



## Testimony

Before the Subcommittee on Aviation,  
Committee on Transportation and  
Infrastructure, House of Representatives

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# AIRLINE CONSUMER PROTECTIONS

## Information on the Passenger Experience

Statement of Andrew Von Ah, Director,  
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# GAO Highlights

Highlights of [GAO-20-475T](#), a testimony before the Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives

## Why GAO Did This Study

Each year, hundreds of millions of passengers rely on airlines to get them to their destination without incident—including some of the 57 million Americans with a disability. While airlines maintain their performance and service have improved, passengers may still experience a range of inconveniences.

A number of consumer protections are in place at the federal level. These protections have addressed long tarmac delays and increased compensation for passengers who are involuntarily denied boarding. Some protections are specific to passengers with disabilities, requiring that airlines provide (1) help enplaning and deplaning, and (2) compensation for lost or damaged wheelchairs. DOT enforces these protections.

This statement discusses (1) DOT's data on airline operational performance from 2008 through 2017, and (2) what is known about passenger complaints and airlines' practices related to accessibility and non-discrimination issues. This statement is based on six prior GAO reports issued in the past 3 years. For that work, GAO analyzed relevant DOT data and passenger complaints; reviewed DOT documents and regulations; and interviewed DOT officials and representatives from selected airlines and consumer advocate organizations. For this statement, GAO updated prior analyses on passenger complaints for accessibility and discrimination issues and reviewed recent DOT rulemakings.

View [GAO-20-475T](#). For more information, contact Andrew Von Ah at (202) 512-2834 or [vonaha@gao.gov](mailto:vonaha@gao.gov).

March 3, 2020

## AIRLINE CONSUMER PROTECTIONS

### Information on the Passenger Experience

## What GAO Found

The Department of Transportation's (DOT) data show that airlines' operational performance—as measured by rates of denied boardings, mishandled baggage, and flight delays—generally improved from 2008 through 2017, the latest available data at the time of GAO's review. Nevertheless, in 2018, GAO found that passenger complaints to DOT across all complaint categories increased about 10 percent from 2008 through 2017 for 12 airlines that GAO selected for review. Complaints about airlines' operational performance accounted for around 50 percent of the total.

Passenger disability complaints submitted to airlines—which vastly outnumber such complaints submitted directly to DOT—have steadily increased since 2011. Unlike all other categories of passenger complaints, airlines are required to annually report the number of disability-related complaints they receive to DOT. Passenger disability complaints submitted directly to DOT also increased in 2019, accounting for the second highest level in the past 10 years. Complaints to airlines and DOT in 2017—the most recent year data were available—were most commonly about failure of airline staff to provide assistance, seating accommodation issues, and issues related to service animals. Passenger complaints submitted to DOT related to discrimination also rose in 2019, with 96 complaints filed. From 2010 through 2019, DOT received, on average, 80 complaints a year from passengers alleging discrimination, most commonly about racial discrimination.

**Disability Complaints Reported to U.S. Airlines and the Department of Transportation (DOT) by Passengers, 2010 through 2019**

Year	Disability complaints to U.S. airlines	Disability complaints to DOT
2010	19,347	572
2011	18,953	628
2012	20,584	741
2013	21,965	683
2014	24,044	784
2015	26,401	944
2016	27,842	865
2017	29,662	840
2018	Not available	826
2019	Not available	904

Source: GAO presentation of DOT data. | [GAO-20-475T](#)

DOT requires that airlines provide training on accessibility issues and encourages non-discrimination training for its staff. In 2017, GAO found that 12 selected airlines had accessibility-related training requirements for their staff and contractors, with some variations in the content and format. In 2019, GAO reported that representatives from six selected U.S. airlines provide non-discrimination training to employees, although not all contractor staff receive that training. Airlines have taken initial actions in other areas. More recently, in 2020, GAO found that only about 4.5 percent of the eight largest U.S. airlines' fleet of aircraft with single aisles were designed to accommodate airplane onboard wheelchairs.

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Chairman Larsen, Ranking Member Graves, and members of the Subcommittee:

Thank you for the opportunity to discuss our body of work on consumer protections for airline passengers. Each year, hundreds of millions of passengers rely on airlines to get them to their destination without incident—including some of the 57 million Americans with a disability, who may require additional assistance from airline personnel. While airlines maintain that operational performance and customer service are improving, citing better on-time performance and higher customer satisfaction scores, passengers may still experience a range of inconveniences, such as a delayed or canceled flight, lost or damaged wheelchair, or unsatisfactory experience with airline staff. Moreover, some non-discrimination advocacy organizations and others have questioned whether airlines treat all passengers equally and without bias, citing incidents where Muslim passengers and passengers of color appear to be religiously or racially profiled.<sup>1</sup> The Department of Transportation (DOT) is responsible for ensuring that airlines adhere to consumer protections afforded to passengers.

