.
- Sec. 20. Training policies regarding assistance for persons with disabilities.
- Sec. 21. Advisory committee on the air travel needs of passengers with disabilities.
- Sec. 22. Report on covered air carrier change and cancellation fees.
- Sec. 23. Enforcement of aviation consumer protection rules.
- Sec. 24. Regulations relating to space for passengers on aircraft.

1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) **APPROPRIATE COMMITTEES OF CON-**
 4 **GRESS.**—The term “appropriate committees of Con-
 5 gress” means the Committee on Commerce, Science,
 6 and Transportation of the Senate and the Com-
 7 mittee on Transportation and Infrastructure of the
 8 House of Representatives.

9 (2) **COVERED AIR CARRIER.**—The term “cov-
 10 ered air carrier” means an air carrier or a foreign
 11 air carrier as those terms are defined in section
 12 40102(a) of title 49, United States Code.

13 (3) **ONLINE SERVICE.**—The term “online serv-
 14 ice” means any service available over the Internet,

1 or that connects to the Internet or a wide-area net-
2 work.

3 (4) TICKET AGENT.—The term “ticket agent”
4 has the meaning given the term in section 40102(a)
5 of title 49, United States Code.

6 **SEC. 3. REFERENCES TO TITLE 49, UNITED STATES CODE.**

7 Except as otherwise expressly provided, wherever in
8 this Act an amendment or repeal is expressed in terms
9 of an amendment to, or repeal of, a section or other provi-
10 sion, the reference shall be considered to be made to a
11 section or other provision of title 49, United States Code.

12 **SEC. 4. CAUSES OF AIRLINE DELAYS OR CANCELLATIONS.**

13 (a) REVIEW.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this Act, the Secretary of
16 Transportation shall review the categorization of
17 delays and cancellations with respect to air carriers
18 that are required to report such data.

19 (2) CONSIDERATIONS.—In conducting the re-
20 view under paragraph (1), the Secretary shall con-
21 sider, at a minimum—

22 (A) whether delays and cancellations at-
23 tributed by an air carrier to weather were un-
24 avoidable due to an operational or air traffic
25 control issue, or due to the air carrier’s pref-

1 erence in determining which flights to delay or
2 cancel during a weather event;

3 (B) whether and to what extent delays and
4 cancellations attributed by an air carrier to
5 weather disproportionately impact service to
6 smaller airports and communities; and

7 (C) whether it is an unfair or deceptive
8 practice in violation of section 41712 of title
9 49, United States Code, for an air carrier to in-
10 form a passenger that a flight is delayed or
11 cancelled due to weather, without any other
12 context or explanation for the delay or cancella-
13 tion, when the air carrier has discretion as to
14 which flights to delay or cancel.

15 (3) ADVISORY COMMITTEE FOR AVIATION CON-
16 SUMER PROTECTION.—The Secretary may use the
17 Advisory Committee for Aviation Consumer Protec-
18 tion, established under section 411 of the FAA Mod-
19 ernization and Reform Act of 2012 (49 U.S.C.
20 42301 prec. note), to assist in conducting the review
21 and providing recommendations.

22 (b) REPORT.—Not later than 90 days after the date
23 the review under subsection (a) is complete, the Secretary
24 shall submit to the appropriate committees of Congress

1 a report on the review under subsection (a), including any
2 recommendations.

3 (c) SAVINGS PROVISION.—Nothing in this section
4 shall be construed as affecting the decision of an air car-
5 rier to maximize its system capacity during weather-re-
6 lated events to accommodate the greatest number of pas-
7 sengers.

8 **SEC. 5. INVOLUNTARY CHANGES TO ITINERARIES.**

9 (a) REVIEW.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, the Secretary of
12 Transportation shall review whether it is an unfair
13 or deceptive practice in violation of section 41712 of
14 title 49, United States Code, for an air carrier to
15 change the itinerary of a passenger, more than 24
16 hours before departure, if the new itinerary involves
17 additional stops or departs 3 hours earlier or later
18 and compensation or other more suitable air trans-
19 portation is not offered.

20 (2) ADVISORY COMMITTEE FOR AVIATION CON-
21 SUMER PROTECTION.—The Secretary may use the
22 Advisory Committee for Aviation Consumer Protec-
23 tion, established under section 411 of the FAA Mod-
24 ernization and Reform Act of 2012 (49 U.S.C.

