

111TH CONGRESS
2D SESSION

S. 3366

To prohibit individuals from carrying firearms in certain airport buildings and airfields, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2010

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

A BILL

To prohibit individuals from carrying firearms in certain airport buildings and airfields, 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 “Firearm-Free Airport
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Commercial airports are critical to the econ-
9 omy and economic competitiveness of the United
10 States.

1 (2) Commercial airports and commercial air-
2 craft are essential elements of interstate commerce
3 and the Supreme Court has recognized the authority
4 of Congress over all matters with a close and sub-
5 stantial relation to interstate commerce.

6 (3) In 2007, commercial aviation contributed
7 \$266,500,000,000, or 2 percent, to the gross domes-
8 tic product of the United States, employed, directly
9 and indirectly, 10,881,000 people, and had a total
10 economic impact of \$1,224,800,000,000.

11 (4) Commercial aviation is a vital channel of
12 interstate commerce and it is necessary that people
13 and goods be able to move through such a channel
14 safely.

15 (5) Individuals and terrorist organizations use
16 commercial airports and commercial aircraft for pre-
17 meditated, politically motivated violence perpetrated
18 against noncombatant targets.

19 (6) The terrorist attacks of September 11,
20 2001, in which terrorists used 4 commercial aircraft
21 to cause the deaths of 2,976 people, had a severe ad-
22 verse impact on airlines in the United States, re-
23 sulted in \$40,000,000,000 in property and casualty
24 claims, resulted in 18,000 businesses being dis-

1 located, disrupted, or destroyed, and displaced near-
2 ly 130,000 employees.

3 (7) Firearms in airports would have an adverse
4 impact on the economy of the United States.

5 (8) Firearms are prohibited in the sterile area
6 of airports.

7 (9) Congress has the power, under clause 3 of
8 section 8 of article I of the Constitution of the
9 United States (commonly referred to as the “Com-
10 merce Clause”) and other provisions of the Constitu-
11 tion, to enact measures to ensure the safety and eco-
12 nomic well-being of commercial airports in the
13 United States.

14 (10) It is important for Congress to regulate
15 the possession of firearms in commercial airport fa-
16 cilities to facilitate commercial aviation traffic safe-
17 ty, to protect the safety of passengers and goods fly-
18 ing on commercial aircraft, and to preserve the eco-
19 nomic stability of the commercial aviation industry.

20 **SEC. 3. PROHIBITION ON POSSESSION OF FIREARMS IN**
21 **CERTAIN AIRPORT BUILDINGS AND AIR-**
22 **FIELDS.**

23 (a) IN GENERAL.—Chapter 463 of title 49, United
24 States Code, is amended by inserting after section 46303
25 the following:

1 **“§ 46303A. Prohibition on possession of firearms in**
2 **certain airport buildings and airfields**

3 “(a) IN GENERAL.—Except as provided in subsection
4 (b), it shall be unlawful for an individual to possess a fire-
5 arm at a commercial airport in any area in a terminal
6 building, in any area adjacent to the sterile area, in an
7 airfield, or in any building that opens on to an airfield.

8 “(b) EXCEPTIONS.—The prohibition in subsection (a)
9 shall not apply with respect to the following:

10 “(1) Individuals authorized to carry firearms
11 under section 1540.111(b) of title 49, Code of Fed-
12 eral Regulations (or any corresponding similar regu-
13 lation or ruling).

14 “(2) Members of the Armed Forces serving on
15 active duty.

16 “(3) Individuals who bring firearms into an air-
17 port building solely to check the firearms in checked
18 baggage in accordance with section 1540.111(c) of
19 title 49, Code of Federal Regulations (or any cor-
20 responding similar regulation or ruling).

21 “(c) PENALTY.—An individual who violates the pro-
22 hibition in subsection (a) shall be imprisoned for not more
23 than 10 years, fined under title 18, or both.

24 “(d) DEFINITIONS.—In this section:

25 “(1) COMMERCIAL AIRPORT.—The term ‘com-
26 mercial airport’ means an airport that holds an air-

1 port operating certificate under part 139 of title 14,
 2 Code of Federal Regulations (or any corresponding
 3 similar regulation or ruling).

4 “(2) FIREARM.—The term ‘firearm’ has the
 5 meaning given that term in section 921 of title 18,
 6 United States Code.

7 “(3) STERILE AREA.—The term ‘sterile area’
 8 has the meaning given that term in section 1540.5
 9 of title 49, Code of Federal Regulations (or any cor-
 10 responding similar regulation or ruling).”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 for chapter 463 of title 49, United States Code, is amend-
 13 ed by inserting after the item relating to section 46303
 14 the following:

“46303A. Prohibition on possession of firearms in certain airport buildings and
 airfields.”.

15 **SEC. 4. SIGNS WARNING OF PROHIBITION ON POSSESSION**
 16 **OF FIREARMS IN AIRPORT TERMINAL BUILD-**
 17 **INGS.**

18 The Secretary of Transportation shall ensure that
 19 signs are posted in airport terminal buildings to warn pas-
 20 sengers of the prohibition on the possession of firearms
 21 in airport terminal buildings and other areas under section
 22 46303A of title 49, United States Code, as added by sec-
 23 tion 3.

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