

**ON THE FRONTLINES IN TURBULENT TIMES:  
WORKFORCE PERSPECTIVES ON THE STATE  
OF TRANSPORTATION SECURITY**

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**HEARING**

BEFORE THE

**SUBCOMMITTEE ON  
TRANSPORTATION AND  
MARITIME SECURITY**

OF THE

**COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SEVENTEENTH CONGRESS**

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## **ON THE FRONTLINES IN TURBULENT TIMES: WORKFORCE PERSPECTIVES ON THE STATE OF TRANSPORTATION SECURITY**

**Tuesday, November 16, 2021**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
SUBCOMMITTEE ON TRANSPORTATION  
AND MARITIME SECURITY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2 p.m., via Webex, Hon. Bonnie Watson Coleman [Chairwoman of the subcommittee] presiding.

Present: Representatives Watson Coleman, Payne, Titus, Gottheimer, Thompson (ex officio), Gimenez, Van Drew, and Miller-Meeks.

Mrs. WATSON COLEMAN. The Subcommittee on Transportation and Maritime Security will come to order.

The subcommittee is meeting to receive testimony at today's hearing entitled, "On the Frontlines in Turbulent Times: Workforce Perspectives on the State of Transportation Security."

Without objection, the Chair is authorized to declare the subcommittee in recess at any point.

Good afternoon. I would like to thank our witnesses for their willingness to appear before us today as we look ahead to what promises to be a very busy holiday season, travel season.

The safety of front-line workers and passengers is paramount, particularly as we continue to battle a pandemic that has turned many of our usual travel customs and norms on their head. While this is not the first year that our country will celebrate the holidays with COVID-19 in our midst, it is heartening that almost 60 percent of the population is fully vaccinated against this virus. While we still have a ways to go, strong protection from the worst effects of the virus means more families can safely reunite during this special time of the year.

Last Monday was the deadline for Federal employees, including Transportation Security Officers, to receive their last shot of a two-dose vaccine regimen, or a single dose in the case of the Johnson & Johnson vaccine, to meet the November 22 deadline to be fully vaccinated, per President Biden's recent Executive Order. In addition, many major airlines have required their employees to receive their shots ahead of the January 4 deadline for Federal contractors.

I look forward to hearing from our witnesses about how vaccination efforts are progressing among their memberships and the part-

nerships between employees and employers that these efforts have borne.

In addition to COVID-19, there is another scourge that continues to plague our air travel, and that is unruly passengers. This topic is not new to this subcommittee. In July, we discussed how this bad behavior is affecting TSOs and other front-line workers who are simply doing their jobs to keep the traveling public safe. Yet, the number of these incidents continues to climb. Far too many are related to passengers who refuse to abide by the Federal requirement to wear a mask in transportation settings, a requirement that is critical to reducing viral transmission and getting this pandemic under control.

Last month, I joined the Chairman of the full committee, Chairman Thompson, in writing to TSA to urge the agency to pursue civil penalties for offenders more aggressively, following reports that TSA had only issued fines against 10 people. Recent reports tell us that TSA has now assessed \$85,990 in fines against 190 individuals.

While this is indeed an improvement, the consequences of assaulting TSOs, flight attendants, or ground-based workers should be made explicitly clear, and violators must be held accountable, without exception.

There are many other challenges that are facing our front-line workers that are ripe for discussion today, as well as proposed solutions that I hope will present common ground for Members of this subcommittee.

[The statement of Chairwoman Watson Coleman follows:]

STATEMENT OF CHAIRWOMAN BONNIE WATSON COLEMAN

TUESDAY, NOVEMBER 16, 2021

The Subcommittee on Transportation and Maritime Security will come to order. The subcommittee is meeting to receive testimony at today's hearing entitled, "On the Frontlines in Turbulent Times: Workforce Perspectives on the State of Transportation Security."

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While this is not the first year that our country will celebrate the holidays with COVID-19 in our midst, it is heartening that almost 60 percent of the population is fully vaccinated against the virus.<sup>1</sup>

While we still have a ways to go, strong protection from the worst effects of the virus means more families can safely reunite during this special time of year.

Last Monday was the deadline for Federal employees, including Transportation Security Officers (TSOs), to receive their last shot of a two-dose vaccine regimen—or single dose in the case of the Johnson & Johnson vaccine—to meet the November 22 deadline to be fully vaccinated, per President Biden's recent Executive Order.

In addition, many major airlines have required their employees to receive their shots ahead of the January 4 deadline for Federal contractors.

I look forward to hearing from our witnesses about how vaccination efforts are progressing among their memberships, and the partnerships between employees and employers that these efforts have borne.

<sup>1</sup><https://www.mayoclinic.org/coronavirus-covid-19/vaccine-tracker>.

In addition to COVID-19, there is another scourge that continues to plague air travel: Unruly passengers.

This topic is not new to this subcommittee. In July, we discussed how this bad behavior is affecting TSOs and other front-line workers who are simply doing their jobs to keep the traveling public safe.

And yet, the number of these incidents continues to climb.

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While this is an improvement, the consequences of assaulting TSOs, flight attendants, or ground-based workers should be made explicitly clear and violators must be held accountable without exception.

There are many other challenges facing our front-line workers that are ripe for discussion today, as well as proposed solutions that I hope will present common ground for Members of this subcommittee.

I now recognize the Ranking Member of the subcommittee, the gentleman from Florida, Mr. Gimenez, for his opening statement.

Mrs. WATSON COLEMAN. As the Chairwoman, I now recognize the Ranking Member of this subcommittee, the gentleman from Florida, Mr. Gimenez, for his opening statement. Is he here?

Mr. GIMENEZ. Thank you, Chairwoman Watson Coleman, for holding this hearing today.

As we have seen during COVID-19 pandemic, the U.S. transportation system is key to our economy. It truly powers our way of life. We are finally, after 18 difficult months, seeing a resurgence of travel in our tourism industry.

My home city of Miami is one of the top destinations for travelers, and our airport has already seen domestic leisure travel at prepandemic levels. International bookings are up nearly 50 percent from—down 50 percent from 2019, but they are also resurging. They are projected to increase substantially with the recent openings of international flights in and out of Miami.

As we enter the busy holiday travel season, we must ensure the safety and security of the transportation work force and the traveling public. I am concerned that TSA is not adequately staffed to handle the rise in travelers that we will see in airports across the country over the next few weeks. In addition, the administration's mandate that all Federal employees be fully vaccinated for COVID-19 by next week, November 22, could contribute to a lack of staffing at airports.

The TSA work force has shown their dedication to our Nation day in and day out, and now they are being threatened with being disciplined or even losing their jobs. TSA employees should have the right to choose if and when they will receive the vaccine based on their personal health considerations, and their own time line, not from a Government mandate.

TSA has not said what percentage of its employees provided proof of their COVID-19 vaccinations. What is TSA's plan here? Are they going to discipline or even fire employees who are not fully vaccinated? Is this going to happen before the holidays? I don't understand how TSA can staff airport checkpoints over the

<sup>2</sup> <https://www.reuters.com/world/us/us-agency-ramps-up-fines-travelers-failing-wear-masks-2021-10-28/>.

holidays and beyond without these valuable skilled front-line employees.

I am also concerned that there has been a dramatic increase in the amount of violent and disruptive passengers in surface transportation systems at our airports and in flights. These incidents need to stop. I want to hear from our witnesses on how TSA and the Federal air marshals can play an increased role in transportation security.

I look forward to learning from the witnesses today and what they are hearing from their memberships on these important issues. Transportation workers are crucial to the country's movement of goods, services, and people. Our economy cannot rebuild without them.

Madam Chairwoman, I yield back. Thank you.

[The statement of Ranking Member Gimenez follows:]

STATEMENT OF RANKING MEMBER CARLOS GIMENEZ

NOVEMBER 16, 2021

Thank you, Chairwoman Watson Coleman, for holding this hearing today.

As we have seen during the COVID-19 pandemic, the U.S. transportation system is key to our economy. It truly powers our way of life. We are finally, after 18 difficult months, seeing a resurgence of our travel and tourism industry.

My home city of Miami is one of the top destinations for travelers and our airport has already seen domestic leisure travel at pre-pandemic levels. International bookings are up to only 50 percent from 2019, but are projected to increase substantially with the recent opening of international flights in and out of Miami.

As we enter the busy holiday travel season, we must ensure the safety and security of the transportation workforce and the traveling public. I'm concerned that TSA is not adequately staffed to handle the rise in travelers that we will see in airports across the country over the next few weeks.

In addition, the Biden administration's mandate that all Federal employees be fully vaccinated for COVID-19 by next week—November 22—could contribute to a lack of staffing at airports. The TSA workforce has shown their dedication to our Nation day in and out, and now they're threatened with being disciplined and even losing their jobs? TSA employees should have the right to choose if and when they will receive the vaccine based on personal health considerations and their own time line, not from a Government mandate.

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I look forward to learning from the witnesses today what they're hearing from their membership on these important issues. Transportation workers are crucial to the country's movement of goods, services, and people. Our economy cannot rebuild without them.

Madame Chairwoman, I yield back.

Mrs. WATSON COLEMAN. I thank the Ranking Member.

I would now like to recognize the Chairman of the full committee, the gentleman from Mississippi, Mr. Thompson, for an opening statement.

Mr. THOMPSON. Thank you very much, Chairwoman Watson Coleman. I thank our witnesses for joining us today.

As we prepare for the holidays and the busy travel season ahead, we must ensure that our transportation security infrastructure is



capable of handling the challenge we face. With travel volume increasing at U.S. airports and transit sites around the country, we have seen a rise in incidents involving unruly passengers and assaults against transportation workers. Further complicating matters are TSA staffing issues and lack of enforcement or penalties imposed on those who disregard the law, like the Federal mask mandate.

This year alone, the Federal Aviation Administration has reported over 5,100 unruly passenger incidents, of which over 3,700 are mask-related. These numbers do not account for the overwhelming number of incidents happening at ground transit sites around the country.

Last month, as you have already heard, subcommittee Chairwoman Watson Coleman and myself wrote the TSA administrator, David Pekoske, to encourage TSA to increase the penalties it imposes on offenders and publicize its efforts. Robust enforcement is key to deterring this unacceptable behavior. I am a firm believer that having a strong transportation work force is an essential component to having a strong National security infrastructure.

These essential workers are not only facing attacks from unruly passengers, but the daily risk of being infected by the COVID-19 virus while performing their duties. To date, over 11,000 TSA employees have tested positive for COVID-19, and, tragically, at least 32 have died.

Yet long-standing issues like the lack of fair pay continues to plague the agency's work force, with travel volumes steadily rising. The Biden administration has shown encouraging signs of support for workers' rights. However, we still have a way to go in terms of providing these rights and improving working conditions.

TSA continues to rank at or near the bottom in the annual Best Places to Work survey, while low morale is contributing to high turnover at the agency. If TSA cannot hire and retain the highly skilled, dedicated work force it needs, it will struggle to keep up with increasing passenger volume and ultimately place our transportation systems at risk.

All these factors make this hearing timely. I am especially eager to hear from our witnesses who have a unique perspective and insight into these issues and others impacting transportation workers.

I would like to thank our front-line workers and their families for their dedication and sacrifice during these times. I would also like to thank Chairwoman Watson Coleman and the Transportation and Maritime Security subcommittee Members for bringing these issues to the forefront.

Thank you again to our witnesses. I appreciate your efforts to protect the traveling public, and I look forward to your testimony. [The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

NOVEMBER 16, 2021

As we prepare for the holidays and the busy travel season ahead, we must ensure that our transportation security infrastructure is capable of handling the challenges we face. With travel volume increasing at U.S. airports and transit sites around the country, we have seen a rise in incidents involving unruly passengers and assaults

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The Biden administration has shown encouraging signs of support for workers' rights; However, we still have a way to go in terms of providing these rights and improving working conditions. TSA continues to rank at or near the bottom in the annual "Best Places to Work" survey, with low morale contributing to high turnover at the agency. If TSA cannot hire and retain the highly-skilled, dedicated workforce it needs, it will struggle to keep up with increasing passenger volume and, ultimately, place our transportation systems at risk.

All these factors make this hearing timely. I am especially eager to hear from our witnesses who have a unique perspective and insight into these issues and others impacting transportation workers. I would like to thank our front-line workers and their families for their dedication and sacrifice during these times.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman.

Other Members of the subcommittee are reminded that, under the committee rules, opening statements may be submitted for the record. Members are also reminded that the committee will operate according to the guidelines laid out by the Chairman and the Ranking Member of the full committee in their February 3 colloquy regarding remote procedures.

I will now welcome our panel of witnesses.

Our first witness is Dr. Everett Kelley, national president of the American Federation of Government Employees. Dr. Kelley has been the national president of AFGGE since February of last year and an AFGGE member of 40 years.

Our second witness is Ms. Sara Nelson, international president of the Association of Flight Attendants. She started her career as a flight attendant for United Airlines in 1996, and rose to the role of international president in 2014.

Our third witness is Mr. John Samuelsen, international president of the Transport Workers Union, TWU. He is a former track worker with New York City Transit, and has served as the international president of TWU since 2017.

Our fourth witness is Mr. John Casaretti, president of the Air Marshals Association. He is a former senior Federal Air Marshal, and he has served as president of the AMA since its formation in 2011.

I want to thank all the witnesses today for their participation. I look forward to hearing your testimony.

Without objection, the witnesses' full statements will be inserted in the record.

I am now asking each witness to summarize their statement for 5 minutes, beginning with Dr. Kelley.

You need to unmute, Dr. Kelley.

**STATEMENT OF EVERETT B. KELLEY, NATIONAL PRESIDENT,  
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,  
AFL-CIO**

Mr. KELLEY. Thank you so much. Can you hear me now?

OK. Thank you.

Chairman Watson Coleman, Ranking Member Gimenez, Chairman Thompson, Ranking Member Katko, and Members of the subcommittee, on behalf of the American Federation of Government Employees, I thank you for the opportunity to testify today.

Among the 700,000 Federal employees AFGE represents, we are proud to count approximately 45,000 Transportation Security Officers at TSA who protect the flying public.

Today's topic is timely as we all prepare for the holiday season and brace ourselves against potential turbulence, literal and otherwise. Although we can all rejoice in the fact that the declining COVID infections mean that there will be an increase in the volume of passengers at airports this holiday season, that increase will bring many challenges to airports, airlines, and to TSA.

For many travelers, this season will be the first trip since the pandemic began, and they may be a little nervous too. All of us worry about the possibility of a resurgence of COVID and another new variant, and we are almost certain that there will be weather and mechanical delays to challenge us, you know, as well.

I won't hold you in suspense. You know, I am going to skip right to the conclusion, right to the conclusion. We do not have control over every potential source of tension affecting travel during the holiday season, but there are some things that we can do to minimize problems. Let's focus on those things.

First of all, TSA must staff adequately and appropriately, and ensure personnel, TSOs, and supervisors are well-trained in handling abuse and violence by passengers at the checkpoint. TSOs need to know that supervisors have their back when passengers engage in abusive behavior. TSA must adopt a zero-tolerance policy for abuse directed at its work force.

Second, the greatest source of fear and anxiety for TSOs and all Federal employees at the end of the year is the threat of another Government shutdown. Year after year, TSOs look ahead to the holiday season with a certain amount of dread at the prospect of another shutdown, wondering whether they will be able to afford their rent, utilities, or even groceries, let alone Christmas presents and Christmas dinner.

I urge Congress to pass not just another continuing resolution with the current one expiring on December 3, but instead to enact a full year funding.

Third, during the extended drop-off in passenger travel during the COVID-19 pandemic, TSA, if you will, allowed its screening work force to decline by several thousand TSOs. With traveling resuming and even increasing, TSA is hiring but has not filled all of the vacancies that many new TSOs are still training at this time when a full work force is needed.

While the AFGE has strongly urged all our members to get the COVID vaccine, there are some who have not done so. Now, this doesn't have to add a burden to the holiday travel. AFGE has called upon President Biden to align the vaccine deadline for Fed-

eral employees with its deadline for Federal contractors who work alongside them. Extending the deadline until January 4 will provide consistency and will also provide fairness.

Now, I make this point in my written testimony that none of the turbulence and—the committee is examining today is new to the TSO work force. They have endured violence and abuse, Government shutdowns, illnesses, and harassment, and intimidation at the hand of their supervisors. All of this for the lowest pay in the Federal service.

So my final recommendation is that Congress get on with passing the legislation, because this is going to be important to all of us, right? This committee has already reported favorably the “Rights for the TSA Workforce Act,” and press your Senate counterparts to do the same.

You know, a TSO protects the flying public and keep our skies safe. They show up and do their job in the most trying of circumstances and have done so time and time again over the 20 years TSA has been in operation. We count on TSOs to do an essential job for our security and now it is time for the TSOs to count on the support of their Government to provide them a safe, respectful, and fully funded place to work.

So thank you for having me to testify today. I will be happy to answer any questions that you might have.

