

passenger to transport a child traveling on the same flight as the passenger.

(b) EXCEPTION.—Subsection (a) shall not apply in instances where the size or weight of the stroller poses a safety or security risk.

(c) COVERED AIR CARRIER DEFINED.—In this section, the term “covered air carrier” means an air carrier or a foreign air carrier as those terms are defined in section 40102 of title 49, United States Code.

(Added Pub. L. 115-254, div. B, title IV, §412(a), Oct. 5, 2018, 132 Stat. 3331.)

#### § 41727. Passenger Rights<sup>1</sup>

(a) GUIDELINES.—The Secretary of Transportation shall require each covered air carrier to submit a summarized 1-page document that describes the rights of passengers in air transportation, including guidelines for the following:

(1) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight delays of various lengths.

(2) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight diversions.

(3) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight cancellations.

(4) Compensation for mishandled baggage, including delayed, damaged, pilfered, or lost baggage.

(5) Voluntary relinquishment of a ticketed seat due to overbooking or priority of other passengers.

(6) Involuntary denial of boarding and forced removal for whatever reason, including for safety and security reasons.

(b) FILING OF SUMMARIZED GUIDELINES.—Not later than 90 days after each air carrier submits its guidelines to the Secretary under subsection (a), the air carrier shall make available such 1-page document in a prominent location on its website.

(Added and amended Pub. L. 118-63, title V, §510(a), May 16, 2024, 138 Stat. 1193.)

#### Editorial Notes

##### CODIFICATION

Section, as added and amended by section 510(a) of Pub. L. 118-63, is based on Pub. L. 115-254, div. B, title IV, §429, Oct. 5, 2018, 132 Stat. 3341, which was formerly set out as a note preceding section 42301 of this title before being transferred to this chapter and renumbered as this section.

##### AMENDMENTS

2024—Pub. L. 118-63, §510(a)(1), transferred section 429 of Pub. L. 115-254 to this chapter, renumbered it as this section, and amended style of section catchline. See Codification note above.

Subsec. (a). Pub. L. 118-63, §510(a)(2), substituted “The Secretary” for “Not later than 90 days after the date of enactment of this Act, the Secretary” in introductory provisions.

#### § 41728. Airline passengers with disabilities bill of rights

(a) AIRLINE PASSENGERS WITH DISABILITIES BILL OF RIGHTS.—The Secretary of Transporta-

tation shall develop a document, to be known as the “Airline Passengers with Disabilities Bill of Rights”, using plain language to describe the basic protections and responsibilities of covered air carriers,<sup>1</sup> their employees and contractors, and people with disabilities under section 41705.

(b) CONTENT.—In developing the Airline Passengers with Disabilities Bill of Rights under subsection (a), the Secretary shall include, at a minimum, plain language descriptions of protections and responsibilities provided in law related to the following:

(1) The right of passengers with disabilities to be treated with dignity and respect.

(2) The right of passengers with disabilities to receive timely assistance, if requested, from properly trained covered air carrier and contractor personnel.

(3) The right of passengers with disabilities to travel with wheelchairs, mobility aids, and other assistive devices, including necessary medications and medical supplies, including stowage of such wheelchairs, aids, and devices.

(4) The right of passengers with disabilities to receive seating accommodations, if requested, to accommodate a disability.

(5) The right of passengers with disabilities to receive announcements in an accessible format.

(6) The right of passengers with disabilities to speak with a complaint resolution officer or to file a complaint with a covered air carrier or the Department of Transportation.

(c) RULE OF CONSTRUCTION.—The development of the Airline Passengers with Disabilities Bill of Rights under subsections (a) and (b) shall not be construed as expanding or restricting the rights available to passengers with disabilities on the day before the date of enactment of the FAA Reauthorization Act of 2018 pursuant to any statute or regulation.

(d) CONSULTATIONS.—In developing the Airline Passengers with Disabilities Bill of Rights under subsection (a), the Secretary of Transportation shall consult with stakeholders, including disability organizations and covered air carriers and their contractors.

(e) DISPLAY.—Each covered air carrier shall include the Airline Passengers with Disabilities Bill of Rights—

(1) on a publicly available internet website of the covered air carrier; and

(2) in any pre-flight notifications or communications provided to passengers who alert the covered air carrier in advance of the need for accommodations relating to a disability.

(f) TRAINING.—Covered air carriers and contractors of covered air carriers shall submit to the Secretary of Transportation plans that ensure that employees of covered air carriers and their contractors receive training on the protections and responsibilities described in the Airline Passengers with Disabilities Bill of Rights. The Secretary shall review such plans to ensure the plans address the matters described in subsection (b).

(Added and amended Pub. L. 118-63, title V, §510(b), May 16, 2024, 138 Stat. 1194.)

<sup>1</sup> So in original. Probably should not be capitalized.

<sup>1</sup> See Definition note below.

