CIVIL AVIATION

Air Marshals

Memorandum of Agreement

Between the

UNITED STATES OF AMERICA

and THE BAHAMAS

Signed at Nassau and Washington
October 5 and 20, 2011

with

Attachment

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

". . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

THE BAHAMAS

Civil Aviation: Air Marshals

Memorandum of agreement signed at
Nassau and Washington
October 5 and 20, 2011;
Entered into force October 20, 2011.
With attachment.

MEMORANDUM OF AGREEMENT

BETWEEN THE

UNITED STATES OF AMERICA

AND THE

COMMONWEALTH OF THE BAHAMAS

CONCERNING THE DEPLOYMENT OF AIR MARSHALS

This Memorandum of Agreement ("Agreement") sets forth the terms and conditions under which the United States of America and the Commonwealth of the Bahamas ("the Parties"), both being Parties to and recognizing the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, may deploy Air Marshals of the United States of America and of the Commonwealth of the Bahamas on aircraft that are engaged in Combination Air Services, that are operated by an air carrier that received its Air Operator Certificate (AOC) from one Party, and that are operated to, from, or between the territories of the Parties.

Article 1
Purpose and Definitions

1. The purpose of this Agreement is to enhance the security of Combination Air Services to, from, or between the territories of the Parties by providing a framework for the deployment of Air Marshals on certain such flights.

2. For the purposes of this Agreement:

(a) 'Air Marshal' means a person who is employed, trained, and accredited by the Government of the Sending State to travel on an aircraft to provide security for that aircraft and its passengers and crew.

(b) 'Sending State' means the State that as a Party to this Agreement that deploys an Air Marshal on an aircraft that is operated by an air carrier that received its AOC from that State.

(c) 'Receiving State' means the non-deploying State that is a Party to this Agreement.

(d) 'Combination Air Services' means commercial charter and scheduled air transportation services that combine passenger and cargo operations.

(e) 'Third State' means a State that is not a Party to this Agreement.

(f) 'Air Operator Certificate' means a certificate authorizing an operator to carry out specific commercial air transport operations.

Article 2
Scope of the Agreement

1. This Agreement shall apply to aircraft that engage in Combination Air Services that are operated by an air carrier that received its AOC from one Party and operate between the territories of the Parties.

2. This Agreement shall also apply to aircraft that are operated by an air carrier that received its AOC from one of the Parties, that engage in Combination Air Services between the territories of a Party and a Third State, and that are diverted to the territory of the other Party.

3. This Agreement shall also apply to aircraft that are operated by an air carrier that received its AOC from one of the Parties and that engage in Combination Air Services between the territories of the other Party and a Third State.

4. Activities under this Agreement are subject to the availability of appropriated funds.

Article 3
General Responsibilities of the Sending State

1. With respect to flights between the territories of the Sending State and the Receiving State, the Sending State shall:

(a) prior to the departure of a flight carrying its Air Marshals, ensure that all Air Marshals have the appropriate travel documents;

(b) prior to the departure of a flight carrying its Air Marshals, direct the Air Marshals to declare all weapons and related equipment to the appropriate authorities in the Receiving State on landing and to comply with customs requirements and other applicable laws of the Receiving State;

(c) at least 30 days prior to the departure of a flight carrying its Air Marshals, inform the Receiving State in writing of the identity of its Air Marshals on board the aircraft and the type and number of weapons and related equipment that the Air Marshals will be carrying;

(d) in the event of imminent danger or exigent circumstances requiring the deployment of Air Marshals with less than 30 days' written notice to the Receiving State, inform the Receiving State of the identity of the Air Marshals on board the aircraft and the type and number of weapons and related equipment that the Air Marshals will be carrying at the earliest time, but, in any case, prior to the scheduled departure to the Receiving State;

(e) if there is an incident on board the aircraft, inform the Receiving State as soon as the Sending State becomes aware of the incident; and

(f) if there is an incident on board the aircraft and the alleged offenders are detained or arrested and not returned to the Sending State, direct the Air Marshals to deliver the offenders to the Receiving State upon landing.

