

107TH CONGRESS
1ST SESSION

H. R. 2906

To direct the Federal Aviation Administration to re-implement the sky marshal program within 30 days, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2001

Mr. BAKER (for himself, Mr. MCGOVERN, and Mr. BALLENGER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Federal Aviation Administration to re-implement the sky marshal program within 30 days, and for other purposes.

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 “Emergency Aviation
5 Security Act of 2001”.

6 **SEC. 2. DEPLOYMENT OF SKY MARSHALS.**

7 (a) IN GENERAL.—The Administrator of the Federal
8 Aviation Administration shall implement a sky marshal
9 program under section 44903 of title 49, United States

1 Code, within 30 days after the date of enactment of this
2 Act.

3 (b) PROGRAM REQUIREMENTS.—The program imple-
4 mented under subsection (a) shall—

5 (1) provide for random deployment of sky mar-
6 shals on domestic commercial air passenger flights
7 in the United States, and international flights on
8 United States carriers into or out of the United
9 States;

10 (2) provide for appropriate background and fit-
11 ness checks for candidates for appointment as sky
12 marshals;

13 (3) provide for appropriate training, super-
14 vision, and equipment of sky marshals; and

15 (4) require commercial air carriers to provide
16 seating for a sky marshal on any selected air pas-
17 senger flight without regard to the availability of
18 seats on that flight.

19 (c) DELAY OF IMPLEMENTATION.—If the Adminis-
20 trator determines that the sky marshal program cannot
21 be implemented within the 30-day period, the
22 Administrator—

23 (1) shall immediately notify the Committee on
24 Commerce, Science, and Transportation of the Sen-

1 ate and the Committee on Transportation and Infra-
2 structure of the House of Representatives; and

3 (2) may, after so notifying the Committees, ex-
4 tend the implementation date for not more than 30
5 days.

6 (d) FUNDING.—The Administrator may impose a fee
7 under section 45301 of title 49, United States Code, of
8 not more than \$1.00 per domestic flight segment, the re-
9 ceipts from which shall be available immediately for obli-
10 gation and expenditure to carry out the program imple-
11 mented under subsection (a).

12 (e) SUNSET.—

13 (1) IN GENERAL.—The authority for the pro-
14 gram required by subsection (a) and the fee imposed
15 under subsection (d) shall terminate 1 year after the
16 date on which the program is implemented.

17 (2) REPORT.—No later than 30 days before the
18 date on which the program is scheduled to terminate
19 under paragraph (1), the Administrator shall trans-
20 mit a report to the Committee on Commerce,
21 Science, and Transportation of the Senate and the
22 Committee on Transportation and Infrastructure of
23 the House of Representatives setting forth—

1 (A) the Administrator's recommendation
 2 as to which the program established under sub-
 3 section (a) should be continued; and

4 (B) any recommendations the Adminis-
 5 trator may have for improving the effectiveness
 6 of the program.

7 **SEC. 3. LIMITATION ON ALCOHOLIC BEVERAGES ON**
 8 **SCHEDULED FLIGHTS.**

9 (a) IN GENERAL.—Subchapter I of chapter 417 of
 10 title 49, United States Code, is amended by adding at the
 11 end the following:

12 **“§ 41722. Limitation on alcoholic beverages on sched-**
 13 **uled flights**

14 “(a) INTRASTATE AND INTERSTATE AIR TRANSPOR-
 15 TATION.—No air carrier may serve more than 2 alcoholic
 16 beverages to any individual on a flight segment in sched-
 17 uled passenger interstate air transportation or scheduled
 18 passenger intrastate air transportation.

19 “(b) FOREIGN AIR TRANSPORTATION.—The Sec-
 20 retary of Transportation shall require all air carriers and
 21 foreign air carriers to serve no more than 2 alcoholic bev-
 22 erages to any individual on a flight segment in scheduled
 23 passenger foreign air transportation.

24 “(c) LIMITATION ON APPLICABILITY.—

1 “(1) IN GENERAL.—If a foreign government ob-
2 jects to the application of subsection (b) on the basis
3 that subsection (b) provides for an extraterritorial
4 application of the laws of the United States, the Sec-
5 retary shall waive the application of subsection (b)
6 to a foreign air carrier licensed by that foreign gov-
7 ernment at such time as an alternative prohibition
8 negotiated under paragraph (2) becomes effective
9 and is enforced by the Secretary.

10 “(2) ALTERNATIVE PROHIBITION.—If, pursuant
11 to paragraph (1), a foreign government objects to
12 the prohibition under subsection (b), the Secretary
13 shall enter into bilateral negotiations with the object-
14 ing foreign government to provide for an alternative
15 alcoholic beverage prohibition.

16 “(d) REGULATIONS.—The Secretary shall prescribe
17 such regulations as are necessary to carry out this sec-
18 tion.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
20 such chapter is amended by inserting after the item relat-
21 ing to section 41721 the following:

“41722. Limitation on alcoholic beverages on scheduled flights.”.

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