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

At the end of title V, add the following:

SEC. 5. REGULATIONS PROHIBITING IMPOSITION OF FEES THAT ARE UNREASONABLE OR DISPROPORTIONAL TO COSTS INCURRED.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation shall prescribe regulations—

(1) prohibiting an air carrier from imposing fees described in subsection (b)(1) that are unreasonable or disproportional to the costs incurred by the air carrier; and

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

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

(1) any fee for a change or cancellation of a reservation for a flight in interstate air transportation;
(2) any fee relating to checked baggage to be transported on a flight in interstate air transportation;

(3) any fee relating to seat selection or reservation on a flight;

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

(5) any other fee imposed by an air carrier relating to a flight in interstate air transportation.

(c) CONSIDERATIONS.—In establishing the standards required by subsection (a)(2), the Secretary shall consider—

(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

(C) any related labor costs;

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

(A) the costs of processing checked baggage electronically; and

(B) any related labor costs; and

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

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) AIR CARRIER.—The term “air carrier” means any air carrier that holds an air carrier certificate under section 41101 of title 49, United States Code.

(2) INTERSTATE AIR TRANSPORTATION.—The term “interstate air transportation” has the meaning given that term in section 40102(a) of title 49, United States Code.