

115TH CONGRESS  
1ST SESSION

# H. R. 3260

To provide passengers in air transportation with certain rights.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2017

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

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## A BILL

To provide passengers in air transportation with certain rights.

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 Passenger Pro-  
5       tection Act of 2017”.

6       **SEC. 2. PHYSICAL STANDARDS.**

7       (a) SEAT SIZE.—Not later than 180 days after the  
8       date of enactment of this Act, the Secretary of Transpor-  
9       tation shall issue a final rule regarding the minimum  
10      standards and specifications for an air carrier and foreign  
11      air carrier that addresses the required seat width, pad-

ding, reclining, pitch, leg room, aisle width, safety and health regarding such seats, in consultation with the Occupational Safety and Health Administration (in this section referred to as “OSHA”), the Centers for Disease Control and Prevention (in this section referred to as the “CDC”), passenger advocacy groups, disabled and senior citizen groups, and representatives of air carriers.

(b) BATHROOM SIZE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue a final rule regarding the minimum standards and specifications for an air carrier and foreign air carrier that addresses the required bathroom dimensions, door size, toilet size, safety and health for the bathroom, in consultation with OSHA, the CDC, passenger advocacy groups, disabled and senior citizens, and representatives of air carriers.

**SEC. 3. PASSENGER PROTECTIONS.**

(a) SPECIFIC RIGHTS.—

(1) DAMAGED OR INOPERABLE AMENITIES.—

The Secretary of Transportation shall require that an air carrier and foreign air carrier refund, not later than 30 days after a scheduled flight, up to 10 percent of the ticket cost to a passenger whose in-air amenities (televisions, headphones, wireless internet access) are broken or do not work as promised,

1 and to refund the full cost of any in-air purchase  
2 (entertainment, wireless internet) that is not re-  
3 ceived or does not work.

4 (2) DELAY AND CANCELLATION HONESTY.—

5 The Secretary shall fine an air carrier and foreign  
6 air carrier \$1,000 per passenger for a cancellation  
7 or delay based on false or dishonest claims of force  
8 majeure by such a carrier.

9 (3) DELAYS NOT CAUSED BY FORCE  
10 MAJEURE.—The Secretary shall require an air car-  
11 rier and foreign air carrier to provide a passenger  
12 whose flight is delayed by 3 or more hours, for rea-  
13 sons not considered force majeure, a replacement  
14 ticket on another air carrier to the same destination  
15 that departs not later than 24 hours after the origi-  
16 nal departure time. If such a ticket is unavailable,  
17 an air carrier or foreign air carrier shall either re-  
18 fund the cost of the ticket price or provide a replace-  
19 ment ticket departing more than 24 hours after the  
20 original departure time, whichever is more satisfac-  
21 tory to a passenger.

22 (4) ECONOMIC DELAYS OR CANCELLATIONS.—

23 The Secretary shall require an air carrier and for-  
24 eign air carrier to notify passengers at least 3 hours  
25 in advance if a flight is to be delayed or cancelled

1 for economic reasons, and to provide a ticket refund  
2 and, if desired, alternate transportation to a pas-  
3 senger whose flight is cancelled for such reasons.

4 (5) FEES.—An air carrier and foreign air car-  
5 rier shall provide that fees—

6 (A) not included in airfare are conspicu-  
7 ously disclosed in advance of a ticket purchase;  
8 and

9 (B) not included in an airfare may not be  
10 exorbitant, defined as in excess of 200 percent  
11 above the cost to the airline of providing the  
12 service or benefit in question.

13 (6) FREQUENT FLIER PROGRAMS.—The Sec-  
14 retary shall require an air carrier to report basic  
15 statistics on its frequent flier programs, to permit  
16 passengers to evaluate objectively the benefits of  
17 each such program, and to inform passengers at  
18 least 12 months in advance before a reduction or de-  
19 valuation of benefits.

20 (7) HOTLINE.—Notwithstanding any other pro-  
21 vision of law, 10 percent of fines paid to the Govern-  
22 ment by an air carrier and foreign air carrier for  
23 any violation of a regulation of the Department of  
24 Transportation or the Federal Aviation Administra-  
25 tion shall be available to maintain the consumer

1 complaint hotline (established under section 42302  
2 of title 49, United States Code), and to develop and  
3 implement a passenger claims arbitration system.  
4 Any complaint to the Department or the Transpor-  
5 tation Security Administration shall be acknowl-  
6 edged not later than 24 hours after submitting the  
7 complaint, the alleged offending agency shall re-  
8 spond not later than 30 days after notification, and  
9 the passenger in question shall receive a response  
10 not later than 60 days after submitting the com-  
11 plaint.

