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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend the Public Health Service Act to limit certain authority of the Department of Health and Human Services to require individuals to wear a mask, a face covering, or any other accessory during domestic air travel, to require the refund of civil fines imposed for refusal to wear such an accessory, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MULLIN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Public Health Service Act to limit certain authority of the Department of Health and Human Services to require individuals to wear a mask, a face covering, or any other accessory during domestic air travel, to require the refund of civil fines imposed for refusal to wear such an accessory, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mask Mandate Preven-
3 tion and Recovery Act”.

4 **SEC. 2. LIMITATION ON HHS AUTHORITY.**

5 Section 361(a) of the Public Health Service Act (42
6 U.S.C. 264(a)) is amended by adding at the end the fol-
7 lowing: “The authority vested by this subsection to pre-
8 vent the introduction, transmission, or spread of commu-
9 nicable diseases from one State or possession into any
10 other State or possession does not include the authority
11 to require any individual to wear a mask, a face covering,
12 or any other accessory during domestic air travel.”.

13 **SEC. 3. NO FLY LISTS.**

14 (a) **FEDERAL NO FLY LISTS.**—Not later than 30
15 days after the date of the enactment of this Act, the head
16 of any Federal department or agency that maintains a no
17 fly list, including the Secretary of Transportation and the
18 Secretary of Homeland Security, shall remove from the
19 no fly list of the respective department or agency any indi-
20 vidual who is included on such no fly list for the sole
21 premise of refusing to wear a mask, a face covering, or
22 any other accessory required by any Federal department
23 or agency related to the COVID–19 pandemic during do-
24 mestic air travel.

25 (b) **PRIVATE NO FLY LISTS.**—Not later than 30 days
26 after the date of the enactment of this Act, an air carrier

1 shall remove from any no fly list maintained by such air
2 carrier any individual who is included on such no fly list
3 for the sole premise of refusing to wear a mask, a face
4 covering, or any other accessory related to the COVID–
5 19 pandemic during domestic air travel.

6 (c) **NO FLY LIST DEFINED.**—In this section, the
7 term “no fly list” means any list of individuals who are
8 prohibited from domestic air travel, including any such list
9 referred to as a “no fly list”, “selectee list”, or “do not
10 board list”.

11 **SEC. 4. REFUND OF FINES.**

12 (a) **REQUIREMENT.**—Not later than 30 days after the
13 date of the enactment of this Act, the head of each Federal
14 department or agency that issued a fine to an individual
15 based on the sole premise of the individual’s refusal to
16 wear a mask, a face covering, or any other accessory re-
17 quired by any Federal department or agency related to
18 the COVID–19 pandemic during domestic air travel shall
19 issue a refund to such individual. The refund under this
20 subsection shall be in the full amount paid, and shall in-
21 clude the individual’s attorney’s fees, as applicable.

22 (b) **RIGHT OF ACTION.**—Beginning on the date that
23 is 31 days after the date of the enactment of this Act,
24 an individual who has not been issued a refund as required
25 by subsection (a) may bring a civil action in a district

1 court of the United States against the head of any Federal
2 department or agency that issued the fine for compen-
3 satory damages and punitive damages.