

**DISRUPTION IN THE SKIES: THE SURGE IN AIR  
RAGE AND ITS EFFECTS ON WORKERS, AIR-  
LINES, AND AIRPORTS**

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(117-25)

**REMOTE HEARING**  
BEFORE THE  
SUBCOMMITTEE ON  
AVIATION  
OF THE  
COMMITTEE ON  
TRANSPORTATION AND  
INFRASTRUCTURE  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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U.S. House of Representatives  
Washington, DC 20515

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SEPTEMBER 21, 2021

**SUMMARY OF SUBJECT MATTER**

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

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**PURPOSE**

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

**BACKGROUND**

*I. SURGE IN AIR RAGE CASES IN 2021*

Passengers are increasingly returning to the skies as the COVID-19 pandemic recedes in many parts of the nation. Although hundreds of thousands of passengers travel through the aviation system every day without incident the rate in unruly behavior among passengers has risen by a large proportion.<sup>1</sup> These “air rage” cases have ranged from passengers refusing to wear airline- and federally-mandated face coverings, to attempts to open airplane doors and flight deck doors during flight, to physical and sexual assaults against airline crew members.<sup>2</sup> A recent survey by the AFA, querying more than 5,000 flight attendants across mainline and regional airlines, found that 17 percent of flight attendants—nearly one in five—reported a

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

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

physical incident with a passenger.<sup>3</sup> Fifty-eight percent reported experiencing at least five incidents of unruly passenger behavior this year, and 85 percent said they had experienced at least one such incident this year.<sup>4</sup>

The Federal Aviation Administration (FAA) reports that as of September 7, 2021, there have been 4,184 unruly passenger reports since the beginning of the 2021 calendar year.<sup>5</sup> During that same time, the Transportation Security Administration (TSA) reported that 367,547,059 passengers were screened at airport security checkpoints, meaning that while unruly passenger reports have increased significantly this year, they cover only 0.001 percent of the travelling public.<sup>6</sup> Of those reports, the FAA has initiated 752 investigations and 153 enforcement cases.<sup>7</sup> Compared to prior calendar years—with the FAA initiating only 183 investigations in 2020 and 146 in 2019—that’s an increase of 411 and 515 percent respectively.<sup>8</sup> According to the FAA, among those events for which an underlying cause could be identified, 75 percent of reported unruly passenger incidents were attributed to some element of mask non-compliance while only 6 percent could be attributed to alcohol consumption.<sup>9</sup> Compared to the last 15 years, the number of investigations initiated so far this year is still more than double the highest number of yearly investigations initiated—304 investigations in 2004.<sup>10</sup> Additionally, the FAA’s database only includes incidents that have been reported to the FAA and such reporting is at the discretion of a crewmember.<sup>11</sup>

#### A. Examples of Incidents

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

*Delta Airlines flight from Honolulu to Seattle (December 23, 2020).*<sup>12</sup> A passenger tried to open the cockpit door and refused to follow instructions from crew members. At one point, after the passenger allegedly hit a flight attendant in the face and pushed him to the floor, the passenger threatened and charged the flight attendant as he tried to restrain the passenger. Flight attendants, with the help of another passenger, put plastic handcuffs on the passenger. The passenger was able to free himself from one of the handcuffs and allegedly struck the flight attendant in the face a second time. The passenger was taken into custody and arrested after the plane landed. The FAA has proposed a \$52,500 civil penalty.<sup>13</sup>

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

*Southwest Airlines flight from Orlando to Kansas City (January 2, 2021).*<sup>16</sup> A passenger became angry and began assaulting passengers around him after another passenger in his row would not change seats to accommodate his travel partner. The passenger told his travel partner he would need to bail the passenger out of jail for the physically violent crimes he threatened to commit. The captain returned the

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

<sup>4</sup> *Id.*

<sup>5</sup> FAA, “Unruly Passengers,” available at [https://www.faa.gov/data\\_research/passengers\\_cargo/unruly\\_passengers/](https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/).

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

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Email from FAA to Subcommittee Staff (Sept. 15, 2021).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

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

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

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

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



plane to the gate where law enforcement met the passenger. Southwest banned the passenger from flying with the carrier in the future. The FAA has proposed a \$32,500 civil penalty against the passenger.<sup>17</sup>

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

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

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

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

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

#### B. Recent Enforcement

With the FAA Administrator signing an order on January 13, 2021, establishing a “zero-tolerance” policy with respect to unruly and dangerous behavior on aircraft,

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

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

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

<sup>21</sup> *Id.*

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

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

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

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

the FAA has pursued some of the highest penalties in its history for these violations.<sup>26</sup> Below are some examples.

*Southwest Airlines flight from Sacramento to San Diego (May 23, 2021).*<sup>27</sup> A passenger repeatedly ignored standard in-flight instructions and became verbally and physically abusive upon landing. Video shows the passenger sitting in an aisle seat at the back of the plane, jumping up and hitting the flight attendant multiple times. In the video, the passenger continues swinging at the flight attendant until another passenger intervenes, putting himself between her and the flight attendant. The flight attendant lost two teeth. Upon landing, San Diego Harbor Police arrested the passenger and charged her with felony battery. The passenger has now been charged with two federal felonies: assault resulting in serious injury and interference with a crewmember. The first charge carries a maximum sentence of 10 years in prison, while the second is punishable by as many as 20 years.

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

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

## II. LAWS, REGULATIONS, AND ENFORCEMENT

### A. Federal Aviation Administration

The FAA possesses explicit statutory authority to pursue civil enforcement action against any passenger who assaults a crewmember or another passenger, or who otherwise commits any act that endangers the safety of the aircraft.<sup>30</sup> Through regulation, the FAA also prohibits interference with crewmembers in the performance of their duties.<sup>31</sup> The 2018 FAA Reauthorization Act increased the fine for violations of these prohibitions to not more than \$37,000.<sup>32</sup> Interference with crewmembers’ performance of his or her duties by assault or intimidation is also a federal crime punishable by up to 20 years in prison.<sup>33</sup>

“Zero Tolerance” Policy. On January 13, 2021, FAA Administrator Steve Dickson issued an order directing FAA inspectors and enforcement staff to pursue a “zero tolerance” policy regarding enforcement of the prohibitions on interference with crewmembers and other unruly conduct on board aircraft.<sup>34</sup> In issuing the order, the Administrator cited increased disruptive behavior by passengers stemming from

<sup>26</sup> FAA Order 2150.3C CHG 6, *SUBJ: FAA Compliance and Enforcement Program* (Mar. 31, 2021), available at [https://www.faa.gov/regulations\\_policies/orders\\_notices/index.cfm/go/document.information/documentID/1034329](https://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/1034329).

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

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

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

<sup>30</sup> 49 U.S.C. § 46318.

<sup>31</sup> 14 C.F.R. § 121.580.

<sup>32</sup> P.L. 115–254 § 339 (2018); see also 14 C.F.R. §§ 91.11, 121.580, and 125.328.

<sup>33</sup> 49 U.S.C. § 46504.

<sup>34</sup> FAA Order 2150.3C CHG 6, *SUBJ: FAA Compliance and Enforcement Program* (Mar. 31, 2021), available at [https://www.faa.gov/regulations\\_policies/orders\\_notices/index.cfm/go/document.information/documentID/1034329](https://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/1034329).

both refusal to wear masks and the attack on the U.S. Capitol the week before.<sup>35</sup> Under the policy, “passengers who assault, threaten, intimidate, or interfere with a crewmember in the performance of a crewmember’s duties in violation of [the federal prohibitions on these acts]” will be subject to civil penalties.<sup>36</sup> The order directs that the FAA’s preexisting presumption of “compliance counseling” and other administrative actions short of formal civil-penalty actions against violators may not be used to address these violations.<sup>37</sup>

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

#### B. Transportation Security Administration (TSA)

The TSA’s primary role is to protect transportation facilities and assets (including airports and airplanes) from terrorist and criminal threats.<sup>42</sup> The TSA is responsible for setting the required security and training standards for airlines and airline crews to manage unruly passengers via its Aircraft Operator Standard Security Program (AOSSP).<sup>43</sup> The AOSSP provides general guidance on the security programs, equipment, and employee training that airlines are required to implement in order to operate. This training includes initial and recurrent security training. The AOSSP’s requirements are not prescriptive; each airline is granted flexibility in the development of its own specific curriculum to meet the program requirements.

The TSA is also responsible for enforcing the federal requirement that individuals wear masks throughout commercial and public transportation systems, including at airport screening checkpoints, within the airports themselves, and on commercial airplanes.<sup>44</sup> The TSA reports that as of July 2021, there had been over 85 assaults on transportation security officers (TSO) in 2021.<sup>45</sup> In July alone, large U.S. airlines carried 73.4 million passengers.<sup>46</sup> So, while a very rare occurrence, such assaults are serious and must be addressed. In June 2021, the TSA referred two incidents involving unruly passengers to law enforcement officials.<sup>47</sup> In one incident, a passenger allegedly assaulted two TSOs while attempting to breach the exit lane in

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

<sup>36</sup>FAA Order 2150.3C CHG 6, [https://www.faa.gov/documentLibrary/media/Order/FAA\\_Order\\_2150.3C\\_CHG\\_6.pdf](https://www.faa.gov/documentLibrary/media/Order/FAA_Order_2150.3C_CHG_6.pdf).

<sup>37</sup>Id.

<sup>38</sup>Letter from FAA Administrator Dickson to Airport Leaders (Aug. 3, 2021), available at [https://www.faa.gov/data\\_research/passengers\\_cargo/unruly\\_passengers/toolkit/media/Letter\\_to\\_airports\\_FINAL\\_signed.pdf](https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/toolkit/media/Letter_to_airports_FINAL_signed.pdf).

<sup>39</sup>Id.

<sup>40</sup>FAA, *Zero Tolerance for Unruly and Dangerous Behavior Toolkit* (last accessed Sept. 14, 2021), available at [https://www.faa.gov/data\\_research/passengers\\_cargo/unruly\\_passengers/toolkit/](https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/toolkit/).

<sup>41</sup>Id.

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

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

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

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

<sup>46</sup>U.S. Department of Transportation Bureau of Transportation Statistics, *U.S. Airlines July 2021 Passengers (Preliminary)*, available at: <https://content.govdelivery.com/accounts/USDOT/bulletins/2flc72e>.

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

Louisville, Kentucky. In the other incident, a passenger allegedly bit two TSOs.<sup>48</sup> In each case, the passengers face civil penalties of up to \$13,910 for violation of TSA security requirements.<sup>49</sup>

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

WITNESSES

- Sara Nelson, International President, Association of Flight Attendants—CWA
- Teddy Andrews, Flight Attendant at American Airlines (appearing on behalf of the Association of Professional Flight Attendants)
- Christopher R. Bidwell, Senior Vice President, Safety, Airports Council International—North America
- Lauren Beyler, Vice President, Security and Facilitation, Airlines for America

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<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

# **DISRUPTION IN THE SKIES: THE SURGE IN AIR RAGE AND ITS EFFECTS ON WORKERS, AIRLINES, AND AIRPORTS**

**THURSDAY, SEPTEMBER 23, 2021**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON AVIATION,  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:03 a.m., in room 2167 Rayburn House Office Building and via Zoom, Hon. Rick Larsen (Chairman of the subcommittee) presiding.

Members present in person: Mr. DeFazio, Mr. Larsen, Mr. Garamendi, Mr. Kahele, Mr. Cohen, Mr. Graves of Louisiana, Mr. Perry, Mr. Burchett, Mr. Nehls, Mr. Mast, Mr. Katko, and Mr. Stauber.

Members present remotely: Mr. Johnson of Georgia, Mr. Brown, Ms. Williams of Georgia, Ms. Davids, Ms. Norton, Mr. Stanton, Mr. García of Illinois, Ms. Johnson of Texas, Mr. Payne, Mr. Lynch, Mr. Allred, Mr. Lamb, Ms. Titus, Mr. DeSaulnier, Mrs. Steel, Mr. Massie, Dr. Van Drew, Mr. Gimenez, Mr. Fitzpatrick, and Ms. Van Dyne.

Mr. LARSEN. The subcommittee will come to order.

First, I ask unanimous consent that the chair be authorized to declare a recess at any time during today's hearing.

Without objection, so ordered.

I also ask unanimous consent Members not on the subcommittee be permitted to sit with the subcommittee at today's hearing and ask questions.

Without objection, so ordered.

As a reminder, please keep your microphones muted unless speaking. And if we hear any inadvertent background noise, I will request that Members please mute their microphone.

Also a reminder, to insert a document into the record, please have your staff email it to DocumentsT&I@mail.house.gov, and that is "T" with the ampersand and then "I."

So good morning, and welcome to today's witnesses joining the Aviation Subcommittee's hearing titled, "Disruption in the Skies: The Surge in Air Rage and Its Effects on Workers, Airlines, and Airports."

As the Nation works to get to the other side of the COVID-19 pandemic, the surge in public air rage incidents has exacerbated the already tenuous workforce situation in our aviation sector and eroded confidence in air travel. These incidents have also put the

safety of frontline workers, passengers, and the Nation's aviation system at risk, and could potentially lead to further safety issues.

Unruly passenger behavior is not necessarily new. From 2015 to 2020, the FAA initiated a total of 786 investigations into unruly passenger behavior. However, through the first 9 months of 2021, the FAA has initiated 789 investigations.

Airlines have filed 4,385 unruly passenger complaints since the beginning of the calendar year, including 3,199 mask-related complaints.

As Sara Nelson will testify from the AFA-CWA, frontline aviation workers have to deal with everything from vulgar language, including racial epithets, to punching, kicking, biting, shoving, and spitting from passengers. This behavior is from a small percentage of the traveling public, but it is disgusting, it is unacceptable, and it is a danger to fellow passengers, to crew, and the entire U.S. aviation system.

Congress, the Federal Government, and the aviation industry must work together to protect airline crews, airport staff, and the traveling public from passenger outbursts, while also preparing for the next public health and national security crises.

As subcommittee chair, I made aviation safety and enhancing the air travel experience for passengers and crews a priority. Three years ago, I worked with then-subcommittee chair, Frank LoBiondo, and others to pass the FAA Reauthorization Act of 2018, which increased the maximum civil penalty per unruly passenger violation by 48 percent, to \$37,000.

When incidents began to rise after the January 6th attack on the Capitol, Chair DeFazio and I encouraged FAA Administrator Dickson to use the full weight of Federal law to protect airline passengers and crews ahead of the inauguration.

Earlier this year, the FAA announced a series of measures to combat passenger issues, including a zero-tolerance policy and a public awareness campaign that showed noticeable results.

But Congress and Government agencies can only do so much. I was encouraged to see this week that FAA urged airlines to take additional steps to address this issue, though there is confusion about what FAA is asking of airlines and others in the aviation sector.

I look forward to hearing from today's witnesses about the enforcement of U.S. laws prohibiting such behavior and what more Congress and agencies can do to support frontline workers.

A public health response must lead economic recovery, and as one thing that we can learn from today is that lessons learned from the ongoing pandemic show the urgent need for a national aviation preparedness plan to improve the safety of aviation crews, employees, and passengers to minimize disruptions to the national aviation system and restore confidence in air travel.

And I would ask Members to consider supporting my bill, the National Aviation Preparedness Plan Act, which I introduced earlier this year with my colleague Don Beyer.

Before we begin, I want to thank the women and men on the front lines of the aviation industry who continue to keep people and the economy moving forward during these very difficult times.

Today's witnesses represent stakeholders for air carriers, airports, and frontline workers who can speak to the current situation and what changes need to be made to reduce these incidents.

I am pleased to welcome Sara Nelson, international president of the Association of Flight Attendants–CWA. Ms. Nelson will provide the subcommittee with personal experiences, both as a frontline flight attendant and as president of a union representing 17 airlines across the aviation sector.

Mr. Teddy Andrews is a long-time flight attendant with American Airlines and will be speaking today on behalf of the Association of Professional Flight Attendants. Mr. Andrews can provide us firsthand experience as a frontline flight attendant during the COVID–19 pandemic, highlighting the horrifying abuse he has been subjected to while, as he will say, simply doing his job.

Ms. Lauren Beyer is vice president for security and facilitation for Airlines for America and has worked on a variety of issues related to aircraft safety during the pandemic. I look forward to hearing from her about the airline industry's efforts to address passenger behavior and what other support airlines need in order to do so.

The subcommittee will also hear from Mr. Christopher Bidwell, senior vice president of security at Airports Council International–North America. It is important to hear the steps that airports are taking to prevent potential unruly passengers from boarding aircraft as well as additional measures Congress and agencies can undertake.

In my district, and of course across the country, transportation means jobs and is key to economic recovery. And without a safe, reliable, commercial air travel industry, I would not be able to get to and from work. Many of us would not be able to get to and from work here in Congress and back home again. My constituents would not be able to travel to see family and friends, and frontline aviation workers would be without a job.

Congress, the Federal Government, and the aviation industry must work together to reduce unruly passenger incidents and assure passengers and crews that the airlines are safe to fly. So I look forward to today's discussion on how to best support their critical work moving forward.

Before I turn to the ranking member, Mr. Graves from Louisiana, I will just remind Members that if you are speaking, under the rules, you may take your mask off. If you are not speaking, please wear a mask.

With that, I will turn to—

Mr. DEFAZIO. Mr. Chairman, I would like to see the rule enforced. I hope it won't provoke violence, but Members on the other side need to wear their masks.

Mr. LARSEN. All Members are to wear their masks if not speaking. If you are speaking, you may take your mask off. That is, if you are recognized to speak—not if you are speaking out of turn—you may take your mask off.

Mr. Graves.

[Mr. Larsen's prepared statement follows:]



**Prepared Statement of Hon. Rick Larsen, a Representative in Congress  
from the State of Washington, and Chair, Subcommittee on Aviation**

Good morning and welcome to today's witnesses joining the Aviation Subcommittee's hearing titled "Disruption in the Skies: The Surge in Air Rage and its Effects on Workers, Airlines, and Airports."

As the nation works to get to the other side of the COVID-19 pandemic, the surge in public air rage incidents has exacerbated the already tenuous workforce situation in our aviation sector and eroded confidence in air travel.

These incidents have also put the safety of frontline workers, passengers and the nation's aviation system at risk and could potentially lead to further safety issues. Unruly passenger behavior is not a new phenomenon.

From 2015 to 2020, FAA initiated a total of 786 investigations into unruly passenger behavior.

However, through the first nine months of 2021, FAA has initiated 789 investigations.

Airlines have filed 4,385 unruly passenger complaints since the beginning of the calendar year, including 3,199 mask-related complaints.

As Sara Nelson will testify, frontline aviation workers have to deal with everything from vulgar language, including racial epithets, to punching, kicking, biting, shoving and spitting from passengers.

This behavior from a small percentage of the traveling public is disgusting, unacceptable and a danger to fellow passengers, crew and the entire U.S. aviation system.

Congress, the federal government and the aviation industry must work together to protect airline crews, airport staff and the traveling public from passenger outbursts while also preparing for the next public health and national security crises.

As Subcommittee Chair, I have made aviation safety and enhancing the air travel experience for passengers and crews a priority.

Three years ago, I worked with then-Subcommittee Chair Frank LoBiondo to pass the FAA Reauthorization Act of 2018, which increased the maximum civil penalty per unruly passenger violation by 48 percent to \$37,000.

When incidents began to rise after the January 6 attack on the Capitol, Chair Peter DeFazio and I encouraged FAA Administrator Dickson to use the full weight of federal law to protect airline passengers and crews ahead of the Inauguration.

Earlier this year, FAA announced a series of measures to combat passenger issues, including a zero-tolerance policy and a public awareness campaign that showed noticeable results.

But Congress and government agencies can only do so much.

I was encouraged to see this week that FAA urged airlines to take additional steps to address this issue, though there is confusion about what FAA is asking of airlines and others in the aviation sector.

I look forward to hearing from today's witnesses about the enforcement of U.S. laws prohibiting such behavior and what more Congress and agencies can do to support frontline workers.

The public health response must lead the economic recovery.

Lessons learned from the ongoing pandemic show the urgent need for a national aviation preparedness plan to improve the safety of aviation crews, employees and passengers minimize disruptions to the national aviation system and restore confidence in air travel.

I reintroduced my bill, the National Aviation Preparedness Plan Act, earlier this year with my colleague Rep. Don Beyer (VA-08).

With a clear and consistent plan in place, I am confident the U.S. aviation system will be better prepared for future crises.

Before we begin, I want to thank the women and men on the frontlines of the aviation industry who continue to keep people and the economy moving during these difficult times.

Today's witnesses represent stakeholders for air carriers, airports and frontline workers who can speak to the current situation and what changes need to be made to reduce these incidents.

I am pleased to welcome Sara Nelson, International President of the Association of Flight Attendants-Communications Workers of America (CWA).

Ms. Nelson will provide the subcommittee with personal experience both as a frontline flight attendant and as president of a union representing 17 airlines across the aviation sector.

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Mr. Andrews can provide his first-hand experience as a frontline flight attendant during the COVID-19 pandemic, highlighting the horrifying abuse he has been subjected to while, as he will say, simply doing his job.

Ms. Lauren Beyer is Vice President for Security and Facilitation for Airlines for America and has worked on a variety of issues related to aircraft safety during the pandemic.

I look forward to hearing from her about the airline industry's efforts to address passenger behavior and what other supports airlines need to do so.

The Subcommittee will also hear from Mr. Christopher Bidwell, Senior Vice President of Security at Airports Council International-North America.

It is important to hear steps airports are taking to prevent potential unruly passengers from boarding aircraft as well as additional measures Congress and federal agencies can undertake.

In my district and across the country, transportation means jobs and is key to economic recovery.

Without safe, reliable commercial air travel, I would not be able to get to and from work, my constituents would not be able to travel to see family and friends and frontline aviation workers would be without a job.

Congress, the federal government and the aviation industry must work together to reduce unruly passenger incidents and ensure passengers and crews are safe to fly.

I look forward to today's discussion on how to best support your critical work moving forward.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Chairman. I want to thank you for having this hearing today.

And I want to make very clear from the beginning that the behavior we have seen in the media in regard to some of the adverse interactions on airplanes is completely unacceptable. It needs to be a civil experience for everyone on the plane, and obviously there are additional safety considerations for being tens of thousands of feet up in the air in a metal airplane when thinking about this.

Flight attendants, gate agents, and other airline employees have the right to go to work without the fear of being harassed, intimidated, abused, or assaulted. Period.

FAA is correct for strenuously enforcing the rules and regulations that are applicable to air travel and for holding people accountable for failing to comply, and that unruly and illegal behavior shall not be tolerated. Period.

