



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

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September 21, 2021

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Aviation
FROM: Staff, Subcommittee on Aviation
RE: Subcommittee Hearing on “Disruption in the Skies: The Surge in Air Rage and its Effects on Workers, Airlines, and Airports”

PURPOSE

The Subcommittee on Aviation will meet on Thursday, September 23, 2021, at 10 a.m. EDT in 2167 Rayburn House Office Building and virtually via Zoom for a hearing titled, “Disruption in the Skies: The Surge in Air Rage and its Effects on Workers, Airlines, and Airports.” The hearing will examine the increase in disruptive and unruly airline passenger behavior, the potential causes of the increase, the effect on passenger and airline crew safety, airline crew training in deescalating and addressing such passenger behavior, and the enforcement of federal laws prohibiting such behavior. The Subcommittee will hear testimony from the Association of Flight Attendants-CWA (AFA); the Association of Professional Flight Attendants (APFA); the Airports Council International (ACI) – North America; and Airlines for America (A4A).

BACKGROUND

I. SURGE IN AIR RAGE CASES IN 2021

Passengers are increasingly returning to the skies as the COVID-19 pandemic recedes in many parts of the nation. Although hundreds of thousands of passengers travel through the aviation system every day without incident the rate in unruly behavior among passengers has risen by a large proportion.¹ These “air rage” cases have ranged from passengers refusing to wear airline- and federally-mandated face coverings, to attempts to open airplane doors and flight deck doors during

¹ Francesca Street, *Dread at 30,000 feet: Inside the increasingly violent world of US flight attendants*, CNN (Sept. 6, 2021), available at <https://www.cnn.com/travel/article/flight-attendants-unruly-passengers-covid/index.html>.

flight, to physical and sexual assaults against airline crew members.² A recent survey by the AFA, querying more than 5,000 flight attendants across mainline and regional airlines, found that 17 percent of flight attendants—nearly one in five—reported a physical incident with a passenger.³ Fifty-eight percent reported experiencing at least five incidents of unruly passenger behavior this year, and 85 percent said they had experienced at least one such incident this year.⁴

The Federal Aviation Administration (FAA) reports that as of September 7, 2021, there have been 4,184 unruly passenger reports since the beginning of the 2021 calendar year.⁵ During that same time, the Transportation Security Administration (TSA) reported that 367,547,059 passengers were screened at airport security checkpoints, meaning that while unruly passenger reports have increased significantly this year, they cover only 0.001 percent of the travelling public.⁶ Of those reports, the FAA has initiated 752 investigations and 153 enforcement cases.⁷ Compared to prior calendar years—with the FAA initiating only 183 investigations in 2020 and 146 in 2019—that’s an increase of 411 and 515 percent respectively.⁸ According to the FAA, among those events for which an underlying cause could be identified, 75 percent of reported unruly passenger incidents were attributed to some element of mask non-compliance while only 6 percent could be attributed to alcohol consumption.⁹ Compared to the last 15 years, the number of investigations initiated so far this year is still more than double the highest number of yearly investigations initiated—304 investigations in 2004.¹⁰ Additionally, the FAA’s database only includes incidents that have been reported to the FAA and such reporting is at the discretion of a crewmember.¹¹

A. Examples of Incidents

In the last 10 months, actions taken by unruly passengers onboard aircraft have posed a significant safety risk to passengers and crew members. Below are some of the most egregious alleged cases in which civil penalties or criminal enforcement are being pursued.

Delta Airlines flight from Honolulu to Seattle (December 23, 2020).¹² A passenger tried to open the cockpit door and refused to follow instructions from crew members. At one point, after the passenger allegedly hit a flight attendant in the face and pushed him to the floor, the passenger threatened and charged the flight attendant as he tried to restrain the passenger. Flight attendants, with the help of another passenger, put plastic handcuffs on the passenger. The passenger was able

² Associated Press, *FAA seeks \$100,000 in fines from travelers who have tried to open a cockpit, hit a flight attendant, refused masks*, USA TODAY (Sept. 13, 2021), available at <https://www.usatoday.com/story/travel/airline-news/2021/05/20/southwest-delta-flight-travelers-face-faa-fines-100000/5174212001/>.

