119TH CONGRESS
2D SESSION

S. _____

To establish protections for passengers in air transportation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Mr. MARKEY, Mr. WHITEHOUSE, Mr. WYDEN, Mr. SANDERS, Mr. MERKLEY, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish protections for passengers in air transportation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Airline Passengers' Bill of Rights''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PASSENGER PROTECTIONS

Sec. 101. Rules regarding compensation provided to passengers.
Sec. 102. Minimum compensation provided to passengers involuntarily denied boarding.
Sec. 103. Delays and cancellations.
Sec. 104. Unfair and deceptive attribution of delays and cancellations to force majeure events.
Sec. 105. Interline agreements and protections.
Sec. 106. Protections relating to space for passengers on aircraft.
Sec. 107. Availability of lavatories on passenger aircraft.
Sec. 108. Availability of potable water on passenger aircraft.
Sec. 109. Training on rights of passengers.
Sec. 110. Report on quality and safety of food and water on passenger aircraft.
Sec. 111. Report on sufficiency of available flight crews and aircraft.

TITLE II—CONSUMER PROTECTIONS

Sec. 201. Protections relating to the imposition of fees that are not reasonable and proportional to the costs incurred.
Sec. 202. Protections relating to disclosure of flight information.
Sec. 203. Transparency in pricing of tickets in air transportation.
Sec. 204. Disclosure of lowest fares for air transportation.
Sec. 205. Frequent flyer programs fairness and transparency.
Sec. 206. Refunds for lost, damaged, delayed, or pilfered baggage.
Sec. 207. Passenger rights transparency.
Sec. 208. Private right of action against unfair and deceptive practices.
Sec. 209. Fairness and transparency in contracts of carriage.
Sec. 210. Private right of action for discrimination claims against air carriers.
Sec. 211. No preemption of consumer protection claims.
Sec. 212. Invalidation of pre-dispute arbitration and class-action waiver clauses in certain contracts relating to passenger air transportation.
Sec. 213. Consumer complaint process improvement.
Sec. 214. Codification of rule regarding price advertising and opt-out provisions.

TITLE III—PENALTIES FOR AIR CARRIERS

Sec. 301. Increase in civil penalty for violations of passenger protection laws.
Sec. 302. Report on imposition of civil penalties.
Sec. 303. Study of distribution of civil penalties to consumers.
Sec. 304. Prohibition on negotiation of reductions in civil penalties.

TITLE IV—COMPETITIVENESS OF AIR CARRIERS

Sec. 401. Analysis of air carrier mergers.

SEC. 2. DEFINITIONS.

Except as otherwise specifically provided, in this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.—The term ''Advisory Committee for Aviation Consumer Protection'' means the advisory committee established under section 411 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 note prec.).

(3) AIR CARRIER.—The term ''air carrier'' means an air carrier or foreign air carrier, as those terms are defined in section 40102 of title 49, United States Code.

(4) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102 of title 49, United States Code.

(5) ANCILLARY FEE.—The term ''ancillary fee'', with respect to a fee imposed by an air carrier, means any fee for an optional service, including any fee for a first or second checked bag or a carry-on bag, cancellation of an itinerary, changes in an itinerary, seat assignment, or advance boarding.

(6) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(7) PASSENGER AIR TRANSPORTATION.—The term ''passenger air transportation'' means, with respect to the transportation of passengers by aircraft as a common carrier for compensation, foreign air transportation, interstate air transportation, and intrastate air transportation, as such terms are defined in section 40102 of title 49, United States Code.

(8) PURCHASE.—The term ''purchase'', with respect to a ticket for travel in air transportation, means the purchase of a ticket using cash or credit or using miles awarded through the frequent flyer program of an air carrier.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(10) TICKET AGENT.—The term ''ticket agent'' has the meaning given that term in section 40102 of title 49, United States Code.

TITLE I—PASSENGER PROTECTIONS

SEC. 101. RULES REGARDING COMPENSATION PROVIDED TO PASSENGERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations—

(1) allowing an air carrier to offer compensation to a passenger to incentivize the passenger to relinquish the passenger's seat on a flight operated by the air carrier;

(2) prohibiting an air carrier from imposing a cap on the amount of compensation the air carrier can provide to a passenger in exchange for the passenger relinquishing a seat; and

(3) requiring an air carrier to provide any compensation provided to a passenger in exchange for the passenger relinquishing a seat in the form of cash.

