

Protection from Abusive Passengers Act

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The Federal Aviation Administration (FAA) investigated 831 unruly-passenger incidents in 2022, up from 146 just four years ago. The **Protection from Abusive Passengers Act** would require the Transportation Security Administration (TSA) to develop a no-fly list for individuals who engage in dangerous behavior on a plane or at a security checkpoint. It ensures the list will be fair, transparent, and include an opportunity for appeal. "There should be zero tolerance for any violent behavior that affects flight safety, and this bipartisan bill will help us get there," said Senator Jack Reed.

Under the proposed legislation, the TSA would bar passengers who are fined or convicted of physical assault, intimidation, or abuse from flying on commercial aircraft. Notice will be provided to banned individuals, and there will be set guidelines for appeal and removal from the list. The bill also provides TSA flexibility in determining how long the individual may be barred from flying based on the severity of the offense. It would permanently ban abusive passengers from participating in the TSA PreCheck or Customs Global Entry programs.

The **Protection from Abusive Passengers Act** would require the TSA to define the policies and procedures for the banned fliers list (BFL), including:

- A process for receiving abusive passenger referrals from the FAA or the Department of Justice;
- How the BFL will be maintained;
- Specific guidelines and considerations for removing an individual from the BFL;
- Procedures for expeditious removal of the erroneous additions;
- Procedures for appeal and removal for non-erroneous additions; and
- A process for providing advanced written notice of individual rights and program requirements, rules, and procedures for all individuals referred to the BFL, within five days.
- The bill also directs the Department of Homeland Security Inspector General to report to Congress every three years on any disparities based on race or ethnicity in the treatment of appeals for removal.

Under the bill, an "abusive passenger" is a person who was either:

- Convicted of:
 - Physically or sexually assaulting a commercial aircraft crewmember;
 - Threatening to physically or sexually assault a commercial aircraft crewmember;
 - Engaging in an action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft;
 - Assaulting a Federal airport or air carrier employee who has security duties within an airport; or
 - Other federal assaults, threats, or intimidation offenses against an aircraft crewmember while in flight.

Under the bill, an "abusive passenger" is a person who was either:

- Assessed a civil penalty for:
 - Tampering or interfering with, compromising, modifying, or attempting to circumvent any security system, measure, or procedure on an aircraft in flight; or
 - Causing a person to tamper or interfere with, compromise, modify, or attempt to circumvent any security system, measure, or procedure on an aircraft in flight.