

119TH CONGRESS
1ST SESSION

S. _____

To require the Department of Transportation to require airlines to provide consumers experiencing significant flight disruptions or cancellations cash compensation, free rebooking, and reimbursement for amenities, such as meals, lodging for overnight delays, and transportation to and from lodging.

IN THE SENATE OF THE UNITED STATES

Mr. KELLY (for himself, Mr. BLUMENTHAL, Mr. MARKEY, Mr. GALLEGO, Ms. SMITH, Mr. WELCH, Ms. ALSOBROOKS, Mr. REED, Mr. VAN HOLLEN, Mr. BENNET, Mr. WYDEN, Mr. FETTERMAN, Ms. DUCKWORTH, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SANDERS, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require the Department of Transportation to require airlines to provide consumers experiencing significant flight disruptions or cancellations cash compensation, free rebooking, and reimbursement for amenities, such as meals, lodging for overnight delays, and transportation to and from lodging.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Flight Delay and Can-
3 cellation Compensation Act”.

4 **SEC. 2. FLIGHT DELAY AND CANCELLATION COMPENSA-**
5 **TION.**

6 (a) AVIATION RULEMAKING COMMITTEE.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the date of enactment of this section, the Adminis-
9 trator shall establish an Aviation Rulemaking Com-
10 mittee (in this section referred to as the “Com-
11 mittee”) to review and develop recommendations re-
12 garding the following:

13 (A) Implementation of the requirements of
14 section 512 of the FAA Reauthorization Act of
15 2024 (49 U.S.C. note prec. 42301), as amended
16 by subsection (e) of this section.

17 (B) Ensuring that air carriers and foreign
18 air carriers provide passengers with the fol-
19 lowing when a flight operated by such air car-
20 rier or a foreign air carrier is cancelled or sig-
21 nificantly delayed and such cancellation or
22 delay is directly attributable to such air carrier
23 or foreign air carrier:

24 (i) Cash compensation of—

1 (I) at least \$300 for a delay of
2 more than 3 hours but less than 6
3 hours; and

4 (II) at least \$600 for a delay of
5 6 hours or more.

6 (ii) Free rebooking.

7 (2) COMPOSITION.—The Committee shall con-
8 sist of members appointed by the Administrator, in-
9 cluding the following:

10 (A) Air carriers and foreign air carriers.

11 (B) Airport operators.

12 (C) Representatives of consumer protection
13 organizations.

14 (D) Representatives of the Office of the
15 Secretary of the Department of Transportation.

16 (E) Representatives of the Federal Trade
17 Commission.

18 (3) REPORT TO THE ADMINISTRATOR AND THE
19 SECRETARY.—Not later than 12 months after the
20 date of enactment of this section, the Committee
21 shall submit to the Administrator and the Secretary
22 a report detailing the consensus findings and rec-
23 ommendations of the Committee. Such report shall
24 include recommendations regarding each of the fol-
25 lowing:

1 (A) A requirement that air carriers and
2 foreign air carriers provide cash compensation
3 to passengers impacted by cancelled or signifi-
4 cantly delayed flights comparable to—

5 (i) the Canadian Transportation
6 Agency (CTA) Air Passenger Protection
7 Regulations, including a requirement that
8 the minimum cash compensation is \$300
9 for a delay of more than 3 hours but less
10 than 6 hours and \$600 for a delay of 6
11 hours or more; and

12 (ii) regulation (EC) No 261/2004 of
13 the European Parliament and of the Coun-
14 cil.

15 (B) A plan to implement the requirements
16 of Article 19 of the Convention for the Unifica-
17 tion of Certain Rules for International Carriage
18 by Air (Montreal Convention).

19 (C) A requirement that air carriers and
20 foreign air carriers cover the costs of amenities,
21 such as meals, lodging for overnight delays, and
22 transportation to and from lodging, when a
23 flight is cancelled or significantly delayed.

24 (D) A process for determining whether a
25 cancelled or significantly delayed flight is di-

1 rectly attributable to such air carrier or foreign
2 air carrier.

3 (E) The development of an educational
4 process to ensure that passengers receive the
5 correct information from the air carrier or for-
6 eign air carrier in a timely manner regarding
7 the compensation and reimbursement options
8 they are eligible to receive in the case of can-
9 celled or significantly delayed flights.

10 (F) How to ensure that the process for
11 passengers to receive cash compensation and re-
12 imbursement for amenities for cancelled or sig-
13 nificantly delayed flights is clear, simple,
14 straightforward, and prompt.

15 (G) How to ensure that the process for
16 passengers to receive cash compensation from
17 an air carrier or foreign air carrier for provable
18 direct or consequential damages resulting from
19 the disappearance of, damage to, or delay in de-
20 livery of a passenger's personal property, in-
21 cluding baggage, is clear, simple, straight-
22 forward, and prompt.

