

114TH CONGRESS  
2D SESSION

# S. 2656

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

MARCH 9, 2016

Mr. MARKEY (for himself and Mr. BLUMENTHAL) 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 2016” 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           (1) with respect to a fee described in subsection  
2           (b)(1) imposed by an air carrier for a change or can-  
3           cellation of a flight reservation—

4           (A) any net benefit or cost to the air car-  
5           rier from the change or cancellation, taking into  
6           consideration—

7           (i) the ability of the air carrier to an-  
8           ticipate the expected average number of  
9           cancellations and changes and make res-  
10          ervations accordingly;

11          (ii) the ability of the air carrier to fill  
12          a seat made available by a change or can-  
13          cellation;

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

20          (iv) the likelihood that the passenger  
21          changing or canceling the passenger's res-  
22          ervation will fill a seat on another flight by  
23          the same air carrier;

24          (B) the costs of processing the change or  
25          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 siders 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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