My testimony today is based on prior reports we issued from September 2017 through January 2020 on a variety of airline consumer protection issues—including airlines' denied boarding practices, impacts of airline IT outages, and airlines' disability and nondiscrimination trainings, among others.<sup>2</sup> Specifically, this testimony describes (1) trends in DOT's data on airline operational performance from 2008 through 2017 and airlines' actions to improve such service, and (2) what is known about passenger

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<sup>1</sup>NAACP Legal Defense and Educational Fund (LDF) and Muslim Advocates, Letter to the U.S. Department of Transportation (DOT), May 11, 2016. Later, in this statement we provide examples of actions DOT took in response to such concerns.

<sup>2</sup>GAO, *Aviation Consumer Protection: Few U.S. Aircraft Have Lavatories Designed to Accommodate Passengers with Reduced Mobility*, [GAO-20-258](#) (Washington, D.C.: Jan. 7, 2020). GAO, *Airline Consumer Protections: Information on Airlines' Denied Boarding Practices*, [GAO-20-191](#) (Washington, D.C.: Dec. 10, 2019). GAO, *Airline Consumer Protections: Information on Selected Airlines' Non-Discrimination Training Programs*, [GAO-19-654R](#) (Washington, D.C.: Aug. 22, 2019). GAO, *Commercial Aviation: Information on Airline IT Outages*, [GAO-19-514](#) (Washington, D.C.: June 12, 2019). GAO, *Airline Consumer Protections: Additional Actions Could Enhance DOT's Compliance and Education Efforts*, [GAO-19-76](#) (Washington, D.C.: Nov. 20, 2018). GAO, *Commercial Aviation: Information on Airline Fees for Optional Services*, [GAO-17-756](#) (Washington, D.C.: Sep. 20, 2017). Across our various airline consumer protection reports, our universe of "selected" airlines has ranged from six airlines in our work on airlines' non-discrimination training to 12 airlines in our work on consumer protections and DOT's compliance and education efforts.

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complaints and airlines' practices related to accessibility and non-discrimination issues.

To conduct our prior work, we analyzed relevant DOT data on airlines' operational performance and passenger complaints; reviewed DOT documents and guidance, and applicable statutes and regulations; and conducted interviews with DOT officials and representatives from selected airlines and consumer advocacy organizations, among others. More detailed information on our objectives, scope, and methodology can be found in each of the reports. For this statement, we updated our prior analyses on passenger complaints related to accessibility and discrimination issues and reviewed DOT's recent rulemakings. We conducted the work on which this testimony is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

While U.S. airlines' business practices were largely deregulated following the Airline Deregulation Act of 1978,<sup>3</sup> a number of consumer protections are in place at the federal level.<sup>4</sup> For example, some consumer protections are required by federal statute, such as the Air Carrier Access Act of 1986 (ACAA), as amended, which prohibits airlines from discriminating against individuals based on a disability.<sup>5</sup> Federal statutes have also authorized DOT to regulate certain areas affecting passengers. For example, DOT has the authority to stop airlines from engaging in unfair or deceptive practices, or unfair methods of competition,<sup>6</sup> and promulgates consumer protection regulations under its statutory authorities.<sup>7</sup> Under these authorities, DOT issued three final rules on

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<sup>3</sup>Pub. L. No. 95-504, 92 Stat. 1705.

<sup>4</sup>Although in law airlines are generally referred to as "air carriers" and "foreign air carriers," we will refer to them as "airlines" for the purpose of this statement.

<sup>5</sup>Pub. L. No. 99-435, 100 Stat. 1080 (codified as amended at 49 U.S.C. § 41705). As discussed later, DOT also has specific rules against discrimination in air travel.

<sup>6</sup>49 U.S.C. § 41712.

<sup>7</sup>See e.g., 49 U.S.C. §§ 40101(a), 41702, and 41712.

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Enhancing Airline Passenger Protections from 2009 through 2016.<sup>8</sup>

These rules have addressed long tarmac delays, increased compensation amounts for passengers who are involuntarily denied boarding, and required certain airlines to post information about their fees and on-time performance on their websites.<sup>9</sup>

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## Airlines' Operational Performance Has Generally Improved, but Passengers Filed More Complaints and May Experience a Range of Inconveniences

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### Rates of Mishandled Baggage and Denied Boardings Generally Declined From 2008 Through 2017, While Airlines' On-Time Performance Remained Relatively Steady

In 2018, we found that airlines' operational performance—as measured by DOT data on denied boardings; mishandled baggage; and late, cancelled, or diverted flights—generally improved from 2008 through 2017, the most recent data available at the time of our review.<sup>10</sup> While rates of voluntary and involuntary denied boardings and mishandled baggage generally declined, airlines' on-time performance stayed about the same (fig. 1). For example, over the 10-year period of our review, the lowest rate of involuntary denied boardings occurred in 2017. Specifically, in 2017, airlines involuntarily denied boarding to about .003 percent of all passengers (or about 23,000 of more than 680 million passengers)—a slight decrease from prior years. Our more recent work on airlines' denied

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<sup>8</sup>See 81 Fed. Reg. 76800 (Nov. 3, 2016); 76 Fed. Reg. 23110 (Apr. 25, 2011); 74 Fed. Reg. 68983 (Dec. 30, 2009).

<sup>9</sup>See, 14 C.F.R. §§ 399.85, 234.11(b), respectively. If a flight is oversold, airlines must request volunteers to be denied boarding. A "volunteer" is a person who responds to the airline's request for volunteers and willingly accepts the airline's offer of compensation, in any amount, in exchange for relinquishing the confirmed reserved space. Any other passenger denied boarding is considered to have been denied boarding involuntarily, even if that passenger accepts the denied boarding compensation airlines are required to provide. See 14 C.F.R. Part 250.

<sup>10</sup>[GAO-19-76](#).

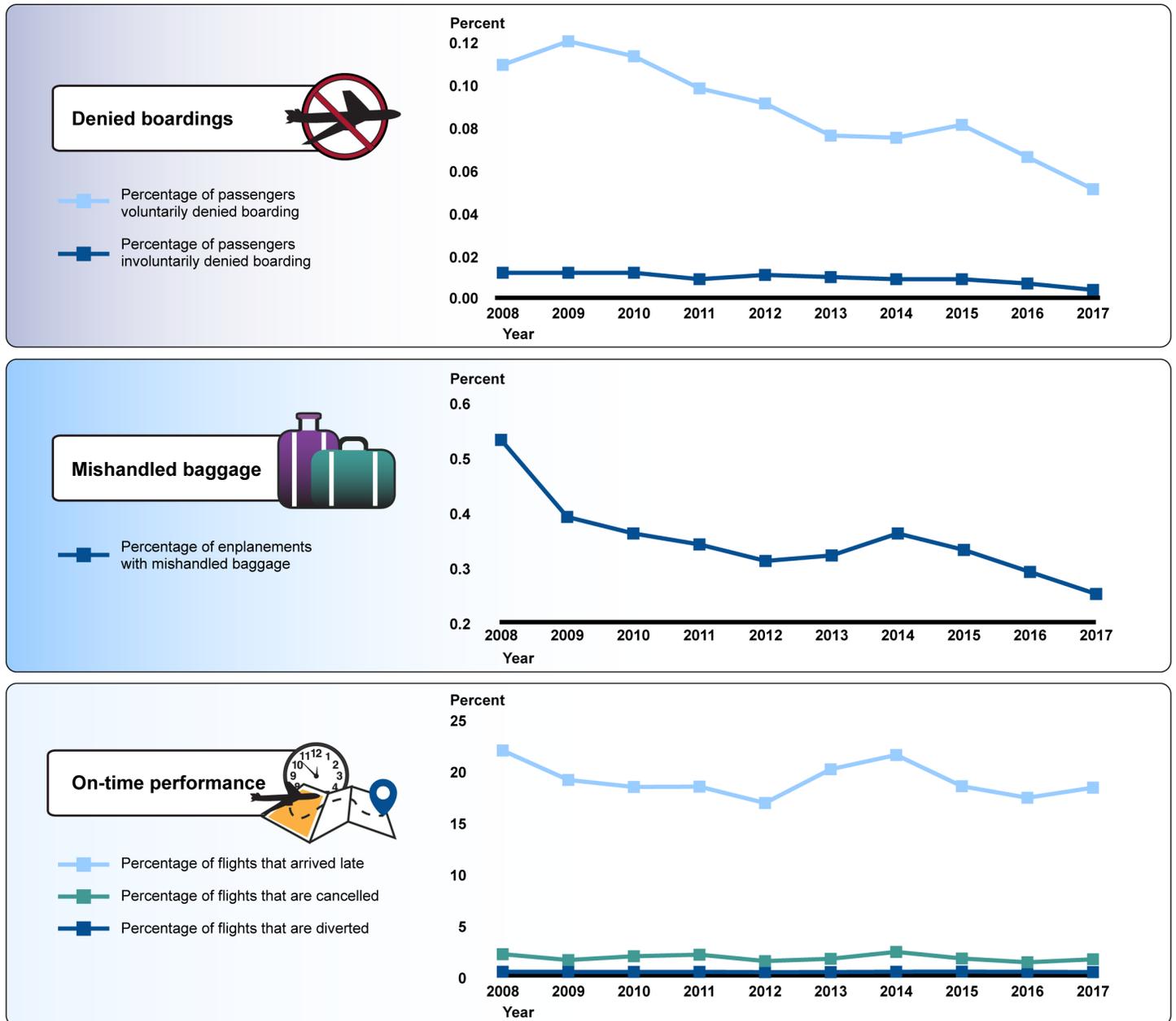
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boarding practices found that even fewer passengers were denied boarding involuntarily in 2018.<sup>11</sup> Rates of mishandled baggage also generally declined in recent years. For example, in 2017 airlines posted a rate of 2.5 mishandled bags per 1,000 passengers (a rate of .25 percent of mishandled bags per passenger enplanement), compared to a rate of 5.25 mishandled bags per 1,000 passengers in 2008.