[The prepared statement of Mr. Kelley follows:]

PREPARED STATEMENT OF EVERETT B. KELLEY

NOVEMBER 16, 2021

Chairwoman Watson Coleman, Chairman Gimenez, Chairman Thompson, Ranking Member Katko, and Members of the subcommittee: The American Federation of Government Employees, AFL–CIO (AFGE), which represents 700,000 Federal and District of Columbia employees in 70 agencies, including approximately 45,000 Transportation Security Officers (TSOs) at the Transportation Security Administration (TSA) thanks the subcommittee for holding this important hearing today, “On the Frontlines in Turbulent Times: Workforce Perspectives on the State of Transportation Security.” I reflected on this title to the hearing for a few moments and wondered when times have not been turbulent for TSOs since the inception of TSA.

In recent years TSOs have worked on the frontlines through multiple Government shutdowns, including the unprecedented 35-day shutdown in 2018–2019. Though TSOs are among the lowest-paid Federal employees, they worked without pay over a span of three pay periods and some are still digging out from the financial consequences of having to go without paychecks for over a month. For someone working with low pay and few rights at work, having to borrow money or work temporary second and third jobs, and deal with not being able to pay rent, car payments, child support, or even groceries—that is the real definition of turbulent times.

PANDEMIC THREATS TO TSO S

As the COVID–19 Pandemic spread across the country, TSOs remained on the job before safety protocols were approved. TSOs were among the first to call for masks, eye shields, and hand sanitizer well before the agency approved safety measures for its workforce. We witnessed the spread of COVID among TSOs from those first three cases reported in San Jose, California in early March 2020 to well over 10,000 today. We called upon TSA to require masks and supply personal protective equipment at checkpoints and yet the agency delayed the requirement for many weeks before exercising its existing authority to protect its personnel, airport workers, and the flying public with that simple measure. By that point TSOs had been required to wear masks for months, but they were face-to-face and conducting pat-downs of people who remained unmasked.

## VIOLENCE AND ABUSE AT CHECKPOINTS

Throughout TSA's 20 years in operation, TSOs have faced countless acts of violence and abuse at the hands of the public at security checkpoints. In a few cases, they have lost their lives. Following the point-blank shooting death of officer Gerardo Hernandez at the checkpoint at Los Angeles International Airport in November 2013, Congresswoman Julia Brownley (D-CA) introduced legislation, the "Honoring Our Fallen TSO Officers Act" to extend public safety officer death benefits to survivors of TSOs in such instances. She has reintroduced the legislation in every Congress since then, but efforts toward passage have faltered because of parochial interests who block its progress while survivors suffer.

Violence and threats toward TSOs and all personnel in airports should be met with zero tolerance. TSA supervisors should be trained to de-escalate erupting violence at checkpoints such as yelling, spitting, throwing of objects, shoving and other forms of altercation and they should have the authority to remove those individuals from the checkpoint. These are not isolated incidents—every day TSOs endure being spat upon for reminding passengers at checkpoints they must wear a mask, and shoved, berated, and mocked for enforcing standard procedures for carrying liquids, laptops, and removing loafers. TSOs are put in a position where they must endure the abuse as they send a volatile person forward to impose their abusive behavior on other airport and airline personnel. In too many cases TSOs must either tolerate abuse or risk discipline that could include removal from their jobs. There is legislation in development that would impose limitations, potentially reaching the level of a no-fly list, for passengers who are abusive to TSOs and airline flight and ground personnel. We ask that this approach is given thoughtful consideration by this subcommittee and the full Congress.

## ABUSE BY SUPERVISORY PERSONNEL

Too often, the perpetrators of the humiliation and intimidation against TSOs are the TSA supervisors themselves. TSA supervisors and managers on-site at airports have allowed a culture of bullying and intimidation to flourish over the 20 years TSA has been in operation to the point almost every airport is a toxic work environment. As this committee examines tumult in transportation security, it must thoroughly investigate and help to root out this dangerous work culture. I testified earlier this year that TSOs work under the threat they will be "written up" and bullied by supervisors when instead they should be trained in new standard operating procedures. At the direction of the Biden administration, TSA has taken some administrative steps<sup>1</sup> to provide means of challenging discipline and appealing unfair decisions, but it will take a top-down commitment to eradicate this culture of abuse.

Despite these important measures, I have testified before and will tell you again, our TSOs need full collective bargaining rights in statute. This committee has backed legislation to achieve this goal and we hope you will work with us to get it passed in both the full House and in the Senate.

## STABLE GOVERNMENT FUNDING

I need not remind you that the continuing resolution under which the Federal Government operates is set to expire on December 3, 2021, in the middle of the peak holiday travel season. The single most important thing Congress can do to ensure a turbulence-free season is to ensure that there no Government shut-down on December 3 or a looming shut-down through December and early January. I already mentioned the personal financial havoc the last shut-down caused; continued threats of future shut-downs create stress and uncertainty at TSA and throughout the Federal Government that has bearing on morale, mental health, productivity and National security.

## PLANNING FOR ADEQUATE STAFFING

TSA has hired many new TSOs this year as Americans have begun to travel more, but many are still in training. During the holidays, some will be experiencing air travel for the first time since the COVID-19 Pandemic significantly reduced air travel over the past 18 months.<sup>2</sup> It is incumbent upon TSA to not only remind passengers to arrive early and expect long lines, but also to prepare its supervisors and TSOs for the holiday rush. Since this subcommittee is concerned with the smooth

<sup>1</sup> Executive Order 14025 April 26, 2021: Worker Organizing and Empowerment; Department of Homeland Security and Memorandum June 3, 2021: Supporting the TSA Workforce Through Improving the Transportation Security Officer Employee Experience.

<sup>2</sup> TSA passenger throughput data <https://www.tsa.gov/coronavirus/passenger-throughput>.

operation of passenger travel through the holiday season, it should urge TSA to fully prepare for staffing levels and address the potential for long lines and disruptive passengers. Doing so now is key to a safe and healthy traveling season.

#### COVID THREAT AND VACCINATION

I know this subcommittee is concerned with what the COVID-19 vaccine mandate for Federal employees may mean for travel during the holiday rush season. AFGE has strongly encouraged our members and our own employees to get vaccinated to protect themselves, their families, coworkers, and the public. On November 4, 2021 the Biden administration announced that it was extending the vaccine mandate deadline for Federal contractors until January 4, 2022 to be vaccinated and until January 18, 2022 to be fully vaccinated. Federal contractor employees work alongside Federal employees throughout the Federal Government. We have called on the administration to provide parity with Federal employees by changing the deadline to be vaccinated to January 4 for Federal employees as well. It is inexcusable that contractors are being given the entire holiday season to meet the mandates, while Federal employees continue to be subject to the November 22 deadline. The effect upon morale of Federal employees being subject to possible discipline at this time of year cannot be overstated. I share the administration's goal of beating the pandemic and appreciate the vital role of vaccination in this effort but setting different compliance deadlines for employees and contractors is both harmful to morale and substantively unjustified. TSOs should be focused on protecting the flying public during this peak holiday travel season, not on the threat of discipline that could result in losing their jobs.

#### STILL ON THE JOB

The point I want to make most clearly is: TSOs protect the flying public and keep our skies safe. They show up and do their jobs in the most trying of circumstances and have done so time and time again over the 20 years TSA has been in operation. They have been there through poverty, panic, and now a pandemic. They are a proud, enduring, and resilient workforce. We count on TSOs to do an essential job for our security and now is a time for TSOs to count on the support of their Government to provide them a safe, respectful, and fully-funded place of work.

#### RECOMMENDATIONS

This committee can take direct action and/or direct of the administration to take action by:

- Passing a full-year appropriations bill before December 3 to keep the Government fully functional and allay future threats of looming shut-downs;
- Employing zero tolerance of violence and abuse and checkpoints;
- Extending zero tolerance to supervisors—step up training, de-escalation of potentially violent situations, and retrain to discipline supervisors who rein over their airports and checkpoints through systems of bullying and intimidation;
- Planning for adequate peak schedule staffing to minimize lines and reduce the risk of violent and abusive behavior at checkpoints;
- Providing parity in the implementation of vaccine mandates with Government contractors by extending the deadline to January 4;
- Passing legislation to guarantee full collective bargaining rights and pay to TSOs.

These are practical steps that will result in less turbulence, ensure passenger and employee safety, and allow the traveling public to focus on the good of the holiday season.

AFGE looks forward to working with the committee and with TSA to achieve a safe, efficient, and positive experience for the flying public as well as those charged with carrying out the mission of airport security.

Mrs. WATSON COLEMAN. Wow, great timing. Thank you, Dr. Kelley.

I would now like to recognize Ms. Nelson.

#### **STATEMENT OF SARA NELSON, INTERNATIONAL PRESIDENT, ASSOCIATION OF FLIGHT ATTENDANTS-CWA, AFL-CIO**

Ms. NELSON. Thank you, Chair Watson Coleman, Ranking Member Gimenez, Chair Thompson, and Ranking Member Katko, for convening this hearing on the current threats to aviation security

and the people on the front lines who are confronting the longest sustained turbulent times in the history of our industry.

I am a 25-year flight attendant and president of our union, representing flight attendants at 17 airlines across the industry, as well as passenger service agents and ground service workers with our partner union, the Communications Workers of America.

Over the course of this entire year, we have experienced more disruptions in the skies and in airports than we have seen during the entire history of aviation. While this is a relatively small group of people compared with the overwhelming number of travelers who want to follow the rules and have a safe, uneventful flight, the rate at which they are acting out is at a frequency that is way out of hand. At best, these individuals are creating a horrible experience for everyone; at worse, they are putting the safety and security of everyone traveling at risk.

The constant refusal to comply with safety instructions is often coupled with swearing and racist, sexist, homophobic language, with the threat of violence or outright physical attack. I am disturbed to report some flight attendants have been so traumatized by these attacks they are hesitant to leave their hotels, their homes, or sometimes even the aircraft when law enforcement has failed to detain violent or threatening offenders. This has the effect of making workers question whether to go back to work, hesitant in performing safety duties, or directing safety in the cabin.

Dealing with a disruptive passenger used to be a rare event and a really bad day at work. But today, flight attendants and other aviation workers are aware before every trip, every shift, and our families are too, that when we put on our uniforms, we are donning a target for abuse, harassment, and violence. We cannot accept this as the new normal. Flight attendants are begging, make it stop.

Aviation is about bringing people together, not tearing them apart. It is the backbone of our economy and an expression of freedom, but this committee also knows the threats that still exist for commercial aviation and efforts to use it as a weapon against our country or peace around the world.

Failing to put a check on the rise in disturbances on the plane puts us in jeopardy of missing cues of a coordinated attack, and hands tools to those who wish to do us harm. We can take steps to disrupt these disturbing trends and maintain aviation security. We recommend these critical steps.

One, DOJ must act with urgency to conduct criminal prosecution. People need to understand consequences are severe and real. Consistent communication and enforcement of masks and alcohol policies in the airport. Ban to-go alcohol in airport and in-airport alcohol delivery. Increase staffing at the gate and on planes. Enlist everyone in the aviation ecosystem in efforts to communicate policies and identify or report potential disruptions to keep problems on the ground. Create a centralized list of violators to be used by all airlines for denying flights on all airlines for offenders.

Relevant House and Senate committees should work with urgency to enact legislation that expands FBI concurrent jurisdiction to include the jet bridge in order to ensure enforcement of Federal crimes for violence that occurs when the airplane door is open.

Finally, it is well past time for crew member self-defense training and to make it mandatory and include it in initial and recurrent flight attendant paid airline training overseen by TSA.

In 2004, after the 9/11 Commission recognized the need for this training, we testified before this committee, stating: “On three separate occasions, Congress has specifically acknowledged the need for this training: The Aviation and Transportation Security Act, the Homeland Security Act, and the 2003 FAA Reauthorization Bill. Yet these many attempts to provide flight attendants with meaningful security training have not been successful.”

Let’s finally make this training accessible as a tool for flight attendants who serve our Nation as aviation’s last line of defense.

Thank you again so much for this hearing and attention on this critical issue, and I look forward to your questions.

[The prepared statement of Ms. Nelson follows:]

PREPARED STATEMENT OF SARA NELSON

TUESDAY, NOVEMBER 16, 2021

INTRODUCTION

Thank you Chair Thompson, Chair Watson Coleman, Ranking Member Katko, and Ranking Member Gimenez for convening this hearing on the current threats to aviation security and the people on the frontlines who are confronting the longest sustained turbulent times in the history of our industry.

My name is Sara Nelson. I am a 25-year union flight attendant and president of the Association of Flight Attendants—CWA, AFL–CIO (AFA), representing flight attendants at 17 airlines across the industry. We also coordinate closely with leaders of the Association of Professional Flight Attendants and the Transport Workers Union, together representing nearly 100,000 flight attendants across the industry. Flight attendants are the frontline of aviation along with the passenger service agents and ground service workers represented by the Communications Workers of America and all of the affiliates of the Transportation Trades Department, AFL–CIO. The subject of this hearing is of critical importance to all aviation workers and our Nation’s security.

In September, our unions testified before the House Transportation and Infrastructure Subcommittee on Aviation regarding “Disruption in the Skies: The Surge in Air Rage and its Effects on Workers, Airlines, and Airports.” Some of the testimony we provide today echoes issues and proposed solutions raised in that hearing, and updates where we have them. But today our focus is specific to aviation security and the oversight of this subcommittee. There is no doubt this issue is of paramount concern and requires all of us—Federal and private-sector workers, airlines, airports, regulators, and lawmakers to act with coordinated urgency across aviation to subdue this threat to aviation safety and security.

HIGH RATE OF DISRUPTIVE PASSENGERS RISK MISSED CUES OF COORDINATED ATTACK

We are on track to log more incidents of disruptive airline passengers in 2021 than we have seen in the history of aviation. While the number of bad actors is relatively small, the incidents of disruptions have been so pervasive flight attendants wonder every morning they put on their uniform whether it will be a sign of leadership and authority in the cabin to keep everyone safe, or a target for a violent attack. The frequency of events have led some in the media to refer to the disruptive outbursts and violent behavior as a “new normal.” That is something we simply cannot accept for our safety and security.

Flight attendants are aviation’s first responders, charged with the safety and health of passengers and crew. For the past 20 years, since the tragic events of September 11, 2001, flight attendants have served as the last line of defense in aviation security. We know there are two fundamentals in aviation safety and security: (1) Remove all distractions from safety sensitive work, and (2) leave all threats to safety and security on the ground.

The threat of a terrorist attack has not abated, but our vigilance and coordinated actions across Government and aviation stakeholders has to date thwarted any planned attacks. If we allow disruptions in the cabin or distractions due to defiance



of passengers to comply with crew instructions to become a regular occurrence, we are in jeopardy of missing cues of a coordinated attack. Every level of threat requires vigilance and scrutiny. We cannot be lulled into a place of accepting these distractions as a new normal.

AFA SURVEY RESULTS: 85 PERCENT OF FLIGHT ATTENDANTS HAVE EXPERIENCED AN UNRULY PASSENGER EVENT IN 2021

On July 29, 2021, our union released<sup>1</sup> the results of a survey of nearly 5,000 flight attendants across 30 airlines between June 25, 2021 and July 14, 2021. Key findings included:

- 85 percent of all respondents had dealt with unruly passengers in the first half of 2021.
- 58 percent had experienced at least 5 incidents during that time.
- 17 percent, or nearly 1 in 5 respondents, reported experiencing a physical incident.
- 71 percent of flight attendants who filed incident reports with airline management received no follow-up.
- 50 percent reported witnessing misconduct during boarding, and 13 percent reported behavior beginning in the gate area.
- 58 percent of respondents reported alcohol contributed to disruptive events and 85 percent of incidents were related to mask compliance.
- 61 percent of respondents reported that disruptive passengers used racist, sexist, and/or homophobic slurs during incidents. Many specific examples were provided, most of which were too offensive to repeat.
- Only 60 percent of respondents experiencing a physical incident on-board said law enforcement was requested to meet their flight.

When asked what they believed to be the cause or escalating reasons for the unruly behavior, flight attendants cited that mask compliance, alcohol, routine safety reminders, flight delays, and cancellations were all common factors in unruly passenger interactions. Many cited multiple factors contributed to incidents, which also implies a compounding effect and an opportunity to reduce incidents.

Flight attendants reported facing extensive verbal abuse, including from visibly drunk passengers, passengers yelling and swearing in response to masking directions, and often aggressively challenging flight crew working to ensure compliance with Federal rules. Many respondents recounted aggressive incidents, including shoving, kicking seats, throwing trash at flight crew, defiling the restroom in response to crewmember instructions, and following flight crew through the airport to continue yelling and harassment.

Racist, sexist, and homophobic abuse of flight crews creates a hostile environment for everyone on-board, violates Federal law, and undermines the authority of those charged with keeping order for a safe flight. It has no place anywhere, and certainly not in a workplace environment.

Aviation security is at risk when crew are deterred from or delayed in performing safety and security duties.

