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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

# H. R.

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To amend title 49, United States Code, to provide for certain remedies for air transportation passengers with disabilities who are discriminated against, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Ms. TITUS introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend title 49, United States Code, to provide for certain remedies for air transportation passengers with disabilities who are discriminated against, 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 of 2026”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress finds the following:

1           (1) In 1986, President Ronald Reagan signed  
2           the Air Carrier Access Act of 1986 (Public Law 99–  
3           435; 100 Stat. 1080), adding a provision now codi-  
4           fied in section 41705 of title 49, United States Code  
5           (in this section referred to as the “ACAA”), prohib-  
6           iting disability-based discrimination in air transpor-  
7           tation.

8           (2) Despite the effort, individuals, including  
9           veterans, with disabilities continue to experience sig-  
10          nificant barriers to and with traveling by air, such  
11          as—

12                   (A) damaged assistive devices and physical  
13                   harm;

14                   (B) inaccessible aircraft and communica-  
15                   tions;

16                   (C) inadequate assistance;

17                   (D) inappropriate treatment of service ani-  
18                   mals; and

19                   (E) a lack of suitable seating accommoda-  
20                   tions.

21          (b) SENSE OF CONGRESS.—It is the sense of Con-  
22          gress that—

23                   (1) access for individuals with disabilities in air  
24                   transportation must move into the 21st Century, or  
25                   individuals with disabilities will be left behind and

1 unable to compete in today’s job market or enjoy the  
2 opportunities available to other citizens of the  
3 United States;

4 (2) the ACAA must be updated to improve ac-  
5 cess to air transportation for individuals with dis-  
6 abilities;

7 (3) legislation is necessary to ensure that indi-  
8 viduals with disabilities have adequate remedies  
9 available when air carriers and foreign air carriers  
10 violate the ACAA; and

11 (4) unlike other civil rights statutes, the ACAA  
12 does not contain a private right of action, which is  
13 critical to the enforcement of such statutes, and  
14 Congress must correct this anomaly.

15 **SEC. 3. DISCRIMINATION AGAINST INDIVIDUALS WITH DIS-**  
16 **ABILITIES.**

17 Section 41705 of title 49, United States Code, is  
18 amended—

19 (1) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A) by striking  
22 “and” at the end;

23 (ii) in subparagraph (B)(iii) by strik-  
24 ing the period and inserting “; and”; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(C) assess a civil penalty under section  
4 46301 for, at a minimum, each of the following  
5 violations:

6 “(i) Delay of, loss of, or significant  
7 damage to a wheelchair or scooter.

8 “(ii) Physical harm to or fatal injury  
9 of a passenger in the provision of a service  
10 related to the requirements of this section.

11 “(iii) Failure to provide proper assist-  
12 ance in boarding or deplaning a passenger  
13 with disabilities in a case in which aisle  
14 chair assistance is required.

15 “(iv) Denial of boarding for a pas-  
16 senger with disabilities or denial of access  
17 for a service animal in a manner not in  
18 compliance with requirements enforced by  
19 the Department of Transportation, the  
20 Federal Aviation Administration, or appli-  
21 cable foreign aviation authorities.

22 “(v) An act of gross negligence with  
23 respect to a passenger with disabilities in  
24 air transportation.”;

1 (B) by redesignating paragraphs (2)  
2 through (4) as paragraphs (3) through (5), re-  
3 spectively; and

4 (C) by inserting after paragraph (1) the  
5 following:

6 “(2) REFERRAL.—If the Secretary has reason-  
7 able cause to believe that any air carrier or foreign  
8 air carrier or group of air carriers or foreign air car-  
9 riers is engaged in a pattern or practice of discrimi-  
10 nation under this section, or any person or group of  
11 persons has been discriminated against under this  
12 section and such discrimination raises an issue of  
13 general public importance, the Secretary shall, after  
14 the assessment of the civil penalty under section  
15 46301, refer the matter to the Attorney General for  
16 further action.”; and

17 (2) by adding at the end the following:

18 “(d) CIVIL ACTION.—

19 “(1) AGGRIEVED PERSONS.—

20 “(A) IN GENERAL.—Any person aggrieved  
21 by an air carrier or foreign air carrier’s viola-  
22 tion of this section or a regulation prescribed  
23 under this section may, during the 2-year pe-  
24 riod beginning on the date of the violation,  
25 bring a civil action against such air carrier or

1 foreign carrier in an appropriate district court  
2 of the United States for appropriate relief, in-  
3 cluding compensatory and punitive damages.

4 “(B) COSTS AND FEES.—A court shall  
5 award reasonable attorney’s fees, reasonable ex-  
6 pert fees, and court costs to the prevailing  
7 party in any action brought under subpara-  
8 graph (A).

9 “(C) EXHAUSTION OF ADMINISTRATIVE  
10 REMEDIES.—Any person aggrieved by an air  
11 carrier or foreign air carrier’s violation of this  
12 section or a regulation prescribed under this  
13 section shall not be required to exhaust admin-  
14 istrative remedies before bringing a civil action  
15 under subparagraph (A).

16 “(D) RULE OF CONSTRUCTION.—Nothing  
17 in this paragraph shall be construed to preempt  
18 a Federal law or a law of a State, the District  
19 of Columbia, or a territory or possession of the  
20 United States that affords to individuals with  
21 disabilities greater legal rights or protections  
22 than those granted under this section.

23 “(2) ENFORCEMENT BY ATTORNEY GEN-  
24 ERAL.—

1           “(A) IN GENERAL.—The Attorney General  
2           may bring a civil action on behalf of individuals  
3           aggrieved by an air carrier or foreign air car-  
4           rier’s violation of this section or a regulation  
5           prescribed under this section against such air  
6           carrier or foreign air carrier in any appropriate  
7           district court of the United States.

8           “(B) AUTHORITY OF COURT.—In a civil  
9           action under subparagraph (A), the court  
10          may—

11                   “(i) grant any equitable relief that the  
12                   court considers to be appropriate;

13                   “(ii) when requested by the Attorney  
14                   General, award such other relief as the  
15                   court considers to be appropriate, includ-  
16                   ing damages to individuals described in  
17                   subparagraph (A); and

18                   “(iii) assess a civil penalty against the  
19                   air carrier or foreign air carrier.”.