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<sup>11</sup>[GAO-20-191](#).

**Figure 1: Trends in Measures of Airlines' Operational Performance, 2008 through 2017**



Source: GAO analysis of Department of Transportation (DOT) data. | GAO-20-475T

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In 2019, we identified a number of factors that can cause airlines' operational issues. For example, passengers might be denied boarding when airlines overbook their flights (i.e., intentionally sell more seats than are available on a flight) or have to substitute smaller aircraft than what was originally scheduled due to maintenance issues.<sup>12</sup> We also found that outages associated with airline IT systems—which are used for flight and crew planning, passenger reservations or check-in, or for providing flight information to the Federal Aviation Administration—can cause flight delays and cancellations.<sup>13</sup> While we found some outages caused minimal issues, the impact of others was more substantial. For instance, in 2016, an outage in one airline's system that is used to check in and board passengers resulted in the cancellation of 2,300 flights over 3 days.

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## The Rate of Passenger Complaints Generally Increased From 2008 Through 2017

While airlines' operational performance generally improved, we found in 2018 that the number of passenger complaints reported to DOT, relative to passenger boardings, generally increased from 2008 through 2017 for 12 selected airlines, peaking in 2015 and declining somewhat in later years.<sup>14</sup> Specifically, in that work we found that the rate of passenger complaints reported to DOT, relative to passenger boardings, increased about 10 percent, from about 1.1 complaints per 100,000 passengers in 2008 to 1.2 complaints per 100,000 passengers in 2017.<sup>15</sup> Complaints about operational issues discussed above—which make up three of DOT's 15 complaint categories—accounted for about half of all complaints for the 12 selected airlines from 2008 through 2017. More specifically, in 2018 we found:<sup>16</sup>

- **Flight problems** generally accounted for an average of about 33 percent of all complaints. This category includes complaints related to delays, cancellations, and missed connections, among other things. From 2008 through 2017, the rate of complaints in this category generally increased.

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<sup>12</sup>[GAO-20-191](#).

<sup>13</sup>[GAO-19-514](#).

<sup>14</sup>We limited our analysis of passenger complaints in 2018 to "selected" airlines that were required to report operational data to DOT in 2017—the most recent year of available data when we started our review—because they were the largest U.S. domestic passenger airlines in 2016. For additional information see [GAO-19-76](#).

<sup>15</sup>Later in this statement, we discuss some limitations of DOT's complaint data.

<sup>16</sup>[GAO-19-76](#).

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- **Baggage issues** generally accounted for an average of about 15 percent of total complaints. Complaints were largely related to lost, delayed, or damaged bags. The rate of baggage complaints generally decreased over our time period.
  - **Denied boardings** generally accounted for an average of about 4 percent of total complaints. Complaints were related to airlines' failure to solicit volunteers or providing compensation below the required amount. Rates of complaints about denied boardings generally stayed constant over our time period.

Two of the remaining 12 complaint categories tracked by DOT accounted for about a quarter of passenger complaints. One category related to reservations, ticketing, and boarding, and the other related to customer service—such as airline staff having a poor attitude or refusing to provide assistance, and unsatisfactory seat assignments. Each of these categories generally accounted for an average of about 13 percent of all complaints over the 10-year period.<sup>17</sup>

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## Representatives from Selected Airlines Cited Technological and Other Actions Taken to Improve Service

Our previous work identified actions taken by airlines or DOT in response to such operational issues.<sup>18</sup> DOT's actions are primarily related to establishing regulations about operational issues. For example, while DOT does not prohibit airlines from overbooking flights, it has set compensation amounts for passengers denied boarding involuntarily. DOT has also issued regulations related to returning mishandled baggage within 24 hours, tarmac delays, and prohibiting chronically delayed flights.<sup>19</sup> Examples of airlines' actions are listed below.

- **Reducing denied boardings.** In 2019, we reported that selected airlines have taken a range of actions, aimed at reducing involuntary denied boardings.<sup>20</sup> Some of these actions also provide additional incentives for passengers to volunteer to be denied boarding. Actions include reducing or eliminating overbookings; improving software to better predict passenger no-shows; requesting volunteers earlier (e.g.,

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<sup>17</sup>The remaining 10 categories account for 22 percent of all complaints and relate to issues such as fares and ancillary fees and advertising.

<sup>18</sup>[GAO-20-191](#) and [GAO-19-76](#).

