

A BILL

To amend title 49, United States Code, to provide for young children to be seated adjacent to an accompanying adult passenger on aircraft, and for other purposes.

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

1 **SECTION 1. SEATING YOUNG CHILDREN ADJACENT TO AN ACCOMPANYING**  
2 **ADULT PASSENGER.**

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

5 **“§41727. Seating young children adjacent to an accompanying adult on aircraft**

6 “(a) APPLICABILITY.—The requirements of this section apply for the purposes of  
7 each scheduled flight segment to or from any airport in the United States.

8 “(b) GENERAL REQUIREMENT.—

9 “(1) An air carrier or foreign air carrier that assigns seats, or allows  
10 individuals to select seats, in advance of the date of departure of a flight shall seat each  
11 young child adjacent to an accompanying adult, provided that adjacent seat assignments  
12 are available at any time after the ticket is issued for the young child and before the first  
13 passenger boards the flight and an exception in subsection (f) does not apply.

14 “(2) An air carrier or foreign air carrier that does not assign seats or allow  
15 individuals to select seats in advance of the date of departure shall board customers in a  
16 manner that ensures each young child is seated adjacent to an accompanying adult  
17 provided that an exception in subsection (f) does not apply.

18 “(3) An air carrier or foreign air carrier may not charge a fee or impose  
19 additional cost to seat a young child or children adjacent to an accompanying adult within  
20 the same class of service. Every class of service an air carrier or foreign air carrier offers  
21 must allow for seating of a young child or children adjacent to an accompanying adult.  
22 An air carrier or foreign air carrier may not limit the availability of adjacent seats in a  
23 manner that results in an undue burden on the ability of a young child to receive an  
24 advance seat assignment adjacent to an accompanying adult.

25 “(c) ADDITIONAL REQUIREMENTS FOR ADVANCE SEATING.—

1                   “(1) An air carrier or foreign air carrier that allows individuals to select seats  
2 or that assigns seats at the time of booking a flight, shall provide, no later than 48 hours  
3 after the issuance of the ticket for each young child—

4                   “(A) a seat assignment for the young child adjacent to the seat  
5 assignment of an accompanying adult for each flight segment of the ticket at  
6 no additional cost, provided that adjacent seat assignments are available and  
7 an exception in subsection (f) does not apply; or

8                   “(B) an accompanying adult the choice between the options  
9 described in clauses (i) and (ii) of this subparagraph (B), if adjacent seat  
10 assignments are not available as described in subparagraph (A) and an  
11 exception in subsection (f) does not apply —

12                   “(i) a full refund of the cost of the tickets for the young  
13 child and an accompanying adult as well as any other person on the  
14 same reservation; or

15                   “(ii) waiting for adjacent seat assignments to be provided  
16 by the carrier.

17                   “(C) The carrier must provide the accompanying adult a minimum  
18 of seven days from the date of notification of the choice described in  
19 subparagraph (B) to make a selection between the options described in clauses  
20 (i) and (ii).

21                   “(2) In the event an accompanying adult chooses paragraph (1)(B)(ii) and  
22 adjacent seat assignments for the child and an accompanying adult on any ticketed flight  
23 segment do not become available before the first passenger boards the flight, the air  
24 carrier or foreign air carrier shall, at the choice of an accompanying adult—

25                   “(A) rebook the young child and an accompanying adult as well  
26 as any other person on the same reservation on the next available flight at no  
27 additional cost; or

28                   “(B) transport the young child and an accompanying adult on  
29 their original ticketed flight segment in seats that are not adjacent, when seats  
30 on the aircraft are available.

1 “(d) ADDITIONAL REQUIREMENTS TO MITIGATE PASSENGER HARM IN  
2 EVENT OF VIOLATION. —An air carrier or foreign air carrier that violates subsection (b) or  
3 (c) shall, at the choice of an accompanying adult—

4 “(1) rebook the young child and an accompanying adult as well as any other  
5 person on the same reservation on the next available flight at no additional cost;

6 “(2) provide a full refund of the cost of the tickets for the young child and an  
7 accompanying adult as well as any other person on the same reservation, and, if the  
8 young child and an accompanying adult as well as any other person on the same  
9 reservation are at a connecting airport provide return air transportation for the young  
10 child and an accompanying adult and other persons on the same reservation to their  
11 origination airport at no additional cost; or

12 “(3) transport the young child and an accompanying adult on their original  
13 ticketed flight segment in seats that are not adjacent, when seats on the aircraft are  
14 available.

15 “(e) VIOLATION. —An air carrier or foreign air carrier that violates a requirement of  
16 this section is subject to civil penalties as set forth in section 46301 of this Part and other  
17 applicable remedies under this Part.

18 “(f) EXCEPTIONS. Subsections (b) and (c) shall not apply to the extent that—

19 “(1) the young child does not have an accompanying adult;

20 “(2) an accompanying adult selects a seat apart from the young child or  
21 declines to accept a seat assignment or a seat that is adjacent to the seat assignment or  
22 seat of the young child offered without additional cost by the air carrier or foreign air  
23 carrier;

24 “(3) the number of children traveling in the same party make it impossible for  
25 the airline to seat all the children adjacent to an accompanying adult based on the seat  
26 layout of the aircraft;

27 or

28 “(4) an exception to subsection (b) or (c) deemed appropriate by final rule of  
29 the Secretary applies.

30 “(g) DEFINITIONS.—For purposes of this section, the following definitions apply —

1                   “(1) ‘accompanying adult’ means an individual age 14 or over on the date of  
2 the scheduled departure who is on the same reservation record as a young child.

3                   “(2) ‘adjacent’ means next to in the same row of the aircraft and not separated  
4 by an aisle.

5                   “(3) ‘available,’ when used in connection with seats or seat assignments,  
6 means capable of assignment by the carrier without an upgrade of a young child or an  
7 accompanying adult to a different class of service than ticketed and without displacing  
8 an individual with an assigned seat.

9                   “(4) ‘class of service’ means first class, business class, general economy  
10 (including basic economy), or premium economy.

11                   “(5) ‘no additional cost’ means no added charge for the seat beyond the fare.

12                   “(6) ‘young child’ means an individual age 13 or under on the date of  
13 scheduled departure.

14                   “(h) REGULATIONS.—The Secretary may issue regulations to implement this  
15 section, including regulations that amend the definitions in paragraph (g).

16                   “(i) EFFECTIVE DATE.—This section shall take effect on the date that is 180 days  
17 after the date of the enactment of the [name of Act].”.

18                   (b) CLERICAL AMENDMENT. —The analysis of Chapter 417 of title 49, United States  
19 Code, is amended by inserting after the item relating to section 41726 the following:

20 “41727. Seating young children adjacent to an accompanying adult on aircraft.”.

21                   (c) REPEAL OF FAA EXTENSION, SAFETY, AND SECURITY ACT OF 2016  
22 FAMILY SEATING PROVISION.— Section 2309 of the FAA Extension, Safety, and Security  
23 Act of 2016 (49 U.S.C. 42301 note prec.) is repealed.

## **Sectional Analysis**

This section would repeal section 2309 of the FAA Extension, Safety, and Security Act of 2016 and replace it with a self-effectuating provision imposing requirements on U.S. and foreign airlines to seat children age 13 and under (young child) adjacent to an individual age 14 or older on the same reservation as the child (accompanying adult), when seats are available to the airline. This section would also require an airline to mitigate passenger harm when the airline does not comply with the section's requirements. These provisions would be codified in chapter 417 of title 49, United States Code.

Subsection (a) would apply the requirements of this section, described below, to each scheduled flight segment to or from any airport in the United States.

Subsection (b) would require U.S. and foreign airlines that assign seats to passengers to seat each child age 13 or under adjacent to an accompanying adult at no additional cost provided that adjacent seat assignments are capable of assignment by the carrier after the ticket is issued and before boarding and an exception does not apply, such as the reservation for the young child does not also include a person age 14 or older. For an airline that does not assign passengers seats (i.e., uses an open seating method), the airline must board customers in a manner that assures each young child is seated adjacent to an accompanying adult at no additional cost.

Subsection (c) would require an airline that assigns seats to passengers at booking to provide adjacent seat assignments for the young child with an accompanying adult within 48 hours of issuance of a ticket for the young child provided that adjacent seats are available without upgrading the child or an accompanying adult or displacing a passenger with a reserved seat and an exception does not apply. If adjacent seat assignments are not available, the airline must provide an accompanying adult at least seven days to choose between receiving a refund or waiting for adjacent seats to become available before boarding and provided by the airline in accordance with subsection (b). A passenger may choose to wait for adjacent seats as airlines often block a certain number of seats to assign closer to a flight's departure for various reasons (e.g., passengers with special needs). Should adjacent seats not become available before boarding, the airline must provide an accompanying adult the choice to rebook the young child and an accompanying adult on the next available flight at no additional cost or to take their original flight without adjacent seats, when seats on the aircraft are available.

Subsection (d) would mitigate passenger harm in the event an airline violates the general requirement to provide adjacent seating in subsection (b) or fails to carry out the requirements in subsection (c). Specifically, this subsection would require the airline to provide an accompanying adult the choice of rebooking for the young child and an accompanying adult as well as any other person on the same reservation, a full refund of the cost of the tickets for the young child and an accompanying adult as well as any other person on the same reservation, or to continue their original transportation.

Subsection (e) would apply the Department's civil penalty provision at 49 U.S.C. 46301 to violations of this section.

Subsection (f), would provide exceptions to the preceding requirements in subsections (b) and (c) for reasons when it is not reasonable to expect an airline to seat a young child adjacent to an accompanying adult, including: 1) when there is no adult on the reservation with a young child; 2) the party selects seats apart at booking or declines to accept adjacent seating; 3) the number of children traveling make it impossible for each child to sit next to an accompanying adult; and, 4) any other exception later issued through DOT regulations.

Subsection (g) would define key terms used in the section, including accompanying adult (individual age 14 or older on the same reservation as a young child), adjacent (directly next to), available (capable of assignment without upgrading or dislocating a passenger), class of service (first class, business class, generally economy (including basic economy), or premium economy), no additional cost (no added charge beyond fare), and young child (individual age 13 or under years of age).

Subsection (h) would authorize the Department to issue regulations to implement the new section, including regulations amending the definitions of the terms in subsection (g).

Subsection (i) would delay the effective date of all requirements of this section to apply 180 days after enactment.