



Testimony of

Airports Council International – North America

before the

United States House of Representatives

Committee on

Transportation and Infrastructure’s Subcommittee on Aviation

***Disruption in the Skies: The Surge in Air Rage and its Effects on
Workers, Airlines, and Airports***

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Chairman Larsen, Ranking Member Graves, and Members of the Subcommittee, thank you for inviting me to participate in today's hearing. I am Christopher Bidwell, Senior Vice President of Security at Airports Council International – North America (ACI-NA), the trade association representing the local, regional, and state governing bodies that own and operate airports in the United States and Canada. I appreciate the opportunity to discuss the work of airport operators in responding and helping to reduce the number of unruly passenger incidents.

Mr. Chairman, each day, airports, operating in today's dynamic threat environment, implement a variety of measures to provide for the security of their passengers, employees, tenants and facilities. To this end, airports coordinate closely with the Federal Aviation Administration (FAA), Transportation Security Administration (TSA), U.S. Customs and Border Protection (CBP), the Federal Bureau of Investigation (FBI), other federal, state and local law enforcement agencies, and their airline partners to maintain a comprehensive, multi-layered, risk-based aviation security system. In our testimony, we have included several recommendations to address and mitigate unruly passenger incidents.

COVID has created a lot of stress for our members, our industry and the flying public. Due to that stress, many people are acting differently in various aspects of their lives, and air travel is no different. While it is easy to blame the rise of unruly passengers incidents on one cause or another, there are a variety of factors that contribute to the incidents to which our airport members are asked to respond.

As with any issue in the aviation business, we arrive at the best outcomes when industry and government work together as a community to identify potential gaps and improve communication, processes and procedures.

We applaud the FAA for implementing a zero tolerance policy to raise awareness about the issue of unruly passengers and for taking action against those individuals whose behavior is causing problems in the aviation system. We also appreciate the TSA for doubling the amount of civil penalties that may be imposed on individuals who violate the federal mask mandate.

At ACI-NA, we have been proactively working on a number of fronts to address the challenges:

- At our request, the FAA briefed our Marketing, Communications and Customer Experience Committee on the issue of unruly passengers, so airports can amplify FAA's message and share information about how they are assisting their airline partners.

- Our Public Safety & Security Committee identified and shared good practices, processes, and procedures airport management, airport law enforcement, TSA and the airlines have implemented to address unruly passenger behavior.
- ACI-NA has held and continues to participate in joint meetings with member airports, Airlines for America, the Airport Law Enforcement Agencies Network (ALEAN) and concessionaires to share information and identify strategies to mitigate the causes that give rise or contribute to unruly passenger incidents.

Much has been discussed in the press about the role of alcohol in the behavior of unruly passengers, but we have yet to see any data on the number of incidents that involve alcohol. Bartenders who work in airport restaurants and bars must be certified and trained by local alcohol licensing authorities. Commensurate with the oversight of local restaurants and bars with liquor licenses, airport concessionaires are subject to the same licensing, oversight, and inspection requirements in order to maintain a license to serve alcohol. In general, airports have no authority over alcohol licensing, but continue to work with their airline partners on initiatives to raise awareness with travelers about the FAA regulation prohibiting passengers from drinking alcohol on board the aircraft unless it is served by the air carrier. Some airports have deployed signage to assist airlines that are reluctant to make announcements during the boarding process. Other airports worked with local airlines to design and institute the use of marked cups to assist airline gate agents in identifying those that contain alcohol.

In accordance with TSA security regulations, airport operators provide law enforcement officers, with arrest authority, in the number and manner adequate to support their federally approved security programs. Airport law enforcement officers are available, committed, and respond to incidents when requested by air carriers serving the airport.

With certain states and communities having lifted mask requirements, many residents were either surprised, frustrated or upset by TSA's extension of the mask-wearing requirement at airports, and calls for airport law enforcement support increased significantly. This remains an added burden on airport law enforcement, in addition to their existing responsibilities for investigating and preventing criminal activity, enforcing requirements in the airport security program, and supporting TSA screening checkpoint operations.

TSA created the Law Enforcement Officer Reimbursement Program to partially reimburse airports for providing law enforcement officer staffing and support at screening checkpoints. Although TSA planned to recruit, train and deploy a total of 2,000 Federal Law Enforcement Officers at security checkpoints, the agency did not have the funding to do so. Over time, many

airports have entered into reimbursable agreements with TSA to provide law enforcement officers to support TSA screening operations. As security threats continue to evolve, TSA has imposed additional requirements on airport law enforcement officers. Through the TSA Modernization Act, Congress clearly recognized the significant security value of the TSA Law Enforcement Officer Reimbursement Program and required TSA to expand it. Congress should continue to provide TSA adequate funding to fully support this important program.

In responding to calls from airlines to address unruly passenger incidents, airport law enforcement faces a number of challenges. Whereas interference with crewmembers is a federal offense under Title 49 of the United States Code section 46504, airport law enforcement can only enforce state/local laws. Depending on the nature of the incident, airport law enforcement officers may only be able to conduct a cursory investigation and turn the case over to federal authorities.

Let me be clear, airport law enforcement attempts to hold unruly passengers accountable for their dangerous behavior, while operating in accordance with state and local law.

In some instances, however, airline crewmembers are reluctant to stay around to press charges, even when they have been assaulted. Unless crewmembers press charges, airport law enforcement officers may not be able to legally detain the passenger.

If there is a physical or sexual assault that occurs while the aircraft is in flight, the Federal Bureau of Investigation (FBI) has jurisdiction. Typically, airport law enforcement will collect information, and contact the FBI. Although the FBI can request airport law enforcement to detain the passenger on a federal charge, it is rare and usually occurs only when an aggravated assault or altercation has occurred. Most of the time, FBI requests airport law enforcement to gather information and forward the reports, so the agency can follow up.

Further, as it pertains to incidents that occur at an airport, many state criminal and procedural laws require law enforcement officers to witness the crime in order to detain the perpetrator.

As I stated previously, it takes the community to solve the problem. We are committed to being part of the solution, working with the FAA, TSA, our members, other government agencies and the rest of the aviation community to implement the following recommendations to address unruly passenger incidents.

- Airline gate agents, as the first line of defense, should be extra vigilant for signs and deny boarding to those individuals they suspect are intoxicated, and notify airport law enforcement.
- When an incident occurs, airline crewmembers should make statements to airport law enforcement and press charges to enable criminal prosecution.
- Airport law enforcement should be provided the flexibility to prioritize the response to unruly passenger incidents.
- FAA and TSA should share more detailed and timely data on incidents with airport operators to ensure greater situational awareness.
- The U.S. Government should prioritize the prosecution of individuals who interfere with crewmembers, and broadly publicize successful criminal prosecutions and civil penalty actions.

Conclusion

ACI-NA and its member airports are committed to continue to work with Congress, FAA, TSA, FBI, and other law enforcement agencies and aviation stakeholders to identify good practices to reduce the number of unruly passenger incidents. We look forward to coordinating with our industry and government partners on the implementation of our recommendations to address this important issue.

Thank you for the opportunity to submit this written testimony.