

119TH CONGRESS
2D SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on _____

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 “Forbidding Airlines
5 from Imposing Ridiculous Fees Act of 2026” or the
6 “FAIR Fees Act of 2026”.

1 **SEC. 2. REGULATIONS PROHIBITING THE IMPOSITION OF**
2 **FEEES 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 passenger air transpor-
18 tation;

19 (2) any fee relating to checked or carry-on bag-
20 gage to be transported on a flight in passenger air
21 transportation;

22 (3) any fee relating to the choice or assignment
23 of seats on a flight in passenger air transportation;

24 (4) any fee relating to priority boarding on a
25 flight in passenger air transportation; and

1 (5) any other fee imposed by an air carrier re-
2 lating to a flight in passenger air transportation.

3 (c) CONSIDERATIONS.—In establishing the standards
4 required by subsection (a)(2), the Secretary shall con-
5 sider—

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

9 (A) any net benefit or cost to the air car-
10 rier from the change or cancellation, taking into
11 consideration—

12 (i) the ability of the air carrier to an-
13 ticipate the expected average number of
14 cancellations and changes and make res-
15 ervations accordingly;

16 (ii) the ability of the air carrier to fill
17 a seat made available by a change or can-
18 cellation;

19 (iii) any difference in the fare likely to
20 be paid for a ticket sold to another pas-
21 senger for a seat made available by the
22 change or cancellation, as compared to the
23 fare that was paid for the seat for which
24 the reservation was changed or canceled;
25 and

1 (iv) the likelihood that the passenger
2 changing or canceling the reservation will,
3 as a result, fill a seat on another flight by
4 the same air carrier;

5 (B) the costs of processing the change or
6 cancellation electronically; and

7 (C) any related labor costs;

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

11 (A) the costs of processing checked bag-
12 gage electronically; and

13 (B) any related labor costs;

14 (3) with respect to a fee described in subsection
15 (b)(3) imposed by an air carrier relating to the
16 choice or assignment of seats on a flight in pas-
17 senger air transportation, ensuring that passengers
18 traveling with children age 13 or younger are able
19 to be seated with those children at no additional
20 charge to the passengers traveling with such chil-
21 dren or to any other passenger traveling on the
22 flight involved; and

23 (4) 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) PASSENGER AIR TRANSPORTATION.—The
10 term “passenger air transportation” means, with re-
11 spect to the transportation of passengers by aircraft
12 as a common carrier for compensation, foreign air
13 transportation, interstate air transportation, and
14 intrastate air transportation, as such terms are de-
15 fined in section 40102 of title 49, United States
16 Code.