

VOLUME 9 AIRCRAFT, AIRPORT, AND OPERATIONAL SECURITY ISSUES

CHAPTER 2 FEDERAL AIR MARSHALS AND AIR TRANSPORTATION

Section 1 Minimum Crew Requirements for Boarding and Presence of Federal Air Marshals

9-20 PURPOSE. This section provides guidance to aviation safety inspectors (ASI) regarding the initial boarding of Federal Air Marshals (FAM) and their presence onboard aircraft during crew changes.

9-21 BACKGROUND.

A. Regulations. Title 14 of the Code of Federal Regulations (14 CFR) part 121, §§ 121.391 and 121.393 require a minimum number of Flight Attendants (F/A) to be present during passenger-carrying service. Unfortunately, this regulation has caused some problems for air carriers and FAMs in situations where air carriers and F/As have treated FAMs on duty as passengers.

B. FAMs. The Federal Air Marshal Service (FAMS) has identified a vital need for the clarification of the status of FAMs during passenger-carrying service and recommends that FAMs are trusted agents. This initiative is a result of a culmination of events in the post-September 11 era. The combination of the buildup of FAMs and the manpower reallocation by air carriers that previously provided boarding escorts to the FAMS force has dictated a change in status so that FAMs can remain anonymous. Early in the FAMS program, FAM numbers were smaller and air carriers easily facilitated FAMS' missions by escorting them to the aircraft, beyond the view of waiting passengers, prior to general boarding. Air carriers seldom refused to escort FAMs. As the volume of FAM teams traveling on a daily basis continued to increase, the air carriers provided fewer escort services due to their own concurrent staffing reductions. As a result, FAM teams have had to board the aircraft via the jetway, often in public view of the passengers waiting to board. The FAM teams also have been required to wait for the full complement of F/As to arrive prior to boarding the aircraft. Often, FAMs board only minutes before or during the general boarding process, which greatly hampers their inconspicuous airport movement.

C. Knowledge of FAMs Onboard. Often, on originating flights, the last required cabin crewmember arrives only minutes before general passenger boarding, leaving the waiting FAM team to board with the passengers. Boarding with the passengers allows only limited dialogue with the greeting F/A, and a brief introduction with the captain. In this situation, the entire cabin crew has not met the FAM team, resulting in the cabin crew's inability to recognize or authenticate the FAM team should the need arise. Instances of hurried or no introduction with other armed law enforcement personnel often occurs during this boarding sequence as well.

D. International Flights. On international flights, there currently are occasions where FAMs are not authorized to deplane with their firearms due to a country's weapons laws. In some of these situations, the air carrier changes the entire crew. However, some air carriers would not allow the FAMs to remain on the aircraft without adequate crewmember staffing.

9-22 GUIDANCE.

A. Regulations. Title 49 of the Code of Federal Regulations (49 CFR) part 1544, § 1544.223 requires each aircraft operator to carry FAMs in the number and manner specified by the FAM service on each scheduled passenger operation and public charter passenger operation designated by the FAM service.

B. Trusted Agents. FAMs are to be considered trusted agents necessary for the safety/security of a flight, as listed in 14 CFR § 121.583(a)(4)(i), thereby relieving certificate holders of the minimum crew requirements prescribed in 14 CFR § 121.391. This permits FAMs to board or remain on the aircraft without the necessity of adhering to minimum crew requirements.

C. FAM Actions.**1) FAMs will:**

- a) Adhere to their established procedures for air carrier notification and check-in prior to boarding.
- b) Carry out required duties.
- c) Be exempt from the passenger carry-on baggage limits when traveling on mission status or official business.

NOTE: All carry-on items will be stowed prior to closing the passenger entry door and in accordance with the approved carry-on baggage program or “no carry on baggage” program in operations specification (OpSpec) A011.

2) FAMs will not:

- a) Interfere with air carrier servicing, catering, and maintenance duties.
- b) Disturb the preboarding condition of the aircraft.
- c) Enter the flight deck without cause.
- d) Manipulate aircraft equipment (e.g., doors, medical equipment, fire extinguishers, galley equipment) unless an emergency situation otherwise dictates.

RESERVED. Paragraphs 9-23 through 9-30.