SEC. 102. MINIMUM COMPENSATION PROVIDED TO PASSENGERS INVOLUNTARILY DENIED BOARDING.

Not later than 60 days after the date of enactment of this Act, the Secretary shall, notwithstanding section 425(e)(2) of the FAA Reauthorization Act of 2018, issue a final rule to revise part 250 of title 14, Code of Federal Regulations, to establish that $1,350 in cash is the minimum level of compensation an air carrier or foreign air carrier must pay to a passenger who is involuntarily denied boarding as the result of an oversold flight or because the air carrier has reassigned seats to nonrevenue pas-

sengers (as defined in section 158.3 of title 14, Code of Federal Regulations).

SEC. 103. DELAYS AND CANCELLATIONS.

Section 42305 of title 49, United States Code, is amended to read as follows:

"§ 42305. Refunds and other compensation for flight delays and cancellations

''(a) IN GENERAL.—

''(1) STANDARD CANCELLATIONS AND DELAYS.—In the case of a passenger that holds a ticket on a scheduled flight to, from, or within the United States, and such flight is delayed for a period greater than 1 hour or subject to a standard cancellation, an air carrier or a foreign air carrier shall—

''(A) subject to subsection (c), provide a full refund, including any taxes and ancillary fees, for the fare such carrier collected; and

''(B) find a seat for the passenger on another flight operated by such carrier, on a flight operated by another air carrier, or on an alternative means of transportation, at no additional expense to the passenger, at the earliest available opportunity, if the passenger so chooses.

"(2) SIGNIFICANTLY DELAYED OR CANCELLED FLIGHTS.—In the case of a passenger that holds a ticket on a scheduled flight to, from, or within the United States, and such flight is a significantly delayed or cancelled flight, in addition to the required refund and travel options described in paragraph (1), an air carrier or a foreign air carrier shall provide—

"(A) not less than $1,350 in cash compensation;

"(B) an amount equal to the cost of a meal; and

"(C) in the event such significantly delayed or cancelled flight results in an overnight delay or a rebooking on a flight with a scheduled departure date that is later than the originally scheduled departure date, an amount equal to the cost of hotel lodging.

"(b) TIMING OF REFUND AND CASH COMPENSATION.—Any refund or cash compensation required under subsection (a) shall be issued by the air carrier or foreign air carrier—

"(1) in the case of a ticket purchased with a credit card, not later than 7 business days after the originally scheduled departure date of the flight; or

''(2) in the case of a ticket purchased with cash or another form of payment, not later than 20 days after the originally scheduled departure date of the flight.

''(c) ALTERNATIVE TO REFUND.—An air carrier and a foreign air carrier may offer a voucher, credit, or other form of compensation as an explicit alternative to providing a refund required by subsection (a)(1)(A) but only if—

''(1) the offer includes a clear and conspicuous notice of—

''(A) the terms of the offer; and

''(B) the passenger's right to a full refund under this section;

''(2) the voucher, credit, or other form of compensation offered explicitly as an alternative to providing a refund required by subsection (a)(1)(A) remains valid and redeemable by the consumer for a period of at least 5 years from the date on which such voucher, credit, or other form of compensation is issued;

''(3) upon the issuance of such voucher, credit, or other form of compensation, an air carrier, foreign air carrier, or ticket agent, where applicable,

notifies the recipient of the expiration date of the voucher, credit, or other form of compensation; and

''(4) upon request by an individual who self-identifies as having a disability (as defined in section 382.3 of title 14, Code of Federal Regulations), an air carrier, foreign air carrier, or ticket agent provides a notification under paragraph (3) in an electronic format that is accessible to the recipient.

''(d) DEFINITIONS.—In this section:

''(1) SIGNIFICANTLY DELAYED OR CANCELLED FLIGHT.—The term 'significantly delayed or cancelled flight' includes, at a minimum, a flight of an air carrier or foreign air carrier—

''(A) that is delayed or cancelled for any reason within the control of the air carrier or foreign air carrier, including crew scheduling, routine maintenance, functioning of information technology systems, issues related to passenger service, issues related to baggage services, issues related to ground handling of aircraft, or other reasons as specified by the Administrator; and

''(B) where the passengers of such flight arrive at the destination airport—

''(i) in the case of a domestic flight, 3 or more hours after the originally scheduled arrival time; and

''(ii) in the case of an international flight, 6 or more hours after the originally scheduled arrival time.