2. With respect to flights between the territories of the Receiving State and a Third State, the Sending State shall:

(a) prior to the departure of a flight carrying its Air Marshals, ensure that all Air Marshals have the appropriate travel documents;

(b) at least 30 days prior to the departure of a flight carrying its Air Marshals, inform the Receiving State in writing of the identity of the Air Marshals on board the aircraft and the type and number of weapons and related equipment that the Air Marshals will be carrying;

(c) in the event of imminent danger or exigent circumstances requiring the deployment of Air Marshals with less than 30 days' written notice, inform the Receiving State of the identity of the Air Marshals on board the aircraft and the type and number of weapons and related equipment that the Air Marshals will be carrying at the earliest time, but, in any case, prior to the scheduled departure of the flight;

(d) if there is an incident on board the aircraft, inform the Receiving State as soon as the Sending State becomes aware of the incident; and

(e) if there is an incident on board the aircraft, the alleged offenders are detained or arrested, and the aircraft lands in the Receiving State, direct the Air Marshals to deliver the offenders to the Receiving State upon landing.

Article 4
General Responsibilities of the Receiving State

The Receiving State shall:

(a) facilitate, in accordance with its laws, the admission into and departure from its territory of Air Marshals of the Sending State;

(b) permit, in accordance with its laws, the entry into and departure from its territory of the weapons and related equipment of Air Marshals of the Sending State; and

(c) take delivery of any person or persons arrested or detained during the flight and in the custody of Air Marshals of the Sending State upon arrival in the Receiving State.

Article 5
Operational Procedures

1. This Agreement shall be supplemented by mutually acceptable operational procedures set forth in writing by the Parties.

2. These operational procedures shall be in accordance with the terms of this Agreement.

3. Unless otherwise required by law, neither Party shall disclose to any third party the content of the operational procedures without the consent of the other Party. The Party intending to disclose the information shall notify the other party ofthe intended disclosure at least 10 days before it is made. In the event either Party learns of a known or suspected disclosure of the operational procedures, authorized or unauthorized and not previously notified, the Party learning of the disclosure shall provide immediate notice to the other Party.

Article 6
Observance of the Laws of the Sending State by Air Marshals

The Parties agree that, in the performance of their duties while in the Sending State and from the moment all external doors of the aircraft are closed following embarkation until any such door is opened for disembarkation, Air Marshals operating under this Agreement shall exercise their powers in accordance with the laws of the Sending State.

Article 7
Direction of Air Marshals

The Sending State shall direct the activities of its Air Marshals while in the Sending State and from the moment all external doors of the aircraft are closed following embarkation until any such door is opened for disembarkation.

This Agreement shall enter into force upon the date of last signature and remain in force until terminated by either Party giving the other Party at least ninety (90) days' written notice of termination. Upon entry into force, this Agreement shall supersede previous arrangements between the Parties in relation to the deployment of Air Marshals of the two countries.

Signed in duplicate in the English language.

FOR THE
UNITED STATES OF AMERICA:

Robert S. Bray
Assistant Administrator/Director
Office of Law Enforcement/Federal Air Marshal Service
Transportation Security Administration
U.S. Department of Homeland Security

DATE: October 20, 2011
PLACE: Washington D.C.

FOR THE
COMMONWEALTH OF THE BAHAMAS:

Capt. Patrick Rolle
Director
Department of Civil Aviation

DATE: 5 Oct 2011
PLACE: Nassau

Operational Procedures

Information to be provided in the Written Notification of Air Marshal Deployment, pursuant to Article 5 of the MOA

a) date and time of mission, including the planned length of stay; flight information (including flight number and time);

b) number of Air Marshals deployed per mission;

c) complete names of all Air Marshals, with indication of name of mission leader;

d) passport numbers;

e) weapons types, makes, and serial numbers;

f) type and quantity of ammunition; and

g) details of other mission-related equipment to be carried on the aircraft, such as radios or handcuffs.

List of National Coordinating Offices

Point of Contact for the United States of America:

Central contact office for Air Marshal deployments:

Name of authority: FAMS Mission Operations Center / Duty Watch Officer
Tel: 001 703 563 3566 / 001 703 487 3100
Fax: 001 703 487 3034 / 001 703 487 3305
E-mail: MOC@secureskies.net

Point of Contact for the Commonwealth of the Bahamas:

Central contact office for Air Marshal deployments:

Name of authority:
Postal/zip code:
Address:
Tel:
Fax:
E-mail: