

116TH CONGRESS
2D SESSION

S. 3473

To amend title 49, United States Code, to improve the accessibility of airline information and entertainment programming provided by air carriers on passenger flights, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2020

Mr. CASEY (for himself, Ms. BALDWIN, Mr. MARKEY, Mr. BROWN, Ms. DUCKWORTH, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to improve the accessibility of airline information and entertainment programming provided by air carriers on passenger flights, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airline Information
5 and Entertainment Access Act”.

1 **SEC. 2. ACCESSIBILITY OF IN-FLIGHT SAFETY AND ENTER-**
2 **TAINMENT PROGRAMMING.**

3 (a) IN GENERAL.—Subchapter I of chapter 417 of
4 title 49, United States Code, is amended by inserting after
5 section 41705 the following new section:

6 **“§41705a. Accessibility of in-flight airline informa-**
7 **tion and entertainment programming**

8 “(a) REQUIREMENT.—

9 “(1) PROGRAMMING.—On and after the date
10 that is 180 days after the date of the enactment of
11 the Airline Information and Entertainment Access
12 Act, in providing air transportation, an air carrier,
13 including (subject to section 40105(b)) any foreign
14 air carrier, shall ensure that all visually displayed
15 airline information and entertainment programming
16 available to passengers on a flight is accessible to
17 persons with disabilities, including by providing (or
18 making available)—

19 “(A) open captioning and American Sign
20 Language option for persons with disabilities
21 when such programming is available to pas-
22 sengers through shared video displays, such as
23 a monitor located in a passenger access aisle;

24 “(B) closed captioning and American Sign
25 Language option for persons with disabilities

1 when such programming is available to pas-
2 sengers through individual video displays;

3 “(C) video description for persons with dis-
4 abilities when such programming is available to
5 passengers through individual video displays or
6 shared video displays; and

7 “(D) any aural PA announcement in tex-
8 tual format through individual video displays or
9 shared video displays.

10 “(2) VIDEO DISPLAYS.—Not later than the ef-
11 fective date of the regulations prescribed under sub-
12 section (c)(2), in providing air transportation, an air
13 carrier, including (subject to section 40105(b)) any
14 foreign air carrier, shall ensure that all individual
15 video displays of visually displayed airline informa-
16 tion and entertainment programming to passengers
17 on a flight that are operated primarily by using
18 touchscreens or other contact-sensitive controls in-
19 clude a mechanism that allows persons with disabil-
20 ities to nonvisually operate the displays in accord-
21 ance with the standards prescribed under subsection
22 (c).

23 “(b) CIVIL ACTION.—

24 “(1) AGGRIEVED PERSONS.—

1 “(A) IN GENERAL.—Any person aggrieved
2 by the violation by an air carrier of this section
3 or a regulation prescribed under this section
4 may, during the 2-year period beginning on the
5 date of the violation, bring a civil action in an
6 appropriate district court of the United States.

7 “(B) AVAILABLE RELIEF.—If a court finds
8 in favor of the plaintiff in a civil action brought
9 under subparagraph (A), the court may award
10 to the plaintiff equitable and legal relief, includ-
11 ing compensatory and punitive damages, and
12 shall, in addition to any such relief, award rea-
13 sonable attorney’s fees, reasonable expert fees,
14 and cost of the action to the plaintiff.

15 “(C) NO REQUIREMENT TO EXHAUST AD-
16 MINISTRATIVE REMEDIES.—Any person ag-
17 grieved by the violation by an air carrier of this
18 section or a regulation prescribed under this
19 section shall not be required to exhaust admin-
20 istrative remedies before bringing a civil action
21 under subparagraph (A).

22 “(D) RULE OF CONSTRUCTION.—Nothing
23 in this paragraph shall be construed to invali-
24 date or limit other Federal or State laws afford-
25 ing to people with disabilities greater legal

1 rights or protections than those granted by this
2 section.

3 “(2) ENFORCEMENT BY ATTORNEY GEN-
4 ERAL.—

5 “(A) IN GENERAL.—The Attorney General
6 may bring a civil action on behalf of persons
7 aggrieved by the violation by an air carrier of
8 this section or a regulation prescribed under
9 this section in any appropriate district court of
10 the United States.

11 “(B) AUTHORITY OF COURT.—In a civil
12 action under subparagraph (A), the court
13 may—

14 “(i) grant any equitable relief that the
15 court considers to be appropriate;

16 “(ii) award such other relief as the
17 court considers to be appropriate, includ-
18 ing monetary damages to persons ag-
19 grieved by the violation by an air carrier of
20 this section or a regulation prescribed
21 under this section, when requested by the
22 Attorney General; and

23 “(iii) assess a civil penalty against the
24 air carrier.

