

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 115-25**  
**OFFERED BY MR. THOMPSON OF CALIFORNIA**

Page 306, after line 10, insert the following:

1 **SEC. 5 \_\_\_\_ . PHYSICAL STANDARDS.**

2       (a) SEAT SIZE.—Not later than 180 days after the  
3 date of enactment of this Act, the Secretary of Transpor-  
4 tation shall issue a final rule regarding the minimum  
5 standards and specifications for an air carrier and foreign  
6 air carrier that addresses the required seat width, pad-  
7 ding, reclining, pitch, leg room, aisle width, safety and  
8 health regarding such seats, in consultation with the Occu-  
9 pational Safety and Health Administration (in this section  
10 referred to as “OSHA”), the Centers for Disease Control  
11 and Prevention (in this section referred to as the “CDC”),  
12 passenger advocacy groups, disabled and senior citizen  
13 groups, and representatives of air carriers.

14       (b) BATHROOM SIZE.—Not later than 180 days after  
15 the date of enactment of this Act, the Secretary shall issue  
16 a final rule regarding the minimum standards and speci-  
17 fications for an air carrier and foreign air carrier that ad-  
18 dresses the required bathroom dimensions, door size, toilet  
19 size, safety and health for the bathroom, in consultation

1 with OSHA, the CDC, passenger advocacy groups, dis-  
2 abled and senior citizens, and representatives of air car-  
3 riers.

4 **SEC. 2. PASSENGER PROTECTIONS.**

5 (a) SPECIFIC RIGHTS.—

6 (1) DAMAGED OR INOPERABLE AMENITIES.—

7 The Secretary of Transportation shall require that  
8 an air carrier and foreign air carrier refund, not  
9 later than 30 days after a scheduled flight, up to 10  
10 percent of the ticket cost to a passenger whose in-  
11 air amenities (televisions, headphones, wireless inter-  
12 net access) are broken or do not work as promised,  
13 and to refund the full cost of any in-air purchase  
14 (entertainment, wireless internet) that is not re-  
15 ceived or does not work.

16 (2) DELAY AND CANCELLATION HONESTY.—

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

21 (3) DELAYS NOT CAUSED BY FORCE

22 MAJEURE.—The Secretary shall require an air car-  
23 rier and foreign air carrier to provide a passenger  
24 whose flight is delayed by 3 or more hours, for rea-  
25 sons not considered force majeure, a replacement

1 ticket on another air carrier to the same destination  
2 that departs not later than 24 hours after the origi-  
3 nal departure time. If such a ticket is unavailable,  
4 an air carrier or foreign air carrier shall either re-  
5 fund the cost of the ticket price or provide a replace-  
6 ment ticket departing more than 24 hours after the  
7 original departure time, whichever is more satisfac-  
8 tory to a passenger.

9 (4) ECONOMIC DELAYS OR CANCELLATIONS.—

10 The Secretary shall require an air carrier and for-  
11 eign air carrier to notify passengers at least 3 hours  
12 in advance if a flight is to be delayed or cancelled  
13 for economic reasons, and to provide a ticket refund  
14 and, if desired, alternate transportation to a pas-  
15 senger whose flight is cancelled for such reasons.

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

18 (A) not included in airfare are conspicu-  
19 ously disclosed in advance of a ticket purchase;  
20 and

21 (B) not included in an airfare may not be  
22 exorbitant, defined as in excess of 200 percent  
23 above the cost to the airline of providing the  
24 service or benefit in question.

1           (6) FREQUENT FLIER PROGRAMS.—The Sec-  
2           retary shall require an air carrier to report basic  
3           statistics on its frequent flier programs, to permit  
4           passengers to evaluate objectively the benefits of  
5           each such program, and to inform passengers at  
6           least 12 months in advance before a reduction or de-  
7           valuation of benefits.

8           (7) HOTLINE.—Notwithstanding any other pro-  
9           vision of law, 10 percent of fines paid to the Govern-  
10          ment by an air carrier and foreign air carrier for  
11          any violation of a regulation of the Department of  
12          Transportation or the Federal Aviation Administra-  
13          tion shall be available to maintain the consumer  
14          complaint hotline (established under section 42302  
15          of title 49, United States Code), and to develop and  
16          implement a passenger claims arbitration system.  
17          Any complaint to the Department or the Transpor-  
18          tation Security Administration shall be acknowl-  
19          edged not later than 24 hours after submitting the  
20          complaint, the alleged offending agency shall re-  
21          spond not later than 30 days after notification, and  
22          the passenger in question shall receive a response  
23          not later than 60 days after submitting the com-  
24          plaint.

