

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.

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## 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

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## 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    TION 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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