



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

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August 6, 2021

The Honorable Stephen M. Dickson
Administrator
Federal Aviation Administration
800 Independence Avenue S.W.
Washington, D.C. 20591

Dear Administrator Dickson:

I have read, with increasing alarm, report after report of airline passengers assaulting other passengers as well as crewmembers, endangering the safety of all on board.

In May, a passenger reportedly punched a Southwest flight attendant in the face, causing grievous injuries that included the loss of two teeth. Other alleged incidents, not necessarily related to the federal mask mandate, include:

- A passenger reportedly attempted to breach the cockpit and twice struck an intervening flight attendant in the face;¹
- A passenger reportedly refused to wear a mask, struck a flight attendant, and urinated in the cabin;²
- A passenger reportedly attempted to storm the flight deck midflight;³

¹ *FAA seeks \$100,000 in fines from travelers who have tried to open a cockpit, hit a flight attendant, refused masks*, ASSOCIATED PRESS (May 20, 2021), at <https://www.usatoday.com/story/travel/airline-news/2021/05/20/southwest-delta-flight-travelers-face-faa-fines-100000/5174212001/>.

² *Airline passenger faces federal charge with a possible \$250,000 fine for refusing to wear mask, urinating in cabin*, ASSOCIATED PRESS (March 13, 2021), at <https://www.usatoday.com/story/travel/airline-news/2021/03/13/mask-required-alaska-airlines-flight-passenger-arrested/4683230001/>.

³ *Flight from Los Angeles to Nashville diverted into Albuquerque due to in-flight disturbance*, U.S. Attorney's Office (June 9, 2021), at <https://www.justice.gov/usao-nm/pr/airline-passenger-charged-interfering-flight-crew>.

- A passenger reportedly attempted to open an exit in flight and subsequently assaulted and bit a flight attendant;⁴ and
- Perhaps of greatest concern, a passenger reportedly sexually assaulted two flight attendants and punched another.⁵

According to FAA data, the number of air rage incidents subject to enforcement investigations has skyrocketed, with 628 cases investigated in 2021 to date and more surely to come. That's nearly twice the previous peak of enforcement investigations into air rage incidents: 310 in 2004.⁶

A recent survey by the Association of Flight Attendants, querying more than 5,000 flight attendants across mainline and regional airlines, found that 17 percent of flight attendants—nearly one in five—reported physical injury during passenger-related altercations in flight. Fifty-eight percent reported at least five incidents of unruly passenger behavior this year, and 85 percent said they had experienced at least one such incident this year.⁷

Some incidents appear to relate to passengers' reckless disregard of the commonsense federal requirement that they must wear masks while on board an aircraft and in an airport. But it would be naïve to ascribe all such incidents to the mask mandate; we may be seeing the reemergence of a spate of air rage incidents that plagued the airlines in the late 1990s and early aughts, the causes of which were as varied as the circumstances themselves.

As you know, the FAA possesses explicit statutory authority to pursue civil enforcement action and a \$37,000 fine against any passenger who assaults a crewmember or other passenger, or who otherwise commits any act that endangers the safety of the aircraft.⁸ The applicable FAA regulation prohibits interference with a crewmember's duties.⁹ It's also a federal crime that can land perpetrator in prison for up to 20 years for interfering with the performance of a crewmember's duties.¹⁰

⁴ Paulina Villegas, *Woman is duct-taped to her seat after trying to open plane door midflight, airline says*, WASHINGTON POST (July 12, 2021), at <https://www.washingtonpost.com/travel/2021/07/12/woman-restrained-on-american-airlines-flight/>.

⁵ Hannah Sampson, *Frontier passenger duct-taped to seat after allegedly groping, punching flight attendants*, WASHINGTON POST (August 3, 2021), at <https://www.washingtonpost.com/travel/2021/08/03/frontier-duct-tape-passenger-flight-attendant/>.

⁶ Fed. Aviation Admin., "Unruly Passengers," at https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/.

⁷ 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.

⁸ 49 U.S.C. § 46318; *see also* 14 C.F.R. §§ 91.11, 121.580, and 125.328.

⁹ 14 C.F.R. § 121.580.

¹⁰ 49 U.S.C. § 46504.

Concerns have been raised that judicial authorities could take an unreasonably narrow view of the meaning of “interference” for purposes of the statutes and regulations referenced above.¹¹ I believe the statutes and regulations are clear. But, to the extent clarification would be helpful to enhance the chances of success in actions to hold unruly passengers accountable for their behavior, I would welcome the FAA’s suggestions regarding appropriate statutory changes. Aircrews and the flying public should not pay the price if a single administrative judge establishes a bad precedent based on a restrictive reading of the statutes and regulations.

The violent, disruptive behavior that we’ve seen on airplanes this year must not go unpunished. Recklessly refusing to wear a mask during the deadliest pandemic in a century is dangerous enough, but punching flight attendants, running for the cockpit door, assaulting other passengers, and the litany of other outrageous incidents reported in the press requires a strong federal response, and I want to ensure that the FAA has the legal tools and authorities necessary to put these incidents to a stop.

Accordingly, I respectfully implore you to take any appropriate action to ensure that airline workers can easily report incidents of air rage and other inappropriate conduct among passengers, and that you continue, indefinitely, the FAA’s “zero-tolerance” policy regarding enforcement of the prohibitions on interference with crewmembers and other unruly conduct on board aircraft and to use every tool at your disposal to protect passengers and crew. I also ask that you provide the Committee with the following by September 1, 2021:

- (1) The number of additional safety inspectors the FAA needs to handle the enforcement caseload; and
- (2) Any additional authorities or tools the FAA needs from Congress to make the prohibition on interference with crewmembers easier to enforce.

Sincerely,



PETER A. DeFAZIO
Chair

¹¹ See, e.g., Michael Laris and Lori Aratani, “Fight on flights: Unruly passengers, masks cause rough times in the air,” WASHINGTON POST (July 18, 2021).