''(2) STANDARD CANCELLATION.—The term 'standard cancellation', with respect to a flight of an air carrier or foreign air carrier, means that such flight is cancelled for any reason not within the control of the air carrier or foreign air carrier, as determined by the Administrator.

''(e) APPLICATION TO TICKET AGENTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Airline Passengers' Bill of Rights, the Secretary shall issue a final rule to apply refund requirements described in subsection (a)(1)(A) to ticket agents.

''(2) TRANSFER OF FUNDS.—In issuing the final rule under paragraph (1), the Secretary shall require air carriers and foreign air carriers to promptly transfer funds to a ticket agent if—

''(A) the Secretary has determined that the ticket agent is responsible for providing the refund; and

''(B) the ticket agent does not possess the funds of the passenger.

''(3) TIMING AND ALTERNATIVES.—A refund provided by a ticket agent shall comply with the requirements in subsections (b) and (c) of this section.

''(f) NOTIFICATION OF REFUND OR OTHER COMPENSATION.—An air carrier and a foreign air carrier shall update their passenger notification systems to ensure passengers owed a refund or other compensation under this section are notified of their right to receive such refund or other compensation.''.

SEC. 104. UNFAIR AND DECEPTIVE ATTRIBUTION OF DELAYS AND CANCELLATIONS TO FORCE MAJEURE EVENTS.

Section 41712 of title 49, United States Code, is amended by adding at the end the following:

''(d) ATTRIBUTION OF DELAYS AND CANCELLATIONS TO FORCE MAJEURE EVENTS.—It shall be an unfair or deceptive practice under subsection (a) for an air carrier or foreign air carrier to attribute the delay or cancellation of a flight operated by the carrier or by another air carrier or foreign air carrier with which the carrier has a codesharing or other joint marketing arrangement to a force majeure event unless the delay or cancellation is caused by an event not within the control of the air carrier

operating the flight, such as weather, an act of God, or a war or other hostilities.''.

SEC. 105. INTERLINE AGREEMENTS AND PROTECTIONS.

(a) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall prescribe regulations—

(1) to facilitate interline agreements and related practices between air carriers and providers of other modes of transportation; and

(2) to establish a complaint and remediation process through which parties may submit complaints and resolve disputes regarding the establishment and implementation of interline agreements.

(b) INTERLINE AGREEMENTS.—The regulations prescribed pursuant to subsection (a)(1) shall—

(1) include provisions to prevent air carriers and other transportation providers from significantly hindering or preventing willing air carriers or other transportation providers from entering into interline agreements or conducting related practices;

(2) require air carriers to explicitly notify passengers during irregular operations (such as significant delays, flight cancellations, or involuntary denied boardings) when they are eligible to be provided

transportation by another air carrier or a provider of another mode of transportation;

(3) after an eligible passenger is notified under paragraph (2), require air carriers to attempt to provide to the passenger transportation through another air carrier or a provider of another mode of transportation, upon the passenger's request, if the air carrier has an interline agreement with the other air carrier or transportation provider;

(4) prohibit air carriers and other transportation providers from unduly or improperly influencing the decision of a partner, subsidiary, or vendor to enter into an interline agreement, the terms or conditions of such an agreement, or related practices;

(5) account for operational records, seat availability, and capacity; and

(6) promote competition and the public interest.

(c) COMPLAINT AND REMEDIATION PROCESS.—The complaint and remediation processes established pursuant to subsection (a)(2) may provide for appropriate penalties and remedies for violations of an interline agreement.

SEC. 106. PROTECTIONS RELATING TO SPACE FOR PASSENGERS ON AIRCRAFT.

(a) MORATORIUM ON REDUCTIONS TO AIRCRAFT SEAT SIZE.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall prohibit any air carrier from reducing the size, width, or pitch of seats on passenger aircraft operated by the air carrier, the amount of leg room per seat on such aircraft, or the width of aisles on such aircraft.

(2) TERMINATION.—The prohibition under paragraph (1) shall terminate on the date on which the regulations required by subsection (b) take effect.

(b) REGULATIONS RELATING TO SPACE FOR PASSENGERS ON AIRCRAFT.—Not later than 1 year after the date of enactment of this Act, and after providing notice and an opportunity for comment, the Administrator shall issue regulations—

(1) establishing minimum dimensions for passenger seats on aircraft operated by air carriers in interstate air transportation or intrastate air transportation, including the size, width, and pitch of seats, the amount of leg room, and the width of

aisles on such aircraft for the safety and health of passengers; and

(2) requiring each air carrier to prominently display on a publicly available internet website of the air carrier the amount of space available for each passenger on passenger aircraft operated by the air carrier or by another air carrier with which the air carrier has a codesharing or other joint marketing arrangement, including the size, width, and pitch of seats, the amount of leg room, and the width of aisles on such aircraft.