1 42301 prec. note), to assist in conducting the review
2 and providing recommendations.

3 (b) REPORT.—Not later than 90 days after the date
4 the review under subsection (a) is complete, the Secretary
5 shall submit to appropriate committees of Congress a re-
6 port on the review under subsection (a), including any rec-
7 ommendations.

8 **SEC. 6. ADDITIONAL CONSUMER PROTECTIONS.**

9 Not later than 180 days after the date that the re-
10 views under sections 4 and 5 of this Act are complete,
11 the Secretary of Transportation shall issue a supplemental
12 notice of proposed rulemaking to its notice of proposed
13 rulemaking published in the Federal Register on May 23,
14 2014 (DOT–OST–2014–0056) (relating to the trans-
15 parency of airline ancillary fees and other consumer pro-
16 tection issues) to consider the following:

17 (1) Requiring an air carrier to provide notifica-
18 tion and refunds or other consideration to a con-
19 sumer who is impacted by delays or cancellations
20 when an air carrier has a choice as to which flights
21 to cancel or delay during a weather-related event.

22 (2) Requiring an air carrier to provide notifica-
23 tion and refunds or other consideration to a con-
24 sumer who is impacted by involuntary changes to
25 the consumer’s itinerary.

1 **SEC. 7. ADDRESSING THE NEEDS OF FAMILIES OF PAS-**
 2 **SENGERS INVOLVED IN AIRCRAFT ACCI-**
 3 **DENTS.**

4 (a) AIR CARRIERS HOLDING CERTIFICATES OF PUB-
 5 LIC CONVENIENCE AND NECESSITY.—Section 41113 is
 6 amended—

7 (1) in subsection (a), by striking “a major” and
 8 inserting “any”;

9 (2) in subsection (b)—

10 (A) in paragraph (9), by striking “(and
 11 any other victim of the accident)” and inserting
 12 “(and any other victim of the accident, includ-
 13 ing any victim on the ground)”;

14 (B) in paragraph (16), by striking “major”
 15 and inserting “any”; and

16 (C) in paragraph (17)(A), by striking “sig-
 17 nificant” and inserting “any”; and

18 (3) by amending subsection (e) to read as fol-
 19 lows:

20 “(e) DEFINITIONS.—In this section—

21 “(1) ‘aircraft accident’ means any aviation dis-
 22 aster, regardless of its cause or suspected cause, for
 23 which the National Transportation Safety Board is
 24 the lead investigative agency; and

25 “(2) ‘passenger’ has the meaning given the
 26 term in section 1136.”.

1 (b) FOREIGN AIR CARRIERS PROVIDING FOREIGN
2 AIR TRANSPORTATION.—Section 41313 is amended—

3 (1) in subsection (b), by striking “a major” and
4 inserting “any”; and

5 (2) in subsection (c)—

6 (A) in paragraph (1), by striking “a sig-
7 nificant” and inserting “any”;

8 (B) in paragraph (2), by striking “a sig-
9 nificant” and inserting “any”;

10 (C) in paragraph (16), by striking “major”
11 and inserting “any”; and

12 (D) in paragraph (17)(A), by striking “sig-
13 nificant” and inserting “any”.

14 (c) NATIONAL TRANSPORTATION SAFETY BOARD.—
15 Section 1136(a) is amended by striking “aircraft accident
16 within the United States involving an air carrier or foreign
17 air carrier and resulting in a major loss of life” and insert-
18 ing “aircraft accident involving an air carrier or foreign
19 air carrier, resulting in any loss of life, and for which the
20 National Transportation Safety Board will serve as the
21 lead investigative agency”.

22 **SEC. 8. EMERGENCY MEDICAL KITS.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of the enactment of this Act, the Administrator of
25 the Federal Aviation Administration shall evaluate and re-

1 vise, as appropriate, the regulations under part 121 of title
2 14, Code of Federal Regulations, regarding the emergency
3 medical equipment requirements, including the contents of
4 the first-aid kit, applicable to all certificate holders oper-
5 ating passenger-carrying airplanes under that part.

