

United States Senate

WASHINGTON, DC 20510

January 12, 2024

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave., S.E.
Washington, DC 20590

Dear Secretary Buttigieg:

We write to express our concern that the Department of Transportation (DOT) is needlessly creating unacceptable barriers for Americans with disabilities who wish to fly on a commercial aircraft with their service animals, by requiring inaccessible, demeaning and time-consuming paperwork.

DOT requires people with disabilities who are traveling with a service animal to complete and submit to the airlines a DOT-issued form each time they fly. DOT first released this form in 2021 and now seeks public comment on an updated version of the form. However, our offices have heard from Americans with disabilities that both the current form and DOT's updated version are poorly designed and needlessly difficult to complete, which violates both federal law and policy issued by the Biden Administration. We urge DOT to make the following changes to the form to address its failings and reduce the unnecessary burdens on Americans who travel with service animals.

First, DOT should offer this form as an accessible, mobile-friendly, web-based form. Currently, DOT only offers the form as a Portable Document Format (PDF) file, an outdated electronic format that is particularly difficult to access and interact with when using mobile devices or screen readers and other assistive technology, which are essential for many people with disabilities. DOT's failure to offer this form as an accessible, mobile-friendly web-based form violates the requirements of the 21st Century Integrated Digital Experience Act, and the Office of Management and Budget (OMB) policy implementing that law, M-23-22. The latter states agencies should avoid "publishing content in other electronic document formats that are designed for printing," like PDF.

Second, DOT should remove the redundant and threatening legal warnings from the form that may dissuade Americans with disabilities from asserting their civil right to access air travel on equitable terms. In both the current and updated form, DOT has placed an ominous legal warning at the very top of the page, warning that it is a federal crime to provide false information. The end of the form also includes a mandatory check box, certifying that the applicant understands that making false statements on the form can subject them to fines and other penalties. The subtext is clear: DOT is treating the people filling out the form as potential criminals, and disregarding the impact of such treatment on people with disabilities who already are subjected to the burden of filling out additional paperwork simply to board an airplane.

Indeed, during the 2020 rulemaking process that preceded DOT's current form, DOT disregarded public feedback calling for less burdensome approaches, including allowing airlines to collect the same information during the flight reservation process. DOT specifically explained that such an approach would decrease the form's effectiveness as a "fraud deterrent" because "airlines would not be permitted to include language warning service animal users that it would be a Federal crime, in violation of 18 U.S.C. 1001, to make false statements or representations" related to a request to travel with a service animal. There is little evidence supporting a mistrust of travelers so extreme that it warrants involving the federal criminal code. The form's legal threats are a prototypical violation of the same OMB policy, M-23-22, which directs agencies to "not alarm or frighten your users in ways that erode trust" through legal warnings.

Third, DOT should remove all duplicative or unnecessary fields from the form. The current form requires the traveler filling it out to write the name of their service animal 11 times on a single page. Sen. Wyden's staff raised this specific issue with DOT officials in October 2023, which seems to have had an impact, because DOT's updated form now only requires the name of the service animal once. But the updated form still includes 11 checkboxes, next to the parts of the form that previously required the name of the service animal, which applicants must check acknowledging various rules and requirements. These checkboxes remain an unnecessary hurdle, which could take a significant amount of time when people with disabilities complete the form using a screen reader or other assistive technology. DOT already requires a signature at the end of the form which should be enough for individuals to certify that they have read the full form and agree to the rules and requirements related to air travel with service animals.

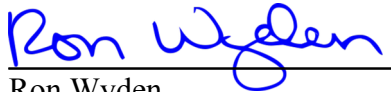
Fourth, these problems with DOT's form are amplified because DOT permits airlines to require travelers with service animals to complete a new copy of the form before each trip, even if the information on the form has not changed since the last time they completed the form. This poses a particular burden for business travelers who may have to fill out the same information multiple times per week. Travelers should, on an opt-in basis, be able to add their service animal certification to their frequent flier account, just as they can add their PreCheck or Global Entry number. During the 2020 rulemaking process, several organizations proposed this common sense idea. DOT disregarded that feedback, citing vague concerns about "privacy implications." DOT did not explain how airlines storing service animal information for travelers creates privacy risks that are not present if passengers have to submit the same information to airlines every time they travel. By requiring that this feature be opt-in, DOT can protect the privacy of people with disabilities who do not want information related to their use of a service animal saved in a database. American Airlines, for example, already provides similar functionality, by providing passengers who submit a service animal form a unique service animal number, valid up to one year, which enables those travelers to skip re-submitting their service animal paperwork for future flights.

Before finalizing the updated service animal form, DOT should fully address the many problems we have described in this letter, and create a mobile-friendly, web-based form that is easy for people with disabilities to complete. Moreover, in order to reduce the burden to the travelers who fill it out, and the airlines to which the form is submitted, DOT should provide travelers the option to store a digital copy of their form that they can re-use, update when necessary, and submit digitally to airlines, such as through a QR code or another machine-readable format.

Finally, DOT should establish a telephone help line so that travelers with disabilities have someone to call if they experience difficulties filling out DOT's form, just as DOT requires airlines to assist people with disabilities who face problems accessing online reservation websites.

Thank you for your attention to this important matter.

Sincerely,



Ron Wyden
United States Senator



Tammy Duckworth
United States Senator