

**Editorial Notes****AMENDMENTS**

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(14)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

Subsec. (b). Pub. L. 115-254, §1991(d)(14)(B), substituted “Administrator of the Transportation Security Administration shall” for “Under Secretary shall” and “Administrator may” for “Under Secretary may”.

2001—Subsec. (a). Pub. L. 107-71, §101(f)(3), substituted “Under Secretary of Transportation for Security” for “Administrator” in first sentence and “Transportation Security Administration” for “Administration” in second sentence.

Subsec. (b). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

**§ 44917. Deployment of Federal air marshals**

(a) **IN GENERAL.**—The Administrator of the Transportation Security Administration under the authority provided by section 44903(d)—

(1) may provide for deployment of Federal air marshals on every passenger flight of air carriers in air transportation or intrastate air transportation;

(2) shall provide for deployment of Federal air marshals on every such flight determined by the Administrator to present high security risks;

(3) shall provide for appropriate training, supervision, and equipment of Federal air marshals;

(4) shall require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight and at no cost to the United States Government or the marshal;

(5) may require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal’s home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties;

(6) may enter into agreements with Federal, State, and local agencies under which appropriately-trained law enforcement personnel from such agencies, when traveling on a flight of an air carrier, will carry a firearm and be prepared to assist Federal air marshals;

(7) shall establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on board an aircraft;

(8) may appoint—

(A) an individual who is a retired law enforcement officer;

(B) an individual who is a retired member of the Armed Forces; and

(C) an individual who has been furloughed from an air carrier crew position in the 1-year period beginning on September 11, 2001,

as a Federal air marshal, regardless of age, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals;

(9) shall require the Federal Air Marshal Service to utilize a risk-based strategy when allocating resources between international and domestic flight coverage, including when initially setting its annual target numbers of average daily international and domestic flights to cover;

(10) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support domestic allocation decisions;

(11) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support international allocation decisions; and

(12) shall ensure that the seating arrangements of Federal air marshals on aircraft are determined in a manner that is risk-based and most capable of responding to current threats to aviation security.

(b) **INTERIM MEASURES.**—Until the Under Secretary<sup>1</sup> completes implementation of subsection (a), the Under Secretary<sup>1</sup> may use, after consultation with and concurrence of the heads of other Federal agencies and departments, personnel from those agencies and departments, on a nonreimbursable basis, to provide air marshal service.

(c) **TRAINING FOR FOREIGN LAW ENFORCEMENT PERSONNEL.**—

(1) **IN GENERAL.**—The Administrator of the Transportation Security Administration, after consultation with the Secretary of State, may direct the Federal Air Marshal Service to provide appropriate air marshal training to law enforcement personnel of foreign countries.

(2) **WATCHLIST SCREENING.**—The Federal Air Marshal Service may only provide appropriate air marshal training to law enforcement personnel of foreign countries after comparing the identifying information and records of law enforcement personnel of foreign countries against all appropriate records in the consolidated and integrated terrorist watchlists maintained by the Federal Government.

(3) **FEES.**—The Administrator of the Transportation Security Administration shall establish reasonable fees and charges to pay expenses incurred in carrying out this subsection. Funds collected under this subsection shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Administrator of the Transportation Security Administration for purposes for which amounts in such account are available.

(Added Pub. L. 107-71, title I, §105(a), Nov. 19, 2001, 115 Stat. 606; amended Pub. L. 108-458, title IV, §4018, Dec. 17, 2004, 118 Stat. 3721; Pub. L. 115-254, div. K, title I, §§1959(c)(5), (d)(1), 1991(d)(15), Oct. 5, 2018, 132 Stat. 3599, 3635.)

**Editorial Notes****AMENDMENTS**

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(15)(A)(i), substituted “Administrator of the Transportation Se-

<sup>1</sup> So in original. Probably should be “Administrator”.

curity Administration" for "Under Secretary of Transportation for Security" in introductory provisions.

Subsec. (a)(2). Pub. L. 115-254, §1991(d)(15)(A)(ii), substituted "by the Administrator" for "by the Secretary".

Subsec. (a)(9) to (12). Pub. L. 115-254, §1959(d)(1), added pars. (9) to (12).