**Editorial Notes**

## REFERENCES IN TEXT

The date of enactment of the FAA Reauthorization Act of 2018, referred to in subsec. (c), is the date of enactment of Pub. L. 115-254, which was approved Oct. 5, 2018.

## CODIFICATION

Section, as added and amended by section 510(b) of Pub. L. 118-63, is based on Pub. L. 115-254, div. B, title IV, § 434, Oct. 5, 2018, 132 Stat. 3343, which was formerly set out as a note under section 41705 of this title before being transferred to this chapter and renumbered as this section.

## AMENDMENTS

2024—Pub. L. 118-63, § 510(b)(1), transferred section 434 of Pub. L. 115-254 to this chapter, renumbered it as this section, and amended style of section catchline. See Codification note above.

Subsec. (a). Pub. L. 118-63, § 510(b)(2)(A), substituted “section 41705” for “the section 41705 of title 49, United States Code”.

Subsec. (c). Pub. L. 118-63, § 510(b)(2)(B), substituted “the date of enactment of the FAA Reauthorization Act of 2018” for “the date of the enactment of this Act”.

Subsec. (f). Pub. L. 118-63, § 510(b)(2)(C), substituted “ensure that employees” for “ensure employees”.

**Statutory Notes and Related Subsidiaries**

## IMPROVED TRAINING STANDARDS FOR ASSISTING PASSENGERS WHO USE WHEELCHAIRS

Pub. L. 118-63, title V, § 542, May 16, 2024, 138 Stat. 1201, provided that:

“(a) RULEMAKING.—Not later than 6 months after the date of enactment of this Act [May 16, 2024], the Secretary [of Transportation] shall issue a notice of proposed rulemaking to develop requirements for minimum training standards for airline personnel or contractors who assist wheelchair users who board or deplane using an aisle chair or other boarding device.

“(b) REQUIREMENTS.—The training standards developed under subsection (a) shall require, at a minimum, that airline personnel or contractors who assist passengers who use wheelchairs who board or deplane using an aisle chair or other boarding device—

“(1) before being allowed to assist a passenger using an aisle chair or other boarding device to board or deplane, be able to successfully demonstrate skills (during hands-on training sessions) on—

“(A) how to safely use the aisle chair, or other boarding device, including the use of all straps, brakes, and other safety features;

“(B) how to assist in the transfer of passengers to and from their wheelchair, the aisle chair, and the aircraft’s passenger seat, either by physically lifting the passenger or deploying a mechanical device for the lift or transfer; and

“(C) how to effectively communicate with, and take instruction from, the passenger;

“(2) are trained regarding the availability of accessible lavatories and on-board wheelchairs and the right of a qualified individual with a disability to request an on-board wheelchair; and

“(3) complete refresher training within 18 months of an initial training and be recertified on the job every 18 months thereafter by a relevant superior in order to remain qualified for providing aisle chair assistance.

“(c) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum—

“(1) whether to require air carriers and foreign air carriers to partner with national disability organizations and disabled veterans organizations representing individuals with disabilities who use wheel-

chairs and scooters in developing, administering, and auditing training;

“(2) whether to require air carriers and foreign air carriers to use a lift device, instead of an aisle chair, to board and deplane passengers with mobility disabilities; and

“(3) whether individuals able to provide boarding and deplaning assistance for passengers with limited or no mobility should receive training incorporating procedures from medical professionals on how to properly lift these passengers.

“(d) FINAL RULE.—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue a final rule pursuant to the rulemaking conducted under this section.

“(e) PENALTIES.—The Secretary may assess a civil penalty in accordance with section 46301 of title 49, United States Code, to any air carrier or foreign air carrier who fails to meet the requirements established under the final rule under subsection (d).”

## TRAINING STANDARDS FOR STOWAGE OF WHEELCHAIRS AND SCOOTERS

Pub. L. 118-63, title V, § 543, May 16, 2024, 138 Stat. 1202, provided that:

“(a) RULEMAKING.—Not later than 6 months after the date of enactment of this Act [May 16, 2024], the Secretary [of Transportation] shall issue a notice of proposed rulemaking to develop minimum training standards related to stowage of wheelchairs and scooters used by passengers with disabilities on aircraft.

“(b) REQUIREMENTS.—The training standards developed under subsection (a) shall require, at a minimum, that personnel and contractors of air carriers and foreign air carriers who stow wheelchairs and scooters on aircraft—

“(1) before being allowed to handle or stow a wheelchair or scooter, be able to successfully demonstrate skills (during hands-on training sessions) on—

“(A) how to properly handle and configure, at a minimum, the most commonly used power and manual wheelchairs and scooters for stowage on each aircraft type operated by the air carrier or foreign air carrier;

“(B) how to properly review any wheelchair or scooter information provided by the passenger or the wheelchair or scooter manufacturer; and

“(C) how to properly load, secure, and unload wheelchairs and scooters, including how to use any specialized equipment for loading or unloading, on each aircraft type operated by the air carrier or foreign air carrier; and

“(2) complete refresher training within 18 months of an initial training and be recertified on the job every 18 months thereafter by a relevant superior in order to remain qualified for handling and stowing wheelchairs and scooters.