³ Ass’n of Flight Attendants, “85 percent of Flight Attendants dealt with unruly passengers, nearly 1 in 5 experienced physical incidents in 2021” (July 29, 2021), at https://www.afacwa.org/unruly_passengers_survey.

⁴ Id.

⁵ FAA, “Unruly Passengers,” available at https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/.

⁶ See TSA, “TSA checkpoint travel numbers (current year versus prior year(s)/same weekday),” (last accessed Sept. 17, 2021), available at <https://www.tsa.gov/coronavirus/passenger-throughput>

⁷ Id.

⁸ Id.

⁹ Email from FAA to Subcommittee Staff (Sept. 15, 2021).

¹⁰ Id.

¹¹ Id.

¹² Associated Press, *FAA seeks \$100,000 in fines from travelers who have tried to open a cockpit, hit a flight attendant, refused masks*, USA TODAY (Sept. 13, 2021), available at <https://www.usatoday.com/story/travel/airline-news/2021/05/20/southwest-delta-flight-travelers-face-faa-fines-100000/5174212001/>.

to free himself from one of the handcuffs and allegedly struck the flight attendant in the face a second time. The passenger was taken into custody and arrested after the plane landed. The FAA has proposed a \$52,500 civil penalty.¹³

Southwest Airlines flight from Phoenix to Chicago (January 1, 2021).¹⁴ A passenger yelled and said he had a bomb and would blow up the plane. The pilots made an unplanned landing in Oklahoma City, where the passenger was arrested. The FAA has proposed a \$27,000 civil penalty.¹⁵

Southwest Airlines flight from Orlando to Kansas City (January 2, 2021).¹⁶ A passenger became angry and began assaulting passengers around him after another passenger in his row would not change seats to accommodate his travel partner. The passenger told his travel partner he would need to bail the passenger out of jail for the physically violent crimes he threatened to commit. The captain returned the plane to the gate where law enforcement met the passenger. Southwest banned the passenger from flying with the carrier in the future. The FAA has proposed a \$32,500 civil penalty against the passenger.¹⁷

Frontier Airlines flight from Atlanta to New York City (January 3, 2021).¹⁸ A passenger physically assaulted two flight attendants and threatened to kill one of them in an attempt to gain entry to the flight deck. Law enforcement met the passenger after deplaning and he now faces a \$30,000 FAA civil penalty.¹⁹

Alaska Airlines flight from Seattle to Denver (March 9, 2021).²⁰ A passenger refused to wear a mask and then stood up and urinated in the cabin of the airplane. According to the Federal Bureau of Investigation (FBI), the passenger appeared to be trying to sleep but swatted at an attendant when she asked him repeatedly to put on his mask. The passenger told the FBI that he had several beers and "a couple of shots" before boarding the flight, fell asleep on the plane and awoke to being yelled at by the flight attendants who told him he was urinating. He stated he had no recollection of hitting the flight attendant and didn't know he was urinating. The FBI arrested the passenger, and he now faces a federal charge of interfering with a flight crew and attendants, which carries a maximum term of 20 years in prison and possible \$250,000 fine.²¹

¹³ FAA, Press Release, *FAA Proposes Civil Penalties against Four Passengers for Allegedly Interfering with Flight Attendants* (May 17, 2021), available at <https://www.faa.gov/newsroom/faa-proposes-civil-penalties-against-four-passengers-allegedly-interfering-flight-0>

¹⁴ Id.

¹⁵ Id.

¹⁶ Kylie Bielby, *Unruly Passenger Incidents Skyrocket, Proposed Civil Penalties Reach \$1 Million in 2021*, HOMELAND SECURITY TODAY (Aug. 20, 2021), available at <https://www.hstoday.us/featured/unruly-passenger-incidents-skyrocket-proposed-civil-penalties-reaches-1-million-in-2021/>.

¹⁷ FAA, *FAA Fines Against Unruly Passengers Reach \$1M*, Press Release (Aug. 19, 2021), available at <https://www.faa.gov/newsroom/faa-fines-against-unruly-passengers-reach-1m>

¹⁸ Id.

¹⁹ Id.

²⁰ Associated Press, *Airline passenger faces federal charge with a possible \$250,000 fine for refusing to wear mask, urinating in cabin*, USA TODAY (Mar. 13, 2021), available at <https://www.usatoday.com/story/travel/airline-news/2021/03/13/mask-required-alaska-airlines-flight-passenger-arrested/4683230001/>.

