

118TH CONGRESS
1ST SESSION

S. 561

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2023

Mr. MARKEY (for himself, Mr. BLUMENTHAL, Mr. SANDERS, Mr. SCHATZ, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, and Mr. WYDEN) 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.

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 2023”.

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:

1 **“SEC. 41727. CASH REFUNDS FOR CANCELED AIRLINE**
2 **FLIGHTS AND TICKETS.**

3 “(a) CASH REFUNDS.—

4 “(1) REQUIREMENT.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B), a covered carrier or ticket agent who
7 sells a ticket for a passenger to take a covered
8 flight, and either such flight is canceled or sig-
9 nificantly delayed (as defined by the Secretary
10 of Transportation) by the covered carrier or
11 such ticket is canceled by the passenger at least
12 48 hours before the scheduled departure of the
13 flight, shall offer the passenger a full cash re-
14 fund for such ticket, including any ancillary
15 fees paid, within 30 days of the passenger mak-
16 ing the request.

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

22 “(2) ALTERNATIVE FORM OF COMPENSATION.—

23 “(A) IN GENERAL.—A covered carrier or
24 ticket agent may offer an alternative form of
25 compensation determined appropriate by the
26 covered carrier or ticket agent, including a

1 credit, a voucher, or other mechanism to com-
2 pensate a passenger, provided that any such
3 offer includes a clear and conspicuous notice of
4 a passenger's right to a cash refund under
5 paragraph (1).

6 “(B) NO EXPIRATION DATE.—An alter-
7 native form of compensation provided pursuant
8 to subparagraph (A) shall remain valid and re-
9 deemable by the passenger indefinitely.

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

12 “(A) received an alternative form of com-
13 pensation during the period beginning on
14 March 1, 2020, and ending on the day prior to
15 the date of enactment of this Act for a covered
16 flight or ticket for a covered flight canceled by
17 the covered carrier or by the passenger; and

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

20 such passenger may request a cash refund to replace
21 the alternative compensation, or the remaining alter-
22 native compensation if the passenger has used part
23 of the alternative compensation, and the covered car-
24 rier or ticket agent shall comply with such request
25 within 30 days of receiving such request.

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

7 “(b) FUNDING.—

8 “(1) IN GENERAL.—Subject to paragraph (2), a
9 covered carrier or ticket agent may use amounts ap-
10 propriated or otherwise made available to the com-
11 mercial airline industry in any appropriations en-
12 acted on or after March 1, 2020, in response to
13 COVID–19 to pay for the cash refunds under sub-
14 section (a), including retroactive refunds under para-
15 graph (3) of such subsection.

16 “(2) LIMITATION.—A covered carrier may not
17 use amounts appropriated under section 4112 of the
18 Coronavirus Economic Stabilization Act of 2020
19 (title IV of division A of the Coronavirus Aid, Relief,
20 and Economic Security Act (Public Law 116–136))
21 to pay for the cash refunds under subsection (a), in-
22 cluding retroactive refunds under paragraph (3) of
23 such subsection.

24 “(c) DISCLOSURE.—

1 “(1) PRIOR TO PURCHASE.—Prior to the sale of
2 a ticket for passenger to take a covered flight, a cov-
3 ered carrier or ticket agent shall disclose, in writing
4 in written or electronic communication, that the pas-
5 senger has a right to cancel their ticket at any time
6 for any reason and receive a full cash refund.

7 “(2) CANCELLED OR SIGNIFICANTLY DELAYED
8 FLIGHT.—In the case of a covered carrier or ticket
9 agent who sells a ticket for a passenger to take a
10 covered flight, if such flight is canceled or signifi-
11 cantly delayed (as defined by the Secretary of
12 Transportation) by the covered carrier or such ticket
13 is canceled by the passenger at least 48 hours before
14 the scheduled departure of the flight, the covered
15 carrier or ticket agent shall disclose, in writing in
16 written or electronic communication, that the pas-
17 senger has a right to receive a full cash refund for
18 their ticket.

19 “(3) REQUIREMENTS FOR DISCLOSURE.—Any
20 written or electronic disclosure under paragraph (1)
21 or (2) shall be in a clear and conspicuous format.

22 “(d) DEFINITIONS.—In this section:

23 “(1) AIR CARRIER, FOREIGN AIR CARRIER,
24 TICKET AGENT, AND UNITED STATES.—The terms
25 ‘air carrier, foreign air carrier, ticket agent, and

1 United States’ have the meanings given those terms
2 in section 40102.

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

5 “(A) any passenger air carrier that had an
6 operating revenue in 2018 that exceeded
7 \$1,500,000,000 according to the Bureau of
8 Transportation Statistics; or

9 “(B) any passenger foreign air carrier op-
10 erating a flight to or from the United States.

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

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

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

23 (c) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 417 of title 49, United States Code, is amended by
25 adding at the end the following:

“41727. Cash refunds for canceled airline flights and tickets.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act.

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