6 (b) CONSIDERATIONS.—The Administrator shall con-
7 sider whether the minimum contents of approved emer-
8 gency medical kits, including approved first-aid kits, in-
9 clude appropriate medications and equipment to meet the
10 emergency medical needs of children, including consider-
11 ation of an epinephrine auto-injector, as appropriate.

12 **SEC. 9. TRAVELERS WITH DISABILITIES.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Comptroller General
15 of the United States shall—

16 (1) conduct a study of airport accessibility best
17 practices for individuals with disabilities, limited mo-
18 bility, or visual or hearing impairments; and

19 (2) submit to the appropriate committees of
20 Congress a report on the study, including the Comp-
21 troller General’s findings, conclusions, and rec-
22 ommendations.

23 (b) CONTENTS.—The study under subsection (a)
24 shall include accessibility best practices beyond those rec-
25 ommended under the Architectural Barriers Act of 1968

1 (42 U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29
 2 U.S.C. 701 et seq.), Air Carrier Access Act of 1986 (100
 3 Stat. 1080; Public Law 99–435), or Americans with Dis-
 4 abilities Act of 1990 (42 U.S.C. 12101 et seq.), that im-
 5 prove infrastructure and communications, such as with re-
 6 gard to wayfinding, amenities, and passenger care.

7 **SEC. 10. EXTENSION OF ADVISORY COMMITTEE FOR AVIA-**
 8 **TION CONSUMER PROTECTION.**

9 (a) TERMINATION.—Section 411(h) of the FAA Mod-
 10 ernization and Reform Act of 2012 (Public Law 112–95;
 11 49 U.S.C. 42301 prec. note) is amended by striking
 12 “March 30, 2016” and inserting “September 30, 2017”.

13 (b) FINANCIAL DISCLOSURE.—Section 411 of the
 14 FAA Modernization and Reform Act of 2012 (Public Law
 15 112–95; 49 U.S.C. 42301 prec. note) is further amend-
 16 ed—

17 (1) by redesignating subsection (h) as sub-
 18 section (i); and

19 (2) by inserting before subsection (i), the fol-
 20 lowing:

21 “(h) CONFLICT OF INTEREST DISCLOSURE.—Begin-
 22 ning on the date of enactment of the Airline Consumer
 23 Protection Act of 2016, each member of the advisory com-
 24 mittee who is not a government employee shall disclose,
 25 on an annual basis, any potential conflicts of interest, in-

cluding financial conflicts of interest, to the Secretary in such form and manner as prescribed by the Secretary.”.

(c) RECOMMENDATIONS.—Section 411(g) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 42301 prec. note) is amended—

(1) by striking “of the first 2 calendar years beginning after the date of enactment of this Act” and inserting “calendar year”; and

(2) by inserting “and post on the Department of Transportation Web site” after “Congress”.

SEC. 11. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(r)(3) is amended by striking “April 1, 2016” and inserting “October 1, 2017”.

SEC. 12. REFUNDS FOR DELAYED BAGGAGE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations to require a covered air carrier to promptly provide an automatic refund to a passenger in the amount of any applicable ancillary fees paid if the covered air carrier has charged the passenger an ancillary fee for checked baggage but the covered air carrier fails to deliver the checked baggage to the passenger not later than 6 hours after the arrival of a domestic flight or 12 hours after the arrival of an international flight.

1 (b) EXCEPTION.—If as part of the rulemaking the
 2 Secretary makes a determination on the record that a re-
 3 quirement under subsection (a) is unfeasible and will neg-
 4 atively affect consumers in certain cases, the Secretary
 5 may modify 1 or both of the deadlines in that subsection
 6 for such cases, except that—

7 (1) the deadline relating to a domestic flight
 8 may not exceed 12 hours after the arrival of the do-
 9 mestic flight; and

10 (2) the deadline relating to an international
 11 flight may not exceed 24 hours after the arrival of
 12 the domestic flight.

13 **SEC. 13. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
 14 **ORED BY A COVERED AIR CARRIER.**

15 (a) IN GENERAL.—Not later than 1 year after the
 16 date of enactment of this Act, the Secretary of Transpor-
 17 tation shall promulgate regulations that require each cov-
 18 ered air carrier to promptly provide an automatic refund
 19 to a passenger of any ancillary fees paid for services that
 20 the passenger does not receive, including on the pas-
 21 senger’s scheduled flight or, if rescheduled, a subsequent
 22 replacement itinerary.