Data shows that there are more cases of unruly behavior and that we are seeing a spike or increase. And I think it is important to look at the causes, to look at how we can mitigate that, and how we can solve the problems.

There have been, I believe the chairman noted, 4,284 complaints of unruly passengers as of September 14, but let's remember that, so far this year, more than 350 million passengers have flown. So if you do the math there, that is 0.001 percent, and that is like comparing the population of New Roads, Louisiana—a town that I represent, that you all haven't heard of but you should go visit, False River, it is a lot of fun—to the population of the entire country.

And so the vast majority of flights occur without these types of air rage incidents. I am worried that this hearing may convey to people on the outside that getting on an airplane is a wild and unruly experience, and I think that it is really important for us to convey to folks that that is absolutely not the norm. That is the exception.

And I will say it again, 0.001 percent of passengers end up having an unruly incident.

But I also think that we have got to look at this not just from the perspective of the airlines and the airline employees and others, we have got to look at this thing holistically.

Mr. Chairman, I want to read some statistics. According to the Kaiser Family Foundation, in January 2021, 4 in 10 adults reported symptoms of anxiety or depressive disorder, up from 1 in 10 adults. So 4 in 10 now, it was up from 1 in 10 in June of 2019.

Overall, 2020 values show a 50-percent increase in overdose-related cardiac arrest—50-percent increase in cardiac arrest related to overdose.

Mental distress, the number of March 2020 calls to the Disaster Distress Helpline at the Substance Abuse and Mental Health Services Administration, SAMHSA, was 891 percent higher than March the year before.

And perhaps a little bit closer to home for some of us here, the Capitol Police have reported 4,135 threats against lawmakers during the first 3 months of 2021 alone, putting the number of threats on track to double those from last year.

Mr. Chairman, my point here is that we are seeing increased anxiety in society, whether it is mental health and depression, it is domestic violence, it is substance abuse, mental distress, or other types of challenges across Government.

Now, let's look specifically at the air travel experience from the passenger perspective; maybe it is a person or a family that doesn't travel often, doesn't travel as often as some people here perhaps. They have to think about packing their bags, getting their kids all together, getting everything in the car, getting to the airport on time, finding a parking spot, getting on the shuttle, getting in line at the airport to check bags in, getting in line at TSA, which who knows how that experience is going to go.

I recently had a TSA agent make me walk through the metal detector four times because I was told that I wasn't walking through it right. I don't even know what that looks like. I have walked through metal detectors thousands and thousands of times. I do it every day here, and I was told I walked through it wrong.

I had another TSA guy tell me that I didn't let the dog sniff me properly. I don't even know what this stuff means.

Now let's keep going. So then you get into the airport, you get to buy your \$6 bottle of water, your \$12 granola bar. You get to sit on a plane, and, yes, it is packed. And just like my flight experience coming here, I got up at 4 a.m. this week, I left the house at 5 a.m., and, let's see, by the time I walked into the airport and finally got to DC because of problems, I think it was 8 or 9 hours later, wearing a mask the entire time.

Mr. Chairman, I think it is important for us to contrast that with the experiences people maybe had at the airport where they sat down at a table with other people and were sitting there eating without masks on.

We have seen all the data showing how clean the air on flights are, and the low transmission rates are virtually nonexistent transmission rates that are on airplanes.

So, Mr. Chairman, here is my point. I am glad we are having this hearing, but I think it is really important that we look at this from the passenger perspective as well. I met with Tampa Airport

yesterday. The guy used the term “trying to decompress the experience.” How do we look at this holistically and decompress that entire experience—from parking, to TSA, to bags, and everything else, to make this a lower stress experience.

So, Mr. Chairman, I look forward to hearing from the witnesses today, and I am hopeful that we can move in a direction that truly is productive. I am excited and optimistic that some of the data FAA released today showed a significant decline in air rage incidents, and I hope that we can build upon that success.

I yield back.

[Mr. Graves of Louisiana’s prepared statement follows:]

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**Prepared Statement of Hon. Garret Graves, a Representative in Congress from the State of Louisiana, and Ranking Member, Subcommittee on Aviation**

Thank you, Mr. Chairman. I want to thank you for having this hearing today. I want to make very clear from the beginning that the behavior we’ve seen in the media in regard to some of the adverse interactions on airplanes is completely unacceptable. It needs to be a civil experience for everyone on the plane, and obviously there are additional safety considerations for being tens of thousands of feet up in the air in a metal airplane when thinking about this.

Flight attendants, gate agents, and other airline employees have the right to go to work without the fear of being harassed, intimidated, abused, or assaulted—*period*. The FAA is correct for aggressively enforcing the rules and regulations that are applicable to air travel and for holding people accountable for failing to comply, and that unruly and illegal behavior shall not be tolerated—*period*.

Data shows that there are more cases of unruly behavior and that we are seeing a spike or increase, and I think it is important to look at the causes, look at how we can mitigate that, and how we can solve the problems.

There have been 4,284 complaints of unruly passengers as of September 14, but let’s remember that so far this year, more than 350 million passengers have flown. So, if you do the math, that’s 0.001 percent. That’s like comparing the population of New Roads, Louisiana—a town that I represent that you all should go visit—to the population of the entire United States. So, the vast majority of flights occur without these types of “air rage” incidents.

I’m worried that this hearing may convey to people on the outside that getting on an airplane is a wild and unruly experience, and I think that it is really important for us to convey to folks that that’s absolutely not the norm. That’s the exception, and I will say it again, 0.001 percent of passengers have an unruly incident.

But I also think we have to look at this not just from the perspective of the airlines and airline employees and others. We have to look at this holistically.

I want to provide some statistics. According to the Kaiser Family Foundation in January 2021, four in 10 adults reported symptoms of anxiety or depressive disorder, up from one in 10 adults in June of 2019.

Overall, 2020 values show a 50 percent increase in overdose-related cardiac arrest. The number of March 2020 calls to the Disaster Distress Line at the Substance Abuse and Mental Health Services Administration was 891 percent higher than March the year before. And perhaps a little bit closer to home to some of us here, the U.S. Capitol Police have reported 4,135 threats against lawmakers during the first three months of 2021 alone, putting the number of threats on track to double those of last year.

My point here is that we are seeing increased anxiety in society—whether it’s mental health and depression, domestic violence and substance abuse, or mental distress or other types of challenges across government.

Now let’s look specifically at the air travel experience from the passenger perspective, and maybe it’s a person or a family that doesn’t travel often. They have to think about packing their bags, getting their bags together, getting everything in the car, getting to the airport on time, finding a parking spot, getting on the shuttle, getting in line at the airport to check bags, getting in line at TSA—and who knows how that experience is going to go. I recently had a TSA agent make me walk through a metal detector four times because I was told I wasn’t walking through it right. I don’t even know what that means.

Now let's continue. You then get into the airport and you get to buy your \$6 bottle of water, \$12 granola bar, and then sit on a plane. And yes, it's packed. And just like my flight experience coming here, I got up at 4:00 a.m. earlier this week, left the house at 5:00 a.m., and by the time I walked into the airport and finally got to D.C. after various problems, it was eight or nine hours later—and wearing a mask the entire time.

Mr. Chair, I am glad we are having this hearing, and I think it is really important that we look at this from the passenger perspective as well. I met with Tampa Airport yesterday, and one of the people I met with used the phrase “trying to decompress the experience.”

How do we look at this holistically and try to decompress the entire flying experience—from parking, to TSA, to bags, and everything else—to make it a lower-stress experience.

I look forward to hearing from the witnesses today and I am hopeful that we can move in a direction that truly is productive. I am excited and optimistic that some of the data the FAA released today showed a significant decline in air rage incidents, and I hope we can build upon that success.

Mr. LARSEN. Thank you.

And I now call on the chair of the full committee, Mr. DeFazio, for an opening statement.

Mr. DEFAZIO. Thank you, Mr. Chairman. Thanks for holding this.

Yeah, incidents are down 50 percent. They are still twice the level of last year. And minimizing, oh, like a flight attendant who gets her teeth knocked out or some jerk who tries to open the exit door, or crash into the cockpit. Of course, the FAA is dragging its feet on secondary barriers, which we mandated a number of years ago, but that is an issue for another day.

But it is still too high. I think the zero tolerance and the publicized fines have an impact, but we need more prosecutions when there are serious violent incidents on airplanes.

And there needs to be more cooperation between the airlines, the airports, the local police, and the Federal authorities, and I hope that we can engender that.

I have flown about 8 million miles. Been doing this a long time. Until recently, I never saw a big sign in the airport advertising alcohol to go, in cups. That has got to stop. It is illegal to bring your own alcohol onto a plane. But how are you going to tell? You know? Is it a coffee? Is it a soda? What is it?

But the airports need to crack down on these vendors, or we need to find a way to induce the airports to crack down on these vendors. That is literally encouraging people to break the law. Get a great big to-go cup with four shots in it and take it on the airplane. So that needs to end.

We are going to hear a lot of suggestions here today about how we can better deal with this, and we will look at what further actions this committee can take.

Thank you, Mr. Chairman.

[Mr. DeFazio's prepared statement follows:]

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**Prepared Statement of Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure**

Thank you, Chair Larsen, for calling today's hearing on the spike in air rage cases. Even as we continue to fight a pandemic, the amount of disruption and violent behavior on planes has reached epidemic proportions. Today, flight attendants,

a representative of airports, and the head of security from Airlines for America will allow us to examine how air rage cases unfold on planes, how airports and law enforcement respond, and what airlines are doing in the aggregate to respond to these incidents.

In one incident in May, a flight attendant lost two teeth in an altercation after a passenger repeatedly ignored instructions and then became physically confrontational. In another, a belligerent passenger tried to break down the cockpit door, was handcuffed, broke free, and then struck the flight attendant trying to subdue him a second time. Today we will hear from a flight attendant who has encountered disruptive and unruly passengers on numerous occasions and can speak to the anxiety and fear many flight attendants feel going to work each day.

Recognizing the growing trend of belligerence, in January the FAA issued an order directing staff to pursue a “zero-tolerance” policy for cases relating to interference with crewmembers and other unruly conduct on board aircraft. It’s clear this policy, which I commended the Administrator for adopting in a letter in August, has worked. The FAA reported just this morning that the number of unruly passenger incidents last week had dropped to 50 percent of the number in early 2021. But the rate of these incidents is still too high: it’s twice the rate of cases reported in late 2020. And the FAA inspectors who handle these cases are also responsible for conducting oversight and surveillance of the aviation system’s safety. They can’t continue without some relief.

Beyond this morning’s announcement, let’s look at the total numbers. The FAA reported that as of September 21, 2021, there have been 4,385 unruly passenger reports since the beginning of the 2021 calendar year. Two weeks ago, that number was 4,184, so that’s just over 200 new reports in the last two weeks alone.

Moreover, there needs to be cooperation at the federal and state levels, as well as continued coordination within the aviation industry to stop the surge of air rage cases. First and foremost, the FAA must continue to coordinate with other federal agencies.

While the FAA’s civil penalties have gone a long way to dissuade and deter dangerous and disastrous behavior—FAA fines issued for unruly flyers just topped \$1 million last month—other penalties must be enforced for the most violent offenders. In many cases these penalties must be brought in criminal court, under the jurisdiction of the DOJ. Yet in an article published earlier this month, DOJ said it had only filed charges in federal district courts for 16 defendants, matching the total number of unruly passengers federally charged the previous year. Given the discrepancy in cases between last year and this year, that is not satisfactory or commensurate with the serious number of cases.

Cooperation must also continue with airports and local law enforcement. When a flight arrives with an unruly passenger in need of intervention, the airport must work with airport and local law enforcement to meet the plane at the gate. Airlines and the FAA must also work together to create best practices so that crews know how to interact with local law enforcement, and that local law enforcement in turn communicates that information to the FBI, ensuring that all the relevant information is gathered and needed reports filed.

Finally, airports and their restaurants and other concessionaires must work to curb passenger intoxication and the occurrence of passengers carrying on and consuming alcohol on flights. There is no reason that a passenger should be able to leave a restaurant with a “to-go” cup of alcohol and board a plane with it.

I applaud Administrator Dickson’s letter to airports across the country requesting that airports work with their concessionaires to amplify the FAA’s prohibition on consuming alcoholic beverages not served by crewmembers on board flights. While alcohol may not always be the primary instigator in some of these confrontations, adding gratuitous alcohol to a violent situation certainly exacerbates the problem and subsequent danger to flight crew and the traveling public.

Some have argued about the cause of air rage cases and try to pin it on the federal mask mandate, which has saved innumerable lives. There’s no question that alcohol and possibly other substances play a significant role in driving otherwise-reasonable people to commit outrageous acts upon their fellow passengers and crewmembers. One thing that needs to happen, and to happen today, is that airports must compel their concessionaires to sell alcohol responsibly. Posting a big sign in the terminal advertising “alcohol to-go” is not selling alcohol responsibly.

While I am relieved that people have begun to return to the skies, we must remain vigilant in ensuring their safe travel. That includes doing what we can to clamp down on this alarming increase in belligerent behavior. The primary solution is simple—passengers need to comply with federal and airline face mask requirements and practice kindness and respect toward air crews and fellow passengers.

In the meantime, I look forward to working with my colleagues to see what we can do to support those on the front line.

Thank you to all of our witnesses for being here today. I look forward to your testimony.

Mr. LARSEN. Thank you.

And now I welcome the witnesses on today's panel. In order, we will have Ms. Sara Nelson, international president of the Association of Flight Attendants; Mr. Teddy Andrews, flight attendant—I am sorry—at American Airlines, I will make a correction on my opening statement on that—on behalf of the Association of Professional Flight Attendants; Mr. Christopher Bidwell, senior vice president of security, Airports Council International—North America; and Ms. Lauren Beyer, vice president of security and facilitation, Airlines for America.

Thank you for joining us today. I look forward to your testimony.

And, without objection, our witnesses' full statements will be included in the record. And since your written testimony has been made part of the record, the subcommittee requests that you limit your oral testimony to 5 minutes.

Ms. Nelson, you may proceed.

**TESTIMONY OF SARA NELSON, INTERNATIONAL PRESIDENT, ASSOCIATION OF FLIGHT ATTENDANTS—CWA, AFL—CIO; TEDDY ANDREWS, FLIGHT ATTENDANT, AMERICAN AIRLINES, ON BEHALF OF THE ASSOCIATION OF PROFESSIONAL FLIGHT ATTENDANTS; CHRISTOPHER R. BIDWELL, SENIOR VICE PRESIDENT OF SECURITY, AIRPORTS COUNCIL INTERNATIONAL—NORTH AMERICA; AND LAUREN BEYER, VICE PRESIDENT OF SECURITY AND FACILITATION, AIRLINES FOR AMERICA**

Ms. NELSON. Thank you, Chairman Larsen, Chairman DeFazio, Ranking Member Graves, and Ranking Member Graves, for this hearing on the surge in air rage incidents and the effect it has on workers, airports, and airlines.

I am a 25-year union flight attendant and president of the Association of Flight Attendants—CWA, AFL—CIO. We also coordinate closely with the leaders of APFA and TWU, together representing nearly 100,000 flight attendants. As part of the Communication Workers of America, we represent ground service workers and can also speak to the impact on workers at the gates. And, of course, we work closely with all of the aviation unions who make up the Transportation Trades Department of the AFL—CIO. This is a subject that is of great importance to all aviation workers.

Since January, the FAA has logged 4,284 unruly passenger reports. About three-quarters of those are mask-related. Of these numbers, 755 investigations have been initiated and 154 cases have concluded with enforcement of over \$1 million in fines.

If we continue at this rate, there may be more incidents in 2021 than in the entire history of aviation, but for the first time we are hearing from the FAA that some of our efforts together has these numbers trending down.

There is so much more to do, though, because these incidents are still too common, if even only from a small percentage of passengers of those who are flying.

We cannot forget the devastating consequences of leaving commercial aircraft vulnerable to terrorist attack. We know there are two fundamentals in aviation safety and security. Number one, remove all distractions from safety-sensitive work, and, number two, leave all threats to safety and security on the ground.

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.

Flight attendants are the eyes throughout the aircraft for threats to safety of flight: depressurization, fires, medical emergencies, including potential medical emergencies in the flight deck. We cannot afford to lose any time when responding to emergencies or preparing for an emergency landing.

Disturbances in the cabin are also a distraction in the flight deck and could compromise the safety of flight. In response to a survey of flight attendants across the industry, 85 percent of respondents had dealt with unruly passengers in the first half of this year, and 58 percent of those had experienced at least five occurrences.

This used to just be a one-off bad day at work in an entire career, so this is very commonplace.

Disturbingly, one in five respondents experienced physical altercations, 61 percent of respondents reported that disruptive passengers use racist, sexist, or homophobic slurs during the events. Only 60 percent of those who relayed incidents of physical attack said that law enforcement was requested to meet the flight.

Of all the incidents in the air, 50 percent showed that signs of trouble were starting on the ground. This signals both that workers at the gate are experiencing abuse, and half of these incidents could be kept on the ground with better response and coordination.

While 85 percent of the incidents are mask-related, flight attendants report there are many contributing factors, the next highest being alcohol.

FAA Administrator Steve Dickson sent a letter to all airports calling for better communication on masks, the Federal regulations on alcohol, the discontinuation of to-go alcohol—and I think we have some pictures of this that can be shown—and coordination with law enforcement to make sure consequences are clear for bad actors.

Stopping to-go alcohol should be low-hanging fruit here, but as I included in my written testimony and as you see on the screen with examples from JFK, Phoenix, and St. Louis, they are not the only airports to do this.

Not only has this practice not stopped, it is encouraged and promoted, giving passengers the false idea that they can bring their own alcohol onboard and encouraging as much drinking as possible.

Flight attendants and gate agents then experience extensive verbal abuse, yelling, and swearing in response to instructions; shoving, taking seats, biting, punching, throwing trash at workers; defiling restrooms after instructions are given, following flightcrew and agents throughout the airport, and continuing to yell and harass.

The danger in this hostile environment in response to flight attendants simply conducting routine safety reminders and compliance is hesitancy in performing these tasks.

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

Now what do we need? We need DOJ criminal charges and enforcement; make the FAA zero-tolerance policy permanent; and staff up investigators and extend investigation time; coordinated communication, including PSAs running throughout the terminal on masks, alcohol, and generally following the rules from point of ticket sale all through check-in, security, gate, and the boarding process; require that all airport bars, restaurants, and shops post signage and use verbal warnings to patrons who fail to comply with masking requirements.

Every airline and airport should have a communication plan that they submit to ensure we are all working together across Government stakeholders and law enforcement. Enforcement of masks in the terminals and stopping the ability for passengers to become inebriated, more staffing at the gates and on the planes.

We simply cannot accept this as the new normal. We look forward to working with this subcommittee to effect positive change.

I want to note that aviation is about bringing people together, not tearing us apart. Every person matters, and we can only have the freedom of flight when we recognize the reality that we are all in this together.

Thank you very much. I look forward to your questions.

[Ms. Nelson's prepared statement follows:]

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**Prepared Statement of Sara Nelson, International President, Association of Flight Attendants—CWA, AFL-CIO**

INTRODUCTION

Thank you Chairman DeFazio, Chairman Larsen, Ranking Member Graves and Ranking Member Graves for convening this hearing on the alarming increase in disruptive and unruly airline travelers, and the effects this has on workers, airports, and airlines.

My name is Sara Nelson. I am a twenty-five 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.

I know there is not one person on this aviation subcommittee that thinks the combative, abusive, defiant, and violent behavior on our planes and in our airports is acceptable. Many of you have reached out to ask how you can help. We believe it's critical to fully define the problem, review effectiveness of actions taken to date, provide recommendations for additional actions needed, and act with coordinated urgency across aviation to subdue this threat to aviation safety and security.

AIR RAGE AND DISRUPTIVE PASSENGERS THREATEN LIVES AND SAFETY OF FLIGHT

Since January the Federal Aviation Administration has logged<sup>1</sup>:

<sup>1</sup>[https://www.faa.gov/data\\_research/passengers\\_cargo/unruly\\_passengers/](https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/)



- 4,284 unruly passengers reports
- 3,123 mask related incidents
- 755 investigations initiated
- 154 enforcement cases

These numbers are staggering and if they continue at this rate may result in more incidents in 2021 than the entire history of commercial aviation. The enormity of the problem is reflected in these statistics, and demonstrates why the FAA, under the leadership of Steve Dickson, has engaged with urgency to tackle the problem. But the numbers don't tell the full story about the impact on frontline workers or just how dangerous this behavior is for aviation safety.

Flight attendants are aviation's first responders, charged with the safety and health of passengers and crew. Twenty years since the events of September 11, 2001, we cannot forget the devastating consequences of leaving commercial aircraft vulnerable to terrorist attack. For the past twenty years flight attendants have also 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 disruptions in the cabin and failure to comply with crew instruction are a threat to the safety of flight. The threat of 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. We simply cannot allow this behavior to become commonplace for this reason alone. Every level of threat requires vigilance and scrutiny. We cannot be lulled into a place of accepting these distractions as a new normal.

Flight attendants are the eyes throughout the aircraft for threats to safety of flight: slow decompression, fires of all kinds, medical emergencies affecting crew. We attend to the health and safety of passengers facing an array of medical emergencies from pregnant mothers suddenly in labor, to heart attack, stroke, choking, allergic reaction, or drug overdose. When emergency landing or ditching prep is necessary there is no time to lose to prepare the cabin and save lives. The safety of every passenger and crewmember onboard is in jeopardy when our duties are interrupted or needless distractions arise.

These events are also a distraction in the flight deck. We need to work to reduce and eliminate all distractions and disruptions in order to ensure the safety of flight.

*Survey Results Say 85% of Flight Attendants Have Experienced an Unruly Passenger Event in 2021*

On July 29, 2021 our union released<sup>2</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 five 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 onboard said law enforcement was requested to meet their flight.

The survey results demonstrate a greater impact on workers than the FAA reported numbers provide. 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 when better addressing any of the contributing factors.

<sup>2</sup>[https://www.afacwa.org/unruly\\_passengers\\_survey](https://www.afacwa.org/unruly_passengers_survey)

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.

One Flight Attendant wrote, “We tell them [passengers] that it is a federal offense to not comply with crew member instructions, use foul and/or threatening language onboard, and then the plane is met by airline supervisors or airport law enforcement and the passenger gets a slap on the wrist and sent on their way. I’ve been yelled at, cursed at and threatened countless times in the last year and the most that has come out of it has been a temporary suspension of travel for the passenger. We need real consequences if flight attendants are ever going to feel safe at work again.”

