



Nicholas E. Calio
President and CEO

June 21, 2021

The Honorable Steve Dickson
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

Dear Administrator Dickson:

On behalf of A4A's member carriers,¹ I want to thank you for your leadership and perseverance in sending a clear and consistent message regarding the recent uptick in unruly passenger behavior on U.S. airlines. At every opportunity, you have communicated the Administration's "zero tolerance" policy for travelers who do not follow crewmember instructions and who do not abide by federal law. You have the full support of A4A and our members.

While the vast majority of passengers comply with federal rules and crewmember instruction, some have not received the FAA's "zero tolerance" message despite all of your efforts. Unfortunately, we continue to see onboard behavior deteriorating into heinous acts, including assaults, threats and intimidation of crewmembers that directly interfere with the performance of crewmember duties and jeopardize the safety and security of everyone onboard the aircraft. Despite efforts of the FAA and airlines—including lifetime bans and suspension of onboard alcohol service—the incidents continue and appear to be intensifying. This behavior cannot—and will not—be tolerated.

With the goal of putting an end to this unruly behavior, we are asking our federal partners to 1) prosecute violators to the fullest extent of the law and 2) increase the public awareness of the very real ramifications, including jail time and significant financial penalties.

Prosecutions

We respectfully request that the FAA refer abhorrent cases to the Department of Justice (DOJ) so that the federal government may fully, swiftly and publicly prosecute criminal acts to the fullest extent of the law and deter this dangerous and concerning behavior. As the FAA is aware, the recent negative and unsafe behavior is alarming.

The government, including the FAA, is well-equipped with the authority and processes to criminally prosecute qualifying passenger behavior. Specifically, Section 46504 of Title 49 of the U.S. Code (49 U.S.C. § 46504) prohibits assault or intimidation of a flight crewmember or flight attendant that interferes with the performance of a crewmember's duties or lessens the ability of the crewmember to perform those duties. The prescribed penalty ranges from a fine to

¹ See A4A's members are: Alaska Air Group, Inc.; American Airlines Group, Inc.; Atlas Air Worldwide Holdings, Inc.; Delta Air Lines, Inc.; FedEx; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Airlines Holdings, Inc.; and United Parcel Service Co. Air Canada is an associate member.

June 21, 2021

Page 2

imprisonment for not more than 20 years, or both. The FAA Compliance and Enforcement Program instructs that FAA's enforcement counsel promptly coordinate FAA enforcement action with the DOJ, when an Enforcement Investigation Report contains allegations supporting both criminal and legal enforcement action.

Our member carriers and our labor partners are committed to working with the FAA, DOJ and entire Federal government to ensure onboard safety and security. This includes participation in any investigation of onboard behavior and collaboration in any prosecution of passengers whose behavior rises to the level of criminal liability. To the extent that the FAA, DOJ, and Transportation Security Administration consider coordinating the collection of case information, we support any consolidation efforts and standby to assist. We have also written to the Attorney General of the United States (letter enclosed) to encourage the DOJ to commit the resources to prosecute criminal behavior that occurs onboard aircraft.

Increase Public Awareness of Penalties

We appreciate your strong, direct video messages, social media posts and other public comments that speak directly to unruly passengers and clearly articulate the "zero tolerance" policy. We respectfully request that the FAA and other federal agencies amplify the messaging to reach all travelers about the proposed penalties in addition to using all resources, including the media, to put a very public spotlight on the sentences handed down to perpetrators. It will send a powerful message if the flying public sees that perpetrators are truly paying hefty fines and are going to jail after being convicted. It is important to demonstrate that the penalties are real actions -- not just words.

We thank the Administration for its consideration and hope that coordination with the DOJ will ensure that egregious onboard conduct is fully and criminally prosecuted, sending a strong public message of deterrence and compliance. A4A stands as a partner with you and other government partners in these efforts.

Sincerely,



Nick

cc: Mark W. Bury, Acting Chief Counsel, Federal Aviation Administration
Cynthia A. Dominik, Assistant Chief Counsel Enforcement, Federal Aviation Administration