

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

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

1 **SEC. 5** ____. **INTERLINING.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Secretary of Transportation shall issue a
4 final rule requiring an air carrier to seek, in the event
5 of a delay exceeding 3 hours, cancellation, or
6 misconnection as a result of circumstances or an event
7 within an air carrier's control, as determined by the Sec-
8 retary of Transportation, alternative transportation for
9 displaced passengers, including aboard another air carrier
10 capable of transporting the passenger to his or her origi-
11 nally scheduled destination, and to accept, for a reasonable
12 fee, the passengers of another air carrier who have been
13 displaced by circumstances or an event within that air car-
14 riers control, as determined by the Secretary of Transpor-
15 tation, or if the passenger has been involuntarily denied
16 boarding due to a lack of available seats.

17 **SEC. 5** ____. **IMPROVED ACCOMMODATION OF DISPLACED**
18 **PASSENGERS.**

19 Not later than 1 year after the enactment of this Act,
20 the Secretary of Transportation shall modify part 259 of

1 title 14, Code of Federal Regulations to include the fol-
2 lowing:

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

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

20 (A) ESSENTIAL NEEDS.—An air carrier
21 shall ensure that essential needs, including
22 food, water, restroom facilities, and assistance
23 in the case of a medical emergency are met. If
24 the only available seating on the carrier's next
25 flight to the passenger's destination is a higher

1 class of service than purchased, the carrier shall
2 transport the passenger on the flight at no ad-
3 ditional cost.

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

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

14 (i) IN GENERAL.—In the case of a
15 delay, cancellation, or misconnection as a
16 result of circumstances or an event within
17 an air carrier's control, as determined by
18 the Secretary of Transportation, of which
19 any portion exceeding 2 hours occurs be-
20 tween the period of time between 10 p.m.
21 and 3 a.m., local time, of the following
22 day, and with no guarantee of reaccommo-
23 dation aboard another flight to the pas-
24 senger's destination within the following 2
25 hours after the initial 2-hour delay, an air

1 carrier shall provide the passenger with
2 lodging, transportation to and from the
3 airport to the place of lodging, and meal
4 expenses. At the request of the passenger,
5 the carrier shall alternatively compensate
6 such passenger with the cash equivalent to
7 the value of the lodging, meals, and trans-
8 portation, or a voucher of equivalent value
9 for future travel on the carrier.

10 (ii) LODGING UNAVAILABLE.—If lodg-
11 ing is unavailable, an carrier shall com-
12 pensate a passenger with the cash equiva-
13 lent to the value of the lodging, meals, and
14 transportation, or, at the request of the
15 passenger, a voucher of equivalent value
16 for future travel on the carrier.

17 (iii) PROXIMITY TO RESIDENCE.—The
18 provisions of clauses (i) and (ii) shall not
19 apply to a passenger whose permanent res-
20 idence is 60 miles or less from the airport
21 where such delay, cancellation, or
22 misconnection occurred.

23 (iv) FAILURE TO ACCEPT INITIAL
24 COMPENSATION.—An air carrier shall not
25 be liable to reimburse the passenger for ex-

1 penses related to meals if the passenger
2 did not accept such compensation when of-
3 fered.