23 (b) CANCELLED FLIGHTS.—As part of the rule under
 24 subsection (a), the Secretary shall require each covered air
 25 carrier to promptly provide an automatic refund to a pas-

1 senger of any ancillary fees paid for services that the pas-
2 senger does not receive for a flight cancelled by the pas-
3 senger.

4 **SEC. 14. DISCLOSURE OF FEES TO CONSUMERS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Secretary of Transpor-
7 tation shall issue final regulations requiring—

8 (1) each covered air carrier to disclose to a con-
9 sumer the baggage fee, cancellation fee, change fee,
10 ticketing fee, and seat selection fee of that covered
11 air carrier in a standardized format; and

12 (2) notwithstanding the manner in which infor-
13 mation regarding the fees described in paragraph
14 (1) is collected, each ticket agent to disclose to a
15 consumer such fees of a covered air carrier in the
16 standardized format described in paragraph (1).

17 (b) REQUIREMENTS.—The regulations under sub-
18 section (a) shall require that each disclosure—

19 (1) if ticketing is done on an Internet Web site
20 or other online service—

21 (A) be prominently displayed to the con-
22 sumer prior to the point of purchase; and

23 (B) set forth the fees described in sub-
24 section (a)(1) in clear and plain language and
25 a font of easily readable size; and

1 (2) if ticketing is done on the telephone, be ex-
2 pressly stated to the consumer during the telephone
3 call and prior to the point of purchase.

4 **SEC. 15. SEAT ASSIGNMENTS.**

5 (a) IN GENERAL.—Not later than 15 months after
6 the date of enactment of this Act, the Secretary of Trans-
7 portation shall complete such actions as may be necessary
8 to require each covered air carrier and ticket agent to dis-
9 close to a consumer that seat selection for which a fee
10 is charged is an optional service, and that if a consumer
11 does not pay for a seat assignment, a seat will be assigned
12 to the consumer from available inventory at the time the
13 consumer checks in for the flight or prior to departure.

14 (b) REQUIREMENTS.—The disclosure under sub-
15 section (a) shall—

16 (1) if ticketing is done on an Internet Web site
17 or other online service, be prominently displayed to
18 the consumer on that Internet Web site or online
19 service during the selection of seating or prior to the
20 point of purchase; and

21 (2) if ticketing is done on the telephone, be ex-
22 pressly stated to the consumer during the telephone
23 call and prior to the point of purchase.

1 **SEC. 16. CHILD SEATING.**

2 (a) IN GENERAL.—Not later than 15 months after
3 the date of enactment of this Act, the Secretary of Trans-
4 portation shall complete such actions as may be necessary
5 to require each covered air carrier and ticket agent to dis-
6 close to a consumer that if a reservation includes a child
7 under the age of 13 traveling with an accompanying pas-
8 senger who is age 13 or older—

9 (1) whether adjoining seats are available at no
10 additional cost at the time of purchase; and

11 (2) if not, what the covered air carrier's policy
12 is for accommodating adjoining seat requests at the
13 time the consumer checks in for the flight or prior
14 to departure.

15 (b) REQUIREMENTS.—The disclosure under sub-
16 section (a) shall—

17 (1) if ticketing is done on an Internet Web site
18 or other online service, be prominently displayed to
19 the consumer on that Internet Web site or online
20 service during the selection of seating or prior to the
21 point of purchase; and

22 (2) if ticketing is done on the telephone, be ex-
23 pressly stated to the consumer during the telephone
24 call and prior to the point of purchase.

25 **SEC. 17. CONSUMER COMPLAINT PROCESS IMPROVEMENT.**

26 (a) IN GENERAL.—Section 42302 is amended—

1 (1) by redesignating subsections (b) and (c) as
2 subsections (c) and (d), respectively;

3 (2) by inserting after subsection (a), the fol-
4 lowing:

5 “(b) POINT OF SALE.—Each air carrier, foreign air
6 carrier, and ticket agent shall inform each consumer of
7 a carrier service, at the point of sale, that the consumer
8 can file a complaint about that service with the carrier
9 and with the Aviation Consumer Protection Division of the
10 Department of Transportation.”;

11 (3) by amending subsection (c), as redesign-
12 nated, to read as follows:

13 “(c) INTERNET WEB SITE OR OTHER ONLINE SERV-
14 ICE NOTICE.—Each air carrier and foreign air carrier
15 shall include on its Internet Web site, any related mobile
16 device application, and online service—

17 “(1) the hotline telephone number established
18 under subsection (a) or for the Aviation Consumer
19 Protection Division of the Department of Transpor-
20 tation;

21 “(2) an active link and the email address, tele-
22 phone number, and mailing address of the air car-
23 rier or foreign air carrier, as applicable, for a con-
24 sumer to submit a complaint to the carrier about the
25 quality of service;

1 “(3) notice that the consumer can file a com-
2 plaint with the Aviation Consumer Protection Divi-
3 sion of the Department of Transportation;

4 “(4) an active link to the Internet Web site of
5 the Aviation Consumer Protection Division of the
6 Department of Transportation for a consumer to file
7 a complaint; and

8 “(5) the active link described in paragraph (2)
9 on the same Internet Web site page as the active
10 link described in paragraph (4).”; and

11 (4) in subsection (d), as redesignated—

12 (A) in the matter preceding paragraph (1),
13 by striking “An air carrier or foreign air carrier
14 providing scheduled air transportation using
15 any aircraft that as originally designed has a
16 passenger capacity of 30 or more passenger
17 seats” and inserting “Each air carrier and for-
18 eign air carrier”;

19 (B) in paragraph (1), by striking “air car-
20 rier” and inserting “carrier”; and

21 (C) in paragraph (2), by striking “air car-
22 rier” and inserting “carrier”.

23 (b) RULEMAKING.—Not later than 1 year after the
24 date of enactment of this Act, the Secretary of Transpor-
25 tation shall promulgate regulations to implement the re-

1 quirements of section 42302 of title 49, United States
2 Code, as amended.

3 **SEC. 18. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
4 **TECTION INFORMATION.**

5 (a) INTERNET WEB SITE.—Not later than 180 days
6 after the date of enactment of this Act, the Secretary of
7 Transportation shall—

8 (1) complete an evaluation of the aviation con-
9 sumer protection portion of the Department of
10 Transportation’s public Internet Web site to identify
11 any changes to the user interface that will improve
12 usability, accessibility, consumer satisfaction, and
13 Web site performance;

14 (2) in completing the evaluation under para-
15 graph (1)—

16 (A) consider the best practices of other
17 Federal agencies with effective Web sites; and

18 (B) consult with the Federal Web Man-
19 agers Council;

20 (3) develop a plan, including an implementation
21 timeline, for—

22 (A) making the changes identified under
23 paragraph (1); and

1 (B) making any necessary changes to that
2 portion of the Web site that will enable a con-
3 sumer—

4 (i) to access information regarding
5 each complaint filed with the Aviation Con-
6 sumer Protection Division of the Depart-
7 ment of Transportation;

8 (ii) to search the complaints described
9 in clause (i) by the name of the air carrier
10 and the type of complaint; and

11 (iii) to determine the date a complaint
12 was filed and the date a complaint was re-
13 solved; and

14 (4) submit the evaluation and plan to the ap-
15 propriate committees of Congress.

16 (b) MOBILE APPLICATION SOFTWARE.—Not later
17 than 1 year after the date of enactment of this Act, the
18 Secretary of Transportation shall—

19 (1) implement a program to develop application
20 software for wireless devices that will enable a user
21 to access information and perform activities related
22 to aviation consumer protection, such as—

23 (A) information regarding airline pas-
24 senger protections, including protections related
25 to lost baggage and baggage fees, disclosure of

1 additional fees, bumping, and tarmac delays;
2 and

3 (B) file an aviation consumer complaint,
4 including a safety and security, airline service,
5 disability and discrimination, or privacy com-
6 plaint, with the Aviation Consumer Protection
7 Division of the Department of Transportation;
8 and

9 (2) make the application software available to
10 the public at no cost.

11 **SEC. 19. STUDY ON IN CABIN WHEELCHAIR RESTRAINT SYS-**
12 **TEMS.**

13 Not later than 2 years after the date of the enact-
14 ment of this Act, the Architectural and Transportation
15 Barriers Compliance Board, in consultation with the Sec-
16 retary of Transportation, shall conduct a study to deter-
17 mine the ways in which particular individuals with signifi-
18 cant disabilities who use wheelchairs, including power
19 wheelchairs, can be accommodated through in cabin wheel-
20 chair restraint systems.

