

113TH CONGRESS
1ST SESSION

S. 556

To amend title 49, United States Code, to improve the accessibility of entertainment programming provided by air carriers on passenger flights, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2013

Mr. HARKIN 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 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 “Air Carrier Access
5 Amendments Act”.

1 **SEC. 2. ACCESSIBILITY OF IN-FLIGHT ENTERTAINMENT**
2 **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:

6 **“§ 41705a. Accessibility of in-flight entertainment**
7 **programming**

8 “(a) IN GENERAL.—In providing air transportation,
9 an air carrier, including (subject to section 40105(b)) any
10 foreign air carrier, shall ensure that—

11 “(1) on and after the date that is 180 days
12 after the date of the enactment of the Air Carrier
13 Access Amendments Act, all visually displayed enter-
14 tainment programming available to passengers on a
15 flight is accessible to individuals with disabilities, in-
16 cluding by—

17 “(A) providing, or making available, open
18 captioning for individuals with disabilities, in-
19 cluding individuals who are deaf or hard of
20 hearing, when such programming is available to
21 passengers through shared video displays, such
22 as a monitor located in a passenger access aisle;

23 “(B) providing, or making available, closed
24 captioning for individuals with disabilities, in-
25 cluding individuals who are deaf or hard of
26 hearing, when such programming is available to

1 passengers through individual video displays;
2 and

3 “(C) providing, or making available, video
4 description for individuals with disabilities, in-
5 cluding individuals who are blind or visually im-
6 paired, when such programming is available to
7 passengers through individual video displays or
8 shared video displays; and

9 “(2) not later than the effective date of the reg-
10 ulations prescribed under subsection (c)(2), all indi-
11 vidual video displays that display entertainment pro-
12 gramming or information to passengers on a flight
13 that are operated primarily by using touchscreens or
14 other contact-sensitive controls include a mechanism
15 that allows individuals with disabilities, including in-
16 dividuals who are blind or visually impaired, to inde-
17 pendently operate the displays in accordance with
18 the standards prescribed under subsection (c).

19 “(b) ENFORCEMENT.—

20 “(1) IN GENERAL.—The remedies and proce-
21 dures set forth in section 308(a) of the Americans
22 with Disabilities Act of 1990 (42 U.S.C. 12188(a)),
23 including the injunctive relief described in paragraph
24 (2) of that section, shall be available to any person

1 aggrieved by the failure of an air carrier to comply
2 with subsection (a).

3 “(2) ENFORCEMENT BY ATTORNEY GEN-
4 ERAL.—The provisions of section 308(b) of the
5 Americans with Disabilities Act of 1990 (42 U.S.C.
6 12188(b)) shall apply with respect to the compliance
7 of air carriers with subsection (a) to the same extent
8 that those provisions apply with respect to the com-
9 pliance of covered entities with title III of that Act
10 (42 U.S.C. 12181 et seq.).

11 “(c) ESTABLISHMENT OF STANDARDS FOR OPER-
12 ATION OF INDIVIDUAL VIDEO DISPLAYS.—

13 “(1) IN GENERAL.—Not later than 18 months
14 after the date of the enactment of the Air Carrier
15 Access Amendments Act, the Architectural and
16 Transportation Barriers Compliance Board shall, in
17 consultation with the Secretary of Transportation,
18 prescribe standards in accordance with chapter 5 of
19 title 5 (commonly known as the ‘Administrative Pro-
20 cedure Act’) setting forth the minimum technical cri-
21 teria for individual video displays described in sub-
22 section (a)(2) to ensure that such video displays in-
23 clude a mechanism that allows individuals with dis-
24 abilities to operate the displays independently.

1 “(2) REGULATIONS.—Not later than 180 days
2 after the Architectural and Transportation Barriers
3 Compliance Board issues standards under paragraph
4 (1), the Secretary shall prescribe such regulations as
5 are necessary to implement those standards and
6 shall publish those regulations in an accessible for-
7 mat.

8 “(3) REVIEW AND AMENDMENT.—The Archi-
9 tectural and Transportation Barriers Compliance
10 Board, in consultation with the Secretary, shall peri-
11 odically review and, as appropriate, amend the
12 standards prescribed under paragraph (1) in accord-
13 ance with chapter 5 of title 5. Not later than 180
14 days after the Architectural and Transportation
15 Barriers Compliance Board issues amended stand-
16 ards under this paragraph, the Secretary shall make
17 such revisions to the regulations prescribed under
18 paragraph (2) as are necessary to implement the
19 amended standards.

20 “(d) DEFINITIONS.—In this section:

21 “(1) 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 entertainment programming;
2 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 “(2) INDIVIDUAL WITH A DISABILITY.—The
15 term ‘individual with a disability’ means any person
16 who has a disability as defined in section 3 of the
17 Americans with Disabilities Act of 1990 (42 U.S.C.
18 12102).

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

22 “(A) allows an individual who is deaf or
23 hard of hearing to have access to the content of
24 visually displayed entertainment programming;
25 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 “(4) VIDEO DESCRIPTION.—The term ‘video de-
14 scription’ means a method, process, or mechanism,
15 including a device, that—

16 “(A) allows an individual who is blind or
17 visually impaired to have access to the key vis-
18 ual elements of visually displayed entertainment
19 programming (such as actions, settings, facial
20 expressions, costumes, and scene changes); and

21 “(B) allows that access through the provi-
22 sion of contemporaneous audio narrated de-
23 scriptions of those elements during the natural
24 pauses in the audio portion of the program-
25 ming, or during the audio portion if necessary.

1 “(5) VISUALLY DISPLAYED ENTERTAINMENT
2 PROGRAMMING.—The term ‘visually displayed enter-
3 tainment programming’ means live televised events,
4 recorded programming (including television pro-
5 grams), or motion pictures that are available to pas-
6 sengers, for a fee or without cost, on a flight in air
7 transportation.”.

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

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

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