

# United States Senate

WASHINGTON, DC 20510

September 20, 2021

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

Dear Attorney General Garland:

In recent months, incidents involving unruly airline passengers have increased dramatically, with nearly three-fourths of these incidents reportedly relating to mask-wearing requirements. These incidents put passengers and crewmembers in danger.

Earlier this year the Federal Aviation Administration (FAA) instituted a zero-tolerance policy against unruly passengers, requiring agency safety inspectors to conduct enforcement investigations against any passenger who assaults, threatens, intimidates, or interferes with airline crewmembers. To ensure the safety and security of everyone onboard commercial aircraft, Department of Justice (DOJ) must commit to similarly robust enforcement efforts.

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. While these efforts are commendable, civil fines are not a sufficient deterrent to curb the recent tide of unruly passengers.

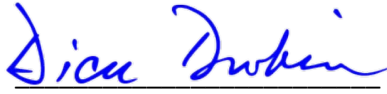
As you know, DOJ has ample authority to prosecute those who commit crimes while onboard an aircraft. Those who interfere with the performance of a crewmember's duties can be prosecuted under 49 U.S.C. §46504. Additionally, 49 U.S.C. §46506 provides DOJ with the authority to prosecute those who commit other crimes onboard aircraft, including assault.

It is critical that DOJ direct federal law enforcement agents and prosecutors to use these authorities to fully investigate reported incidents on aircraft, and, when supported by the evidence, prosecute those who are criminally responsible. Robust and public efforts to prosecute those who endanger passengers and crewmembers are necessary to deter interference with safe air travel.

To inform oversight of DOJ'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, to discuss how DOJ is using its authority to curb the increasing number of violent incidents involving unruly passengers onboard airlines in coordination with the FAA.

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

Sincerely,



Richard J. Durbin  
Chair, Senate Committee on the Judiciary



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