21 **SEC. 20. TRAINING POLICIES REGARDING ASSISTANCE FOR**
22 **PERSONS WITH DISABILITIES.**

23 (a) IN GENERAL.—Not later than 270 days after the
24 date of enactment of this Act, the Comptroller General

1 of the United States shall submit to Congress a report
2 describing—

3 (1) each air carrier’s training policy for its per-
4 sonnel and contractors regarding assistance for per-
5 sons with disabilities, as required by Department of
6 Transportation regulations;

7 (2) any variations among the air carriers in the
8 policies described in paragraph (1);

9 (3) how the training policies are implemented to
10 meet the Department of Transportation regulations;

11 (4) how frequently an air carrier must train
12 new employees and contractors due to turnover in
13 positions that require such training;

14 (5) how frequently, in the prior 10 years, the
15 Department of Transportation has requested, after
16 reviewing a training policy, that an air carrier take
17 corrective action; and

18 (6) the action taken by an air carrier under
19 paragraph (5).

20 (b) BEST PRACTICES.—After the date the report is
21 submitted under subsection (a), the Secretary of Trans-
22 portation, based on the findings of the report, shall de-
23 velop and disseminate to air carriers such best practices
24 as the Secretary considers necessary to improve the train-
25 ing policies.

1 **SEC. 21. ADVISORY COMMITTEE ON THE AIR TRAVEL**
2 **NEEDS OF PASSENGERS WITH DISABILITIES.**

3 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
4 tation shall establish an advisory committee for the air
5 travel needs of passengers with disabilities (referred to in
6 this section as the “Advisory Committee”).

7 (b) **DUTIES.**—The Advisory Committee shall advise
8 the Secretary with regard to the implementation of the
9 Air Carrier Access Act of 1986 (Public Law 99–435; 100
10 Stat. 1080), including—

11 (1) assessing the disability-related access bar-
12 riers encountered by passengers with disabilities;

13 (2) determining the extent to which the pro-
14 grams and activities of the Department of Transpor-
15 tation are addressing the barriers described in para-
16 graph (1);

17 (3) recommending improvements to the air
18 travel experience of passengers with disabilities; and

19 (4) such activities as the Secretary considers
20 necessary to carry out this section.

21 (c) **MEMBERSHIP.**—

22 (1) **IN GENERAL.**—The Advisory Committee
23 shall be comprised of at least 1 representative of
24 each of the following groups:

25 (A) Passengers with disabilities.

26 (B) National disability organizations.

1 (C) Air carriers.

2 (D) Airport operators.

3 (E) Contractor service providers.

4 (2) APPOINTMENT.—The Secretary of Trans-
5 portation shall appoint each member of the Advisory
6 Committee.

7 (3) VACANCIES.—A vacancy in the Advisory
8 Committee shall be filled in the manner in which the
9 original appointment was made.

10 (d) CHAIRPERSON.—The Secretary of Transportation
11 shall designate, from among the members appointed under
12 subsection (c), an individual to serve as chairperson of the
13 Advisory Committee.

14 (e) TRAVEL EXPENSES.—Members of the advisory
15 committee shall serve without pay, but shall receive travel
16 expenses, including per diem in lieu of subsistence, in ac-
17 cordance with subchapter I of chapter 57 of title 5, United
18 States Code.

19 (f) REPORTS.—

20 (1) IN GENERAL.—Not later than February 1
21 of each year, the Advisory Committee shall submit
22 to the Secretary of Transportation a report on the
23 needs of passengers with disabilities in air travel, in-
24 cluding—

1 (A) an assessment of disability-related ac-
2 cess barriers, both those that were evident in
3 the preceding year and those that will likely be
4 an issue in the next 5 years;

5 (B) an evaluation of the extent to which
6 the Department of Transportation's programs
7 and activities are eliminating disability-related
8 access barriers;

9 (C) a description of the Advisory Commit-
10 tee's actions during the prior calendar year;

11 (D) a description of activities that the Ad-
12 visory Committee proposed to undertake in the
13 succeeding calendar year; and

14 (E) any recommendations for legislation,
15 administrative action, or other action that the
16 Advisory Committee considers appropriate.

