

118TH CONGRESS
1ST SESSION

S. 400

To require the Secretary of Transportation to annually report on aviation consumer complaints related to passengers with a disability.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2023

Ms. DUCKWORTH (for herself and Mrs. FISCHER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Secretary of Transportation to annually report on aviation consumer complaints related to passengers with a disability.

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 “Prioritizing Account-
5 ability and Accessibility for Aviation Consumers Act of
6 2023”.

1 **SEC. 2. ANNUAL REPORT OF THE SECRETARY OF TRANS-**
2 **PORTATION ON AVIATION CONSUMER COM-**
3 **PLAINTS RELATED TO PASSENGERS WITH A**
4 **DISABILITY.**

5 (a) ANNUAL REPORT.—Not later than 1 year after
6 the date of enactment of this Act, and annually thereafter,
7 the Secretary of Transportation shall submit a report on
8 aviation consumer complaints related to passengers with
9 a disability filed with the Department of Transportation
10 to the Committee on Commerce, Science, and Transpor-
11 tation of the Senate and the Committee on Transportation
12 and Infrastructure of the House of Representatives, and
13 shall make each report publicly available.

14 (b) REPORT.—Each report submitted under sub-
15 section (a) shall include, but not be limited to, the fol-
16 lowing:

17 (1) The number of aviation consumer com-
18 plaints related to passengers with a disability filed
19 with the Department of Transportation during the 5
20 most recent calendar years.

21 (2) The nature of such complaints, such as re-
22 ported issues with—

23 (A) an air carrier, including an air car-
24 rier's staff training or lack thereof;

25 (B) mishandling of passengers with a dis-
26 ability or their accessibility equipment;

1 (C) the condition or lack of accessibility
2 equipment or materials;

3 (D) the accessibility of in-flight services,
4 including accessing and utilizing on-board lava-
5 tories, for passengers with a disability;

6 (E) difficulties experienced by passengers
7 with a disability in communicating with an air
8 carrier or staff of an air carrier;

9 (F) difficulties experienced by passengers
10 with a disability in being moved, handled, or
11 having their schedule changed without consent;

12 (G) issues experienced by passengers with
13 a disability traveling with a service animal; and

14 (H) such other issues as the Secretary of
15 Transportation deems appropriate.

16 (3) An overview of the review process for such
17 complaints received during such period.

18 (4) How quickly review for each such complaint
19 was initiated.

20 (5) How quickly each such complaint was re-
21 solved or otherwise addressed.

22 (6) Of the complaints that were found to violate
23 section 41705 of title 49, United States Code (com-
24 monly known as the “Air Carrier Access Act of
25 1986”)—

1 (A) the number of such complaints for
2 which a formal enforcement order was issued;
3 and

4 (B) the number of such complaints for
5 which a formal enforcement order was not
6 issued.

7 (7) How many aviation consumer complaints re-
8 lated to passengers with a disability were referred to
9 the Department of Justice for an enforcement action
10 under—

11 (A) section 504 of the Rehabilitation Act
12 of 1973 (29 U.S.C. 794);

13 (B) the Americans with Disabilities Act of
14 1990 (42 U.S.C. 12101 et seq.); or

15 (C) any other provision of law.

16 (8) How many aviation consumer complaints re-
17 lated to passengers with a disability filed with the
18 Department of Transportation that involved airport
19 staff, or other matters under the jurisdiction of the
20 Federal Aviation Administration, were referred to
21 the Federal Aviation Administration.

22 (9) How many aviation consumer complaints re-
23 lated to passengers with a disability filed with the
24 Department of Transportation that involved Trans-
25 portation Security Administration staff, or other

1 matters under the jurisdiction of the Transportation
2 Security Administration, were referred to the Trans-
3 portation Security Administration or the Depart-
4 ment of Homeland Security.

5 (c) DEFINITIONS.—

6 (1) IN GENERAL.—The definitions set forth in
7 section 40102 of title 49, United States Code, and
8 section 382.3 of title 14, Code of Federal Regula-
9 tions, apply to any term defined in such sections
10 that is used in this section.

11 (2) PASSENGERS WITH A DISABILITY DE-
12 FINED.—In this section, the term “passengers with
13 a disability” has the meaning given the term “quali-
14 fied individual with a disability” in section 382.3 of
15 title 14, Code of Federal Regulations.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated such sums as are necessary
18 to carry out this section.

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