“(c) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum, whether to require air carriers and foreign air carriers to partner with wheelchair or scooter manufacturers, national disability and disabled veterans organizations representing individuals who use wheelchairs and scooters, and aircraft manufacturers, in developing, administering, and auditing training.

“(d) FINAL RULE.—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue a final rule pursuant to the rulemaking conducted under this section.

“(e) PENALTIES.—The Secretary may assess a civil penalty in accordance with section 46301 of title 49, United States Code, to any air carrier or foreign air carrier who fails to meet the requirements established under the final rule under subsection (d).”

## MOBILITY AIDS ON BOARD IMPROVE LIVES AND EMPOWER ALL

Pub. L. 118-63, title V, § 544, May 16, 2024, 138 Stat. 1203, provided that:

## “(a) PUBLICATION OF CARGO HOLD DIMENSIONS.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [May 16, 2024], the Secretary [of Transportation] shall require air carriers to publish in a prominent and easily accessible place on the public website of the air carrier, information describing the relevant dimensions and other characteristics of the cargo holds of all aircraft types operated by the air carrier, including the dimensions of the cargo hold entry, that would limit the size, weight, and allowable type of cargo.

“(2) PROPRIETARY INFORMATION.—The Secretary shall allow an air carrier to protect the confidentiality of any trade secret or proprietary information submitted in accordance with paragraph (1), as appropriate.

“(b) REFUND REQUIRED FOR INDIVIDUAL TRAVELING WITH WHEELCHAIR.—In the case of a qualified individual with a disability traveling with a wheelchair who has purchased a ticket for a flight from an air carrier, but who cannot travel on the aircraft for such flight because the wheelchair of such qualified individual cannot be physically accommodated in the cargo hold of the aircraft, the Secretary shall require such air carrier to offer a refund to such qualified individual of any previously paid fares, fees, and taxes applicable to such flight.

“(c) EVALUATION OF DATA REGARDING DAMAGED WHEELCHAIRS.—Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Secretary shall—

“(1) evaluate data regarding the type and frequency of incidents of the mishandling of wheelchairs on aircraft and delineate such data by—

“(A) types of wheelchairs involved in such incidents; and

“(B) the ways in which wheelchairs are mishandled, including the type of damage to wheelchairs (such as broken drive wheels or casters, bent or broken frames, damage to electrical connectors or wires, control input devices, joysticks, upholstery or other components, loss, or delay of return);

“(2) determine whether there are trends with respect to the data evaluated under paragraph (1); and

“(3) make available on the public website of the Department of Transportation, in an accessible manner, a report containing the results of the evaluation of data and determination made under paragraphs (1) and (2) and a description of how the Secretary plans to address such results.

“(d) REPORT TO CONGRESS ON MISHANDLED WHEELCHAIRS.—Upon completion of each annual report required under subsection (c), the Secretary shall transmit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] such report.

“(e) FEASIBILITY OF IN-CABIN WHEELCHAIR RESTRAINT SYSTEMS.—

“(1) ROADMAP.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a publicly available strategic roadmap that describes how the Department of Transportation and the United States Access Board, respectively, shall, in accordance with the recommendations from the National Academies of Science, Engineering, and Mathematics [probably should be ‘National Academies of Sciences, Engineering, and Medicine’] ‘Transportation Research Board Special Report 341—

“(A) establish a program of research, in collaboration with the Rehabilitation Engineering and Assistive Technology Society of North America, the assistive technology industry, air carriers, original equipment manufacturers, national disability and disabled veterans organizations, and any other relevant stakeholders, to test and evaluate an appropriate selection of WC19-compliant wheelchairs and accessories in accordance with applicable FAA

[Federal Aviation Administration] crashworthiness and safety performance criteria, including the issues and considerations set forth in such Special Report 341; and

“(B) sponsor studies that assess issues and considerations, including those set forth in such Special Report 341, such as—

“(i) the likely demand for air travel by individuals who are nonambulatory if such individuals could remain seated in their personal wheelchairs in flight; and

“(ii) the feasibility of implementing seating arrangements that would accommodate passengers in wheelchairs in the main cabin in flight.

“(2) STUDY.—If determined to be technically feasible by the Secretary, not later than 2 years after making such determination, the Secretary shall commence a study to assess the economic and financial feasibility of air carriers and foreign air carriers implementing seating arrangements that accommodate passengers with wheelchairs in the main cabin during flight. Such study shall include an assessment of—

“(A) the cost of such seating arrangements, equipment, and installation;

“(B) the demand for such seating arrangements;

“(C) the impact of such seating arrangements on passenger seating and safety on aircraft;

“(D) the impact of such seating arrangements on the cost of operations and airfare; and

“(E) any other information determined appropriate by the Secretary.

“(3) REPORT.—Not later than 1 year after the date on which the study under paragraph (2) is completed, the Secretary shall submit to the appropriate committees of Congress a publicly available report describing the results of the study conducted under paragraph (2) and any recommendations the Secretary determines appropriate.