<sup>19</sup>A chronically delayed flight is any domestic flight that is operated at least 10 times a month, and arrives more than 30 minutes late (including cancelled flights) more than 50 percent of the time during that month. 14 C.F.R. § 399.82.

<sup>20</sup>[GAO-20-191](#).

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at check-in instead of at the gate); increasing compensation for volunteers; and conducting reverse auctions to solicit volunteers.<sup>21</sup>

- **Less mishandled baggage.** As we reported in 2018, representatives from almost all airlines we interviewed reported investing resources to improve baggage-handling efforts and minimize the effects to passengers whose bags are lost or delayed.<sup>22</sup> Among other actions, airline representatives told us they upgraded baggage technology; modernized the claims process, so passengers could complete forms on-line; and instituted replacement baggage programs, where passengers can get a replacement bag at the airport. One airline also invested several million dollars to use radio frequency identification technology to track bags, as well as allowing passengers to track their baggage via an application on their smartphone.
- **Efforts to minimize flight disruptions.** In 2018, we also reported that selected airlines had taken numerous actions to improve on-time performance or mitigate challenges for passengers associated with flight delays and cancellations.<sup>23</sup> For example, one airline began tracking flights that were “at-risk” of meeting DOT’s definition of a chronically delayed flight, so it could, among other things, swap crews or substitute aircraft and avoid these types of delays. Other airlines told us they use technology, such as text-messaging updates, to communicate with passengers during delays and cancellations or increased the number of circumstances for which passengers are compensated during delays and cancellations.

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## Passengers May Experience Inconveniences When Operational Issues Occur

Our prior work has shown that passengers may be affected to varying degrees by airline operational issues, and that incidents can be costly and disruptive for some passengers. Airlines are required by DOT regulations to provide compensation or certain amenities to inconvenienced passengers under certain circumstances. For example, some passengers who are denied boarding involuntarily are entitled to compensation, with

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<sup>21</sup>In a reverse auction, airlines solicit information from passengers on compensation amounts they would willingly accept in exchange for voluntarily giving up their seats and taking another flight. Airlines can then use that information to select passengers with the lowest amount of required compensation to be denied boarding voluntarily.

<sup>22</sup>[GAO-19-76](#).

<sup>23</sup>[GAO-19-76](#).

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the amount varying based on certain factors.<sup>24</sup> Airlines are also required by DOT's interpretation of the statutory prohibition on unfair and deceptive practices to provide refunds for canceled and significantly delayed flights, if a passenger chooses to cancel his or her trip.<sup>25</sup> Beyond those requirements, DOT officials previously told us that airlines are not obligated to provide accommodations for flight disruptions, such as cancellations and delays, unless specified in an airline's contract of carriage, although as mentioned above, some voluntarily choose to do so in certain situations. This may result in significant inconveniences for passengers, who may incur costs for lodging, meals and transportation. However, according to our prior work, available information about the number and magnitude of these effects is largely anecdotal and cannot be quantified.<sup>26</sup> Furthermore, our review of selected airlines' contracts of carriage in February 2019 showed variation in the types of accommodations airlines provide and circumstances in which they will be provided, when operational issues occur.

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<sup>24</sup>See 14 C.F.R. Part 250. Compensation levels vary based on, for example, the type of flight (e.g., foreign or domestic) and on the availability of alternative transportation offered by the airline.

<sup>25</sup>DOT has not specifically defined what amounts to a significant delay; individual airlines may or may not set their own thresholds for a significant delay in their contracts of carriage. Such contracts govern what, if anything, a passenger is entitled to, although airlines may—and in our recent work, we found do sometimes—offer additional accommodations to inconvenienced passengers. See [GAO-19-514](#).

<sup>26</sup>[GAO-19-514](#).

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## Civil Rights Complaints Have Recently Increased, and DOT and Most Airlines Have Training Efforts

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## Disability-Related Complaints Have Increased Steadily, While Discrimination-Related Complaints Have Seen a Recent Increase

### Disability Complaints

According to the 2010 U.S. Census, 57 million Americans (roughly 1 in 5) have a disability, and more than half of those 57 million Americans have mobility issues. Furthermore, older Americans are representing an increasing share of the U.S. population. As the population continues to age, the likelihood of this group needing assistance may increase. Without accommodations—such as effective communication of flight information, accessible seats, appropriate boarding assistance, and careful handling and stowage of wheelchairs and other assistive devices—people with accessibility or mobility issues may face challenges when flying, or they may be unable to fly altogether.

As previously mentioned, the ACAA prohibits airlines operating in the U.S. from discriminating against individuals on the basis of disability in the provision of air transportation.<sup>27</sup> Under this law, DOT has promulgated regulations requiring that airlines provide passengers with disabilities (1) assistance in enplaning and deplaning; and (2) compensation for lost, damaged, or delayed wheelchairs or other assistive devices.<sup>28</sup> In contrast to all other complaints that passengers submit directly to airlines, DOT

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<sup>27</sup>Pub. L. No. 99-435, 100 Stat. 1080 (codified as amended at 49 U.S.C. § 41705).

