1	"§ 42301. Emergency contingency plans
2	"(a) Submission of Air Carrier and Airport
3	Plans.—Not later than 90 days after the date of enact-
4	ment of this section, each of the following air carriers and
5	airport operators shall submit to the Secretary of Trans-
6	portation for review and approval an emergency contin-
7	gency plan in accordance with the requirements of this
8	section:
9	"(1) An air carrier providing covered air trans-
10	portation at a commercial airport.
11	"(2) An operator of a commercial airport.
12	"(3) An operator of an airport used by an air
13	carrier described in paragraph (1) for diversions.
14	"(b) AIR CARRIER PLANS.—
15	"(1) Plans for individual airports.—An
16	air carrier shall submit an emergency contingency
17	plan under subsection (a) for—
18	"(A) each airport at which the carrier pro-
19	vides covered air transportation; and
20	"(B) each airport at which the carrier has
21	flights for which the carrier has primary re-
22	sponsibility for inventory control.
23	"(2) Contents.—An emergency contingency
24	plan submitted by an air carrier for an airport under
25	subsection (a) shall contain a description of how the
26	carrier will—

1	"(A) provide adequate food, potable water,
2	restroom facilities, comfortable cabin tempera-
3	tures, and access to medical treatment for pas-
4	sengers onboard an aircraft at the airport when
5	the departure of a flight is delayed or the dis-
6	embarkation of passengers is delayed;
7	"(B) share facilities and make gates avail-
8	able at the airport in an emergency; and
9	"(C) allow passengers to deplane following
10	an excessive tarmac delay in accordance with
11	paragraph (3).
12	"(3) Deplaning following an excessive
13	TARMAC DELAY.—For purposes of paragraph (2)(C),
14	an emergency contingency plan submitted by an air
15	carrier under subsection (a) shall incorporate the
16	following requirements:
17	"(A) A passenger shall have the option to
18	deplane an aircraft and return to the airport
19	terminal when there is an excessive tarmac
20	delay.
21	"(B) The option described in subparagraph
22	(A) shall be offered to a passenger even if a
23	flight in covered air transportation is diverted
24	to a commercial airport other than the origi-
25	nally scheduled airport.

1	"(C) Notwithstanding the requirements de-
2	scribed in subparagraphs (A) and (B), a pas-
3	senger shall not have an option to deplane an
4	aircraft and return to the airport terminal in
5	the case of an excessive tarmac delay if—
6	"(i) an air traffic controller with au-
7	thority over the aircraft advises the pilot in
8	command that permitting a passenger to
9	deplane would significantly disrupt airport
10	operations; or
11	"(ii) the pilot in command determines
12	that permitting a passenger to deplane
13	would jeopardize passenger safety or secu-
14	rity.
15	"(c) Airport Plans.—An emergency contingency
16	plan submitted by an airport operator under subsection
17	(a) shall contain a description of how the operator, to the
18	maximum extent practicable, will—
19	"(1) provide for the deplanement of passengers
20	following excessive tarmac delays;
21	"(2) provide for the sharing of facilities and
22	make gates available at the airport in an emergency;
23	and
24	"(3) provide a sterile area following excessive
25	tarmac delays for passengers who have not yet

1	cleared United States Customs and Border Protec-
2	tion.
3	"(d) Updates.—
4	"(1) AIR CARRIERS.—An air carrier shall up-
5	date each emergency contingency plan submitted by
6	the carrier under subsection (a) every 3 years and
7	submit the update to the Secretary for review and
8	approval.
9	"(2) AIRPORTS.—An airport operator shall up-
10	date each emergency contingency plan submitted by
11	the operator under subsection (a) every 5 years and
12	submit the update to the Secretary for review and
13	approval.
14	"(e) Approval.—
15	"(1) In general.—Not later than 60 days
16	after the date of the receipt of an emergency contin-
17	gency plan submitted under subsection (a) or an up-
18	date submitted under subsection (d), the Secretary
19	shall review and approve or, if necessary, require
20	modifications to the plan or update to ensure that
21	the plan or update will effectively address emer-
22	gencies and provide for the health and safety of pas-
23	sengers.
24	"(2) Failure to approve or require modi-
25	FICATIONS.—If the Secretary fails to approve or re-

1	quire modifications to a plan or update under para-
2	graph (1) within the timeframe specified in that
3	paragraph, the plan or update shall be deemed to be
4	approved.
5	"(3) Adherence required.—An air carrier
6	or airport operator shall adhere to an emergency
7	contingency plan of the carrier or operator approved
8	under this section.
9	"(f) MINIMUM STANDARDS.—The Secretary shall es-
10	tablish, as necessary or desirable, minimum standards for
11	elements in an emergency contingency plan required to be
12	submitted under this section.
13	"(g) Public Access.—An air carrier or airport op-
14	erator required to submit an emergency contingency plan
15	under this section shall ensure public access to the plan
16	after its approval under this section on the Internet Web
17	site of the carrier or operator or by such other means as
18	determined by the Secretary.
19	"(h) Reports.—Not later than 30 days after any
20	flight experiences an excessive tarmac delay, the air car-
21	rier responsible for such flight shall submit a written de-
22	scription of the incident and its resolution to the Aviation
23	Consumer Protection Division of the Department of
24	Transportation.

1	"(i) Definitions.—In this section, the following
2	definitions apply:
3	"(1) COMMERCIAL AIRPORT.—The term 'com-
4	mercial airport' means a large hub, medium hub,
5	small hub, or nonhub airport.
6	"(2) COVERED AIR TRANSPORTATION.—The
7	term 'covered air transportation' means scheduled or
8	public charter passenger air transportation provided
9	by an air carrier that operates an aircraft that as
10	originally designed has a passenger capacity of 30 or
11	more seats.
12	"(3) Tarmac delay.—The term 'tarmac delay'
13	means the period during which passengers are on
14	board an aircraft on the tarmac—
15	"(A) awaiting takeoff after the aircraft
16	doors have been closed or after passengers have
17	been boarded if the passengers have not been
18	advised they are free to deplane; or
19	"(B) awaiting deplaning after the aircraft
20	has landed.
21	"(4) Excessive tarmac delay.—The term
22	'excessive tarmac delay' means a tarmac delay that
23	lasts for a length of time, as determined by the Sec-
24	retary.