(c) CONSULTATIONS.—In prescribing the regulations required under subsection (b), the Administrator shall consult with the Occupational Safety and Health Administration, the Centers for Disease Control and Prevention, passenger advocacy organizations, physicians, and ergonomic engineers.

(d) CONFORMING REPEAL.—Section 577 of the FAA Reauthorization Act of 2018 is repealed.

SEC. 107. AVAILABILITY OF LAVATORIES ON PASSENGER AIRCRAFT.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"§ 41730. Availability of lavatories on passenger aircraft

''(a) IN GENERAL.—Each air carrier and foreign air carrier shall ensure that each passenger aircraft operated by the air carrier or foreign air carrier maintains sufficient functional lavatories (as determined by the Secretary of Transportation) that—

''(1) are available for use, free of charge, any time passengers are on board the aircraft; and

''(2) can accommodate individuals with disabilities.

''(b) DISABILITY DEFINED.—In this section, the term 'disability' has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

''(c) REGULATIONS.—Not later than 180 days after the date of the enactment of the Airline Passengers' Bill of Rights, the Secretary of Transportation shall prescribe such regulations as are necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 of such title is amended by inserting after the item relating to section 41729 the following:

''41730. Availability of lavatories on passenger aircraft.''.

SEC. 108. AVAILABILITY OF POTABLE WATER ON PASSENGER AIRCRAFT.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, as amended by section 107(a), is amended by adding at the end the following:

"§ 41731. Availability of potable water on passenger aircraft

''(a) IN GENERAL.—Each air carrier and foreign air carrier shall ensure that potable water is available, free of charge, to passengers on board aircraft operated by the air carrier or foreign air carrier.

''(b) REGULATIONS.—Not later than 180 days after the date of the enactment of the Airline Passengers' Bill of Rights, the Secretary of Transportation shall prescribe such regulations as are necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 of such title, as amended by section 107(b), is amended by inserting after the item relating to section 41730 the following:

''41731. Availability of potable water on passenger aircraft.''.

SEC. 109. TRAINING ON RIGHTS OF PASSENGERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations requiring an air carrier to provide, not less frequently than every 180 days, training on the rights of passengers to

employees and representatives of the air carrier that directly interact with passengers, including ticket agents, gate agents, pilots, and flight attendants.

SEC. 110. REPORT ON QUALITY AND SAFETY OF FOOD AND WATER ON PASSENGER AIRCRAFT.

Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report assessing the quality and safety of food and potable water on passenger aircraft.

SEC. 111. REPORT ON SUFFICIENCY OF AVAILABLE FLIGHT CREWS AND AIRCRAFT.

Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report assessing—

(1) whether air carriers ensure that sufficient flight crews and aircraft are available for scheduled flights; and

(2) the extent to which not having sufficient flight crews and aircraft available affects arrival and departure times.

TITLE II—CONSUMER PROTECTIONS

SEC. 201. PROTECTIONS RELATING TO THE IMPOSITION OF FEES THAT ARE NOT REASONABLE AND PROPORTIONAL TO THE COSTS INCURRED.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall prescribe regulations—

(1) prohibiting an air carrier from imposing fees described in subsection (b) that are unreasonable or disproportional to the costs incurred by the air carrier; and

(2) establishing standards for assessing whether such fees are reasonable and proportional to the costs incurred by the air carrier.

(b) FEES DESCRIBED.—The fees described in this subsection are—

(1) any fee for a change or cancellation of a reservation for a flight in passenger air transportation;

(2) any fee relating to checked baggage or carry-on baggage to be transported on a flight in passenger air transportation;

(3) any fee relating to the choice or assignment of seats on a flight in passenger air transportation; and

(4) any other fee imposed by an air carrier relating to a flight in passenger air transportation.