²¹ Id.

JetBlue flight from New York City to Orlando (May 24, 2021).²² A passenger threw his carry-on luggage at other passengers, before he then laid down in the aisle and refused to get up. After the passenger grabbed a flight attendant by the ankles and put his head up her skirt, he was placed in flex cuffs and the flight made an emergency landing in Richmond, Virginia. The FAA has proposed a \$45,000 civil penalty.²³

Frontier Airlines flight from Philadelphia to Miami (July 31, 2021).²⁴ A passenger made inappropriate physical contact with a flight attendant and subsequently punched another flight attendant in the face. As a result, the passenger was restrained to his seat using duct tape until the flight landed in Miami and law enforcement arrived. The passenger was charged with three counts of battery and taken to Miami-Dade County Jail - TKG Correctional Center.

American Airlines flight from Los Angeles to Salt Lake City (September 6, 2021).²⁵ While the aircraft was still in flight, an intoxicated passenger thought the aircraft had landed, which caused him to become irate and argue with flight attendants. After a member of the crew ordered the passenger to sit down and stay in his seat, he staggered backward, invoked the name of the President Biden, and continued to protest. While a recording of the incident shows the passenger finally sitting down, the video also shows him baring his teeth, growling, and biting his mask while growling, and then biting his mask and dragging it up and down over his face also while growling. Later, he was recorded once again standing in the aisle again telling the rest of the passengers that they were “all being used as pawns.” The passenger was cited for disorderly conduct and public intoxication.

B. Recent Enforcement

With the FAA Administrator signing an order on January 13, 2021, establishing a “zero-tolerance” policy with respect to unruly and dangerous behavior on aircraft, the FAA has pursued some of the highest penalties in its history for these violations.²⁶ Below are some examples.

Southwest Airlines flight from Sacramento to San Diego (May 23, 2021).²⁷ A passenger repeatedly ignored standard in-flight instructions and became verbally and physically abusive upon landing. Video shows the passenger sitting in an aisle seat at the back of the plane, jumping up and hitting the flight attendant multiple times. In the video, the passenger continues swinging at the

²² Suzanne Rowan Kelleher, *Here's How Much A JetBlue Passenger Was Fined For Putting His Head Up A Flight Attendant's Skirt*, FORBES (Aug. 19, 2021), available at <https://www.forbes.com/sites/suzannerowankelleher/2021/08/19/passenger-head-up-flight-attendants-skirt/?sh=1e5c21f3e017>.

²³ FAA, *FAA Fines Against Unruly Passengers Reach \$1M*, Press Release (Aug. 19, 2021), available at <https://www.faa.gov/newsroom/faa-fines-against-unruly-passengers-reach-1m>

²⁴ *Man duct-taped to seat for allegedly touching flight attendants on Frontier flight*, ABC 7 NY (Aug. 3, 2021), available at <https://abc7ny.com/philadelphia-to-miami-flight-assault-maxwell-berry-assaulting-attendant-inappropriately-touching/10926843/>.

²⁵ Hannah Simpson, *Growling passenger is arrested after removing mask, demanding to be let off plane*, WASH POST (Sept. 8, 2021), available at <https://www.washingtonpost.com/travel/2021/09/08/american-airlines-growling-passenger/>.

²⁶ FAA Order 2150.3C CHG 6, *SUBJ: FAA Compliance and Enforcement Program* (Mar. 31, 2021), available at https://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/1034329.

²⁷ Julian Mark, *A Southwest passenger was filmed punching a flight attendant. She was charged with two felonies*, WASH. POST (Sept. 3, 2021), available at <https://www.washingtonpost.com/nation/2021/09/03/vyvianna-quinonez-federal-charges/>.

flight attendant until another passenger intervenes, putting himself between her and the flight attendant. The flight attendant lost two teeth. Upon landing, San Diego Harbor Police arrested the passenger and charged her with felony battery. The passenger has now been charged with two federal felonies: assault resulting in serious injury and interference with a crewmember. The first charge carries a maximum sentence of 10 years in prison, while the second is punishable by as many as 20 years.

