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S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To protect the rights of passengers with disabilities in air transportation.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. _____

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2024 through 2028, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. BALDWIN (for herself and Ms. DUCKWORTH)

Viz:

1 At the end of subtitle B of title VII, insert the following:
2

3 **SEC. ____ STANDARDS.**

4 (a) AIRCRAFT ACCESS STANDARDS.—

5 (1) STANDARDS.—

6 (A) ADVANCE NOTICE OF PROPOSED RULE-
7 MAKING.—Not later than 1 year after the date
8 of the enactment of this section, the Secretary
9 shall issue an advanced notice of proposed rule-
10 making regarding standards to ensure that the
11 aircraft boarding and deplaning process is ac-

1 cessible, in terms of design for and transpor-
2 tation of, and communication with, individuals
3 with disabilities, including individuals who use
4 wheelchairs.

5 (B) NOTICE OF PROPOSED RULE-
6 MAKING.—Not later than 1 year after the date
7 on which the advanced notice of proposed rule-
8 making under subparagraph (A) is completed,
9 the Secretary shall issue a notice of proposed
10 rulemaking regarding standards addressed in
11 subparagraph (A).

12 (C) FINAL RULE.—Not later than 1 year
13 after the date on which the notice of proposed
14 rulemaking under subparagraph (B) is com-
15 pleted, the Secretary shall issue a final rule.

16 (2) COVERED AIRCRAFT, EQUIPMENT, AND FEA-
17 TURES.—The standards prescribed under paragraph
18 (1)(A) shall address, at a minimum—

19 (A) boarding and deplaning equipment;

20 (B) improved procedures to ensure the pri-
21 ority cabin stowage for manual assistive devices
22 pursuant to section 382.67 of title 14 of the
23 Code of Federal Regulations; and

24 (C) improved cargo hold storage to prevent
25 damage to assistive devices.

1 (3) CONSULTATION.—For purposes of the rule-
2 making in subsection (a), the Secretary shall consult
3 with the Access Board and any other relevant de-
4 partment or agency to determine appropriate acces-
5 sibility standards.

6 (b) IN-FLIGHT ENTERTAINMENT RULEMAKING.—
7 Not later than 1 year after the date of the enactment of
8 this section, the Secretary shall issue a notice of proposed
9 rulemaking in accordance with the November 22, 2016
10 Resolution of the U.S. Department of Transportation AC-
11 CESS Committee’s and the consensus recommendation set
12 forth in Term Sheet Reflecting Agreement of the Access
13 Committee Regarding In-Flight Entertainment.

14 (c) NEGOTIATED RULEMAKING ON IN-CABIN WHEEL-
15 CHAIR RESTRAINT SYSTEMS AND ENPLANING AND
16 DEPLANING STANDARDS.—

17 (1) TIMING.—

18 (A) IN GENERAL.—Not later than 1 year
19 after completion of the report required by sec-
20 tion 735(d)(3), and if that report finds eco-
21 nomic and financial feasibility of air carriers
22 and foreign air carriers implementing seating
23 arrangements that accommodate passengers
24 with wheelchairs (including power wheelchairs,
25 manual wheelchairs, and scooters) in the main

1 cabin during flight, the Secretary shall conduct
2 a negotiated rulemaking on new type certifi-
3 cated aircraft standards for seating arrange-
4 ments that accommodate passengers with
5 wheelchairs (including power wheelchairs, man-
6 ual wheelchairs, and scooters) in the main cabin
7 during flight or an accessible route to a min-
8 imum of 2 aircraft passenger seats for pas-
9 sengers to access from their personal assistive
10 devices.

11 (B) REQUIREMENT.—The negotiated rule-
12 making shall include participation of represent-
13 atives of—

- 14 (i) air carriers.
- 15 (ii) aircraft manufacturers;
- 16 (iii) national disability organizations;
- 17 (iv) aviation safety experts; and
- 18 (v) mobility aid manufacturers.

19 (2) NOTICE OF PROPOSED RULEMAKING.—Not
20 later than 1 year after the completion of the nego-
21 tiated rulemaking required by paragraph (1), the
22 Secretary shall issue a notice of proposed rule-
23 making regarding the standards in paragraph (1).

24 (3) FINAL RULE.—Not later than 1 year after
25 the date on which the notice of proposed rulemaking

1 under paragraph (2) is completed, the Secretary
2 shall issue a final rule regarding the standards in
3 paragraph (1).

4 (4) CONSIDERATIONS.—In the negotiated rule-
5 making and rulemaking required under this sub-
6 section, the Secretary shall consider—

7 (A) a reasonable period for the design, cer-
8 tification and construction of aircraft that meet
9 the requirements;

10 (B) the safety of all persons on-board the
11 aircraft, including necessary wheelchair stand-
12 ards and wheelchair compliance with FAA
13 crashworthiness and safety performance cri-
14 teria; and

15 (C) the costs of design, installation, equi-
16 page, and aircraft capacity impacts, including
17 partial fleet equipage and fare impacts.

18 (d) VISUAL AND TACTILELY ACCESSIBLE AN-
19 NOUNCEMENTS.—The Advisory Committee established
20 under section 439(g) of the FAA Reauthorization Act of
21 2018 (49 U.S.C. 41705 note) (as amended by section 731)
22 shall examine technical solutions and the feasibility of vis-
23 ually and tactilely accessible announcements on-board air-
24 craft.

1 (e) AIRPORT FACILITIES.—Not later than 2 years
2 after the date of enactment of this Act, the Secretary
3 shall, in direct consultation with the Access Board, pre-
4 scribe regulations setting forth minimum standards under
5 section 41705 of title 49, United States Code (commonly
6 known as the “Air Carrier Access Act”), that ensure all
7 gates (including counters), ticketing areas, and customer
8 service desks covered under such section at airports are
9 accessible to and usable by all individuals with disabilities,
10 including through the provision of visually and tactilely ac-
11 cessible announcements and full and equal access to aural
12 communications.

13 (f) DEFINITIONS.—In this section:

14 (1) ACCESS BOARD.—The term “Access Board”
15 means the Architectural and Transportation Bar-
16 riers Compliance Board.

17 (2) AIR CARRIER.—The term “air carrier” has
18 the meaning given that term in section 40102 of
19 title 49, United States Code.

20 (3) INDIVIDUAL WITH A DISABILITY.—The term
21 “individual with a disability” has the meaning given
22 that term in section 382.3 of title 14, Code of Fed-
23 eral Regulations.

1 (4) FOREIGN AIR CARRIER.—The term “foreign
2 air carrier” has the meaning given that term in sec-
3 tion 40102 of title 49, United States Code.