

107TH CONGRESS  
1ST SESSION

# S. 1444

To establish a Federal air marshals program under the Attorney General.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2001

Mr. McCONNELL introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To establish a Federal air marshals program under the Attorney General.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Air Marshals  
5 and Safe Sky Act of 2001”.

6 **SEC. 2. PROGRAM ESTABLISHED.**

7 (a) IN GENERAL.—Chapter 37 of title 28, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing:

10 **“§570. Federal air marshals program**

11 “(a) DEFINITIONS.—In this section:

1           “(1) AIRCRAFT.—The term ‘aircraft’ has the  
2 meaning given that term in section 40102 of title  
3 49.

4           “(2) AIR TRANSPORTATION.—The term ‘air  
5 transportation’ has the meaning given that term in  
6 section 40102 of title 49.

7           “(3) PROGRAM.—The term ‘program’ means  
8 the program established under subsection (c).

9           “(4) UNITS OF LOCAL GOVERNMENT.—The  
10 term ‘units of local government’ includes an airport  
11 authority.

12           “(b) RESPONSIBILITY FOR AIRPORT AND AIRCRAFT  
13 SAFETY.—This section shall govern the security at air-  
14 ports and on board commercial aircraft.

15           “(c) FEDERAL AIR MARSHALS PROGRAM.—

16           “(1) GOAL.—The goal of the program is to pro-  
17 vide maximum security at airports and on board  
18 commercial aircraft by having the Federal Govern-  
19 ment be responsible for all phases of security for air  
20 passengers.

21           “(2) ESTABLISHMENT OF FEDERAL AIR MAR-  
22 SHALS PROGRAM.—

23           “(A) ESTABLISHMENT.—The Attorney  
24 General shall establish a Federal Air Marshals  
25 program consisting of Federal Air Marshals, in-

1 including the Federal Air Marshals participating  
2 in the Federal Air Marshals Program being ad-  
3 ministered by the Federal Aviation Administra-  
4 tion before the effective date of this section,  
5 and Deputy Federal Air Marshals in order to  
6 provide maximum security at airports and on  
7 board commercial aircraft.

8 “(B) FEDERAL AIR MARSHALS.—Federal  
9 Air Marshals shall serve for the purpose of en-  
10 forcing Federal laws that regulate security at  
11 airports and on board commercial aircraft, in-  
12 cluding laws relating to acts of terrorism, hi-  
13 jacking, or aircraft piracy and laws relating to  
14 violent, abusive, or disruptive behavior by pas-  
15 sengers in air transportation.

16 “(C) DEPUTY FEDERAL AIR MARSHALS.—

17 “(i) IN GENERAL.—The Attorney  
18 General shall deputize individuals de-  
19 scribed in clause (ii) as Deputy Federal  
20 Air Marshals for the purpose of aug-  
21 menting and assisting Federal Air Mar-  
22 shals.

23 “(ii) PERSONNEL.—The Attorney  
24 General shall utilize retired military per-  
25 sonnel, retired Federal, State, and local

1 law enforcement personnel, and active-duty  
2 Federal, State, and local law enforcement  
3 personnel from other government depart-  
4 ments and agencies as Deputy Federal Air  
5 Marshals.

6 “(iii) COMPENSATION.—The Attorney  
7 General may employ personnel described in  
8 clause (ii)—

9 “(I) as volunteers;

10 “(II) by paying a reasonable per  
11 diem;

12 “(III) by employing a fee-for-  
13 service or contract arrangement; or

14 “(IV) using any other method  
15 authorized by law.

16 “(3) CONSULTATION.—In establishing the pro-  
17 gram, the Attorney General shall consult with appro-  
18 priate officials of—

19 “(A) the United States Government (in-  
20 cluding the Administrator of the Federal Avia-  
21 tion Administration or his designated represent-  
22 ative); and

23 “(B) State and local governments in any  
24 geographic area in which the program may op-  
25 erate.

1           “(4) CERTIFICATION, TRAINING AND EXAMINA-  
2           TION OF AIR MARSHALS; PRIOR APPROVAL OF EM-  
3           PLOYER TO SERVE AS DEPUTY AIR MARSHAL.—

4           “(A) IN GENERAL.—Under the program,  
5           the Attorney General shall provide appropriate  
6           training and supervision of all air marshals, as  
7           well as appropriate background and fitness ex-  
8           amination of eligible candidates as part of their  
9           certification.

10           “(B) EMPLOYER APPROVAL.—Active Fed-  
11           eral, State, or local law enforcement officers  
12           who serve as Deputy Federal Air Marshals shall  
13           receive approval to participate in the program  
14           from their employer.

15           “(d) POWERS AND STATUS OF FEDERAL AIR MAR-  
16           SHALS AND DEPUTY AIR MARSHALS.—

17           “(1) IN GENERAL.—Subject to paragraph (2),  
18           Federal Air Marshals and Deputy Federal Air Mar-  
19           shals may arrest and apprehend an individual sus-  
20           pected of violating any Federal law relating to secu-  
21           rity at airports or on board aircraft, including any  
22           individual who violates a provision subject to a civil  
23           penalty under section 46301, 46302, 46303, 46314,  
24           46318, 46502, 46504, 46505, or 46507 of title 49,  
25           or who commits an act described in section 46506

1 of title 49, or who violates a provision subject to a  
2 criminal penalty under sections 32 and 37 of title  
3 18.

4 “(2) LIMITATION.—The powers granted to a  
5 Deputy Federal Air Marshal shall be limited to en-  
6 forcing Federal laws relating to security at airports  
7 or on board aircraft.

8 “(e) STATUTORY CONSTRUCTION.—Nothing in this  
9 section may be construed to—

10 “(1) grant any Federal Air Marshal or Deputy  
11 Federal Air Marshal the power to enforce any Fed-  
12 eral law that is not described in subsection (d); or

13 “(2) limit the authority that a Federal, State,  
14 or local law enforcement officer may otherwise exer-  
15 cise in the officer’s capacity under any other applica-  
16 ble law.

17 “(f) REGULATIONS.—The Attorney General shall  
18 promulgate such regulations as may be necessary to carry  
19 out this section.

20 “(g) COST SHARING.—The costs of the program shall  
21 be paid by—

22 “(1) the airlines in an amount not less than the  
23 amount (as adjusted for inflation after the effective  
24 date of this section) the airlines were paying for air-

1 port security on the date before the effective date of  
2 this section;

3 “(2) State and units of local government in an  
4 amount not less than the amount (as adjusted for  
5 inflation after the effective date of this section) the  
6 States and units of local government were paying for  
7 airport security on the date before the effective date  
8 of this section; and

9 “(3) the Federal Government.

10 “(h) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—Subject to paragraph (2),  
12 there are authorized to be appropriated to carry out  
13 this section such sums as may be necessary.

14 “(2) LIMITATION.—The Federal share of car-  
15 rying out this section shall be limited to the cost of  
16 the program after payments by airlines and States  
17 and units of local government pursuant to sub-  
18 section (g).”.

19 **SEC. 3. REPEAL.**

20 Section 44903 of title 49, United States Code, is re-  
21 pealed.

1 **SEC. 4. EFFECTIVE DATE.**

2       This Act and the amendments made by this Act shall  
3 take effect 90 days after the date of enactment of this  
4 Act.

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