17 (2) REPORT TO CONGRESS.—Not later than 60
18 days after the date the Secretary receives the report
19 under subparagraph (A), the Secretary shall submit
20 to Congress a copy of the report, including any addi-
21 tional findings or recommendations that the Sec-
22 retary considers appropriate.

23 (g) TERMINATION.—The Advisory Committee shall
24 terminate 2 years after the date of enactment of this Act.

1 **SEC. 22. REPORT ON COVERED AIR CARRIER CHANGE AND**
2 **CANCELLATION FEES.**

3 (a) IN GENERAL.—The Comptroller General of the
4 United States shall conduct a study of existing airline in-
5 dustry change and cancellation fees and the current indus-
6 try practice for handling changes to or cancellation of
7 ticketed travel on covered air carriers.

8 (b) CONSIDERATIONS.—In conducting the study, the
9 Comptroller General shall consider, at a minimum—

10 (1) whether and how each covered air carrier
11 calculates its change fees and cancellation fees; and

12 (2) the relationship between the cost of the
13 ticket and the date of change or cancellation as com-
14 pared to the date of travel.

15 (c) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Comptroller General shall
17 submit to the appropriate committees of Congress a report
18 on the study, including the Comptroller General's findings,
19 conclusions, and recommendations.

20 **SEC. 23. ENFORCEMENT OF AVIATION CONSUMER PROTEC-**
21 **TION RULES.**

22 (a) IN GENERAL.—The Comptroller General of the
23 United States shall conduct a study to consider and evalu-
24 ate Department of Transportation enforcement of aviation
25 consumer protection rules.

1 (b) CONTENTS.—The study under subsection (a)
 2 shall include an evaluation of—

- 3 (1) available enforcement mechanisms;
- 4 (2) any obstacles to enforcement; and
- 5 (3) trends in Department of Transportation en-
 6 forcement actions.

7 (c) REPORT.—Not later than 1 year after the date
 8 of enactment of this Act, the Comptroller General shall
 9 submit to the appropriate committees of Congress a report
 10 on the study, including the Comptroller General’s findings,
 11 conclusions, and recommendations.

12 **SEC. 24. REGULATIONS RELATING TO SPACE FOR PAS-**
 13 **SENGERS ON AIRCRAFT.**

14 (a) MORATORIUM ON REDUCTIONS TO AIRCRAFT
 15 SEAT SIZE.—Not later than 30 days after the date of the
 16 enactment of this Act, the Administrator of the Federal
 17 Aviation Administration shall prohibit any air carrier from
 18 reducing the size, width, padding, or pitch of seats on pas-
 19 senger aircraft operated by the air carrier, the amount of
 20 leg room per seat on such aircraft, or the width of aisles
 21 on such aircraft.

22 (b) REGULATIONS RELATING TO SPACE FOR PAS-
 23 SENGERS ON AIRCRAFT.—Not later than 180 days after
 24 the date of the enactment of this Act, the Administrator
 25 shall prescribe regulations—

1 (1) establishing minimum standards for space
2 for passengers on passenger aircraft, including the
3 size, width, padding, and pitch of seats, the amount
4 of leg room per seat, and the width of aisles on such
5 aircraft for the safety, health, and comfort of pas-
6 sengers; and

7 (2) requiring each air carrier to prominently
8 display on the Web site of the air carrier the amount
9 of space available for each passenger on passenger
10 aircraft operated by the air carrier, including the
11 size, width, padding, and pitch of seats, the amount
12 of leg room per seat, and the width of aisles on such
13 aircraft.

14 (c) CONSULTATIONS.—In prescribing the regulations
15 required by subsection (b), the Administrator shall consult
16 with the Occupational Safety and Health Administration,
17 the Centers for Disease Control and Prevention, passenger
18 advocacy organizations, physicians, and ergonomic engi-
19 neers.

20 (d) END OF MORATORIUM.—Subsection (a) shall
21 cease to be effective on the effective date of the regulations
22 prescribed under subsection (b).

23 (e) AIR CARRIER DEFINED.—In this section, the
24 term “air carrier” means an air carrier (as defined in sec-
25 tion 40102 of title 49, United States Code) that trans-

- 1 ports passengers by aircraft as a common carrier for com-
- 2 pensation.

