AMENDMENT TO H.R. 4
OFFERED BY MR. LIPINSKI OF ILLINOIS

Add at the end of title V of the bill, the following:

SEC. 5. INTERLINING.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule requiring an air carrier to seek, in the event of a delay exceeding 3 hours, cancellation, or misconnection as a result of circumstances or an event within an air carrier’s control, as determined by the Secretary of Transportation, alternative transportation for displaced passengers, including aboard another air carrier capable of transporting the passenger to his or her originally scheduled destination, and to accept, for a reasonable fee, the passengers of another air carrier who have been displaced by circumstances or an event within that air carrier’s control, as determined by the Secretary of Transportation, or if the passenger has been involuntarily denied boarding due to a lack of available seats.

SEC. 5. IMPROVED ACCOMMODATION OF DISPLACED PASSENGERS.

Not later than 1 year after the enactment of this Act, the Secretary of Transportation shall modify part 259 of
title 14, Code of Federal Regulations to include the fol-
lowing:

(1) ADOPTION OF PLAN.—Each covered carrier
shall adopt a contingency plan for lengthy terminal
delays for its scheduled flights at each large hub air-
port, medium hub airport, small hub airport and
non-hub airport in the United States at which it op-
erates or markets such air transportation service
and shall adhere to its plan’s terms.

(2) CONTENTS OF PLAN.—Each contingency
plan for any delay, cancellation, or misconnection,
affecting a passenger who has been involuntarily de-
nied boarding as a result of circumstances or an
event within an air carrier’s control, as determined
by the Administration of the Federal Aviation Ad-
ministration (except in the case in which the flight
crew determines that a passenger poses a danger to
the safety of the flight), shall include, at a min-
imum, the following:

(A) ESSENTIAL NEEDS.—An air carrier
shall ensure that essential needs, including
food, water, restroom facilities, and assistance
in the case of a medical emergency are met. If
the only available seating on the carrier’s next
flight to the passenger’s destination is a higher
class of service than purchased, the carrier shall
transport the passenger on the flight at no ad-
ditional cost.

(B) MEAL VOUCHER.—In the case of a
delay exceeding 4 hours, the air carrier shall
provide a meal voucher or, if at the request of
the passenger, cash equivalent to the value of a
meal voucher. An air carrier shall not be liable
to reimburse the passenger for expenses related
to meals if the passenger did not accepted such
compensation when offered.

(C) LODGING, TRANSPORTATION, AND
OTHER VOUCHERS.—

(i) IN GENERAL.—In the case of a
delay, cancellation, or misconnection as a
result of circumstances or an event within
an air carrier’s control, as determined by
the Secretary of Transportation, of which
any portion exceeding 2 hours occurs be-
tween the period of time between 10 p.m.
and 3 a.m., local time, of the following
day, and with no guarantee of reaccommo-
dation aboard another flight to the pas-
senger’s destination within the following 2
hours after the initial 2-hour delay, an air
carrier shall provide the passenger with lodging, transportation to and from the airport to the place of lodging, and meal expenses. At the request of the passenger, the carrier shall alternatively compensate such passenger with the cash equivalent to the value of the lodging, meals, and transportation, or a voucher of equivalent value for future travel on the carrier.

(ii) LODGING UNAVAILABLE.—If lodging is unavailable, an carrier shall compensate a passenger with the cash equivalent to the value of the lodging, meals, and transportation, or, at the request of the passenger, a voucher of equivalent value for future travel on the carrier.

(iii) PROXIMITY TO RESIDENCE.—The provisions of clauses (i) and (ii) shall not apply to a passenger whose permanent residence is 60 miles or less from the airport where such delay, cancellation, or misconnection occurred.

(iv) FAILURE TO ACCEPT INITIAL COMPENSATION.—An air carrier shall not be liable to reimburse the passenger for ex-
penses related to meals if the passenger did not accept such compensation when offered.