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

IN THE SENATE OF THE UNITED STATES

MAY 13, 2020

Mr. BLUMENTHAL (for Mr. MARKEY (for himself, Mr. BLUMENTHAL, Ms. WARREN, Mr. MURPHY, and Ms. HARRIS)) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cash Refunds for Coronavirus Cancellations Act of 2020”.

SEC. 2. CASH REFUNDS FOR CANCELED AIRLINE FLIGHTS AND TICKETS DURING THE COVID–19 EMERGENCY.

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

(2) ALTERNATIVE FORM OF COMPENSATION.—

(A) IN GENERAL.—A covered carrier or ticket agent may also offer an alternative form of compensation determined appropriate by the covered carrier or ticket agent, including credit, voucher, or other mechanism to compensate a passenger, provided that any such offer includes 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 prior to the date of enactment of this Act for a covered flight or ticket for a covered flight;
flight canceled by the covered carrier or by the passenger; and

(B) has not used such alternative compensation,

such passenger may request a cash refund to replace the alternative compensation and the covered carrier or ticket agent shall promptly comply with 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) DEFINITIONS.—In this section:

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

(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 during the COVID–19 emergency period.
(4) COVID–19 emergency period.—The term “COVID–19 emergency period” means the period—

(A) beginning on March 1, 2020; and

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

(i) the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19; or

(ii) the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19).

(5) Foreign air carrier.—The term “foreign air carrier” has the meaning given that term in section 40102 of title 49, United States Code.

(6) Ticket agent.—The term “ticket agent” has the meaning given that term in section 40102 of title 49, United States Code.
(7) UNITED STATES.—The term "United States" has the meaning given that term in section 40102 of title 49, United States Code.