

United States Senate

WASHINGTON, DC 20510

September 20, 2021

The Honorable Steve Dickson
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Administrator Dickson:

In recent months, incidents involving unruly airline passengers have increased dramatically, with nearly three-fourths of these incidents reportedly relating to federal mask mandates. These incidents put passengers and crewmembers in danger. The increase has continued despite the zero-tolerance policy against unruly passengers put in place by the Federal Aviation Administration (FAA) earlier this year—which requires agency safety inspectors to conduct enforcement investigations and impose civil penalties against any passenger who assaults, threatens, intimidates, or interferes with airline crewmembers. Civil penalties alone are failing to deter criminal activity by airline passengers. We call on the FAA to increase coordination with the Department of Justice (DOJ) to ensure qualifying passenger behavior is criminally prosecuted.

As of September 14, 2021, there have been 4,284 reports of unruly passenger incidents this year—3,123 of which were mask-related. Additionally, the FAA has initiated 755 investigations into unruly passengers, which is more than double the investigations for 2019 and 2020 combined. The FAA has initiated enforcement actions in 154 cases, levying more than one million dollars in fines. Despite these efforts by the FAA, as well as penalties for unruly passengers levied by the airlines, these incidents have continued to increase.

Robust and public efforts to prosecute those who endanger passengers and crewmembers are necessary to deter interference with safe air travel. The FAA plays a critical role in investigating and referring criminal incidents to federal law enforcement authorities. The FAA's Compliance and Enforcement Program instructs FAA's enforcement counsel to promptly coordinate FAA enforcement action with DOJ when an Enforcement Investigation Report contains allegations supporting criminal and legal enforcement action. However, despite the increase in unruly passenger incidents, criminal prosecution has been limited. It is critical that FAA work with DOJ to ensure any criminal violations on aircraft are fully investigated, and, when supported by the evidence, criminally prosecuted.

To inform oversight of FAA's response to the danger presented by unruly airline passengers, please provide a staff briefing as soon as possible and no later than October 11, 2021 on the FAA's reporting and referral of alleged criminal incidents related to unruly airline passengers to federal law enforcement officials since January 2021.

Thank you for your time and consideration. We look forward to your prompt response.

Sincerely,



Maria Cantwell
Maria Cantwell
Chair, Senate Committee on Commerce,
Science, and Transportation



Richard J. Durbin
Richard J. Durbin
Chair, Senate Committee on the Judiciary