“(f) DEFINITIONS.—In this section:

“(1) AIR CARRIER.—The term ‘air carrier’ has the meaning given such term in section 40102 of title 49, United States Code.

“(2) DISABILITY; QUALIFIED INDIVIDUAL WITH A DISABILITY.—The terms ‘disability’ and ‘qualified individual with a disability’ have the meanings given such terms in section 382.3 of title 14, Code of Federal Regulations (as in effect on date of enactment of this Act [May 16, 2024]).

“(3) WHEELCHAIR.—The term ‘wheelchair’ has the meaning given such term in section 37.3 of title 49, Code of Federal Regulations (as in effect on date of enactment of this Act), and includes power wheelchairs, manual wheelchairs, and scooters.”

PRIORITIZING ACCOUNTABILITY AND ACCESSIBILITY FOR AVIATION CONSUMERS

Pub. L. 118–63, title V, §545, May 16, 2024, 138 Stat. 1205, provided that:

“(a) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act [May 16, 2024], and annually thereafter, the Secretary [of Transportation] shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives], and make publicly available, a report on aviation consumer complaints related to passengers with a disability filed with the Department of Transportation.

“(b) CONTENTS.—Each annual report submitted under subsection (a) shall, at a minimum, include the following:

“(1) The number of aviation consumer complaints reported to the Secretary related to passengers with a disability filed with the Department of Transportation during the calendar year preceding the year in which such report is submitted.

“(2) The nature of such complaints, including reported issues with—

“(A) an air carrier, including an air carrier’s staff training or lack thereof;

- “(B) mishandling of passengers with a disability or their accessibility equipment, including mobility aids and wheelchairs;
- “(C) the condition, availability, or lack of accessibility of equipment operated by an air carrier or a contractor of an air carrier;
- “(D) the accessibility of in-flight services, including accessing and using on-board lavatories, for passengers with a disability;
- “(E) difficulties experienced by passengers with a disability in communicating with air carrier personnel;
- “(F) difficulties experienced by passengers with a disability in being moved, handled, or otherwise assisted;
- “(G) an air carrier changing the flight itinerary of a passenger with a disability without the consent of such passenger;
- “(H) issues experienced by passengers with a disability traveling with a service animal; and
- “(I) such other issues as the Secretary determines appropriate.
- “(3) An overview of the review process for such complaints received during such calendar year.
- “(4) The median length of time for how quickly review of such complaints was initiated by the Secretary.
- “(5) The median length of time for how quickly such complaints were resolved or otherwise addressed.
- “(6) Of the complaints that were found to violate section 41705 of title 49, United States Code—
- “(A) the number of such complaints for which a formal enforcement order was issued; and
- “(B) the number of such complaints for which a formal enforcement order was not issued.
- “(7) How many aviation consumer complaints related to passengers with a disability were referred to the Department of Justice for an enforcement action under—
- “(A) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);
- “(B) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); or
- “(C) any other provision of law.
- “(8) How many aviation consumer complaints related to passengers with a disability filed with the Department of Transportation that involved airport staff (or other matters under the jurisdiction of the FAA [Federal Aviation Administration]) were referred to the FAA.
- “(9) The number of disability-related aviation consumer complaints filed with the Department of Transportation involving Transportation Security Administration staff that were referred to the Transportation Security Administration or the Department of Homeland Security.
- “(c) DEFINITIONS.—
- “(1) IN GENERAL.—Except as provided in paragraph (2), the definitions set forth in section 40102 of title 49, United States Code, and section 382.3 of title 14, Code of Federal Regulations, apply to this section.
- “(2) AIR CARRIER.—The term ‘air carrier’ means an air carrier conducting passenger operations under part 121 of title 14, Code of Federal Regulations.
- “(3) PASSENGERS WITH A DISABILITY.—In this section, the term ‘passengers with a disability’ has the meaning given the term ‘qualified individual with a disability’ in section 382.3 of title 14, Code of Federal Regulations.”
- ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS WITH DISABILITIES
- Pub. L. 118-63, title V, §546, May 16, 2024, 138 Stat. 1206, provided that:
- “(a) IN GENERAL.—
- “(1) ADVANCED NOTICE OF PROPOSED RULEMAKING.—Not later than 180 days after the date of enactment of this Act [May 16, 2024], the Secretary [of Transportation] shall issue an advanced notice of proposed rulemaking regarding seating accommodations for any qualified individual with a disability.
- “(2) NOTICE OF PROPOSED RULEMAKING.—Not later than 18 months after the date on which the advanced notice of proposed rulemaking under paragraph (1) is completed, the Secretary shall issue a notice of proposed rulemaking regarding seating accommodations for any qualified individual with a disability.
- “(3) FINAL RULE.—Not later than 30 months after the date on which the notice of proposed rulemaking under subparagraph (B) [probably should be ‘paragraph (2)’] is completed, the Secretary shall issue a final rule pursuant to the rulemaking conducted under this subsection.
- “(b) CONSIDERATIONS.—In carrying out the advanced notice of proposed rulemaking required in subsection (a)(1), the Secretary shall consider the following:
- “(1) The scope and anticipated number of qualified individuals with a disability who—
- “(A) may need to be seated with a companion to receive assistance during a flight; or
- “(B) should be afforded bulkhead seats or other seating considerations.
- “(2) The types of disabilities that may need seating accommodations.
- “(3) Whether such qualified individuals with a disability are unable to obtain, or have difficulty obtaining, appropriate seating accommodations.
- “(4) The scope and anticipated number of individuals assisting a qualified individual with a disability who should be afforded an adjoining seat pursuant to section 382.81 of title 14, Code of Federal Regulations.
- “(5) Any notification given to qualified individuals with a disability regarding available seating accommodations.
- “(6) Any method that is adequate to identify fraudulent claims for seating accommodations.
- “(7) Any other information determined appropriate by the Secretary.
- “(c) KNOWN SERVICE ANIMAL TRAVEL PILOT PROGRAM.—
- “(1) IN GENERAL.—The Secretary shall establish a pilot program to allow approved program participants as known service animals for purposes of exemption from the documentation requirements under part 382 of title 14, Code of Federal Regulations, with respect to air travel with a service animal.
- “(2) REQUIREMENTS.—The pilot program established under paragraph (1) shall—
- “(A) be optional for a service animal accompanying a qualified individual with a disability;
- “(B) provide for assistance for applicants, including over-the-phone assistance, throughout the application process for the program; and
- “(C) with respect to any web-based components of the pilot program, meet or exceed the standards described in section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) and the regulations implementing that Act as set forth in part 1194 of title 36, Code of Federal Regulations (or any successor regulations).
- “(3) CONSULTATION.—In establishing the pilot program under paragraph (1), the Secretary shall consult with—
- “(A) disability organizations, including advocacy and nonprofit organizations that represent or provide services to individuals with disabilities;
- “(B) air carriers and foreign air carriers;
- “(C) accredited service animal training programs and authorized registrars, such as the International Guide Dog Federation, Assistance Dogs International, and other similar organizations and foreign and domestic governmental registrars of service animals;
- “(D) other relevant departments or agencies of the Federal Government; and
- “(E) other entities determined to be appropriate by the Secretary.
- “(4) ELIGIBILITY.—To be eligible to participate in the pilot program under this subsection, an individual shall—

