

118TH CONGRESS
1ST SESSION

S. 1911

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

JUNE 8, 2023

Mr. CASEY (for himself, Ms. DUCKWORTH, Mr. BLUMENTHAL, Mr. MARKEY, Mr. BROWN, and Ms. BALDWIN) 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 Safety Informa-
5 tion 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 this section, in providing air transportation, an air
 12 carrier, including (subject to section 40105(b)) any
 13 foreign air carrier, shall ensure that all visually dis-
 14 played airline information and entertainment pro-
 15 gramming available to passengers on a flight is ac-
 16 cessible to persons with disabilities, including by pro-
 17 viding (or making available)—

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

23 “(B) closed captioning and American Sign
 24 Language option for persons with disabilities
 25 when such programming is available to pas-
 26 sengers through individual video displays;

1 “(C) audio description for persons with
2 disabilities when such programming is available
3 to passengers through individual video displays
4 or shared video displays; and

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

8 “(2) VIDEO DISPLAYS, APPS FOR PERSONAL
9 ELECTRONIC DEVICES, AND WEB PORTALS AND
10 WEBSITES.—Not later than the effective date of the
11 regulations prescribed under subsection (e)(2), in
12 providing air transportation, an air carrier, including
13 (subject to section 40105(b)) any foreign air carrier,
14 shall ensure that—

15 “(A) all individual video displays of vis-
16 ually displayed airline information and enter-
17 tainment programming to passengers on a
18 flight that are operated primarily by using
19 touchscreens or other contact-sensitive controls
20 include a mechanism that allows persons with
21 disabilities to nonvisually operate such displays
22 in accordance with the standards prescribed
23 under subsection (e);

24 “(B) any apps for a personal electronic de-
25 vice, such as a phone or tablet, that are made

1 available by the air carrier to passengers on a
2 flight and that display visually displayed airline
3 information and entertainment programming
4 include a mechanism that allows persons with
5 disabilities to nonvisually operate such apps in
6 accordance with the standards prescribed under
7 subsection (c); and

8 “(C) any web portals or websites the air
9 carrier directs passengers to in order to access
10 or pay for inflight entertainment, including the
11 method for referring passengers to such web
12 portals and websites, include a mechanism that
13 allows persons with disabilities to nonvisually
14 operate such web portals and websites in ac-
15 cordance with the standards prescribed under
16 subsection (c).

17 “(b) CIVIL ACTION.—

18 “(1) AGGRIEVED PERSONS.—

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

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

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

16 “(D) RULE OF CONSTRUCTION.—Nothing
17 in this paragraph shall be construed to invali-
18 date or limit other Federal or State laws afford-
19 ing to people with disabilities greater legal
20 rights or protections than those granted by this
21 section.

22 “(2) ENFORCEMENT BY ATTORNEY GEN-
23 ERAL.—

24 “(A) IN GENERAL.—The Attorney General
25 may bring a civil action on behalf of persons

1 aggrieved by the violation by an air carrier of
2 this section or a regulation prescribed under
3 this section in any appropriate district court of
4 the United States.

5 “(B) AUTHORITY OF COURT.—In a civil
6 action under subparagraph (A), the court
7 may—

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

10 “(ii) award such other relief as the
11 court considers to be appropriate, includ-
12 ing monetary damages to persons ag-
13 grieved by the violation by an air carrier of
14 this section or a regulation prescribed
15 under this section, when requested by the
16 Attorney General; and

17 “(iii) assess a civil penalty against the
18 air carrier.

19 “(c) ESTABLISHMENT OF STANDARDS FOR OPER-
20 ATION OF INDIVIDUAL VIDEO DISPLAYS, APPS FOR PER-
21 SONAL ELECTRONIC DEVICES, AND WEB PORTALS AND
22 WEBSITES.—

23 “(1) IN GENERAL.—Not later than 18 months
24 after the date of the enactment of this section, the
25 Architectural and Transportation Barriers Compli-

1 ance Board shall, in consultation with the Secretary,
2 prescribe standards in accordance with chapter 5 of
3 title 5 (commonly known as the ‘Administrative Pro-
4 cedure Act’) setting forth the minimum technical cri-
5 teria for individual video displays, apps for personal
6 devices, and web portals and websites described in
7 subsection (a)(2) to ensure that such video displays,
8 apps, and web portals and websites include a mecha-
9 nism that allows persons with disabilities to operate
10 the displays, apps, and web portals and websites
11 nonvisually.

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

19 “(3) REVIEW AND AMENDMENT.—The Archi-
20 tectural and Transportation Barriers Compliance
21 Board, in consultation with the Secretary, shall peri-
22 odically review and, as appropriate, amend the
23 standards prescribed under paragraph (1) in accord-
24 ance with chapter 5 of title 5. Not later than 180
25 days after the Architectural and Transportation

1 Barriers Compliance Board issues amended stand-
2 ards under this paragraph, the Secretary shall make
3 such revisions to the regulations prescribed under
4 paragraph (2) as are necessary to implement the
5 amended standards.

6 “(d) DEFINITIONS.—In this section:

7 “(1) AUDIO DESCRIPTION.—The term ‘audio
8 description’ means a method, process, or mechanism,
9 including a device, that—

10 “(A) allows an individual who is blind or
11 who has low vision to have access to the key
12 visual elements of visually displayed airline in-
13 formation and entertainment programming
14 (such as actions, settings, facial expressions,
15 costumes, and scene changes); and

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

21 “(2) CLOSED CAPTIONING.—The term ‘closed
22 captioning’ means a method, process, or mechanism,
23 which may include a device, that—

24 “(A) allows an individual who is deaf or
25 hard of hearing to have access to the content of

1 visually displayed airline information and enter-
2 tainment programming; and

3 “(B) allows that access by displaying,
4 through an individual device or individually
5 used technology, all of the audio portion of the
6 programming (including displaying the dialogue
7 and any narration, as well as descriptions of on-
8 and off-screen sounds such as sound effects,
9 music, or lyrics for music, and information
10 identifying the character who is speaking) as
11 text that can be effectively viewed and con-
12 trolled by that individual while the individual si-
13 multaneously watches the programming.

14 “(3) PERSON WITH A DISABILITY.—The term
15 ‘person with a disability’ means any person who has
16 a disability as defined in section 3 of the Americans
17 with Disabilities Act of 1990 (42 U.S.C. 12102).

18 “(4) OPEN CAPTIONING.—The term ‘open cap-
19 tioning’ means a method, process, or mechanism
20 that—

21 “(A) allows an individual who is deaf or
22 hard of hearing to have access to the content of
23 visually displayed airline information and enter-
24 tainment programming; and

1 “(B) allows that access by openly dis-
2 playing on the video display on which the pro-
3 gramming is displayed all of the audio portion
4 of the programming (including displaying the
5 dialogue and any narration, as well as descrip-
6 tions of on- and off-screen sounds such as
7 sound effects, music, or lyrics for music, and in-
8 formation identifying the character who is
9 speaking) as text that can be effectively viewed
10 by that individual and other passengers while
11 the individual and passengers simultaneously
12 watch the programming.

13 “(5) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of Transportation.

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

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 417 of title 49, United States Code, is amended by

- 1 inserting after the item relating to section 41705 the fol-
- 2 lowing:

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

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