

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3935
OFFERED BY MR. STANTON OF ARIZONA**

At the end of subtitle A of title VII, insert the following:

1 **SEC. ____ . SEATING ACCOMMODATIONS FOR QUALIFIED IN-**
2 **DIVIDUALS WITH DISABILITIES.**

3 (a) IN GENERAL.—

4 (1) ADVANCED NOTICE OF PROPOSED RULE-
5 MAKING.—Not later than 180 days after the date of
6 enactment of this section, the Secretary shall issue
7 an advanced notice of proposed rulemaking regard-
8 ing seating accommodations for any qualified indi-
9 vidual with a disability.

10 (2) NOTICE OF PROPOSED RULEMAKING.—Not
11 later than 1 year after the date on which the ad-
12 vanced notice of proposed rulemaking under para-
13 graph (1) is completed, the Secretary shall issue a
14 notice of proposed rulemaking regarding seating ac-
15 commodations for any qualified individual with a
16 disability.

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

1 under paragraph (2) is completed, the Secretary
2 shall issue a final rule regarding seating accom-
3 modations for any qualified individual with a dis-
4 ability.

5 (b) REQUIREMENTS.—In carrying out any rule-
6 making under subsection (a), the Secretary shall consider
7 the following:

8 (1) The scope and anticipated number of quali-
9 fied individuals with a disability who—

10 (A) may need to be seated with a com-
11 panion to receive assistance during a flight; or

12 (B) should be afforded bulkhead seats or
13 other seating considerations.

14 (2) The types of disabilities that may need seat-
15 ing accommodations.

16 (3) Whether such qualified individuals with a
17 disability are unable to obtain, or have difficulty ob-
18 taining, such a seat.

19 (4) The scope and anticipated number of indi-
20 viduals assisting a qualified individual with a dis-
21 ability who should be afforded an adjoining seat pur-
22 suant to section 382.81 of title 14, Code of Federal
23 Regulations.

1 (5) Any notification given to qualified individ-
2 uals with a disability regarding available seating ac-
3 commodations.

4 (6) Any method that is adequate to identify
5 fraudulent claims for seating accommodations.

6 (7) Any other information determined appro-
7 priate by the Secretary.

8 (c) PILOT PROGRAM.—

9 (1) ESTABLISHMENT.—

10 (A) IN GENERAL.—The Secretary shall es-
11 tablish a pilot program to allow approved pro-
12 gram participants as known service animal
13 users for the purpose of exemption from the
14 documentation requirements under part 382 of
15 title 14, Code of Federal Regulations, with re-
16 spect to air travel with a service animal.

17 (B) REQUIREMENTS.—The pilot program
18 established under subparagraph (A) shall—

19 (i) be optional;

20 (ii) provide to applicants assistance,
21 including over-the-phone assistance,
22 throughout the application process for the
23 program;

24 (iii) with respect to any web-based
25 components of the pilot program, meet or

1 exceed the standards described in section
2 508 of the Rehabilitation Act of 1973 (29
3 U.S.C. 794d) and the regulations imple-
4 menting that Act as set forth in part 1194
5 of title 36, Code of Federal Regulations;
6 and

7 (iv) exempt participants of the pilot
8 program from any documentation require-
9 ments under part 382 of title 14, Code of
10 Federal Regulations.

11 (2) CONSULTATION.—In establishing the pilot
12 program under paragraph (1), the Secretary shall
13 consult with—

14 (A) disability advocacy entities, including
15 nonprofit organizations focused on ensuring
16 that individuals with disabilities are able to live
17 and participate in their communities;

18 (B) air carriers and foreign air carriers;

19 (C) accredited service animal training pro-
20 grams and authorized registrars, such as the
21 International Guide Dog Federation, Assistance
22 Dogs International, and other similar organiza-
23 tions and foreign and domestic governmental
24 registrars of service animals;

1 (D) other relevant departments or agencies
2 of the Federal Government; and

3 (E) other entities determined to be appro-
4 priate by the Secretary.