<sup>28</sup>14 C.F.R. § 382.131.

regulations require that airlines report annually to DOT the number of all disability-related complaints they received.

In our May 2017 report, we provided information showing that disability complaints reported to airlines and DOT generally increased from 2005 through 2015.<sup>29</sup> More recent data shows that passenger complaints reported to U.S. airlines continued to increase (see table 1). In particular, we found that complaints reported to airlines on disability issues increased by about 50 percent from 2010 (19,347) to 2017 (29,662), the most recent year for which data are available. Based on our review, the vast majority of passengers chose to file their disability complaints directly to the airlines. Notably, the number of passenger complaints on disability issues reported to DOT from 2010 through 2019 ranged from 572 to 944 and averaged about 780 complaints per year. Complaints reported to DOT rose in 2019, after peaking in 2015 and declining the three following years. In 2017, the last year data are available for both, complaints reported to airlines and DOT were most commonly related to failure of airline staff to provide assistance, seating accommodation issues, and service animal issues.

**Table 1: Disability Complaints Reported to U.S. Airlines and the Department of Transportation (DOT) by Passengers, Calendar Years 2010 through 2019**

Year	Disability complaints to U.S. airlines	Disability Complaints to DOT
2010	19,347	572
2011	18,953	628
2012	20,584	741
2013	21,965	683
2014	24,044	784
2015	26,401	944
2016	27,842	865
2017	29,662	840
2018	Not available	826
2019	Not available	904

Source: GAO presentation of DOT data. | GAO-20-475T

Note: DOT has not yet published its *Annual Report on Disability-Related Air Travel Complaints* for 2019 and 2020, which would include passenger complaints to airlines for 2018 and 2019, respectively.

<sup>29</sup>This analysis looked at complaints to U.S. airlines, as well as foreign airlines that fly to, from, and within the U.S.

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As we have previously reported, the number of complaints may not fully reflect the inconvenience experienced by passengers or would-be-passengers with accessibility issues. Some may choose not to fly and others may have to take inconvenient or uncomfortable precautionary measures to avoid using the aircraft lavatory.<sup>30</sup> For example, in our recent work examining the accessibility of aircraft lavatories, stakeholders we interviewed told us that some passengers severely limit their food and fluid intake in advance of the flight, risking dehydration; use a catheter; or wear a protective undergarment. Furthermore, because lavatories accessible by the aircraft's onboard wheelchair are not required on most aircraft (i.e., single-aisle aircraft)<sup>31</sup> and there may not be an expectation that the lavatory be accessible by an onboard wheelchair, passengers may not see grounds to complain or may not take the time to submit a complaint. More generally, in our prior work, we found that complaint data are inherently limited because a substantial portion of dissatisfied individuals do not submit complaints and are therefore not represented in the complaint data.<sup>32</sup>

## Discrimination Complaints

A number of federal statutes also prohibit or have been interpreted by DOT to prohibit airline discrimination against airline passengers.<sup>33</sup> Federal statute also allows airlines to refuse to transport any passenger if the airline determines that the passenger is, or might be, a threat to safety.<sup>34</sup> According to DOT guidance, this determination is made by the pilot in command of the aircraft or certain other specified airline personnel and cannot be arbitrary, but must be based on specific facts and circumstances known at the time.<sup>35</sup> In its guidance, DOT has unequivocally provided that a passenger's status in a protected class (e.g., race, ancestry, national origin, or religion) cannot be the

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<sup>30</sup>[GAO-20-258](#).

<sup>31</sup>Under DOT regulations, only aircraft with more than one aisle (twin-aisle aircraft) in which lavatories are provided are required to have at least one wheelchair accessible lavatory. 14 C.F.R. § 382.63.

<sup>32</sup>[GAO-19-76](#).

<sup>33</sup>See [GAO-19-654R](#) for a list of relevant statutes.

<sup>34</sup>See 49 U.S.C. § 44902(b). See also 14 C.F.R. § 91.3(a) providing that the pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of the aircraft.

<sup>35</sup>DOT, *Passengers' Right to Fly Free from Discrimination* (Washington, D.C.: January 2017).

determinative factor in an airline’s decision to deny boarding or remove a passenger from a flight.<sup>36</sup>

Our August 2019 report showed that the total number of passenger complaints reported to DOT against U.S. airlines alleging discrimination generally declined from 2010 through 2015, but began to increase starting in 2016. Moreover, updated data for 2019 show a further increase, with 96 complaints filed (table 2). According to our analysis, from 2010 through 2019, DOT received, on average, 80 discrimination-related complaints a year, most commonly about racial discrimination. Despite the recent increase in the total number of discrimination complaints, they account for a small percentage of total passenger complaints DOT receives, as well as total passenger boardings. For example, in 2019, of the 9,547 complaints DOT received against U.S. airlines, 96 alleged discriminatory treatment.