“(A) be a qualified individual with a disability;

“(B) require the assistance of a service animal because of a disability; and

“(C) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(5) CLARIFICATION.—The Secretary may award a grant or enter into a contract or cooperative agreement in order to carry out this subsection.

“(6) NOMINAL FEE.—The Secretary may require an applicant to pay a nominal fee, not to exceed \$25, to participate in the pilot program.

“(7) REPORTS TO CONGRESS.—Not later than 1 year after the establishment of the pilot program under this subsection, and annually thereafter until the date described in paragraph (8), the Secretary shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] and make publicly available report on the progress of the pilot program.

“(8) SUNSET.—The pilot program shall terminate on the date that is 5 years after the date of enactment of this Act.

“(d) ACCREDITED SERVICE ANIMAL TRAINING PROGRAMS AND AUTHORIZED REGISTRARS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall publish and maintain, on the website of the Department of Transportation, a list of—

“(1) accredited programs that train service animals; and

“(2) authorized registrars that evaluate service animals.

“(e) REPORT TO CONGRESS ON SERVICE ANIMAL REQUESTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report on requests for air travel with service animals, including—

“(1) during the reporting period, how many requests to board an aircraft with a service animal were made in total, and how many requests were made by qualified individuals with disabilities; and

“(2) the number and percentage of such requests, categorized by type of request, that were reported by air carriers or foreign air carriers as—

“(A) granted;

“(B) denied but not fraudulent; or

“(C) denied as fraudulent.

“(f) TRAINING.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section [May 16, 2024], the Secretary shall, in consultation with the Air Carrier Access Act Advisory Committee, issue guidance regarding improvements to training for airline personnel (including contractors) in recognizing when a qualified individual with a disability is traveling with a service animal.

“(2) REQUIREMENTS.—The guidance issued under paragraph (1) shall—

“(A) take into account respectful engagement with and assistance for individuals with a wide range of visible and nonvisible disabilities;

“(B) provide information on—

“(i) service animal behavior and whether the service animal is appropriately harnessed, leashed, or otherwise tethered; and

“(ii) the various types of service animals, such as guide dogs, hearing or signal dogs, psychiatric service dogs, sensory or social signal dogs, and seizure response dogs; and

“(C) outline the rights and responsibilities of the handler of the service animal.

“(g) DEFINITIONS.—In this section:

“(1) AIR CARRIER.—The term ‘air carrier’ has the meaning given that term in section 40102 of title 49, United States Code.

