

116TH CONGRESS
2D SESSION

S. 3727

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,*

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 canceled 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.

1 (7) UNITED STATES.—The term “United
2 States” has the meaning given that term in section
3 40102 of title 49, United States Code.

○