(c) CONSIDERATIONS.—In establishing the standards required under subsection (a)(2), the Secretary shall consider—

(1) with respect to a fee described in subsection (b)(1) imposed by an air carrier for a change or cancellation of a flight reservation—

(A) any net benefit or cost to the air carrier from the change or cancellation, taking into consideration—

(i) the ability of the air carrier to anticipate the expected average number of cancellations and changes and make reservations accordingly;

(ii) the ability of the air carrier to fill a seat made available by a change or cancellation;

(iii) any difference in the fare likely to be paid for a ticket sold to another passenger for a seat made available by the change or cancellation, as compared to the

fare that was paid by the passenger for the seat for which the reservation was changed or canceled; and

(iv) the likelihood that the passenger changing or cancelling the reservation will, as a result, fill a seat on another flight by the same air carrier;

(B) the costs of processing the change or cancellation electronically; and

(C) any related labor costs;

(2) with respect to a fee described in subsection (b)(2) imposed by an air carrier relating to checked baggage—

(A) the costs of processing checked baggage electronically; and

(B) any related labor costs;

(3) with respect to a fee described in subsection (b)(3) imposed by an air carrier relating to the choice or assignment of seats on a flight in passenger air transportation, ensuring that a passenger traveling with children who are 13 years of age or younger are able to be seated with those children at no additional charge to the passenger traveling with such children or to any other passenger traveling on the flight involved; and

(4) any other considerations the Secretary considers appropriate.

(d) UPDATED REGULATIONS.—The Secretary shall update the standards required under subsection (a)(2) not less frequently than every 3 years.

SEC. 202. PROTECTIONS RELATING TO DISCLOSURE OF FLIGHT INFORMATION.

(a) PROHIBITION ON LIMITING ACCESS OF CONSUMER TO INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations prohibiting an air carrier from limiting the access of consumers to information relating to schedules, fares, fees, and taxes relating to flights in passenger air transportation.

(b) PROHIBITION ON WITHHOLDING INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations prohibiting an air carrier, through a global distribution system or otherwise, from withholding flight, fare, scheduling, availability, and other information published by air carriers from consumers and accredited third-party ticket sellers, such as online travel agents and metasearch engines that provide flight search tools.

SEC. 203. TRANSPARENCY IN PRICING OF TICKETS IN AIR TRANSPORTATION.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations requiring—

(1) air carriers to provide useable, current, and accurate information in a user-friendly, accessible form, with respect to fares, applicable mandatory taxes and fees, and ancillary airline fees to ticket agents, online travel agents, and metasearch engines that provide flight search tools;

(2) air carriers to allow consumers to purchase tickets and pay for applicable mandatory taxes and fees and ancillary airline fees through ticket agents, online travel agents, and metasearch engines that provide flight search tools;

(3) air carriers, ticket agents, online travel agents, and metasearch engines that provide flight search tools to disclose all applicable mandatory taxes and fees and any ancillary airline fees charged by an air carrier with respect to a fare that are applicable to the services identified by the purchaser, at any point at which the fare is shown in whole or in part; and

(4) air carriers, ticket agents, online travel agents, and metasearch engines that provide flight

search tools, in any telephonic communication with a prospective consumer in the United States regarding the cost of air transportation, to inform the consumer of all applicable mandatory taxes and fees and any ancillary airline fees charged by an air carrier in relation to the air transportation and associated services requested by the consumer, at any point at which the cost of the air transportation is disclosed in whole or in part.

SEC. 204. DISCLOSURE OF LOWEST FARES FOR AIR TRANSPORTATION.

(a) IN GENERAL.—Section 41712(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) the lowest available fare options for the flight and for each flight segment of the flight, if applicable.''.

(b) REGULATIONS.—The Secretary, in consultation with the Administrator, shall prescribe such regulations as may be necessary to carry out section 41712(c)(1)(C)

of title 49, United States Code, as added by subsection (a)(3).

SEC. 205. FREQUENT FLYER PROGRAMS FAIRNESS AND TRANSPARENCY.

(a) IN GENERAL.—Section 41712(c) of title 49, United States Code, is amended by adding at the end the following:

''(3) FREQUENT FLYER PROGRAMS.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier or foreign air carrier that offers a frequent flyer program—

''(A) to materially change the terms or conditions of the frequent flyer program without providing reasonable notice to consumers; or

''(B) to unfairly reduce or eliminate benefits earned by members of the frequent flyer program.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator, shall prescribe such regulations as may be necessary to carry out section 41712(c)(3) of title 49, United States Code, as added by subsection (a).

