

118TH CONGRESS  
1ST SESSION

# H. R. 1772

To amend title 49, United States Code, to prevent discrimination against airline passengers with disabilities who use lithium-ion-powered wheelchairs and mobility aids that are safe for air travel, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2023

Ms. TITUS (for herself and Mr. STANTON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to prevent discrimination against airline passengers with disabilities who use lithium-ion-powered wheelchairs and mobility aids that are safe for air travel, 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 “Working to Help En-  
5 sure Equity for Lithium-ion-powered Chairs on Airplanes  
6 Act” or the “WHEELChairs on Airplanes Act”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) In 1986, President Ronald Reagan signed  
5 the Air Carrier Access Act of 1986 (Public Law 99–  
6 435; 100 Stat. 1080), adding a provision now codi-  
7 fied in section 41705 of title 49, United States  
8 Code, prohibiting disability-based discrimination in  
9 air transportation.

10 (2) Despite this effort, individuals with disabil-  
11 ities continue to experience significant barriers to  
12 and with traveling in air transportation.

13 (3) The Department of Transportation’s Airline  
14 Passengers with Disabilities Bill of Rights specifies  
15 that “airlines must accept a battery powered wheel-  
16 chair, if it fits in the cargo compartment and can be  
17 transported consistent with safety and security re-  
18 quirements”.

19 (4) Wheelchairs and other mobility aids pow-  
20 ered by lithium-ion batteries are growing in preva-  
21 lence, as lithium-ion batteries are light-weight and  
22 can extend a device’s range between charges.

23 (5) Airline passengers with disabilities who  
24 travel with lithium-ion-powered wheelchairs or mobil-  
25 ity aids have been arbitrarily and erroneously denied

1 boarding despite presenting documentation that  
2 their devices meet all applicable safety standards.

3 (6) As the popularity of lithium-ion-powered  
4 wheelchairs and mobility aids continues to increase,  
5 so will the frequency of instances when airline pas-  
6 sengers with disabilities are erroneously and arbi-  
7 trarily denied boarding.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that an air carrier or foreign air carrier that denies  
10 an airline passenger with a disability who use a lithium-  
11 ion-powered wheelchair or mobility aid that meets all ap-  
12 plicable safety standards for air travel should be consid-  
13 ered to have violated such passenger’s rights under section  
14 41705 of title 49, United States Code, and therefore, all  
15 air carriers and foreign air carriers must maintain clear  
16 policies pertaining to lithium-ion battery-powered wheel-  
17 chairs and mobility aids that are no more restrictive than  
18 all applicable safety standards.

19 **SEC. 3. ANNUAL SURVEY OF AIR CARRIER AND FOREIGN**  
20 **AIR CARRIER LITHIUM-ION BATTERY POLI-**  
21 **CIES FOR WHEELCHAIRS AND MOBILITY**  
22 **AIDS.**

23 (a) IN GENERAL.—Subchapter I of chapter 417 of  
24 title 49, United States Code, is amended by adding at the  
25 end the following:

1 **“§ 41727. Requirements for air carrier and foreign air**  
2 **carrier lithium-ion battery policies for**  
3 **wheelchairs and mobility aids**

4 “(a) SURVEY REQUIRED.—Not later than 1 year  
5 after the date of enactment of the WHEELChairs on Air-  
6 planes Act, and annually thereafter, the Administrator of  
7 the Federal Aviation Administration shall conduct a sur-  
8 vey on all air carriers and foreign air carriers to—

9 “(1) compile the policies regarding lithium-ion  
10 battery-powered wheelchairs and mobility aids of  
11 each air carrier and foreign air carrier; and

12 “(2) determine whether any of the policies de-  
13 scribed in paragraph (1) are more restrictive than  
14 applicable standards in section 175.10 of title 49,  
15 Code of Federal Regulations.

16 “(b) REPORT AND PUBLICATION.—Upon completion  
17 of each survey required under subsection (a), the Adminis-  
18 trator shall—

19 “(1) submit to the Committee on Transpor-  
20 tation and Infrastructure of the House of Represent-  
21 atives and the Committee on Commerce, Science,  
22 and Transportation of the Senate a report con-  
23 taining such survey; and

24 “(2) publish on the website of the Department  
25 of Transportation in an accessible format the infor-  
26 mation collected under subsection (a).

1       “(c) NONCOMPLIANT POLICIES.—An air carrier or  
2 foreign air carrier is considered to have a noncompliant  
3 policy if the Administrator determines, as part of the sur-  
4 vey conducted under subsection (a), that such air carrier  
5 or foreign air carrier—

6               “(1) does not have a policy for lithium-ion-pow-  
7 ered wheelchairs or mobility aids in effect; or

8               “(2) has a policy for lithium-ion-powered wheel-  
9 chairs or mobility aids in effect that is more restric-  
10 tive than standards in section 175.10 of title 49,  
11 Code of Federal Regulations.

12       “(d) NOTIFICATION; UPDATES.—For any noncompli-  
13 ant policy under subsection (c), the Administrator—

14               “(1) shall notify the air carrier or foreign air  
15 carrier of the noncompliant status of the policy;

16               “(2) shall require such air carrier or foreign air  
17 carrier to update any such policy before the date  
18 that is 180 days after the receipt of a notification  
19 under paragraph (1); and

20               “(3) shall assess a civil penalty under section  
21 46301 for any policy of the air carrier or foreign air  
22 carrier that remains noncompliant beginning on such  
23 date.

1       “(e) REPORT ON COMPLIANT POLICY.—An air car-  
2 rier or foreign air carrier that is required to update a non-  
3 compliant policy under subsection (d)(2) shall—

4               “(1) update such policy; and

5               “(2) submit to the Administrator a report upon  
6 completion of the update that contains the updated  
7 policy.”.

8       (b)       CONFORMING        AMENDMENT.—Section  
9 46301(d)(2) of title 49, United States Code, is amended  
10 by inserting “section 41727,” before “chapter 441”.

11       (c) CLERICAL AMENDMENT.—The analysis for chap-  
12 ter 417 of title 49, United States Code, is amended by  
13 inserting after the item relating to section 41726 the fol-  
14 lowing:

“41727. Requirements for air carrier and foreign air carrier lithium-ion battery  
policies for wheelchairs and mobility aids.”.

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