Another Flight Attendant wrote, “I was on the floor in the back of the plane and the [rest of] crew members didn’t know what happened until after my attacker had already deplaned.”

Racist, sexist, and homophobic abuse of flight crews creates a hostile environment for everyone onboard and violates federal law. It has no place anywhere, and certainly not in a workplace environment. Our union has fought discrimination and prejudice for decades, and we are not about to allow this moment to set us back.

The danger in this hostile environment in response to flight attendants simply conducting routine safety reminders and compliance is hesitancy in performing these tasks. It is a federal aviation safety requirement that aircraft are staffed with a minimum number of flight attendants. Aviation safety is at risk when crew are deterred from or delayed in performing safety duties.

#### *Significant Opportunities for Reducing Events*

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-owned regional subsidiaries Piedmont Airlines and Envoy Air who have serious concerns about their safety in the workplace and are looking to this administration for action that shows the safety of ground service workers is a priority.<sup>2</sup>

Our ground service members have seen that incidents of assault against passenger service agents are rarely investigated or prosecuted. This is despite a 2017 ruling from the Department of Justice which confirmed that any interference with airport or air carrier employees with security duties is punishable by criminal penalties and jail time—a provision that applies to passenger service workers performing a range of vital security functions and are therefore covered under this decision.

Over the past few months, CWA ground service members across the country have experienced serious incidents of physical and verbal assault and harassment, with few repercussions for the offending passenger imposed by law enforcement.

- On June 28, 2021 at the Charlotte Douglas Airport, a passenger attempted to board a flight in a state of extreme intoxication. CWA gate agents, fulfilling their duties to secure the aircraft and protect the other passengers, denied the passenger access to his flight. He became extremely violent—physically assaulting one of our members and verbally attacking another two. There is no doubt about what happened. Video of the assault, taken by a member of the public, was obtained by local news and is publicly available.<sup>3</sup> Despite conclusive evidence, local law enforcement did not pursue assault charges against the passenger in Charlotte and the FAA and federal law enforcement have likewise refused to pursue this matter seriously because of overlapping jurisdiction at the airport.

- On July 30th at John F. Kennedy Airport, two CWA members were assaulted after intervening in a dispute between two passengers. The agent involved was repeatedly punched in the face and verbally threatened for refusing to allow the passenger on the airplane. No charges have been pursued at this time.
- On June 30, 2021, a passenger attempting to board a flight from JFK to MIA was stopped at the gate after an altercation with another passenger. Despite warnings that any disruption onboard the aircraft would not be tolerated, the passenger became aggressive with agents—pushing, shoving and punching the agent in the face several times. The agent was transported to a hospital after experiencing headaches and pain in the jaw, left arm, knee and lower back.

By failing to follow the law and seek justice for the victims of assaults like these, a message is being clearly communicated that the safety of airport workers is not a priority. Ground service members are the last line of security before these agents have the opportunity to board the aircraft and disrupt service. These incidents have outraged CWA agents across the country and highlight the need for local and federal law enforcement to prioritize airport workers safety and security.

**ACTION BY GOVERNMENT AND AIRLINES HAS MADE A DIFFERENCE—BUT MUCH MORE TO DO**

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.” Violations of this law carry up to \$35,000 in fines for each incident, and up to twenty years in prison if convicted. While the FAA has levied more than one million dollars in fines, the Department of Justice has been slow to conduct criminal investigations or seek indictments.

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.

We commend FAA Administrator Dickson for initiating a ‘zero-tolerance’ policy for violation of this FAR and passenger misconduct, first on January 13, 2021, at the first sight of this new threat and further extending the policy in March. In addition, we appreciate the FAA’s public campaign to communicate consequences of violations, and the efforts to bring the entire aviation ecosystem together to address these problems. Dickson’s letter to airports<sup>3</sup> is a good example of these efforts, and we appreciate the consistent dialog and problem-solving with FAA, DOT, and TSA. Consistent communication from leaders makes a huge difference and it has been extremely helpful to have federal officials, including the President of the United States, clearly communicating the rules and the consequences for breaking them. Plain instructions from leaders such as President Biden’s call to “show some respect” helps set a clear tone of order civil discourse in our shared space.

Still, there’s more to be done to improve communications. 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. 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.

Airlines have individually taken action to ban bad actors from future flights. For example, United Airlines has banned over 1000 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 avoid putting United flight attendants in danger or into the role of a law enforcement official and has helped deescalate a number of incidents involving unruly passengers.

<sup>3</sup> [https://www.faa.gov/data\\_research/passengers\\_cargo/unruly\\_passengers/toolkit/media/Letter\\_to\\_airports\\_FINAL\\_signed.pdf](https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/toolkit/media/Letter_to_airports_FINAL_signed.pdf)

PROBLEMS CONTRIBUTING TO UNRULY PASSENGER BEHAVIOR AND RECOMMENDATIONS TO STOP IT

With passenger incidents on the rise, many Flight Attendants have expressed concerns about coming to work. When we think of the incidents we've seen, we think of large network airlines with sufficient crews to deal with a variety of issues but regional airlines are reporting a couple of aggressive passenger incidents per week and often there is a single flight attendant to face unhinged rages.

Overall, staffing minimums in the airports, at the gates, and on our planes make it harder to identify problems early, seek help, and deescalate conflict.

*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 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. 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.
2. FAA should require a COVID-protocols and zero-tolerance policy communications plan from every carrier and airport to ensure that all parties are brought into the process and that appropriate resources are being deployed to support compliance.
3. Make the FAA 'zero-tolerance' policy permanent.
4. The DOJ should utilize existing statutes to conduct criminal prosecution.
5. Implement a series of actions proposed by our union to keep problems on the ground and respond effectively in the event of incidents.

*Refusal to Comply with Mask Mandate*

On September 14, 2021 the TSA extended the mask mandate (SD 1582/84–21–01B), which was first issued on January 27, 2021 requiring masks to be worn on all forms of public transportation. According to the FAA, as of January 1, 2021, about 75% of disruptive passenger incidents are directly related to the mask mandate<sup>4</sup>.

In his September 9, 2021, speech on new measures to address COVID–19, President Biden called out the unprecedented verbal and physical assault of flight attendants, and implored people to act in a civil manner. During this speech the President also announced that fines for passenger disruption and noncompliance would be doubled. Our union thanks President Biden for his push to stop unruly passenger behavior and his message of respect for those of us on the frontlines doing our jobs to keep everyone safe.

On August 3, 2021, FAA Administrator Steve Dickson sent a letter to Airport leaders reinforcing the FAA zero tolerance policy on disruptive behavior. He stated "Every week, we see situations in which law enforcement was asked to meet an aircraft at the gate following an unruly passenger incident. In some cases, flight attendants have reported being physically assaulted. Nevertheless, many of these passengers were interviewed by local police and released without criminal charges of any kind. When this occurs, we miss a key opportunity to hold unruly passengers accountable for their unacceptable and dangerous behavior."

<sup>4</sup> <https://www.cnbc.com/2021/07/06/disputes-over-mask-mandates-comprise-75percent-of-faas-unruly-passenger-complaints-on-planes-.html>

Mask use continues to be an effective way to help stop the spread of COVID-19, and consistent enforcement and accountability are vital—especially as some travelers refuse to act responsibly. Since the Transportation Security Administration announced in February that most passengers must wear masks on airplanes and in airports, the agency has received more than 3,000 reports of mask-related incidents<sup>5</sup>. As of last week, Alaska Airlines alone had placed 857 passengers on a ban list due to failure to comply with mask policy.

*Recommendations:*

1. Maintain the TSA enforcement directive for the CDC transportation mask mandate to keep passengers and aviation workers safe.
2. Make permanent the FAA zero tolerance policy and increased fines for disruptive, unruly, and violent passengers.
3. Minimize onboard food and beverage service until the CDC declares that the pandemic is over in order to facilitate more consistent mask wearing.
4. Require that all airport bars, restaurants, and shops post signage and issue verbal warnings to patrons who fail to comply with masking requirements.

*Drunk Passengers and Alcohol Consumption Allowed outside of Concessions*

To facilitate mask-wearing and enhance COVID 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 onboard 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.

In this fraught moment, we have emphasized the need for clear, strong, and consistent messaging. Today, we must convey to the Committee our profound dismay that some airport vendors are actively undermining efforts to enhance compliance by encouraging passengers to violate alcohol consumption rules.

In airports across the country, from Phoenix to St. Louis to New York, 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.

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<sup>5</sup> [https://www.faa.gov/data\\_research/passengers\\_cargo/unruly\\_passengers/](https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/)



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. Limit onboard alcohol sales.
2. Ban cocktails to-go and in-airport alcohol delivery.
3. Limit customers to purchasing one alcoholic beverage at a time.
4. The FAA must remind airports and vendors of their obligation not to serve inebriated passengers.
5. 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 be unbroken if we are to have the chance 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. Investigations can take weeks or months to investigate because of a tremendous case backlog and staffing shortages, meanwhile an unruly passenger will continue to fly and abuse crew members, gate agents, and other aviation staff. I am concerned that it sends the

message to offenders and would-be offenders that enforcing the rules is not a priority.

An issue that needs particular attention now is how an aggressive passenger can be banned from one airline but then promptly fly on another one, putting more crews, passengers, and gate agents at risk and sending a message of lax (if any) oversight. This is not acceptable. A central database that all the airlines can access to share information about passengers who are banned from flying makes practical sense.

*Recommendations:*

1. Clarify what triggers pilot reporting and law enforcement response, define and require that pilot reporting and ground response protocols are implemented, take action against passengers who break the rules including consistent applications of fines (and some immediate consequence, not just the remote threat of a distant and unlikely consequence), criminally prosecute certain offenders under the DOJ, and direct the fines into a legal/medical fund for affected crewmembers and PSAs.
2. Create a centralized list of passengers who may not fly for some period of time and provide airlines with access to the list. Add to the contract of carriage that airlines have the right to share passengers' information with the DOT.

*Insufficient Flight Attendant and Gate Agent Staffing*

The demands of managing the current spike in aggressive passenger incidents is straining Flight Attendant and Passenger Service Agents (PSA) staffing.

*Recommendations:*

1. Increase staffing to ensure a sufficient number of Flight Attendants and PSAs to observe and respond to the issues.

CONCLUSION

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 flying friendly. We look forward to working with this subcommittee on our union's proposed actions and recommendations to affect positive change. Aviation is about bringing people together, not tearing us apart. Every person matters, and we can only have the freedom of flight when we recognize the reality that we are all in this together.

Mr. LARSEN. Thank you, Ms. Nelson.

I now turn to Mr. Teddy Andrews. You are recognized for 5 minutes.

Mr. ANDREWS. Good morning, Chairman DeFazio, Chairman Larsen, Ranking Member Sam Graves, Ranking Member Garret Graves, and members of the committee. Thank you for the opportunity to testify today.

My name is Teddy Andrews. I am an American Airlines flight attendant of 10 years. My career in the airline aviation industry began in 1981, where I served in many positions, including gate agent, flight attendant trainer, and customer service instructor.

I am honored to be representing APFA and my 25,000 colleagues to discuss the most significant challenge and daily danger facing flight attendants right now.

Air rage has, unfortunately, become all too common. I have lost count of the times I have been insulted or threatened on a flight simply for doing my job.

The specific incident that I will share today is not easy to talk about. On this flight, my crew had just completed our service. My colleague, on the verge of tears, came to the galley after a passenger who refused to wear a mask had been giving her a hard time.

I left the galley to speak with the passenger. Politely I asked, "Sir, would you please put your mask on? It must be covering both

your mouth and nose.” He looked at me, and I will not repeat the epithet he used. He said, “N-word, I don’t have to listen to a damn thing you say. This is a free country.”

I was completely taken aback. I didn’t know what to say, but he continued. “You heard me, n-word boy.”

While I am trained for this, I know I don’t deserve to be spoken to like this under any circumstance. But I replied, “Sir, regardless of your thoughts, comments, or opinions, there is a mask requirement onboard our aircraft, and failure to comply could restrict your ability to fly with us in the future. We wouldn’t want that to happen to you, sir.”

He cited his freedoms and he called me the mask police. I said, “If you don’t do it for yourself, please do it for your family, who I am sure loves you very much and would be devastated if something were to happen to you. Please do it for your fellow passengers as well.”

He eventually calmed down and complied.

I, myself, have a personal experience with this virus. I understand the importance of a mask mandate. In March of 2020, I contracted COVID-19 and nearly died. The ER called my daughter on her 24th birthday to say that it would be a miracle if I made it to the morning.

After 10 days in the ICU, I stabilized, but I was not able to work again until September of 2020. I could barely walk across the room without oxygen.

The work environment I returned to had changed. And that incident I shared is not unique to me or my colleagues. Air rage comes in many forms—insults, threats, physical assaults, general disrespect—simply for adhering to our responsibilities.

I too wear my mask for hours on end. I know what is at stake if we don’t utilize all safety precautions to beat this pandemic.

Last year, we came to work when everyone else was told to stay home. When demand for air travel dropped off steeply, we worried about our job security. And I would like to thank this committee for passing the Payroll Support Program, which saved our jobs, our healthcare, and the industry. I cringe to think what would have happened to me in the ICU without health insurance.

Now, flight attendants are in a third phase of crisis, worried about our safety just by coming to work and fulfilling our duties. Today we find ourselves in an environment where we may need the voluntary self-defense skills offered by TSA.

The question, however, is how to prevent these situations from escalating to that point. Medical emergencies, onboard fires, security threats, and emergency evacuations are situations that we are prepared for every day, every flight. But now our most immediate danger is air rage. These days I come to work anticipating disruptive behavior. It feels like flight attendants have become the target for all kinds of frustration.

But every day, flight attendants are disrespected for the job we are trained to do. My colleagues are anxious and fearful. What is going to happen on the next flight? How will this passenger react if I remind them to wear their mask? Will complying with airline policy set them off? Can I avoid engaging, or would that be an evasion of my duties?



Many of you travel, on this committee, you travel every week and understand the challenges of air travel today. We cannot combat air rage without coordination at the Federal level.

Our passengers need clear expectations and strong consequences for their behavior. One more air rage event, one more flight attendant who is threatened or assaulted is one too many.

Thank you for your work to help keep my colleagues and I safe. My testimony is complete, and I look forward to your questions.

[Mr. Andrews' prepared statement follows:]

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**Prepared Statement of Teddy Andrews, Flight Attendant, American Airlines, on behalf of the Association of Professional Flight Attendants**

Good morning, Chairman DeFazio, Chairman Larsen, Ranking Member Graves, Ranking Member Graves, and members of the Committee. Thank you for the opportunity to testify today. My name is Teddy Andrews. I am a Charlotte-based Flight Attendant and have been flying with American Airlines for ten years. My career within the airline industry began in 1981, and since then, I have held numerous positions, including gate agent, Flight Attendant trainer, and customer service instructor.

I am honored to be representing my Union, the Association of Professional Flight Attendants, and my 25,000 colleagues to discuss the most significant challenge and daily danger facing Flight Attendants right now. Air rage has reached unprecedented levels. Disrespect, threats, verbal abuse, and even physical assault directed at flight crew have sadly become all too common. I thank this Committee for their commitment to the safety of Flight Attendants and for holding this hearing to help prevent future incidents from occurring.

At this point, I have lost count of the times I have been insulted or threatened on a flight simply for doing my job. The specific incident that I will share with you today is not easy for me to talk about. What should have been a routine domestic flight made me question my career choice. On this flight, my crew had just completed our service and was collecting trash and performing the required compliance checks. My colleague, on the verge of tears, came to the back galley and told me that she was having trouble with a passenger who was not wearing a mask. The passenger was deliberately not complying with the mask policy and was giving her a hard time. I offered to help, as any fellow crewmember would.

I left the galley to speak with the passenger, who still had his mask off but was not eating or drinking. As I approached him, I asked politely, "Sir, would you please put your mask back on? It needs to be covering both your mouth and nose."

He looked at me, and here I will not repeat the vile epithet he used. He said, "N-----, I don't have to listen to a damn thing you say, this is a free country." I was completely taken aback. I didn't know what to say. Then he continued, "You heard me, N----- boy."

I paused for a moment. While I am trained for this, I know I don't deserve to be spoken to like this under any circumstance. Finally, I replied, "Sir, regardless of your thoughts, comments, or opinions, there is a mask requirement onboard our aircraft, and failure to comply could restrict your ability to fly with us in the future. We would not want that to happen, so, sir, please do what we're asking of you. Put your mask on and keep it on this flight."

He went on and said, "You nor the Government can control me, and you are nothing but (damn) mask police. This entire virus thing is a big fake." To this I answered, "If you can't do it for yourself, would you please do it for your family, who I am sure loves you very much and would be devastated if something were to happen to you. Please do it for your fellow passengers as well."

The passenger eventually calmed down and put his mask on. I advised the captain of the disturbance who asked whether law enforcement was needed to meet our aircraft, but we landed safely with no further issues.

This pandemic has been amongst the most trying and tumultuous times to work in the airline industry. I also have a very personal experience with this virus. Early in the pandemic, in March of 2020, I nearly died.

Upon returning from an assignment in Chile, I started experiencing aches, chills, night sweats, coughing, and vomiting. I was tested at Urgent Care and the next day the Department of Health and Human Services informed me I was positive for COVID-19. I was placed on a 14-day in-home quarantine and sent a letter that said

if I left my home for any reason, I was subject to a \$2,000 fine and up to two years in jail.

That week, my condition deteriorated. I was admitted to the ER with a fever of 104.5 and an oxygen level of 88%. My daughter, on her 24th birthday, was called and told that it would be a miracle if I made it through the night. Intubation forms and DNR forms needed to be signed.

But after ten days in the ICU, I stabilized. My recovery took months. I was not able to work from March until September. I could barely walk across the room without oxygen. Today, I'm still recovering from chronic headaches. But against the odds, I am here, and I can work at the job I love again.

However, the environment I have come back to has changed entirely, and the incident I shared is not unique to my colleagues or me. We have been insulted by passengers in different ways and on many separate occasions, simply for adhering to our responsibilities.

When I fly, I, too, must wear a mask for hours on end because it is part of my job. I fully understand that it is not always pleasant to wear. But I also know, on both personal and professional levels, what is at stake if we don't utilize all available safety precautions to beat this pandemic.

This virus has taken a tremendous toll on the airline industry. Flight Attendants were deemed essential frontline workers. We came to work when everyone else was told to stay home. Then, when the demand for air travel dropped off steeply, we worried about our job security. We have Congress and the leadership of this Committee to thank for passing the Payroll Support Program and saving our jobs, our healthcare, and our industry during this pandemic. I cringe to think what would have happened to me in the ICU had I lost my health insurance.

But now, Flight Attendants are in a third phase of this crisis, worried and anxious about our safety simply by coming to work and fulfilling our job responsibilities. Flight Attendants have been offered voluntary self-defense training which was first introduced after the terrorist attacks of 9/11. Today, we find ourselves in an environment where we may need to employ these skills. The problem that must be solved is how we can prevent these situations from escalating to that point.

This type of environment makes it difficult for Flight Attendants to perform our duties as safety professionals. Medical emergencies, onboard fires, security threats, and emergency evacuations are all situations in which we are prepared to encounter every time we come to work. But now our most immediate danger, and our biggest distraction, is the number of incidents we find ourselves having to deescalate. I believe that passengers who so willfully cause disruptions, who show no regard for our policies and personnel, put all others in danger.

These days I come to work expecting some form of disrespect or air rage. It feels like Flight Attendants have become the target for all kinds of frustrations that some people are feeling. Sometimes it happens when passengers disagree with airline or federal policies. At times passengers are emboldened by alcohol. But above all, everyday Flight Attendants are not being respected for the job we are here and trained to do.

My colleagues are anxious. What is going to happen on the next flight? How will this passenger react if I remind them to wear their mask? Will complying with airline policies set them off? Can I avoid engaging, or would that be an evasion of my duties? This is now our constant fear.

I know many of you on this Committee travel each week and personally understand the challenges of air travel today. We cannot combat this issue without solid coordination at the federal level. We must ensure that passengers have clear expectations and consequences for their behavior in flight. One more air rage event—one more Flight Attendant who is singled out, threatened, or assaulted—is one too many.

Protecting ourselves from unruly passengers has become the top issue for our Union this year. Successfully deterring this behavior will require full coordination between all aviation, airport, and government stakeholders. Everyone has a part to play. Here are some initiatives that our Union supports.

1. Establishment of a federal "no-fly" list for disruptive passengers
2. Full enforcement of civil penalties/fines, no settlements
3. Federal criminal prosecution where it applies
4. Public identification of passengers who have verbally/physically assaulted crewmembers
5. Creation of a public campaign on behavior/consequences funded through assessed fines
6. Confiscation of all alcohol through TSA
7. Discontinuation of to-go alcohol and shots in airports
8. Increased police and security presence in airports

9. Increased monitoring of passengers through the airport, TSA, and prior to boarding
10. Consistent enforcement of the mask mandate throughout the airport and security
11. Inclusion of updated de-escalation and TSA self-defense training for Flight Attendants at annual requalification training

Thank you for the work you do to help keep my colleagues safe. My testimony is now complete.

Mr. LARSEN. Thank you for your testimony.

I now want to recognize Chris Bidwell—just a moment.

I will recognize Mr. Christopher Bidwell from the Airports Council International–North America.

Mr. Bidwell, you are recognized for 5 minutes.

Mr. BIDWELL. Chairman Larsen, Chairman DeFazio, Ranking Member Graves, Ranking Member Graves, and members of the subcommittee, thank you for inviting me to participate in today's hearing.

I am Christopher Bidwell, senior vice president of security at Airports Council International–North America. I appreciate the opportunity to discuss the work of the airport operators in responding to and helping to reduce the number of unruly passenger incidents.

As the security of their passengers, employees, tenants, and facilities is their top priority, airports implement a number of measures. Airports coordinate these security measures with their partners at the TSA, FAA, FBI, other Federal, State, and local law enforcement agencies, and the airlines.

COVID has created a lot of stress for our members, our industry, and the traveling public. Due to that stress, many people are acting differently in various aspects of their lives, and air travel is no different.

While it is easy to blame the rise of unruly passenger incidents on one cause or another, there are a variety of factors that contribute to the incidents to which our airport members are asked to respond.

We applaud the FAA for implementing a zero-tolerance policy. We also appreciate TSA for having doubled the civil penalty violations for the Federal mask mandate.

Much has been discussed in the press about the role of alcohol and the behavior of unruly passengers, but we have yet to see data on the number of incidents that involve alcohol.

