

112TH CONGRESS  
1ST SESSION

# H. R. 71

To increase the number of Federal air marshals for certain flights, require criminal investigative training for such marshals, create an office and appoint an ombudsman for the marshals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Ms. JACKSON LEE of Texas introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To increase the number of Federal air marshals for certain flights, require criminal investigative training for such marshals, create an office and appoint an ombudsman for the marshals, 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 “FAMS Augmentation  
5 Act of 2011”.

1 **SEC. 2. INCREASE IN THE NUMBER OF FEDERAL AIR MAR-**  
2 **SHALS.**

3 (a) INCREASE IN NUMBER OF FEDERAL AIR MAR-  
4 SHALS.—Not later than September 30, 2012, and in ac-  
5 cordance with subsection (b), the Assistant Secretary  
6 (Transportation Security Administration) shall increase  
7 the number of Federal air marshals so that not less than  
8 1,750 additional Federal air marshals are hired and de-  
9 ployed, above the number of such marshals as of January  
10 31, 2010, to ensure increased transportation security for  
11 inbound international flights.

12 (b) CONGRESSIONAL INTENT.—The goal of this Act  
13 is to increase the number of inbound flights with Federal  
14 air marshals onboard while maintaining Federal air mar-  
15 shal presence on domestic point-to-point flights at or  
16 above the level as of December 25, 2009.

17 **SEC. 3. TRAINING OF FEDERAL AIR MARSHALS.**

18 Section 44917 of title 49, United States Code, is  
19 amended by adding at the end the following:

20 “(e) CRIMINAL INVESTIGATIVE TRAINING PRO-  
21 GRAM.—

22 “(1) NEW EMPLOYEE TRAINING.—Not later  
23 than 30 days after the date of enactment of the  
24 FAMS Augmentation Act of 2011, the Federal Air  
25 Marshal Service shall establish a policy requiring  
26 Federal air marshals hired after such date to com-

1 plete the criminal investigative training program at  
2 the Federal Law Enforcement Training Center as  
3 part of basic training for Federal air marshals.

4 “(2) EXISTING EMPLOYEES.—A Federal air  
5 marshal who has previously completed the criminal  
6 investigative training program may not be required  
7 to repeat such program.

8 “(3) ALTERNATIVE TRAINING.—Not later than  
9 3 years after the date of enactment of the FAMS  
10 Augmentation Act of 2011, an air marshal hired be-  
11 fore such date who has not completed the criminal  
12 investigative training program shall be required to  
13 attend an alternative training program, as deter-  
14 mined by the Director of the Federal Law Enforce-  
15 ment Center, that provides the training necessary to  
16 bridge the gap between the mixed basic police train-  
17 ing, the Federal air marshal programs already com-  
18 pleted by the Federal air marshal, and the criminal  
19 investigative training provided through the criminal  
20 investigative training program. Any such alternative  
21 program shall be considered to have met the stand-  
22 ards of the criminal investigative training program.

23 “(4) RESERVATION OF FUNDS.—Of the  
24 amounts to be appropriated pursuant to section 6 of  
25 the FAMS Augmentation Act of 2011, \$3,000,000

1 may be used to carry out this subsection for each of  
2 fiscal years 2011 and 2012.

3 “(5) SAVINGS CLAUSE.—Nothing in this sub-  
4 section shall be construed to reclassify Federal air  
5 marshals as criminal investigators.”.

6 **SEC. 4. OMBUDSMAN.**

7 Section 44917 of title 49, United States Code, is fur-  
8 ther amended by adding at the end the following:

9 “(f) OMBUDSMAN.—

10 “(1) ESTABLISHMENT.—The Assistant Sec-  
11 retary shall establish in the Federal Air Marshal  
12 Service an Office of the Ombudsman.

13 “(2) APPOINTMENT.—The head of the Office  
14 shall be the Ombudsman, who shall be appointed by  
15 the Assistant Secretary.

16 “(3) DUTIES.—The Ombudsman shall carry out  
17 programs and activities to improve morale, training,  
18 and quality of life issues in the Service, including  
19 through implementation of the recommendations of  
20 the Inspector General of the Department of Home-  
21 land Security and the Comptroller General.

22 “(4) CAREER RESERVED POSITION.—The posi-  
23 tion of Ombudsman shall be treated as a career re-  
24 served position, as defined by section 3132(a)(8) of  
25 title 5, United States Code.

1           “(5) RESERVATION OF FUNDS.—Of the  
2           amounts to be appropriated pursuant to section 6 of  
3           the FAMS Augmentation Act of 2011, \$1,000,000  
4           may be used to carry out this subsection for each of  
5           fiscal years 2011 and 2012.”.

6 **SEC. 5. REPORTS.**

7           (a) REPORTS.—Beginning 6 months after the date  
8           of enactment of this Act and every 6 months thereafter,  
9           until the Department has increased, by not less than an  
10          additional 1,750, the number of Federal air marshals the  
11          Assistant Secretary shall submit a report to the Com-  
12          mittee on Homeland Security of the House of Representa-  
13          tives and the Committee on Commerce, Science, and  
14          Transportation of the Senate on the progress of increasing  
15          the number of Federal air marshals under this Act, adopt-  
16          ing the alternative criminal investigative training program,  
17          and implementing an ombudsman program for such mar-  
18          shals.

19          (b) REPORT SUMMARY.—The report shall include a  
20          summary of disciplinary personnel actions implemented  
21          against Federal air marshals by the Department of Home-  
22          land Security and complaints and lawsuits filed by Federal  
23          air marshals against the Department or its agents.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to carry out  
3 this Act and subsections (d) and (e) of section 44917 of  
4 title 49, United States Code, \$190,000,000 for fiscal year  
5 2012 and \$172,000,000 for fiscal year 2013.

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