

114TH CONGRESS
1ST SESSION

H. R. 4300

To improve the Federal flight deck officers program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2015

Mr. BRAT (for himself, Mr. BURGESS, Mr. YOUNG of Alaska, Mr. MCCLINTOCK, Mr. MASSIE, Mr. BROOKS of Alabama, Mr. ROHRBACHER, Mr. BRIDENSTINE, Mr. MEADOWS, Mrs. LUMMIS, Mr. GOSAR, and Mr. JONES) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To improve the Federal flight deck officers program, 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 “Arm All Pilots Act
5 of 2015”.

1 **SEC. 2. FACILITATION OF AND LIMITATIONS ON TRAINING**
2 **OF FEDERAL FLIGHT DECK OFFICERS.**

3 (a) IMPROVED ACCESS TO TRAINING FACILITIES.—
4 Section 44921(c)(2)(C)(ii) of title 49, United States Code,
5 is amended—

6 (1) by striking “The training of” and inserting
7 the following:

8 “(I) IN GENERAL.—The training
9 of”; and

10 (2) by adding at the end the following:

11 “(II) ACCESS TO TRAINING FA-
12 CILITIES.—Not later than 180 days
13 after the date of the enactment of the
14 Arm All Pilots Act of 2015, the Sec-
15 retary shall—

16 “(aa) designate 5 additional
17 firearms training facilities located
18 in various regions of the United
19 States for Federal flight deck of-
20 ficers relative to the number of
21 such facilities available on the
22 day before such date of enact-
23 ment;

24 “(bb) designate firearms
25 training facilities approved before
26 such date of enactment for recur-

1 rent training of Federal flight
2 deck officers as facilities ap-
3 proved for initial training and
4 certification of pilots seeking to
5 be deputized as Federal flight
6 deck officers; and

7 “(cc) designate additional
8 firearms training facilities for re-
9 current training of Federal flight
10 deck officers relative to the num-
11 ber of such facilities available on
12 the day before such date of en-
13 actment.”.

14 (b) FIREARMS REQUALIFICATION FOR FEDERAL
15 FLIGHT DECK OFFICERS.—Section 44921(c)(2)(C)(iii) of
16 such title is amended—

17 (1) by striking “The Under Secretary shall”
18 and inserting the following:

19 “(I) IN GENERAL.—The Sec-
20 retary shall”;

21 (2) in subclause (I), as designated by paragraph
22 (1), by striking “the Under Secretary” and inserting
23 “the Secretary, but not more frequently than once
24 every 6 months,”; and

25 (3) by adding at the end the following:

1 “(II) USE OF FACILITIES FOR
2 REQUALIFICATION.—The Secretary
3 shall allow a Federal flight deck offi-
4 cer to requalify to carry a firearm
5 under the program through training
6 at a private or government-owned gun
7 range certified to provide firearm re-
8 qualification training.

9 “(III) SELF-REPORTING.—The
10 Secretary shall determine that a Fed-
11 eral flight deck officer has met the re-
12 quirements to requalify to carry a
13 firearm under the program if—

14 “(aa) the officer reports to
15 the Secretary that the officer has
16 participated in a sufficient num-
17 ber of hours of training to re-
18 qualify to carry a firearm under
19 the program; and

20 “(bb) the administrator of
21 the facility at which the officer
22 conducted the requalification
23 training verifies that the officer
24 participated in that number of
25 hours of training.”.

1 (c) LIMITATIONS ON TRAINING.—Section
2 44921(c)(2) of such title is amended by adding at the end
3 the following:

4 “(D) LIMITATIONS ON TRAINING.—

5 “(i) INITIAL TRAINING.—The Sec-
6 retary may require—

7 “(I) initial training of not more
8 than 5 days for a pilot to be deputized
9 as a Federal flight deck officer;

10 “(II) the pilot to be physically
11 present at the training facility for not
12 more than 2 days of such training;
13 and

14 “(III) not more than 3 days of
15 such training to be in the form of cer-
16 tified online training administered by
17 the Department of Homeland Secu-
18 rity.

19 “(ii) RECURRENT TRAINING.—The
20 Secretary may require—

21 “(I) recurrent training of not
22 more than 2 days, not more fre-
23 quently than once every 5 years, for a
24 pilot to maintain deputization as a
25 Federal flight deck officer;

1 “(II) the pilot to be physically
2 present at the training facility for a
3 full-day training session for not more
4 than one day of such training; and

5 “(III) not more than one day of
6 such training to be in the form of cer-
7 tified online training administered by
8 the Department of Homeland Secu-
9 rity.”.

10 (d) OTHER MEASURES TO FACILITATE TRAINING.—

11 Section 44921(e) of such title is amended—

12 (1) by striking “Pilots participating” and in-
13 serting the following:

14 “(1) IN GENERAL.—Pilots participating”; and

15 (2) by adding at the end the following:

16 “(2) FACILITATION OF TRAINING.—

17 “(A) TIME OFF FOR TRAINING.—An air
18 carrier shall permit a Federal flight deck officer
19 or a pilot seeking to be deputized as a Federal
20 flight deck officer to take a reasonable amount
21 of leave from work to participate in initial and
22 recurrent training for the program. An air car-
23 rier shall not be obligated to provide such an of-
24 ficer or pilot compensation for such leave.