Bartenders in restaurants and bars at airports must be certified and trained by local alcohol licensing authorities. Airport concessionaires are subject to the same licensing, oversight, and inspection requirements in order to maintain a license to serve alcohol as any other establishment in the local community.

Airports work with their airline partners on initiatives to raise awareness about the FAA regulation prohibiting passengers from drinking their own alcohol onboard aircraft.

With certain States and communities having lifted mask requirements, many residents were surprised, frustrated, or even upset by TSA's extension of the mask mandate at airports, and calls for airport law enforcement support increased significantly. This remains an added burden on airport law enforcement that is in addition to their existing responsibilities.

Airport law enforcement faces a number of challenges when called by airlines to respond to unruly passenger incidents. Whereas interference with crewmembers is a Federal offense under title 49 of the United States Code, section 46504, airport law enforcement can only enforce State and local law.

Depending on the nature of the incident, airport law enforcement officers may only be able to conduct a cursory investigation and turn the case over to Federal authorities.

Let me be clear. Airport law enforcement attempts to hold unruly passengers accountable for their dangerous behavior while operating in accordance with State and local law.

In some instances, airline crewmembers are reluctant to stay around to press charges, even when they have been assaulted. Unless crewmembers press charges, airport law enforcement officers may not be able to legally detain the unruly passenger.

We are committed to being part of the solution and encourage the implementation of the following recommendations.

First, airline gate agents, as the first line of defense, should be extra vigilant for signs and deny boarding to those individuals they suspect are intoxicated.

Second, when an incident occurs, airline crewmembers should make statements to airport law enforcement and press charges to enable criminal prosecution.

Third, airport law enforcement should be provided the flexibility to prioritize the response to unruly passenger incidents.

Fourth, FAA and TSA should share more detailed and timely data on incidents with airport operators to ensure better situational awareness.

Fifth, the U.S. Government should prioritize the prosecution of individuals who interfere with crewmembers and broadly publicize successful criminal prosecutions and civil penalty actions.

ACI-NA and our member airports are committed to working with Congress, FAA, TSA, FBI, and other law enforcement agencies and aviation stakeholders to identify good practices to reduce the number of unruly passenger incidents. We look forward to coordinating with our industry and Government partners to implement our recommendations to address this important issue.

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

[Mr. Bidwell's prepared statement follows:]

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**Prepared Statement of Christopher R. Bidwell, Senior Vice President of Security, Airports Council International-North America**

Chairman Larsen, Ranking Member Graves, and Members of the Subcommittee, thank you for inviting me to participate in today's hearing. I am Christopher Bidwell, Senior Vice President of Security at Airports Council International-North America (ACI-NA), the trade association representing the local, regional, and state governing bodies that own and operate airports in the United States and Canada. I appreciate the opportunity to discuss the work of airport operators in responding and helping to reduce the number of unruly passenger incidents.

Mr. Chairman, each day, airports, operating in today's dynamic threat environment, implement a variety of measures to provide for the security of their passengers, employees, tenants and facilities. To this end, airports coordinate closely with the Federal Aviation Administration (FAA), Transportation Security Administration (TSA), U.S. Customs and Border Protection (CBP), the Federal Bureau of In-

vestigation (FBI), other federal, state and local law enforcement agencies, and their airline partners to maintain a comprehensive, multi-layered, risk-based aviation security system. In our testimony, we have included several recommendations to address and mitigate unruly passenger incidents.

COVID has created a lot of stress for our members, our industry and the flying public. Due to that stress, many people are acting differently in various aspects of their lives, and air travel is no different. While it is easy to blame the rise of unruly passengers incidents on one cause or another, there are a variety of factors that contribute to the incidents to which our airport members are asked to respond.

As with any issue in the aviation business, we arrive at the best outcomes when industry and government work together as a community to identify potential gaps and improve communication, processes and procedures.

We applaud the FAA for implementing a zero tolerance policy to raise awareness about the issue of unruly passengers and for taking action against those individuals whose behavior is causing problems in the aviation system. We also appreciate the TSA for doubling the amount of civil penalties that may be imposed on individuals who violate the federal mask mandate.

At ACI-NA, we have been proactively working on a number of fronts to address the challenges:

- At our request, the FAA briefed our Marketing, Communications and Customer Experience Committee on the issue of unruly passengers, so airports can amplify FAA's message and share information about how they are assisting their airline partners.
- Our Public Safety & Security Committee identified and shared good practices, processes, and procedures airport management, airport law enforcement, TSA and the airlines have implemented to address unruly passenger behavior.
- ACI-NA has held and continues to participate in joint meetings with member airports, Airlines for America, the Airport Law Enforcement Agencies Network (ALEAN) and concessionaires to share information and identify strategies to mitigate the causes that give rise or contribute to unruly passenger incidents.

Much has been discussed in the press about the role of alcohol in the behavior of unruly passengers, but we have yet to see any data on the number of incidents that involve alcohol. Bartenders who work in airport restaurants and bars must be certified and trained by local alcohol licensing authorities. Commensurate with the oversight of local restaurants and bars with liquor licenses, airport concessionaires are subject to the same licensing, oversight, and inspection requirements in order to maintain a license to serve alcohol. In general, airports have no authority over alcohol licensing, but continue to work with their airline partners on initiatives to raise awareness with travelers about the FAA regulation prohibiting passengers from drinking alcohol on board the aircraft unless it is served by the air carrier. Some airports have deployed signage to assist airlines that are reluctant to make announcements during the boarding process. Other airports worked with local airlines to design and institute the use of marked cups to assist airline gate agents in identifying those that contain alcohol.

In accordance with TSA security regulations, airport operators provide law enforcement officers, with arrest authority, in the number and manner adequate to support their federally approved security programs. Airport law enforcement officers are available, committed, and respond to incidents when requested by air carriers serving the airport.

With certain states and communities having lifted mask requirements, many residents were either surprised, frustrated or upset by TSA's extension of the mask-wearing requirement at airports, and calls for airport law enforcement support increased significantly. This remains an added burden on airport law enforcement, in addition to their existing responsibilities for investigating and preventing criminal activity, enforcing requirements in the airport security program, and supporting TSA screening checkpoint operations.

TSA created the Law Enforcement Officer Reimbursement Program to partially reimburse airports for providing law enforcement officer staffing and support at screening checkpoints. Although TSA planned to recruit, train and deploy a total of 2,000 Federal Law Enforcement Officers at security checkpoints, the agency did not have the funding to do so. Over time, many airports have entered into reimbursable agreements with TSA to provide law enforcement officers to support TSA screening operations. As security threats continue to evolve, TSA has imposed additional requirements on airport law enforcement officers. Through the TSA Modernization Act, Congress clearly recognized the significant security value of the TSA Law Enforcement Officer Reimbursement Program and required TSA to expand it. Congress should continue to provide TSA adequate funding to fully support this important program.

In responding to calls from airlines to address unruly passenger incidents, airport law enforcement faces a number of challenges. Whereas interference with crewmembers is a federal offense under Title 49 of the United States Code section 46504, airport law enforcement can only enforce state/local laws. Depending on the nature of the incident, airport law enforcement officers may only be able to conduct a cursory investigation and turn the case over to federal authorities.

Let me be clear, airport law enforcement attempts to hold unruly passengers accountable for their dangerous behavior, while operating in accordance with state and local law.

In some instances, however, airline crewmembers are reluctant to stay around to press charges, even when they have been assaulted. Unless crewmembers press charges, airport law enforcement officers may not be able to legally detain the passenger.

If there is a physical or sexual assault that occurs while the aircraft is in flight, the Federal Bureau of Investigation (FBI) has jurisdiction. Typically, airport law enforcement will collect information, and contact the FBI. Although the FBI can request airport law enforcement to detain the passenger on a federal charge, it is rare and usually occurs only when an aggravated assault or altercation has occurred. Most of the time, FBI requests airport law enforcement to gather information and forward the reports, so the agency can follow up.

Further, as it pertains to incidents that occur at an airport, many state criminal and procedural laws require law enforcement officers to witness the crime in order to detain the perpetrator.

As I stated previously, it takes the community to solve the problem. We are committed to being part of the solution, working with the FAA, TSA, our members, other government agencies and the rest of the aviation community to implement the following recommendations to address unruly passenger incidents.

- Airline gate agents, as the first line of defense, should be extra vigilant for signs and deny boarding to those individuals they suspect are intoxicated, and notify airport law enforcement.
- When an incident occurs, airline crewmembers should make statements to airport law enforcement and press charges to enable criminal prosecution.
- Airport law enforcement should be provided the flexibility to prioritize the response to unruly passenger incidents.
- FAA and TSA should share more detailed and timely data on incidents with airport operators to ensure greater situational awareness.
- The U.S. Government should prioritize the prosecution of individuals who interfere with crewmembers, and broadly publicize successful criminal prosecutions and civil penalty actions.

#### CONCLUSION

ACI-NA and its member airports are committed to continue to work with Congress, FAA, TSA, FBI, and other law enforcement agencies and aviation stakeholders to identify good practices to reduce the number of unruly passenger incidents. We look forward to coordinating with our industry and government partners on the implementation of our recommendations to address this important issue.

Thank you for the opportunity to submit this written testimony.

Mr. LARSEN. Thank you, Mr. Bidwell.

I now recognize Ms. Lauren Beyer, vice president of security and facilitation for Airlines for America.

Ms. Beyer, you are recognized for 5 minutes.

Ms. BEYER. Good morning. My name is Lauren Beyer, and I am the vice president of security and facilitation at Airlines for America. A4A appreciates the opportunity to testify today, and I am honored to be presenting alongside our labor and airport partners on this important topic.

The top priority of A4A passenger carriers is the safety and well-being of all employees and passengers, and we are dedicated to working with our employees, Government partners, and other private-sector stakeholders to address unruly behavior and ensure that appropriate penalties for egregious conduct onboard aircraft

are fully pursued. There is simply no place in our skies for passengers' unruly and disruptive behavior.

I would like to thank the leadership of this committee, specifically Chairs DeFazio and Larsen and Ranking Members Graves and Graves, for your steadfast commitment and oversight of this issue. Your support and advocacy for strict enforcement of incidents has played a critical role in the Federal Government's continued enforcement of the Federal Aviation Administration's zero-tolerance policy for travelers who do not follow crewmember instructions and who do not abide by Federal law.

While most passengers, as has been noted, continue to comply with crewmember instructions, we unfortunately have seen a very concerning uptick in unruly passengers aboard aircraft this year.

And though the frequency of these incidents remains relatively low compared to passenger volume, even one unruly passenger event is one too many. Each incident is thoroughly investigated by the airline to determine the facts and details of the case, and the incidents are also reported to the FAA.

In addition to the FAA's independent civil enforcement process and any potential criminal prosecution, A4A member airlines can choose to place a passenger on an internal no-fly list, denying that passenger from flying on that airline.

Coordination and communication with our Federal partners has been really critical. Airlines have been in regular communication with the FAA and the Transportation Security Administration to exchange information.

We appreciate the FAA's efforts just this week to provide a forum for industry and Government to share best practices and identify additional actions that can be taken across the entire aviation ecosystem.

In June, A4A sent letters to the FAA and the Department of Justice requesting our Federal partners do everything possible to increase the public awareness of the ramifications of unruly incidents. In the FAA letter, we requested the agency refer egregious cases to the DOJ so that they may swiftly prosecute criminal acts to the fullest extent of the law.

The FAA compliance and enforcement program already directs this coordination when a case supports criminal enforcement action.

A4A worked with a coalition of airline and labor partners to ask the Department of Justice to direct Federal prosecutors to dedicate the resources for these egregious cases and to send a strong and consistent message through criminal enforcement that compliance with Federal law and upholding aviation safety are of paramount importance.

As the airline industry, we understand there are steps that we needed to take to better address the problem as well. Each of our member airlines has taken steps to evaluate what more can be done and make enhancements, in consultation with their employee groups, to policies, training, communications, and more.

Earlier this year, A4A and our members began collecting and sharing best practices across carriers to improve the airline response to these incidents. Such best practices include the perform-

ance of safety risk assessments, management and employee training initiatives, and enhancements to customer-facing initiatives.

These efforts have led to engagement across the broader industry, to discuss collectively what more can be done. As a result, we are now working on a cross-industry, self-initiated, best practices effort that includes my fellow panelists.

We believe an industrywide approach is beneficial so that all entities with responsibility in the aviation sector have visibility into what the other entities are doing to address the problem.

We will continue to work together with labor, Government partners, and other industry stakeholders to do everything possible to prevent and better respond to these incidents.

Thank you again to the committee for raising awareness of this concerning trend, and I look forward to your questions.

[Ms. Beyer's prepared statement follows:]

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**Prepared Statement of Lauren Beyer, Vice President of Security and Facilitation, Airlines for America**

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

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

THANK YOU

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

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

INCIDENT DATA, REPORTING AND RESPONSE

While most passengers comply with crewmember instructions, we unfortunately have seen a very concerning uptick in unruly passenger incidents onboard aircraft in 2021. Year-to-date in 2021 we have seen FAA investigations increase to 17.8 per every 10 million passengers compared to 4.9 in 2020 and 1.6 in 2019. While that is a large increase, the frequency of these incidents remains relatively low at one investigation initiated for every 563,000 passengers enplaned. However, even one unruly passenger event is one too many. These events are taken very seriously, and each incident is reported to the FAA and thoroughly investigated by the airline to determine the facts and details of the incident. In addition to the FAA's independent civil enforcement process and referrals to the Department of Justice (DOJ) for criminal prosecution, A4A member airlines can choose to place a passenger on an inter-



nal no-fly list, denying that passenger from flying on that airline. Incidents are dealt with on a case-by-case basis.

#### FEDERAL COORDINATION AND COMMUNICATION

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

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

In the FAA letter, we requested the agency refer abhorrent cases to the DOJ so that the federal government may fully, swiftly and publicly prosecute criminal acts to the fullest extent of the law and deter this dangerous and concerning behavior. We believe the DOJ is well-equipped with the authority and processes to criminally prosecute qualifying passenger behavior. Specifically, Section 46504 of Title 49 of the U.S. Code (49 U.S.C. § 46504) prohibits assault or intimidation of a flight crewmember or flight attendant that interferes with the performance of a crewmember's duties or lessens the ability of the crewmember to perform those duties. The prescribed penalty ranges from a fine to imprisonment for not more than 20 years, or both. The FAA Compliance and Enforcement Program instructs that FAA's enforcement counsel promptly coordinate FAA enforcement action with the DOJ, when an Enforcement Investigation Report contains allegations supporting both criminal and legal enforcement action.

We made clear that our member airlines and our labor partners are committed to working with the FAA, DOJ and the entire Federal government to ensure onboard safety and security. This includes participation in any investigation of onboard behavior and collaboration in any prosecution of passengers. To the extent that the FAA, DOJ, and TSA consider coordinating the collection of case information, we support any consolidation efforts and standby to assist.

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

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

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

#### STAKEHOLDER COORDINATION AND BEST PRACTICES

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

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

to keeping unruly passengers off the aircraft and de-escalation of incidents if they happen onboard.

#### CONCLUSION

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

Mr. LARSEN. Thank you, Ms. Beyer.

And we will now turn to Member questions, and I will recognize myself for 5 minutes.

Ms. Nelson, my first question is for you. Certainly, in a continuum of trying to tamp down these incidents, there is a prevention side, there is the management of the situation in the cabin part, but then there is the enforcement as well of any charges.

But in your survey, you said 60 percent of respondents experiencing a physical incident onboard said law enforcement was requested to meet their flight. In those instances, did law enforcement meet the flight?

Ms. NELSON. Chairman Larsen, in not every instance was law enforcement actually able to meet the flight in time before the passenger left the scene.

But what is also concerning is that 40 percent of that time—we are talking about physical altercations here—law enforcement was not requested to meet the flight, which means that there is a break in communication at some point here in even getting that request to law enforcement.

But you are correct, not in every case did law enforcement actually meet the flight when there was a request.

Mr. LARSEN. Yeah. And, again, I just want to reiterate, there is a prevention side, which I think we are going to explore a little bit, there is the management of the situation in the cabin, and there is enforcement. So I am not just saying it is only a law enforcement issue, but when it does need to occur, it should occur.

Mr. Bidwell, you talked a little bit about the coordination, lack thereof; what improvements can occur with regards to airport law enforcement. Can you expand on that a little bit?

Mr. BIDWELL. Chairman Larsen, absolutely, I appreciate the question. And as I mentioned in my statement, airport law enforcement does everything within their power and authority to hold unruly passengers accountable for their bad behavior.

There may be situations—and I can't speak to the internal communication and coordination issues within the airline—where there may be a delay in requesting airport law enforcement assistance. But suffice it to say, airport law enforcement responds when called

to carriers, supports them in responding to unruly passenger incidents.

Mr. LARSEN. It just seems already to me that, at least on the enforcement side, there are gaps in the communication that occurs to ensure there is law enforcement available when requested.

But, Ms. Beyer, can you talk from the airlines' perspective on how that process works to ensure that there—or to increase the opportunity for law enforcement to be at the gate upon landing?

Ms. BEYER. Sure. Thank you for the question. So, it is the responsibility of the crewmembers onboard, when there is an incident, to communicate with the airline and to make the decision that the incident onboard merits calling law enforcement to greet the aircraft.

From our side, from a higher level, we have coordinated for many months with our airport partners, with our airport law enforcement partners to understand how we can improve any communication, and to ensure that when law enforcement is called, they have the resources and the time to greet the aircraft.

Mr. LARSEN. OK. Mr. Andrews, I just want to start off by underscoring, I recognize you work for American Airlines, not United, as I said in my testimony. We will fix that, because I know you are proud of your time there, and I apologize for that.

And it is really disheartening and disturbing to hear about this incident that happened to you, the one you described on the flight. What was the follow-on from that? Did you feel a need to report? Did you feel a need to let it slide? How did you want to approach it, and what eventually happened?

Mr. ANDREWS. Thank you for that question, Mr. Chairman. There was no need to, in my experience on that situation, to escalate it any further. Following our threat and air management procedures, if the situation is deescalated and brought to resolve, there is no need to contact the cockpit or to bring law enforcement involvement.

Mr. LARSEN. There was not. At any point on the escalation scale, then, what kind of incident would require you or compel you to report that first to the cockpit and then to the gate you are flying to?

Mr. ANDREWS. Thank you for that question, Mr. Chairman. That would probably be at level 2 or anything higher, anything that moves to a threatening level or physical interaction or anything becomes physical we are there to—

Mr. LARSEN. All right.

Mr. ANDREWS [continuing]. [Inaudible] move on.

Mr. LARSEN. Thank you. Thank you. My time is up.

I will recognize Mr. Graves of Louisiana for 5 minutes.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Chairman. Mr. Chairman, I want to make note—let me say it again, I said it at the beginning of my opening statement, and I am going to say it again. Some of the instances we have seen with unruly passengers are completely unacceptable. People need to be held fully accountable under the law.

But I found it interesting in that—I want to say it again—we have got to make sure that we are looking at this entire flight ex-

perience. Why are these incidents increasing, spiking, like they are? I heard alcohol, I heard masks, I heard other things.

Seventy-five percent—75 percent—of the air rage incidents that are occurring are tied back to masks—75 percent. Six percent are tied back to alcohol.

One of the things that I think about, and I said this in my opening, you have different experiences that people see—people see things like this [indicating a poster]. They see things like this happening. They see these things happening and they are trying to decide, wait, what is the rule? Is there a rule? Is there exception?

People sit down at restaurants right outside the gates of the airplane, and they are all sitting there eating and maybe close together, and they don't have masks on. Yet they come on an airplane, where they have been told that it is the cleanest air ever and all sorts of recycling air, and they have got to put masks on.

And so I do think that we have got to really think through this more holistically. I will say it again, not as myopically as just looking at it, why are all these experiences tied back to masks?

I think it is the frustration people have, the—I think the conditions that appear to be demonstrating a good bit of hypocrisy.

Mr. Chairman, I received a text message this morning from a guy at home, which I have no idea how he knew this hearing was happening. And he says, I want to share that I was traveling three times a month but have almost given up air travel because the experience is so uncomfortable with the mask mandate. As long as there is a mask mandate on airplanes and airports, I will avoid them at all costs. I know a lot of fellow travelers who feel the exact same way.

Look, I wear masks, I wear it here, I wear it on airplanes, but I do think we have got to make sure that we are not focused on too small of a subset of this issue and make sure that we are looking a bit more holistically.

Ms. Nelson, I appreciate your testimony, appreciate you being back before the committee. It seems that people, as I noted, are somewhat stressed out right now, and there is a lot of anxiety, as I noted in some of the statistics earlier.

Why do we see so many instances of flight attendants and airline employees escalating the situations in some of the videos? What efforts are you all working on to attempt to deescalate the situation?

And what I am thinking of specifically is, I know I have seen a few videos recently with some of these kids, including one that was having an asthma attack. Any thoughts there on how—I will use that term again—we can “decompress” these incidents?

Ms. NELSON. Thank you, Mr. Graves. First of all, I just want to note that everyone is at a stress level 10, everyone needs a little bit of help, and there are always exceptions, but flight attendants have done an extraordinary job of deescalating.

And part of the problem with deescalating is getting to the problem early so that you can deescalate. You also, oftentimes, if you are the initial flight attendant to provide instruction and there is a conflict created, you oftentimes need to call on another member of the flightcrew to try to do that deescalation.

When we have staffing levels at minimum levels, we have fewer people to be able to do that. We have fewer people to be able to

identify the issues as they are occurring so that we can get to those and deescalate them more successfully.

And I should just note that flight attendants do this every day. Most incidents and most flights don't make it on the evening news. As you noted, these are a relatively small number of incidents.

But, yes, we need more staffing. We also have to recognize that during the course of this pandemic, there has been conflicting information coming from leadership about what we need to do to address this public health crisis. And that is the biggest issue that we find onboard.

You are correct, there has not been enough enforcement in the airport and consistency around that. Flight attendants give instructions onboard that when you are eating or drinking, you are supposed to dip your mask for a short period of time, put it back up again. So there is very clear instructions onboard the plane for that.

When you talk about the air circulation onboard, we talk about levels of safety. All of the studies that show that great filtration onboard is very important. But the aircraft is not like an office environment. People are jammed in together much closer than any other space. It is recirculated air. And so the mask, together with the filtration onboard, together with the cleaning onboard, all of these levels of safety are what keep us safe.

Now, I will tell you, flight attendants every single day have to remind people, and, in fact, actually I was on a flight recently where I had to be reminded by a flight attendant to put my mask back up.

