

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3935  
OFFERED BY MS. TITUS OF NEVADA**

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

**1 SEC. 7\_\_\_ . IMPROVED TRAINING STANDARDS FOR ASSIST-  
2 ING PASSENGERS WHO USE WHEELCHAIRS.**

3 (a) RULEMAKING.—Not later than 6 months after  
4 the date of enactment of this section, the Secretary shall  
5 issue a notice of proposed rulemaking to develop require-  
6 ments for minimum training standards for airline per-  
7 sonnel or contractors who assist wheelchair users who  
8 must board or deplane using an aisle chair or other board-  
9 ing device.

10 (b) REQUIREMENTS.—The training standards devel-  
11 oped under subsection (a) shall require, at a minimum,  
12 that airline personnel or contractors who assist wheelchair  
13 users who must board or deplane using an aisle chair or  
14 other boarding device—

15 (1) complete refresher training within 18  
16 months and be recertified on the job within 18  
17 months by a superior in order to remain qualified  
18 for providing aisle chair assistance; and

1           (2) be able to successfully demonstrate the each  
2 of following skills in hands-on training sessions be-  
3 fore being allowed to board or deplane a passenger  
4 using an aisle chair or other boarding device:

5           (A) How to safely use the aisle chair, or  
6 other boarding device, including the use of all  
7 straps, brakes, and other safety features.

8           (B) How to assist in the transfer of pas-  
9 sengers to and from their wheelchair, the aisle  
10 chair, and the aircraft's passenger seat, either  
11 by physically lifting the passenger or deploying  
12 a mechanical device for the lift or transfer.

13           (C) How to effectively communicate with,  
14 and take instruction from, the passenger.

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

18           (1) whether to require air carriers and foreign  
19 air carriers to partner with national disability orga-  
20 nizations and disabled veterans organizations rep-  
21 resenting individuals with disabilities who use wheel-  
22 chairs and scooters in developing and reviewing  
23 training; and

24           (2) whether individuals able to provide boarding  
25 and deplaning assistance for passengers with limited

1 or no mobility should receive training incorporating  
2 procedures from medical professionals on how to  
3 properly lift these passengers.

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

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

13 **SEC. 7\_\_\_ . TRAINING STANDARDS FOR STOWAGE OF**  
14 **WHEELCHAIRS AND SCOOTERS.**

15 (a) RULEMAKING.—Not later than 6 months after  
16 the date of enactment of this section, the Secretary shall  
17 issue a notice of proposed rulemaking to develop minimum  
18 training standards related to stowage of wheelchairs and  
19 scooters on aircraft.

20 (b) REQUIREMENTS.—The training standards devel-  
21 oped under subsection (a) shall require, at a minimum,  
22 that airline personnel or contractors who stow wheelchairs  
23 and scooters on aircraft—

24 (1) complete refresher training within 18  
25 months and be recertified on the job within 18

1 months by a superior in order to remain qualified  
2 for handling and stowing wheelchairs and scooters;  
3 and

4 (2) be able to successfully demonstrate the each  
5 of following skills in hands-on training sessions be-  
6 fore being allowed to handle or stow a wheelchair or  
7 scooter:

8 (A) How to properly handle and configure,  
9 at a minimum on a common design for power  
10 and manual wheelchairs and scooters for stow-  
11 age on each aircraft type operated by the air  
12 carrier or foreign air carrier.

13 (B) How to properly review any wheelchair  
14 or scooter information provided by the pas-  
15 senger or the assistive device manufacturer.

16 (C) How to properly load, secure, and un-  
17 load wheelchairs and scooters, including how to  
18 use any specialized equipment for loading or  
19 unloading, on each aircraft type operated by the  
20 air carrier or foreign air carrier.

21 (c) CONSIDERATIONS.—In conducting the rulemaking  
22 under subsection (a), the Secretary shall consider, at a  
23 minimum whether to require air carriers and foreign air  
24 carriers to partner with wheelchair manufacturers, na-  
25 tional disability and disabled veterans organizations rep-

1 resenting individuals who use wheelchairs and scooters,  
2 and aircraft manufacturers, in developing training.

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

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

12 **SEC. 7 \_\_. INVESTIGATION OF COMPLAINTS.**

13 Section 41705(c) of title 49, United States Code, is  
14 amended by striking paragraph (1), and inserting the fol-  
15 lowing:

16 “(1) IN GENERAL.—The Secretary shall—

17 “(A) not later than 120 days after the re-  
18 ceipt of any complaint of a violation of this sec-  
19 tion or a regulation prescribed under this sec-  
20 tion, investigate such complaint; and

21 “(B) provide, in writing, to the individual  
22 that filed the complaint and the air carrier or  
23 foreign air carrier alleged to have violated this  
24 section or a regulation prescribed under this

1 section, the determination of the Secretary with  
2 respect to—

3 “(i) whether the air carrier or foreign  
4 air carrier violated this section or a regula-  
5 tion prescribed under this section;

6 “(ii) the facts underlying the com-  
7 plaint; and

8 “(iii) any action the Secretary is tak-  
9 ing in response to the complaint.”.”.

