

116TH CONGRESS  
1ST SESSION

# S. 2908

To prohibit air carriers from imposing fees that are not reasonable and proportional to the costs incurred by the air carriers, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2019

Mr. MARKEY (for himself, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To prohibit air carriers from imposing fees that are not reasonable and proportional to the costs incurred by the air carriers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Forbid Airlines from  
5 Imposing Ridiculous Fees Act of 2019” or the “FAIR  
6 Fees Act”.

1 **SEC. 2. REGULATIONS PROHIBITING THE IMPOSITION OF**  
2 **FEES THAT ARE NOT REASONABLE AND PRO-**  
3 **PORTIONAL TO THE COSTS INCURRED.**

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

7 (1) prohibiting an air carrier from imposing  
8 fees described in subsection (b) that are unreason-  
9 able or disproportional to the costs incurred by the  
10 air carrier; and

11 (2) establishing standards for assessing whether  
12 such fees are reasonable and proportional to the  
13 costs incurred by the air carrier.

14 (b) FEES DESCRIBED.—The fees described in this  
15 subsection are—

16 (1) any fee for a change or cancellation of a  
17 reservation for a flight in interstate air transpor-  
18 tation;

19 (2) any fee relating to checked baggage to be  
20 transported on a flight in interstate air transpor-  
21 tation; and

22 (3) any other fee imposed by an air carrier re-  
23 lating to a flight in interstate air transportation.

24 (c) CONSIDERATIONS.—In establishing the standards  
25 required by subsection (a)(2), the Secretary shall con-  
26 sider—

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

(A) any net benefit or cost to the air carrier from the change or cancellation, taking into consideration—

(i) the ability of the air carrier to anticipate the expected average number of cancellations and changes and make reservations accordingly;

(ii) the ability of the air carrier to fill a seat made available by a change or cancellation;

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

(iv) the likelihood that the passenger changing or canceling the passenger's reservation will fill a seat on another flight by the same air carrier;

(B) the costs of processing the change or 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 sider 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.

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