

# **Section by Section Description of the Cockpit Security Technical Corrections and Improvements Act of 2004**

## **SECTION 1. SHORT TITLE**

Cockpit Security Technical Corrections and Improvements Act of 2004.

## **SECTION 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

Amendments made by this Act, unless otherwise stated, are to Title 49, United States Code.

## **SECTION 3. ELIGIBILITY FOR THE FEDERAL FLIGHT DECK OFFICER PROGRAM.**

- (a) Definitions.
- (b) Makes any commercial pilot who can own a firearm under federal law and who has a valid certificate of mental examination eligible for the Federal Flight Deck Officer (FFDO) program and the pilot must be deputized upon training. If training is not provided to a pilot within 90 days of application, the pilot must be immediately deputized upon proof of firearms training within the last year and FFDO training must be provided within 6 months. Any volunteer pilot with a military or law enforcement background and proof of approved firearms training within the last year must be immediately deputized and provided FFDO training within 6 months. Prohibits any additional requirements from being imposed.
- (c) Conforming amendment: restates eligibility limitation to commercial pilots of major carriers.
- (d) Conforming amendment: strikes old military preference for selection for training.

## **SECTION 4. FEDERAL FLIGHT DECK OFFICER TRAINING AND REQUALIFICATION TRAINING.**

- (a) Restates that the government is to provide training and equipment to participate in the program.
- (b) A pilot's application for training must be accepted or rejected within 30 days and training must begin within 60 days after acceptance. Requires periodic requalification training. Allows training and requalification to be conducted by DHS, the FBI, or private training facilities. Requires that training facilities be located throughout the country and be convenient to pilots. Allows private training facilities to provide requalification training if the facility is approved by a Federal agency to provide firearms training, provides training courses for law enforcement or state licensure/permitting that involve firing a handgun and training in the lawful use of force, or are approved by DHS. Requires the government to pay travel expenses and per diem for pilots to attend training. Requires airlines to give pilots unpaid leave to attend training. Sets the duration, frequency, and completion standards for training as those currently in effect.
- (c) Conforming amendments.
- (d) Requires DHS to publish notice and actively encourage private firearms training facilities to apply for approval to conduct requalification training for FFDOs.

## **SECTION 5. AUTHORITY TO CARRY FIREARMS.**

- (a) Allows a FFDO to carry a firearm on his or her person. Designates FFDOs as Air Marshals for purposes of international agreements to allow FFDOs to carry firearms on international flights until agreements can be negotiated for FFDOs. Requires the Secretary of State to negotiate agreements with other nations to allow FFDOs to carry firearms on international flights and in other countries under the same rules as Federal Air Marshals. Provides FFDOs the same authority to carry a firearm as other federal law enforcement officers. Prohibits restrictions on carrying firearms not normally imposed on federal law enforcement officers. Prohibits FFDOs from being required to carry their firearm in a locked box. Clarifies that FFDOs can act to

prevent terrorism or protect life outside of the cockpit. Requires information to be provided to law enforcement and airport security personnel that FFDOs are authorized to carry firearms.

**SECTION 6. LIMITATION ON AUTHORITY OF AIR CARRIERS AND OTHER ENTITIES.**

Prohibits retaliatory action by air carriers, unions, or other groups against pilots for becoming FFDOs.

**SECTION 7. AUTHORITY TO SUE.**

Allows a pilot to file a suit in District Court for failure of the Secretary to comply with this Act. The Court is authorized to order remedial measures. Awards attorney's fees to an FFDO who brings a successful action in court to enforce any provision of this Act.

**SECTION 8. PRIVACY OF FEDERAL FLIGHT DECK OFFICERS.**

Prevents unnecessary disclosure of information about pilots who apply to be FFDOs.

**SECTION 9. ADJUDICATION PROCEDURES.**

Requires written notice and reasoning to a pilot within 5 days if the pilot is found ineligible to be an FFDO. Allows the pilot to submit correcting information and request a hearing to be held at a convenient date and location. Allows the pilot to appeal to District Court within 30 days of submitting the information or the hearing if the decision is not reversed. The Court is to review the case anew and is authorized to order remedial measures. Provides remedial training or a one-year suspension for violation of FFDO program rules. Allows remedial training or indefinite suspension, with the possibility of reinstatement, for willful or grossly negligent behavior. Requires a written allegation for the reasons for remedial training or suspension and allows appeal to a review board. The review board will consist of an FFDO, a representative of the Secretary, and a neutral third party. Allows the FFDO to be represented by counsel or a union representative. Requires 14 day notice of the hearing, which must be held at a location and date convenient to the FFDO. Requires the Secretary to provide discovery of documents and allegations and to record the hearing. Provides for reimbursement of expenses for the review board members. Requires the review board to issue findings of fact and determine the amount of remedial training or length or suspension, if any. Prevents disclosure of the hearing records and allows award of attorney's fee if the FFDO prevails. Allows appeal of the review board decision to District Court, which will review the case anew. Authorizes the Court to order remedial measures.

**SECTION 10. OTHER AUTHORITIES.**

Requires issuance of standard federal law enforcement credentials to FFDOs identifying them as a Federal Flight Deck Officer. Ensures that FFDOs can act to prevent terrorism outside the cockpit. Subjects FFDOs to the same airport security screenings as other law enforcement officers. Ensures FFDOs not on duty as a pilot are not prohibited from carrying a firearm. Requires DHS to establish written procedures for the handling of Sensitive Security Information. Requires DHS to establish procedures to ensure pilots have access to the latest threat information. Ensures that FFDOs can consult with Members of Congress about the program.

**SECTION 11. REPORTS TO CONGRESS REGARDING THE FEDERAL FLIGHT DECK OFFICER PROGRAM.**

- (a) Requires reports to Congress every 90 days on the number of applications, the number of pilots deputized, delays in training or deputization, approval criteria requalification facilities, the number of facilities that have applied to provide requalification training, the names of approved requalification facilities, and the progress on negotiating international agreements for FFDOs to carry firearms on international flights.
- (b) The initial such report must be submitted within 90 days of enactment of this Act.

**SECTION 12. PROMOTION OF THE FEDERAL FLIGHT DECK OFFICER PROGRAM.**

Requires DHS to publish notice of the program and encourage pilots to sign up.

**SECTION 13. ADDITIONAL REPORTS TO CONGRESS.**

- (a) Requires DOJ to report on the feasibility of assuming administration of the FFDO program.
- (b) Requires DOJ to report on the feasibility of implementing a law enforcement verification card system to identify law enforcement officers authorized to carry a firearm aboard an aircraft.

**SECTION 14. CONFORMING AMENDMENTS.**

Removes references to the Under Secretary of Transportation because the program is now in DHS.  
Removes outdated language relating to the original establishment of the program.