

115TH CONGRESS
1ST SESSION

H. R. 2804

To require the Secretary of Transportation to implement changes to improve air transportation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2017

Mr. LIPINSKI (for himself and Mr. JONES) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require the Secretary of Transportation to implement changes to improve air transportation, 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.**

4 This Act may be cited as the “Airline Consumer Pro-
5 tection Act of 2017”.

6 **SEC. 2. INTERLINING.**

7 Not later than 1 year after the date of enactment
8 of this Act, the Secretary of Transportation shall issue a
9 final rule requiring an air carrier to seek, in the event
10 of a delay exceeding 3 hours, cancellation, or misconnec-

1 tion as a result of circumstances or an event within an
2 air carrier's control, as determined by the Secretary of
3 Transportation, alternative transportation for displaced
4 passengers, including aboard another air carrier capable
5 of transporting the passenger to his or her originally
6 scheduled destination, and to accept, for a reasonable fee,
7 the passengers of another air carrier who have been dis-
8 placed by circumstances or an event within that air car-
9 riers control, as determined by the Secretary of Transpor-
10 tation, or if the passenger has been involuntarily denied
11 boarding due to a lack of available seats.

12 **SEC. 3. GAO STUDY.**

13 Not later than 1 year after the date of enactment
14 of this Act, the Comptroller General shall submit to the
15 Committee on Commerce, Science, and Transportation of
16 the Senate and the Committee on Transportation and In-
17 frastructure of the House of Representatives a report con-
18 taining a review of the following:

19 (1) The commonalities and differences of com-
20 puter network architecture used by air carriers oper-
21 ating under part 121 of title 14, Code of Federal
22 Regulations.

23 (2) Analysis of operationally critical functions,
24 including consideration of passenger-facing functions
25 such as reservation and notification systems, aircraft

1 dispatch functions and how information regarding
2 such functions and systems is transmitted to
3 outstations, maintenance monitoring and planning
4 systems, and crew scheduling systems.

5 (3) The impact of consolidated systems and
6 software that handle multiple critical functions.

7 (4) The most common causes of airline com-
8 puter network disruptions.

9 (5) Industry best practices to prevent, and miti-
10 gate the impacts of, network disruptions.

11 **SEC. 4. COMPUTER NETWORK RESILIENCY.**

12 (a) IN GENERAL.—Any schedule change resulting
13 from a computer network disruption, security breach, or
14 other inoperability, may be considered an event within an
15 air carrier's control as determined by the Secretary of
16 Transportation.

17 (b) COMPUTER NETWORK RESILIENCY WORKING
18 GROUP.—The Secretary of Transportation shall work
19 closely with the airline industry computer network resil-
20 iency working group established under section 5 to im-
21 prove computer networks for air carriers.

22 (c) FINAL RULE.—Not later than 1 year after the
23 enactment of this Act, the Secretary of Transportation
24 shall publish a final rule that requires an air carrier oper-
25 ating under part 121 of title 14, Code of Federal Regula-

1 tions, to submit to the Administrator of the Federal Avia-
2 tion Administration a plan detailing, at a minimum—

3 (1) the maintenance of computer network sys-
4 tems used to perform functions critical to the nor-
5 mal operation of the carrier;

6 (2) the carrier's plan for restoring full
7 functionality of such systems in the event of a serv-
8 ice disruption;

9 (3) the carrier's backup systems; and

10 (4) the level of service and amenities offered to
11 passengers whose flights are delayed or cancelled as
12 a result of a computer network disruption and how
13 the air carrier will comply with the plan require-
14 ments of section 6.

15 (d) PLAN DETAILS.—Not later than 1 year after the
16 establishment of the airline industry computer network re-
17 siliency working group under section 5, the contingency
18 plan referred to in subsection (c) shall be submitted to
19 the Administrator of the Federal Aviation Administration.
20 Notwithstanding section 552 of title 5, United States Code
21 (commonly known as the Freedom of Information Act),
22 such plan may not disclose to the public any plan specifics.
23 The air carrier shall make available a general outline of
24 the plan to the public.

1 **SEC. 5. AIRLINE INDUSTRY COMPUTER NETWORK RESIL-**
2 **IENCY WORKING GROUP.**

3 (a) ESTABLISHMENT.—Not later than 90 days after
4 the date of enactment of this Act, the Secretary of Trans-
5 portation shall establish the airline industry computer net-
6 work resiliency working group (referred to in this section
7 as “the working group”) to serve as subject matter experts
8 to the Secretary to foster collaboration and facilitate im-
9 provements in the resilience of computer networks used
10 by air carriers in carrying out functions critical to the
11 maintenance of regularly scheduled air transportation
12 service, and in the recovery of operations in the event of
13 network disruptions.

14 (b) OBJECTIVES.—Objectives of the working group
15 shall include efforts—

16 (1) to promote communication and coordination
17 regarding computer network architecture across the
18 airline industry;

19 (2) to promote engagement between industry
20 and government stakeholders regarding the develop-
21 ment of guidelines and best practices;

22 (3) to review past disruptions and lessons
23 learned; and

24 (4) to serve as the liaison between industry and
25 government representatives on research and develop-

1 ment and emerging technologies that enhance com-
2 puter network resiliency.

3 (c) MEMBERSHIP.—Membership on the working
4 group shall include representatives who have responsibility
5 for computer networks and their maintenance, including—

6 (1) at a minimum, Government representatives
7 of the Federal Aviation Administration and the De-
8 partment of Homeland Security; and

9 (2) voluntary participation of representatives
10 from the airline industry and their contractors and
11 suppliers.

12 (d) MEETINGS.—The working group shall meet not
13 less than twice each year and may convene for additional
14 meetings as needed. The group shall meet for a period
15 of not less than 2 years.

16 (e) REPORT.—The working group shall submit a re-
17 port to the Secretary of Transportation that establishes
18 voluntary guidelines for the resiliency of airline computer
19 networks that handle operationally critical functions, best
20 practices, and the conditions under which the working
21 group may need to periodically meet or reconvene.

22 **SEC. 6. IMPROVED ACCOMMODATION OF DISPLACED PAS-**
23 **SENGERS.**

24 Not later than 1 year after the enactment of this Act,
25 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 miscon-
22 nection 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.

4 **SEC. 7. AIRCRAFT FLIGHTS WITHOUT FUNCTIONING LAVA-**
5 **TORIES.**

6 (a) **LIMITATION ON CERTAIN AIRCRAFT FLIGHTS.**—
7 Chapter 417 of title 49, United States Code is amended
8 by adding the following:

9 **“§ 41725. Limitation on aircraft flights without func-**
10 **tioning lavatories**

11 “Not later than 90 days after the enactment of this
12 Act, the Secretary of Transportation shall issue regula-
13 tions to ensure that a passenger who has purchased a tick-
14 et in scheduled passenger interstate or intrastate air
15 transportation or in an aircraft in nonscheduled passenger
16 interstate or intrastate air transportation, shall not pay
17 any associated fee to select an alternative flight if it is
18 determined before departure that the lavatory is not func-
19 tioning.”.

20 (b) **CLERICAL AMENDMENT.**—The analysis for such
21 chapter is amended by adding at the end of the following:

“41725. Limitation on aircraft flights without functioning lavatories”.

○