

118TH CONGRESS
2D SESSION

S. 3808

To prohibit deployment of Federal air marshals to the southern and northern borders of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2024

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

A BILL

To prohibit deployment of Federal air marshals to the southern and northern borders of the United States, 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 “No FAMS at the Bor-
5 der Act of 2024”.

6 **SEC. 2. PROHIBITION ON DEPLOYMENT.**

7 (a) IN GENERAL.—Section 44917 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(d) PROHIBITION ON DEPLOYMENT.—

1 “(1) DEFINITIONS.—In this subsection:

2 “(A) ALIEN.—The term ‘alien’ has the
3 meaning given that term in section 101 of the
4 Immigration and Nationality Act (8 U.S.C.
5 1101).

6 “(B) APPROPRIATE CONGRESSIONAL COM-
7 MITTEES.—The term ‘appropriate congressional
8 committees’ means—

9 “(i) the Committee on Commerce,
10 Science, and Transportation of the Senate;
11 and

12 “(ii) the Committee on Homeland Se-
13 curity of the House of Representatives.

14 “(C) ILLEGAL ALIEN.—The term ‘illegal
15 alien’ means an alien who has not been admit-
16 ted (as that term is defined in section 101 of
17 the Immigration and Nationality Act (8 U.S.C.
18 1101)).

19 “(D) IMMIGRANT.—The term ‘immigrant’
20 has the meaning given that term in section 101
21 of the Immigration and Nationality Act (8
22 U.S.C. 1101).

23 “(2) IN GENERAL.—Except as provided in para-
24 graph (3) and notwithstanding any other provision
25 of law, including section 103 of the Immigration and

1 Nationality Act (8 U.S.C. 1103), Federal air mar-
2 shals may not be deployed to the southern or north-
3 ern border of the United States for border security
4 or immigration purposes, including to aid the De-
5 partment of Homeland Security or any other Fed-
6 eral agency with the processing of illegal aliens, or
7 any other immigrants.

8 “(3) EXCEPTIONS.—

9 “(A) EXCEPTION IN CASE OF BORDER CRI-
10 SIS.—Paragraph (2) shall not apply if the Sec-
11 retary of Homeland Security—

12 “(i) determines that a border crisis
13 exists; and

14 “(ii) certifies to the appropriate con-
15 gressional committees in writing that a
16 border crisis exists.

17 “(B) NONDELEGATION.—The Secretary
18 may not delegate the authority to make a deter-
19 mination or certification described in subpara-
20 graph (A).”.

21 (b) TECHNICAL AMENDMENT.—Section 44917(b) of
22 title 49, United States Code, is amended by striking
23 “Under Secretary” each place it appears and inserting
24 “Administrator”.

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