Delta Airlines flight from Los Angeles to Nashville (June 4, 2021).²⁸ A passenger attempted to breach the flight deck mid-flight. According to passenger testimony, the passenger, seemingly unprovoked, got up, pushed aside flight attendants and began pounding on the flight deck door, repeatedly yelling: “We need to land this plane.” The passenger was quickly taken down by another passenger, who was then assisted by the flight attendants. The passenger was held down for twenty minutes and bound by his wrists and ankles. Nonetheless, he continued to yell, “Stop this plane.” The plane made an emergency landing in Albuquerque, New Mexico. The passenger was arrested by the FBI, taken into custody, and charged with interfering with a member of a flight crew. At his federal detention hearing on in June, the passenger’s attorney argued that he suffered an “acute mental break” during the flight.

United Airlines (SkyWest) flight from Los Angeles to Salt Lake City (June 25, 2021).²⁹ As the flight was readying to take off from Los Angeles, a passenger leaned over to the passenger sitting next to him and whispered that he was going to jump out. He then sprinted to the front of the plane and tried to enter the flight deck, banging on the door. When he was unsuccessful, he opened an emergency exit door and leapt out of the plane. According to the complaint, the passenger had been smoking crystal meth on and off that day before boarding this flight. The passenger was charged with interfering with crewmembers.

II. LAWS, REGULATIONS, AND ENFORCEMENT

A. Federal Aviation Administration

The FAA possesses explicit statutory authority to pursue civil enforcement action against any passenger who assaults a crewmember or another passenger, or who otherwise commits any act that endangers the safety of the aircraft.³⁰ Through regulation, the FAA also prohibits interference with crewmembers in the performance of their duties.³¹ The *2018 FAA Reauthorization Act* increased the fine for violations of these prohibitions to not more than \$37,000.³² Interference with crewmembers’ performance of his or her duties by assault or intimidation is also a federal crime punishable by up to 20 years in prison.³³

²⁸ DOJ, *Airline passenger charged with interfering with flight crew*, Press Release (June 9, 2021), available at <https://www.justice.gov/usao-nm/pr/airline-passenger-charged-interfering-flight-crew>.

²⁹ Julian Mark, *Man who jumped from a moving plane at LAX tells FBI he bought ‘a lot’ of crystal meth before the flight*, WASH POST (June 29, 2021), available at <https://www.washingtonpost.com/nation/2021/06/29/los-angeles-airport-cockpit-breach/>.

³⁰ 49 U.S.C. § 46318.

³¹ 14 C.F.R. § 121.580.

³² P.L. 115-254 § 339 (2018); see also 14 C.F.R. §§ 91.11, 121.580, and 125.328.

³³ 49 U.S.C. § 46504.

“Zero Tolerance” Policy. On January 13, 2021, FAA Administrator Steve Dickson issued an order directing FAA inspectors and enforcement staff to pursue a “zero tolerance” policy regarding enforcement of the prohibitions on interference with crewmembers and other unruly conduct on board aircraft.³⁴ In issuing the order, the Administrator cited increased disruptive behavior by passengers stemming from both refusal to wear masks and the attack on the U.S. Capitol the week before.³⁵ Under the policy, “passengers who assault, threaten, intimidate, or interfere with a crewmember in the performance of a crewmember’s duties in violation of [the federal prohibitions on these acts]” will be subject to civil penalties.³⁶ The order directs that the FAA’s preexisting presumption of “compliance counseling” and other administrative actions short of formal civil-penalty actions against violators may not be used to address these violations.³⁷

Outreach. In an effort to address some of the issues related to unruly passengers, Administrator Dickson sent a letter to airports across the country requesting that airports work with their concessionaires to amplify the FAA’s prohibition on consuming alcoholic beverages not served by crewmembers on board flights.³⁸ The letter also highlighted the issue of state and local law enforcement failing to file criminal charges after unruly passenger events.³⁹ In addition, the FAA has developed a “Zero Tolerance for Unruly and Dangerous Behavior Toolkit” to amplify messages to stakeholders regarding unruly passengers and to decrease air rage incidents.⁴⁰ This toolkit includes suggestions for airport digital signage, public service announcements, and social media memes.⁴¹

B. Transportation Security Administration (TSA)

The TSA’s primary role is to protect transportation facilities and assets (including airports and airplanes) from terrorist and criminal threats.⁴² The TSA is responsible for setting the required security and training standards for airlines and airline crews to manage unruly passengers via its Aircraft Operator Standard Security Program (AOSSP).⁴³ The AOSSP provides general guidance on the security programs, equipment, and employee training that airlines are required to implement in order to operate. This training includes initial and recurrent security training. The AOSSP’s

³⁴ FAA Order 2150.3C CHG 6, *SUBJ: FAA Compliance and Enforcement Program* (Mar. 31, 2021), available at https://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/1034329.