So not every instance is an instance of conflict. Sometimes we have to remind that because people are forgetting. So there will be instances of that. But the more that we can keep those masks on, the more that we are going to keep everybody safe, and we have to get through this pandemic.

Mr. GRAVES OF LOUISIANA. Thank you, Ms. Nelson.

Mr. LARSEN. I recognize Chair DeFazio for 5 minutes.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Ms. Nelson, Mr. Bidwell said that many times the affected flight attendant or flightcrew will not wait around to report to airport police. Can you address that?

Ms. NELSON. Yes, I can. So flight attendants are scheduled quite tight. Not all airlines have communicated to flight attendants that they will support them, both emotionally and legally, when these incidents occur.

There is a program at United Airlines that does provide this and does provide communication to flight attendants that helps them know that they will have that backing from the airline if they report these incidents to law enforcement.

It is a disruption in the day. There is a lot of pressure on the flight attendants to get to the next flight. They know that, because of minimum staffing, if they don't make the next flight, the next flight may not go out on time.

And so all of these pressures are on the employee on the front lines, not to mention the fact that we should recognize that these are the victims. These are the people who have just been punched in the face or have just been hurt in some way.

And if they don't have support around them right away to let them know that they should report that, that they are going to be supported in reporting that, oftentimes, in that state of shock, they are not in a place where they are able to make a good decision on their own without that information to make those reports.

So we often find that law enforcement will blame the crew. The crew is not necessarily backed up by the airline, or just given good information around that. And this is an area where we can improve.

I don't believe anyone is trying to do anything wrong here, but the crews don't have enough support around them, and they do have plenty of pressure on them to keep moving.

Mr. DEFAZIO. Thank you.

So, Ms. Beyer, I would hope that your member airlines would take that into account since FAA has asked them to look at what additional measures can be taken.

Ms. Nelson specifically mentioned United having a good policy around this. I assume that not all airlines have communicated that. If you were going to be a little late for your next flight, delay the next flight, because you have to report that someone punched you, we are going to support you. So I would hope that that would be part of the recommendations that would go.

Back to Mr. Bidwell, what about this to-go alcohol stuff? Again, I have been flying, doing this job for 35 years. And until this year, I never saw big to-go signs. Can't the airports themselves—you are saying, oh, well, it is local laws, like in Louisiana, you can walk down the street, and some States—I think New Mexico stopped allowing you to get drive-in, to-go drinks, but that is only recent.

So, couldn't the airports themselves say to the concessionaires, this could lead to a violation of Federal law, we want you to stop this practice?

Mr. BIDWELL. Mr. Chairman, thank you for the question. Although we have yet to see it, we understand the FAA has data indicating that alcohol was involved in 6 percent of unruly passenger incidents. And of that, we have no way of knowing whether the unruly passenger was intoxicated when they arrived at the airport, brought—

Mr. DEFAZIO. No, OK, I got that, but let's say, this is new. Here it is. I was getting a beer and some guy asked for like three shots of vodka in a to-go cup. By the time he cranks that down with whatever he drank beforehand, he is going to be drunk. And, yeah, maybe it is only reported at 6 percent. Who knows.

I am asking you a simple question. This did not occur before COVID, and why is it occurring now, and why won't you stop it? It is an inducement for people to break the law, just by carrying it onboard, let alone whether or not they are going to get crocked. Yes or no?

Mr. BIDWELL. So, to-go alcohol was available before the pandemic in certain instances, and it is only available in a relatively few locations. And I will tell you that in order to assist airlines that are reluctant to make announcements during the boarding process, many airports have deployed signage. Other airports work with local airlines to design and institute the use of marked cups to assist airline gate agents in identifying those that contain alcohol. It

is a coordinated effort, but only airline employees, and specifically gate agents, can deny boarding to passengers.

Mr. DEFAZIO. Right. So, they are going to have to do breathalyzers. All right, thanks. The answer is “No.”

Again to Ms. Beyer, just on the preflight announcements, some airlines have tougher announcements than others. I would hope, again, that would be part of the consideration that the FAA is asking for, to talk a little more specifically about the potential penalties in more harsh terms. OK, but here is a question.

Does law prohibit the airlines from sharing their no-fly lists? I think it does, maybe, because it is collusion or something.

Ms. BEYER. Thank you, Mr. Chair, for the question. As I mentioned, the internal airline no-fly list has been a really critical tool for us in response to this issue over the past year. I think it is important to note first, because there is sometimes some confusion, that what we are talking about is an internal airline no-fly list—

Mr. DEFAZIO. Right. I am asking, though, can one airline share it with another? Could there be a common database? Because someone gets banned from one airline because of unruly, unacceptable behavior, they just switch to another one.

Ms. BEYER. So, there are legal and operational challenges with airlines sharing those lists amongst one another—

Mr. DEFAZIO. OK. Then how about—OK, good, all right. That is a good answer. Thank you. There is a problem. Maybe we can have the FAA create a database, and they can ask people to post to that, and then the airlines can access it in the future.

My time is expired. Thank you, Mr. Chairman.

Mr. LARSEN. Thank you.

The Chair recognizes Mr. Massie of Kentucky for 5 minutes.

Mr. MASSIE. Thank you, Chairman Larsen. Thanks for having this hearing.

No passenger should ever be violent or disrespectful to a flight attendant or a member of the crew of an aircraft.

Everybody has a bad day now and then, and I always try to give somebody the benefit of the doubt when I see stern words being exchanged between a passenger and a flight attendant. I am thinking one of them is having a bad day. This is a stressful situation, and just try to give people the benefit of the doubt.

I would suggest—and I am not really going to direct my statements to the witnesses so much as my colleagues on this panel and also the broader membership of the House. I would suggest that we put these flight attendants and flightcrews in a very difficult situation, and there are some things that we might be able to do to alleviate that.

For instance, we live in a Republic where we elect Representatives and they pass the laws. The reason we have it that way is, if there were just one person or one nameless agency or bureaucracy that were promulgating these rules for us to live by, we have no way to address our grievances.

And if the People’s House would actually vote on these regulations—now, I don’t agree with the mask regulations, and I will get into that later—but if we would vote on these things, they would have the imprimatur of the support of the people, if the People’s House would weigh in.

But when people sit down in their aircraft to take their flight and they hear a public service announcement that says Federal law states, even myself, I am wondering, well, when was that Federal law passed?

The reality is, there has never been a Federal law passed. Yes, there are laws that you need to comply with the flight attendant, and, yes, there has been an Executive order, but the problem with that is what our Founders realized long ago: Unless you have the buy-in of the people, it is going to be hard to get people to comply with rules.

And so, I think a breakdown of our institutions, our governmental institutions, is leading to this breakdown of society and civil politeness to each other.

So, I would suggest that instead of wringing our hands and just having a hearing and listening to this, that we actually weigh in, instead of deferring everything to the executive branch and to people who aren't elected to make the rules.

And in the long run, I think it would be more helpful to our flight attendants and the flightcrews, and we could all have a better experience.

Now, let me get to another thing that I think is leading to these problems, and the ranking member touched on it. The science is very lightly presented here. I mean, what if in the pocket in front of you, instead of just instructions for exiting the aircraft, were directions for wearing a mask and also the science that shows to what degree a cloth mask is less effective than an N95.

I mean, people, they are sort of—they are catching on. They are not all scientists and engineers. But the cloth mask is the only medical device or personal safety equipment in the United States that is required, for which there is no specification, for which there is no regulation.

People start to wonder, well, if these worked, wouldn't there be a specification on them, and which ones work better than others? The science is not being presented here.

If we could persuade people of what is effective instead of trying to force them—and then as the ranking member pointed out, we see instances of our officials, the Speaker of the House going to close, tightly packed fundraisers and not wearing the mask, or other people within the Government who are on the planes and leave their mask off for an extended period of time. That doesn't help either.

So, let me just close by saying this. I do not support vaccine mandates. I do not support mask mandates. I am not saying they are not effective, but if we want to help out here, there needs to be a persuasion campaign, not a coercion campaign, and it is not fair to put the flight attendants in the middle of this. Some of it has become political, but we put them in the middle of a situation that is a no-win situation.

And I will just close with that and say, let's get back to the science, let's get back to being reasonable and civil with each other, and let's get back to the job of legislating, instead of wringing our hands because some administrative agency, which by the way, we have the authority over, because they have done something or



aren't doing something we don't agree with, but we haven't given them the instructions on what to do.

With that, I yield back, Mr. Chairman.

Mr. LARSEN. The gentleman yields back.

I now turn to Representative Cohen of Tennessee. You are recognized for 5 minutes.

Mr. COHEN. Thank you, Mr. Chair. I want to thank all of our witnesses.

For Mr. Andrews, I want to say that the behavior that you experienced was unacceptable, and there is no excuse for it. I don't care if people are upset because they have to wear masks. I don't care if they have higher stress. That behavior was totally unacceptable and inexcusable, and it was wrong.

This question goes out to anybody that can give me an answer. Has there been any—I guess I will start with Ms. Nelson. Has there been any analysis of the demographics of the people who have been involved in this outrageous behavior?

Ms. NELSON. Not that I am aware of, Mr. Cohen.

Mr. COHEN. Anybody else have any knowledge of any demographics on race, age, residence, anything at all?

Ms. NELSON. What I will tell you is that from our survey results, many of these incidents were more likely happening out of places where there has been a real inconsistent communication and very clear opposition to masks and to dealing with this public health emergency in a mobilized way.

Mr. COHEN. Can you be more specific? Are you saying that the airports have been less, or are they the region?

Ms. NELSON. I am being specific to the region, and, obviously, the airports are located in those regions. We have had—

Mr. COHEN. So are you saying basically the Southeastern Conference region?

Ms. NELSON. We have had a lot of incidents out of Charlotte. We have had a lot of incidents out of the Florida airports and out of Texas. And I am not saying that there aren't incidents in other places at all, but there seems to be a higher concentration.

Mr. COHEN. Thank you, Ms. Nelson. That is kind of what I suspected, and I would comment that Charlotte, which I have been through on occasion, there is—I think it is gate A. It is the furthest one out when you have to go to the terminal and go through it, and you are over on the side where they sell the pizza and the nice kind of area. The Chick-fil-A side that you go out the other way all the way to the end.

They will stop serving food out there, give or take, 6 or 7 o'clock. I think it is somewhere around there the food places are closed down. But the alcohol places stay open, and I know they stay open at least until the last flight is out. So the gentleman that—Mr. Bidwell, you represent the airports, do you not?

Mr. BIDWELL. Yes, sir, I do.

Mr. COHEN. Why in the hell would they not give you food, but they will give you alcohol?

Mr. BIDWELL. Congressman, I don't know what exactly is the policy for the concessionaires at gate A at Charlotte International Airport.

Mr. COHEN. Yeah. Well, it might be profit margin. It might be they don't give a hoot. But the areas where they sell the alcohol are packed, and the people are fairly rowdy. They do have some type of, like, little pork rinds or something like that, a real gourmet area. And I like pork rinds, which is neither here nor there. But they close the food. They close the food down, but the alcohol is in abundance.

This behavior is just wrong. I had to raise the issue early on in March of 2020 with the airlines to start enforcing masks because I was on planes where the flight attendants didn't wear masks, and there was no requirement for anybody to wear them. The flight attendants were not wearing masks either, and that is just wrong, and it is—we need to get beyond that.

Mr. Andrews, I agree with all of your suggestions, and that was very helpful, your 11 suggestions. Would any of them really cost any money for the airlines and the airports to do that?

Mr. ANDREWS. Thank you for that question, Mr. Cohen. While I am not an expert, I certainly would suggest that possibly if there are fines that some of these passengers are subjected to, that possibly some of those fees or things can be paid for.

Mr. COHEN. They could use it, right. Thank you.

Let me just relate my anecdote. When I left DC the week of the insurrection, there were lots of people in the airport that did not have their masks on, and that is the airport's fault. And when they got on the plane, and they tried to hand them a little ointment to wipe their hands, they objected and tossed it back to them.

Mr. LARSEN. The gentleman's time has expired.

Mr. COHEN. That was the Southeastern Conference crowd.

I yield back the balance of my time.

Mr. LARSEN. Thank you very much.

I recognize Mr. Perry of Pennsylvania for 5 minutes.

Mr. PERRY. Thank you very much, Mr. Chairman.

Ms. Nelson, I just noted in your testimony that you stated, and I quote, "I know there is not one person on this Aviation Subcommittee that thinks that combative, abusive, defiant, and violent behavior on our planes and in our airports is acceptable," unquote. I couldn't agree more, and I don't think there is a person on this committee that could agree more with you.

So, I am just going to give you a statement and see if you agree with this, then. No American should be subject to combative, abusive, defiant, and violent behavior in the workplace, and such behavior should be universally condemned and subjected to the full extent of the law, regardless of the perpetrator.

Is that something you can stand with, something you would agree with?

Ms. NELSON. One hundred percent, and I appreciate you raising these issues because I believe that this hearing is an opportunity for us to identify issues where we can all work together to make—

Mr. PERRY. That is great.

Ms. NELSON [continuing]. This better. Thank you.

Mr. PERRY. Thank you. I appreciate your response. I would like to talk to you and address the issue of union violence, and some

statements that you made, and to provide some context to the committee here and everyone else.

In 1969, the seminal study on union violence in America by Phil Taft and Philip Ross noted the United States has had the bloodiest and most violent labor history of any industrial nation in the world. Now, unfortunately, the bloodshed and violence at the hands of unions has continued at a disturbing rate. Since 1975, there have been nearly 12,000 incidents of union violence reported by the media, including the murder of 203 Americans, according to the National Institute for Labor Relations Research, and those are just incidents reported by the media. I mean, the rate of union violence in America is staggering and should be received with universal condemnation by every single American, regardless of your affiliation.

Now, unfortunately and strangely, the Supreme Court prohibits Federal prosecution of such violence if it is in pursuit of a legitimate union objective, which, if you take Chairman DeFazio's statements, I would say is an inducement to break the law and commit union violence.

Ma'am, in an interview with Splinter News, you stated, "It's important to put out that clear, militant line, and have it be centered around the workers and what they are willing to do. I've said, 'sometimes you have to beat it out of them, sometimes they just have to remember the beating they'll take'" unquote. That is what you said. You also said "The law doesn't reflect moral clarity or conscience. It doesn't recognize the power of working people, but the truth is, there are no illegal strikes, only unsuccessful ones," unquote.

And then further, in July of this year, and I am just going to abbreviate the terminology for respect here. "F--- Taft-Hartley. F--- Taft-Hartley. A general strike likely doesn't work without unions, and just because it's a law doesn't mean it's just," unquote.

To me, these seem like explicit calls for violence and militancy, claims that strikes are only illegal if they fail, and repeated calls for illegal general strikes demonstrates a flagrant disregard for property, life, and the rule of law. And, so, I am just wondering if you are interested in maybe recanting any of these statements and if you would agree that a zero tolerance regarding union violence would be appropriate, because I agree with you that zero tolerance regarding violence on an airplane is the standard we ought to strive. So where do you stand on zero tolerance regarding union violence?

Ms. NELSON. I don't know what you are talking about with union violence. I know that the labor movement pushes peaceful civil disobedience. I know that the mine workers who are in the sign right behind me, right here, 1,100 mine workers on strike right now in Alabama, have been peacefully demonstrating. They have been hit five times with vehicles and—

Mr. PERRY. Ma'am, I just read your statements. Those are your statements.

Ms. NELSON. I want to be very clear. I want to be very clear. My friend, Paul Hartshorn, is behind here right now. He died on the job. There were many people who died on the job. There are poultry workers who were slammed into their—

Mr. PERRY. Ma'am, that is great. I am talking about union violence.

Ms. NELSON. I am talking about the violence—

Mr. PERRY. I grew up in a time in Pennsylvania where—ma'am, it is my time. I grew up at a time in Pennsylvania where Jock Yablonski was killed by a union rival. He and his wife and his daughter were killed. I grew up in a time—just last year and the year before in south central Pennsylvania, the IBEW got a presentment for being the thugs, the helpful union guys for forced violence and threats of violence. Will you renounce that, or won't you?

Ms. NELSON. Let me be very clear.

Mr. PERRY. I guess you won't.

Ms. NELSON. The labor—let me be very clear. The labor movement is for peaceful protests, not violence.

Mr. LARSEN. Thank you. The gentleman's time—

Ms. NELSON. We are against violence against the workers. Thank you.

Mr. LARSEN. The gentleman's time has expired.

I recognize Representative Davids for 5 minutes.

Ms. DAVIDS. Thank you, Chairman.

Very briefly, I will just say that I appreciate the recognition by the folks on here who have shown up to speak on behalf of their union members, that the work that you all do is appreciated. And as the daughter of a union steward, I would just like to recognize that when folks go on strike and they do it peacefully, which is exactly what we were just hearing about, it can lead to some very positive change. And so, I just want to express my appreciation for that.

And then I will yield my time to Chairman DeFazio.

Mr. DEFAZIO. I thank the gentlelady.

Mr. LARSEN. The gentlelady yields.

Mr. DEFAZIO. Ms. Nelson, I think it would be helpful to respond to Mr. Perry's statements. I guess he missed things like the Pullman strike and other slaughters of union organizers attempting just to have a decent living and a decent life. So, I would yield you time to respond if you would like.

Ms. NELSON. The Walter Reuther brothers were beaten on an overpass near Detroit. They were assaulted for trying to fight for healthcare, a decent living, the ability for workers to go into a workspace without losing limbs because they are pushed so hard against machinery that they can't compete with their human bodies. The Ludlow strikers were gunned down and burned to death when they were striking in tents, pushed out of company housing. There were workers who were disrespected, and the mules that were carrying the coal out of the mines were more important than the workers.

This past year, for the past 18 months, we saw that workers were treated as disposable. The strikes and the actions in return have been about safety. They have been about improving the safety for consumers, and certainly, as flight attendants, as pilots, as anyone working in aviation, we take very, very personally when any blood is shed.

And we said during the Government shutdown that our workspace was becoming increasingly unsafe as we had 35 days of peo-

ple not going with a paycheck; people, like air traffic controllers who have to go into their workspace, and if they make a mistake, it is an aircraft accident, so they have to put all distractions aside. What could be more distracting than not getting a paycheck and not knowing how you are going to be able to provide for your families?

So, I want to be very clear that the violence perpetrated against workers has been nonstop and has been persistent. And the unions have organized against that, and they have organized against that, both for workers' rights and sometimes just to enforce the laws that already exist but also, to make sure that consumers and other people who are in our space, who we are serving, who are dedicated and went to work on the front lines throughout this pandemic with risk to ourselves and our families, and we lost our lives.

Some people, as Teddy said, went through horrible conditions because of it, and some people are suffering long-term effects of COVID. And, so, these are the things that we fight against. This is why we are here. We are dedicated to safety, we are dedicated to the people who are in our care, and the actions that we take are to keep everyone safe.

Mr. DEFAZIO. I thank you for that statement. The reconstructive history of Mr. Perry was actually quite extraordinary, having studied the labor history, so I won't comment any further because it was so bizarre and absurd.

I yield back my time.

Mr. LARSEN. The gentleman yields back to Ms. Davids. Does Ms. Davids yield back the rest of her time?

Ms. DAVIDS. I yield back.

Mr. LARSEN. Thank you.

The Chair recognizes Mr. Burchett from Tennessee for 5 minutes.

Mr. BURCHETT. Thank you, Mr. Chairman. It is always tough to follow my colleague from Tennessee, Representative and former Senator Cohen, my dear friend who my mama would always say, I just love that Steve Cohen, but dadgum, hon, sometimes I just want to smack his little fat jaws, so—he is my dear friend. He called my mama when my daddy died. So, I am kind of partial to my buddy, Steve Cohen. I know that hurts him in his district and hurts me in my district, but that is just the way it is.

Mr. Chairman, I appreciate you letting me speak. I recently heard a story about a mama and her 2-year-old son being removed from a plane because her son was suffering from an asthma attack and couldn't keep his mask on. A spokesman for the airlines said after the fact that exemptions to the face covering requirements may be granted to individuals with disabilities who make a request to our special assistant team at least 72 hours prior to the departure.

I understand your all's point for better communication with passengers on mask mandates before boarding, but what kind of efforts are airlines actually making to ensure that the parents of children with disabilities similarly receive advance notice of available medical exemptions? I have been flying a whole lot, like everybody up here has, and I have never heard of any of this. If one of y'all could answer that, please.

Ms. BEYER. Congressman, I would be happy to answer your question. The airlines have done many things since the mandate was first implemented and gave very specific instructions and directions to the airlines for what is permissible in terms of exemptions to the mask mandate. And those things include very clear communications, what the requirements are at the time of booking, at check-in and throughout that individual's air travel journey.

I am not familiar with the specifics of the case you are referring to, but what I would say is that each of the individual airlines, per the U.S. Government requirements, have individual processes for individuals to apply for those exemptions, and I do know that the majority of those exemptions that are granted are given to younger children with cognitive or other disabilities.

Mr. BURCHETT. OK. Well, this is a 2-year-old. You might want to look it up. It is Chaya, C-H-A-Y-A, Bruck was the mama, and it was her 2-year-old child, Dina, that this involved.

I would like to note, too. I am often on the plane, and they announce that it is Federal law that we have to wear a mask. Could somebody please direct me to the code where that is, in fact, the Federal law that you have to wear a mask, or is this a rule that we have designated to the FAA to, in fact, enforce, but yet, we have not put it on paper? I am curious.

Ms. BEYER. So, Congressman, I am happy to take that as well. The transportation Federal mask mandate is a regulation imposed on airlines and airports and transportation nonaviation partners through an order of the CDC, as well as a security directive issued by the Transportation Security Administration.

Mr. BURCHETT. But is that, in fact, a law? They state very clearly over the microphone, and I suspect it would be time you could be informing folks that have disabled children of what they need to do. You tell us that it is, in fact, a Federal law that you have to wear a mask.

Ms. BEYER. I would defer to my Federal agency counterparts about the underlying statutory authority, but it is, indeed, a Federal requirement that is imposed on the operators of transportation.

Mr. BURCHETT. OK. Mr. Bidwell, you mentioned that airport law enforcement should be provided the flexibility to prioritize the response to unruly passenger incidents. Can you be a little more specific on what these flexibilities are and what you have in mind?

Mr. BIDWELL. Thank you, Congressman Burchett. Yes. Airport law enforcement has a number of competing requirements when they are called upon to respond when called by an airline. It can be for an unruly passenger incident; it could be for a mask-related incident; or it could be for some other related activity. And by regulation, they are compelled to respond to the gate when called by the airlines.