According to the survey results, nearly half of the incidents could be prevented by identifying problems on the ground or preflight—which is an opportunity for dramatically reducing the threat in the air. The survey also indicates room for significant improvement in the area of response to incidents and enforcement.

ADDRESSING VIOLENCE AND DISRESPECT TOWARD GROUND SERVICE WORKERS WILL REDUCE INFLIGHT EVENTS AS WELL

Ground service agents are experiencing an increased amount of passenger rage and their experiences are going unrecognized. These incidents vary from using crass and vulgar language when addressing employees, using racial epithets that cause psychological harm to our agents, to punching, biting, kicking, shoving, and even spitting on them. These incidents are caused by overlapping operational challenges like staffing shortages, flight delays and cancellations, and enforcing Federal mask mandates at the gates. CWA represents 20,000 agents working for American Airlines and at wholly own regional subsidiaries, Piedmont Airlines and Envoy Air, who have serious concerns about their safety in the workplace. They are looking to Congress and this administration for action that shows the safety of ground service workers is a priority.

<sup>1</sup>[https://www.afacwa.org/unruly\\_passengers\\_survey](https://www.afacwa.org/unruly_passengers_survey).

## ACTION BY GOVERNMENT AND AIRLINES HAS MADE A DIFFERENCE—BUT MORE IS NEEDED

It is a violation of Federal law to interfere or disrupt the duties of a crewmember. Federal Aviation Regulations 91.11, 121.580, and 135.120 state that “no person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember’s duties aboard an aircraft being operated.” In addition, 49 U.S. Code § 46504 states that “An individual on an aircraft in the special aircraft jurisdiction of the United States who, by assaulting or intimidating a flight crew member or flight attendant of the aircraft, interferes with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties, or attempts or conspires to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both. However, if a dangerous weapon is used in assaulting or intimidating the member or attendant, the individual shall be imprisoned for any term of years or for life.” Violations of the FAA regulation carry up to \$35,000 in fines for each incident, and if convicted under the statute, up to 20 years in prison. While FAA investigations and fines levied are important, our experience is that public criminal prosecution serves as the most effective deterrent to potential aggressors. President Biden’s instruction to the U.S. Department of Justice (DOJ) to “deal with the violence on aircraft” in early October led to swift action to prosecute a violent passenger who punched a flight attendant in the face on an American Airlines flight only a few weeks later.

FAA Administrator Steve Dickson and the entire agency have been relentless about communicating the seriousness of air rage incidents, working with airlines, airports, and unions to push for solutions that remove these threats, distractions, and serious safety concerns from aviation. On November 4, the FAA referred 37 of the most violent, physical assaults against crewmembers and passengers to the Department of Justice for Federal prosecution. We need the DOJ to act quickly on these incidents that have already been fully investigated by the FAA. This is the most effective way to deter bad actors and put a stop to the spike in disruptive passengers.

One note on the referral of FAA reports—the investigation of these reports must be concluded before the agency can refer them to the DOJ. This is not the only way the DOJ can begin prosecution. A more streamlined process is an FBI investigation. We need to ensure procedures are clear on referral to the FBI at the time of the event, and that airlines are communicating to crews the importance of filing reports, as well as providing emotional and legal support for the affected crewmembers. Action is needed by Congress to extend concurrent jurisdiction to the FBI for incidents that occur when the airplane door is open.

## CENTRALIZED LIST OF VIOLATORS—DENY RIGHT TO FLY

Airlines have individually taken action to ban bad actors from future flights. For example, United Airlines has banned over 1,000 travelers due to issues related to mask mandates and unruly behavior. The airline has instructed flight attendants to hand out cards to maskless passengers that inform them, “you’re just going to be banned from flying United Airlines if you don’t put [a mask] on.” We believe this has been an effective way to deescalate a number of incidents involving disruptive passengers. However, when incidents escalate to violence it is critical the perpetrators face swift and thorough consequences.

We need Government action to create a centralized list of violators who will be denied the freedom of flight on all airlines. If a passenger physically assaults crewmembers, gate agents, or other passengers on one airline, they pose a risk to passengers and crew at every airline. This should also include any assault on a Transportation Security Officer as well. Violent offenders should be banned from flying on all airlines without delay.

We have a shared responsibility to address threats to aviation safety. Everyone involved in air travel, from Federal officials to airlines, to airport concessions must play a role in ending this scourge of abusive passengers. Together we can improve communication to passengers that misconduct is dangerous, illegal, and will result in passengers losing the privilege to fly.

## CLEAR COMMUNICATION ON RULES AND CONSEQUENCES ARE KEY

We need everyone from the door of the airport to the flight deck, control towers, concessionaires, airport workers, security, law enforcement, and travelers themselves to identify their part in helping promote calm, kindness, and above all—safety and security. More airport signage, airport PSAs, and notifications from the airline—starting when passengers purchase the tickets all the way up until boarding—

should all be enhanced communication measures to reinforce the “zero-tolerance” policy, the fines/jail time consequences, and the rules associated with alcohol consumption.

#### SEVERE STAFFING ISSUES EXACERBATED BY DISRUPTIVE PASSENGERS

Flight attendants and other front-line workers are exhausted. COVID-19 has turned schedule forecasting on its head. There’s so much uncertainty in demand that airlines are planning schedules much closer to the actual flights than they typically would, and we are seeing the results in disrupted operations.

Operational disruptions and flight cancellations have exacerbated tense conditions in the airport and on planes. These issues were created pre-pandemic by increasing “productivity” and scheduling the operation by counting on a lot of overtime hours. In the wake of COVID-19, uncertainty of scheduling, and stress at work, people are simply not able to work as many overtime hours.

Airline bankruptcies in the wake of September 11 led to deep cuts to union contracts and a push for more productivity. The result was cutting pay, but increasing overtime hours to the point that one worker (with the exception of pilot duty and rest rules with flight time maximums) covered flight hours or airport gates for every two scheduled prior to September 11, 2001.

Airlines became accustomed to planning staffing based on voluntary overtime hours. The hostile work environment—sometimes caused by frustration with flight cancellations and delays—is a deterrent to workers picking up additional hours or trips. One feeds off the other and increases the problem.

Further, across the industry as the focus was on cost-cutting, airlines reduced staffing levels to FAA minimums. This means there are fewer flight attendants per passenger and fewer front-line workers in the airports who are able to answer questions, identify problems early in order to de-escalate, or simply have back-up from other workers when issues get out of hand or require physical restraint and a law enforcement response. Regional airlines are reporting a couple of aggressive passenger incidents per week and often there is a single flight attendant to face unhinged rages.

#### PAYROLL SUPPORT PROGRAM (PSP) RELIEF WAS CRITICAL

No one should question the effectiveness of the relief provided to airlines in order to keep workers in our jobs, connected to our health care, and qualified to work. We thank Congress once again for enacting the Payroll Support Program (PSP) that kept aviation workers on the job for 16 months during the most severe impact of COVID-19 on the industry. If it were not for this program the industry would not have been able to meet return demand in any way and the millions of jobs supported by aviation would have been lost too. The economic impact of PSP helped workers and companies beyond the direct grant recipients. We recently received this message about a company in south Florida that was able to survive, maintain 850 jobs, and be in a position to hire more employees today simply because aviation worker payroll was maintained.

“I just wanted to thank you on behalf of all of the families, including mine, that you impacted for the better across aviation over the past 2 years . . . I profoundly remember sitting in our boardroom on March 10, 2020 talking about very difficult choices that we needed to make just to survive until the next month given the new and unforeseeable reality we faced. We had been in business for 2 decades and literally overnight we were confronted with what seemed to be an insurmountable task to survive COVID-19 impacts on global aviation. As words such as shelter in place started to become common lingo the prospects for our industry and the millions of jobs tied to it seemed bleak to say the least. A long story short, due to people like you fighting on behalf of all of us and our families we have emerged stronger than ever and with more jobs and better salaries for our entire team. Thank you on behalf of all the ancillary businesses and the millions of dependents that you fought for in the darkest hours.”

Maintaining jobs, certification, and security credentials puts us in a stronger position to address today’s aviation security issues.

#### INCREASE STAFFING, INCREASE PAY, ENSURE PROPER REST

In the midst of uncertainty, airline management should plan schedules with more staffing and reserves from the start, to avoid some of the issues we’ve seen over the last few months.

Staffing up will require hiring, which takes time. Depending upon the position, hiring takes anywhere from 2 to 6 months at a minimum—and will not serve as

the only solution for this holiday season. In the mean time, negotiating staffing incentive programs with significantly increased pay like the one recently announced at American Airlines and its wholly-owned regional carriers is a step in the right direction. The United Airlines flight attendant contract also has significant incentive pay as a tool for staffing when there are critical shortages.

The inability to increase staffing prior to the holidays is why stopping the disruptive and violent incidents is so critical. Coordination between Government, airports, and airlines can increase the effectiveness of current resources as everyone in the aviation ecosystem understands their role in stopping these events before they start.

Current conditions and staffing shortages increase the urgency for the FAA and DOT to implement the flight attendant rest rules mandated by Congress in 2018.

#### FAILURE TO COMMUNICATE TO PASSENGERS ABOUT RULES AND PENALTIES

After 9/11, TSA developed the “See Something, Say Something” campaign. This was clear, intentional messaging. Everyone understood. Each of us, every one of us, had a role to play in security. Each of us, every one of us, needed to be part of the solution.

We need similar clear, strong, and consistent messaging today about COVID-19 protocols, masking, the importance of following crewmember instructions, and the penalties if you don’t.

If the first time a passenger hears about the mask mandate when they are boarding their flight, we are asking for trouble, and we are putting our flight crew at risk.

We need all of aviation to help enforce and reinforce the rules. This should include electronic messaging during and after booking, signage on airport access roads and transit, communications and acknowledgments embedded in the check-in process, clear and consistent signage, video and audio throughout parking areas and terminals, and with the active assistance of all personnel, including sky caps, airport greeters, the ticket counter, TSA, airport vendors, and restaurant workers, gate agents and flight crews.

#### RECOMMENDATIONS:

1. Relevant House and Senate Committees should work with urgency to enact legislation that expands FBI concurrent jurisdiction to include the jetbridge in order to ensure enforcement of Federal crimes for violence that occurs when the airplane door is open.
2. The DOJ must act with urgency to conduct criminal prosecution.
3. Develop and enforce stronger airport messaging that wearing a mask and following crewmember instructions are both required, and that failure to do so will result in penalties. Also, empower/promote the message that all parties—TSA, law enforcement, airport security, PSAs, pilots, and flight attendants—need to join the team to abbreviate the pandemic and keep air travel safe.
4. Enforce the mask mandate consistently, starting in the airport.
5. Increase coordination throughout the airport to keep problems on the ground and respond effectively in the event of incidents.
6. Require that all airport bars, restaurants, and shops post signage and issue verbal warnings to patrons who fail to comply with masking requirements and regulations related to alcohol consumption.

#### DRUNK PASSENGERS AND ALCOHOL CONSUMPTION ALLOWED OUTSIDE OF CONCESSIONS

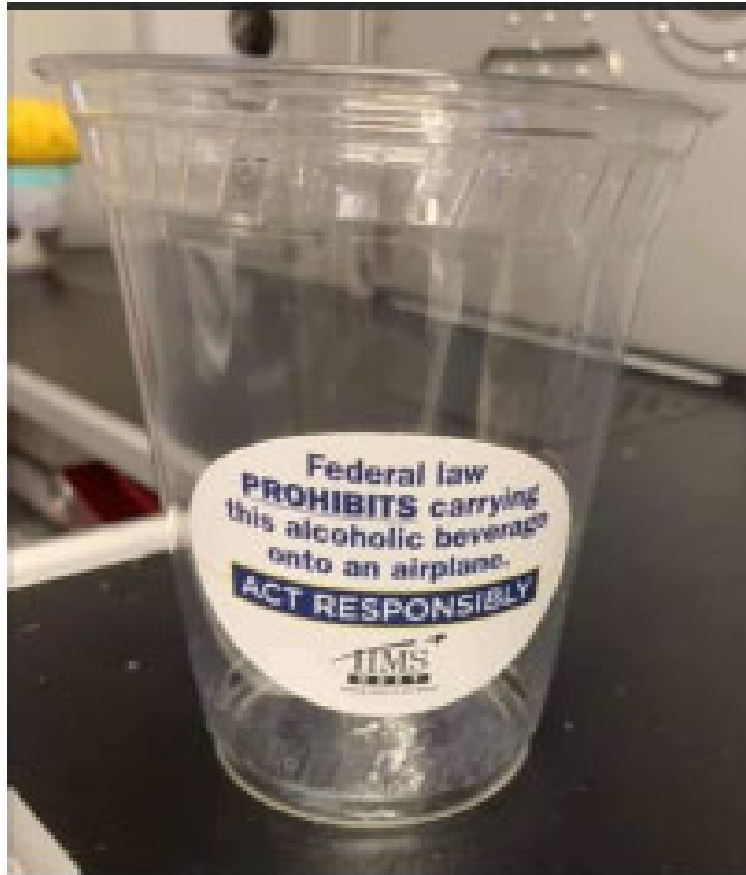
To facilitate mask-wearing and enhance COVID-19 safety protocols, a few carriers have limited in-flight food and beverage service, and either curtailed or ceased alcohol sales at this time.

Flight attendants across the country have praised these measures for assisting with compliance for the vast majority of passengers.

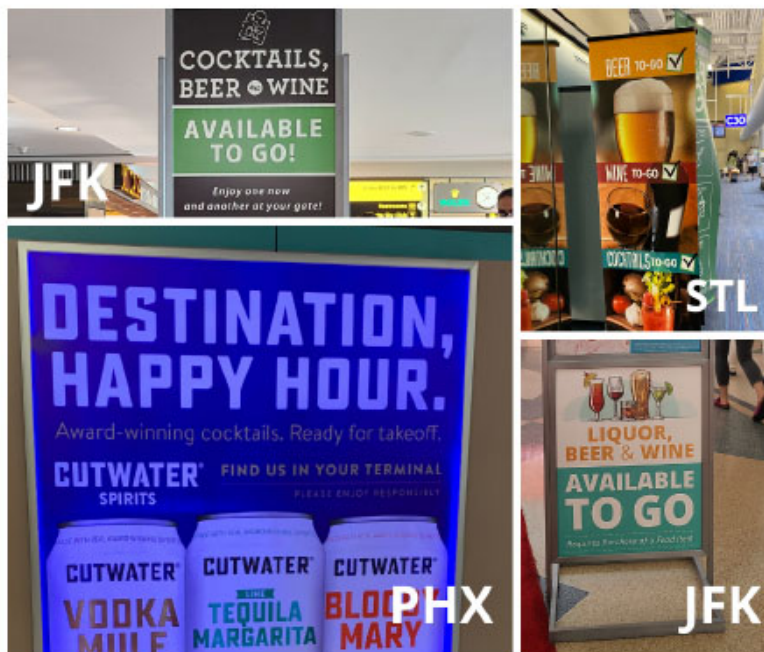
However, as our member survey made clear, alcohol continues to be a major driver of passenger noncompliance with safety rules and is an aggravating factor in many incidents with unruly, verbally and physically abusive travelers.

Many of the most disruptive and threatening passengers have attempted to bypass restrictions on in-flight service by drinking to excess prior to flight or by bringing alcohol on-board for consumption, in violation of FAA rules, which state that “no person may drink any alcoholic beverage aboard an aircraft unless the certificate holder operating the aircraft has served that beverage to him.” The purpose of this long-established safety rule is to empower airline personnel to guard against the safety risks from intoxicated passengers, including the risk that drunk travelers will fail to follow instructions.

We must convey to the subcommittee our profound dismay that some airport vendors are actively undermining efforts to enhance compliance by encouraging passengers to violate alcohol consumption rules, while others have made an attempt to communicate with messaging directly on the cups they use to serve the alcohol. This is the kind of action airports can take that would be helpful.



We raised this issue during the September 2021 House Transportation and Infrastructure Committee hearing and provided examples from Phoenix, St. Louis, and JFK. Travelers are met with calls to order alcohol delivery to your gate and "cocktails to go." One ad at JFK, urges passengers to drive one cocktail at the bar and order up another to bring to the gate. This messaging is still in place today at these airports and many others.



These messages, and the policies behind them, are totally inconsistent with Federal safety regulations and send a message that getting drunk before flying is permissible. After months of verbal and physical abuse from intoxicated passengers and unprecedented Federal enforcement, it is time to end gateside alcohol delivery and airport cocktails to go. We need the FAA and Congress to send a clear message to airports, and to their concessions and vendors—you have a key role to play in supporting aviation safety and combating air rage, not profit from it.

#### RECOMMENDATIONS

1. Ban cocktails to-go and in-airport alcohol delivery.
2. Limit customers to purchasing one alcoholic beverage at a time.
3. Remind airports and vendors of their obligation not to serve inebriated passengers.
4. Airports must remind all airport employees of their shared responsibility to keep intoxicated passengers from boarding planes by notifying gate agents and crew members in advance.

