

AMENDMENT NO. _____ Calendar No. _____

Purpose: To prohibit air carriers from imposing fees that are not reasonable and proportional to the costs incurred by the air carriers.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 1405

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MARKEY (for himself and Mr. WICKER)

& Mr. Blumenthal

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . REGULATIONS PROHIBITING THE IMPOSI-**
3 **TION OF FEES THAT ARE NOT REASONABLE**
4 **AND PROPORTIONAL TO THE COSTS IN-**
5 **CURRED.**

6 (a) IN GENERAL.—Not later than 270 days after the
7 date of the enactment of this Act, the Secretary of Trans-
8 portation shall prescribe regulations—

9 (1) prohibiting an air carrier from imposing
10 fees described in subsection (b)(1) that are unrea-

1 sonable or disproportional to the costs incurred by
2 the air carrier; and

3 (2) establishing standards for assessing whether
4 fees described in subsection (b) are reasonable and
5 proportional to the costs incurred by the air carrier.

6 (b) FEES DESCRIBED.—The fees described in this
7 subsection are—

8 (1) any fee for a change or cancellation of a
9 reservation for a flight in interstate air transpor-
10 tation;

11 (2) any fee relating to checked baggage to be
12 transported on a flight in interstate air transpor-
13 tation;

14 (3) any fee relating to seat selection or reserva-
15 tion on a flight;

16 (4) any fee relating to changing between flights
17 departing on the same day or flying standby on a
18 flight; and

19 (5) any other fee imposed by an air carrier re-
20 lating to a flight in interstate air transportation.

21 (c) CONSIDERATIONS.—In establishing the standards
22 required by subsection (a)(2), the Secretary shall con-
23 sider—

1 (1) with respect to a fee described in subsection
2 (b)(1) imposed by an air carrier for a change or can-
3 cellation of a flight reservation—

4 (A) any net benefit or cost to the air car-
5 rier from the change or cancellation, taking into
6 consideration—

7 (i) the ability of the air carrier to an-
8 ticipate the expected average number of
9 cancellations and changes and make res-
10 ervations accordingly;

11 (ii) the ability of the air carrier to fill
12 a seat made available by a change or can-
13 cellation;

14 (iii) any difference in the fare likely to
15 be paid for a ticket sold to another pas-
16 senger for a seat made available by the
17 change or cancellation, as compared to the
18 fare paid by the passenger who changed or
19 canceled the passenger's reservation; and

20 (iv) the likelihood that the passenger
21 changing or canceling the passenger's res-
22 ervation will fill a seat on another flight by
23 the same air carrier;

24 (B) the costs of processing the change or
25 cancellation electronically; and

1 (C) any related labor costs;

2 (2) with respect to a fee described in subsection
3 (b)(2) imposed by an air carrier relating to checked
4 baggage—

5 (A) the costs of processing checked bag-
6 gage electronically; and

7 (B) any related labor costs; and

8 (3) any other considerations the Secretary con-
9 siders appropriate.

10 (d) UPDATED REGULATIONS.—The Secretary shall
11 update the standards required by subsection (a)(2) not
12 less frequently than every 3 years.

13 (e) DEFINITIONS.—In this section:

14 (1) AIR CARRIER.—The term “air carrier”
15 means any air carrier that holds an air carrier cer-
16 tificate under section 41101 of title 49, United
17 States Code.

18 (2) INTERSTATE AIR TRANSPORTATION.—The
19 term “interstate air transportation” has the mean-
20 ing given that term in section 40102 of title 49,
21 United States Code.