117TH CONGRESS
2D Session

S. ______

To provide for cash refunds for canceled airline flights and tickets.

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IN THE SENATE OF THE UNITED STATES

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

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A BILL

To provide for cash refunds for canceled airline flights and tickets.

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 of 2022”.

6 SEC. 2. CASH REFUNDS FOR CANCELED AIRLINE FLIGHTS 
7 AND TICKETS.

8 (a) In general.—Chapter 417 of title 49, United 
9 States Code, is amended by adding at the end the fol-
10 lowing:
“SEC. 41727. CASH REFUNDS FOR CANCELED AIRLINE FLIGHTS AND TICKETS.

“(a) Cash Refunds.—

“(1) Requirement.—

“(A) In General.—Subject to subparagraph (B), a covered carrier or ticket agent who sells a ticket for a passenger to take a covered flight, and either such flight is canceled or significantly delayed (as defined by the Secretary of Transportation) by the covered carrier or such ticket is canceled by the passenger at least 48 hours before the scheduled departure of the flight, shall offer the passenger a full cash refund for such ticket, including any ancillary fees paid, within 30 days of the passenger making the request.

“(B) Limitation.—A covered carrier or ticket agent shall only be required to offer a cash refund under subparagraph (A) for 1 flight booked by a passenger on any city-pair itinerary on any given date.

“(2) Alternative Form of Compensation.—

“(A) In General.—A covered carrier or ticket agent may offer an alternative form of compensation determined appropriate by the covered carrier or ticket agent, including a
credit, a voucher, or other mechanism to compensate a passenger, provided that any such offer includes a clear and conspicuous notice of a passenger’s right to a cash refund under paragraph (1).

“(B) NO EXPIRATION DATE.—An alternative form of compensation provided pursuant to subparagraph (A) shall remain valid and redeemable by the passenger indefinitely.

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

“(A) received an alternative form of compensation during the period beginning on March 1, 2020, and ending on the day prior to the date of enactment of this Act for a covered flight or ticket for a covered flight canceled by the covered carrier or by the passenger; and

“(B) has not fully used such alternative compensation,

such passenger may request a cash refund to replace the alternative compensation, or the remaining alternative compensation if the passenger has used part of the alternative compensation, and the covered carrier or ticket agent shall comply with such request within 30 days of receiving such request.
“(4) Reimbursement to ticket agent.—A ticket agent who provides a cash refund to a passenger under this section, including a retroactive refund under paragraph (3), shall be entitled to prompt reimbursement from any covered carrier for the portion of the ticket price paid to that carrier.

“(b) Funding.—

“(1) In general.—Subject to paragraph (2), a covered carrier or ticket agent may use amounts appropriated or otherwise made available to the commercial airline industry in any appropriations enacted on or after March 1, 2020, in response to COVID–19 to pay for the cash refunds under subsection (a), including retroactive refunds under paragraph (3) of such subsection.

“(2) Limitation.—A covered carrier may not use amounts appropriated under section 4112 of the Coronavirus Economic Stabilization Act of 2020 (title IV of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136)) to pay for the cash refunds under subsection (a), including retroactive refunds under paragraph (3) of such subsection.

“(c) Disclosure.—
"(1) Prior to purchase.—Prior to the sale of a ticket for passenger to take a covered flight, a covered carrier or ticket agent shall disclose, in writing in written or electronic communication, that the passenger has a right to cancel their ticket at any time for any reason and receive a full cash refund.

"(2) Cancelled or significantly delayed flight.—In the case of a covered carrier or ticket agent who sells a ticket for a passenger to take a covered flight, if such flight is canceled or significantly delayed (as defined by the Secretary of Transportation) by the covered carrier or such ticket is canceled by the passenger at least 48 hours before the scheduled departure of the flight, the covered carrier or ticket agent shall disclose, in writing in written or electronic communication, that the passenger has a right to receive a full cash refund for their ticket.

"(3) Requirements for disclosure.—Any written or electronic disclosure under paragraph (1) or (2) shall be in a clear and conspicuous format.

"(d) Definitions.—In this section:

"(1) Air carrier, foreign air carrier, ticket agent, and United States.—The terms ‘air carrier, foreign air carrier, ticket agent, and
United States’ have the meanings given those terms in section 40102.

“(2) COVERED CARRIER.—The term ‘covered carrier’ means—

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

“(B) any passenger foreign air carrier operating a flight to or from the United States.

“(3) COVERED FLIGHT.—The term ‘covered flight’ means a flight of a covered carrier that is scheduled to depart from, or arrive at, an airport located in the United States.”.

(b) ENFORCEMENT.—Section 46301 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(j) PENALTIES RELATING TO CASH REFUNDS FOR CANCELED AIRLINE FLIGHTS AND TICKETS.—An air carrier or ticket agent that violates section 41727 shall be liable to the Government for a civil penalty of $1,000 for each violation.”.

(c) CLERICAL AMENDMENT.—The analysis for chapter 417 of title 49, United States Code, is amended by adding at the end the following:

“41727. Cash refunds for canceled airline flights and tickets.”.
(d) Effective Date.—The amendments made by this section shall take effect of the date of the enactment of this Act.