23 (H) Other recommendations determined
24 appropriate by the Committee.

25 (b) RULEMAKING.—

1 (1) NOTICE OF PROPOSED RULEMAKING.—Not
2 later than 90 days after the date on which the Com-
3 mittee submits the report under subsection (a)(3),
4 the Secretary, taking into account the recommenda-
5 tions of the Committee included in such report, shall
6 issue a notice of proposed rulemaking to imple-
7 ment—

8 (A) the requirements of section 512 of the
9 FAA Reauthorization Act of 2024 (49 U.S.C.
10 note prec. 42301), as amended by subsection
11 (e) of this section;

12 (B) the matter described in subsection
13 (a)(1)(B) of this section; and

14 (C) other recommendations of the Com-
15 mittee as determined appropriate by the Sec-
16 retary.

17 (2) APPLICATION OF INTERIM FINAL RULE
18 UNTIL EFFECTIVE DATE OF FINAL RULE.—

19 (A) IN GENERAL.—Not later than 18
20 months after the date of enactment of this Act,
21 the Secretary shall promulgate an interim final
22 rule that, at a minimum, includes the following
23 requirements when a flight operated by an air
24 carrier or a foreign air carrier is cancelled or
25 significantly delayed:

1 (i) The air carrier or foreign air car-
2 rier shall provide \$750 in cash compensa-
3 tion to any passenger impacted by such
4 cancellation or delay if such cancellation or
5 delay is directly attributable to such air
6 carrier or foreign air carrier.

7 (ii) The air carrier or foreign air car-
8 rier shall find a seat on another flight of-
9 fered by the same air carrier or foreign air
10 carrier or another air carrier or foreign air
11 carrier or on an alternative means of
12 transportation at no additional cost to the
13 passenger, at the earliest available oppor-
14 tunity, if the passenger so chooses, for any
15 passenger impacted by cancellation or
16 delay if such cancellation or delay is di-
17 rectly attributable to such air carrier or
18 foreign air carrier.

19 (iii) The air carrier or foreign air car-
20 rier shall provide a meal or meal credit to
21 any passenger impacted by such cancella-
22 tion or delay.

23 (iv) In the case of a passenger af-
24 fected by an overnight flight cancellation
25 or significantly delayed flight, the air car-

1 rier or foreign air carrier shall provide the
2 passenger with—

3 (I) each of the requirements de-
4 scribed in clauses (i), (ii), and (iii);

5 (II) complimentary hotel accom-
6 modations or reimbursement for lodg-
7 ing costs; and

8 (III) complimentary ground
9 transportation to and from the hotel.

10 (B) APPLICATION.—The interim final rule
11 promulgated under subparagraph (A) shall be
12 effective during the period beginning on the
13 date that is 2 years after the date of enactment
14 of this section and ending on the effective date
15 of the final rule described in paragraph (1).

16 (c) REPORTS TO CONGRESS.—Not later than 6
17 months after the date of enactment of this section, and
18 every 6 months thereafter until the Secretary promulgates
19 a final rule under subsection (b), the Secretary shall sub-
20 mit to the appropriate committees of Congress a report
21 on the status of the rulemaking under paragraphs (1) and
22 (2) of subsection (b), including the development of the re-
23 quirements for air carriers and foreign air carriers.

24 (d) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Aviation Administration.

4 (2) AIR CARRIER.—The term “air carrier” has
5 the meaning given such term in section 40102(a) of
6 title 49, United States Code.

7 (3) APPROPRIATE COMMITTEES OF CON-
8 GRESS.—The term “appropriate committees of Con-
9 gress” means—

10 (A) the Committee on Commerce, Science,
11 and Transportation of the Senate;

12 (B) the Committee on Appropriations of
13 the Senate;

14 (C) the Committee on Transportation and
15 Infrastructure of the House of Representatives;
16 and

17 (D) the Committee on Appropriations of
18 the House of Representatives.

19 (4) FOREIGN AIR CARRIER.—The term “foreign
20 air carrier” has the meaning given such term in sec-
21 tion 40102(a) of title 49, United States Code.

22 (5) SIGNIFICANTLY DELAYED.—The term “sig-
23 nificantly delayed” has the meaning given such term
24 in section 512 of the FAA Reauthorization Act of
25 2024 (49 U.S.C. note prec. 42301).

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Transportation.

3 (e) CONFORMING AMENDMENT.—Section 512 of the
4 FAA Reauthorization Act of 2024 (49 U.S.C. note prec.
5 42301) is amended by striking subsection (c).

6 (f) CLARIFICATION.—For the purposes of imple-
7 menting this section and such section 512, the term “air
8 carrier” under such section 512 is deemed to include for-
9 eign air carriers.