

117TH CONGRESS
1ST SESSION

S. 3333

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

DECEMBER 8, 2021

Mr. CASEY (for himself, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. MARKEY, Mr. BROWN, and Ms. DUCKWORTH) 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) audio description for persons with
4 disabilities when such programming is available
5 to passengers through individual video displays
6 or 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, APPS FOR PERSONAL
11 ELECTRONIC DEVICES, AND WEB PORTALS AND
12 WEBSITES.—Not later than the effective date of the
13 regulations prescribed under subsection (c)(2), in
14 providing air transportation, an air carrier, including
15 (subject to section 40105(b)) any foreign air carrier,
16 shall ensure that—

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

“(B) any apps for a personal electronic device, such as a phone or tablet, that are made available by the air carrier to passengers on a flight and that display visually displayed airline information and entertainment programming include a mechanism that allows persons with disabilities to nonvisually operate such apps in accordance with the standards prescribed under subsection (c); and

“(C) any web portals or websites the air carrier directs passengers to in order to access or pay for inflight entertainment, including the method for referring passengers to such web portals and websites, include a mechanism that allows persons with disabilities to nonvisually operate such web portals and websites in accordance with the standards prescribed under subsection (c).

“(b) CIVIL ACTION.—

“(1) AGGRIEVED PERSONS.—

“(A) IN GENERAL.—Any person aggrieved by the violation by an air carrier of this section or a regulation prescribed under this section may, during the 2-year period beginning on the

1 date of the violation, bring a civil action in an
2 appropriate district court of the United States.

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

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

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

24 “(2) ENFORCEMENT BY ATTORNEY GEN-
25 ERAL.—

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

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

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

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

19 “(iii) assess a civil penalty against the
 20 air carrier.

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

1 “(1) IN GENERAL.—Not later than 18 months
2 after the date of the enactment of the Airline Infor-
3 mation and Entertainment Access Act, the Architec-
4 tural and Transportation Barriers Compliance
5 Board shall, in consultation with the Secretary, pre-
6 scribe standards in accordance with chapter 5 of
7 title 5 (commonly known as the ‘Administrative Pro-
8 cedure Act’) setting forth the minimum technical cri-
9 teria for individual video displays, apps for personal
10 devices, and web portals and websites described in
11 subsection (a)(2) to ensure that such video displays,
12 apps, and web portals and websites include a mecha-
13 nism that allows persons with disabilities to operate
14 the displays, apps, and web portals and websites
15 nonvisually.

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-

odically review and, as appropriate, amend the standards prescribed under paragraph (1) in accordance with chapter 5 of title 5. Not later than 180 days after the Architectural and Transportation Barriers Compliance Board issues amended standards under this paragraph, the Secretary shall make such revisions to the regulations prescribed under paragraph (2) as are necessary to implement the amended standards.

“(d) DEFINITIONS.—In this section:

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

“(A) allows an individual who is blind or who has low vision to have access to the key visual elements of visually displayed airline information and entertainment programming (such as actions, settings, facial expressions, costumes, and scene changes); and

“(B) allows that access through the provision of contemporaneous audio narrated descriptions of those elements during the natural pauses in the audio portion of the programming, or during the audio portion if necessary.

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

4 “(A) allows an individual who is deaf or
5 hard of hearing to have access to the content of
6 visually displayed airline information and enter-
7 tainment programming; and

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

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

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

1 “(A) allows an individual who is deaf or
2 hard of hearing to have access to the content of
3 visually displayed airline information and enter-
4 tainment programming; and

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

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

19 “(6) VISUALLY DISPLAYED AIRLINE INFORMA-
20 TION AND ENTERTAINMENT PROGRAMMING.—The
21 term ‘visually displayed airline information and en-
22 tertainment programming’ means pre-flight safety
23 briefing videos, live televised events, recorded pro-
24 gramming (including television programs), or motion

1 pictures that are available to passengers, for a fee
2 or without cost, on a flight in air transportation.”.

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

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