(2) CONSIDERATIONS.—In prescribing the regulations required under paragraph (1), the Secretary shall—

(A) take into consideration—

(i) the significance of the change to the frequent flyer program's terms and conditions; and

(ii) the amount of time between the notification provided to a consumer and the date on which the change takes effect; and

(B) require each air carrier that offers a frequent flyer program to disclose, in a standardized format, when offering or enrolling consumers into the program, accurate information regarding the program's rules, including—

(i) the rate at which credits are earned;

(ii) the minimum number of credits earned per flight;

(iii) the number of credits needed for each award;

(iv) any applicable deadlines for redeeming credits;

(v) any restrictions on the transferability of earned credit and awards;

(vi) other conditions and limitations of the program;

(vii) the percentage of successful redemptions; and

(viii) frequent flyer seats made available in the top origin and destination markets.

SEC. 206. REFUNDS FOR LOST, DAMAGED, DELAYED, OR PILFERED BAGGAGE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations requiring an air carrier—

(1) to promptly provide an automatic refund to a passenger in the amount of any ancillary fee charged by the air carrier for checked baggage if the passenger's checked baggage arrives damaged; and

(2) to provide notification to a passenger who is impacted by lost, damaged, delayed, or pilfered baggage, through the passenger's chosen method of communication, of the procedure by which the passenger shall obtain a refund and the amount of the refund.

(b) INCLUSION IN CONTRACT OF CARRIAGE.—An air carrier shall include the requirements under subsection (a) in the air carrier's contract of carriage.

SEC. 207. PASSENGER RIGHTS TRANSPARENCY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe regulations requiring air carriers to notify passengers of their rights and eligibility for refunds, compensation, and protections required by law, including by an air carrier's contract of carriage, or otherwise available to passengers.

(b) REQUIREMENTS.—In prescribing the regulations under subsection (a), the Secretary shall require air carriers—

(1) to promptly and expressly notify eligible passengers and the public of their eligibility for refunds, compensation, and protections not later than 30 minutes after the air carrier becomes aware that such passengers have become eligible for such refunds, compensation, and protections;

(2) if such air carriers permit passengers and other interested persons to subscribe to flight status notification services—

(A) to deliver refunds, compensation, and protection notifications to subscribers to such

services, by whatever means the air carrier offers that the subscriber chooses; and

(B) to incorporate commitments with respect to such services into their customer service plans;

(3) to continuously display information and eligibility requirements for refunds, compensation, and protections, including refunds, compensation, and protections relating to—

(A) denied boarding and delays and cancellations (including on international flights); and

(B) lost, damaged, or delayed luggage; and

(4) to prominently display passengers' rights and contact information for the Department of Transportation's consumer complaint system on boarding passes, computer-generated boarding passes, and ticketed itineraries, and at boarding gates and ticket counters.

SEC. 208. PRIVATE RIGHT OF ACTION AGAINST UNFAIR AND DECEPTIVE PRACTICES.

Section 41712 of title 49, United States Code, as amended by section 104, is amended by adding at the end the following:

''(e) PRIVATE RIGHT OF ACTION.—

''(1) IN GENERAL.—Any individual who purchases a ticket for air transportation and is aggrieved by an action prohibited under this section may file a civil action for damages and injunctive relief in an appropriate district court of the United States or a State court located in the State in which—

''(A) the unlawful action is alleged to have been committed;

''(B) the aggrieved individual resides; or

''(C) the air carrier, foreign air carrier, ticket agent, or other person alleged to have committed the unlawful action is headquartered.

''(2) ENFORCEMENT BY A STATE.—The attorney general of any State, as parens patriae, may bring a civil action to enforce the provisions of this section in—

''(A) any district court of the United States in that State; or

''(B) any State court that is located in that State and has jurisdiction over the defendant.''.

SEC. 209. FAIRNESS AND TRANSPARENCY IN CONTRACTS OF CARRIAGE.

(a) IN GENERAL.—Section 41727(a) of title 49, United States Code, is amended by adding at the end the following:

''(7) Family seating policies, including seating policies for children under the age of 2.

''(8) Interline agreements and protections.

''(9) Such other terms and conditions as the Secretary considers appropriate.''.

(b) RESUBMISSION.—Not later than 90 days after the date of enactment of this Act, the Secretary shall require each air carrier to—

(1) resubmit the summarized 1-page document described in such section 41727(a) to take into account the amendment made by subsection (a); and

(2) make available such revised document in a prominent location on its website pursuant to subsection (b) of such section 41727.

SEC. 210. PRIVATE RIGHT OF ACTION FOR DISCRIMINATION CLAIMS AGAINST AIR CARRIERS.