“(2) FOREIGN AIR CARRIER.—The term ‘foreign air carrier’ has the meaning given that term in section 40102 of title 49, United States Code.

“(3) QUALIFIED INDIVIDUAL WITH A DISABILITY.—The term ‘qualified individual with a disability’ has the meaning given that term in section 382.3 of title 14, Code of Federal Regulations.

“(4) SERVICE ANIMAL.—The term ‘service animal’ has the meaning given that term in section 382.3 of title 14, Code of Federal Regulations.”

#### EQUAL ACCESSIBILITY TO PASSENGER PORTALS

Pub. L. 118–63, title V, §547, May 16, 2024, 138 Stat. 1209, provided that:

“(a) APPLICATIONS AND INFORMATION COMMUNICATION TECHNOLOGIES.—Not later than 2 years after the date of enactment of this Act [May 16, 2024], the Secretary [of Transportation] shall, in consultation with the United States Architectural and Transportation Barriers Compliance Board, issue regulations setting forth minimum standards to ensure that individuals with disabilities are able to access customer-focused kiosks, software applications, and websites of air carriers, foreign air carriers, and airports, in a manner that is equally as effective, and has a substantially equivalent ease of use, as for individuals without disabilities.

“(b) CONSISTENCY WITH GUIDELINES.—The standards set forth under subsection (a) shall be consistent with the standards contained in the Web Content Accessibility Guidelines 2.1 Level AA of the Web Accessibility Initiative of the World Wide Web Consortium or any subsequent version of such Guidelines.

“(c) REVIEW.—

“(1) AIR CARRIER ACCESS ACT ADVISORY COMMITTEE REVIEW.—The Air Carrier Access Act Advisory Committee shall periodically review, and make appropriate recommendations regarding, the accessibility of websites, kiosks, and information communication technology of air carriers, foreign air carriers, and airports, and make such recommendations publicly available.

“(2) DOT REVIEW.—Not later than 5 years after issuing regulations under subsection (a), and every 5 years thereafter, the Secretary shall—

“(A) review the recommendations of the Air Carrier Access Act Advisory Committee regarding the regulations issued under this subsection; and

“(B) update such regulations as necessary.”

#### AIRCRAFT ACCESS STANDARDS

Pub. L. 118–63, title V, §548, May 16, 2024, 138 Stat. 1210, provided that:

“(a) AIRCRAFT ACCESS STANDARDS.—

“(1) STANDARDS.—

“(A) ADVANCE NOTICE OF PROPOSED RULEMAKING.—Not later than 1 year after the date of enactment of this Act [May 16, 2024], the Secretary [of Transportation] shall issue an advanced notice of proposed rulemaking regarding standards to ensure that the aircraft boarding and deplaning process is accessible, in terms of design for, transportation of, and communication with, individuals with disabilities, including individuals who use wheelchairs.

“(B) NOTICE OF PROPOSED RULEMAKING.—Not later than 1 year after the date on which the advanced notice of proposed rulemaking under subparagraph (A) is completed, the Secretary shall issue a notice of proposed rulemaking regarding standards addressed in subparagraph (A).

“(C) FINAL RULE.—Not later than 1 year after the date on which the notice of proposed rulemaking under subparagraph (B) is completed, the Secretary shall issue a final rule.

“(2) COVERED AIRPORT, EQUIPMENT, AND FEATURES.—The standards prescribed under paragraph (1)(A) shall address, at a minimum—

“(A) boarding and deplaning equipment;

“(B) improved procedures to ensure the priority cabin stowage for manual assistive devices pursuant to section 382.67 of title 14, Code of Federal Regulations; and

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

“(3) CONSULTATION.—For purposes of the rulemaking under this subsection, the Secretary shall consult with the Access Board and any other relevant department or agency to determine appropriate accessibility standards.

“(b) IN-FLIGHT ENTERTAINMENT RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue a notice of proposed rulemaking in accordance with the November 22, 2016, resolution of the Department of Transportation ACCESS Committee and the consensus recommendation set forth in the Term Sheet Reflecting Agreement of the Access [probably should be “ACCESS”] Committee Regarding In-Flight Entertainment.

“(c) NEGOTIATED RULEMAKING ON IN-CABIN WHEELCHAIR RESTRAINT SYSTEMS AND ENPLANING AND DEPLANING STANDARDS.—

“(1) TIMING.—

“(A) IN GENERAL.—Not later than 1 year after completion of the report required by section 544(e)(2) [probably should be “section 544(e)(3)” of Pub. L. 118–63, set out above], and if such report finds economic and financial feasibility of air carriers and foreign air carriers implementing seating arrangements that accommodate individuals with disabilities using wheelchairs (including power wheelchairs, manual wheelchairs, and scooters) in the main cabin during flight, the Secretary shall conduct a negotiated rulemaking on new type certificated aircraft standards for seating arrangements that accommodate such individuals in the main cabin during flight or an accessible route to a minimum of 2 aircraft passenger seats for passengers to access from personal assistive devices of such individuals.