#### INCONSISTENT AND INSUFFICIENT RESPONSE TO AGGRESSIVE PASSENGER INCIDENTS

The response to aggressive passenger incidents upon landing is inconsistent and generally insufficient at multiple levels. The communication chain from the cabin, to flight deck, ground coordinators, and law enforcement must work effectively in order to respond effectively and enforce compliance. If an aircraft returns to the gate after pushback due to a disruptive passenger incident, a report to the FAA is automatically generated. But it is not clear how incidents that do not involve a deviation from the flight plan get reported or investigated. Law enforcement response is not consistent at some airports, law enforcement will board and escort the offender off prior to everyone else deplaning. But often, either the offender will deplane and walk away because the passenger service agents (PSA) are not sure what occurred and there is no law enforcement presence.

We have attached reports to this testimony that detail the problems occurring with inconsistent response or failure to hold offenders accountable. [See Appendix A]

It bears repeating that we need a centralized list of offenders shared among airlines and used to deny the ability to fly for a period of time commensurate with the severity of the offense. We also recommend clarity for pilot reporting, ground response protocols, immediate consequences, and criminal prosecution. The FAA passenger fines should be directed into a legal/medical fund for affected crewmembers, Passenger Service Agents, and Transportation Security Officers.

#### CREWMEMBER SELF DEFENSE TRAINING MUST BE MANDATORY

We thank this subcommittee and full committee for the consistent support of the voluntary crewmember self defense training program run by U.S. air marshals working in the Transportation Security Administration (TSA). This program is a critical component of security and it was intended to be provided as part of mandatory security training following the events of September 11, 2001.

Given the rise in cases of criminal violence and refusal to comply with Federal safety requirements on board passenger flights, it is essential that flight attendants receive effective self-defense training that will better enable them to protect themselves and passengers from assault and injury.

#### BASIC COURSE

The basic course must allow for the repetition and drill necessary to gain the appropriate intellectual, physical, and emotional responses needed to protect oneself, fellow crewmembers, passengers, and the aircraft from acts of intimidation and assault, causing injury and that may divert flight attendants from their duty to maintain situational awareness throughout the flight in order to protect the flight deck and aircraft from acts of terrorism such as hijack or sabotage.

Basic tactics, techniques, and procedures require the time necessary to become appropriate and effective.

Classroom—Lecture and Multimedia Presentation designed to develop:

- Cognitive recognition of acts of terrorism based on historical precedence and the latest counterterrorism intelligence.
- Stress inoculation against dealing with interpersonal human aggression and life-threatening events.

Hands-on Training, to develop:

- Tactical knowledge and skills to work together as a team with other crewmembers and able-bodied passengers to prevent or mitigate any on-board acts of physical violence. This will include the use of tactical communications between flight attendants, pilots, and any Federal air marshals and law enforcement responders who may be on board.
- Techniques designed to allow flight attendants to protect themselves against physical attack, restrain and monitor violent passengers for the remainder of flight, as well as respond to acts of sabotage to include potential suicide bombers and to prevent attempts to breach the cockpit and utilize the aircraft as a weapon of mass destruction.
- Procedures that are tested and proven to allow implementation of the tactics and techniques necessary to accomplish the mission, goals and objectives called out in the current Common Strategy Detailed Guidance provided by the Transportation Security Administration to all commercial aircraft carriers.

Live Situational Exercises designed to test the flight attendants':

- Learned knowledge, skills, and abilities
- Under high fidelity simulated surroundings and stress
- Within the confines of a safe training environment

Recurrent Training: Recurrent Training to include hands-on and situational exercises.

- Reinforce and maintain basic level knowledge, skills, and abilities
- Introduce any updated information necessary due to changes in the threat environment.

The TSA Crewmember Self Defense Training Program is an established program that should be required to serve as basic and recurrent training needs of flight attendants in order to maintain order and discipline, and protect against physical criminal violence from any person(s) in the cabin. TSA could allow for multiple 2-hour sessions of its self-defense training program for initial training in order to reinforce muscle memory of these First Responders when confronted with a physical attack.

In the alternative, the TSA could establish a group of subject-matter experts, including the lead defensive tactics coordinator for the Federal Air Marshal Service and the unit chief of the operational skills unit at the FBI academy at Quantico to determine minimum basic and recurrent training standards for flight attendant se-

curity and self-defense training, as well as a required certification program for airline-hired trainers to teach these courses. In the case of an airline, rather than direct TSA training, the TSA should annually attend each airline's self-defense and security training class for flight attendants without prior notification to the airline, in order to ensure that TSA's standards for security and self-defense training are being met by the airline.

#### CONCLUSION

Again, this is not a "new normal" we can accept. We know the Government, airlines, airports, and all stakeholders can take actions together to keep us safe and secure. We look forward to working with this subcommittee on our union's proposed actions and recommendations to affect positive change.

### APPENDIX A DISRUPTIVE PASSENGER INCIDENTS

#### REPORT 1 SUMMARY—AUGUST 2021

A flight attendant (FA) report is an example of a local law enforcement officer (LEO) who was asked to come to the plane and deal with the threatening passengers. He got them off the plane first and just let them go into the airport without detaining them or asking them any questions.

These passengers appeared to have violated the Federal statute and FAA regulation on interference with crewmembers. The FA had expected they would be arrested. After they were not even stopped by the LEO, later googled the unruly man's name and picture and found he had served 5 years in prison. This something that the LEO should have done had he detained and questioned the alleged violators of the Federal statute. This is frustrating for crewmembers to be threatened by profane passengers breaking the law and threatening the safety of the crew and other passengers, yet when an LEO is requested, he simply lets the alleged lawbreakers go.

I think that the problem with either LEO not showing up at the gate or taking no action against alleged criminally disruptive passengers is an issue that needs to be examined and corrected.

#### REPORT 2 SUMMARY—AUGUST 2021

A flight landed early in Atlanta and there was no gate and we had to wait for a while. A woman got upset and started yelling profanities. "Y'all better get me off this motherf\*\*king plane and right motherf\*\*king now". She called someone on her phone and alternately talked very loudly to them and screaming at us and the whole plane. There are too many profanities she used for me to remember them all. Then two men she was traveling with started yelling at us as well. The woman seated in another row turned around at one point and started to engage with the woman telling her to "shut up" etc. Most passengers in the area just tried to look away or rolled their eyes at the three. The woman was banging on the window, kicking the seats and fuselage all the while screaming very graphic profanities. Once we had reached the gates the man stood up and started yelling things to me such as "what if I gotta take a s\*\*t or piss. Imma s\*\*t right here and throw it all over your a\*\* if you don't let me off this mother f\*\*king plane". He kept telling everyone that he was going to come open my door. When I informed him that it's a 20-foot drop to the ground should he try it, he replied "well then you better go get me two mother f\*\*king ladders. One to climb down and one to get up over there." He also said he wasn't going to be able to go get his weed now and that he would "roll a motherfu\*\*king blunt and smoke right here on this motherf\*\*king plane". That we were holding him hostage on the plane. The flight attendants tried to calm them but there was no calming. The man would shout things at me and then start videotaping my reaction. I gave him none as I knew he was just trying to incite me and the other passengers for his one moment of Instagram fame. After several attempts at this and after the threat to open my door, I asked the captain to have law enforcement officers (LEOs) there once we had a jet bridge. We closed the cockpit door on lockdown and I had a flight attendant request the help of a professional athlete/trainer seated in another row in the event the two men and woman tried to come open my door. This passenger remained standing between us and the irate three. Once the jet bridge was pulled up and the door opened I spoke with the LEO and informed him of what was happening. He asked me to have everyone remain seated and to let those three seats off first. We did and the officer just let them go, never questioning them nor stopping them. I wanted them off the plane and arrested given the physical damage she was doing to the plane itself and the threats from the shorter man with her. The couple seated in row X and Y were visibly upset



at the behavior of these three and the woman seated in row Z looked very scared as she was seated right where the man was conducting his rants and threats. However it appeared that the only thing that happened was that the unruly passengers were allowed to be the first ones off the plane. As a crew we tried to stay together as we didn't know where these passengers were in the terminal or what they might do. We had no security to walk us to the plane train or out to our hotel shuttle.

REPORT 3 SUMMARY—OCTOBER 2021

During boarding we had a passenger who appeared to be either intoxicated or in need of assistance. We had an agent remove a passenger already and asked the agent to speak to the passenger in seat X about possible intoxication as well. As the agent spoke with the passenger, flight attendant A noticed that the passenger was in the wrong seat and had a disability with a meet and assist set up in Seattle. We kept the passenger on-board after the brief investigation and allowed her to stay in seat X instead of moving to her assigned seat at 10D due to not wanting to stress her further. As we taxied onto the runway flight attendant A made an emergency call to the flight deck and informed us that seat X had sexually assaulted another passenger and that we needed to return to the gate. As we returned to the gate, we called law enforcement. Law enforcement arrived and it was determined that deplaning all the passengers would be the safest way to remove the passenger in seat X. After deplaning the passenger, we took a crew break to decompress before reboarding and taking off.

REPORT 4 SUMMARY—OCTOBER 2021

Two passengers boarded who were intoxicated—a man and a woman. The man's eyes were bloodshot, his speech was slurred and he had a hard time keeping his mask on. Two flight attendants agreed that a customer reservation official (CRO) needed to be called and the flight deck was notified. One of the intoxicated passengers deplaned without an issue but the other passenger did not. She refused to get off the plane and then the police were called. As a result, we all had to deplane the aircraft. In the future, if the agent agents notice intoxicated passengers in the gate these passengers should be prevented from boarding.

REPORT 5 SUMMARY—NOVEMBER 2021

As I was greeting the passengers during boarding I noticed Mr X not wearing a mask and visibly discombobulated, I advised him of the mask policy and provided him with a mask. He put on the mask before proceeding to his seat. Right before door closure I was checking bag compliance in the bulkhead area and noticed Mr X not wearing his mask and trying to gain access to the mid lavatory but was confused with the door knob. I once again advised him of the mask policy and that's where it became clear he was intoxicated. The agent was nearby so I told her that Mr X needed to be removed as we are now aware he is intoxicated and should have never boarded the aircraft. As I walked to the front to inform the captain, the agent made a statement saying that she knew he was going to be our problem child. The captain and I both agree that Mr X needed to be removed and take a later flight.

During the flight I went to his original seat and cleaned up the tray table with Clorox wipes as Mr X had thrown up and we weren't aware of that until then.

REPORT 6 SUMMARY—NOVEMBER 2021

I was at door 1 during boarding when I encountered a couple who boarded the aircraft. As they entered the aircraft I noticed that the female was walking unusually, so I started to watch her more closely. When she turned right to walk down the aircraft aisle she staggered and hit the side of the galley wall, it was at this time I started to think she may have been under the influence. The male grabs her elbow to stabilize her and guide her down the aisle. I asked them to come back and step into the galley so I could talk to them. The female was completely out of it; her eyes were very glassy, she was slurring her words, rambling, she wasn't finishing her sentences and didn't appear to be cognizant of where she was. The male kept trying to speak on her behalf stating she was ok and that she was just a little buzzed. Female passenger could not stand up by herself; she was leaning against the forward part of the galley. Male passenger advised that they had been on delayed flights all day. All of sudden the female passenger loudly blurted out she had to poop. The male passenger said she was walking funny because she had to go to the bathroom; the female passenger asked if she could go to the bathroom, I said yes and opened the door for her. When she went in she staggered in and bumped into the left side of the lavatory door, she never locked the door and she came out

in less than 3 minutes. It was clear to me she was under the influence and showing red light behaviors: Moving in slow motion, needing time to respond to questions, glassy eyed, losing train of thought, walking awkwardly and unable to stand upright without assistance. So I advised the Captain we had a person under the influence who would need to be taken off. He got up and spoke to them. Due to my proximity I could hear most of the conversation. The male just kept saying the female had to go to the bathroom. That is why she was walking weird. The girl then said yep I had to poop. The male kept saying they were loyal airline patrons and could he let them stay on-board. The Captain asked if they would behave during the flight and of course they said yes. I whispered to the Captain that I needed to speak to him. We went into the cockpit where I stated they were both clearly under the influence and I wanted them removed. He asked me if my mind was made up. I stated it was. He went back to the couple and told them he would be back; he went to speak to CS and ask for a supervisor. While the Captain was gone the male kept trying to plead his case. I told him it was a FAR violation to allow a passenger to board that appears to be under the influence. He said he would pay my fine; I told him it doesn't work that way. During the first conversation I had with the male passenger he was engaging, charismatic, and a bit apologetic. During this second conversation he was more angry, threatening, and baiting. He asked for my name again; I told him again that my name was X. He demanded my last name, again I told him I don't provide my last name due to security concerns. He sneered and said of course you don't. He said I would regret this. The Captain came back and again the male was jovial and charismatic. We waited quite a while for the CS supervisor to come to the gate; during this time the Captain stayed with the couple. At one point the Captain was going to have them step off the aircraft and into the jetbridge, so I asked boarding passengers to stop and to step to their right so they could deplane. For some reason, the Captain changed his mind, so I started boarding again. It was at this time FA 2 told me a passenger had something I needed to hear.

Passenger was seated in rows XXX. We went into the FC cabin so she could speak to me away from them. She advised that the two individuals that we had in our galley had been disruptive at the gate for mask compliance along with other issues. She advised that the CS agent had stopped boarding to address the issues as he was trying to determine if they should be boarded. I also received similar information from the 12E, she stated that after they saw the couple's behavior they figured they would be able to get on the tight flight as they assumed the crew would not let those passengers remain on-board. Finally the CS supervisor came down to the plane; they took off only the male and left the female on-board. Then they took the female off; they were having her walk for them. I no longer could see her but I noticed the male was bending down and pulling something from his bag. He then aggressively stepped back onto the aircraft toward me with camera in his hand; I quickly took steps back to get away from him and raised my hand to block him. With his other hand he struck my hand that was raised. I must have cried out; a passenger in X row came to see if I was ok as well as the first officer who said he saw the male passenger had a camera 6 inches from my face. I am not certain if the male walked off the aircraft by himself or if he was taken off by ground personnel. I was asked if he had struck me. I advised that he had struck my hand. I was then asked if I wanted to press charges. I said I did. Police came down and I provided my statement. To say the least this is concerning. The inflight supervisor took a picture of the police report. I believe this event occurred for two reasons: First, one agent working a delayed flight has a lot of pressure to monitor and make quick determination without trying to impact the flight. I was told that it looked as if the CS agent was not going to board them but something changed his mind. Most likely the male passenger did the same thing he did in front of me, by grabbing her elbow to stabilize and direct her and speaking for both of them. I don't fault the agent at all, this is why we have multiple layers to catch noncompliance. But I do feel that having a second set of eyes at the boarding gate would have made a difference. Second, I believe the assault happened due to the fact that the male passenger was allowed to remain within the vicinity of me and knew I was the one that had them removed.

REPORT 7 SUMMARY—JULY 2021

Working the aft galley position, a flight attendant heard loud voices in the aisle aircraft left. As I stood in the J/S area observing, a gate agent was speaking to the man in row X (originally assigned row Y, but he was traveling with his wife so the lady moved to row X next to her husband). Passengers were loudly saying "get him

off” “He’s going to be a problem” “He was a problem in the gate” The man (Mr. C) kept yelling SHUT UP to the passengers. I saw our Captain, coming down the aisle.

I went to the galley to monitor. Captain & Mr. C came into my galley. The Captain asked me to stay in the galley while he talked to Mr. C. Mr. C constantly interrupted the Captain. The Captain finally said I do not want to hear you talk, if you’re talking you’re not listening. Mr. C finally stayed quiet. The Captain said “If you don’t comply with the flight attendant’s request to keep your mask on I will turn this plane around and land back in Johannesburg”. Mr. C laughed and said “No you won’t” Captain turned to me as a witness to the exchange, & asked “, do you think he will comply with your requests?” I said no. Due to his aggressive/dismissive behavior I do not believe Mr. C had any intentions of keeping his mask on nor complying with any requests of the flight attendants.

Captain said “Neither do I” and went to the front of the aircraft. Security had to be called to remove him.

REPORT 8 SUMMARY—SEPTEMBER 2021

Prior to door closure passenger K showed up at boarding door, holding a tagged tote bag and he dropped it at the aircraft door. I advised the passenger to leave the bag on the Jet bridge to be checked in since it was tagged. Mr. D was reaching for his bag to move it to the proper spot and he staggered almost hitting his head on the Jet bridge door. Another flight attendant (FA “B”) asked the passenger if he was ok. Passenger kept staggering then came to the boarding door. I asked the passenger Mr. D if he was ok since his gait was not right, he was flushed on the face, glassy eyes, and had a strong alcohol stench. We asked him several times if he was ill or not feeling well and he loudly and proudly told us he had been drinking. I then went to the Captain and told the Captain we have a passenger by the boarding door who appears to be intoxicated. Captain said do not let the passenger board. Send him back to customer service rep (CSR). CSR supervisor then came on-board and I heard her telling the Captain that the Captain has no right to deny boarding when the aircraft is on the ground. CSR supervisor then stormed out of the aircraft. Captain advised not to close the door until the CSR supervisor returns, boarding agent came on board and closed the door despite the Captain’s request.

