

1 tion is available upon the completion of the
2 degree, work in other offices or agencies of
3 the Federal Government or in the field of
4 higher education in a discipline relating to
5 foreign country, foreign language, area
6 study, or international field of study for
7 which the fellowship was awarded, for a
8 period specified by the Secretary, which pe-
9 riod shall be determined in accordance
10 with clause (i); and”.

11 **TITLE XIV—ARMING PILOTS**
12 **AGAINST TERRORISM**

13 **SEC. 1401. SHORT TITLE.**

14 This title may be cited as the “Arming Pilots Against
15 Terrorism Act”.

16 **SEC. 1402. FEDERAL FLIGHT DECK OFFICER PROGRAM.**

17 (a) IN GENERAL.—Subchapter I of chapter 449 of
18 title 49, United States Code, is amended by adding at the
19 end the following:

20 **“§ 44921. Federal flight deck officer program**

21 “(a) ESTABLISHMENT.—The Under Secretary of
22 Transportation for Security shall establish a program to
23 deputize volunteer pilots of air carriers providing pas-
24 senger air transportation or intrastate passenger air
25 transportation as Federal law enforcement officers to de-



1 fend the flight decks of aircraft of such air carriers against
2 acts of criminal violence or air piracy. Such officers shall
3 be known as 'Federal flight deck officers'.

4 “(b) PROCEDURAL REQUIREMENTS.—

5 “(1) IN GENERAL.—Not later than 3 months
6 after the date of enactment of this section, the
7 Under Secretary shall establish procedural require-
8 ments to carry out the program under this section.

9 “(2) COMMENCEMENT OF PROGRAM.—Begin-
10 ning 3 months after the date of enactment of this
11 section, the Under Secretary shall begin the process
12 of training and deputizing pilots who are qualified to
13 be Federal flight deck officers as Federal flight deck
14 officers under the program.

15 “(3) ISSUES TO BE ADDRESSED.—The proce-
16 dural requirements established under paragraph (1)
17 shall address the following issues:

18 “(A) The type of firearm to be used by a
19 Federal flight deck officer.

20 “(B) The type of ammunition to be used
21 by a Federal flight deck officer.

22 “(C) The standards and training needed to
23 qualify and requalify as a Federal flight deck
24 officer.



1 “(D) The placement of the firearm of a
2 Federal flight deck officer on board the aircraft
3 to ensure both its security and its ease of re-
4 trieval in an emergency.

5 “(E) An analysis of the risk of cata-
6 strophic failure of an aircraft as a result of the
7 discharge (including an accidental discharge) of
8 a firearm to be used in the program into the
9 avionics, electrical systems, or other sensitive
10 areas of the aircraft.

11 “(F) The division of responsibility between
12 pilots in the event of an act of criminal violence
13 or air piracy if only 1 pilot is a Federal flight
14 deck officer and if both pilots are Federal flight
15 deck officers.

16 “(G) Procedures for ensuring that the fire-
17 arm of a Federal flight deck officer does not
18 leave the cockpit if there is a disturbance in the
19 passenger cabin of the aircraft or if the pilot
20 leaves the cockpit for personal reasons.

21 “(H) Interaction between a Federal flight
22 deck officer and a Federal air marshal on board
23 the aircraft.

24 “(I) The process for selection of pilots to
25 participate in the program based on their fit-



1 ness to participate in the program, including
2 whether an additional background check should
3 be required beyond that required by section
4 44936(a)(1).

5 “(J) Storage and transportation of fire-
6 arms between flights, including international
7 flights, to ensure the security of the firearms,
8 focusing particularly on whether such security
9 would be enhanced by requiring storage of the
10 firearm at the airport when the pilot leaves the
11 airport to remain overnight away from the pi-
12 lot’s base airport.

13 “(K) Methods for ensuring that security
14 personnel will be able to identify whether a pilot
15 is authorized to carry a firearm under the pro-
16 gram.

17 “(L) Methods for ensuring that pilots (in-
18 cluding Federal flight deck officers) will be able
19 to identify whether a passenger is a law en-
20 forcement officer who is authorized to carry a
21 firearm aboard the aircraft.

22 “(M) Any other issues that the Under Sec-
23 retary considers necessary.

24 “(N) The Under Secretary’s decisions re-
25 garding the methods for implementing each of



1 the foregoing procedural requirements shall be
2 subject to review only for abuse of discretion.

3 “(4) PREFERENCE.—In selecting pilots to par-
4 ticipate in the program, the Under Secretary shall
5 give preference to pilots who are former military or
6 law enforcement personnel.

7 “(5) CLASSIFIED INFORMATION.—Notwith-
8 standing section 552 of title 5 but subject to section
9 40119 of this title, information developed under
10 paragraph (3)(E) shall not be disclosed.

11 “(6) NOTICE TO CONGRESS.—The Under Sec-
12 retary shall provide notice to the Committee on
13 Transportation and Infrastructure of the House of
14 Representatives and the Committee on Commerce,
15 Science, and Transportation of the Senate after
16 completing the analysis required by paragraph
17 (3)(E).