But our recommendation is that airport law enforcement be given the discretion to prioritize the response to unruly passenger incidents over mask-related incidents or other incidents.

Mr. BURCHETT. OK. Thank you, and I yield—

Mr. BIDWELL. Those take precedence, of course.

Mr. BURCHETT. I yield the remaining—my last 3 seconds to Representative Cohen.

Mr. COHEN. God bless your mother and father.

Mr. LARSEN. The gentleman's time has expired.

The Chair recognizes Representative Williams of Georgia for 5 minutes.

Ms. WILLIAMS OF GEORGIA. Good morning, everybody, and thank you, Chair Larsen, for holding this important hearing today. And thank you to all of the witnesses for testifying and being here in what I did not anticipate being a hostile witness situation.

Y'all, my district is home to Hartsfield-Jackson Atlanta International Airport, our Nation's busiest and most efficient airport. Many of the people that you will see working there are my constituents, and these folks help so many of us like me get to work every week here in DC and help us travel across our country and our world, and they prioritize passenger safety in their work every single day. It is personal to me that here in Congress, that we prioritize their safety as well. I am dedicated to protecting my constituents from verbal and physical abuse, and disruption as they continue to do their jobs and serve our travelers. Today's hearing will help us best prevent and respond to rising cases of air rage.

Ms. Nelson, Chair DeFazio touched on this earlier, but I want to go deeper into this conversation. In your testimony, you mention an abusive passenger can be banned from one airline but then can jump on another carrier. You also recommend creating a database for airlines to share information that will prevent this.

So, could you go into detail on what obstacles currently exist for this kind of information-sharing across airlines and tell us any specific recommendations for Congress or regulators to help remove the barriers to information-sharing that would benefit airports, airlines, workers, and passengers alike?

Ms. NELSON. Thank you very much for that question. Yes. We had an incident where one regional carrier was providing service for a mainline carrier, so this was not—this, in the passenger's eyes, was the same airline, actually, and an incident occurred on-board a flight, attacked a crew. The passenger was banned from that airline after the fact, but the passenger got off the flight, went on to their next flight, and continued to be a problem on the next flight performing for a different carrier.

So, if we simply have a coordination that can be coordinated from the FAA, Chairman DeFazio was referring to this earlier, there are potentially some issues to work through in terms of how this information is shared. It is my understanding that through the contract of carriage, the airlines already have the ability to share this for safety reasons. And there could be a coordination through the FAA where airlines are, in real time, sharing that information about problem passengers so that other airlines can be flagged, and that can be flagged in their system so that they can identify that and assess the conditions and take appropriate actions at their airline as well.

Ms. WILLIAMS OF GEORGIA. Thank you, Ms. Nelson. You also mentioned in your testimony that 71 percent of flight attendants who file incident reports did not get followup. Could you provide some best practices for a process of following up on incident reports and how important it is that this kind of process not only addresses

the incident itself, but also ensures that workers know that steps are being taken for their safety?

Ms. NELSON. Yes. Thank you very much for that question. I do not believe that it means that 71 percent of the time that the airlines are not taking action. The importance of following back up with crew to let them know that action was taken is very important for backup of that crew, because the next time they go to their flight and they are abused or attacked or experience another one of these incidents, they are less likely, if they believe that nothing is going to happen, to report it, so we have a break in the safety chain there. And then, also, it is possible that they are hesitant to even take action to enforce safety compliance, which leads to an unsafe condition because they don't believe that they have that backup.

So, simply having the staff, and I will say, this is a challenge in this era of coronavirus. Everyone has cut back. But having a process at each airline where there is a simple followup to those reports, that they have been received, they are being acted on. In not every case can the flight attendants be given all the actions that are being taken, but letting them know their report was received and being acted on is going to help facilitate better safety onboard, because that crewmember then goes back to do their job as they are required to do, and doesn't have any hesitancy in doing it.

Ms. WILLIAMS OF GEORGIA. Thank you.

And thank you, Mr. Andrews, for sharing your testimony today. Thank you especially for sharing an incident that I know couldn't be easy to talk about. The racism and rage that you endured are unacceptable, and I want to be sure that we can do all we can to stop air rage incidents before they occur, so that dedicated airline industry workers like yourself can do the job that you love to do.

Of the recommendations in your testimony to protect workers from unruly passengers, which would make the biggest and most immediate impact in preventing incidents of air rage? And I am out of time.

Mr. LARSEN. The gentlewoman's—yeah.

Ms. WILLIAMS OF GEORGIA. If you could give that answer to me because I would love to find some immediate impacts that we could do in this committee to help keep everyone safe in our air.

Thank you, Mr. Chairman, and I yield back.

Mr. LARSEN. Thank you. I will take that question for the record, please.

And the Chair now recognizes Representative Nehls of Texas for 5 minutes.

Mr. NEHLS. Mr. Chairman, thank you.

The American people want to feel safe and secure when flying, and it is important to provide those same protections to airline employees. I thank all the witnesses for being here and appreciate what you do each and every day. However, I am discouraged by the fact this committee hearing does not have witnesses from agencies that are charged with protecting airline passengers and their employees. The FAA, TSA, DOJ, FBI, they are all absent, and this makes no sense to me.

It is unfortunate our airline employees are facing difficult times. It is unfortunate flight attendants are tasked with enforcing man-



datory mask mandates on children 2 years old. It is unfortunate flight attendants are required to patrol up and down the aisles, ensuring small children are complying with these mask mandates.

And it is unfortunate these same flight attendants are tasked with reporting these children and their families to authorities.

It is also unfortunate these families, after explaining to the flight attendant that their child suffers from anxiety or are autistic or suffers from asthma, which places that child in an unnecessary health risk, will be forcibly removed, if necessary, from that flight.

[Reading from a poster] “I was not refusing a mask. Nor did I even say I wouldn’t try to keep a mask on my son. We were escorted off the plane as I was holding a mask over his little face. I genuinely don’t have words.”

And, quite honestly, I wouldn’t know what to say to that mother.

It is important to note this administration is flying illegal immigrants around our country on commercial airlines using taxpayer dollars with many of them not tested for COVID-19. The hypocrisy of this administration may be a contributing factor to increased tension on our airline employees. Testimony of one witness today stated 75 percent of reports related to unruly passengers are related to mask noncompliance. I would like to see that data as to how many of those reports were related to families with small children. But, of course, without having representatives from the FAA here, I don’t believe I will receive an answer.

But I do have a question for you, Ms. Beyer. In your testimony, you stated that Federal cooperation will be critical to fighting air rage. What actions taken by the Federal Government have been most effective so far at helping the airlines maintain safety and security in regard to air rage?

Ms. BEYER. Thank you, Congressman, for the question. I think it has been stated many times that we all have a role to play in addressing these issues, both the United States Government and the industry. In terms of specifically what the Government has done that has been helpful to our efforts, we do applaud the Federal Aviation Administration for their efforts with the zero-tolerance policy for maintaining that policy, but also, in particular, for the transparency in publicizing the outcomes of the cases that they have adjudicated, and also publicizing the penalties involved. We think that that is a strong deterrent to future misbehavior incidents.

And back to what Ms. Nelson had offered earlier on that feedback loop to industry about what happens with those cases. It is extremely helpful to the airlines so that we can continue to adjust our policies and approaches to deal with these issues but also to ensure that we have the information to provide to our employees about what is being done after an incident occurs.

Mr. NEHLS. Thank you, Ms. Beyer, for your answer. And I think that it would be very helpful to the airline industry and all of its employees if this administration would actually comply with some of the rules and regulations they want everyone else to follow. You can see behind me [indicating a poster] with good old Mr. Kerry here, and a bunch of crazies from Texas flying to DC, leaving Texas doing their job, leaving Texas, flying up to Washington, DC. Do you

see any of them with masks on? Where is the outrage from the airlines there? Where is the outrage from the administration?

I hope we give these individuals fines. Are we fining them? I don't think so. It is an outrage, quite honestly. Thank you for being here.

Mr. LARSEN. The gentleman's time has expired.

The Chair recognizes Mr. Johnson of Georgia for 5 minutes.

Mr. JOHNSON OF GEORGIA. Thank you, Mr. Chairman, for holding this hearing, and thank you to the witnesses for your time and testimony.

Rage has become the defining emotion of our times, and we witnessed rage from Trump and Members of Congress when Trump lost the election. The flying public was pummeled with false claims that the election was stolen. And we all witnessed the rage against Congress spurred on by those same leaders who instigated the infamous insurrection on January 6. These are the same leaders who spread the other big lie, that the COVID-19 pandemic is a fraud, you can't believe Dr. Fauci, and that Democrats are taking away your personal freedom with mask mandates.

As a result, people are angry and confused. They get on flights, and they let out their rage after having seen their leaders refuse to follow the rules. They have seen belligerence from the Nation's highest leaders become acceptable behavior. So, if the leaders can do it and get away with it, they think it is OK for them to do the same thing. So, when they get to the airport, folks feel like they can say and do anything they want because they have been misled into believing that their personal freedom trumps, pun intended, their responsibility to their fellow man or for the common good.

Then, politicians blame air flight rage on hypocrisy of those who take off their masks to eat at airport restaurants. Unbelievable. Rage is emboldened by the careless and ill-thought-out actions of leaders who insist the pandemic is unreal and who eschew public health safety measures. Rage in the skies is one of the unfortunate but predictable results.

Mr. Andrews, misinformation touted by some public officials is feeding societal distrust and anger towards CDC regulations. What is worse, too many Americans buy into this misinformation, resulting in a lack of consensus in scientific fact and an erosion of civility in our national discourse. Can you please speak to how important it is that State, local, and national leaders role model best practices for public health and safety, and how essential that signaling is to prevent folks from behaving in a reckless and aggressive manner?

Mr. ANDREWS. Thank you for that question, sir. I would agree totally that there are mixed messages out there, and that is confusing to the public, and at times, makes it very difficult for flight attendants to do our jobs effectively, or challenged to do our job. They leave from one State to another State, from one city to another city, where they hear messages from leadership in their particular city or State. They come aboard an aircraft when we carry passengers from State to State, city to city, and it is very confusing and can be very frustrating at times and make our jobs much more difficult. So, having clear messaging, scientific messaging that is accurate would help all of us.

Mr. JOHNSON OF GEORGIA. Thank you. I admire your professionalism as you maintained your cool while under attack. The blatantly racist, sexist, and homophobic character of airplane rage is alarming. Is there a need, sir, to elevate the safety concerns of Black Americans and flight attendants of color? And, Ms. Nelson, anger and violence are disproportionately targeted towards female flight attendants, and we have heard that crewmembers are oftentimes reticent to file charges against an assault. How can Congress support crewmembers, especially women, so that they feel empowered to file charges against assaults on flights.

And starting with you, please, Mr. Andrews.

Mr. ANDREWS. Thank you for that—

Mr. JOHNSON OF GEORGIA. In 30 seconds or less. Mr. Andrews.

Mr. ANDREWS. Thank you for that question. It is no mistake or no unknown fact that flight attendants of color have been disparaged on numerous occasions. And I think that there would be helpful and necessary steps to better those so that it is not happening as frequently as it is.

Mr. JOHNSON OF GEORGIA. OK. Thank you.

Ms. Andrews [sic].

Ms. NELSON. Congressman Johnson, I believe you are referring to me, Sara Nelson.

Mr. JOHNSON OF GEORGIA. I am sorry, Ms. Nelson.

Ms. NELSON. That is all right.

I think clarity about what we expect, absolute respect among each other. I do want to note that all of the witnesses here today, and all of the representatives across the industry have worked very closely together. Unions, companies, airports, airlines, we have worked closely together during this pandemic, and frankly, we have fared better because of that. But when we had the backing from the Federal Government about the actions that we were taking to keep everyone safe, that made all of us safer, and it made it—

Mr. LARSEN. The gentleman's time has expired. If you could wrap it up.

Ms. NELSON. And it made it possible, actually, for flight attendants to feel more empowered to report these events regardless of the way that they have been dismissed or disposed of before based on gender or love or their race.

Mr. LARSEN. Thank you, Ms. Nelson.

The Chair recognizes Representative Katko of New York for 5 minutes.

Mr. KATKO. Thank you, Mr. Chairman, and thank you all for being here. Prior to coming to Congress, I was a Federal organized crime prosecutor for 20 years, and I have an immense amount of respect for the rule of law. And what I am hearing today from both sides is not so much a focus on that as it is trying to blame someone.

The bottom line is, the problem on airplanes is very troubling, the problem on airplanes is very real. And it is not a Democratic issue, it is not a Republican issue, it is not a political issue. I do believe it is just a general disrespect for the rule of law that permeates many aspects of our society today. And unless we enforce the rule of law, we are going to continue to have these types of problems. So, I strongly urge my colleagues on the committee and

my colleagues in Congress to help the airline industry enforce the rules of law on this. And it is not about masks. It is not about individual freedoms. It is not about arrogance. It is not about catching someone with their mask off. It is about enforcing the rule of law and enforcing it uniformly across the way.

When I first came into Congress, I spent a lot of time with TSA as chairman of the subcommittee overseeing TSA. And now as ranking member, the rule of law is an issue I take very seriously. And one of the things I am concerned about with respect to airline safety is something we have worked very hard on in Homeland Security, is what is going to be the impact of airline safety with the new developments in Afghanistan and the potential for al-Qaida and other nefarious groups there that want to do harm to the United States? What impact does that have on the airline industry again? And what concerns does that generate for you all, especially when you look at it through the prism of this complete misbehavior on airplanes and airlines today.

I have heard concerns directly from stakeholders in the aviation community that facing these threats at the same time could amount to a perfect storm, jeopardizing the safety of our aviation workers and travelers as well as our national security.

So, with this in mind, I would like to hear from the panel about how their organizations perceive these threats. And I am particularly interested in how unruly passengers may have disrupted basic security operations or required the diversion of resources, more importantly, that are typically intended to address major systemic threats, such as terrorist activities.

For example, I know that the air marshals have to spend an extraordinary amount of time dealing with this misbehavior and maybe, maybe, will miss at some point some signs they should have seen of people that are really intending to do an awful lot of harm to the American people in general. So, with that as an overview, I would like to ask Ms. Beyer, first, if you could give me your thoughts on this?

Ms. BEYER. Sure. Thank you, Congressman. It is nice to see you.

Mr. KATKO. Nice to see you as well.

Ms. BEYER. So, I mean, the short answer is from a 10,000-foot perspective, unfortunately, as an industry, we are used to facing a number of different threats all at the same time. It doesn't make it any easier. We certainly have been extremely concerned, as I voiced already, throughout this past year that these unruly passenger incidents not only threaten the safety of everyone onboard but, as has been noted, can be a distraction onboard the aircraft.

In terms of the threats, whether it is the evolving situation in Afghanistan or anywhere else in the world, we are constantly evaluating how those threats are evolving in concert with the Government partners so that we understand those direct or indirect threats, and so that we can quickly respond with any additional measures that may be necessary.

In addition to our coordination with the Government so that we understand those threats, we also rely on our own independent resources in all the places in which we operate around the world, so that we have a good picture of all of the threats that we may be faced with.

Mr. KATKO. Thank you very much.

Anyone else want to weigh in on this issue? We have about 1 minute left.

Ms. NELSON. Congressman Katko, I want to thank you very much for your partnership and your very clear focus on aviation security. You have been absolutely wonderful to work with. And you are right to recognize that after 9/11, we put in place emergency orders to keep all of us safe. And you are very right to recognize also that these disturbances on the airplanes, and the number of them are distracting us from the issue that we have been going to work with for the past 20 years, recognizing that there is and will continue to be a threat against commercial aviation, the worst of which would be using our commercial jets, again, as weapons. We need the secondary barriers installed, as you have supported, and we need to focus on this.

But these distractions onboard do nothing to help us address what Ms. Beyer was just referring to in the constant evolving nature of the threats and addressing the fact that we have several threats going on at the same time, having the best communication to the crews to be able to address that and staying focused on it and everyone able to do their job.

Mr. KATKO. Thank you, Mr. Chairman. I yield back.

Thank you, folks, for your testimony.

Mr. LARSEN. Thank you.

The Chair recognizes Ms. Holmes Norton of Washington, DC, for 5 minutes.

Ms. NORTON. Thank you, Mr. Chairman, for this important hearing.

My first question is to Ms. Nelson. It is not as if there has been no recognition of the presence of unruly passengers, and yet, we are having to hold this hearing this morning. I took note of the fact that the FAA Administrator, Steve Dickson, had issued an order enforcing, whatever that means, a zero-tolerance policy against violent or threatening passengers. So, I have to ask you: How consistently is this zero-tolerance policy enforced? How is it enforced?

Ms. NELSON. Thank you, Congresswoman Holmes Norton. I appreciate your support. And you, of course, were a part of working with our union almost two decades ago to put in place penalties for interfering with flightcrews, penalties, both in terms of jail time and fines.

The FAA has in the past addressed these issues as they come, sometimes issuing warnings to people. When FAA Administrator Steve Dickson announced that there would be a zero-tolerance policy on January 13, he was recognizing that there was a new threat here that we were just discussing with Mr. Katko, and that needed to be clearly communicated that the FAA would not be offering any warnings but would be taking action directly on any of these occurrences.

Now, we need to staff up. We need to have more time to deal with that for the investigators who are dealing with it. So, on the enforcement side, there is more that we could do to support the FAA's work in that, and we also need DOJ to take their role more aggressively on enforcing the criminal prosecutions around that.

But the zero-tolerance policy is one that says there will not be a second chance. Every single report that is received, and they are addressing this now in a priority order, it used to be first in, first out, but they are taking it priority order so the severity of the case first, that those are being addressed immediately, and there is no consideration of a warning to those passengers. There will be action taken once enough evidence is received to be able to take that action.

Ms. NORTON. Is DOJ prosecuting?

Ms. NELSON. DOJ, to my knowledge, has only prosecuted one case at this point. There are many cases that DOJ could take up, and we need DOJ to take more aggressive action. And, as you know, and as you have heard, alcohol has been a major contributor. We believe that when people start to actually face jail time, there is going to be a lot of sobering up around the country, and we will not have these bad actors, who are a few among the millions who travel every day, disrupting the safety and security of everyone else.

Ms. NORTON. I would ask the chairman to indicate to the Department of Justice that a deterrent policy is very much needed. If we could ramp up prosecutions, I think it would have an effect.

Ms. NELSON. Very much.

Ms. NORTON. Ms. Beyer, I would be interested in knowing what factors influence an airline's decision to place an unruly passenger on an internal no-fly list. Is that passenger notified? I would be very interested in how one gets on that list. Ms. Beyer.

Ms. BEYER. Certainly, Congresswoman. So, the internal airline no-fly lists were created as a mechanism for airlines to handle individual cases of passengers pre-pandemic, and it has really just come into the spotlight post-pandemic. Primarily, they have been used as a mechanism to prevent further travel of that individual for egregious mask violations, and certainly for unruly passengers.

Each airline has their own internal process once a report is received from crewmembers for conducting their own investigations to determine the details and specifics of that case, before making a final determination that the criteria has been met to add them to that list. And I know that a number of my member airlines have publicly shared on numerous occasions how many individuals, unfortunately, have already been added to those lists just this year.

Ms. NORTON. Could I ask Mr. Bidwell? In your testimony, you indicated—

Mr. LARSEN. The gentlewoman's time has expired.

Ms. NORTON. Thank you, Mr. Chairman.

Mr. LARSEN. The Chair recognizes Representative Balderson of Ohio for 5 minutes.

Mr. BALDERSON. Thank you, Mr. Chairman, and I thank everyone here this morning, and all that you do in the airline industry and making sure that we are all taken care of and all the people across America. I really apologize for what has been going on and what you are having to deal with.

I am going to kind of go in a little bit of a different direction, though, and talk about some of the staffing and how that might have been impacted. We know that staffing levels across the country, and the aviation industry itself has—have you all seen any

changes in that, staffing levels? And that can be directed to Ms. Beyer, but Ms. Nelson, and Mr. Andrews, you are more than welcome to comment on that also.

Ms. BEYER. Thank you, Congressman. I am happy to start. Certainly, I don't need to tell this committee that the pandemic had a huge impact on the airline industry and our staffing levels. Again, we are extremely grateful for the multiple rounds of support through the Payroll Support Program to ensure that we could keep all of the employees who wanted to remain with our companies on payroll and ready to serve the traveling public.

We have focused specifically on the unruly passenger issues throughout this year to ensure that we have appropriate staffing. This is one of the best practices that we have been talking about, ensuring things like having additional supervisors, or airline security personnel, who are available to respond to the gates when there is an incident, and it is something that we continue to evaluate.

Ms. NELSON. Mr. Balderson, I will just add to that to say that we have two different issues of staffing. Of course, what you recognize has happened during the pandemic which Ms. Beyer referred to. We kept people in their jobs and connected to their certifications and security credentials, but there was a lapse in funding from October 1 to the end of December.

And so, this summer, we saw some of the hangover of that because as you have people out of their jobs—and I should say it wasn't just the involuntary furloughs. It was also the voluntary requests for furloughs that airlines across the industry requested. Getting those people back into training and getting those certifications back in place takes time. And, in fact, we are almost just now getting through getting everyone back on staff.

Separately, prior to the pandemic, staffing at the gates and on the planes was cut down to minimum staffing, and so, we are still at those minimum staffing levels, and it does make it very difficult. I want to applaud this Congress for putting TSA on the general schedule because as we know, some of those staffing problems are about being able to attract people to the jobs. And so, increasing that pay and addressing those benefits and those collective bargaining agreements will make the jobs more attractive for people to come to.

Finally, I would just note that the concessionaires had a very difficult time at the airports, and they are not all back up and running. We don't have all the staff there. And one of the issues that we have is very long lines at places where people are trying to get food in the airport. Crews have a difficult time getting food. And so, staffing up across the airport is an issue, and also reduces the number of people with eyes and ears to be able to remind people on those masks and do this in a deescalating, nonconfrontational way so that we can have consistent messaging across the board.

Mr. BALDERSON. Thank you, Ms. Nelson. That was great.

Mr. Andrews, would you like to add anything?

Mr. ANDREWS. Thank you for that question, and thank you for this opportunity. I, too, saw a very significant impact to us, and I am thankful for the Payroll Support Program that did allow a lot of our flight attendants to still keep our jobs. And the summer was

very challenging. We have seen an uptick with a lot of flight attendants being able to come back here at American Airlines. I think we brought—the last set of flight attendants who were on furlough are coming back in November and December, so that will help to improve the shortage onboard the aircrafts as well.

Mr. BALDERSON. Thank you all very much, and Mr. Chairman, I yield back my remaining time. Thank you.