Subsec. (b). Pub. L. 115-254, §1959(c)(5), redesignated subsec. (c) as (b) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: "In making the determination under subsection (a)(2), nonstop, long distance flights, such as those targeted on September 11, 2001, should be a priority."

Subsec. (c). Pub. L. 115-254, §1959(c)(5)(B), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Subsec. (c)(1). Pub. L. 115-254, §1991(d)(15)(B)(i), which directed amendment of subsec. (d)(1) by substituting "Administrator of the Transportation Security Administration" for "Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security", was executed to subsec. (c)(1) to reflect the probable intent of Congress and the intervening redesignation of subsec. (d) as (c) by Pub. L. 115-254, §1959(c)(5)(B). See above.

Subsec. (c)(3). Pub. L. 115-254, §1991(d)(15)(B)(ii), which directed amendment of subsec. (d)(3) by substituting "Administrator of the Transportation Security Administration" for "Assistant Secretary" in two places, was executed to subsec. (c)(3) to reflect the probable intent of Congress and the intervening redesignation of subsec. (d) as (c) by Pub. L. 115-254, §1959(c)(5)(B). See above.

Subsec. (d). Pub. L. 115-254, §1959(c)(5)(B), redesignated subsec. (d) as (c).

2004—Subsec. (d). Pub. L. 108-458 added subsec. (d).

#### Statutory Notes and Related Subsidiaries

##### FEDERAL AIR MARSHAL SERVICE UPDATES

Pub. L. 115-254, div. K, title I, §1959(a)–(c)(4), Oct. 5, 2018, 132 Stat. 3598, 3599, provided that:

###### “(a) STANDARDIZATION.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall develop a standard written agreement that shall be the basis of all negotiations and agreements that begin after the date of enactment of this Act between the United States and foreign governments or partners regarding the presence of Federal air marshals on flights to and from the United States, including deployment, technical assistance, and information sharing.

“(2) WRITTEN AGREEMENTS.—Except as provided in paragraph (3), not later than 180 days after the date of enactment of this Act, all agreements between the United States and foreign governments or partners regarding the presence of Federal air marshals on flights to and from the United States shall be in writing and signed by the Administrator or other authorized United States Government representative.

“(3) EXCEPTION.—The Administrator may schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect if the Administrator determines that—

“(A) such mission is necessary for aviation security; and

“(B) the requirements of paragraph (4)(B) are met.

###### “(4) NOTIFICATION TO CONGRESS.—

“(A) WRITTEN AGREEMENTS.—Not later than 30 days after the date that the Administrator enters into a written agreement under this section, the Administrator shall transmit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a copy of the agreement.

“(B) NO WRITTEN AGREEMENTS.—The Administrator shall submit to the appropriate committees of Congress—

“(i) not later than 30 days after the date of enactment of this Act, a list of each foreign government or partner that does not have a written agreement under this section, including an explanation for why no written agreement exists and a justification for the determination that such a mission is necessary for aviation security; and

“(ii) not later than 30 days after the date that the Administrator makes a determination to schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect under paragraph (3), the name of the applicable foreign government or partner, an explanation for why no written agreement exists, and a justification for the determination that such mission is necessary for aviation security.

“(b) MISSION SCHEDULING AUTOMATION.—The Administrator shall endeavor to acquire automated capabilities or technologies for scheduling Federal air marshal service missions based on current risk modeling.

“(c) IMPROVING FEDERAL AIR MARSHAL SERVICE DEPLOYMENTS.—

“(1) AFTER-ACTION REPORTS.—The Administrator shall strengthen internal controls to ensure that all after-action reports on Federal air marshal service special mission coverage provided to stakeholders include documentation of supervisory review and approval, and mandatory narratives.

“(2) STUDY.—The Administrator shall contract with an independent entity to conduct a validation and verification study of the risk analysis and risk-based determinations guiding Federal air marshal service deployment, including the use of risk-based strategies under subsection (d) [amending this section (see subsec. (a)(9) to (12) of this section) and enacting provisions set out as a note below].