18 “(7) MINIMIZATION OF RISK.—If the Under
19 Secretary determines as a result of the analysis
20 under paragraph (3)(E) that there is a significant
21 risk of the catastrophic failure of an aircraft as a re-
22 sult of the discharge of a firearm, the Under Sec-
23 retary shall take such actions as may be necessary
24 to minimize that risk.

25 “(c) TRAINING, SUPERVISION, AND EQUIPMENT.—

1 “(1) IN GENERAL.—The Under Secretary shall
2 only be obligated to provide the training, super-
3 vision, and equipment necessary for a pilot to be a
4 Federal flight deck officer under this section at no
5 expense to the pilot or the air carrier employing the
6 pilot.

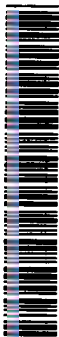
7 “(2) TRAINING.—

8 “(A) IN GENERAL.—The Under Secretary
9 shall base the requirements for the training of
10 Federal flight deck officers under subsection (b)
11 on the training standards applicable to Federal
12 air marshals; except that the Under Secretary
13 shall take into account the differing roles and
14 responsibilities of Federal flight deck officers
15 and Federal air marshals.

16 “(B) ELEMENTS.—The training of a Fed-
17 eral flight deck officer shall include, at a min-
18 imum, the following elements:

19 “(i) Training to ensure that the offi-
20 cer achieves the level of proficiency with a
21 firearm required under subparagraph
22 (C)(i).

23 “(ii) Training to ensure that the offi-
24 cer maintains exclusive control over the of-



1 ficer's firearm at all times, including train-
2 ing in defensive maneuvers.

3 “(iii) Training to assist the officer in
4 determining when it is appropriate to use
5 the officer's firearm and when it is appro-
6 priate to use less than lethal force.

7 “(C) TRAINING IN USE OF FIREARMS.—

8 “(i) STANDARD.—In order to be depu-
9 tized as a Federal flight deck officer, a
10 pilot must achieve a level of proficiency
11 with a firearm that is required by the
12 Under Secretary. Such level shall be com-
13 parable to the level of proficiency required
14 of Federal air marshals.

15 “(ii) CONDUCT OF TRAINING.—The
16 training of a Federal flight deck officer in
17 the use of a firearm may be conducted by
18 the Under Secretary or by a firearms
19 training facility approved by the Under
20 Secretary.

21 “(iii) REQUALIFICATION.—The Under
22 Secretary shall require a Federal flight
23 deck officer to requalify to carry a firearm
24 under the program. Such requalification



1 shall occur at an interval required by the
2 Under Secretary.

3 “(d) DEPUTIZATION.—

4 “(1) IN GENERAL.—The Under Secretary may
5 deputize, as a Federal flight deck officer under this
6 section, a pilot who submits to the Under Secretary
7 a request to be such an officer and whom the Under
8 Secretary determines is qualified to be such an offi-
9 cer.

10 “(2) QUALIFICATION.—A pilot is qualified to be
11 a Federal flight deck officer under this section if—

12 “(A) the pilot is employed by an air car-
13 rier;

14 “(B) the Under Secretary determines (in
15 the Under Secretary’s discretion) that the pilot
16 meets the standards established by the Under
17 Secretary for being such an officer; and

18 “(C) the Under Secretary determines that
19 the pilot has completed the training required by
20 the Under Secretary.

21 “(3) DEPUTIZATION BY OTHER FEDERAL AGEN-
22 CIES.—The Under Secretary may request another
23 Federal agency to deputize, as Federal flight deck
24 officers under this section, those pilots that the



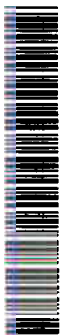
1 Under Secretary determines are qualified to be such
2 officers.

3 “(4) REVOCATION.—The Under Secretary may,
4 (in the Under Secretary’s discretion) revoke the dep-
5 utization of a pilot as a Federal flight deck officer
6 if the Under Secretary finds that the pilot is no
7 longer qualified to be such an officer.

8 “(e) COMPENSATION.—Pilots participating in the
9 program under this section shall not be eligible for com-
10 pensation from the Federal Government for services pro-
11 vided as a Federal flight deck officer. The Federal Govern-
12 ment and air carriers shall not be obligated to compensate
13 a pilot for participating in the program or for the pilot’s
14 training or qualification and requalification to carry fire-
15 arms under the program.

16 “(f) AUTHORITY TO CARRY FIREARMS.—

17 “(1) IN GENERAL.—The Under Secretary shall
18 authorize a Federal flight deck officer to carry a
19 firearm while engaged in providing air transpor-
20 tation or intrastate air transportation. Notwith-
21 standing subsection (c)(1), the officer may purchase
22 a firearm and carry that firearm aboard an aircraft
23 of which the officer is the pilot in accordance with
24 this section if the firearm is of a type that may be
25 used under the program.