At the end of subtitle B of title VII, insert the fol-  
lowing:

10 **SEC. 754. STANDARDS.**

11 (a) AIRCRAFT ACCESS STANDARDS.—

12 (1) STANDARDS.—

13 (A) ADVANCE NOTICE OF PROPOSED RULE-  
14 MAKING.—Not later than 1 year after the date  
15 of enactment of this section, the Secretary of  
16 Transportation shall issue an advanced notice  
17 of proposed rulemaking regarding standards to  
18 ensure that the aircraft boarding and deplaning  
19 process is accessible, in terms of design for and  
20 transportation of, and communication with, in-  
21 dividuals with disabilities, including individuals  
22 who use wheelchairs.

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

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

12 (2) COVERED AIRPORT, EQUIPMENT, AND FEA-  
13 TURES.—The standards prescribed under paragraph  
14 (1)(A) shall address, at a minimum—

15 (A) boarding and deplaning equipment;

16 (B) improved procedures to ensure the pri-  
17 ority cabin stowage for manual assistive devices  
18 pursuant to section 382.67 of title 14, Code of  
19 Federal Regulations; and

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

22 (3) CONSULTATION.—For purposes of the rule-  
23 making in subsection (a), the Secretary shall consult  
24 with the Access Board and any other relevant de-

1       partment or agency to determine appropriate acces-  
2       sibility standards.

3       (b) IN-FLIGHT ENTERTAINMENT RULEMAKING.—

4 Not later than 1 year after the date of the enactment of  
5 this section, the Secretary shall issue a notice of proposed  
6 rulemaking in accordance with the November 22, 2016  
7 Resolution of the U.S. Department of Transportation AC-  
8 CESS Committee's and the consensus recommendation set  
9 forth in Term Sheet Reflecting Agreement of the Access  
10 Committee Regarding In-Flight Entertainment.

11       (c) NEGOTIATED RULEMAKING ON IN-CABIN WHEEL-  
12 CHAIR RESTRAINT SYSTEMS AND ENPLANING AND  
13 DEPLANING STANDARDS.—

14           (1) TIMING.—

15           (A) IN GENERAL.—Not later than 1 year  
16 after completion of the report required by sec-  
17 tion 735(d)(3), and if that report finds eco-  
18 nomic and financial feasibility of air carriers  
19 and foreign air carriers implementing seating  
20 arrangements that accommodate passengers  
21 with wheelchairs (including power wheelchairs,  
22 manual wheelchairs, and scooters) in the main  
23 cabin during flight, the Secretary shall conduct  
24 a negotiated rulemaking on new type certifi-  
25 cated aircraft standards for seating arrange-



1           ments that accommodate passengers with  
2           wheelchairs (including power wheelchairs, man-  
3           ual wheelchairs, and scooters) in the main cabin  
4           during flight or an accessible route to a min-  
5           imum of 2 aircraft passenger seats for pas-  
6           sengers to access from their personal assistive  
7           devices.

8                   (B) REQUIREMENT.—The negotiated rule-  
9           making shall include participation of represent-  
10          atives of—

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

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

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

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

4                   (A) a reasonable period for the design, cer-  
5                   tification, and construction of aircraft that meet  
6                   the requirements;

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

12                  (C) the costs of design, installation, equi-  
13                  page, and aircraft capacity impacts, including  
14                  partial fleet equipage and fare impacts.

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

22           (e) AIRPORT FACILITIES.—Not later than 2 years  
23           after the date of enactment of this Act, the Secretary  
24           shall, in direct consultation with the Access Board, pre-  
25           scribe regulations setting forth minimum standards under

1 section 41705 of title 49, United States Code (commonly  
2 known as the “Air Carrier Access Act”), that ensure all  
3 gates (including counters), ticketing areas, and customer  
4 service desks covered under such section at airports are  
5 accessible to and usable by all individuals with disabilities,  
6 including through the provision of visually and tactilely ac-  
7 cessible announcements and full and equal access to aural  
8 communications.

9 (f) DEFINITIONS.—In this section:

10 (1) ACCESS BOARD.—The term “Access board”  
11 means the Architectural and Transportation Bar-  
12 riers Compliance Board.

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

16 (3) INDIVIDUAL WITH A DISABILITY.—The term  
17 “individual with a disability” has the meaning given  
18 such term in section 382.3 of title 14, Code of Fed-  
19 eral Regulations.

20 (4) FOREIGN AIR CARRIER.—The term “foreign  
21 air carrier” has the meaning given such term in sec-  
22 tion 40102 of title 49, United States Code.