“(3) COST-BENEFIT ANALYSIS.—The Administrator shall conduct a cost-benefit analysis regarding mitigation of aviation security threats through Federal air marshal service deployment.

“(4) PERFORMANCE MEASURES.—The Administrator shall improve existing performance measures to better determine the effectiveness of in-flight operations in addressing the highest risks to aviation transportation based on current intelligence.”

#### IMPLEMENTATION DEADLINE

Pub. L. 115-254, div. K, title I, §1959(d)(3), Oct. 5, 2018, 132 Stat. 3600, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall begin implementing the requirements under paragraphs (9) through (12) of section 44917(a), United States Code, as added by this Act.”

#### FEDERAL AIR MARSHALS

Pub. L. 108-458, title IV, §4016, Dec. 17, 2004, 118 Stat. 3720, as amended by Pub. L. 115-254, div. K, title I, §1993, Oct. 5, 2018, 132 Stat. 3646, provided that:

“(a) FEDERAL AIR MARSHAL ANONYMITY.—The Director of the Federal Air Marshal Service of the Department of Homeland Security shall continue operational initiatives to protect the anonymity of Federal air marshals.

“(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration and Customs Enforcement, in addition to any amounts otherwise authorized by law, for the deployment of Federal air marshals under section 44917 of title 49, United States Code, \$83,000,000 for the 3 fiscal-year period beginning with fiscal year 2005. Such sums shall remain available until expended.

“(c) FEDERAL LAW ENFORCEMENT COUNTERTERRORISM TRAINING.—

“(1) AVAILABILITY OF INFORMATION.—The Administrator of the Transportation Security Administration and the Director of Federal Air Marshal Service of the Department of Homeland Security, shall make available, as practicable, appropriate information on in-flight counterterrorism and weapons handling procedures and tactics training to Federal law enforcement officers who fly while in possession of a firearm.

“(2) IDENTIFICATION OF FRAUDULENT DOCUMENTS.—The Administrator of the Transportation Security Administration and the Director of Federal Air Marshal Service of the Department of Homeland Security shall ensure that Transportation Security Administration screeners and Federal air marshals receive training in identifying fraudulent identification documents, including fraudulent or expired visas and passports. Such training shall also be made available to other Federal law enforcement agencies and local law enforcement agencies located in a State that borders Canada or Mexico.”

#### § 44918. Crew training

##### (a) BASIC SECURITY TRAINING.—

(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

(B) Crew communication and coordination.

(C) The proper commands to give passengers and attackers.

(D) Appropriate responses to defend oneself.

(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Administrator of the Transportation Security Administration).

(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(G) Situational training exercises regarding various threat conditions.

(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

(I) The proper conduct of a cabin search, including explosive device recognition.

(J) Any other subject matter considered appropriate by the Administrator of the Transportation Security Administration.

(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Administrator of the Transportation Security Administration.

(4) MINIMUM STANDARDS.—The Administrator of the Transportation Security Administration may establish minimum standards for the training provided under this subsection and for recurrent training.

(5) EXISTING PROGRAMS.—Notwithstanding paragraphs (3) and (4), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that

was approved by the Administrator or the Administrator of the Transportation Security Administration before December 12, 2003, may continue in effect until disapproved or ordered modified by the Administrator of the Transportation Security Administration.

(6) MONITORING.—The Administrator of the Transportation Security Administration, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier’s training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier’s training program should be reviewed under this paragraph, the Administrator of the Transportation Security Administration shall consider complaints from crew members. The Administrator of the Transportation Security Administration shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

(7) UPDATES.—The Administrator of the Transportation Security Administration, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

##### (b) ADVANCED SELF-DEFENSE TRAINING.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

(A) Deterring a passenger who might present a threat.

(B) Advanced control, striking, and restraint techniques.

(C) Training to defend oneself against edged or contact weapons.

(D) Methods to subdue and restrain an attacker.

(E) Use of available items aboard the aircraft for self-defense.

(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

(G) Any other element of training that the Administrator of the Transportation Security Administration considers appropriate.

(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

(4) COMPENSATION.—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

(6) CONSULTATION.—In developing the training program under this subsection, the Administrator of the Transportation Security Administration shall consult with law enforce-