“(B) REQUIREMENT.—The negotiated rulemaking under subparagraph (A) shall include participation of representatives of—

- “(i) air carriers;
- “(ii) aircraft manufacturers;
- “(iii) national disability organizations;
- “(iv) aviation safety experts; and
- “(v) mobility aid manufacturers.

“(2) NOTICE OF PROPOSED RULEMAKING.—Not later than 1 year after the completion of the negotiated rulemaking required under paragraph (1), the Secretary shall issue a notice of proposed rulemaking regarding the standards described in paragraph (1).

“(3) FINAL RULE.—Not later than 1 year after the date on which the notice of proposed rulemaking under paragraph (2) is completed, the Secretary shall issue a final rule regarding the standards described in paragraph (1).

“(4) CONSIDERATIONS.—In the negotiated rulemaking and rulemaking required under this subsection, the Secretary shall consider—

- “(A) a reasonable period for the design, certification, and construction of aircraft that meet the requirements;
- “(B) the safety of all persons on-board the aircraft, including necessary wheelchair standards and wheelchair compliance with FAA [Federal Aviation Administration] crashworthiness and safety performance criteria; and
- “(C) the costs of design, installation, equipment, and aircraft capacity impacts, including partial fleet equipment and fare impacts.

“(d) VISUAL AND TACTILELY ACCESSIBLE ANNOUNCEMENTS.—The Advisory Committee established under section 439 of the FAA Reauthorization Act of 2018 [Pub. L. 115–254] (49 U.S.C. 41705 note) shall examine technical solutions and the feasibility of visually and tactilely accessible announcements on-board aircraft.

“(e) AIRPORT FACILITIES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, in direct consultation with the Access Board, prescribe regulations setting forth minimum standards under section 41705 of title 49, United States Code, that ensure all gates (including counters), ticketing areas, and customer service desks covered under such section at air-

ports are accessible to and usable by all individuals with disabilities, including through the provision of visually and tactilely accessible announcements and full and equal access to aural communications.

“(f) DEFINITIONS.—In this section:

“(1) ACCESS BOARD.—The term ‘Access Board’ means the Architectural and Transportation Barriers Compliance Board.

“(2) AIR CARRIER.—The term ‘air carrier’ has the meaning given such term in section 40102 of title 49, United States Code.

“(3) INDIVIDUAL WITH A DISABILITY.—The term ‘individual with a disability’ has the meaning given such term in section 382.3 of title 14, Code of Federal Regulations.

“(4) FOREIGN AIR CARRIER.—The term ‘foreign air carrier’ has the meaning given such term in section 40102 of title 49, United States Code.”

#### ON-BOARD WHEELCHAIRS IN AIRCRAFT CABIN

Pub. L. 118–63, title V, §551, May 16, 2024, 138 Stat. 1212, provided that:

“(a) IN GENERAL.—If an individual informs an air carrier or foreign air carrier at the time of booking a ticket for air transportation on a covered aircraft that the individual requires the use of any wheelchair, the air carrier or foreign air carrier shall provide information regarding the provision and use of on-board wheelchairs, including the rights and responsibilities of the air carrier and passenger as such rights and responsibilities relate to the provision and use of on-board wheelchairs.

“(b) AVAILABILITY OF INFORMATION.—An air carrier or foreign air carrier that operates a covered aircraft shall provide on a publicly available website of the carrier information regarding the rights and responsibilities of both passengers on such aircraft and the air carrier or foreign air carrier relating to on-board wheelchairs, including—

“(1) that an air carrier or foreign air carrier is required to equip aircraft that have more than 60 passenger seats and that have an accessible lavatory (whether or not having such a lavatory is required by section 382.63 of title 14, Code of Federal Regulations) with an on-board wheelchair, unless an exception described in such section 382.65 [probably means section 382.65 of such title] applies;

“(2) that a qualified individual with a disability (as defined in section 382.3 of title 14, Code of Federal Regulations (as in effect on date of enactment of this Act [May 16, 2024])) may request an on-board wheelchair on aircraft with more than 60 passenger seats even if the lavatory is not accessible and that the basis of such request must be that the individual can use an inaccessible lavatory but cannot reach it from a seat without using an on-board wheelchair;

“(3) that the air carrier or foreign air carrier may require the qualified individual with a disability to provide the advance notice specified in section 382.27 of title 14, Code of Federal Regulations, in order for the individual to be provided with the on-board wheelchair; and

“(4) if the air carrier or foreign air carrier requires the advance notice described in paragraph (3), information on how such a qualified individual with a disability can make such a request.

“(c) DEFINITIONS.—In this section:

“(1) APPLICABILITY OF TERMS.—The definitions contained in section 40102 of title 49, United States Code, apply to this section.

“(2) COVERED AIRCRAFT.—The term ‘covered aircraft’ means an aircraft that is required to be equipped with on-board wheelchairs in accordance with section 382.65 of title 14, Code of Federal Regulations.”

