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

At the end of title IV, add the following:

SEC. 4. PROHIBITION ON UNFAIR AND DECEPTIVE PRACTICES BY AIR CARRIERS DURING DISASTERS.

(a) In General.—Section 41712 of title 49, United States Code, is further amended by adding at the end the following:

“(g) Flights Departing From Disaster Areas.—

“(1) In general.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a covered flight to impose any increase in the price of such tickets, as compared to ticket prices in effect before the applicable disaster period.

“(2) Definitions.—In this subsection, the following definitions apply:

“(A) Covered flight.—The term ‘covered flight’ means a flight of an air carrier or foreign air carrier departing from an airport
servicing a disaster area during a disaster period.

“(B) DISASTER AREA.—The term ‘disaster area’ means an area for which—

“(i) a major disaster or emergency has been declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

“(ii) State or local authorities have ordered a mandatory evacuation, as determined by the Secretary.

“(C) DISASTER PERIOD.—The term ‘disaster period’, with respect to a disaster area, means the period—

“(i) beginning on the first day on which the criteria specified in subparagraphs (B)(i) and (B)(ii) have been met; and

“(ii) ending of the day on which the applicable State or local authority lifts the mandatory evacuation order for the area, or the Secretary determines that the period has ended, whichever occurs first.”.

(b) REGULATIONS.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations to carry out the amendment made by subsection (a).

(2) CONSULTATION.—The Secretary shall develop the regulations in consultation with the Administrator of the Federal Emergency Management Agency.

(e) SAVINGS PROVISION.—Nothing in this section, or the amendment made by this section, may be construed to limit or otherwise affect any responsibility of an air carrier or foreign air carrier during a major disaster or emergency.