

118TH CONGRESS
2D SESSION

S. 5470

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

DECEMBER 10, 2024

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 discriminating on the basis of a covered characteristic.”.