³⁵ David Shepardson, *Exclusive: U.S. FAA chief orders ‘zero tolerance’ for disruptive airline passengers, possibly jail*, REUTERS (January 13, 2021) available at <https://www.reuters.com/article/us-usa-election-aviation-exclusive/exclusive-u-s-faa-chief-orders-zero-tolerance-for-disruptive-airline-passengers-possibly-jail-idUSKBN29I302>; see also FAA, *Press Release – Federal Aviation Administration Adopts Stricter Unruly Passenger Policy*, (January 13, 2021) available at https://www.faa.gov/news/press_releases/news_story.cfm?newsId=25621.

³⁶ FAA Order 2150.3C CHG 6, https://www.faa.gov/documentLibrary/media/Order/FAA_Order_2150.3C_CHG_6.pdf.

³⁷ *Id.*

³⁸ Letter from FAA Administrator Dickson to Airport Leaders (Aug. 3, 2021), available at https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/toolkit/media/Letter_to_airports_FINAL_signed.pdf.

³⁹ *Id.*

⁴⁰ FAA, *Zero Tolerance for Unruly and Dangerous Behavior Toolkit* (last accessed Sept. 14, 2021), available at https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/toolkit/.

⁴¹ *Id.*

⁴² CRS, R46678, *Transportation Security: Background and Issues for the 117th Congress* (Feb. 2021).

⁴³ TSA, *Aviation Programs: Aircraft Operator Standard Security Program (Full Program) and Public Charters* (last accessed Sept. 16, 2021), available at <https://www.tsa.gov/for-industry/aviation-programs>.

requirements are not prescriptive; each airline is granted flexibility in the development of its own specific curriculum to meet the program requirements.

The TSA is also responsible for enforcing the federal requirement that individuals wear masks throughout commercial and public transportation systems, including at airport screening checkpoints, within the airports themselves, and on commercial airplanes.⁴⁴ The TSA reports that as of July 2021, there had been over 85 assaults on transportation security officers (TSO) in 2021.⁴⁵ In July alone, large U.S. airlines carried 73.4 million passengers.⁴⁶ So, while a very rare occurrence, such assaults are serious and must be addressed. In June 2021, the TSA referred two incidents involving unruly passengers to law enforcement officials.⁴⁷ In one incident, a passenger allegedly assaulted two TSOs while attempting to breach the exit lane in Louisville, Kentucky. In the other incident, a passenger allegedly bit two TSOs.⁴⁸ In each case, the passengers face civil penalties of up to \$13,910 for violation of TSA security requirements.⁴⁹

The hearing will examine the recent rise in reports of air rage incidents and the effect these incidents have on the aviation workforce, airlines, and pilots. Witnesses will also have the opportunity to share recommendations for federal government prevention, response, and enforcement.

⁴⁴ TSA, Face Mask Requirements: Security Directives and Emergency Amendment,” (last accessed September 7, 2021), available at <https://www.tsa.gov/sd-and-ea>.

⁴⁵ David Shepardson, *U.S. Inflight Disturbances jump 500%, 85 TSA Officers Assaulted – agency*, REUTERS (July 20, 2021), available at <https://www.reuters.com/world/us/us-agencies-report-rising-number-unruly-airline-passengers-2021-07-20/>

⁴⁶ U.S. Department of Transportation Bureau of Transportation Statistics, U.S. Airlines July 2021 Passengers (Preliminary), available at: <https://content.govdelivery.com/accounts/USDOT/bulletins/2f1c72e>.

⁴⁷ TSA, Press Release, *TSA reminds passengers to remain calm and respectful at security checkpoints* (June 24, 2021), available at <https://www.tsa.gov/news/press/releases/2021/06/24/tsa-reminds-passengers-remain-calm-and-respectful-security>

⁴⁸ Id.

⁴⁹ Id.

WITNESSES

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