Mr. KAHELE [presiding]. All right. Thank you.

The Chair would like to now recognize Mr. Stanton for 5 minutes.

Mr. STANTON. Thank you very much, Mr. Chair, and I want to thank Chairman Larsen for holding this very important hearing. I want to thank each of the witnesses for your outstanding testimony today. Mr. Andrews, I just want to acknowledge you and say I am so sorry about the incident of violence that you described earlier that you were the victim of.

As someone who is fortunate to travel twice a week to my job in Washington, DC, I am deeply concerned about the sharp increase in the number of incidents of disruptive passengers reported by airline crews. Flight attendants, they are on the front lines in dealing with the escalation and disruptive behavior from passengers, and they need the tools and support at all levels, the Federal Government, from airports, airlines, and others to deal with these challenges. Their primary job is the safety of passengers and crew; yet, they are all too frequently finding themselves in difficult situations every day working to deescalate situations, whether verbal or physical, that have the potential to impact safety.

Many of the incidents we have seen reported have been on planes while in flight, but we are also witnessing disruptions within our airports. In the past year, staff at Phoenix Sky Harbor Airport in my State and local police have responded to nearly 3,000 calls of customers being disruptive or assaulting employees or fellow passengers. This is a significant increase from the previous year, and it is not uncommon for our local police to be called to meet a flight with a passenger who has disrupted or interfered with flightcrew.

My first question is for Mr. Andrews. In your written testimony, you describe your experience as a flight attendant, and you describe many initiatives that you are advocating for, and I just want to talk about a few of these potential initiatives. Quote, “No. 8—increased police and security presence in airports, No. 9—increased monitoring of passengers through the airport, TSA, and prior to boarding, No. 10—consistent enforcement of the mask mandate throughout the airport and security.” Can you describe what you are witnessing in airports and what leads you to make these specific recommendations?

Mr. ANDREWS. Thank you for that question, sir. I am noticing on a regular basis when I am traveling to and for to work that there is minimal police presence. There is a shortage in TSA staffing that is impacting how many people can get through or how people are monitored. A shortage at gates, of gate agents that is impacting whether or not we have the staffage to cover and monitor passengers as they are boarding the aircraft. Those are some of the things that are leading to some of those suggestions.



Mr. STANTON. Thank you so much.

Not only have we witnessed unruly passenger incidents and passengers ignoring the Federal mask mandate onboard aircraft, but we have seen this kind of activity in the airports themselves. Passengers can be seen without their masks within airports, even though individuals in airports are required by law to wear them.

This is my question for Mr. Bidwell. What role are airports currently playing in enforcing Federal and sometimes local mask mandates within airport terminals?

Mr. BIDWELL. Congressman Stanton, thanks very much for that the question. Airports do their due diligence to enforce Federal security requirements, including the mask mandate. A key part of enforcing the mask mandate is providing support to their airline partners. In order to address incidents on the ground, some airports have encouraged airline representatives to call airport law enforcement at the first sign of a disturbance.

And I would also note that just to address something that was mentioned previously, a majority of mask-related incidents do not occur at the airports, and again, just reiterate our support for TSA having increased the civil penalties for violations of the mask mandate.

Mr. STANTON. Thank you. Obviously, this Congress has been very supportive of the industry through the PSP. Thank you to the leadership of President Nelson. We have all been very supportive of the Nation's airports, knowing how important it is for our economy, especially during and to get us out of the pandemic crisis.

But, Mr. Bidwell, what additional resources do you think airports need now to ensure better enforcement of mask mandates?

Mr. BIDWELL. I think that there have been a number of things that have been done that really assist in this regard. As I mentioned, TSA has increased the civil penalties. I think another key component of that is for TSA to publicize the number of civil penalty actions instituted against violators of the mask requirements, much like FAA does in publicizing the civil penalties imposed on unruly passengers.

Mr. STANTON. Looks like I am out of time, so I have to yield back. Thank you very much for those answers.

Mr. KAHELE. All right. Thank you.

The Chair would like to now recognize Mr. Fitzpatrick for 5 minutes.

Mr. FITZPATRICK. Thank you. Thank you to all our panelists for being with us today.

Ms. Nelson, thank you for being here. Thanks for the incredible job you do representing the amazing people of the aviation industry. And I wanted to just run—or ask two questions, Ms. Nelson.

Number one, focusing on the mental health and morale of flight attendants, which obviously is very, very important—they have been put under tremendous stress. They always have a stressful job. It has been incredibly stressful for the past 1½ to 2 years. What can this committee, what can this Congress do to help in that regard? Because oftentimes we are not asking the question, “What can we be doing to help these amazing public servants?”

Ms. NELSON. Congressman Fitzpatrick, thank you so much for that and for recognizing what flight attendants have been through.

And I can confirm that the mental health has been under strain, for sure. Our calls to our EAP have been through the roof.

And so, what I would say to you is exactly what you have talked about so clearly, and I just want to reflect, because we just went through the 20th remembrance of September 11. And I just want to remind people that we were trained completely wrong for that day. We had the wrong information to be able to address that. But we got information to the ground. Flight attendants did that. And that got to the crew and passengers on flight 93. And the crew and passengers on flight 93 could not be more of a rainbow of America than you would see anywhere else—all gender, races, cultures and creeds, Democrats, Republicans, and Independents.

But in a moment's time, with urgency, they had new information, and they took action together to try to save their own lives, definitely to save our own, very likely to save our United States Capitol.

And so, what I would say is that what I have heard during this hearing is exactly what the problem is going on the airplane, that people have been led to believe that we are in conflict with each other. But the truth is, this is a small number of people who are acting out. The vast majority of people just want to follow the rules. They want a safe, uneventful flight. They want to take care of each other.

Americans love solidarity. We need messaging from leadership that is consistent about what we are doing together to face this crisis and how we can come together and support each other in this moment.

And that is the single most important thing that we need, is leadership from that level, from every level, from every corner of our leadership, giving consistent messaging about how frontline workers are supported, about how we all have to come together, face this crisis, and do what needs to be done to put it behind us.

Mr. FITZPATRICK. Thanks, Ms. Nelson. And you mentioned the 20th anniversary of 9/11. I think it had us all reflect and, quite frankly, go back and read the stories that many of us haven't reread since that awful day. And hearing the heroism of so many of the flight attendants who were on the phone, who had access to the phone, who were rallying passengers on a plane. And it was a flight attendant that called the vote on flight 93. Isn't that amazing that, at that dire moment, the first thing that Americans thought to do was to take a vote. And we all know how they voted and what the outcome was.

Speaking of 9/11, Ms. Nelson, if you could just touch upon H.R. 911, a bill that you obviously know I am very, very invested in, secondary barriers. It has been inconsistently applied with regard to new aircraft. It is not even being put in all new aircraft. And certainly, we haven't even dealt with the retrofitting issue yet.

Could you just touch upon that on behalf of the people you represent?

Ms. NELSON. Sure. Absolutely. First of all, this committee and Congress took nearly unanimous action in 2018 before this latest crisis to say that all new aircraft need to have that secondary barrier installed. This is a recommendation from right after September 11th from the Commission, and it has not been done yet, not even

with the new aircraft coming on the line, not to mention retrofitting.

But this is an issue that was identified 20 years ago, to make sure that our aircraft cannot be used as weapons against us. You have already done the work, at least for the new aircraft. It just needs to be implemented. It needs to be implemented yesterday, and we need to take additional steps to pass legislation to make sure that this is put onto all of our aircraft, because this is an area of vulnerability.

I would only add with that, that the secondary barriers and crewmember self-defense training were both recommendations that were supposed to be implemented and really should be, because this is an area where we have a hole in our security right now. And thank you so much for your leadership on this.

Mr. FITZPATRICK. Thank you. I yield back, Mr. Chairman.

Mr. KAHELE. Thank you.

The Chair would like to now recognize Ms. Johnson from Texas.

Ms. JOHNSON OF TEXAS. Thank you very much, Mr. Chairman. I must admit that I have had to dip in and out of this meeting for another one, but I want to express my appreciation for this very important hearing and for the witnesses to be present.

I would like to ask unanimous consent to put my opening remarks in the record so I won't have to read them.

[Pause.]

Oh, well, just yesterday, in fact, my hometown newspaper, the Dallas Morning News, an article entitled, "Go inside a flight attendant self-defense class as threats of violence fill the air," described how Federal air marshals are teaching flight attendants to defend themselves against belligerent passengers, generally in response to the resistance to wear a mask.

Now, I represent an area where the Dallas-Ft. Worth TSA office is, which encompasses the nearby headquarters of American Airlines and Southwest Airlines, both are very large carriers from my district.

And I hope this question has not been asked, but I would like to point it to Ms. Nelson, but I would like to hear any other comments from other witnesses.

Your testimony makes multiple references to the lack of assault investigations and that serious punishment for the offenders, even though stipulated by Federal law, is rarely carried out by the Department of Justice. What do you think can be done to rectify this, and is there anything that this committee can do?

Ms. NELSON. Thank you so much, Congresswoman Johnson.

Mr. KAHELE. Hold on 1 second, Ms. Nelson.

Ms. Johnson, can you please turn your video on, if you can, please, your video monitor?

Ms. JOHNSON OF TEXAS. Yes.

Mr. KAHELE. All right. Go ahead, Ms. Nelson.

Ms. JOHNSON OF TEXAS. Here I am in person.

Mr. KAHELE. Thank you.

Ms. NELSON. Lovely to see you, and it was great to see you at Dallas Airport last month. So, thank you for the question.

We already have statute. DOJ already has authority under the law to prosecute, and we do need encouragement from this Congress to encourage DOJ to take those actions.

To my knowledge, so far, they have only taken up one case of these incidents that have occurred since the beginning of 2021. So, we need a greater attention on that, and there is—representatives from across the industry have signed a letter long ago asking for DOJ to take that action.

So, all of us have made it very clear that we believe that we need to make it clear to the public about the seriousness of this, of these disruptions in the air, and how it can have such a dramatic impact on safety and security of our air travel.

And we all know that when safety and security is in question, people don't buy tickets, because they want to take that for granted. So, it is our economic security at stake as well.

Ms. JOHNSON OF TEXAS. Thank you very much.

Any other witness like to comment on that?

Ms. BEYER. Yes, Congresswoman. I would just simply add, you know, echo Ms. Nelson's sentiments there. We have all worked together on this specific issue.

And in response to your question about what more the committee could do, we would very much encourage you to speak with the Department of Justice and urge them to direct Federal prosecutors to dedicate their resources to handle these cases.

Ms. JOHNSON OF TEXAS. Thank you.

Any other comments?

Mr. BIDWELL. Congresswoman, I would just like to add, I support the comments of my colleagues. But in addition, just to reiterate, it is important for crewmembers to stay around and provide statements to airport law enforcement and press charges so unruly passengers can be criminally prosecuted.

Ms. JOHNSON OF TEXAS. Thank you very much.

Mr. Andrews, did you want to chime in?

Mr. ANDREWS. Yes, Ms. Johnson. Thank you so much for that question. I echo the sentiments of my colleagues, and one other thing would just be so vitally important for that information, if there is prosecution, if there is something done, for that information to be conveyed back to the flight attendant. That would encourage them to report in the future.

Ms. JOHNSON OF TEXAS. Well, thank you very much.

And I will yield back the last 30 seconds of my time, Mr. Chairman. Thank you.

Mr. KAHELE. All right, thank you.

The Chair would like to now recognize Mr. Stauber for 5 minutes.

Mr. STAUBER. Thank you, Mr. Chair.

First off, I would like to thank you all for stepping up over the last 1½ years, especially in the early days of COVID, the early days of the COVID shutdowns.

I flew several times during the early months of the pandemic, and the front-facing workforce each of you represent were always positive and professional, despite mass layoffs and suspensions due to an industry that had effectively been put on pause.

As many of you likely know, I have a son. My wife and I are blessed with a son who has Down syndrome. My family understands the difficulties that those with disabilities and their families encounter when traveling.

We have seen these episodes play out time and time again on airplanes where families with autistic kids as young as 2 are booted off airplanes because their son or daughter has difficulty keeping their mask on.

These are heartbreaking scenes that are objectively unfair to the families who are, in good faith, just trying to get to from point A to point B, and it is unfair to the flight attendants and the staff who have been forced to enforce these rigid mandates.

As you all are also likely aware, the Department of Transportation has put forth a rule for mask exemptions for those with disabilities, and it states, in quotes, "The following narrow subset of persons with disabilities are exempt from CDC's requirement to wear a mask:

"A person with a disability who, for reasons related to the disability, would be physically unable to remove a mask without assistance if breathing becomes obstructed. Examples might include a person with impaired motor skills, a quadriplegic, or limb restrictions.

"A person with intellectual, developmental, cognitive, or psychiatric disability that affects the person's ability to understand the need to remove a mask if breathing becomes obstructed."

The question is for Teddy or Sara. I don't think that Americans with disabilities are really aware of these exemptions, and I know that many of them feel discriminated against right now. What is the protocol that a flight attendant currently goes through when dealing with a passenger who has an exemption?

Ms. NELSON. Mr. Chairman, let me start, and I think Teddy will have a lot to add as well.

First of all, let me just say that it is very difficult for flight attendants, at minimum staffing with our aircraft full, to be able to identify problems or issues as people are coming on the plane.

It is very important that the airlines are making it very clear at the point of ticket sale for anyone who needs to provide information to the airline ahead of time about these challenges. This does already exist. It is already in the ticketing process. It could probably be more clear.

When we have that information, that information is communicated to the crews ahead of the flight. We are given seat numbers, we are given information about that situation. And when we have that, we are much better prepared to face that. I will tell you that—

Mr. STAUBER. So let me just ask you, let me just—I just want to follow up on that. So, if they didn't in advance notify the airline, if they are boarding and you clearly see that, and the guardian or parent notifies you at that moment, then can you make the decision and follow the same protocols as if they had let the airlines know? Can you at that moment, if a mom and dad or guardian says, "Sara, this is our child, he is autistic, and he has trouble wearing a mask." At that point, then you can make the decision and let the other flight attendants know?

Ms. NELSON. That depends. OK? And so, in most cases, yes, flight attendants are going to be able to take that information, share it with the rest of the crew, and be able to address that.

We have had some situations where people have purposely tried to avoid this. So normally what we would do is we would notify the ground supervisor and try to get help to that family, prior to the flight taking off, so that they can provide the proper documentation to the airline, and that can be properly done so that we are advised that we should follow those protocols.

But I will tell you that flight attendants have an incredible ability to have very intuitive nature of how to address these issues and can assess these things, and we will take action sometimes on our own under that authority.

That is not the procedure, though. So, it is better that we have that confirmation from the airline so that we know that we are fully backed up by the airline when we are taking that action.

Mr. STAUBER. Well, I appreciate the answer. And I will just say that there are times maybe you don't know if there is somebody autistic or what have you, but it is difficult. And I want to again thank you and all the flight attendants for the professionalism during this difficult time and to enforce mandates that were forced upon your industry and your profession.

So, with that, Mr. Chair, I see my time is out, so I will yield back. Thank you.

Mr. KAHELE. All right, thank you.

The Chair would like to now recognize Mr. Payne for 5 minutes.

Mr. PAYNE. Thank you, Mr. Chairman.

It is a pleasure to be here today on a committee hearing that is so vitally important to the American people and people that work in the aviation industry.

There is no question that the FAA should institute more policies to better protect flightcrews during this unprecedented rise in air rage incidents.

Beyond additional signs and verbal warnings about consequences, how best can the FAA help protect all flightcrews if incidents like these are continuing, Ms. Nelson?

Ms. NELSON. Thank you very much for that question. First of all, I do want to applaud the FAA for the seriousness that they have given this and their efforts to try to communicate to the public what the rules are, why they are in place, and what will happen if people break them. The FAA has been extraordinary on this, and I applaud FAA Administrator Steve Dickson for his leadership on it.

What could happen, though, is that we hear from the FAA safety inspectors that they do not have enough inspectors or enough time to conduct these investigations in some cases. So, because of the zero-tolerance policy, it used to be that the FAA inspectors would be inspecting events on a first-in/first-out basis.

They now have the ability to prioritize these issues based on the severity of the case. But if they get down to a 6-month timeout, there is a statute of limitation on the case of 6 months, so if they don't get to the case by that time because they simply don't have enough resources to address it, the case falls away completely.

So, they suggest that there should be an extension of that time, and, of course, if we could get more resources to the FAA to be able to conduct these investigations, that would better support us as well.

Mr. PAYNE. Thank you.

And, Mr. Andrews, let me commend you for your professionalism, preserving your job through the vile, racist incident you recall in your testimony and your personal fight against COVID-19.

I would like to discuss the secondary barriers under the FAA Reauthorization Act of 2018. The FAA is required to issue a rule requiring installation of barriers that would protect the cockpit even when it is open. Unfortunately, the FAA has not fulfilled this legal requirement.

How would these barriers further protect the safety of the flightcrew and passengers from unruly passengers?

Mr. ANDREWS. Thank you for that question. I think any steps that we can take, especially that second barrier, would help with protecting flightcrew, passengers onboard. Having personally, my family experienced the death of my cousin in 9/11, definitely would make it more secure, make sure that we have additional steps in place to ensure the safety of all passengers and flightcrew. So, I think it is vitally important to have.

Mr. PAYNE. Thank you.

And let me just say to Ms. Nelson and Mr. Andrews that the gentleman from Pennsylvania made good points on the second barrier, Mr. Fitzpatrick. And I am going to reach out to him to see how we can work together to finally get this implemented. And I make that promise to you. I will start working on that today.

Ms. NELSON. Thank you.

Mr. PAYNE. Ms. Beyer, can you assure this committee that your member airlines will be cooperative should the FAA take additional actions to protect flightcrew and passengers?

Ms. BEYER. Yes, sir. We certainly always comply with any law or Federal requirement that we have been asked to implement.

Mr. PAYNE. OK. Well, thank you for that concise answer.

And, with that, Mr. Chairman, I will yield back.

Mr. KAHELE. All right. Thank you.

The Chair would now like to recognize Mr. Lynch for 5 minutes.  
[Pause.]

If not, we will move on to Mr. Allred for 5 minutes.

[Pause.]

OK. Moving on to Mr. García for 5 minutes.

Mr. GARCÍA OF ILLINOIS. Thank you, Mr. Chairman, for accommodating me at today's committee hearing and for allowing me to ask these questions.

As a frequent air traveler and a former union member, I want to thank the flight attendants, pilots, ground crews, and the aviation units for the work that they do every day, keeping our aviation system running and safely getting millions of Americans to their destinations.

I am deeply concerned with the large increases in air rage and assaults on flight attendants and other aviation workers since the pandemic started. Every person deserves a safe, harassment-free workplace.

I want to thank the witnesses for appearing today and their enlightening testimony. I look forward to working with them and the committee to address this important issue.

I have questions that I would like to ask of Ms. Nelson and Mr. Andrews. I would like to follow up on a question posed by Congressman Hank Johnson.

What more needs to be done to specifically make sure that flight attendants of color, who may be disproportionately facing more air rage and other discrimination, are safe in working environments?

Ms. NELSON. Teddy, would you like to start?

OK. So let me just start here.

What happens in our communities comes to our aircraft, and the more that we can do to lift up people of color, to make sure that there is a place at the table, to make sure that there is a recognition of the struggles that people are facing simply because of the color of their skin.

I will tell you that as we were going to work in the wake of the George Floyd murder, that there were many flight attendants who were concerned about even traveling to work, and they were concerned about that before they even got there.

And then when they get to work, they are facing incredible discrimination that none of us can imagine if you haven't faced it before. Some of the airlines are doing a very good job of having townhalls lifting us up.

I would say, actually, I have been recently made aware of the actions of American Airlines to hold these townhalls to make it very specific that the airline is focused wholeheartedly on addressing the issues of diversity and inclusion, of giving the opportunity for people of color to tell their stories at the airline about what they face and have other people hear that and hear the difficulties, the microaggressions that they face at work.

And when they have the backing of everyone at the airline and know that those issues are going to be taken seriously, they are more likely to report, there is more likely to be followup action, and other people are more likely to understand that when you are disrespecting someone because of their gender or their race or because of the way that they identify, that that is unacceptable, and there is a zero-tolerance approach from the airline to addressing that.

That needs to be taken as seriously as any other violation at the airline. And so, I would lift up what American has been doing. I would say I have seen it at other airlines too. They all have diversity and inclusion programs, but more could be done to have these public conversations about what people of color are facing at work.

Mr. GARCÍA OF ILLINOIS. Thank you.

Mr. ANDREWS. I too thank you for that question, Representative García. I think I would echo wholeheartedly what my colleague, Ms. Nelson, just said.

The airline has taken specifically—excuse me—American Airlines has taken steps towards making sure that there is diversity, equity, and inclusion conversations happening. And the APFA has just instituted a diversity, equity, and inclusion team, which I am now chairing.



So, we are having conversations, and those conversations are happening. Should there be more conversations? Yes. Clear expectations on behaviors and some possible consequences for those.

So, we are talking about air rage, air rage that knows no color, right? It doesn't discriminate. But, unfortunately, there are cases where race and other disparaging remarks or comments are being made towards flight attendants of color and—just conversations, more conversations, and more dialogue between the airline and all of our counterparts would help.

Mr. GARCÍA OF ILLINOIS. Thank so much. My time has just about run out, so I am going to yield back to the chair. Thank you.

Mr. KAHELE. Mahalo, Mr. García.

The Chair would like to now recognize Mr. Allred of Texas for 5 minutes.

Mr. ALLRED. Sure. Thank you, Mr. Chairman.

I first wanted to ask about jurisdictional issues. I have heard from some flight attendants that I have spoken to that there is concern and issues on the ground regarding whose jurisdiction it is when something happens and seeing how jurisdictional issues can play out in other contexts.

I am wondering, who is ultimately responsible when an event occurs in the air and you get to your location, which jurisdiction is responsible? And does there need to be an adjustment to policy to make sure that there is no gap in terms of who is going to respond to it?

Ms. Nelson, I see you nodding. If you want to jump, go first, and if anyone else wants to add, I would be happy to discuss that.

Ms. NELSON. Thank you very much. So, Congressman Allred, the jurisdiction on the plane is the FBI. It is Federal jurisdiction, but, oftentimes, there is not an FBI agent at an airport to be able to respond. Some of the larger hubs, there is, and when we get that communication to the agency, they can respond directly to the flight and get the statements from everyone right there. And that is the best-case scenario for dealing with these issues.

Most of the time, when the aircraft arrives—think about the chain of communication. So the flight attendants communicate to the flight deck; the flight deck communicates to the ground controller; the ground controller oftentimes will communicate to a ground security coordinator, who will then have to communicate to law enforcement.