Mrs. WATSON COLEMAN. Thank you, Ms. Nelson.  
I now recognize Mr. Samuelsen.

**STATEMENT OF JOHN SAMUELSEN, INTERNATIONAL PRESIDENT, TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO**

Mr. SAMUELSEN. Good morning. Thank you, Chairwoman Coleman and Ranking Member Gimenez and Chairman Thompson, for the opportunity to testify today and for recognizing the need of work force perspectives when addressing security of our entire transport systems.

I am here on behalf of more than 150,000 members of the Transport Workers Union of America, working in transit, air, railroads, and other industries. Our members include bus operators, flight attendants, airport gate agents, Amtrak on-board service workers, bikeshare workers, and many other crafts and classes in transportation.

Across airlines, transit, and railroads, front-line workers overwhelmingly believe that the No. 1 security threat in our transport systems today is physical assault in the performance of their duties. The FAA has reported more than 5,000 unruly passenger incidents since the beginning of the year, a 2,000 percent increase over the previous year.

While these assaults have received most of the media attention, assaults against transit and Amtrak workers are also on the rise. In New York City alone, there have been nearly 2,000 assaults on transit workers this year. Amtrak workers have seen assaults rise by 25 percent over a period of time when ridership dropped by 60

percent. These numbers are terrifying, but the reality for front-line workers is so much worse than statistics.

A Southwest Airlines gate agent was pelted with objects before a passenger violently pulled her hair and threw her to the ground so hard that she was hospitalized with a spine injury. This last weekend, a Southwest gate agent was hit in the head by a passenger, sending her to the hospital. A TW Jet Blue flight attendant was thrown to the ground and choked after a passenger attempted to storm the cockpit. In Miami, a bus operator was sent to the hospital after his bus broke down because an irate passenger punched him and smashed his head repeatedly on the side of a bus. In Philly, a security camera caught a group of people knocking a station agent to the ground and broke several of his ribs with repeated punches and kicks.

We are seeing a full moon atmosphere across all of our transit systems where angry and frustrated passengers feel entitled to assault workers just because they are the face of the companies they work for. There are many factors contributing to this atmosphere, and none of them have been created by the workers who are in harm's way.

Most assaults happen at flash points where workers are tasked with enforcing rules and practices. These include safety protocols, such as carry-on luggage limitations and masking requirements; revenue collection points, like bus fare boxes; and operational problems, such as when flights are canceled. When these flash points arise, passengers who are already angry or frustrated take that anger out on the workers.

On airlines and at transit agencies, a major contributing factor to this anger has been business mismanagement and incompetence that has led to major understaffing. Airlines collectively employ nearly 50,000 fewer workers today than before the start of the pandemic. This intentional choice to reduce head count has created a less resilient air system that is much more prone to major cancellations and long delays due to predictable operational issues such as bad weather. Similarly, transit agencies who have done almost no hiring since the start of the pandemic now find themselves reducing service due to a self-inflicted shortage of bus operators and train operators, train crews.

Passengers and riders who are stressed about their commutes are entering our transport systems already upset because of all these shortcomings.

Historically, there have been very few consequences for assaulting transportation workers. Of the more than 5,000 assaults reported to the FAA, only 37 were recommended for criminal prosecution. While our members appreciate the FAA's recent efforts to increase fines for assailants, there is no question that more needs to be done to discourage this kind of horrific behavior.

Combating assaults on transport workers requires a holistic approach involving Federal and local authorities, as well as transportation employers. The most effective deterrent that we have seen is the presence of uniformed law enforcement officers in the systems where assaults are happening. For example, redeploying police from the fare box in New York City and into the subway and

bus system reduced the number of assaults by more than 60 percent.

I list several urgently-needed policy changes like this in my written testimony, and I hope this committee can take a leadership role to implement these ideas.

Thank you again, and I look forward to your questions.

[The prepared statement of Mr. Samuelsen follows:]

PREPARED STATEMENT OF JOHN SAMUELSEN

NOVEMBER 16, 2021

Good morning. Thank you, Chairwoman Coleman and Ranking Member Gimenez, for inviting me to testify before the committee today.

I speak today on behalf of more than 150,000 members of the Transport Workers Union of America (TWU). We represent subway and bus operators, airline ramp workers, flight attendants, airport gate agents, school bus drivers, bikeshare workers, mechanics of all kinds, and many other crafts in the public transit, airline, railroad, utility, university, and service sectors across our Nation.

Ninety-eight percent of our members are essential workers who have showed up to work, day in and day out during this pandemic, keeping our economy going and our country moving. Every sector of the transportation industry has been affected by this pandemic and our members have been on the front lines, enduring isolation, illness, and even death from COVID-19. More than 10 percent of our members have tested positive for or been quarantined after exposure and 189 of us have been killed by the virus. This has been a challenging time for all transportation workers.

Now, as passengers and riders return to our airlines, railroads, and transit, our members face unprecedented risk of assault on the job. The unruly behavior that we face on every mode of transportation is undermining the security of our country and is putting our workers in harm's way. Action is urgently needed from the Federal Government, as well as local governments and employers, to keep workers safe as they safely deliver us to our destinations through our skies, across our railroads, and on city streets.

The return of passengers to our transportation system has brought staffing concerns to forefront. With the upcoming holiday season set to see the most travel since 2019, the TWU is very concerned that our carriers and agencies are not ready to safely, securely, and efficiently move the volume of people they will need to. As evidenced by the rash of service disruptions we have seen over the past several months, airlines and transit agencies do not have enough workers to handle the return of normal demand. These companies made decisions to intentionally understaff their operations in response to the pandemic and they have not yet restored their human capital to the levels needed for the holiday season. Front-line workers are being asked to do more and more work to cover for empty positions—this is putting them and our entire travel system at risk.

ASSAULTS ON WORKERS AND PASSENGER MISCONDUCT IS A MAJOR THREAT TO  
TRANSPORTATION SECURITY AND SAFETY

Overwhelmingly, transportation workers believe that the No. 1 security threat in our transportation system today is physical assault of safety sensitive personnel while in the performance of their duties. Transportation workers across every mode have faced an increased threat of assault over the previous year. Every day, workers in the transportation industry are victims of physical assault, verbal harassment, and violent intimidation at the hands of passengers.

Safety-sensitive job functions are found in nearly all class and craft designations within the TWU membership. Flight attendants, Amtrak on-board service workers, and gate agents actively identify, report, and respond to security threats. Bus operators navigate large pieces of critical infrastructure equipment through crowded city streets. And transportation workers everywhere are tasked with implementing Federal security protocols to keep our country safe. Risks to their lives and well-being seriously undermine all of our security.

In the aviation sector, the Federal Aviation Administration (FAA) has reported 5,114 unruly passenger instances, opened 973 investigations, and initiated 239 pen-

ality enforcements so far this year.<sup>1</sup> The number of unruly passengers has increased by over 2,000 percent over previous years. In the period spanning from June 29 to November 2 of this year, the FAA reported over 14 unruly passenger instances per day.<sup>2</sup> For flight attendants, these unruly passenger confrontations have often been violent, dangerous, and a compromise to flight safety. On May 23, 2021, a Southwest Airlines flight attendant was assaulted resulting in serious bodily injury.<sup>3</sup> On September 22, 2021, a passenger attempted to storm the cockpit on a JetBlue flight from Boston to San Juan, kicking and choking the flight attendants in the process.<sup>4</sup> On a recent Allegiant Airlines flight, it took 5 people, including 3 flight attendants, to restrain an irate passenger, one flight attendant had bruises on her ribs from being kicked while another was bit on the breast by the passenger.

Assaults on airline operation agents and passenger misconduct at airport gates have been steadily on the rise for years. In a 2019 Government Accountability Office (GAO) survey of customer service agents working in airports, almost all respondents reported experiencing verbal harassment such as passengers yelling, cursing, or being argumentative; almost half reported experiencing verbal threats; and, about 10 percent of those surveyed said that passengers had physically assaulted them over the previous year.<sup>5</sup> Recent examples of Southwest Airlines operation agents, working airport boarding gates, confirm these trends: Citing examples ranging from verbal threats, intimidation, and name calling, to violent physical assaults involving pushing, thrown objects, and a recent hair-pulling attack that resulted in the agent being pulled to the ground violently, injuring her cervical spine.

For our members in surface transportation, the situation is just as bleak. Assaults on transit operators have been vicious, violent, and worsening over the past year. According to the Federal Transit Administration's (FTA) Acting Associate Administrator for Transit Safety and Oversight and Chief Safety Officer Gail Lyssy, "the rate of security events reported to the National Transit Database (NTD)<sup>6</sup> increased 17 percent on average annually between 2012 and 2020. That number includes an increase in transit assaults, which have increased approximately four-fold since 2009."<sup>7</sup>

In New York City alone, nearly 2,000 assaults have been reported so far in 2021.<sup>8</sup> These include Kumar Narinder, a 70-year-old station agent whose spine was fractured when a rider threw him onto the tracks.<sup>9</sup> Matthew Ashby required stitches across his forehead after an assailant chased down his bus to hit him with a padlock.<sup>10</sup> New York is not alone. A station agent in Philadelphia, where more than 1,400 assaults on transit workers have been recorded since 2015,<sup>11</sup> was beaten by a group of people as he walked across the platform—an incident that was caught on security cameras.<sup>12</sup> In mid-October, Yeye Edner, a bus operator in Miami, was sent to the hospital after his bus broke down and he informed a passenger they couldn't continue their route.

Amtrak on-board service workers face the same increased threat as their airline and transit counterparts. Amtrak Police recorded 1,142 incidents of assault on-board Amtrak between October 1, 2018, and September 14, 2021. From 2019 to 2021, de-

<sup>1</sup> Data current as of 11/12/2021; [https://www.faa.gov/data\\_research/passengers\\_cargo/unruly\\_passengers/](https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/).

<sup>2</sup> Based on FAA data at [https://www.faa.gov/data\\_research/passengers\\_cargo/unruly\\_passengers/](https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/).

<sup>3</sup> <https://www.cbs58.com/news/passenger-accused-of-punching-southwest-flight-attendant-faces-federal-charges>.

<sup>4</sup> <https://abcnews.go.com/US/man-attempts-storm-cockpit-strangles-kicks-flight-attendant/story?id=80200869>.

<sup>5</sup> <https://www.gao.gov/assets/gao-19-683.pdf>.

<sup>6</sup> It is important to note that the NTD data significantly underestimates the number of assaults in our transit systems. Under the current definition of "assault" used by the NTD, a victim could have their nose broken, be hospitalized for 24 hours, and suffer first-degree burns without triggering any reporting requirements. Additionally, transit agencies have been given flexibility to report their 2020 data late as part of the pandemic relief measures. Both of these issues have been corrected in the Infrastructure Investment and Jobs Act (H.R. 3684) recently passed by Congress; however, these changes will take several months to implement and will only apply prospectively.

<sup>7</sup> <https://www.masstransitmag.com/safety-security/article/21242419/fta-continues-push-to-improve-transit-worker-safety>.

<sup>8</sup> <https://new.mta.info/safety-and-security/nyct-employee-assault-data>.

<sup>9</sup> <https://nypost.com/2020/12/29/70-year-old-subway-worker-was-pushed-onto-tracks-on-christmas-eve/>.

<sup>10</sup> <https://www.nydailynews.com/new-york/nyc-crime/ny-brooklyn-bus-driver-attacked-padlock-20200212-ok3m6admzjfrfbacuwinnom3xm-story.html>.

<sup>11</sup> <https://why.org/articles/septa-employees-endure-steady-threats-of-violence-even-as-transit-ridership-drops/>.

<sup>12</sup> <https://www.youtube.com/watch?v=wSntu8ycjSA>.

spite a more than 60 percent reduction in the number of Amtrak passengers, Amtrak employees experienced roughly a 25 percent increase in on-board assaults.<sup>13</sup>

#### A MULTITUDE OF FACTORS CONTRIBUTE TO THE RISE IN ASSAULTS ON TRANSPORTATION WORKERS

The rise of assaults on front-line workers across the transportation industry cannot be attributed to any single root cause. Many factors are combining to produce the “full moon atmosphere” that exists across our transportation system.

Understaffing, particularly in aviation, has had a significant, negative impact on operations. Management decisions to encourage retirements and decrease or, in some cases, stop hiring while increasing published service schedules have made our transportation systems less resilient to changing but predictable circumstances such as bad weather, traffic, and flu season.

For example, passenger airlines collectively employ nearly 50,000 fewer workers today than before the start of the pandemic. Despite this, many airlines are still attempting to fly schedules similar to those they had in spring 2020. Southwest has 10 percent fewer workers today attempting to cover the same number of flights the airline flew in over the 2019 summer. American Airlines has 9 percent fewer workers.<sup>14</sup> It is no surprise that storms, which happen every year, resulted in thousands of cancellations at both of these carriers.

The understaffing levels in the airline industry are a direct result of several airlines’ failure to coordinate with their workforce to prepare for passengers’ return coming out of the COVID-19 pandemic. Many airlines have published holiday flight schedules that are simply not possible given the current number of flight attendants, mechanics, ramp workers, pilot instructors, and dispatchers at the carrier. Passenger frustration and anger, generated by management decisions to intentionally understaff their carrier, will be taken out on front-line workers.

Similarly, transit and rail service reductions can contribute to passenger frustration and anger. Reliability of bus, train, and light rail play a major role in passenger attitude when utilizing these modes of transportation. Wait times between bus and train service, or the elimination of routes altogether, can inconvenience and anger travelers. While this is no excuse for assaulting workers, it is another case of management decisions undermining the safety of the front-line workforce.

Most incidents of assault happen at flashpoints, moments when workers are obligated to announce safety protocols, operational rules, or travel norms that passengers do not want to follow. Airline gate agents experience many assaults after flight cancellation announcements or long delay postings. Bus drivers are often assaulted after disputes over the fare box. These flashpoints have long been a reality of travel, however the circumstances of the past year have seemingly elevated passenger reaction to otherwise ordinary safety compliance requests. The mask mandate, a recent safety requirement common to all transportation, has recently become a major flashpoint for some passengers. More than 70 percent of unruly passenger incidents reported to the FAA this year have been related to the mask requirement.<sup>15</sup>

The lack of consequences for these attacks is also contributing to the increasing number of assaults. Assaultants rarely face any enforcement action (including repeat offenders) and failure by companies and the Federal Government to publicize the limited responses they have taken is creating a perception that these attacks can go unpunished. The FAA and the Department of Justice (DOJ) recently announced that they are prosecuting less than 0.75 percent of reported incidents of unruly behavior on-board aircraft. Transit assaultants are often paid by transit agencies to avoid “nuisance” lawsuits. Assaultants at airports and rail stations have been allowed to walk away without even a police report because local officials refused to arrest individuals accused of Federal crimes. Whatever the rhetoric may be, the practical reality is that passengers do not believe they will face any consequences for assaulting front-line workers. This atmosphere cannot continue.

#### A HOLISTIC APPROACH IS NEEDED TO COMBAT UNRULY BEHAVIOR AND PREVENT ASSAULTS ON TRANSPORTATION WORKERS

Federal agencies, local governments, and employers must all take coordinated action now to reduce the threat of assault in our transportation systems.

<sup>13</sup> Amtrak Police Department data.

<sup>14</sup> Bureau of Transportation Statistics.

<sup>15</sup> [https://www.faa.gov/data\\_research/passengers\\_cargo/unruly\\_passengers/](https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/).

*Transportation Security Administration*

TSA would benefit greatly from additional authority to allow it to prevent known assailants from entering our transportation system. The TWU has endorsed legislation to this effect, and we hope the committee will give this proposal swift consideration. Passengers recently convicted of criminal charges for or assessed civil penalties related to misconduct in our air or rail systems should be statutorily barred from using these systems for a reasonable period of time. Just as many States may take away an aggressive driver's license to operate a personal vehicle, aggressive passengers should face the temporary loss of the privilege of using the commercial air or rail systems.

Such a "banned passengers list" would properly be housed with the TSA which already has processes in place for comparing passenger manifests to known security threats. This approach would potentially allow the air and rail carriers' reservation systems to prevent a banned passenger from even purchasing a ticket so that known assailants would not enter the airport or rail station. We must avoid any approach that simply moves assailants out of the aircraft and train only to have them attack transportation security officers or ticket agents on-site.

This approach is showing results at Amtrak, where the company has instituted its own "prohibited passenger list" to prevent unruly passengers from riding the railroad. Unlike in aviation (where airlines are legally barred from sharing information on passengers with each other), Amtrak's prohibition effectively locks these individuals out of the system. The railroad should be applauded for taking this unilateral action to help protect their workers. TSA's support and a statutory backing of this approach would help ensure that this tactic is successful and lasting.

Flight attendants, gate agents, and other essential personnel must be better trained to defend themselves from assault in the worst of circumstances. The current voluntary self-defense training offered by the TSA should be made mandatory for these workers and the program should be extended as a voluntary option for other airline workers who could face assault while on the job.

Additionally, the TSA is present at nearly every airport in the country. In many places, they are the only Federal law enforcement presence available to airline workers. This unique position allows TSA to potentially bridge the gaps between jurisdictions to ensure assaults are correctly reported and that assailants are properly detained. The TWU encourages the committee to direct the TSA, in coordination with the FAA, DOJ, and local law enforcement, to facilitate the reporting of assaults in our transportation system and the apprehension of assailants.

Last, while the TSA is charged with the protection of our entire surface transportation infrastructure, its presence in our rail system is completely invisible. We have learned that visibility of law enforcement is one of the most effective tools to deter assault on transportation workers. While a TSA physical presence at rail stations would not need to be identical to its presence at airports, significant rail hubs such as Washington's Union Station would benefit from more access to the TSA.

*Department of Justice*

There is no question that assaults on our transportation workforce are criminal. The Federal Bureau of Investigations (FBI) and other arms of the DOJ must prioritize the prosecution of assailants to ensure these crimes are not allowed to become commonplace. While the DOJ has taken initial steps with the FAA to address this issue in the air, the number of announcement criminal charges (37) is woefully inadequate to the moment.<sup>16</sup>

In 2017, the DOJ issued an interpretation that gate agents and other airline workers with security duties would be covered under 49 USC 46503—the statute that considers assaults on these workers a Federal offense. Regional offices, however, have ignored this policy and refused to prosecute these assaults even when they have been caught on video. Action is urgently needed from the Attorney General's office to ensure that gate agents and others are fully covered by the protections already in law.

While the DOJ may not maintain the physical presence in airports that the TSA does, it is connected to every local law enforcement body in the country. In this capacity, the DOJ should establish clearer, easier pathways for local law enforcement to share and transition reports of assault to Federal authorities for investigation. Bridging jurisdictional boundaries is a necessary step to reducing the number and severity of assaults.

<sup>16</sup>The TWU joined with other airline unions and companies to call for stricter enforcement and more prosecutions of assailants.



*Department of Transportation and employers*

More must be done within the Department of Transportation (DOT) to address assault prevention across the entire transportation system. Law enforcement visibility and better preparedness (from both workers and employers) are strategies that have proven effective at reducing these assaults in all situations.

Seeing police on buses, trains, and at airports serves as a strong deterrent to assaults in these systems. Increasing police presence need not increase the number of police or the costs associated with policing. New York City, for instance, saw an immediate and dramatic decrease in assaults when they implemented TWU's proposal to redeploy law enforcement officers into the transit systems (rather than patrolling the perimeter for fare evaders).<sup>17</sup> Placing Amtrak police on-board trains and airport police near gates would have a similar effect.

Preparedness requires both physical and human capital investments that acknowledge the risk workers face from assault. The FAA's Employee Assault Prevention and Response Plan (EAPRP) program is a good start to building these kinds of protections into employers' operational decisions. A similar approach is needed as part of Amtrak's newly-mandated Critical Incident Response Plan (CIRP) program and the FTA's Public Transportation Agency Safety Plan (PTASP) program.<sup>18</sup> These plans and requirements must include equipment changes, such as protective shields, as well as training and process changes, such as de-escalation training and more response reporting protocols.

Finally, employers must be more realistic and caring about the reality transportation workers face on the job. Reporting assaults through company websites and processes should be streamlined to require the minimum amount of effort from the worker while providing the necessary amount of information to properly respond to these incidents. Victims of assault should be given adequate, paid recovery time in order to allow them to return to work healthy and focused.

## ASSAULT PREVENTION NEEDS TO BE ADDRESSED NOW

Legislators, Federal agencies, and industry employers need to do more to mitigate passenger misconduct and assaults of workers in our transportation system. Legislative solutions aimed at removing abusive passengers from the pool of travelers is needed; enforcement of existing laws through prosecution and penalty assessment will send a clear and convincing message; industry employers need to support their employees when they are victims of assault and abuse. This holistic approach is needed to protect essential workers who kept us all moving during the worst of the public health crisis. These workers deserve better from their employers, from their Government agencies, and their elected leaders.

Thank you again for the opportunity to testify today and I look forward to your questions.

Mrs. WATSON COLEMAN. Incredible timing Mr. Samuelson.  
Thank you.

Mr. Casaretti.

**STATEMENT OF JOHN A. CASARETTI, PRESIDENT, AIR  
MARSHAL ASSOCIATION**

Mr. CASARETTI. Good afternoon, Chairman Watson Coleman, Ranking Member Gimenez, Chairman Thompson, Ranking Member Katko, and distinguished Members of the subcommittee. Thank you for the opportunity to testify before you today.

The insights I share with the committee today are the insights of the flying Federal Air Marshal. The insights are supported by my personal experience and observations gained throughout 26 years of working in the transportation domain, as well as my 10 years of union leadership. Most significantly, these insights are tempered by my experiences as a 9/11 first responder and recovery

<sup>17</sup><https://nypost.com/2021/06/22/soaring-nyc-subway-assault-rate-drops-after-mta-cop-push/>.

<sup>18</sup>It is important to note that the FTA has actively declined to take this approach in previous administrations. A 2015 Congressional Directive to initiated a rule making on this topic was brushed off by the FTA which claimed that its other, broader safety work covered the topic—a position that TWU and other transit unions strongly disagree with.

worker and by my service and sincere desire to see that TSA succeed in its vital mission.

Our success ensures that the lives lost on that September morning were not in vain. We will honor the sacrifice of the soldiers lost waging the global war on terror. I appreciate the opportunity to speak, and I hope that this statement faithfully represents the perspectives of the air marshals.

The perspective of the Air Marshal Association is that the security strategy historically utilized by the FAMS must evolve. Our mission must be redefined. The COVID-19 pandemic starkly illuminated the inherent deficiencies in the scope of our mission. Since our agency lacked any meaningful enforcement or investigatory role outside of an aircraft cabin, the FAM Service was essentially sidelined from contributing to the DHS mission effectively.

While other law enforcement agencies adapted, the FAMS was left flatfooted. A significant portion of our work force sat idle for many months because there was no role for them to play. Having an increased investigatory footprint, leveraging our existing authority within the transportation domain, and collaborating more effectively with other agencies would curtail this inactivity throughout the pandemic.

Over the past decade, the AMA has engaged Congress, stakeholders, and TSA leadership on ways to better position our work force to meet the constantly evolving threat. From 2018 to 2021, the AMA created a future working group to advise both Congress and agency leadership.

I won't belabor this committee on rehashing all the things that we have given to you individually, but suffice to say I encourage you all to review our proposals for changing the agency and making a more effective Federal Air Marshal Service.

Right now, we have a shrinking work force. As travel resumes to prepandemic levels, we must have enough trained Federal air marshals available to cover the increased workload. However, many FAMS have retired over the past 12 months, and the projected rate of FAM retirements is expected to halve our work force over the next 24 months. A significant number of FAMS entered service in 2002, and most of these agents have indicated they will retire as soon as they are eligible. At a time when passenger unrest and threats to aviation are on the rise, we are concerned that the FAM Service will be shrinking at an alarming rate.

The AMA has suggested many times that the aviation security fee, redirected to the general fund in 2014, be used only for transportation security purposes. Recovering the \$3 billion from projected fees for 2022 and 2023 alone would easily cover the hiring of FAMS to replace current and projected losses, and fund the build-out of new law enforcement sections to support expanding FAM roles. The fees could also allow for TSA to hire more TSOs, and would go a long way toward covering the proposed transition of the TSA work force into the General Schedule pay system.

The AMA also recommends that crew member self-defense training be integrated with the flight crew recurrent training. It is difficult and often impractical for crew members to come to a FAM field office to receive instruction. As a result, only a small fraction of flight crews ever see this valuable block of training, and most

have only received it once. With in-flight violence on the rise, basic self-defense for flight crews should be an agency priority.

The retirement cliff that we are facing is having a negative impact on work force morale. Many are discouraged that we are losing a wealth of knowledge all at once, and those retiring came from other agencies and have a wealth of diversified experience. This problem can be resolved by ensuring the FAM Service hires at least 5 percent of its work force each year and evolves the FAM duties.

Many FAMs have also expressed anxiety over the prospect of another Government shutdown and disruption in pay. During the Government shutdown of 2019, the AMA had to intercede and assist some members with bill payments, as missed payments can endanger security clearances and may lead to removal. I urge this committee to do everything in its power to ensure that Government employees can honor their obligations on time.

Some FAMs are also concerned with vaccine requirement deadlines, and the AMA supports the suggestion to move back the compliance deadline for Federal workers to January 4. A significant number of FAMs contracted COVID in the performance of their duties over the past 20 months, and those that survived now face the potential loss of their livelihoods due to this mandate. Further, the AMA urges Federal agencies to approve the reasonable accommodations for those Federal law enforcement officers who cannot receive the vaccine for religious or medical reasons.

It is an honor to represent the men and women of the Federal Air Marshal Service in front of this committee. Thank you for your steadfast support of TSA front-line workers and for the opportunity to testify before you today. I look forward to your questions.

[The prepared statement of Mr. Casaretti follows:]

PREPARED STATEMENT OF JOHN A. CASARETTI

NOVEMBER 16, 2021

Good afternoon Chairwoman Watson Coleman, Ranking Member Gimenez, and distinguished Members of the subcommittee. Thank you for the opportunity to testify before you today on Federal Air Marshal (FAM) perspectives on the state of transportation security.

The insights I share with the committee today are the insights of flying Federal air marshals. These insights are supported by my personal experiences and observations gained throughout 26 years of working in the Transportation domain, as well as my 10 years of union leadership. Most significantly, these insights are tempered by my experiences as a 9/11 first responder and recovery worker, and by my sincere desire to see this agency succeed in its vital mission. Our success ensures that the lives lost on that September morning were not in vain, and will honor the sacrifice of the soldiers lost waging the global war on terror. I appreciate the opportunity to speak before this committee, and I hope that this statement faithfully represents the perspectives and concerns of the Federal Air Marshal workforce.

THE ROLE OF FAMS

The perspective of the Air Marshal Association (AMA) is that the security strategy historically utilized by FAMS must evolve, and our mission must be redefined. The COVID-19 pandemic starkly illuminated the inherent deficiencies in the scope of our mission. Since our agency lacked any meaningful enforcement or investigatory role outside of an aircraft cabin, the FAM Service was essentially sidelined from contributing to the DHS mission effectively within our area of responsibility. While other law enforcement agencies adapted to the changing environment and shifted their operations to continue their missions, the FAMS was left flat-footed once airline capacity bottomed out. A significant portion of our workforce sat idle for many months because there was no role for them to play outside of their traditional secu-

riety duties. Having an increased investigatory footprint, leveraging our existing authority within the transportation domain, and collaborating more effectively with other agencies would have curtailed this inactivity throughout the pandemic.

Over the past decade, the Air Marshal Association has engaged Congress, stakeholders, and TSA leadership on ways to better position our workforce to meet the constantly evolving threat.<sup>1</sup> From 2018 to 2021, the AMA created a Future Working Group to advise both Congress and agency leadership about the changes needed to evolve the law enforcement functions of both the TSA and FAMS.<sup>2</sup> Specifically, we recommended that the TSA combine the many disjointed positions currently under the TSA Office of Law Enforcement into a single investigator position to more effectively mitigate emerging threats and resolve transportation vulnerabilities. Although FAMS leadership has worked closely with the AMA over the past year to create opportunities for collateral duties, and has expressed a desire to gradually move portions of the workforce into investigative roles, we disagree with their plans to slowly implement these changes. The FAMS cannot gradually engage an ever-changing threat; we must be capable of meeting the threat as it arises.

The recent rise in violent and disruptive passenger behavior at checkpoints and on-board aircraft is the latest example of our need to rethink transportation enforcement and FAM involvement. Over the past year, as in-flight violent incidents rose, crewmembers repeatedly approached FAMS with questions and requests. They specifically requested that FAMS step in when passengers become aggressive or belligerent, asked that we fine non-compliant passengers, or arrest disruptive passengers for interfering with their duties. TSOs have also complained that passengers might spit on them or push them during security screening encounters, and they are discouraged and demoralized when neither fines nor criminal charges occur.

Most lawmakers and stakeholders are surprised to learn that airports and transportation facilities lack a static Federal Law Enforcement presence, and that Federal statutes are randomly and erratically enforced. It is the AMA position that the transportation domain needs a static Federal law enforcement presence to investigate criminal activity, respond to stakeholder concerns, coordinate security operations, curate intelligence specifically related to transportation threats and crimes, and foster relationships with stakeholders to identify and combat insider threats.

Although the Federal Government pays local law enforcement officers to respond to security checkpoints when needed, these officers will only enforce State and local statutes. Issues of Federal concern, such as monetary instrument transport, passport fraud, artfully concealed items, bulk currency transport, and out-of-status travelers remain unaddressed by local officers while investigatory opportunities are routinely squandered. The AMA urges the committee to review the benefits of a single Transportation Investigator position with diversified collateral duties to include inflight protective duties, intermodal protective duties, insider threat mitigation and investigations, as well as the investigation of Federal crimes committed within the transportation domain.

#### A SHRINKING WORKFORCE

As travel resumes to pre-pandemic levels, we must have enough trained Federal air marshals available to cover the increased workload. However, many FAMS have retired over the past 12 months, and the projected rate of FAM retirements is expected to halve our workforce over the next 24 months. A significant number of FAMS entered service in 2002, and most of these agents have indicated they will retire as soon as they are eligible. At a time when passenger unrest and threats to aviation are on the rise, we are concerned that the FAM Service will be shrinking at an alarming rate. The AMA has suggested many times that the Aviation Security Service Fee, redirected to the General Fund in 2014,<sup>3</sup> should be used only for transportation security purposes. Recovering the \$3 billion in projected fees for 2022 and 2023 would easily cover the hiring of FAMS to replace current and projected losses, and fund the build-out of new law enforcement sections to support expanding FAM

<sup>1</sup><https://www.airmarshal.org/media-room/11-27-2017-ama-support-hr4467/>,  
<https://www.airmarshal.org/media-room/july-2017-meeting-the-evolving-threat/>,  
<https://www.airmarshal.org/media-room/amacwa-press-release-06252014/>,  
<https://www.airmarshal.org/media-room/amacwa-press-release-06142014/>.

<sup>2</sup><https://www.airmarshal.org/media-room/future-committee-final-08042021/>,  
<https://www.airmarshal.org/media-room/09212020-ama-evolution-covid-update/>,  
<https://www.airmarshal.org/media-room/072020-meeting-the-evolving-threat-congressional-brief/>.

<https://www.airmarshal.org/media-room/1811-committee-paper-02262020/>,  
<https://www.airmarshal.org/media-room/ama-fams-evolution-04-23-2019/>.

<sup>3</sup>PUBLIC LAW 113-67—DEC. 26, 2013—SEC 601—<https://www.govinfo.gov/content/pkg/PLAW-113publ67/pdf/PLAW-113publ67.pdf>.

roles. The fees could also allow the TSA to hire more TSOs, and would go a long way toward covering the proposed transition of the TSA workforce into the General Schedule pay system.

#### CREW MEMBER SELF DEFENSE TRAINING

The AMA also recommends that Crew Member Self Defense Training be integrated with flight crew recurrent training. It is difficult, and often impractical, for crewmembers to come to a FAM field office to receive instruction. As a result, only a small fraction of flight crews have received this valuable block of training, and most have only received it once. With in-flight violence on the rise, basic self-defense for flight crews should be an agency priority.

#### MORALE

The retirement cliff we are facing is having a negative impact on workforce morale. Many are discouraged that we are losing a wealth of knowledge all at once, as those retiring came from other agencies and have a wealth of diversified experience. This problem can be resolved by ensuring the FAM Service hires at least 5 percent of its workforce each year, and evolves FAM duties.

Many FAMs have also expressed anxiety over the prospect of another Government shutdown and a disruption in pay. During the Government shutdown of 2019, the AMA had to intercede and assist some members with bill payment, as missed payments can endanger security clearances and may lead to removal. I urge the Members of this committee to do everything in its power to ensure that Government employees can honor their obligations on time.

Some FAMs are also concerned with the vaccine requirement deadlines, and the AMA supports the suggestion to move back the compliance deadline for Federal workers to January 4, 2022 as was enacted for Federal contractors. A significant number of FAMs contracted COVID in the performance of their duties over the past 20 months, and those that survived now face the potential loss of their livelihoods due to this mandate. Further, the AMA urges Federal agencies to approve the reasonable accommodations of those few Federal law enforcement officers who cannot receive the vaccine for religious or medical reasons. The arbitrary removal of sworn officers seeking reasonable accommodation will put the public at risk, and because replacement officers will take years to hire, train, and gain experience, our Federal resources will be stretched thin during the process.