**Table 2: Discrimination Complaints Reported to the Department of Transportation (DOT) Against U.S. Airlines by Passengers, 2010 through 2019**

Year	Race	Ethnicity or ancestry	National origin	Religion	Other	Total
2010	24	54	10	5	25	118
2011	34	25	27	1	19	106
2012	40	8	15	7	13	83
2013	50	1	2	2	5	60
2014	42	4	8	1	5	60
2015	43	0	6	2	3	54
2016	57	0	10	6	8	81
2017	56	4	7	3	11	81
2018	53	1	8	1	14	77
2019	60	4	11	6	15	96

Source: GAO presentation of DOT data. | GAO-20-475T

Note: “Other” includes complaints about discrimination on the basis of color, age, or sex, among other things.

<sup>36</sup>DOT, *Passengers’ Right to Fly Free from Discrimination*, (Washington, D.C.: January 2017).

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As noted above and previously reported, DOT's discrimination complaint data does not capture passenger complaints reported directly to airlines.<sup>37</sup> In 2018, we reported that DOT officials estimated that, across all complaint categories, for every passenger complaint they receive, airlines receive about 50.<sup>38</sup> While we have previously requested discrimination complaint data from selected airlines, they have generally declined, citing the proprietary nature of this information.<sup>39</sup> Since 2017, DOT has disaggregated discrimination complaints into sub-categories, such as racial or religious discrimination, and published this data in its *Air Travel Consumer Report*.<sup>40</sup>

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## DOT and Airlines Have Ongoing Training Efforts on Disability and Discrimination Issues

We previously identified actions that DOT and airlines have taken that are intended to ensure that no passengers are discriminated against on the basis of disability or other protected class. Our work primarily examined airlines' efforts to train staff and contractors. However, our work also identified other airline actions (both proactive and reactive) taken to enhance compliance with consumer protections in these areas. For example, one airline developed a wheelchair tracking system in response to a DOT enforcement action to help reduce incidents of lost or mishandled wheelchairs.

DOT requires that airlines provide their employees and contractor staff who interact with the traveling public training on the proper and safe operation of equipment used to accommodate passengers with a

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<sup>37</sup>On its website, when discussing how to file a complaint, DOT recommends that passengers initially file a complaint with the airline. However, the website also states that if the passenger is not satisfied with the airline's response, they may want to then file a complaint with DOT. In our November 2018 report, we recommended, among other actions, that DOT assess its procedures and training materials for coding airline passengers' complaints to help ensure that they are consistently coded and that potential consumer protection violations are properly identified. DOT concurred with all six recommendations and cited actions they had begun taking to address them, such as developing new training materials for coding passenger complaints.

<sup>38</sup>[GAO-19-76](#).

<sup>39</sup>One airline provided us information on discrimination complaints it received from passengers relative to total passenger boardings, which showed a relatively constant rate between November 2017 and December 2018. See [GAO-19-654R](#).

<sup>40</sup>DOT issues a monthly *Air Travel Consumer Report*, which informs the public about the quality of airlines' services. This action was taken to increase transparency, in part, in response to LDF and Muslim Advocates' letter referenced earlier in our statement.

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disability, as well as on boarding and deplaning assistance.<sup>41</sup> While not required, DOT encourages airlines to implement comprehensive non-discrimination trainings to help prevent discrimination. DOT has also developed training materials, available on its aviation consumer protection website, for airline employees and contractor staff. These materials include brochures, digital content, and videos on the rights of passengers with disabilities, as well as tips on providing wheelchair assistance at airports and onboard aircraft. In 2017, DOT also developed guidance for airline personnel on non-discrimination topics.<sup>42</sup> The material included scenarios for recognizing discriminatory behavior and provided examples of how to ask additional questions or conduct additional screening in a non-discriminatory manner.

## Training on Disability Issues

In 2017 we reviewed disability training programs for 12 selected airlines and found that they all had disability-related training requirements for their staff and contractors, with some variations in the content and format.<sup>43</sup> Over the course of that work, each airline demonstrated that it had, as required, initial and recurrent training for its employees, contractors, and complaint resolution officers (CRO).<sup>44</sup> All 12 selected airlines used a mix of training, including classroom-based training, computer-based training, situational scenarios, and hands-on training, such as wheelchair handling and lifting passengers into aisle seats to assist in boarding for specific groups. We also found that these selected airlines generally consulted with disability organizations when developing ACAA training programs. Some airlines also voluntarily implemented quality assurance programs to improve and sustain their disability-training programs' performance. Another step some airlines have taken, though not required by the ACAA or its implementing regulations, is the creation of a disability board, which

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<sup>41</sup>Airlines operating aircraft with 19 or more passenger seats are required to provide such training. See 14 C.F.R. § 382.141(a)(1).