1 “(c) ESTABLISHMENT OF STANDARDS FOR OPER-
2 ATION OF INDIVIDUAL VIDEO DISPLAYS.—

3 “(1) IN GENERAL.—Not later than 18 months
4 after the date of the enactment of the Airline Infor-
5 mation and Entertainment Access Act, the Architec-
6 tural and Transportation Barriers Compliance
7 Board shall, in consultation with the Secretary of
8 Transportation, prescribe standards in accordance
9 with chapter 5 of title 5 (commonly known as the
10 ‘Administrative Procedure Act’) setting forth the
11 minimum technical criteria for individual video dis-
12 plays described in subsection (a)(2) to ensure that
13 such video displays include a mechanism that allows
14 persons with disabilities to operate the displays non-
15 visually.

16 “(2) REGULATIONS.—Not later than 180 days
17 after the Architectural and Transportation Barriers
18 Compliance Board issues standards under paragraph
19 (1), the Secretary shall prescribe such regulations as
20 are necessary to implement those standards and
21 shall publish those regulations in an accessible for-
22 mat.

23 “(3) REVIEW AND AMENDMENT.—The Archi-
24 tectural and Transportation Barriers Compliance
25 Board, in consultation with the Secretary, shall peri-

1 odically review and, as appropriate, amend the
2 standards prescribed under paragraph (1) in accord-
3 ance with chapter 5 of title 5. Not later than 180
4 days after the Architectural and Transportation
5 Barriers Compliance Board issues amended stand-
6 ards under this paragraph, the Secretary shall make
7 such revisions to the regulations prescribed under
8 paragraph (2) as are necessary to implement the
9 amended standards.

10 “(d) DEFINITIONS.—In this section:

11 “(1) CLOSED CAPTIONING.—The term ‘closed
12 captioning’ means a method, process, or mechanism,
13 which may include a device, that—

14 “(A) allows an individual who is deaf or
15 hard of hearing to have access to the content of
16 visually displayed airline information and enter-
17 tainment programming; and

18 “(B) allows that access by displaying,
19 through an individual device or individually
20 used technology, all of the audio portion of the
21 programming (including displaying the dialogue
22 and any narration, as well as descriptions of on-
23 and off-screen sounds such as sound effects,
24 music, or lyrics for music, and information
25 identifying the character who is speaking) as

1 text that can be effectively viewed and con-
2 trolled by that individual while the individual si-
3 multaneously watches the programming.

4 “(2) PERSON WITH A DISABILITY.—The term
5 ‘person with a disability’ means any person who has
6 a disability as defined in section 3 of the Americans
7 with Disabilities Act of 1990 (42 U.S.C. 12102), in-
8 cluding a person with a sensory disability.

9 “(3) OPEN CAPTIONING.—The term ‘open cap-
10 tioning’ means a method, process, or mechanism
11 that—

12 “(A) allows an individual who is deaf or
13 hard of hearing to have access to the content of
14 visually displayed airline information and enter-
15 tainment programming; and

16 “(B) allows that access by openly dis-
17 playing on the video display on which the pro-
18 gramming is displayed all of the audio portion
19 of the programming (including displaying the
20 dialogue and any narration, as well as descrip-
21 tions of on- and off-screen sounds such as
22 sound effects, music, or lyrics for music, and in-
23 formation identifying the character who is
24 speaking) as text that can be effectively viewed
25 by that individual and other passengers while

1 the individual and passengers simultaneously
2 watch the programming.

3 “(4) VIDEO DESCRIPTION.—The term ‘video de-
4 scription’ means a method, process, or mechanism,
5 including a device, that—

6 “(A) allows an individual who is blind or
7 visually impaired to have access to the key vis-
8 ual elements of visually displayed airline infor-
9 mation and entertainment programming (such
10 as actions, settings, facial expressions, cos-
11 tumes, and scene changes); and

12 “(B) allows that access through the provi-
13 sion of contemporaneous audio narrated de-
14 scriptions of those elements during the natural
15 pauses in the audio portion of the program-
16 ming, or during the audio portion if necessary.

17 “(5) VISUALLY DISPLAYED AIRLINE INFORMA-
18 TION AND ENTERTAINMENT PROGRAMMING.—The
19 term ‘visually displayed airline information and en-
20 tertaining programming’ means pre-flight safety
21 briefing videos, live televised events, recorded pro-
22 gramming (including television programs), or motion
23 pictures that are available to passengers, for a fee
24 or without cost, on a flight in air transportation.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 417 of title 49, United States Code, is amended by
3 inserting after the item relating to section 41705 the fol-
4 lowing:

“41705a. Accessibility of in-flight airline information and entertainment pro-
gramming.”.

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