



Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

Peter A. DeFazio  
Chairman

Sam Graves  
Ranking Member

Katherine W. Dedrick, Staff Director

Paul J. Sass, Republican Staff Director

January 11, 2021

The Honorable Stephen M. Dickson  
Administrator  
Federal Aviation Administration  
800 Independence Avenue S.W.  
Washington, D.C. 20591

Dear Administrator Dickson:

Last week's deadly attempted coup by violent insurrectionists who stormed and ransacked the U.S. Capitol, a sanctuary of our democracy, understandably has put Americans on edge. Over the weekend, increasingly numerous press reports revealed that certain groups are plotting additional violence in connection with the upcoming inauguration of President-elect Joseph R. Biden Jr. We write, therefore, to urge you to take every appropriate action within your statutory authority, and to work with air carriers to persuade them to take complementary action, (1) to prevent civil unrest from jeopardizing aviation safety and leading to injury or worse during flight, and (2) to limit the chance that the Nation's commercial airline system could be used as a means of mass transportation to Washington, D.C., for further violence in connection with the inauguration.

We know you and your leadership team share our view that the violence against the peaceful transfer of power was absolutely reprehensible, made even more so by the fact that this violence was incited by President Trump.<sup>1</sup> Unfortunately, as members of this mob have departed our Nation's capital, their repugnant behavior continues at airports and on board airliners, evidenced by press reports detailing "rowdy" and "unruly" conduct and harassment of travelers and crewmembers mid-flight<sup>2</sup> and the accosting of elected officials.<sup>3</sup>

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<sup>1</sup> U.S. *FAA Says Five Political Appointees Resigning After Capitol Riot*, CNBC (Jan. 7, 2021),

<https://www.cnbc.com/2021/01/08/us-faa-says-five-political-appointees-resigning-after-capitol-riot.html>.

<sup>2</sup> See, e.g., *Their Behavior was Unacceptable: Alaska Airlines Bans 14 Passengers Following Rowdy DC Flight a Day After Riot*, USA TODAY (Jan. 8, 2021), <https://www.usatoday.com/story/travel/news/2021/01/08/alaska-airlines-bans-14-flight-washington-no-masks-capitol-riot/6603242002/> and *Bustos Describes 'Terrible' Flight Home with Part of Capitol Mob*, OURQUADCITIES (Jan. 8, 2021), <https://www.ourquadcities.com/news/local-news/bustos-describes-terrible-flight-home-with-part-of-capitol-mob>.

<sup>3</sup> See, e.g., *'TRAITOR, TRAITOR!': Videos Show Trump Supporters Accosting GOP Sen. Lindsey Graham at Reagan National Airport*, BUS. INSIDER (Jan. 8, 2021), <https://www.businessinsider.com/trump-supporters-accost-gop-senator-lindsey-graham-reagan-airport-video-2021-1>.

This behavior has the potential to cause serious problems when it occurs in the cabin, especially as pilots and flight attendants are pulled to deescalate or respond to such events while performing their critical safety duties to ensure the wellbeing of every traveler on board. While we applaud air carriers for implementing enhanced measures to combat this disgraceful conduct, including suspending onboard alcohol service for flights to and from the District of Columbia,<sup>4</sup> removing offenders from airplanes,<sup>5</sup> and banning offenders from an airline altogether,<sup>6</sup> disruptive conduct in flight must be uniformly condemned and discouraged from the Federal level to maintain safety and order in our skies.

As FAA Administrator, you have tools at your disposal to punish and deter this kind of disruptive behavior in U.S. air travel. As you know, Federal statutes and regulations under your agency's purview authorize fines or imprisonment for assaulting, intimidating, threatening, or interfering with an airline crewmember's performance of their duties.<sup>7</sup> We applaud your statement this weekend that the agency, relying on these authorities, "will pursue strong enforcement action against anyone who endangers the safety of flight."<sup>8</sup> In addition to these statutes that will serve as important deterrents for unruly passenger behavior in U.S. air travel, you have other, far-reaching safety authorities that should also be leveraged to implement measures to further protect airline workers and travelers from the disruptive behavior described herein.<sup>9</sup>

In that spirit, we implore you to enforce vigorously these authorities and pursue civil penalties for no less than the maximum amount authorized in law—\$35,000 per violation—to deter unruly passengers from acting in such a manner. We also urge you not to hesitate to refer violations of criminal laws, including violations of the prohibition on interference with crewmembers' performance of their duties, to the Justice Department for prosecution as well as to other appropriate Federal agencies such as the Federal Bureau of Investigation and the Transportation Security Administration. As the FAA Administrator, as well as a seasoned pilot and expert in airline flight operations, your input on these matters will carry great weight with other Federal agencies as they assess appropriate enforcement options within their respective jurisdictions.

Accordingly:

1. We urge you to convene immediately representatives of the U.S. aviation community, including the airline, airport, and labor representatives, to develop a plan to implement multiple layers of measures, within the bounds of the Constitution, to detect instances in which those connected with last Wednesday's attack or their sympathizers may attempt to travel by air again to Washington, D.C.; to facilitate the sharing of information among airlines and between airlines, airports, and the FAA to preclude these seditionists from

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<sup>4</sup> See, e.g., *America Airlines Suspends Alcohol Service on Flights to and From the DC-Area*, NBCDFW (Jan. 7, 2021), <https://www.nbcdfw.com/news/local/american-airlines-suspends-alcohol-service-on-flights-to-and-from-the-dc-area>.

<sup>5</sup> See, e.g., USA TODAY, *supra* note 2 (describing Delta Air Lines' recent removal of "unruly" passengers traveling from Washington, D.C., to Minneapolis).

<sup>6</sup> See, e.g., *id.* (describing Alaska Airline's banning of 14 passengers following a flight from Washington, D.C., to Seattle).

<sup>7</sup> See, e.g., 49 U.S.C. §§ 46318, 46504 (respectively, authorizing a civil penalty for interference with cabin or flight crew and imposing criminal liability for the same) and 14 C.F.R. § 121.580 (prohibiting interference with crewmembers).

<sup>8</sup> *FAA Chief Vows to Take Action Against Unruly Passengers in Wake of Capitol Riots*, POLITICO Pro Transp. (Jan. 9, 2021).

<sup>9</sup> See, e.g., 49 U.S.C. § 44701(a) (authorizing the Administrator to prescribe regulations and minimum standards "necessary for safety in air commerce and national security").

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jeopardizing aviation safety if they do board aircraft; and to take any other lawful action that airlines, airports, or the FAA determines is appropriate to protect the National capital; and

2. We request a written response or briefing not later than January 15, 2021, outlining your proposed course of action and identifying any gaps in your statutory authority you may identify during your evaluation of such policies or mandates.

Ensuring the safety of airline crewmembers and the millions of passengers who will fly in the coming weeks from disruptive behavior that continues across our Nation's aviation system will require a robust, coordinated response from Government and aviation stakeholders. We respectfully urge the FAA and the aviation community to think creatively on what authorities or additional measures will reduce the possibility of unruly and disruptive behavior on aircraft over the next nine days as well as that of insurrectionists exploiting the freedom to fly to carry out nefarious schemes against democracy.

Thank you for your immediate attention to this letter.

Sincerely,



PETER A. DeFAZIO  
Chairman



RICK LARSEN  
Member of Congress