Section 41705 of title 49, United States Code, is amended by adding at the end the following:

''(d) CIVIL ACTION.—

''(1) IN GENERAL.—Any individual who purchases a ticket for air transportation and is ag-

grieved by a violation by an air carrier of this section or a regulation prescribed under this section may, not later than 2 years after the date of the violation, bring a civil action in an appropriate district court of the United States.

''(2) RELIEF.—In a civil action brought under paragraph (1) in which the plaintiff prevails—

''(A) the plaintiff may obtain equitable and legal relief, including compensatory and punitive damages; and

''(B) the court shall award reasonable attorney's fees, reasonable expert fees, and the costs of the action to the plaintiff.

''(3) NO REQUIREMENT FOR EXHAUSTION OF REMEDIES.—An individual described in paragraph (1) is not required to exhaust administrative complaint procedures before filing a civil action under paragraph (1).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to invalidate or limit other Federal or State laws affording to people with disabilities greater legal rights or protections than those granted in this section.''.

SEC. 211. NO PREEMPTION OF CONSUMER PROTECTION CLAIMS.

Section 41713(b)(4) of title 49, United States Code, is amended by adding at the end the following:

"(D) NO PREEMPTION OF CONSUMER PROTECTION CLAIMS.—Nothing in subparagraphs (A) through (C) may be construed—

"(i) to preempt, displace, or supplant any action for civil damages or injunctive relief based on a State consumer protection statute; or

"(ii) to restrict the authority of any government entity, including an attorney general of a State, from bringing a legal claim on behalf of the citizens of the State.".

SEC. 212. INVALIDATION OF PRE-DISPUTE ARBITRATION AND CLASS-ACTION WAIVER CLAUSES IN CERTAIN CONTRACTS RELATING TO PASSENGER AIR TRANSPORTATION.

(a) ARBITRATION.—Notwithstanding any other provision of law, arbitration may be used to settle a controversy arising from or relating to a provision of a contract described in subsection (c) only if, after the controversy arises, all parties to the controversy consent in writing to use arbitration to settle the controversy.

(b) CLASS ACTIONS.—Notwithstanding any other provision of law, an agreement waiving the right of a person to bring, or otherwise prohibiting a person from bringing, a claim regarding a dispute relating to a provision of a contract described in subsection (c) as a class action that had not arisen before the date on which the agreement is executed shall not be enforceable and shall have no force or effect.

(c) CONTRACTS DESCRIBED.—A contract described in this subsection is a contract—

(1) for the purchase of a ticket for passenger air transportation;

(2) setting forth the terms of a reward program of an air carrier; or

(3) setting forth the terms under which an air carrier will provide a credit product.

(d) APPLICABILITY.—Subsections (a) and (b) shall apply with respect to contracts entered into or renewed on or after the date of the enactment of this Act.

(e) DEFINITIONS.—In this section:

(1) CREDIT PRODUCT.—

(A) IN GENERAL.—The term ''credit product'' means a plan offered by, or in partnership with, an air carrier—

(i) under which the creditor reasonably contemplates repeated transactions;

(ii) that prescribes the terms of such transactions; and

(iii) that provides for a finance charge that may be computed from time to time on the outstanding unpaid balance.

(B) INCLUSION.—A credit plan or open-end consumer credit plan that is a credit product within the meaning of subparagraph (A) is a credit product even if credit information is verified from time to time.

(2) PASSENGER AIR TRANSPORTATION.—The term ''passenger air transportation'' means the transportation of passengers and their property by aircraft.

(3) REWARD PROGRAM.—The term ''reward program'' means any reward program offered by an air carrier, including a frequent flyer program, under which a consumer earns mileage or other credits from the air carrier that can be exchanged for goods, services, or other benefits.

SEC. 213. CONSUMER COMPLAINT PROCESS IMPROVEMENT.

(a) IN GENERAL.—Section 42302 of title 49, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

''(b) INTERNET WEBSITE OR OTHER ONLINE SERVICE NOTICE.—Each air carrier and foreign air carrier shall include on a publicly available internet website, any related mobile device application, and online service—

''(1) the telephone number for the Aviation Consumer Protection Division of the Department of Transportation;

''(2) an active link and the email address, telephone number, and mailing address of the air carrier or foreign air carrier, as applicable, for a consumer to submit a complaint to the carrier about the quality of service;

''(3) notice that the consumer can file a complaint with the Aviation Consumer Protection Division of the Department of Transportation;

''(4) an active link to the internet website of the Aviation Consumer Protection Division of the Department of Transportation for a consumer to file a complaint; and

''(5) the active link described in paragraph (2) on the same internet website page as the active link described in paragraph (4).''; and

(2) by adding at the end the following new subsections:

''(e) POINT OF SALE.—Each air carrier, foreign air carrier, and ticket agent shall inform each consumer of a carrier service, at the point of sale, that the consumer can file a complaint about that service with the carrier and with the Aviation Consumer Protection Division of the Department of Transportation.

''(f) REPORTING REQUIREMENT.—Upon receipt of any complaint, an air carrier shall send the content of the complaint to the Aviation Consumer Protection Division of the Department of Transportation.''.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to implement the requirements of section 42302 of title 49, United States Code, as amended by subsection (a).

SEC. 214. CODIFICATION OF RULE REGARDING PRICE ADVERTISING AND OPT-OUT PROVISIONS.

(a) CODIFICATION.—Section 399.84 of title 14, Code of Federal Regulations, as in effect on October 1, 2026, shall have the force and effect of law.

(b) ADDRESSING NEW TECHNOLOGIES AND NOVEL UNFAIR OR DECEPTIVE PRACTICES.—Subsection (a) shall not be construed as prohibiting the Secretary from issuing any regulation relating to the rule described in subsection (a) to address new technologies or novel unfair or deceptive pricing practices.

(c) BRIEFING TO CONGRESS.—Prior to issuing any regulation described in subsection (b), the Secretary shall brief the appropriate committees of Congress regarding such regulation.

TITLE III—PENALTIES FOR AIR CARRIERS

SEC. 301. INCREASE IN CIVIL PENALTY FOR VIOLATIONS OF PASSENGER PROTECTION LAWS.

(a) IN GENERAL.—Section 46301(a) of title 49, United States Code, is amended by adding at the end the following:

''(9) VIOLATIONS OF PASSENGER PROTECTION LAWS.—The maximum civil penalty specified under paragraph (1) shall not apply with respect to a violation of a law relating to the treatment of passengers in air transportation.''.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall specify in regulations the provisions of law to which para-

graph (9) of section 46301(a) of title 49, United States Code, as added by subsection (a), applies.

SEC. 302. REPORT ON IMPOSITION OF CIVIL PENALTIES.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report—

(1) listing all complaints received from passengers alleging violations of passenger protection laws;

(2) identifying which of such complaints the Secretary investigated; and

(3) if the Secretary chose not to pursue the imposition of civil penalties with respect to such complaints, a description of the reasoning of the Secretary for doing so.

SEC. 303. STUDY OF DISTRIBUTION OF CIVIL PENALTIES TO CONSUMERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report—

(1) assessing the feasibility and advisability of distributing a civil penalty imposed on an air carrier for a violation of a law relating to the treatment of

passengers in air transportation to the passengers affected by the violation; and

(2) identifying any provisions of law that would need to be amended to permit such distributions.

(b) CONSULTATIONS.—The Secretary shall consult with consumer advocacy organizations and the Advisory Committee for Aviation Consumer Protection in developing the report required by subsection (a).

SEC. 304. PROHIBITION ON NEGOTIATION OF REDUCTIONS IN CIVIL PENALTIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations prohibiting an air carrier from negotiating with the Federal Aviation Administration for a reduction in a civil penalty imposed for a violation of a law relating to the treatment of passengers in air transportation.

TITLE IV—COMPETITIVENESS OF AIR CARRIERS

SEC. 401. ANALYSIS OF AIR CARRIER MERGERS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a post hoc analysis of the effect on the public interest and the state of competition and choice in the air transportation industry as a result of consolidation of air carriers that occurred on or after

January 1, 2000, and before the date of the enactment of this Act.

(b) CONSIDERATIONS.—In conducting the analysis required under subsection (a), the Comptroller General shall consider the extent to which—

(1) fares are reasonable and proportional to the costs of the services provided; and

(2) between January 1, 2000, and the date of the enactment of this Act—

(A) fares have changed;

(B) competition and consumer choice have changed;

(C) fees imposed by air carriers, including ancillary fees, have changed;

(D) configuration of routes has changed and the extent to which the availability of choices on those routes has changed;

(E) operational performance has improved;

(F) investment in aircraft, amenities, and workforce has changed; and

(G) the closure of airline hubs has had harmful effects on consumers and communities.