#### DEFINITION

The term “covered air carrier” is not defined for this section. However, such term was defined for section 434

of Pub. L. 115-254, prior to its transfer to this section, by section 401 of Pub. L. 115-254, which is set out as a Definitions of Terms in Pub. L. 115-254 note under section 40101 of this title.

#### § 41729. COVID-19 vaccination status

(a) IN GENERAL.—An air carrier (as such term is defined in section 40102) may not deny service to any individual solely based on the vaccination status of the individual with respect to COVID-19.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to the regulation of intrastate travel, transportation, or movement, including the intrastate transportation of passengers.

(Added Pub. L. 118-63, title XI, §1107(a), May 16, 2024, 138 Stat. 1417.)

#### Editorial Notes

##### CODIFICATION

Section 1107(a) of Pub. L. 118-63, which directed the addition of this section at end of this chapter, was executed by adding this section at the end of subchapter I of this chapter to reflect the probable intent of Congress.

#### Statutory Notes and Related Subsidiaries

##### RULE OF CONSTRUCTION

Pub. L. 118-63, title XI, §1107(c), May 16, 2024, 138 Stat. 1417, provided that: “Nothing in this section [enacting this section], or the amendment made by this section, shall be construed to permit or otherwise authorize an executive agency to enact or otherwise impose a COVID-19 vaccine mandate.”

#### SUBCHAPTER II—SMALL COMMUNITY AIR SERVICE

#### § 41731. Definitions

(a) GENERAL.—In this subchapter—

(1) “eligible place” means a place in the United States that—

(A)(i)(I) was an eligible point under section 419 of the Federal Aviation Act of 1958 before October 1, 1988;

(II) received scheduled air transportation at any time after January 1, 1990; and

(III) is not listed in Department of Transportation Orders 89-9-37 and 89-12-52 as a place ineligible for compensation under this subchapter; or

(ii) was determined, on or after October 1, 1988, and before the date of the enactment of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114-190), under this subchapter by the Secretary of Transportation to be eligible to receive subsidized small community air service under section 41736(a);

(B) had an average of 10 enplanements per service day or more, as determined by the Secretary, during the most recent fiscal year beginning after September 30, 2012;

(C) had an average subsidy per passenger, as determined by the Secretary—

(i) of less than \$1,000 during the most recent fiscal year beginning before October 1, 2026, regardless of driving miles to the nearest large or medium hub airport;

(ii) of less than \$850 during the most recent fiscal year beginning after September 30, 2026, regardless of driving miles to the nearest medium or large hub airport; and

(iii) of less than \$650 during the most recent fiscal year for locations that are less than 175 miles from the nearest large or medium hub airport; and

(D) is a community that, at any time during the period between September 30, 2010, and September 30, 2011, inclusive—

(i) received essential air service for which compensation was provided to an air carrier under this subchapter; or

(ii) received a 140-day notice of intent to terminate essential air service and the Secretary required the air carrier to continue to provide such service to the community.

(2) “enhanced essential air service” means scheduled air transportation to an eligible place of a higher level or quality than basic essential air service described in section 41732 of this title.

(b) LIMITATION ON AUTHORITY TO DECIDE A PLACE NOT AN ELIGIBLE PLACE.—The Secretary may not decide that a place described in subsection (a)(1) of this section is not an eligible place on any basis that is not specifically stated in this subchapter.

(c) EXCEPTION FOR LOCATIONS IN ALASKA AND HAWAII.—Subparagraphs (B), (C), and (D) of subsection (a)(1) shall not apply with respect to locations in the State of Alaska or the State of Hawaii.

(d) EXCEPTIONS FOR LOCATIONS MORE THAN 175 DRIVING MILES FROM THE NEAREST LARGE OR MEDIUM HUB AIRPORT.—Subsection (a)(1)(B) shall not apply with respect to locations that are more than 175 driving miles from the nearest large or medium hub airport.

(e) WAIVERS.—

(1) IN GENERAL.—The Secretary may waive, on an annual basis, subsections (a)(1)(B) and (a)(1)(C)(iii) with respect to an eligible place if such place demonstrates to the Secretary’s satisfaction that the reason the eligibility requirements of such subsections are not met is due to a temporary decline in demand.

(2) LIMITATION.—Beginning with fiscal year 2027, the Secretary may not provide a waiver of subsection (a)(1)(B) to any location—

(A) in more than 2 consecutive fiscal years; or

(B) in more than 5 fiscal years within 25 consecutive years.

(3) LIMITATION.—Beginning in fiscal year 2027, the Secretary may not provide a waiver of subsection (a)(1)(C)(iii) to any location—

(A) in more than 2 consecutive fiscal years; or

(B) in more than 5 fiscal years within 25 consecutive years.

(f) DEFINITION.—For purposes of subsection (a)(1)(B), the term “enplanements” means the number of passengers enplaning, at an eligible place, on flights operated by the subsidized essential air service carrier.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1143; Pub. L. 106-181, title II, §208, Apr. 5, 2000, 114