1 (8) LOST, DAMAGED OR STOLEN BAGGAGE.—

2 The Secretary shall require an air carrier and for-  
3 eign air carrier to comply with the Uniform Un-  
4 claimed Property Act, and provide that proceeds col-  
5 lected from the sale of lost, unclaimed baggage be  
6 used to cover the cost of future baggage disputes.

7 The Secretary shall also require that an air carrier  
8 and foreign air carrier offer excess value insurance  
9 for lost or damaged baggage.

10 (9) NOTIFICATION OF RIGHTS AND FEES.—The

11 Secretary shall require an air carrier and foreign air  
12 carrier to inform customers in plain language, in  
13 writing and in prominent locations on its website, of  
14 their rights, liabilities, and obligations under their  
15 respective contract of carriage, including the re-  
16 course available to them in the event of a cancella-  
17 tion, delay, damaged baggage, and other potential  
18 difficulties.

19 (10) RECIPROCITY.—The Secretary shall rein-

20 state the reciprocity rule (commonly known as Rule  
21 240) to affirm that a passenger on a flight that is  
22 cancelled or a flight delayed 3 or more hours may  
23 use the ticket on another airline with available seat-  
24 ing to fly to the same or nearby destination.

1           (11) STRENGTHENED TARMAC PROTECTIONS.—

2           The Secretary shall fine an air carrier and foreign  
3           air carrier \$1,000 per passenger for any violation of  
4           Federal policy with respect to tarmac delays, includ-  
5           ing the requirements that an air carrier permit pas-  
6           sengers to deplane after more than 3 hours spent on  
7           the tarmac, and that an air carrier provide adequate  
8           food, potable water, and operable lavatories to pas-  
9           sengers 2 hours after the aircraft is delayed on the  
10          tarmac.

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

13                 (1) SECRETARY.—The term “Secretary” means  
14                 the Secretary of Transportation.

15                 (2) FORCE MAJEURE.—The term “force  
16                 majeure” means any event arising from causes be-  
17                 yond the control of the air carrier, including Acts of  
18                 God (such as fire, severe weather, or natural disas-  
19                 ters), unanticipated acts of people (such as war or  
20                 strike), and unforeseeable breakage or accident to  
21                 aircraft or equipment. The term does not include to  
22                 a lack of personnel, a lack of airworthy aircraft or  
23                 supplies, increased cost or expense of operation  
24                 (whether anticipated or unanticipated), or any other

1 condition reasonably within the control of an air car-  
2 rier or foreign air carrier.

3 (c) AMENDMENT TO TITLE 49.—

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

7 **“§ 40131. Equipment and personnel reserves**

8 “(a) RESERVE EQUIPMENT AND STAFFING.—Not  
9 later than 180 days after the date of enactment of the  
10 Airline Passenger Protection Act of 2017, the Secretary  
11 of Transportation shall require an air carrier and foreign  
12 air carrier to develop and implement reserve staffing and  
13 equipment plans that optimize the carrier’s ability to pro-  
14 vide quality service, defined as fewer than 2 percent of  
15 flights cancelled for causes reasonably within the control  
16 of the carrier, and fewer than 15 percent of flights delayed  
17 for causes reasonably within the control of the carrier.

18 “(b) GUIDELINES AND REPORTING REQUIRE-  
19 MENTS.—Not later than 180 days after the date of enact-  
20 ment of the Airline Passenger Protection Act of 2017, the  
21 Secretary shall establish guidelines for an air carrier and  
22 foreign air carrier to report cancellation and on-time per-  
23 formance statistics to the FAA on an annual basis, begin-  
24 ning 360 days after the date of enactment of this Act.

1           “(c) FAILURE TO COMPLY.—The Secretary shall fine  
2 an air carrier and foreign air carrier if the Secretary de-  
3 termines that such air carrier or foreign air carrier fails  
4 to comply with the requirements of this section and such  
5 failure was caused by the carrier’s failure to develop, im-  
6 plement, or abide by the terms of its reserve staffing and  
7 equipment plan.”.

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

“40131. Equipment and personnel reserves.”.

