

AMENDMENT TO H.R. 4
OFFERED BY MR. COHEN OF TENNESSEE

At the end of title V, add the following:

1 **SEC. 5___ . REGULATIONS PROHIBITING IMPOSITION OF**
2 **FEEES THAT ARE UNREASONABLE OR DIS-**
3 **PROPORTIONAL TO COSTS INCURRED.**

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

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

11 (2) establishing standards for assessing whether
12 fees described in subsection (b) are reasonable and
13 proportional to the 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;

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

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

6 (4) any fee relating to changing between flights
7 departing on the same day or flying standby on a
8 flight; and

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

11 (c) CONSIDERATIONS.—In establishing the standards
12 required by subsection (a)(2), the Secretary shall con-
13 sider—

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

17 (A) any net benefit or cost to the air car-
18 rier from the change or cancellation, taking into
19 consideration—

20 (i) the ability of the air carrier to an-
21 ticipate the expected average number of
22 cancellations and changes and make res-
23 ervations accordingly;

1 (ii) the ability of the air carrier to fill
2 a seat made available by a change or can-
3 cellation;

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

10 (iv) the likelihood that the passenger
11 changing or canceling the passenger's res-
12 ervation will fill a seat on another flight by
13 the same air carrier;

14 (B) the costs of processing the change or
15 cancellation electronically; and

16 (C) any related labor costs;

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

20 (A) the costs of processing checked bag-
21 gage electronically; and

22 (B) any related labor costs; and

23 (3) any other considerations the Secretary con-
24 siders appropriate.

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

4 (e) DEFINITIONS.—In this section, the following defi-
5 nitions apply:

6 (1) AIR CARRIER.—The term “air carrier”
7 means any air carrier that holds an air carrier cer-
8 tificate under section 41101 of title 49, United
9 States Code.

10 (2) INTERSTATE AIR TRANSPORTATION.—The
11 term “interstate air transportation” has the mean-
12 ing given that term in section 40102(a) of title 49,
13 United States Code.

