



June 21, 2021

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Garland:

The undersigned organizations, representing aviation industry stakeholders including passenger carriers, pilots and flight attendants, write today to express our heightened concern regarding the substantial increase in and growing escalation of passengers' unruly and disruptive behavior onboard aircraft, particularly toward crewmembers. These incidents pose a safety and security threat to our passengers and employees, and we respectfully request that the Department of Justice (the "Department") commit to the full and public prosecution of onboard acts of violence.

We highly commend the Federal Aviation Administration ("FAA") for adopting a stricter legal enforcement policy against unruly airline passengers through Administrator Dickson's Special Emphasis Enforcement Program. We especially appreciate FAA's ongoing efforts to investigate incidents, levy civil penalties for passengers' behavior that interferes with crewmembers and publicize its enforcement actions.¹ These efforts include FAA's announcements of a combined \$368,000 in civil penalty actions against 21 passengers to date. However, we ask that more be done to deter egregious behavior, which is in violation of federal law and crewmember instruction. **Specifically, the federal government should send a strong and consistent message through criminal enforcement that compliance with federal law and upholding aviation safety are of paramount importance.**

¹ Since implementing the Special Emphasis Enforcement Program on January 13, 2021, the FAA has received more than 3,039 reports of unruly behavior and has opened 465 investigations into assaults, threats of assault or interference with crewmembers. The agency has also pursued some form of enforcement action more than 400 times through May of 2021, compared to a year-end total of 146 in 2019, and has initiated 57 civil penalty actions.

As Airlines for America (“A4A”) explained to the FAA Administrator under separate cover (enclosed), we believe that the United States Government is well equipped to prosecute unruly and disruptive onboard behavior. 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. Successful and public criminal prosecutions under Section 46504, including potential imprisonment, will fulfill Congress’s intent to make safety the “highest priority in air commerce”² and “provid[e] stiff penalties for various crimes in air commerce”³ Making these prosecutions public will put a spotlight on the serious consequences when breaking the law and will act as an effective deterrent against future onboard disruptions.

Lastly, we submit that the enforcement of this critical safety statute should be consistent and vigorous across all jurisdictions within the United States. Aviation safety is a federal matter that impacts passengers and crewmembers across the country as well as in interstate travel; it is not a local issue subject to jurisdictional variations. We ask that, as the FAA has placed special emphasis on its enforcement program, the Department should direct federal prosecutors to dedicate resources for egregious cases.

U.S. Airlines and our labor partners are committed to working with the Department, the FAA and the entire federal government to ensure onboard safety and security.

We thank the Department for its consideration and hope that it will commit to taking action, along with coordination with the FAA, to ensure that egregious onboard conduct is fully and criminally prosecuted, sending a strong public message of deterrence, safety and security.

Respectfully submitted,

Airlines for America
Air Line Pilots Association
Allied Pilots Association
Association of Flight Attendants
Association of Professional Flight Attendants
Coalition of Airline Pilots Association
National Air Carrier Association
Regional Airline Association
Southwest Airlines Pilots Association
Transport Workers Union of America

² 49 U.S.C. § 40101(a)(1).

³ H. Rep. 97-958 (1961).