5 (3) ELIGIBILITY.—To be eligible to participate
6 in the pilot program under this subsection, an indi-
7 vidual shall—

8 (A) be a qualified individual with a dis-
9 ability;

10 (B) require the use of a service animal be-
11 cause of a disability; and

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

15 (4) CLARIFICATION.—The Secretary may award
16 a grant or enter into a contract or cooperative agree-
17 ment in order to carry out this subsection.

18 (5) NOMINAL FEE.—The Secretary may require
19 an applicant to pay a nominal fee (not to exceed
20 \$25) to participate in the pilot program.

21 (6) REPORTS TO CONGRESS.—

22 (A) PLANNING REPORT.—Not later than 1
23 year after the date of enactment of this section,
24 the Secretary shall submit to the appropriate
25 committees of Congress a publicly available re-

1 port describing the implementation plan for the
2 pilot program under this subsection.

3 (B) ANNUAL REPORT.—Not later than 1
4 year after the establishment of the pilot pro-
5 gram under this subsection, and annually there-
6 after until the date described in paragraph (7),
7 the Secretary shall submit to the appropriate
8 committees of Congress a publicly available re-
9 port on the progress of the pilot program.

10 (C) FINAL REPORT.—Not later than 5
11 years after the date of enactment of this sec-
12 tion, the Secretary shall submit to the appro-
13 priate committees of Congress a publicly avail-
14 able final report that includes recommendations
15 for the establishment and implementation of a
16 permanent known service animal user travel
17 program for the Federal Government.

18 (7) SUNSET.—The pilot program shall termi-
19 nate on the date that is 5 years after the date of en-
20 actment of this section.

21 (d) ACCREDITED SERVICE ANIMAL TRAINING PRO-
22 GRAMS AND AUTHORIZED REGISTRARS.—Not later than
23 6 months after the date of enactment of this section, the
24 Secretary shall publish on the website of the Department
25 of Transportation and maintain a list of—

1 (1) accredited programs that train service ani-
2 mals; and

3 (2) authorized registrars that evaluate service
4 animals.

5 (e) REPORT TO CONGRESS ON SERVICE ANIMAL RE-
6 QUESTS.—Not later than 1 year after the date of enact-
7 ment of this section, and annually thereafter, the Sec-
8 retary shall submit to the appropriate committees of Con-
9 gress a report on requests for air travel with service ani-
10 mals, including—

11 (1) during the reporting period, how many re-
12 quests to board an aircraft with a service animal
13 were made; and

14 (2) the number and percentage of such re-
15 quests, categorized by type of request, that were re-
16 ported by air carriers or foreign air carriers as—

17 (A) granted;

18 (B) denied; or

19 (C) fraudulent.

20 (f) TRAINING.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this section, the Sec-
23 retary shall, in consultation with the Air Carrier Ac-
24 cess Act Advisory Committee, issue guidance regard-
25 ing improvements to training for airline personnel

1 (including contractors) in recognizing when a quali-
2 fied individual with a disability is traveling with a
3 service animal.

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

6 (A) take into account respectful engage-
7 ment with and assistance for individuals with a
8 wide range of visible and non-visible disabilities;

9 (B) provide information on—

10 (i) service animal behavior and wheth-
11 er the service animal is appropriately har-
12 nessed, leashed, or otherwise tethered; and

13 (ii) the various types of service ani-
14 mals, such as guide dogs, hearing or signal
15 dogs, psychiatric service dogs, sensory or
16 social signal dogs, and seizure response
17 dogs; and

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

20 (g) DEFINITIONS.—In this section, the following defi-
21 nitions apply:

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

1 (2) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means the Committee on Commerce, Science,
4 and Transportation of the Senate and the Com-
5 mittee on Transportation and Infrastructure of the
6 House of Representatives.

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

10 (4) QUALIFIED INDIVIDUAL WITH A DIS-
11 ABILITY.—The term “qualified individual with a dis-
12 ability” has the meaning given that term in section
13 382.3 of title 14, Code of Federal Regulations.

14 (5) SECRETARY.—The term “Secretary” means
15 the Secretary of Transportation.

16 (6) SERVICE ANIMAL.—The term “service ani-
17 mal” has the meaning given that term in section
18 382.3 of title 14, Code of Federal Regulations.