<sup>42</sup>See DOT, *Guidance for Airline Personnel on Non-Discrimination in Air Travel* (Washington, D.C.: January 2017) and DOT, *Passengers' Right to Fly Free from Discrimination* (Washington, D.C.: January 2017). These materials were developed, in part, in response to concerns raised by advocacy organizations referenced earlier in our statement.

<sup>43</sup>We did not visit each airline or review all training materials; rather we asked each airline to submit outlines or summaries that described its disability-training regime. [GAO-17-541R](#).

<sup>44</sup>See 14 C.F.R. §§ 382.141, 382.143, and 382.141(a)(7).

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serves as a forum for increasing awareness among their workforce about disability issues.

## Training on Non-Discrimination Issues

In 2019, we reported that representatives from all six U.S. airlines we selected for review told us they provide non-discrimination training to employees, although not all contractor staff receive that training.<sup>45</sup> These representatives told us they provide initial non-discrimination training to newly hired employees who interact with passengers—including, for example, pilots, flight attendants, and customer service representatives—and that most regularly update the training based on current events or changes in policy. Airline representatives provided high-level examples describing the content of their trainings, but with one exception, they declined to provide more specific information, citing the sensitive or business proprietary nature of such materials.<sup>46</sup>

We found some similarities and differences in what representatives reported their trainings covered. For example, representatives generally stated that non-discrimination trainings—which were typically embedded in larger training programs and combined in-person and web-based modules—emphasized treating all individuals fairly and without bias, regardless of race, ancestry, or religion, among other things. Most also said trainings covered implicit bias—a term that refers to attitudes or stereotypes about groups of people that unconsciously affect a person’s understanding, actions, and decisions—and half said they have used DOT’s guidance discussed above, with some airline-specific modifications.

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## Airlines and DOT Have Taken Initial Steps in Other Consumer Protection Areas

In our recent work on aircraft lavatories, we found that some U.S. airlines voluntarily installed lavatories accessible by the aircraft’s onboard wheelchair for some of their single-aisle aircraft.<sup>47</sup> However, we found that these aircraft only constituted about 4.5 percent of the eight selected airlines’ combined single-aisle fleet. According to airline representatives, providing lavatories accessible by the aircraft’s onboard wheelchair may reduce the number of revenue generating seats in the aircraft cabin, which can increase airlines’ costs and result in higher fares for consumers. In lieu of lavatories accessible by the aircraft’s onboard wheelchair, airline representatives said they have added certain

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<sup>45</sup>[GAO-19-654R](#).

<sup>46</sup>Airlines have no legal requirement to provide us with their non-discrimination training materials or to make such materials available to the public.

<sup>47</sup>[GAO-20-258](#).

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features—such as assist handles or grab bars, and accessible call buttons or door locks—designed to increase access to certain lavatory functions.

DOT has recently issued three notices of proposed rulemaking (NPRM) designed to improve the accessibility of aircraft lavatories, regulate service animals, and clarify DOT’s authority to stop airlines from engaging in unfair or deceptive practices. For example, in January 2020, DOT issued an NPRM to solicit comments on short-term accessibility improvements on single-aisle aircraft through the installation of accessibility features within the lavatory, such as those mentioned above, without changing the size of lavatories.<sup>48</sup> In addition, DOT announced its intention to issue an advance NPRM to address long-term accessibility improvements and to solicit comments and gather information on the costs and benefits of requiring airlines to increase the size of the single-aisle lavatory on new aircraft models to accommodate a wheelchair as well as an assistant. In 2008, DOT noted that accessible lavatories on single-aisle aircraft would benefit passengers with disabilities, but also expressed concerns that revenue loss and other cost impacts could be too great for the airlines.

The FAA Reauthorization Act of 2018 included a number of ongoing requirements for DOT in the airline consumer protection area. For example, DOT is responsible for developing leading non-discrimination practices for airlines, in consultation with airlines and other consumer advocates.<sup>49</sup> In addition to our recently published work, we have ongoing work examining airport accessibility for passengers with disabilities, as well as DOT’s enforcement approach to consumer protections. We anticipate issuing reports on the results of this work later this year.

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Chairman Larsen, Ranking Member Graves, and members of the Subcommittee, this completes my prepared remarks. I look forward to answering any questions you may have.

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<sup>48</sup>85 Fed. Reg. 27 (Jan. 2, 2020).

<sup>49</sup>To help inform DOT’s leading practices, we identified key considerations for developing and presenting non-discrimination training programs, such as demonstrating management commitment for trainings and including key non-discrimination principles, such as implicit bias, in training content. See [GAO-19-654R](#).

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## GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this statement, please contact me at (202) 512-2834 or [vonaha@gao.gov](mailto:vonaha@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony are Jonathan Carver, Assistant Director, Geoffrey Hamilton, Delwen Jones, Josh Ormond, Amy Suntoke, Melissa Swearingen, and Elizabeth Wood.

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