

118TH CONGRESS
2D SESSION

S. _____

To amend chapter 423 of title 49, United States Code, to prohibit air carriers from paying ancillary fee incentives and discriminating on the basis of a covered characteristic in charging or setting fares or ancillary fees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend chapter 423 of title 49, United States Code, to prohibit air carriers from paying ancillary fee incentives and discriminating on the basis of a covered characteristic in charging or setting fares or ancillary fees, 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 “End Airline Extortion
5 Act”.

1 **SEC. 2. PROHIBITIONS RELATING TO PAYMENT OF ANCIL-**
2 **LARY FEE INCENTIVES AND DISCRIMINATING**
3 **ON THE BASIS OF A COVERED CHAR-**
4 **ACTERISTIC.**

5 (a) IN GENERAL.—Chapter 423 of title 49, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“SEC. 42309. PROHIBITIONS RELATING TO PAYMENT OF AN-**
9 **CILLARY FEE INCENTIVES AND DISCRIMI-**
10 **NATING ON THE BASIS OF A COVERED CHAR-**
11 **ACTERISTIC.**

12 “(a) PROHIBITION RELATING TO PAYMENT OF AN-
13 CILLARY FEE INCENTIVES.—No air carrier or foreign air
14 carrier shall provide any payment, incentive, fee, or other
15 benefit to any employee, contractor, or other person work-
16 ing on behalf of the carrier as a direct result of that em-
17 ployee, contractor, or person requiring a passenger of the
18 carrier to pay an additional fee related to baggage, seat-
19 ing, or other add-on service as a condition of boarding a
20 flight of the carrier.

21 “(b) PROHIBITION RELATING TO DISCRIMINATING
22 ON THE BASIS OF A COVERED CHARACTERISTIC.—No air
23 carrier or foreign air carrier shall discriminate on the
24 basis of a covered characteristic in charging or setting
25 fares or ancillary fees to passengers on the same flight
26 for the same service.

1 “(c) DEFINITIONS.—In this section:

2 “(1) ADD-ON SERVICE.—The term ‘add-on serv-
3 ice’ means any service that a passenger or consumer
4 may add to a flight booking for an additional cost,
5 or may purchase as an in-flight service, including
6 seating options, baggage, beverages, food, early
7 boarding, lounge access, internet or wifi access, or
8 any other service determined appropriate by the Sec-
9 retary.

10 “(2) COVERED CHARACTERISTIC.—The term
11 ‘covered characteristic’ means, with respect to a pas-
12 senger, disability status, familial status, or any char-
13 acteristic included in section 40127(a) of title 49,
14 United States Code.

15 “(3) SECRETARY.—The term ‘Secretary’ means
16 the Secretary of Transportation.”.

17 (b) RULE OF CONSTRUCTION.—No air carrier or for-
18 eign air carrier shall be liable for violating section
19 42309(b) of title 49, United States Code, (as added by
20 subsection (a)) on the basis of any policies or actions of
21 the carrier permitting the carriage of a minor child on a
22 flight of that carrier at no charge or a reduced charge.

23 (c) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 423 of title 49, United States Code, is amended by

1 inserting after the item relating to section 42308 the fol-

2 lowing:

“42309. Prohibitions relating to payment of ancillary fee incentives and dis-
criminating on the basis of a covered characteristic.”.