Sec. 41705. Discrimination against handicapped individuals

(a) In General. - In providing air transportation, an air carrier, including (subject to section 40105 (b)) any foreign air carrier, may not discriminate against an otherwise qualified individual on the following grounds:

(1) the individual has a physical or mental impairment that substantially limits one or more major life activities.
(2) the individual has a record of such an impairment.
(3) the individual is regarded as having such an impairment.

(b) Each Act Constitutes Separate Offense. - For purposes of section 46301, a separate violation occurs under this section for each individual act of discrimination prohibited by subsection (a).

(c) Investigation of Complaints. -

(1) In general. - The Secretary shall investigate each complaint of a violation of subsection (a).
(2) Publication of data. - The Secretary shall publish disability-related complaint data in a manner comparable to other consumer complaint data.
(3) Review and report. - The Secretary shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability and shall report annually to Congress on the results of such review.
(4) Technical assistance. - Not later than 180 days after the date of the enactment of this subsection, the Secretary shall -

(A) implement a plan, in consultation with the Department of Justice, the United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities set forth in this section; and

(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or responsibilities under this section.

In this section, before clause (1), the words “on the following grounds” are substituted for “by reason of such handicap” and “For purposes of paragraph (1) of this subsection the term ‘handicapped individual’ means any individual who” because of the restatement.

References in Text
The date of the enactment of this subsection, referred to in subsec. (c)(4), is the date of enactment of Pub. L. 106–181, which was approved Apr. 5, 2000.

Amendments
2000 - Pub. L. 106–181 designated existing provisions as subsec. (a), inserted heading, substituted “carrier, including (subject to section 40105 (b)) any foreign air carrier,” for “carrier” in introductory provisions, and added subsecs. (b) and (c).

Effective Date of 2003 Amendment
Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as a note under section 106 of this title.

Effective Date of 2000 Amendment

Establishment of Higher International Standards
Pub. L. 106–181, title VII, § 707(c), Apr. 5, 2000, 114 Stat. 158, provided that: “The Secretary [of Transportation] shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with air carriers.”

Restrictions on Air Transportation of Peanuts; Scientific Study on Effect of Airborne Particles on Passengers
Pub. L. 106–69, title III, § 346, Oct. 9, 1999, 113 Stat. 1023, provided that: “Hereafter, none of the funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code) -

“(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or
“(2) restrict the distribution of peanuts,

until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.”