

I MINA' TRENTAI TRES NA LIHESLATURAN GUÁHAN
2016 (SECOND) Regular Session

Resolution No. 391-88 (COR)

Introduced by:

B. J.F. Cruz 

Relative to expressing *I Liheslaturan Guahan's* unequivocal support of H.R. 4441, cited as the *Aviation Innovation, Reform, and Reauthorization Act of 2016*, for its inclusion of the Airline Worker Assault Amendment, as proffered by the Honorable Congressman John R. Garamendi, to make assault against airline customer service agents a felony; and to further urging members of the United States Congress to seek H.R. 4441's passage.

2016 MAY 27 PM 3:57

1 **BE IT RESOLVED BY I MINA' TRENTAI TRES NA LIHESLATURAN**
2 **GUÁHAN:**

3 **WHEREAS**, recognizing the need to enhance security and improve
4 protection of airline workers across America, Congress passed legislation
5 amending sections of the *Federal Aviation Act of 1958* (U.S. Public Law 272,
6 103rd U.S. Congress, July 5, 1994 and P.L. 56, 107th U.S. Congress, October 26,
7 2001), mandating significant reform for Federal Aviation Administration (FAA)
8 personnel; and

9 **WHEREAS**, under federal law, aircrew members—such as flight deck and
10 aircraft cabin personnel—are currently protected from assault, threats of assault,
11 coercion, or any action that prevents a crewmember from safely fulfilling their
12 duties (49 U.S.C. §46504). Such actions that pose a risk to either the crewmembers
13 or passengers constitute a felony, punishable by a twenty year prison sentence and
14 a maximum fine of two hundred fifty thousand dollars (\$250,000) (18 U.S.C. §
15 3571). Furthermore, offenders that assault crewmembers with any object deemed
16 “a dangerous weapon” could face a life sentence (49 U.S.C. § 46504); and

1 **WHEREAS**, according to the FAA’s Code of Federal Regulations (14
2 C.F.R. §§ 91.11, 121.580, 135.120), “unruly passengers” who engage in any
3 disorderly conduct that causes disturbance to the performance of crewmembers—
4 such as obstructing the aisles, or refusing to stay seated, comply with electronic
5 device policies, or follow any directive issued by a flight attendant—may face a
6 fine of up to twenty five thousand dollars (\$25,000) per violation, depending on the
7 severity of the offense (49 U.S.C. § 46318); and

8 **WHEREAS**, despite its legislative intent to promote the safety of
9 passengers and airline workers, the *Federal Aviation Act* currently does not extend
10 the same protection to its airline customer service representatives, such as gate and
11 ticket agents, who assist customers with purchasing tickets, checking in, and
12 boarding the aircraft; and

13 **WHEREAS**, as the frontline staff to all potential passengers, customer
14 service agents are essential to the daily operation of every airline industry, ensuring
15 safe and efficient boarding procedures and determining whether individuals may
16 pose a threat to the aircraft and its passengers; and

17 **WHEREAS**, the exclusion of customer service representatives from federal
18 protection unduly burdens agents who consistently interact with disorderly
19 customers. Due to this exclusion, customer service agents are denied the protection
20 needed when handling potential assailants. As a result, violence directed at
21 customer service agents often goes unreported, with most assailants permitted to
22 board the aircraft; and

23 **WHEREAS**, a recent example of such appalling attacks against customer
24 service agents occurred at the Ft. Lauderdale-Hollywood International Airport in
25 January 2014 during which an individual physically assaulted a defenseless United
26 Airlines ticket agent, leaving the agent with “bruises and swelling to her face and
27 head”; and

1 **WHEREAS**, although the assailant was subsequently arrested and charged
2 with battery, the lack of uniform enforcement in cases of assault against customer
3 service agents signifies that such actions are subject to the arbitrary decision of
4 local authorities, resulting in most cases remaining unprosecuted; and

5 **WHEREAS**, in response to these injustices, the International Association of
6 Machinists and Aerospace Workers (IAMAW) partnered with members from the
7 transportation division of the American Federation of Labor and Congress of
8 Industrial Organizations (AFL–CIO) to push for the inclusion of language
9 protecting airline customer service agents in the *Federal Aviation Act*; and

10 **WHEREAS**, on February 3, 2016, Congressman William F. Shuster, U.S.
11 Representative for Pennsylvania’s Ninth (9th) District, introduced H.R. 4441, cited
12 as the *Aviation Innovation, Reform, and Reauthorization Act of 2016*, to
13 reauthorize the Federal Aviation Administration (FAA) through Fiscal Year 2019;
14 and

