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**WRITTEN TESTIMONY OF
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**“DISRUPTION IN THE SKIES: THE SURGE IN AIR RAGE AND ITS EFFECTS ON
WORKERS, AIRLINES, AND AIRPORTS.”
BEFORE THE
UNITED STATES HOUSE COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE
SUBCOMMITTEE ON AVIATION**

SEPTEMBER 23, 2021

Good morning, my name is Lauren Beyer, and I am the Vice President of Security and Facilitation at Airlines for America (A4A). A4A appreciates the opportunity to testify, and I am honored to be presenting alongside our labor and airport partners on this important topic.

The aviation sector has worked collaboratively on many issues over the course of the COVID-19 pandemic, including our collective commitment to address unruly passenger behavior and ensure that appropriate penalties for egregious conduct onboard aircraft are fully pursued. The safety and wellbeing of all employees and passengers is the top priority for U.S. airlines, and there is simply no place in our skies for passengers' unruly and disruptive behavior. Regardless of mode of transportation, whether it be an airline, train, bus or other, these incidents can pose a safety and security threat, and they should be dealt with both swiftly and strictly.



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Thank You

At the onset, I would like to specifically thank the leadership of this Committee for their steadfast commitment and oversight of this issue. Your support and advocacy for strict enforcement of incidents has played a critical role in the federal government's continued enforcement of the Federal Aviation Administration's (FAA) "zero tolerance" policy for travelers who do not follow crewmember instructions and who do not abide by federal law.

We are grateful for the FAA's efforts to maintain and increase awareness of the "zero tolerance" policy and violations for disruptive behavior. We also appreciate the Administration's continued enforcement of the federal mask mandate for transportation and are grateful for efforts to raise awareness of potential penalties and encourage compliance from all travelers. And we are thankful to all the airline passengers who simply follow the rules every day and go about their travels without incident. While media attention may focus on dramatic, negative events, those incidents are the exception and not the rule. The vast majority of passengers do comply with crewmember instructions. We value and appreciate those customers.



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Incident Data, Reporting and Response

While most passengers comply with crewmember instructions, we unfortunately have seen a very concerning uptick in unruly passenger incidents onboard aircraft in 2021. Year-to-date in 2021 we have seen FAA investigations increase to 17.8 per every 10 million passengers compared to 4.9 in 2020 and 1.6 in 2019. While that is a large increase, the frequency of these incidents remains relatively low at one investigation initiated for every 563,000 passengers enplaned. However, even one unruly passenger event is one too many. These events are taken very seriously, and each incident is reported to the FAA and thoroughly investigated by the airline to determine the facts and details of the incident. In addition to the FAA's independent civil enforcement process and referrals to the Department of Justice (DOJ) for criminal prosecution, A4A member airlines can choose to place a passenger on an internal no-fly list, denying that passenger from flying on that airline. Incidents are dealt with on a case-by-case basis.

Federal Coordination and Communication

Coordination and communication with federal partners has been critical. Since the federal mask mandate was implemented in January 2021, airlines have held regular calls with the Transportation Security Administration (TSA) and the FAA to exchange information, data and trend analysis. This routine dialogue has proven helpful in providing the industry visibility into trends at particular airports or other timely updates. That coordination continues today.



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Given the alarming escalation in incidents, in June 2021, A4A sent letters to the FAA and the DOJ, requesting our federal partners prosecute violators to the fullest extent of the law and do everything possible to increase the public awareness of the ramifications of unruly behavior including jail time and significant financial penalties.

In the FAA letter, we requested the agency refer abhorrent cases to the 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. We believe the DOJ 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 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.

We made clear that our member airlines and our labor partners are committed to working with the FAA, DOJ and the entire Federal government to ensure onboard safety and security. This includes participation in any investigation of onboard behavior and



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collaboration in any prosecution of passengers. To the extent that the FAA, DOJ, and TSA consider coordinating the collection of case information, we support any consolidation efforts and standby to assist.

We are grateful to the FAA for their strong, direct video messages, social media posts and other public comments that speak directly to unruly passengers and clearly articulate the FAA's "zero tolerance" policy. We also applaud the FAA for the transparency in publicizing the outcomes of some of their most egregious civil enforcement cases as well as the civil penalties assessed. We continue to encourage the FAA, Congress and any other federal entities to amplify that messaging to reach all travelers.

Concurrently, we joined a multitude of industry voices, including airlines and unions, in writing to the Attorney General requesting that the DOJ send a strong and consistent message through criminal enforcement that compliance with federal law and upholding aviation safety are of paramount importance. Making prosecutions public puts a spotlight on the serious consequences of breaking the law and act as effective deterrents against future onboard disruptions. In consort with the FAA's special emphasis on its enforcement program, the DOJ should direct federal prosecutors to dedicate resources for egregious cases, again with full cooperation from airlines and labor. We continue to support those efforts.



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Additionally, we are encouraged by the White House's recent announcement that TSA is increasing fines for violations of the TSA Security Directive that implements the federal mask mandate.

Stakeholder Coordination and Best Practices

As an industry, we understand there are steps we can take to better address the problem. Earlier this year, A4A and our member airlines began collecting and sharing best practices across carriers in an attempt to improve the airline response to these incidents. Such best practices include the performance of safety risk assessments; management and employee training initiatives; and enhancements to customer initiatives.

These efforts have led to engagement across the broader industry to discuss collectively what more can be done. As a result, we are now working on a cross-industry best practices effort with the intent to illustrate the types of approaches that can help prevent or respond to incidents. We believe an industry-wide approach is beneficial so all entities with responsibility in the aviation sector have visibility into what the other entities are doing to address the problem, especially as it pertains to keeping unruly passengers off the aircraft and de-escalation of incidents if they happen onboard.



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Conclusion

The safety and wellbeing of all employees and passengers is the top priority for U.S. airlines. We appreciate the federal government's continued support and enforcement of the "zero tolerance" policy for travelers who do not follow crewmember instructions and who do not abide by federal law, and we are grateful for the FAA's efforts to increase awareness of violations of this policy. We appreciate Congressional efforts and the Administration's continued support for and enforcement of the federal mask mandate for transportation. U.S. airlines are grateful for efforts to raise awareness of potential penalties and encourage compliance from all travelers. As they have done for months, U.S. airlines will continue to comply with the federal mask mandate and strictly enforce this requirement in collaboration with the TSA and the FAA. While an unruly incident video may go viral, the repercussions for that behavior may not. We can all do better to make certain the traveling public knows any abhorrent behavior will be met with significant consequence. Airlines will continue to do all they can to work with our employees, government partners and other private sector stakeholders to address these issues.