

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To provide for cash refunds for canceled airline flights and tickets during  
the COVID–19 emergency.

---

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 provide for cash refunds for canceled airline flights and  
tickets during the COVID–19 emergency.

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 “Cash Refunds for  
5 Coronavirus Cancellations Act of 2020”.

6 **SEC. 2. CASH REFUNDS FOR CANCELED AIRLINE FLIGHTS**  
7 **AND TICKETS DURING THE COVID–19 EMER-**  
8 **GENCY.**

9 (a) CASH REFUNDS.—

1           (1) IN GENERAL.—A covered carrier or ticket  
2 agent who sells a ticket for a passenger to take a  
3 covered flight, and either such flight is cancelled by  
4 the covered carrier or such ticket is canceled by the  
5 passenger, shall promptly offer the passenger a full  
6 cash refund for such ticket, including any ancillary  
7 fees paid.

8           (2) ALTERNATIVE FORM OF COMPENSATION.—

9           (A) IN GENERAL.—A covered carrier or  
10 ticket agent may also offer an alternative form  
11 of compensation determined appropriate by the  
12 covered carrier or ticket agent, including credit,  
13 voucher, or other mechanism to compensate a  
14 passenger, provided that any such offer includes  
15 clear and conspicuous notice of a passenger's  
16 right to a cash refund under paragraph (1).

17           (B) NO EXPIRATION DATE.—An alter-  
18 native form of compensation provided pursuant  
19 to subparagraph (A) shall remain valid and re-  
20 deemable by the passenger indefinitely.

21           (3) RETROACTIVE REFUNDS.—In the case of a  
22 passenger who—

23           (A) received an alternative form of com-  
24 pensation prior to the date of enactment of this  
25 Act for a covered flight or ticket for a covered

1 flight canceled by the covered carrier or by the  
2 passenger; and

3 (B) has not used such alternative com-  
4 pensation;

5 such passenger may request a cash refund to replace  
6 the alternative compensation and the covered carrier  
7 or ticket agent shall promptly comply with such re-  
8 quest.

9 (4) REIMBURSEMENT TO TICKET AGENT.—A  
10 ticket agent who provides a cash refund to a pas-  
11 senger under this section, including a retroactive re-  
12 fund under paragraph (3), shall be entitled to  
13 prompt reimbursement from any covered carrier for  
14 the portion of the ticket price paid to that carrier.

15 (b) FUNDING.—

16 (1) IN GENERAL.—Subject to paragraph (2), a  
17 covered carrier or ticket agent may use amounts ap-  
18 propriated or otherwise made available to the com-  
19 mercial airline industry in any appropriations en-  
20 acted on or after March 1, 2020, in response to  
21 COVID–19 to pay for the cash refunds under sub-  
22 section (a), including retroactive refunds under para-  
23 graph (3) of such subsection.

24 (2) LIMITATION.—A covered carrier may not  
25 use amounts appropriated under section 4112 of the

1       Coronavirus Economic Stabilization Act of 2020  
2       (title IV of division A of the Coronavirus Aid, Relief,  
3       and Economic Security Act (Public Law 116–136))  
4       to pay for the cash refunds under subsection (a), in-  
5       cluding retroactive refunds under paragraph (3) of  
6       such subsection.

7       (c) DEFINITIONS.—In this section:

8               (1) AIR CARRIER.—The term “air carrier” has  
9       the meaning given that term in section 40102 of  
10      title 49, United States Code.

11              (2) COVERED CARRIER.—The term “covered  
12      carrier” means—

13                      (A) any passenger air carrier that had an  
14                      operating revenue in 2018 that exceeded  
15                      \$1,500,000,000 according to the Bureau of  
16                      Transportation Statistics; or

17                      (B) any passenger foreign air carrier oper-  
18                      ating a flight to or from the United States.

19              (3) COVERED FLIGHT.—The term “covered  
20      flight” means a flight of a covered carrier that is  
21      scheduled to depart from, or arrive at, an airport lo-  
22      cated in the United States during the COVID–19  
23      emergency period.

1           (4) COVID–19 EMERGENCY PERIOD.—The  
2 term “COVID–19 emergency period” means the pe-  
3 riod—

4                   (A) beginning on March 1, 2020; and

5                   (B) ending on the date that is 180 days  
6 after the later of the expiration of—

7                   (i) the public health emergency de-  
8 clared by the Secretary of Health and  
9 Human Services under section 319 of the  
10 Public Health Service Act (42 U.S.C.  
11 247d) with respect to COVID–19; or

12                   (ii) the national emergency declared  
13 by the President under the National Emer-  
14 gencies Act (50 U.S.C. 1601 et seq.) with  
15 respect to the Coronavirus Disease 2019  
16 (COVID–19).

17           (5) FOREIGN AIR CARRIER.—The term “foreign  
18 air carrier” has the meaning given that term in sec-  
19 tion 40102 of title 49, United States Code.

20           (6) TICKET AGENT.—The term “ticket agent”  
21 has the meaning given that term in section 40102  
22 of title 49, United States Code.

23           (7) UNITED STATES.—The term “United  
24 States” has the meaning given that term in section  
25 40102 of title 49, United States Code.