

119TH CONGRESS
2D SESSION

S. _____

To amend title 49, United States Code, to provide refunds for cancelled
or significantly delayed or changed flights, 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 amend title 49, United States Code, to provide refunds
for cancelled or significantly delayed or changed flights,
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 “Cash Refunds for
5 Flight Cancellations Act”.

6 **SEC. 2. REFUNDS FOR CANCELLED OR SIGNIFICANTLY DE-**
7 **LAYED OR CHANGED FLIGHTS.**

8 (a) IN GENERAL.—Section 42305 of title 49, United
9 States Code, is amended to read as follows:

1 **“§ 42305. Cash refunds for cancelled or significantly**
2 **delayed or changed flights**

3 “(a) SIGNIFICANT FLIGHT DELAYS, CHANGES, OR
4 CANCELLATIONS BY THE CARRIER.—

5 “(1) IN GENERAL.—In the case of a passenger
6 who holds a ticket on a scheduled flight to, from, or
7 within the United States, an air carrier or a foreign
8 air carrier shall, upon request as set forth in para-
9 graph (3), provide a full cash refund, including any
10 taxes and ancillary fees, for the fare such carrier
11 collected for any flight cancelled by the carrier or
12 any significantly delayed or changed flight where the
13 passenger chooses not to—

14 “(A) fly on the significantly delayed or
15 changed flight or accept rebooking on an alter-
16 native flight; or

17 “(B) accept any voucher, credit, or other
18 form of compensation offered by the air carrier
19 or foreign air carrier pursuant to subsection
20 (c).

21 “(2) TIMING OF REFUND.—Any refund re-
22 quired under paragraph (1) shall be issued by the
23 air carrier or foreign air carrier—

24 “(A) in the case of a ticket purchased with
25 a credit card, not later than 7 business days

1 after the earliest date the refund was requested
2 as set forth in paragraph (3); or

3 “(B) in the case of a ticket purchased with
4 cash or another form of payment, not later than
5 20 days after the earliest date the refund was
6 requested as set forth in paragraph (3).

7 “(3) REQUEST OF REFUND.—An air carrier
8 and a foreign air carrier shall consider a passenger
9 to have requested a refund if—

10 “(A) a flight is cancelled and a passenger
11 is not offered an alternative flight or any vouch-
12 er, credit, or other form of compensation by the
13 air carrier or foreign air carrier pursuant to
14 subsection (c);

15 “(B) a passenger rejects the significantly
16 delayed or changed flight, rebooking on an al-
17 ternative flight, or any voucher, credit, or other
18 form of compensation offered by the air carrier
19 or foreign air carrier pursuant to subsection
20 (c); or

21 “(C) a passenger does not respond to an
22 offer of—

23 “(i) a significantly delayed or changed
24 flight or an alternative flight and the flight
25 departs without the passenger; or

1 “(ii) a voucher, credit, or other form
2 of compensation by the date on which the
3 cancelled flight was scheduled to depart or
4 the date that the significantly delayed or
5 changed flight departs.

6 “(4) APPLICATION TO TICKET AGENTS.—

7 “(A) IN GENERAL.—Not later than 1 year
8 after the date of enactment of this section, the
9 Secretary shall issue a final rule to apply the
10 requirements specified in paragraphs (1), (2),
11 (3), and (5) and subsection (c) to ticket agents.

12 “(B) TRANSFER OF FUNDS.—The Sec-
13 retary shall issue regulations requiring air car-
14 riers and foreign air carriers to promptly trans-
15 fer funds to a ticket agent if—

16 “(i) the Secretary has determined that
17 the ticket agent is responsible for providing
18 the refund; and

19 “(ii) the ticket agent does not possess
20 the funds of the passenger.

21 “(5) REFUND NOTIFICATION.—Each air car-
22 rier, foreign air carrier, or ticket agent shall update
23 their passenger notification systems to ensure pas-
24 sengers owed a refund under this subsection are no-
25 tified of their right to receive a refund.

1 “(b) PASSENGER FLIGHT CANCELLATION.—

2 “(1) IN GENERAL.—In the event that a pas-
3 senger cancels a ticket for a flight not later than 48
4 hours prior to the scheduled departure of the flight,
5 the covered carrier or ticket agent who sold such
6 ticket to such passenger shall—

7 “(A) offer to the passenger a full cash re-
8 fund for such ticket, including any taxes and
9 ancillary fees paid; and

10 “(B) provide such refund not later than 30
11 days after the date on which the passenger
12 makes such cancellation.

13 “(2) REQUIRED DISCLOSURE.—Prior to the sale
14 of a ticket for a flight to a passenger, a covered car-
15 rier or ticket agent shall disclose to the passenger,
16 in writing, that the passenger has a right to cancel
17 their ticket in accordance with paragraph (1) and re-
18 ceive a full cash refund.

19 “(c) ALTERNATIVE TO REFUND.—An air carrier or
20 a foreign air carrier described in subsection (a) or a cov-
21 ered carrier or ticket agent described in subsection (b)
22 may offer a voucher, credit, or other form of compensation
23 as an explicit alternative to providing a refund required
24 by subsection (a) or (b), but only if—

1 “(1) the offer includes a clear and conspicuous
2 notice of—

3 “(A) the terms of the offer; and

4 “(B) the passenger’s right to reject the
5 offer and elect to receive a full cash refund in
6 accordance with the requirements of this sec-
7 tion; and

8 “(2) the voucher, credit, or other form of com-
9 pensation offered as an alternative to providing a
10 full cash refund is redeemable by the passenger at
11 any time and without any expiration or use by date.

12 “(d) DEFINITIONS.—In this section:

13 “(1) AIR CARRIER, FOREIGN AIR CARRIER,
14 TICKET AGENT, AND UNITED STATES.—The terms
15 ‘air carrier’, ‘foreign air carrier’, ‘ticket agent’, and
16 ‘United States’ have the meanings given those terms
17 in section 40102.

18 “(2) COVERED CARRIER.—

19 “(A) IN GENERAL.—The term ‘covered
20 carrier’ means—

21 “(i) any passenger air carrier that
22 had an operating revenue in the previous
23 year that exceeded \$1,500,000,000 accord-
24 ing to the Bureau of Transportation Sta-
25 tistics; or

1 “(ii) any passenger foreign air carrier
2 operating a flight to or from the United
3 States.

4 “(B) INFLATION ADJUSTMENT BEGINNING
5 IN 2028.—For purposes of applying this para-
6 graph in a year (beginning in 2028), the dollar
7 amount specified in subparagraph (A)(i) shall
8 be increased by the percentage increase (if any)
9 in the consumer price index for all urban con-
10 sumers (U.S. city average) over the previous
11 year.

12 “(3) SIGNIFICANTLY DELAYED OR CHANGED
13 FLIGHT DEFINED.—The term ‘significantly delayed
14 or changed flight’ includes, at a minimum, a flight
15 where the passenger arrives at a destination air-
16 port—

17 “(A) in the case of a domestic flight, 3 or
18 more hours after the original scheduled arrival
19 time; and

20 “(B) in the case of an international flight,
21 6 or more hours after the original scheduled ar-
22 rival time.

23 “(e) PENALTIES.—Each violation by an air carrier,
24 foreign air carrier, covered carrier, or ticket agent of the
25 requirements applicable to such carrier or ticket agent

1 under this section shall be subject to a civil penalty under
2 section 46301(a).”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 423 of title 49, United States Code, is amended to
5 read as follows:

“Sec. 42305. Cash refunds for cancelled or significantly delayed or changed
flights.”.