Finally, varying morale, job-related stress, and erratic flight schedules at certain field offices have created mental health challenges, and has resulted in increased strain on the inadequately trained FAM Peer Support program. For instance, the agency has endured 3 suicides in the Washington field office over the past 2 years, and we believe that leadership change is needed at some locations to avoid further tragedy. We would also like to commend the new FAMS psychologist, Dr. Eunja Talbot, for her compassion and common sense in helping individual FAMs navigate the challenges of balancing job requirements with family life. The AMA believes a more robust mental health program, diversified duties, and meaningful schedules are needed to reduce FAM stress, mitigate crisis, and avoid further tragedies.

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It is my sincere hope that the challenges and opportunities outlined in my statement do not paint an overall dismal picture of the agency, or suggest a workforce in disarray. On the contrary, FAMs have repeatedly reaffirmed their commitment to antiterrorism work, and lament the restrictions placed upon them by legacy policies and out-of-date concept of operations. Additionally, TSA Administrator David Pekoske and FAMS Director Michael Ondocin have worked closely with the AMA to solve workplace issues, and have shown a sincere desire to support the workforce and move the FAMs in the right direction.

It is an honor to represent the men and women of the Federal Air Marshal Service in front of this committee. Thank you for your steadfast support of TSA front-line workers, and for the opportunity to testify before you today. I look forward to your questions.

Mrs. WATSON COLEMAN. Thank you very much, Mr. Casaretti.

Thank you to all the witnesses for adhering to the time frame. Thank you for the important information you have shared with us today.

I will now recognize Members for questions they may wish to ask the witnesses. I am going to recognize Members in order of seniority, alternating between the Majority and the Minority.

Members are reminded to unmute themselves when recognized for questioning and to then mute themselves once they have finished speaking and to leave their cameras on so they are visible to the Chair, with one exception that both the Minority and Majority have agreed to.

I will remind each Member that he or she will have 5 minutes to question the witnesses. I will now recognize myself for 5 minutes.

Last month, Chairman Thompson and I sent TSA Administrator Pekoske a letter urging him to robustly pursue civil penalties against passengers who violate the Federal mask mandate. We did so because of the frustratingly low number and amount of penalties that have been levied so far on disruptive passengers. We recognize there has been some improvement, but strong reinforcement is still needed to send a clear warning signal to would-be offenders that this behavior will not be tolerated and will be met with strong consequences.

Dr. Kelley, in your opinion, has TSA been aggressive enough about pursuing violators of the mask mandate? What is preventing TSA from being more aggressive?

Mr. KELLEY. You know, I think that, you know, it is just up to the administration to set those mandates, because it is my true belief that there should be a zero tolerance as relates to abuse of the TSO that is working to ensure the public flies safely.

Mrs. WATSON COLEMAN. Thank you.

Ms. Nelson, do you believe that TSA, in concert with FAA and others, should more widely publicize the outcomes of those cases to demonstrate accountability and serve as a warning to potential offenders?

Ms. NELSON. Chair Watson Coleman, yes, absolutely. FAA has done a wonderful job of announcing the fines that they have levied against passengers. We want to see more of that in the airports and from TSA.

It is very difficult when passengers acknowledge that they must wear a mask at the point of ticket sale and at the point of check-in, but it is enforced in the airport, it sends them the wrong message, and then puts us in a position of having to enforce that when we are in the enclosed metal tube with them where we cannot call for help or get anything else.

So it is critically important that TSA have an enforcement procedure and also be publishing those fines against people who are not complying.

Mrs. WATSON COLEMAN. Thank you, Ms. Nelson.

As we have all seen in news reports, there has been an explosion of violence against TSOs, flight attendants, and other transportation workers in recent months. TSA restarted its self-defense training course for flight crew in July, which is currently voluntary for flight attendants to take.

While I am sure no flight attendant ever wants to have to employ the tactics they learn in this class against a passenger, sadly,

this training feels more and more essential with each new story that comes out.

Ms. Nelson, you have previously voiced your support for making this training mandatory and recurring for flight crew. Could you please tell the subcommittee why you believe these elements are needed?

Ms. NELSON. I have taken this training, and we worked hard to get this training in place after 9/11. It was supposed to be mandatory and then was turned into a voluntary program. What that means is that flight attendants have to find time on their days off. Mr. Casaretti spoke very well to this. It is very difficult. They have to do that at their own cost to be able to attend. They don't have the repetitive training that is necessary in order to be able to respond on-board when an attack is imminent.

We don't have warning usually for this. This has to be an immediate reaction, and that only comes with repetitive training. So this must be mandatory. It must be in our initial training and in our recurrent training each year.

Mrs. WATSON COLEMAN. Thank you. Given that this course is currently voluntary, do you know of any airlines that provide paid duty time to their employees to attend, Ms. Nelson?

Ms. NELSON. Not one. Not one airline.

Mrs. WATSON COLEMAN. Thank you.

Mr. Casaretti, in your testimony, you mentioned that a variety of challenges have increased the strain on air marshals' mental health over the years. As we know, the COVID-19 pandemic has added another layer entirely to their mental and, for that matter, their physical health. The well-being of our Federal air marshals has always been a priority of mine, and I will continue to work with you and your colleagues to find ways that Congress can be supportive of your members.

So my question for you is: Has the pandemic compounded existing challenges to air marshals' mental health? What recommendations do you have, does the AMA have to address those challenges both old and new?

Mr. CASARETTI. Thank you for the question, Chair Watson Coleman. Yes, the pandemic has absolutely exacerbated a lot of challenges facing the Federal air marshals. TSA is really good about trying to do more with less. We have seen this recurring pattern over the years.

With the air marshals, we have 20-year employees who are now at the end of their careers and they all have been hired from 2001 to 2003. What is happening is we had no real good plan to rehire these workers over time and replace the numbers that we had initially estimated were required to safeguard the transportation domain. So we have seen a drop-down where our numbers are probably at one-third of where they were from the peak, and we expect to lose half the work force again. That puts an incredible strain on the air marshals that are left.

What the real issue is, is as the agency tries to cover as many flights as they can, they cannot do it by giving the FAMS a schedule. They are just placing FAMS on temporary flights, breaking those flights, and then changing their entire schedule for the day.

Impossible to do a work-life balance, and it is really fatiguing for the air marshals.

Mrs. WATSON COLEMAN. Thank you, sir.

My time has expired.

I now recognize the Ranking Member from the subcommittee, the gentleman from Florida, Mr. Gimenez, for questions.

Mr. GIMENEZ. Thank you, Madam Chairwoman.

Dr. Kelley, what percentage of TSOs in the force have not been fully vaccinated, do you know that?

Mr. KELLEY. I don't know for certain. Now, I do know that there is a report from the management that says there is about, you know, 60 percent that have been confirmed to be vaccinated, but I don't have those numbers personally.

Mr. GIMENEZ. Did you say 6 percent or 60 percent?

Mr. KELLEY. Sixty. Sixty, sir. I am sorry.

Mr. GIMENEZ. Six-zero. So up to 40 percent of TSA workers could be—maybe are not vaccinated at this time?

Mr. KELLEY. Well, again, you know, that comes from the agency, which is the record keeper, right? Dates from mid-October, you know, it is likely considerably higher now, right? We are aware that a number of TSOs have sought medical or religious exemptions from getting the vaccine. TSA issued its guidance for seeking exemptions on Friday, November 5, just before the Monday deadline to get the vaccine. This process should be fair and it should be timely. But those keeping the—seeking the exemptions need to be fully considered. That is my thoughts on that.

Mr. GIMENEZ. Since the beginning of the pandemic, TSOs, TSAs, the TSA has been working at airports. Do you think that they have been put at risk? Have they been working under unsafe conditions since before the vaccine was available?

Mr. KELLEY. I think that the administration has done a good job at making sure that, you know—as of late—to make sure that the TSOs are safe, you know. So I am not going to say that they have been put at risk, because all of us are at risk.

I mean, when you go through the airport, you know, you never know what you are going to face. You never know who is going to come to the checkpoint. So, you know, to say that they are not at risk would be not true. But I think that the administration has put some things in place to ensure the safety.

Mr. GIMENEZ. I mean, nothing is ever without risk, sir.

Mr. KELLEY. Right.

Mr. GIMENEZ. So everything has got a risk attached to it. My question was, prior to a vaccine even being available, you know, were the conditions that you put forward, mask wearing, et cetera, contact, keeping 6 feet away, were those safe enough to keep our TSOs—I mean, were they safe? I mean, were they working in a safe environment prior to the vaccines being available?

Mr. KELLEY. You know, I am not going to say that they weren't, because, you know, we have had 11,000 TSOs who have contracted this virus. So, you know, I can't fully say that they were just completely safe. You know, we all have those risks, and we are going to continue to have those risks until this pandemic has been eliminated.



Mr. GIMENEZ. I understand. You said that you wanted to see the mandate extended to January 4. But if you continue to have up to 40 percent of TSOs not vaccinated, do you think it would be right for the Federal Government to terminate 40 percent of your work force? What do you think that will cost to the traveling public and transportation industry, if in fact, it is enforced?

Mr. KELLEY. You know, I have said a lot of this, you know, is about fairness and careful contemplation. You know, we have asked the Biden administration to extend the deadline to January 4 to be vaccinated and January 18 to be fully vaccinated, the deadline that they have given to Federal contractors who work alongside Federal employees. You know, it is the dividing of the people and unequal treatment that spearheads opposition to the vaccine mandate. Now, we hope our members can have time with their families during the holidays and reflect on what is important to all of us, and reach the conclusion that our families and being able to provide for them, you know, are of the utmost importance.

We also want this time to allow for consideration of exemptions for strongly-held beliefs. You know, I am a man of deep faith myself. My faith has led me to believe that, you know, the right thing to do is to get vaccinated, and I have done so. I also know that the people—

Mr. GIMENEZ. Mr. Kelley, I asked—the question was, do you think that if this actually gets enforced, will it have a disruptive—will it be disruptive to transportation in America? I mean, it is pretty—it is a yes or no answer. I mean, up to 40 percent of your people may be terminated after January 4—I understand the date now, OK—do you think it will be disruptive to the transportation industry in America?

Mr. KELLEY. If 40 percent is terminated, of course. I was trying to get to that. I was trying to get to—

Mr. GIMENEZ. OK, OK. Thank you. I am pretty close to being out of time. So, you know, thank you for your answers. I appreciate it. I yield back. Thank you, Madam Chairwoman.

Mr. KELLEY. No problem.

Mrs. WATSON COLEMAN. Thank you to the Ranking Member.

We are all concerned about certainly that question. We hope that any time that will be available will be used to educate, inform, and make access to these vaccines more readily available.

I am now going to recognize the Chairman of the full committee, Mr. Thompson, the gentleman from Mississippi.

Mr. THOMPSON. Thank you very much, Madam Chair.

Just this past weekend, we heard about another disturbing attack on a Southwest Airlines employee. As Ms. Nelson has stated, we cannot accept the frequency and intensity of these assaults as our new normal.

Much discussion has been had as of late around building some sort of a database or a list to keep passengers who perpetuate vicious attacks against front-line aviation workers off planes. Three of the witnesses today have made reference in their comments to some kind of concept in their testimony.

So this is for Dr. Kelley and Ms. Nelson and Mr. Samuelsen. How do you envision such a list or database functioning? What criteria would exist for placing a passenger on such a list?

Mr. SAMUELSEN. Would it be OK if I answered first, Chairman?

Mr. THOMPSON. Sure.

Mr. SAMUELSEN. Sure. So we believe that the establishment of a no-fly list would be part of—a very important part of a multifaceted approach, administered by the TSA, not a stand-alone kind of panacea that is going to solve all the problems, but part of a multi-legged approach. We believe that the criteria to be on that list is either a conviction or a fine by the FAA, whereby that the due process of the individuals who are put on the no-fly list are protected.

You know, we work for employers that accuse us of doing unfair, untrue things all the time, heinous things, and they wrongly accuse us. So we are well aware of what, you know, the due process requirements would be here. But if there is not a no-fly list, people with hand trouble are going to continue to get on planes and are going to continue to assault plane crews and gate agents. It is an absolute must that this list be established and it be done in a fair way where due process is protected.

Thank you.

Mr. THOMPSON. Ms. Nelson.

Ms. NELSON. Chair Thompson, I will just echo what President Samuelsen said about having this be a coordinated list at the TSA. With the requirement of a conviction or a fine from the FAA, but also there can be an additional tier of advising and flagging for potential problem passengers where one airline has conducted an internal investigation and determined that they are going to ban that traveler from that particular airline. That information should at least be shared with the other airlines so they have the information and can address the issue as passengers are purchasing tickets as well.

So it is another step that could be added to the list that would not be a no-fly required by TSA, but shared information to help make good decisions and keep problems on the ground.

Mr. THOMPSON. Dr. Kelley.

Mr. KELLEY. Thank you. Thank you, Chairman Thompson. You know, I echo my colleagues here. I believe that it is paramount to have such a process, right, with an assurance of due process. This is what, you know, our lifeblood is about, to make sure that everyone has due process, everyone is treated with fairness and dignity. So I certainly agree.

Mr. THOMPSON. OK. So, Ms. Nelson, without getting into the weeds, that incident that occurred on Southwest over the weekend, what kind of list would you recommend that person get on?

Ms. NELSON. Once the FAA or FBI, DOJ has conducted their investigation and there is a determination about either levying fines or a conviction, then that person would be on the no-fly list across the industry. Does that help, Chairman Thompson?

Mr. THOMPSON. Yes. I am just trying to get to the bottom line.

So, Mr. Casaretti, you have done a lot of flying. How would you like to—I would like to get your input on this.

Mr. CASARETTI. Thank you, Chairman. I would go a step further on making this a little bit more homogenous. I think everybody should be able to report a violation. I think everybody should be able to report an incident from a transportation worker at the low-

est levels, all the way up to corporate security or an internal investigation. What I would suggest is that there be an investigative person or body in the middle that can verify what the story is.

So we have had plenty of times when we have responded to checkpoints because TSOs have been assaulted. We have done our due diligence, asked questions, and we have called in local law enforcement to have local charges brought against them. Most oftentimes the local charges are not brought, somebody doesn't want to file charges or it doesn't rise to the level of local charges.

What we need is a unified Federal presence here. We need Federal officers taking care of Federal interests. While the FBI obviously are Federal officers, they are pretty busy. This is a whole new category of stuff for them to be looking at. So I submit that air marshals could actually do this and could be liaising with the airlines and anybody who is assaulted, doing an investigation on what had happened and putting these individuals on a list itself.

That would take a lot of the burden off existing investigatory agencies that, quite honestly, may not respond to the checkpoints for these type of low-level incidents or to the gate agents, if something happened to the gate agent. I can't imagine that an FBI agent would be taking his time out to come to an airport just to question an individual. I have not seen it happen, unless it is a high-profile thing.

Mr. THOMPSON. Thank you very much. I yield back, Madam Chair.

Mrs. WATSON COLEMAN. Thank you.

Mr. Van Drew from New Jersey.

Mr. VAN DREW. Thank you, Chairwoman, and Ranking Member as well.

As you all know, virtually every industry in America is currently facing significant labor shortages which are being exacerbated by the Biden administration vaccine mandates. My constituents who work in industries spanning from hospitality to health care have all been telling me the same thing—vaccine mandates are crippling their industry's ability to recover from this pandemic.

President Biden's vaccine mandates applies to all Federal workers, including TSA employees. As of mid-October, only 16 percent of TSA employees had provided documentation showing that they were fully vaccinated against COVID-19. Yet the deadline is quickly approaching.

Dr. Kelley, you stated it is inexcusable that contractors are being given the entire holiday season to meet the mandates, while Federal employees continue to be subject to the November 22 deadline. Given that impending deadline, the current work force shortages within TSA and the upcoming rise in travel over the holiday season, what challenges do you expect the TSA and its employees to encounter? Do you think that the vaccine mandate requirements will worsen those challenges?

Mr. KELLEY. Well, you know, I think that, you know, it is just—challenges are going to be there. OK? I have outlined how tough the job of the TSO is and how they do their job in the most trying of circumstances. There is a lot of reasons why TSOs, you know, will be leaving the organization, right, because you deal with low pay and difficult work environments, you know, to top all of them.

But the challenge is going to be the long wait lines and all those things, they are just going to be there because of the fact that, you know, there is such a high turnover, and the fact that, you know, we have not done an exceptional job in making sure that the work force was replenished. We still have people that is in training that should be on the floor performing their jobs right now. This is what is going to create the challenge.

Mr. VAN DREW. May I ask you this, though—and I certainly understand and agree with you with what they get paid and in general what you are saying. But the fact that we are going to lose some of them, a good number of them if—unless this vaccine mandate changes is obviously, I think, going to increase that challenge even more. Wouldn't you agree?

Mr. KELLEY. I think that, you know—

Mr. VAN DREW. I have spoken to, you know, folks that work there, and some believe in their personal freedom and will not get the vaccine. If they lose their job, they lose their job. I know you have heard the same thing.