12 (8) LOST, DAMAGED OR STOLEN BAGGAGE.—  
13 The Secretary shall require an air carrier and for-  
14 eign air carrier to comply with the Uniform Un-  
15 claimed Property Act, and provide that proceeds col-  
16 lected from the sale of lost, unclaimed baggage be  
17 used to cover the cost of future baggage disputes.  
18 The Secretary shall also require that an air carrier  
19 and foreign air carrier offer excess value insurance  
20 for lost or damaged baggage.

21 (9) NOTIFICATION OF RIGHTS AND FEES.—The  
22 Secretary shall require an air carrier and foreign air  
23 carrier to inform customers in plain language, in  
24 writing and in prominent locations on its website, of  
25 their rights, liabilities, and obligations under their

1        respective contract of carriage, including the re-  
2        course available to them in the event of a cancella-  
3        tion, delay, damaged baggage, and other potential  
4        difficulties.

5            (10) RECIPROCITY.—The Secretary shall rein-  
6        state the reciprocity rule (commonly known as Rule  
7        240) to affirm that a passenger on a flight that is  
8        cancelled or a flight delayed 3 or more hours may  
9        use the ticket on another airline with available seat-  
10       ing to fly to the same or nearby destination.

11           (11) STRENGTHENED TARMAC PROTECTIONS.—  
12        The Secretary shall fine an air carrier and foreign  
13        air carrier \$1,000 per passenger for any violation of  
14        Federal policy with respect to tarmac delays, includ-  
15        ing the requirements that an air carrier permit pas-  
16        sengers to deplane after more than 3 hours spent on  
17        the tarmac, and that an air carrier provide adequate  
18        food, potable water, and operable lavatories to pas-  
19        sengers 2 hours after the aircraft is delayed on the  
20        tarmac.

21           (b) DEFINITIONS.—In this Act, the following defini-  
22       tions apply:

23            (1) SECRETARY.—The term “Secretary” means  
24        the Secretary of Transportation.

1           (2) FORCE MAJEURE.—The term “force  
 2       majeure” means any event arising from causes be-  
 3       yond the control of the air carrier, including Acts of  
 4       God (such as fire, severe weather, or natural disas-  
 5       ters), unanticipated acts of people (such as war or  
 6       strike), and unforeseeable breakage or accident to  
 7       aircraft or equipment. The term does not include to  
 8       a lack of personnel, a lack of airworthy aircraft or  
 9       supplies, increased cost or expense of operation  
 10      (whether anticipated or unanticipated), or any other  
 11      condition reasonably within the control of an air car-  
 12      rier or foreign air carrier.

13      (c) AMENDMENT TO TITLE 49.—

14           (1) AMENDMENT.—Chapter 401 of title 49,  
 15      United States Code, is amended by adding at the  
 16      end the following:

17      **“§ 40131. Equipment and personnel reserves**

18           “(a) RESERVE EQUIPMENT AND STAFFING.—Not  
 19      later than 180 days after the date of enactment of the  
 20      Airline Passenger Protection Act of 2017, the Secretary  
 21      of Transportation shall require an air carrier and foreign  
 22      air carrier to develop and implement reserve staffing and  
 23      equipment plans that optimize the carrier’s ability to pro-  
 24      vide quality service, defined as fewer than 2 percent of  
 25      flights cancelled for causes reasonably within the control

1 of the carrier, and fewer than 15 percent of flights delayed  
2 for causes reasonably within the control of the carrier.

3 “(b) GUIDELINES AND REPORTING REQUIRE-  
4 MENTS.—Not later than 180 days after the date of enact-  
5 ment of the Airline Passenger Protection Act of 2017, the  
6 Secretary shall establish guidelines for an air carrier and  
7 foreign air carrier to report cancellation and on-time per-  
8 formance statistics to the FAA on an annual basis, begin-  
9 ning 360 days after the date of enactment of this Act.

10 “(c) FAILURE TO COMPLY.—The Secretary shall fine  
11 an air carrier and foreign air carrier if the Secretary de-  
12 termines that such air carrier or foreign air carrier fails  
13 to comply with the requirements of this section and such  
14 failure was caused by the carrier’s failure to develop, im-  
15 plement, or abide by the terms of its reserve staffing and  
16 equipment plan.”.

17 (2) CLERICAL AMENDMENT.—The analysis of  
18 chapter 401 of title 49, United States Code, is  
19 amended by adding at the end the following:

“40131. Equipment and personnel reserves.”.

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