If there is a break in that chain and you either slow down the communication or it doesn't go through, sometimes you don't have anyone respond at all.

When local law enforcement responds, what they are doing is they are taking statements and sometimes taking people into custody. But there is inconsistency there because, at some airports, it is a security company that is providing the security, and in other cases, there is local law enforcement. So, there are inconsistencies at each airport because of this.

It would be much better if there were a clear set of standards that the airlines and the airports would be following that then gets those reports. When those reports go to the FAA, that can then be coordinated with FBI for followup action, even if FBI is not there to meet the flight.

Mr. ALLRED. That is really good. So, do you think that the FAA is within their purview to make that [inaudible] do you think we, in Congress, need to give them additional authority?

Ms. NELSON. So, the FAA would need additional authority to actually oversee that. What I will say is that I know the FAA Administrator has started a dialogue with local law enforcement across the country about how we can create better protocols. And that dialogue, even in and of itself, is very, very helpful for us to set up protocols that are better to respond.

I will tell you that when I saw the images after January 6, and there were sort of mobs of people acting out in the airport, and you saw that law enforcement, all they could do was protect the people who were being attacked, that was a very different scene than we have seen in the past. It used to be that there would be one bad actor that law enforcement could go there and address that directly. That person would be hauled away.

So, we have a new set of conditions here where we need to make sure that we have better communications and that we are properly resourced at the airports to be able to respond.

Mr. ALLRED. Well, thank you for that, Ms. Nelson. You mentioned the 6th. I know there has been some discussion of the creation of a no-fly list for domestic terrorism. And I just wonder what your view of proper use of a no-fly list might be, obviously taking into account the need to protect civil liberties and some kind of need for that to be a fair system in which it wouldn't be a permanent mark on people's records and things like that.

Ms. NELSON. So, the no-fly list is very specific to the FBI no-fly list, and this is about terrorism. So, first and foremost, we need to call it something else very likely. We need to have a process that is very clear, that is an incident review process with the airlines, possibly the airports, and law enforcement, where we are reviewing whether or not someone should be put on a flyer "banned list," and call it something like that, and then a process for how someone might be able to get off of that list as well.

And so, thinking through those procedures needs to be done. There has already been some work underway at many of the offices. We appreciate that. But we need to speed this up and figure out how we can make this work so that we are addressing, yes, as you said, the issues of civil liberties, that there is actually a due process for this, for getting on this list, and then a means at some point to have a process to appeal to get off the list.

Mr. ALLRED. Well, thank you. I appreciate you all's testimony. You have helped us identify, I think, some gaps in what we can do. And I just want to say thank you for your service to the country during a time when many of you were still flying at the very beginning of the pandemic when you weren't even allowed to wear masks at times, and you had to protect yourselves in any way you could. I know it has been an extremely difficult time.

I and the members of this committee are committed to protecting you, supporting you. We appreciate the role you play in our economy. And as someone who represents one of the bigger airports in the country and a couple of the largest airlines in the country, we appreciate everything you do.

So, with that, I will yield back.

Ms. NELSON. Thank you, Congressman Allred.

Mr. KAHELE. Mahalo, Congressman Allred.

The chair, I guess, will now yield to himself, since I look like to be the last person here. And one of those opportunities of being last is that you've had the chance to hear all the questions, and there has been a lot of great questions that have been asked.

As someone who was born into the airline industry—my mom was a 35-year flight attendant with United Airlines—and who married into the airline industry: my wife is a flight attendant with Hawaiian Airlines—and who also is a pilot for Hawaiian—I want to thank our flightcrews, our gate agents, our ground crews, who have really been on the front lines dealing with unruly passenger behavior, in many cases, dangerous and violent acts of aggression.

And I also want to emphasize that passengers and individuals that assault, threaten, intimidate, interfere with airline crewmembers, that the FAA and the Department of Justice need to conduct swift but thorough enforcement investigations. They need to impose at least civil penalties against those passengers. And if those civil penalties are not deterring, really, criminal activity by these airline passengers, that the Department of Justice needs to look at how these individuals can be criminally prosecuted. And so that is something that I hope the FAA and the DOJ will do.

In regard to masks, we all want to stop having to wear masks on airlines when we fly, but we do know that masks, in combination with vaccinations, are the most effective tool to stopping the spread of COVID-19.

Air travel is one of the most controlled indoor spaces and modes of transportation, and so the current guidance where we need to wear masks through early January 2022, I think is a good thing. With the Delta variant, with the upcoming flu season, keeping ourselves protected is really important.

My first question was going to be directed to Ms. Beyer and Airlines for America, and that is in regard to, in the early part of the pandemic, airlines took the step to change seating arrangements in the airlines, to space people apart farther.

Can you speak to or answer, in terms of the airlines that you represent, have all the airlines gone back to booking at full capacity and are no longer blocking seats to maintain that social distance between passengers?

Ms. BEYER. Thank you for the question, Congressman. And thank you for recognizing the work that we have all done as an industry throughout this pandemic, a really unprecedented, it goes without saying, time to evaluate what we knew about this public health emergency.

And really, I think the airlines have leaned into science since the beginning to determine what measures need to be put in place to keep all of our employees and the traveling public safe throughout the pandemic.

In terms of seating, as we have all done throughout this pandemic, we have learned more and more about this specific virus and about the variants that have emerged. And so, our policies, as the airline industry, have been adjusted along the way as we learned more about the virus itself.

Specifically on the seating, one of the things that we have done is worked with Harvard School of Public Health to evaluate the risk of transmission in air travel. And one of the things that they determined is that, in the air filtration, 2 to 3 minutes the air is cycled out with HEPA filters onboard, the mask-wearing, all of the other measures, that you are safer onboard an aircraft than you are in many other routine daily activities.

And as a result of that science and studies from many other reputable sources, that is when the decisions were made for those who had adjusted seat policies that it was safe to resume a full aircraft.

Mr. KAHELE. OK. Thank you.

Next question is for Ms. Nelson. In your testimony, you wrote, "Over the past few months, CWA ground service members across the country have experienced serious incidents of physical and verbal assault and harassment, with few repercussions for the offending passenger imposed by law enforcement.

"By failing to follow the law and seek justice for the victims of assaults like these, a message is being clearly communicated that the safety of airport workers is not a priority. Ground service members are the last line of security before these agents have the opportunity to board the aircraft and disrupt service."

So, my question would be, what do you believe are the next steps we can take to protect our ground service members?

Ms. NELSON. Thank you, Congressman Kahele. Let's be very clear. This is extremely important that we protect the ground service members because, as you said, they are the last chance to keep problems on the ground. And when there is no followup, when they are physically assaulted, what do you think there is going to be their response?

In many cases, there is a single agent at the gate who is dealing with all of the passengers. And when you are under threat, what you want to do is to get away from the threat. What that does is it potentially puts a situation where there is a desire to actually put that passenger on the plane, to get them away.

So, these are some of the consequences that can happen if we don't take these acts seriously.

There have been gate agents who have been punched in the face repeatedly and no action has been taken. Law enforcement doesn't come fast enough, and the prosecution has not happened. There are at least three cases that are noted in my testimony that I would direct the Department of Justice to immediately, that are very clear, well-documented cases of assault against these gate agents.

There needs to be criminal action right away because, otherwise, we are sending the message to these workers that they are on their own, and the decisions that they make then, that they will be forced to make for their own safety, may not be good for the safety of all of aviation. That is the consequence that we face if we don't back them up.

Mr. KAHELE. OK. Thank you for that answer.

Last question I have, I guess it can be directed to both Ms. Beyer and Mr. Bidwell. But you had mentioned—or we had mentioned through this conversation that sometimes airline crewmembers—and it could also be gate agents—are reluctant to stay around to press charges even when they have been assaulted.

And I kind of would like to know what are the reasons for this, and is there a way that we can either incentivize or do something to support those airline crewmembers so those cases can be captured and the investigation can proceed forward?

And I guess we can start with Ms. Beyer.

Ms. BEYER. Yes, sir. So, first off, I will say right upfront that our airlines are doing everything possible to better prevent and respond to these incidents, and that includes having regular dialogue with their employee groups, including the gate agents, including the flight attendants, including the pilots.

We take this extremely seriously, and we want to make sure that our employees feel supported to be able to report these incidents, and that we as their airline are going to take them seriously, are supporting them, and are doing everything in our power to address the issue.

Mr. KAHELE. Mr. Bidwell?

Mr. BIDWELL. Thank you. Thank you very much for the question.

So, in accordance with TSA regulations, airport operators provide law enforcement officers with arrest authority in the number and manner adequate to support their federally approved security programs.

And I would note, the challenge is not the number of law enforcement officers available; it is one of jurisdiction or, rather, the lack thereof. Indeed, airport law enforcement responds when called, but can only enforce State and local law.

In order to pursue cases, they need crewmembers to stick around, they need them to provide statements, whether those are processed locally or then referred on to Federal Government, including the FBI.

Mr. KAHELE. I thank you for that.

Ms. NELSON. Congressman Kahele?

Mr. KAHELE. Yes, go ahead.

Ms. NELSON. We really need from the airlines a clear communication to the pilots, to the flight attendants, to the gate agents, that when these incidents occur, their first priority is to stay, write the report, report the incident, and make sure that the local law enforcement has all that they need.

So, I agree that the airlines have tried very hard to be supportive of crews in these events, but that clear communication to the crews that this is their first order of business after these incidents has not been made, and can be made more clear, and those procedures can be communicated more clearly to all of the crews and the agents at the gate.

Mr. KAHELE. Ms. Beyer, in response to Ms. Nelson's comments, what do the airlines do in terms of when a crewmember, if it is in flight and they send a message to the station manager that they are flying into, what do the airlines do to make sure that there are representatives of the airlines, station managers, others that meet the crew at the aircraft and are able to capture those statements from the flight attendant or pilot, to work together with local law enforcement agencies and take a proactive role to support those crewmembers?

When they do land at their locations, they have been working for a long time, they are tired, and they, at that point, just want to go home. And in many cases, these assaults go unreported.

Ms. BEYER. So, certainly, if the crew reports that there is an in-flight incident and they are requesting that law enforcement respond to the aircraft upon landing, then the airline employees on the ground will forward that request to the local law enforcement and request that support.

I did want to come back to something I noted in my testimony, which is this larger sort of cross-industry, best practices effort that we are undertaking at this moment. I think that the many comments that have been made by my fellow panelists today are evidence that one of the ways that we can continue to improve is by enhancing the collaboration, not just within airlines, not just within airports, et cetera, but across all of the aviation sectors.

And our hope is that this effort, bringing in all parties who have a responsibility, that we can identify what some best practices may be by certain entities, that perhaps can be enhanced by others. And we are committed to doing that.

Mr. KAHELE. OK. Thank you.

All right. Seeing no further testifiers, I want to conclude our hearing today, and thank each of the witnesses for your testimony today. Your comments have been very informative and helpful.

And I would like to ask for unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided answers to any questions that may be submitted to them in writing.

I also ask unanimous consent that the record remain open for 15 days for any additional comments and information submitted by Members or witnesses' responses to be included in the record of today's hearing.

Without objection, so ordered.

And, with that, our subcommittee stands adjourned. Mahalo.

[Whereupon, at 12:46 p.m., the subcommittee was adjourned.]

## SUBMISSIONS FOR THE RECORD

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### **Prepared Statement of Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure**

Thank you, Chair Larsen and Ranking Member Graves, and thank you to our witnesses for being here today.

Given that most Members fly on a near weekly basis, we should all be concerned with the increase in unruly passenger incidents.

According to the FAA, it has received almost 4,200 reports of unruly passenger behavior since the beginning of the year, with 75 percent of the incidents related to mask noncompliance.

This type of behavior is unacceptable.

However, I think it is very important for people to understand that millions of people have flown on U.S. airlines so far this year and the vast majority of those flights have occurred without incident.

When these rare occurrences do take place, the two Federal agencies charged with addressing unruly passenger behavior are the Federal Aviation Administration (FAA) and the Transportation Security Administration (TSA).

Unfortunately, neither agency is in attendance today.

While I am disappointed that Members will not be given the opportunity to hear from the two Federal agencies charged with setting airline security procedures and training requirements related to unruly passengers, as well as enforcing those policies and procedures, I am very interested in the testimony of the other witnesses here today.

It goes without saying, aviation safety is the top priority for this subcommittee. That includes both the safety of air travelers, and the safety of the airline personnel.

I again want to thank Chair Larsen, Ranking Member Graves, and the witnesses, and I yield back.

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### **Prepared Statement of Hon. Eddie Bernice Johnson, a Representative in Congress from the State of Texas**

Thank you, Chairman DeFazio, Aviation Subcommittee Chairman Larsen, and Ranking Member Graves for holding today's hearing. I also want to thank our witnesses for your testimony and participation.

The disturbing instances of air and airport passenger rage are well documented. Our nation has witnessed a sharp increase in confrontational behavior in recent years, particularly since the onset of the COVID-19 pandemic.

Just yesterday in fact in my hometown newspaper, the Dallas Morning News, an article entitled "Inside a flight attendant self-defense class as threats of violence fill the air" described how federal air marshals are teaching flight attendants to defend themselves against belligerent passengers, generally in response to resistance to wearing a face mask.

The Dallas-Ft. Worth TSA office, which encompasses the nearby headquarters for American Airlines and Southwest Air, is one of the largest training centers in the country.

Sadly, there is a critical need for this type of training, given that this year so far, the FAA has received over 4,000 reports of unruly passengers. Moreover, according to the articulate testimony provided by AFA President, Ms. Sara Nelson, 85 percent of flight attendants have dealt with unruly passengers and nearly 1 in 5 report that the incidents involved a physical assault.

I am also concerned about the more generalized, adverse effects this tension has caused the airline industry and the traveling public. Although there are many rea-

sons for the difficulties major airlines are facing in recruiting employees, being outright fearful of going to work is a strong disincentive for anyone working in or considering employment in the airline industry at this time.

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**Statement of Donielle Prophete, Ground Service Agent, Piedmont Airlines, and President, Communications Workers of America Local 3645, Submitted for the Record by Hon. Peter A. DeFazio**

Chairman DeFazio, Chairman Larsen, Ranking Member Graves and Ranking Member Graves and members of the committee, I am grateful for the opportunity to submit this testimony for the record.

My name is Donielle Prophete. I have worked as a ground service agent for Piedmont Airlines for 17 years and have been the President of the Communications Workers of America Local 3645 since 2020. I represent passenger service agents across the Southeast states working for a regional subsidiary of American Airlines, Piedmont Airlines. My hope is that this testimony can help members of the Committee and the broader public to better understand the challenges that frontline airline employees are facing during one of the most challenging periods in the history of the airline industry.

The COVID-19 pandemic has made clear that the frontline gate and ramp agents that I represent are key to keeping the industry operating safely and efficiently. Our responsibilities include boarding passengers onto airplanes in a safe and orderly manner, loading and unloading luggage from the aircraft and assisting passengers with reservations. We perform these duties on a daily basis even while our stations are severely understaffed, while we suffer from fatigue and stress from excessive mandatory overtime and while working through a global pandemic that has taken the lives of 650,000 Americans, including two agents at the Charlotte Douglas International Airport in just the past month.

Our agents are the face of the airline's operations at the airport. We work to keep passengers safe during the ongoing pandemic by enforcing federal mask mandates. We work to mitigate the impacts of snags in the operation due to flight delays, cancellations or other irregularities from COVID-19. This means that, even as we keep the entire industry moving, we have become targets of passengers' frustrations and anger.

Since January 1, 2021, the Federal Aviation Administration (FAA) has recorded 4,284 incidents of verbal and physical assaults against flight crew members and gate agents. Mask related incidents accounted for 3,123 of recorded cases. This is a substantial increase from the 146 incidents reported to the FAA in 2019 and 183 reported in 2020.<sup>1</sup> These are staggering numbers, but they don't tell the full story on the physical and emotional impact incidents like these have had on my members.

In particular, one of the most egregious incidents of passenger rage this summer at the Charlotte Airport highlights the challenge faced by my members and the need for a more coordinated and committed response from local and federal law enforcement.

On June 28, 2021, a passenger tried to board a flight in a state of extreme intoxication. My member and their supervisor, fulfilling their duties to secure the aircraft and protect the other passengers, denied the passenger access to his flight. The passenger became extremely violent—physically assaulting and verbally attacking the gate agent, a ramp agent, and their supervisor. Our agent sustained an injury to his back when the passenger pushed our agent into the sharp edge of a coat hanger on the wall.

There is no doubt about what happened. Video of the assault, taken with a cellphone by a member of the public, was obtained by local news and is publicly available.<sup>2</sup> Despite the clear evidence of the assault, the Charlotte Police Department arrested and charged the passenger only for resisting arrest and trespassing in the gate area. These charges were dropped the next day. The burden was on my member to file separate assault charges for which there has been no resolution so far.

I believe this demonstrates the patchwork and ineffective nature of the response that often characterizes these incidents. Local law enforcement did not pursue charges against the passenger for assaulting my member and the FAA and federal

<sup>1</sup> [https://www.faa.gov/data\\_research/passengers\\_cargo/unruly\\_passengers/](https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/)

<sup>2</sup> WSOC-TV "Video shows man's confrontation with gate agent at Charlotte airport", July 12, 2021 <https://www.wsocv.com/news/local/video-man-gets-into-confrontation-with-gate-agent-charlotte-douglas/QDCX6OIZQ5FGZIZHMKSEXK4URA>



law enforcement have likewise refused to pursue this matter seriously. Under the 2018 FAA Reauthorization Act, any interference with airport or air carrier employees with security duties is punishable by criminal penalties and jail time. A 2017 ruling from the Department of Justice confirms this provision applies to passenger service workers who perform a range of vital security functions and are therefore covered under this decision.

In this case, American Airlines banned the passenger from flying with the carrier for the rest of the year—but the airline is limited in the actions it can take on its own. The passenger had the ability to return to the airport and board a flight with a different carrier the very next day. What frontline employees need is improved communication from federal agencies to local law enforcement on their responsibility to thoroughly document incidents like these and refer for federal prosecution when appropriate. Federal law enforcement must also follow through in pursuing repercussions outlined under the law as it stands now.

My member is just one of many gate agents across the country who have had experiences of physical or verbal abuse from enraged passengers. These incidents don't just affect the workers directly involved, impacts of an unsafe work environment reverberates throughout my membership and the broader airport workforce.

Working in an environment where violence can erupt at any moment results in high levels of stress, and I've heard members express the impact of stress. I've heard from members who cry every day before going into the airport or feel like they're having a "nervous breakdown" before their shift starts. Many of my members feel that they're reaching a breaking point.

Low morale doesn't just have a human cost, but a cost to the industry as well. I am seeing members separate from the job, go out on unpaid leave, and reduce their hours to part time as a result of the stress and unsafe conditions. Airlines are struggling to retain their workforce or recruit new employees.

I believe that for passengers to understand that these actions will not be tolerated, local and federal law enforcement must pursue repercussions for offenders. The 2017 ruling from the Department of Justice makes clear that interference with agents with security duties is a matter for federal law enforcement. Pursuing these cases will also send a powerful message to airport and airline workers that their work is valued and their safety is a priority. My members deserve a commitment to protect them while they serve all of us.

Thank you.

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**Statement of Paul Hudson, President, FlyersRights.org, Submitted for the Record by Hon. Garret Graves of Louisiana**

COMMENT OF FLYERSRIGHTS.ORG TO THE HOUSE AVIATION SUBCOMMITTEE ON THE INCREASED NUMBER OF AIRLINE INCIDENTS

The recent increase in violent incidents in air travel is a serious issue in need of solutions. The subcommittee hearing would benefit from hearing the passenger perspective. FlyersRights.org submitted a rulemaking petition to the Department of Transportation in August 2020 to mandate mask wearing in air travel and has been the leading organization advocating for Covid mitigation measures to make air travel safer. FlyersRights.org also published a financial stimulus and covid mitigation policy proposal that, for less than the three combined bailout payments, would have made air travel safer and would have allowed the airlines to more effectively increase service, avoiding the widespread cancellations seen this summer.<sup>1</sup>

According to the latest FAA data, mask-related reported incidents account for 73% of all incidents reported by crewmembers in 2021.<sup>2</sup> At the same time, non-mask related incidents are down, and the FAA has more than doubled the number of its investigations. FlyersRights.org proposes the following solutions to reduce the number of mask-related disturbances on airplanes:

1. Implement the yellow card system where a passenger is given a written warning and the ability to send a written complaint to the pilot or airline as means of de-escalation.
2. Ensure flight attendants themselves comply with and more consistently enforce the mask rules.
3. Allow greater ease of obtaining legitimate health and disability exceptions to the mask rule.

<sup>1</sup> <https://flyersrights.org/news/f/air-travel-social-distancing-and-stimulus-plan>

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

4. Implement greater covid mitigation measures, including social distancing and temperature checks. Social distancing must be enforced not only on the airplane, but at the gate, during the boarding process, and at security checkpoints.
5. Reevaluate the TSA mask mandate extensions with a public notice and comment process.

The airlines have crammed passengers on a smaller number of flights with no social distancing, no middle seat blocking, no capacity limits, no temperature checking, and no covid testing. While some passengers oppose masks for political reasons, others see the lack of other common sense safety precautions taken by the airlines (social distancing, middle seat blocking, temperature checks) and the lack of consistent enforcement on passengers and flight attendants as signs that maybe safety precautions are not needed.

Prosecution for battery is needed when these incidents become violent. However, it would be a severe escalation and a gross infringement on civil liberties to invoke the Patriot Act's felony "interference with flight crew members and flight attendants," intended for hijackers, to threaten a passenger with up to 20 years in prison.<sup>3</sup>

FlyersRights.org has advocated for a mask rule as well as other health measures to protect passengers and crew members. While most flight attendants enforce the mask rule as best as they can under the circumstances, often flight attendants do not attempt enforcement and themselves violate the mask rule.

Not only will these proposals help curb the increased number of abhorrent passenger incidents, it is vital for the continued health of all passengers and flight crew throughout the pandemic.

#### ABOUT FLYERSRIGHTS.ORG

FlyersRights.org is the largest nonprofit airline passenger organization with over 50,000 members and supporters nationwide. It publishes a weekly online newsletter, operates a toll free hotline for airline passengers, and advocates for their rights and interests. FlyersRights was founded in 2007 after thousands of passengers, including the founder Kate Hanni, were stranded on the tarmac for over nine hours in Austin, Texas.




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<sup>3</sup> 49 USC § 46504.