15 **WHEREAS**, recognizing the need to include language to protect all airline
16 workers, Congressman John Garamendi, U.S. Representative for California’s 3rd
17 District, proffered an amendment to make assault on airline customer service
18 representatives a felony. The Garamendi Amendment—also known as the Airline
19 Worker Assault Amendment—was unanimously adopted by the U.S. House
20 Committee on Transportation and Infrastructure during the Committee’s
21 Consideration and Markup Session on February 11, 2016; and

22 **WHEREAS**, to demonstrate support of the amendment, officers of Local
23 Lodge 2339G, IAMAW representatives at United Airlines in Guam, collected over
24 two hundred (200) signatures expressing solidarity with all airline workers—
25 including those employed in customer service, ramp service, city ticket offices, and
26 stores—and further urging the passage of H.R. 4441 in U.S. Congress; and

27 **WHEREAS**, although the House chamber’s version of the FAA
28 Reauthorization measure protects customer service representatives in the United

1 States, the Senate Chamber’s version, S. 2658—introduced by Senate Commerce
2 Committee John Thune (R-S.D.), Ranking Member Bill Nelson (D-Fla.), Aviation
3 Subcommittee Chair Kelly Ayotte (R-N.H.), and Aviation Subcommittee Ranking
4 Member Maria Cantwell (D-Wash.)—merely mandates that the Comptroller
5 General of the United States complete a study on the violent crimes committed
6 against airline customer service representatives; and

7 **WHEREAS**, the IAMAW maintains that the overwhelming number of cases
8 of assault on customer service agents should serve as sufficient evidence to compel
9 the inclusion of language that protects these suffering airline workers across
10 America, and urges that all measures relative to the FAA Reauthorization contain
11 such language before passing in Congress and being presented to the U.S.
12 President; and

13 **WHEREAS**, by including such language in all FAA Reauthorization
14 measures, customer service agents are empowered to take legal action with the
15 knowledge that assailants will be held accountable for their crimes and that such
16 cases will be uniformly enforced; and

17 **WHEREAS**, furthermore, with federal protection extended to customer
18 service representatives, all airline workers would be treated equitably, therefore,
19 strengthening the safety of all passengers; and

20 **RESOLVED**, that *I Mina’ Trentai Tres na Liheslaturan Guahan* does hereby
21 declare its unequivocal support for H.R. 4441, cited as the *Aviation Innovation,*
22 *Reform, and Reauthorization Act of 2016*, relative to the measure’s recent inclusion
23 of the Airline Worker Assault Amendment to extend federal protection to customer
24 service representatives by making assault against a customer service agent a felon;
25 and does hereby further urge members of the 114th U.S. Congress to seek passage
26 of H.R. 4441; and be it further

27 **RESOLVED**, that the Speaker of *I Liheslaturan Guahan* certify, and the
28 Secretary of the Legislature attests to, the adoption hereof and that copies of the

1 same be thereafter transmitted to the Honorable Paul D. Ryan, Speaker of the
2 United States House of Representatives; the Honorable Congresswoman
3 Madeleine Z. Bordallo, Guam delegate to the U.S. House of Representatives; the
4 Honorable Congressman William F. Shuster, U.S. Representative for
5 Pennsylvania's 9th District; the Honorable Congressman John Garamendi, U.S.
6 Representative for California's 3rd District; the Honorable John Thune, U.S.
7 Senator for South Dakota; the Honorable Bill Nelson, U.S. Senator for Florida; the
8 Honorable Kelly Ayotte, U.S. Senator for New Hampshire; the Honorable Maria
9 Cantwell, U.S. Senator for Washington; Mr. Robert Martinez, President of the
10 International Association of Machinists and Aerospace Workers; Ms. Sharon
11 Sugiyama, President of Local Lodge 2339G and Vice President of Guam Division
12 141 IAMAW; Ms. Anna Alegre-Tupaz, Vice President of Local Lodge 2339G; Mr.
13 Pete Atoigue, Local 2339G Trustee; Saturino Julian, Chief Steward; and the
14 Honorable Edward J.B. Calvo, *I Maga'lahaen Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES
OF I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN ON THE ____
DAY OF MAY 2016.**

JUDITH T. WON PAT, Ed.D.
Speaker

RORY J. RESPICIO
Chairperson, Committee on Rules

TINA ROSE MUNA BARNES
Legislative Secretary