1 “(B) PRACTICE AMMUNITION.—At the re-
2 quest of a Federal flight deck officer, the Sec-
3 retary shall provide to the officer sufficient
4 practice ammunition to conduct at least one
5 practice course every month.”.

6 **SEC. 3. CARRIAGE OF FIREARMS BY FEDERAL FLIGHT**
7 **DECK OFFICERS.**

8 (a) GENERAL AUTHORITY.—Section 44921(f) of title
9 49, United States Code, is amended—

10 (1) by redesignating paragraphs (2) and (3) as
11 paragraphs (4) and (5), respectively; and

12 (2) by striking paragraph (1) and inserting the
13 following:

14 “(1) IN GENERAL.—The Secretary shall author-
15 ize a Federal flight deck officer to carry a firearm
16 while engaged in providing air transportation or
17 intrastate air transportation. The authority provided
18 to a Federal flight deck officer under this paragraph
19 includes the authority to carry a firearm—

20 “(A) on the officer’s body, loaded, and
21 holstered;

22 “(B) when traveling to a flight duty as-
23 signment, throughout the duty assignment, and
24 when traveling from a flight duty assignment to

1 the officer's home or place where the officer is
2 residing when traveling; and

3 “(C) in the passenger cabin and while
4 traveling in a cockpit jump seat.

5 “(2) CONCEALED CARRY.—A Federal flight
6 deck officer shall make reasonable efforts to keep
7 the officer's firearm concealed when in public.

8 “(3) PURCHASE OF FIREARM BY OFFICER.—
9 Notwithstanding subsection (c)(1), a Federal flight
10 deck officer may purchase a firearm and carry that
11 firearm aboard an aircraft of which the officer is the
12 pilot in accordance with this section if the firearm
13 is of a type that may be used under the program.”.

14 (b) CARRIAGE OF FIREARMS ON INTERNATIONAL
15 FLIGHTS.—Paragraph (5) of section 44921(f) of such
16 title, as redesignated by subsection (a)(1), is amended to
17 read as follows:

18 “(5) CARRYING FIREARMS OUTSIDE UNITED
19 STATES.—

20 “(A) IN GENERAL.—In consultation with
21 the Secretary of State, the Secretary—

22 “(i) may take such action as may be
23 necessary to ensure that a Federal flight
24 deck officer may carry a firearm in a for-

1 foreign country whenever necessary to partici-
2 pate in the program; and

3 “(ii) shall take such actions as are
4 within the authority of the Secretary to en-
5 sure that a Federal flight deck officer may
6 carry a firearm while engaged in providing
7 foreign air transportation.

8 “(B) CONSISTENCY WITH FEDERAL AIR
9 MARSHAL PROGRAM.—The Secretary shall work
10 to make policies relating to the carriage of fire-
11 arms on flights in foreign air transportation by
12 Federal flight deck officers consistent with the
13 policies of the Federal air marshal program for
14 carrying firearms on such flights.”.

15 (c) CARRIAGE OF FIREARM IN PASSENGER CABIN.—

16 (1) RULE OF CONSTRUCTION.—Section 44921
17 of title 49, United States Code, is amended by add-
18 ing at the end the following:

19 “(l) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to require a Federal flight deck
21 officer to place a firearm in a locked container, or in any
22 other manner render the firearm unavailable, when the
23 cockpit door is opened.”.

1 (2) CONFORMING REPEAL.—Section
2 44921(b)(3) of title 49, United States Code, is
3 amended—

4 (A) by striking subparagraph (G); and

5 (B) by redesignating subparagraphs (H)
6 through (N) as subparagraphs (G) through
7 (M), respectively.

8 (d) REGULATIONS.—Not later than 180 days after
9 the date of the enactment of this Act, the Secretary of
10 Homeland Security shall—

11 (1) prescribe regulations on the proper storage
12 of firearms when a Federal flight deck officer is at
13 home or where the officer is residing when traveling;
14 and

15 (2) revise the procedural requirements estab-
16 lished under section 44921(b)(1) of title 49, United
17 States Code, to implement the amendments made by
18 subsection (c).

19 **SEC. 4. PHYSICAL STANDARDS FOR FEDERAL FLIGHT DECK**
20 **OFFICERS.**

21 Section 44921(d)(2) of title 49, United States Code,
22 is amended—

23 (1) by redesignating subparagraphs (A), (B),
24 and (C) as clauses (i), (ii), and (iii), respectively,

1 and by moving such clauses, as so redesignated, 2
2 ems to the right;

3 (2) by striking “A pilot is” and inserting the
4 following:

5 “(A) IN GENERAL.—A pilot is”; and

6 (3) by adding at the end the following:

7 “(B) CONSISTENCY WITH REQUIREMENTS
8 FOR CERTAIN MEDICAL CERTIFICATES.—In es-
9 tablishing standards under subparagraph
10 (A)(ii), the Secretary may not establish medical
11 or physical standards for a pilot to become a
12 Federal flight deck officer that are inconsistent
13 with or more stringent than the requirements of
14 the Federal Aviation Administration for the
15 issuance of a first- or second-class airman med-
16 ical certificate under part 67 of title 14, Code
17 of Federal Regulations (or any corresponding
18 similar regulation or ruling).”.

