



February 17, 2022

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

Dear Attorney General Garland,

As you are aware, violence against airline employees has increased to unprecedented and unacceptable levels during the last two years. These employees, who already endure the stresses of being frontline workers during a pandemic, have unjustly labored under the incessant threat of abuse and physical harm from unruly passengers unwilling to comply with COVID-19 masking measures or directions from airline and security staff, or who attempt to board aircraft while intoxicated and belligerent. To date, your office has taken welcome steps to address these issues aboard aircraft, prioritizing prosecution of those who “endanger the safety of passengers, flight crews and flight attendants”.¹

Unfortunately, this unruly behavior is also rampant within the airport, prior to enplanement, and we have seen cases of assault at airport gates, ticket and reservation areas, and other on-the-ground airport locations. With great frequency, passenger service agents have been the targets of violence and unruly behavior in their workplace as they carry out their responsibilities. Ultimately, addressing these issues will require the cooperation of multiple agencies and the exercise of their respective authorities, as highlighted in our February 10th [letter](#). The lack of jurisdictional clarity and whole of government response has meant that unruly behavior against these employees is adjudicated unevenly at best, and frequently not at all.

However, the Department of Justice unquestionably has tools at its disposal today that would be beneficial in deterring assaults against passenger service agents and ensuring that perpetrators of violence against, or interference with, these employees are held responsible for their actions. Current law codified at 49 U.S. Code § 46503 *Interference with security screening personnel*, states that:

“An individual in an area within a commercial service airport in the United States who, by assaulting a Federal, airport, **or air carrier employee** who has security duties within the airport, interferes with the performance of the duties of the

¹ DOJ Memorandum, “Coordinating with Federal, State, Local, Tribal, And Territorial Prosecutors And Law Enforcement To Address Criminal Conduct On Commercial Aircraft”, 11/24/21.

employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both.”

The language of the statute is clear that these penalties apply to behavior against airline employees with security duties, which is encompassing of passenger service agents who carry out many of these duties as part of their role in maintaining the multiple levels of security of an airport. This includes critical security functions such as checking passengers in and reviewing identification, as well as boarding passengers, thereby acting as the last line of defense before an individual is permitted on-board an aircraft. In 2017, DOJ affirmed this interpretation of 49 USC 46503 in correspondence with Congressman John Garamendi.²

Unfortunately, since that time, the Department has not meaningfully pursued federal penalties against individuals who assault or interfere with passenger service agents, and in fact we are aware of no such prosecutions. Given the dire circumstances faced by these employees in the current climate, it is incumbent on the Department to exercise its full authority against unruly individuals who put passenger service agents in harm’s way. As organizations representing these workers, we request that Department take the following actions.

- 1. Fully enforce the 2017 Kadzik interpretation letter.** As per the prior acknowledgement of the Department’s authority, it must fully enforce the application of 49 USC 46503 and the enumerated federal criminal penalties against individuals who assault or interfere with passenger service agents.
- 2. Prioritize prosecutions under 49 USC 46503.** The Department should publish a companion memorandum to the Criminal Conduct On Commercial Aircraft memorandum to U.S. Attorneys, similarly calling for prioritized prosecutions under §46503.
- 3. Coordinate with state and local law enforcement.** In the experience of our members, local and airport law enforcement is generally unaware of the applicability of §46503. In practice, this results in failure to alert the Department when such a crime has occurred, ensuring that federal prosecution will not occur and the statute will not be exercised as intended. The Department must take steps to provide information and education to law enforcement partners, particularly those serving airports, on this matter and ensure that there is a clear pathway for the reporting, processing, referral, and prosecution of assault cases.

We thank the Department of Justice for the actions it has taken to date to address the scourge of unruly passengers. However, additional steps must be taken to attend to the needs of additional segments of the aviation workforce, including passenger service agents. We ask the Department to expeditiously act on these recommendations, and appreciate your consideration.

Sincerely,
Transportation Trades Department, AFL-CIO (TTD)
Communications Workers of America (CWA)
International Brotherhood of Teamsters (IBT)
International Association of Machinists and Aerospace Workers (IAMAW)

² DOJ Response to Congressman John Garamendi, Peter J. Kadzik, Assistant Attorney General, 1/5/17.

Transport Workers Union of America (TWU)
Association of Flight Attendants-CWA (AFA)