

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO HR 3935
OFFERED BY MR. KEAN OF NEW JERSEY**

At the end of title VIII, add the following:

1 **SEC. _____ . AIR STATISTIC REPORTS.**

2 Not later than 60 days after the date of the enact-
3 ment of this Act, the Secretary of Transportation shall
4 ensure that the Bureau of Transportation Statistics re-
5 vises and maintains Technical Reporting Directive No. 31
6 (14 C.F.R. Part 234) to provide that the following events
7 are not included within the air carrier codes specified in
8 such Directive:

9 (1) Aircraft cleaning necessitated by such inci-
10 dents as the death of a passenger, excessive bleed-
11 ing, service animal (SVAN) soiling, and extensive
12 debris left by customers.

13 (2) Aircraft damage caused by extreme weather,
14 bird strike, foreign object debris (FOD), sabotage,
15 and other similar causes.

16 (3) Awaiting the arrival of connecting pas-
17 sengers or crew due to weather or local or National
18 Airspace System logistics.

1 (4) Awaiting the results of an unexpected alco-
2 hol test of a crewmember caused by the suspicion or
3 accusation of a customer.

4 (5) Awaiting gate space due to congestion not
5 within the carrier's control, including the utilization
6 of common gates or uncontrollable gate returns re-
7 sulting from constraints of the National Airspace
8 System.

9 (6) A baggage or cargo loading delay caused by
10 an outage of a bag system not controlled by a car-
11 rier, including wind affecting ramp conditions, late
12 connecting bags resulting from an air traffic con-
13 troller delay, airport infrastructure failure, and simi-
14 lar causes.

15 (7) Cabin servicing or catering delays due to
16 weather or wind.

17 (8) Vendor computer outages, cybersecurity at-
18 tacks (provided that the carrier is in compliance
19 with applicable cybersecurity regulations), or issues
20 related to the use of airport-supplied communica-
21 tions equipment (such as common-use gates and ter-
22 minals, power outage, and lighting).

23 (9) Availability of crew related to hours flown,
24 rest periods, and on-duty times not caused by a car-
25 rier, including a delay of a crew replacement or re-

1 serve necessitated by a non-controllable event, and
2 pilot or flight attendant rest related to weather, air
3 traffic controller, or local logistics.

4 (10) An unscheduled engineering or safety in-
5 spection.

6 (11) Public health issues.

7 (12) Fueling delays related to weather or air-
8 port fueling infrastructure issues, including the inop-
9 erability of a fuel farm or unusable fuel which does
10 not meet specified requirements at delivery to an
11 airport due to contamination in the supply chain.

12 (13) Government systems that are inoperable or
13 otherwise unable to receive forms which have been
14 properly completed by an air carrier.

15 (14) Overheated brakes resulting from a safety
16 incident, including those resulting from emergency
17 procedures.

18 (15) Mail from the U.S. Postal Service that was
19 delayed in arrival.

20 (16) Unscheduled maintenance, including air-
21 worthiness issues manifesting outside a scheduled
22 maintenance program and that cannot be deferred
23 or must be addressed before flight.

24 (17) A medical emergency.

1 (18) Positive passenger bag match flags that
2 require removal of a bag in order to ensure security.

3 (19) The removal of an unruly passenger.

4 (20) Ramp service from a third-party con-
5 tractor, including servicing of potable water, lavatory
6 servicing, and shortage of third-party ramp equip-
7 ment.

8 (21) Snow removal or aircraft de-icing due to
9 the occurrence of extreme weather despite adequate
10 carrier resources, or the removal of snow on ramps.

11 (22) An airport closure due to such factors as
12 the presence of volcanic ash, wind or wind shear.