19 **SEC. 5. TRANSFER OF FEDERAL FLIGHT DECK OFFICERS**
20 **FROM INACTIVE TO ACTIVE STATUS.**

21 Section 44921(d) of such title is amended by adding
22 at the end the following:

23 “(5) TRANSFER FROM INACTIVE TO ACTIVE
24 STATUS.—A pilot deputized as a Federal flight deck
25 officer who moves to inactive status may return to

1 active status after completing one program of recur-
2 rent training described in subsection (c).”.

3 **SEC. 6. FACILITATION OF SECURITY SCREENING OF FED-**
4 **ERAL FLIGHT DECK OFFICERS.**

5 Section 44921 of title 49, United States Code, as
6 amended by section 3(c)(1), is further amended by adding
7 at the end the following:

8 “(m) **FACILITATION OF SECURITY SCREENING OF**
9 **FEDERAL FLIGHT DECK OFFICERS.—**

10 “(1) **ELIGIBILITY FOR EXPEDITED SCREEN-**
11 **ING.—**The Secretary shall allow a Federal flight
12 deck officer to be screened through the crew member
13 identity verification program of the Transportation
14 Security Administration (commonly known as the
15 ‘Known Crew Member program’) when entering the
16 sterile area of an airport.

17 “(2) **PROHIBITION ON PAPERWORK.—**The Sec-
18 retary may not require a Federal flight deck officer
19 to fill out any forms or paperwork when entering the
20 sterile area of an airport.

21 “(3) **STERILE AREA DEFINED.—**In this sub-
22 section, the term ‘sterile area’ has the meaning given
23 that term in section 1540.5 of title 49, Code of Fed-
24 eral Regulations (or any corresponding similar regu-
25 lation or ruling).”.

1 **SEC. 7. TECHNICAL CORRECTIONS.**

2 Section 44921 of title 49, United States Code, as
3 amended by this Act, is further amended—

4 (1) in subsection (a), by striking “Under Sec-
5 retary of Transportation for Security” and inserting
6 “Secretary of Homeland Security”;

7 (2) in subsection (d)(4), by striking “may,” and
8 inserting “may”;

9 (3) in subsection (i)(2), by striking “the Under
10 Secretary may” and inserting “may”;

11 (4) in subsection (k)—

12 (A) by striking paragraphs (2) and (3);

13 and

14 (B) by striking “APPLICABILITY” and all
15 that follows through “This section” and insert-
16 ing “APPLICABILITY.—This section”;

17 (5) by adding at the end the following:

18 “(n) DEFINITIONS.—In this section:

19 “(1) PILOT.—The term ‘pilot’ means an indi-
20 vidual who has final authority and responsibility for
21 the operation and safety of the flight or any other
22 flight deck crew member.

23 “(2) ALL-CARGO AIR TRANSPORTATION.—The
24 term ‘air transportation’ includes all-cargo air trans-
25 portation.”; and

1 (6) by striking “Under Secretary” each place it
2 appears and inserting “Secretary”.

3 **SEC. 8. REFUNDS OF CERTAIN SECURITY SERVICE FEES**
4 **FOR AIR CARRIERS WITH FEDERAL FLIGHT**
5 **DECK OFFICERS ON ALL FLIGHTS.**

6 Section 44940 of title 49, United States Code, is
7 amended by adding at the end the following:

8 “(j) REFUND OF FEES FOR AIR CARRIERS WITH
9 FEDERAL FLIGHT DECK OFFICERS ON ALL FLIGHTS.—
10 From fees received in a fiscal year under subsection
11 (a)(1), each air carrier that certifies to the Secretary of
12 Homeland Security that all flights operated by the air car-
13 rier have on board a pilot deputized as a Federal flight
14 deck officer under section 44921 shall receive an amount
15 equal to 10 percent of the fees collected under subsection
16 (a)(1) from passengers on flights operated by that air car-
17 rier in that fiscal year.”.

18 **SEC. 9. TREATMENT OF INFORMATION ABOUT FEDERAL**
19 **FLIGHT DECK OFFICERS AS SENSITIVE SECU-**
20 **RITY INFORMATION.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the Secretary of Homeland Security shall
23 revise section 15.5(b)(11) of title 49, Code of Federal Reg-
24 ulations, to classify information about pilots deputized as
25 Federal flight deck officers under section 44921 of title

1 49, United States Code, as sensitive security information
2 in a manner consistent with the classification of informa-
3 tion about Federal air marshals.

4 **SEC. 10. REGULATIONS.**

5 Not later than 180 days after the date of the enact-
6 ment of this Act, the Secretary of Homeland Security shall
7 prescribe such regulations as may be necessary to carry
8 out this Act and the amendments made by this Act.

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