

# United States Senate

June 7, 2023

Senator Maria Cantwell  
Chair  
Senate Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, D.C. 20510

Senator Ted Cruz  
Ranking Member  
Senate Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, D.C. 20510

Dear Chair Cantwell and Ranking Member Cruz,

We write to convey our support for the attached legislative text, which prohibits airlines from charging fees for parents to sit with their children on flights. Airlines should never be allowed to force parents to choose between paying more and being separated from their kids. In extreme circumstances, parents have found themselves assigned seats many rows away from their very young children — a serious safety risk for those kids and an injustice to those families. This practice must end. The 2023 reauthorization of the Federal Aviation Administration (FAA) provides an important opportunity to support families by banning these fees. We therefore urge you to include the attached legislation in the 2023 FAA reauthorization bill.

Sincerely,



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Edward J. Markey  
United States Senator



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JD Vance  
United States Senator

## SEC. \_\_. SEATING YOUNG CHILDREN ADJACENT TO AN ACCOMPANYING ADULT PASSENGER.

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

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

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

“(b) Rules for Assigned Seats.—Subject to subsection (f), in the case of an air carrier or a foreign air carrier that assigns seats, or allows individuals to select seat assignments, in advance of the date of departure of a flight, the following rules shall apply:

“(1) If adjacent seat assignments are available at the time a young child and an accompanying adult book their tickets on the flight, the air carrier or foreign air carrier shall—

“(A) if the accompanying adult selects seat assignments for the accompanying adult and the young child, provide the accompanying adult and the young child with the option to book a seat assignment for the young child adjacent to the seat assignment of the accompanying adult for each flight segment of the ticket at no additional cost beyond the fare; or

“(B) if the air carrier or foreign air carrier assigns seats, provide a seat assignment for the young child adjacent to the seat assignment of an accompanying adult for each flight segment of the ticket at no additional cost beyond the fare.

“(2) If adjacent seat assignments are not available at the time a young child and an accompanying adult book their tickets on the flight, the air carrier or foreign air carrier shall provide the accompanying adult a period of not less than 7 days to choose either—

“(A) a full refund for the fare, including any ancillary fees paid for optional services, for the young child and the accompanying adult, as well as any other individual on the same reservation; or

“(B) the right to wait for adjacent seat assignments to be provided by the carrier.

“(3) If the accompanying adult chooses the option described in paragraph (2)(B) or fails to make any choice between the options described in subparagraph (A) and (B) of paragraph (2) and adjacent seat assignments for the young child and the accompanying adult on a ticketed flight segment become available before the first passenger boards the flight, the air carrier or foreign air carrier shall provide a seat assignment for the young child adjacent to the seat assignment of an accompanying adult for each flight segment of the ticket at no additional cost beyond the fare.

“(4) If the accompanying adult chooses the option described in paragraph (2)(B) and adjacent seat assignments for the young child and the accompanying adult on a ticketed flight segment do not become available before the first passenger boards the flight, the air

carrier or foreign air carrier shall request that another passenger voluntarily switch to a different seat to allow the young child and the accompanying adult to sit in adjacent seats, including by, if necessary, offering compensation of up to \$100, to a passenger to voluntarily switch seats.

“(5) If no passenger agrees to voluntarily switch seats, even after the air carrier or foreign air carrier offers compensation as required under paragraph (4), the air carrier or foreign air carrier shall, at the choice of the accompanying adult—

“(A) rebook the young child and the accompanying adult, as well as any other individual on the same reservation, on the next available flight where adjacent seats are available, including, if necessary, by rebooking the young child and accompanying adult on a different air carrier or foreign air carrier, at no additional cost beyond the fare;

“(B) provide a full refund of the fare, including any ancillary fees paid for optional services, for the young child and the accompanying adult, as well as any other individual on the same reservation; or

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

“(c) Rules for Unassigned Seats.—Subject to subsection (f), in the case of an air carrier or foreign air carrier that does not assign seats or allow individuals to select seat assignments in advance of the date of departure, the following rules shall apply:

“(1) If adjacent seats are available when the young child and the accompanying adult select seats after boarding the flight, the air carrier or foreign air carrier shall enable the young child and the accompanying adult to select adjacent seats at no additional cost beyond the fare.

“(2) If adjacent seats are not available when the young child and the accompanying adult select seats after boarding the flight, the air carrier or foreign air carrier shall request that another passenger voluntarily switch to a different seat to allow the young child and accompanying adult to sit in adjacent seats, including by, if necessary, offering compensation of up to \$100 to a passenger to voluntarily switch seats.

