

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**25**

**OFFERED BY MS. ROSEN OF NEVADA**

Add at the end of subtitle A of title V (page 306,  
after line 10) the following new section:

1 **SEC. 5\_\_ . REGULATIONS PROHIBITING THE IMPOSITION**  
2 **OF FEES THAT ARE NOT REASONABLE AND**  
3 **PROPORTIONAL 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)(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 every 3 years.

4 (e) DEFINITIONS.—In this section:

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

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