Mr. KELLEY. I agree to a degree. That is the reason why we are asking the administration, you know, to at least give some sense of parity when it comes to the vaccine mandate deadlines, because it gives those employees opportunity to think things through over the holiday, you know, and those type of things where they feel that there is some sense of fairness there.

If I say that it is not going to affect it, I would be incorrect. I know that. But I am just saying that there are a lot more reasons why TSOs are leaving the job site rather than the vaccination. That is all I am saying.

Mr. VAN DREW. OK. It is a combination. I understand that. It is a combination we don't need; it is going to make things tough.

Mr. Casaretti, you may know that I have the largest Federal Air Marshal Service in my district, with 85 percent of all training performed there at the Atlantic City location. Can you explain how the rise in unruly passengers is impacting the Service and whether you believe mask mandates are forcing air marshals to shift their focus from potential threats to mask-related incidents?

Mr. CASARETTI. Thank you for that question, Representative Van Drew. I think the focus of the air marshals is always going to be on terrorism and defeating that threat. The mask mandate, everybody has pretty much adapted to it. We roll with the punches. It is a different situation with a lot of people that you may speak to, outside of law enforcement, we voluntarily put ourselves in harm's way. Getting in front of COVID and flying during the pandemic was one of those things that we accepted and we did. Even when there wasn't concrete guidance, we still did it.

I don't think that we are any less ready or prepared to meet any threats, either current or evolving, because of the masks themselves. We don't like wearing them, but it is not going to hamper our ability to do our job.

I apologize, I forgot the first part of your question.

Mr. VAN DREW. I think you covered it pretty well. Just unruly passengers as well. I guess it is a similar thing, because people are crankier than ever in society today, and I know you have to put up with that.

Mrs. WATSON COLEMAN. I am sorry. The gentleman's time has expired.

Mr. VAN DREW. Thank you for your service.

Mrs. WATSON COLEMAN. Thank you, thank you.

Ms. Titus from Nevada.

Ms. TITUS. Thank you, Madam Chairman.

Let me thank Mr. Payne for allowing me to go ahead of him since I need to vote and he is voting remotely. So thank you so much, Mr. Payne.

You know, I represent Las Vegas, and we want people to have a good time. We have got 40 million visitors who come here, most of them come through the airport. But we can't let them frolic at the expense and safety of our front-line workers, whether they are at the airport, on the plane, or in our casinos.

So I would like to go back to Ms. Nelson. You said in your testimony that many airlines have suspended in-flight alcohol, which may be a temporary way to reduce bad behavior and interactions during the pandemic. I would ask you if you think a permanent policy or regulation would be helpful, if we ought to consider that?

Then I would ask Dr. Kelley if he would address the same thing from the standpoint of the TSOs. Are they finding more people drinking in the airport before they get on the plane because they are going to be denied that cocktail, and is that causing you a problem?

Ms. NELSON. Representative Titus, thank you so much for your question. We really need to focus on the to-go alcohol and the delivery of alcohol to the gates. This seems to be something that is being promoted at the airports only since the time of COVID. We did not see this before. This started as a COVID safety procedure, the to-go food and drink, but it has evolved into a money-making proposition where there is a push of that alcohol, which is not helpful at all. Of course, we provided some examples of that in the written testimony, with photos.

We also want to recognize, though, that the work, the coordinated work between airlines, airports, and the Government and unions has created some good moves by HMSHost, as an example, in my testimony, that includes a sticker on the drink when they are serving that, to help people understand that they cannot carry that on to the plane, that they cannot board a flight inebriated.

So we need clear communications to people. That is what we are asking for, and we are asking for an end to that to-go alcohol and delivery to the gate that is in conflict with what is happening here. Fifty-eight percent of our members say that these events are alcohol-related, and so if we can cut that back and cut anything back that is contributing to these events, we want to do that.

Ms. TITUS. Thank you.

Dr. Kelley.

Mr. KELLEY. You know, once again, you know, I think that, you know, not only does it become expected, and I think that, you know, we have to do some things to try to curtail that because, you know, I do believe that it gives a person an opportunity to, you know, overextend their alcohol drinking, and it causes people to react in ways, in many instances, that they wouldn't normally react. So I would say that we really need to pay attention to that.

Ms. TITUS. I think so too. Certainly, people coming to Las Vegas are in a festive mood, more so than perhaps other places. But you are going to see this get worse during the holidays, I am afraid.

Mr. KELLEY. Yes.

Ms. TITUS. Because, you know, just the fact that it is the holidays, and you are going to have more people traveling and people are feeling more secure. Are you all ready for the holidays? Have you geared up? Are you going to take—are you going to be able to handle these folks?

Mr. KELLEY. Is that question for me?

Ms. TITUS. Yes. That would be fine, you or—

Mr. KELLEY. Well, I just know that the work force that I represent, they are going to handle the situation. They are going to handle every situation, because that is the type of employee that we represent. If you just remember, you know, if they were coming to work, you know, in the midst of a shutdown, they are continuing to work, you know, knowing they are not going to get paid, you know, these are patriotic workers. They are going to do their job. They are going to do it effectively and efficiently. So I have no doubt to believe that TSOs will get the job done.

Ms. TITUS. I think you are right. I see them every weekend when I travel back and forth, and I thank them for their service.

Are you expecting any increased problems, Mr. Kelley, for the holiday season, any special things you all are doing?

Mr. KELLEY. Well, not necessarily. I mean, we just try to prepare ourselves for whatever comes, and we are going to be ready for whatever comes. We are going to deal with whatever comes. But nothing that we are anticipating, you know, out of the ordinary.

Ms. TITUS. OK. Ms. Nelson.

Ms. NELSON. We are encouraging airlines to think about the operation, because when there are operational disruptions, that adds to the anger and angst in the airports and creates problems as well.

The airlines that have negotiated with us incentives for staff to be able to come to work, that is very helpful, because as families are saying, why do we want you to go to work in this disruptive environment? Any incentive is very helpful. It takes approximately 2 to 4—2 to 6 months to train and hire people, so we are not going to be able to do that in time for the holidays. We need to have some other solutions here. And we are also pressing those airlines to make very good decisions about the flights that they are scheduling to make sure that we can actually handle that demand.

Ms. TITUS. Well, thank you so much.

Thank you, Madam Chairman. I yield back.

Mrs. WATSON COLEMAN. Thank you.

Mr. KELLEY. Can I add to that?

Mrs. WATSON COLEMAN. Thank you. I am sorry. The Member's time has expired, Dr. Kelley.

Mr. KELLEY. Thank you.

Mrs. WATSON COLEMAN. Thank you.

Mr. Payne from New Jersey. Mr. Payne from New Jersey. Mr. Payne, if you are there, would you unmute? I know you are not on camera.

Is the gentelady from Iowa, Mrs. Miller-Meeks, there?

Dr. Kelley, I can give you 30 seconds to finish whatever it is you wanted to say because we do not have any more Members, we do not have any more questions, and we do have a vote that has been called.

Mr. KELLEY. Thank you. I am so gracious for that. I just wanted to elaborate on what my colleague, Ms. Nelson, said. You know, the TSOs do not have the luxury to negotiate such conditions of employment as the transportation—as the attendants—airline attendants. That is why it is so important that we understand the necessity of passing a permanent piece of legislation to give the TSOs the right to negotiate these same rights that the airline industry and that the flight attendants are able to negotiate. I applaud Ms. Nelson for having that ability, but we need that same flexibility.

Mrs. WATSON COLEMAN. Thank you, Dr. Kelley.

I now recognize the gentlelady from Iowa, Dr. Miller-Meeks.

Mrs. MILLER-MEEKS. Thank you, Chairman Watson Coleman. I appreciate this hearing and the testimony of our witnesses.

Dr. Kelley, I am also a physician. I am a former director of public health, and I am going to start this by saying that I am fully vaccinated. In the 24 counties in my current district in Iowa, I held vaccine clinics in all 24 of my counties. I have encouraged people to be vaccinated. I have helped assist them. I have answered questions.

One of the things that I have found very disturbing, you know, over the course, and especially when President Biden said he would institute a vaccine mandate, has been this division and pitting of vaccinated people against unvaccinated people. Even recently, the CDC said that they have no data or information on people having had infection-acquired immunity or natural immunity having been hospitalized for COVID-19 or they have record of those deaths.

So you had recently asked the White House to delay the Executive Order deadline until January 18 for all Federal employees to be vaccinated so the deadline would be consistent with the mandate for Federal contractors. Mr. Casaretti has expressed the same position for the Air Marshal Association.

So, Dr. Kelley, can you explain why AFGE is concerned about the November 22 deadline for Federal employee vaccine mandate, or is it just consistency?

Mr. KELLEY. Well, it is a number of things. First of all, you know, this double standard has caused a lot of confusion, right, because, you know, the Federal employee is asking me the question, why do I have to work right beside a Federal contractor that don't have to be vaccinated, you know, and can come to work and work beside me, and you know, possibly expose me, you know. It is inexcusable that, you know, the contractors are being given the entire holiday season to meet the mandate, while Federal employees continue to be subject to the November 22 deadline, you know.

But we think that if there was some parity here, it would at least give the Federal employee an opportunity during the holiday, you know, to talk with their families, you know, and be able to rationalize, you know, can I really go and do this, you know, and get back to where I need to be as a good Federal employee. That is the idea here, you know.

It is a sense of fairness, you know. It eliminates confusion, you know, and those types of things, are why we have asked the White House to make sure that we have the same deadlines.

Mrs. MILLER-MEEKS. I would agree with you, I think I have been—as I said, I think shaming, blaming, ridiculing people, whether it is on social media or in person, is not the way to get people to be vaccinated. I also think that there is, you know, this lack of recognition of infection-acquired immunity, which with the Israeli study has actually demonstrated that it is as equivalent or even better. So there should be a recognition for those people who have had COVID-19 and recovered, that they have immunity, so we should be talking about immunity and not just vaccination.

To that point, I have a bill that would mandate coverage—insurance coverage, regardless of the type of insurance, for serology testing, which would be humoral antibodies but also T cell antibody testing, which is the longer-term immunity for viruses, both of which have been long lasting, less so the humoral.

So it is one of these ways to prove that there is immunity from COVID-19, because we know even if you are vaccinated, you can transmit the virus. So it does seem to be a double standard, I would agree with you on that, and we will keep continuing to push those issues. I would say delaying the mandate to have the same date as January 18 would be a sensible policy, and it also would help you in your desire for parity among those that are Federal contractors.

Can you also explain how this requirement is going to impact the TSA? Let me just say that the TSA, like health care providers, like essential workers throughout the pandemic with no vaccine for 15 months worked, kept people safe, kept their coworkers safe, and kept each other safe, with personal protective equipment, distancing, you know, protective barriers. So they were able to keep people safe, even though they were at risk themselves and risked their family members when they went home throughout the pandemic without a vaccine, which is another, you know, source of hypocrisy to me in the mandate.

But how will these requirements impact the TSA and its ability to be fully staffed at airports and surface transportation sites during the upcoming holiday season, as you mentioned?

Mr. KELLEY. Well, again, you know, it is certainly my belief that, you know, the lack of staffing, you know, is not really related to the mandate, you know. I strongly believe that. I strongly believe that the lack of staffing and the issues that we may face, you know, come this holiday season, you know, with a staffing shortage, if you call it that, will be because of the fact that we just did not replenish the work force, you know, and because of the fact that we did not do all the hiring that we said we was going to do, because you still got people that we hire, still in training, not even on the floor yet. So, in my opinion, that is where the problem is going to be, but the work force has been very patriotic.

Mrs. WATSON COLEMAN. Thank you very much, Dr. Kelley. The gentleness's time has expired. I am sorry. Thank you for your information.

Mrs. MILLER-MEEKS. I am sorry. I didn't see the clock. I yield back my time.



Mrs. WATSON COLEMAN. Thank you to the gentlelady.

So I want to thank each and every one of the witnesses that testified here today. You gave us very important information, a lot for us to chew on, because we are very concerned about the safety and security of both those who are flying and those who are serving those who are flying, and those who are in other forms of transportation as well.

The Members of the subcommittee may have additional questions for the witnesses and we ask that you respond expeditiously in writing to those questions.

The Chair reminds Members that the subcommittee record will remain open for 10 business days.

Without objection, the subcommittee stands adjourned. Thank you so much.

[Whereupon, at 3:10 p.m., the subcommittee was adjourned.]



## APPENDIX

QUESTIONS FROM HONORABLE DONALD M. PAYNE, JR. FOR EVERETT B. KELLEY

*Question 1.* Have assaults on TSOs contributed to attrition over the past year?

Answer. Yes. In a largely toxic work environment, additional threats contribute to attrition. When a TSO does not feel the TSA management has their back, it is an additional reason to seek other employment. In some cases, assaults and mistreatment have instead led to discipline of the TSO rather than an intolerance of mistreatment of the workforce by those they are working to protect.

At a press briefing on Monday, December 13, TSA Administrator David Pekoske announced that a record number of guns have been detected at U.S. airport checkpoints this year—a total of over 5,700 which is up from the previous high of 4,400 in 2019. At the same press briefing, he noted the significant increase in unruly passengers reported by airlines. While some presence of weapons could be an oversight on the part of the passenger, this drastic increase suggests a greater intent to cause harm. Working in that environment is a contributor to attrition.

*Question 2.* What additional factors could help retain TSOs and boost hiring ahead of the holiday period? I introduced H.R. 2744, the Hazardous Duty Pay for Frontline Federal Workers Act earlier this year and have long called for our Transportation Security Officers to receive the duty pay they deserve during this pandemic, because of the risks they have undertaken to show up at work every day. I have also been a firm advocate for the Chairman's bill, the Rights for the TSA Workforce Act, to move TSA to Title 5 and give these front-line workers the rights and protections they deserve.

Answer. First of all, thank you to Congressman Payne for taking the lead in providing hazardous duty pay for front-line workers from early in the COVID-19 Pandemic. This legislation, along with passage of H.R. 903, the "Rights for the TSA Workforce Act of 2021" would make great strides with hiring and retention of a well-trained, respected workforce. Decent pay and regular increases have long been a factor adversely affecting hiring and retention. During holiday periods and peak travel periods, it is important for the agency to plan well for staffing needs. Overtime is going to be needed, but making sure there is fairness in the allocation of overtime is essential. Ensuring that women TSOs are not unduly punished and kept from the shifts and duties they desire takes better planning and hiring strategies and a management that especially respects the needs of pregnant TSOs and nursing mothers.

*Question 3.* What challenges has AFGE faced in its efforts to obtain hazardous duty pay for your members? Has this been detrimental to the workforce, especially in relation to retention efforts at TSA?

Answer. The spread of COVID-19 cast a spotlight on the large numbers of Federal employees who are defined as essential personnel. Clearly, as long as airports were open, even with reduced schedules, TSOs are essential to aviation security. Because of the nature of screeners' jobs, distancing is not always possible and this has led to more than 11,000 TSA employees, mostly in the screening workforce contracting COVID-19 and to 33 deaths. If this does not constitute hazardous duty, it is difficult to imagine what does. In addition to TSOs becoming ill themselves, so many have had to care for loved ones and raise children who were not in school. All of these threats and challenges arguably contribute to attrition. Hazard pay could make it possible for another parent or adult to provide child care and all those who contract the virus to fully recover.

*Question 4.* Recently, the Biden administration has made efforts to address some of the long-standing workforce issues which we hope to codify soon. How do you foresee these improvements, including the access to the Merit System Protection Board, improving the morale of the workforce? Do you believe this will lower turnover at the agency?

Answer. Yes, being accorded title 5 collective bargaining rights and the GS pay scale will lower turnover among TSOs. While administrative measures lift hopes, morale will not improve substantially until these measures are secured in law. Regarding access to MSPB, this represents a huge improvement over TSA's internal review board which is comprised entirely of management personnel. It is not difficult to imagine how knowing there is fairness and balance in the process contributes to morale.

QUESTION FROM HONORABLE DONALD M. PAYNE, JR. FOR SARA NELSON

*Question.* Have verbal and physical attacks played a role in your members' decision to head for the exits?

Answer. Response was not received at the time of publication.

QUESTION FROM HONORABLE DONALD M. PAYNE, JR. FOR JOHN SAMUELSEN

*Question.* Have verbal and physical attacks played a role in your members' decision to head for the exits?

Answer. Absolutely. We have seen this for decades in transit. Bus drivers have a high rate of attrition relative to other job titles at transit agencies and that is, in part, because they are the most likely to be assaulted on the job. No job is worth your life and workers make that plain by leaving for other opportunities when they fear for their safety.

On the airline side, the industry shed 50,000 jobs from April 2020 to May 2021. Most of those workers left the industry entirely and are not going to come back in part because they don't want to risk assault on the job. According to a Government Accountability Office study in 2019, 10 percent of airline gate agents had been physically assaulted on the job prior to the pandemic. While we don't have hard data yet for this year, there is no question that that number has increased significantly in 2021. Not only is this encouraging workers to leave for other jobs or early retirement, it is making it more difficult to recruit and hire new workers into these positions.