“(3) If no passenger agrees to voluntarily switch seats, even after the air carrier or foreign air carrier offers compensation as required under paragraph (1), the air carrier or foreign air carrier, shall, at the choice of an accompanying adult—

“(A) rebook the young child and the accompanying adult, as well as any other individual on the same reservation, on the next available flight where adjacent seats are available, including, if necessary, by rebooking the young child and accompanying adult on a different air carrier or foreign air carrier, at no additional cost beyond the fare;

“(B) provide a full refund of the fare, including any ancillary fees paid for optional services, for the young child and the accompanying adult, as well as any other individual on the same reservation; or

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

“(d) Other Requirements.—

“(1) IN GENERAL.—An air carrier or foreign air carrier may not charge a fee or impose an additional cost beyond the fare to seat a young child adjacent to an accompanying adult within the same class of service.

“(2) CLASS OF SERVICE REQUIREMENT.—Every class of service an air carrier or foreign air carrier offers shall allow for seating of a young child adjacent to an accompanying adult.

“(3) PROHIBITION ON AVAILABILITY LIMITS.—An air carrier or foreign air carrier may not limit the availability of adjacent seats in a manner that results in an undue burden on the ability of a young child to receive an advance seat assignment adjacent to an accompanying adult.

“(4) NONDISCRIMINATION.—If multiple traveling parties include an accompanying adult and a young child who are seeking, but have not yet received, adjacent seats or adjacent seat assignments, the air carrier or foreign air carrier, in determining which accompanying adult and young child receives adjacent seats or adjacent seat assignments if they become available, may not discriminate based on the number of young children in the family.

“(5) SAVINGS FROM REBOOKING.—If the accompanying adult chooses the option described in subsection(b)(5)(A) or subsection (c)(3)9A) and the fare, including any ancillary fees paid for optional services, on the flight in which the accompanying adult, young child, and any other individual on the same reservation are rebooked is less than the fare, including any ancillary fees paid for optional services, on the flight in which the accompanying adult, young child, and any other individual on the same reservation were originally booked, the air carrier or foreign air carrier shall refund the accompanying adult, young child, and any other individual on the same reservation the difference between the fares, including any ancillary fees paid for optional services, on those flights.

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

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

“(1) the young child does not have an accompanying adult traveling with such child;

“(2) an accompanying adult selects a seat assignment or seat apart from the young child or declines to accept a seat assignment or a seat that is adjacent to the seat assignment or seat of the young child offered at no additional cost beyond the fare by the air carrier or foreign air carrier;

“(3) the number of young children traveling in the same party is equal to or exceeds the number of adjacent seats in a row on the aircraft, making it impossible for the air carrier or foreign air carrier to seat all the young children adjacent to an accompanying adult based on the seat layout of the aircraft;

“(4) the young child is under the age of 2 and sharing a seat with an accompanying adult and a separate seat was not purchased for the child; or

“(5) the only available seats are exit seats (as defined in section 121.585 of title 14, Code of Federal Regulations (or a successor regulation)) or seat assignments are seat assignments

in exit seats (as defined in section 121.585 of such title 14 (or a successor regulation)).

“(g) Definitions.—In this section:

“(1) ACCOMPANYING ADULT.—The term ‘accompanying adult’ means, with respect to a young child, an individual who is—

“(A) 14 years of age or older on the date of the scheduled departure of the flight; and

“(B) on the same reservation record as the young child.

“(2) ADJACENT.—The term ‘adjacent’ means, with respect to the seat of a young child, a seat that is—

“(A) next to and in the same row of the aircraft as the seat of the young child; and

“(B) not separated by an aisle.

“(3) AVAILABLE.—The term ‘available’ when used in connection with—

“(A) seat assignments, means capable of assignment by the air carrier or foreign air carrier, including by, if necessary—

“(i) upgrading a young child, an accompanying adult, or a different passenger to a different class of service than ticketed; or

“(ii) displacing an individual with an assigned seat, provided such individual did not pay an additional cost beyond the fare for that seat assignment; and

“(B) seats, means, at the time when the young child and the accompanying adult select seats after boarding the flight, unoccupied by another passenger.

“(4) CLASS OF SERVICE.—The term ‘class of service’ has the meaning given that term in section 250.1 of title 14, Code of Federal Regulations (or a successor regulation).

“(5) FARE.—The term ‘fare’ has the meaning given that term in section 250.1 of title 14, Code of Federal Regulations (or a successor regulation).

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(7) YOUNG CHILD.—The term ‘young child’ means an individual who is 13 years of age or younger on the date of the scheduled departure of the flight.

“(h) Regulations.—The Secretary may issue regulations to implement this section, including regulations that amend the definitions in subsection (g).

“(i) Effective Date.—This section shall take effect on the date that is 180 days after the date of enactment of this section.”.

(b) Clerical Amendment.—The analysis of chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41726 the following:

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

(c) Repeal of FAA Extension, Safety, and Security Act of 2016 Family Seating Provision.—Section 2309 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 42301 note prec.) is repealed.