



A bold voice for transportation workers

September 15, 2016

Sign the Rep. Garamendi Letter Urging DOT and DOJ to Protect Airline Workers from Assault

Dear Representative,

On behalf of the Transportation Trades Department, AFL-CIO (TTD) I urge you to sign the letter being circulated by Rep. John Garamendi to the Secretary of Transportation and the Attorney General which clarifies Congressional intent in regards to Section 114 of the Aviation and Transportation Security Act of 2001. Drafted to provide federal protections against assault to all airline and airport personnel who perform security functions, the law has been implemented much more narrowly. The letter states that the current interpretation of the law runs contrary to what Congress intended, and asks the Departments of Transportation (DOT) and Justice (DOJ) to implement the law to cover all workers who have security functions, including airline gate and ticket agents.

Passed in the wake of the 9/11 attacks on our country, the Aviation and Transportation Security Act of 2001 overhauled our nation's transportation security measures. In addition to creating the Transportation Security Administration (TSA), this law made several important reforms designed to keep passengers and workers safe. Section 114, which was passed as an amendment introduced by then-Senator John Kerry, set federal penalties for interfering with or assaulting airport or airline personnel who have security duties. As noted in the Garamendi letter, Senator Kerry wrote in 2002 to DOT that "gate agents, ramp personnel and airline workers who control access to an aircraft or other secure area should be considered as having security functions." Unfortunately the DOT and DOJ have narrowly interpreted this law as only applying to TSA agents and law enforcement.

A broader application of Section 114 is especially needed in light of the troubling rise in violence we have seen against airline customer service agents, including gate and ticket agents, who are responsible for ticketing, baggage claims, check-in and the orderly boarding of aircraft. Earlier this year, TTD's Executive Committee formally [endorsed](#) enhanced federal protections for customer service representatives and called on policy makers "to ensure that when incidents occur appropriate legal action is taken against the offender." Assaults have often resulted in serious and sometimes life-altering injuries to airline personnel who are simply doing their jobs. In some cases the perpetrators have been arrested and prosecuted, but more often than not violent passengers face no legal consequences and are allowed to continue on with their trip. While modern air travel can be stressful and unpredictable, no amount of inconvenience can justify verbally or physically assaulting airline personnel.

Transportation Trades Department, AFL-CIO

815 16th Street NW / 4th Floor / Washington DC 20006

Tel:202.628.9262 / Fax:202.628.0391 / www.ttd.org

Edward Wytkind, President / Larry I. Willis, Secretary-Treasurer

As assaults of customer service agents continue to rise, DOT and DOJ must follow Congressional intent and apply federal protections to these workers. I urge you to sign the Garamendi letter, and appreciate your consideration.

Sincerely,



Edward Wytkind
President

Dear Colleague,

I invite you to join me in sending a letter to the Department of Transportation (DOT) and the Department of Justice (DOJ) clarifying Congressional intent as it pertains to Section 114 of the Aviation and Transportation Security Act. The current interpretation by these agencies fails to provide critical protections for airline and airport gate and ticket agents as Congress intended.

In the late fall of 2001, following the 9/11 attacks, Congress passed, and the President signed, the Aviation and Transportation Security Act, which included sweeping reforms to airport security protocols. Section 114 of this legislation, an amendment offered by Senator John Kerry, set penalties for interfering with airport and airline personnel who have security duties. A 2002 letter from Senator Kerry clarified that “gate agents, ramp personnel and airline workers who control access to an aircraft or other secure area should be considered as having security functions”. Unfortunately, DOT and DOJ have narrowly focused these protections on TSA agents and law enforcement officers.

In recent years we have seen a troubling rise in assaults on airline customer service representatives. In one [recent attack](#), a violent passenger unleashed an unprovoked barrage of punches to a victim’s head, pulled the employee down by her hair, and proceeded to kick her in the stomach and legs. While this passenger was arrested and charged with battery, the vast majority of perpetrators face no legal consequences and are allowed to continue their travels. Air travel can be stressful and frustrating. But no amount of inconvenience to a passenger can excuse a violent assault on an airline employee who is doing his or her job.

Endorsed by: International Association of Machinists and Aerospace Workers, Communication Workers of America, Transportation Trades Department, AFL-CIO,

Please contact Garrett Durst in my office at Garrett.Durst@mail.house.gov or 202-225-1880 to be added to the letter.

Sincerely,
John Garamendi

The Honorable Anthony Foxx
Secretary of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Loretta Lynch
United States Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Secretary Foxx and Attorney General Lynch:

We write to you today to clarify the intent of Congress as it pertains to the interpretation and implementation of 49 U.S.C Section 46503 (Interference with security screening personnel). It has come to our attention that the Department of Justice (DOJ) and Department of Transportation (DOT) have historically interpreted this statute as applicable to only TSA agents and law enforcement personnel. The legislative history of this statute clearly shows that the current interpretation is not in line with the intent of Congress.

In the late fall of 2001, following the 9/11 attacks, Congress passed, and the President signed, the Aviation and Transportation Security Act, which included sweeping reforms to airport security protocols. Section 114 of this legislation, an amendment offered by Senator John Kerry, set penalties for interfering with airport and airline personnel who have security duties. Attached to this letter, you will find a 2002 letter from Senator Kerry clarifying that “gate agents, ramp personnel and airline workers who control access to an aircraft or other secure area should be considered as having security functions”.

In practice, many gate and ticket agents have inherent security duties included in their job responsibilities. We have met with a number of them over the last few months and confirmed this. While their security responsibilities might not be as overt as those of a TSA agent, it is without question that they provide a valuable barrier between unruly passengers and an aircraft.

Additionally, we are disturbed by the stories we have heard directly from agents detailing increased verbal and physical attacks on gate agents, ramp personnel, and airline workers. It is imperative that DOJ and DOT implement this statute as Congress originally intended. We greatly appreciate your attention to this matter and we look forward to your response.