1 “(2) PREEMPTION.—Notwithstanding any other
2 provision of Federal or State law, a Federal flight
3 deck officer, whenever necessary to participate in the
4 program, may carry a firearm in any State and from
5 1 State to another State.

6 “(3) CARRYING FIREARMS OUTSIDE UNITED
7 STATES.—In consultation with the Secretary of
8 State, the Under Secretary may take such action as
9 may be necessary to ensure that a Federal flight
10 deck officer may carry a firearm in a foreign country
11 whenever necessary to participate in the program.

12 “(g) AUTHORITY TO USE FORCE.—Notwithstanding
13 section 44903(d), the Under Secretary shall prescribe the
14 standards and circumstances under which a Federal flight
15 deck officer may use, while the program under this section
16 is in effect, force (including lethal force) against an indi-
17 vidual in the defense of the flight deck of an aircraft in
18 air transportation or intrastate air transportation.

19 “(h) LIMITATION ON LIABILITY.—

20 “(1) LIABILITY OF AIR CARRIERS.—An air car-
21 rier shall not be liable for damages in any action
22 brought in a Federal or State court arising out of
23 a Federal flight deck officer’s use of or failure to use
24 a firearm.



1 “(2) LIABILITY OF FEDERAL FLIGHT DECK OF-
2 FICERS.—A Federal flight deck officer shall not be
3 liable for damages in any action brought in a Fed-
4 eral or State court arising out of the acts or omis-
5 sions of the officer in defending the flight deck of an
6 aircraft against acts of criminal violence or air pi-
7 racy unless the officer is guilty of gross negligence
8 or willful misconduct.

9 “(3) LIABILITY OF FEDERAL GOVERNMENT.—
10 For purposes of an action against the United States
11 with respect to an act or omission of a Federal flight
12 deck officer in defending the flight deck of an air-
13 craft, the officer shall be treated as an employee of
14 the Federal Government under chapter 171 of title
15 28, relating to tort claims procedure.

16 “(i) PROCEDURES FOLLOWING ACCIDENTAL DIS-
17 CHARGES.—If an accidental discharge of a firearm under
18 the pilot program results in the injury or death of a pas-
19 senger or crew member on an aircraft, the Under
20 Secretary—

21 “(1) shall revoke the deputization of the Fed-
22 eral flight deck officer responsible for that firearm
23 if the Under Secretary determines that the discharge
24 was attributable to the negligence of the officer; and



1 “(2) if the Under Secretary determines that a
2 shortcoming in standards, training, or procedures
3 was responsible for the accidental discharge, the
4 Under Secretary may temporarily suspend the pro-
5 gram until the shortcoming is corrected.

6 “(j) LIMITATION ON AUTHORITY OF AIR CAR-
7 RIERS.—No air carrier shall prohibit or threaten any re-
8 taliatory action against a pilot employed by the air carrier
9 from becoming a Federal flight deck officer under this sec-
10 tion. No air carrier shall—

11 “(1) prohibit a Federal flight deck officer from
12 piloting an aircraft operated by the air carrier, or

13 “(2) terminate the employment of a Federal
14 flight deck officer, solely on the basis of his or her
15 volunteering for or participating in the program
16 under this section.

17 “(k) APPLICABILITY.—

18 “(1) EXEMPTION.—This section shall not apply
19 to air carriers operating under part 135 of title 14,
20 Code of Federal Regulations, and to pilots employed
21 by such carriers to the extent that such carriers and
22 pilots are covered by section 135.119 of such title or
23 any successor to such section.

24 “(2) PILOT DEFINED.—The term ‘pilot’ means
25 an individual who has final authority and responsi-



1 bility for the operation and safety of the flight or,
2 if more than 1 pilot is required for the operation of
3 the aircraft or by the regulations under which the
4 flight is being conducted, the individual designated
5 as second in command.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) CHAPTER ANALYSIS.—The analysis for such
8 chapter is amended by inserting after the item relat-
9 ing to section 44920 the following:

“44921. Federal flight deck officer program.”.

10 (2) FLIGHT DECK SECURITY.—Section 128 of
11 the Aviation and Transportation Security Act (Pub-
12 lic Law 107–71) is repealed.

13 (c) FEDERAL AIR MARSHAL PROGRAM.—

14 (1) SENSE OF CONGRESS.—It is the sense of
15 Congress that the Federal air marshal program is
16 critical to aviation security.

17 (2) LIMITATION ON STATUTORY CONSTRUC-
18 TION.—Nothing in this Act, including any amend-
19 ment made by this Act, shall be construed as pre-
20 venting the Under Secretary of Transportation for
21 Security from implementing and training Federal air
22 marshals.

23 **SEC. 1403. CREW TRAINING.**

24 (a) IN GENERAL.—Section 44918(e) of title 49,
25 United States Code, is amended—

1 (1) by striking “The Administrator” and insert-
2 ing the following:

3 “(1) IN GENERAL.—The Under Secretary”;

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

5 “(2) ADDITIONAL REQUIREMENTS.—In updat-
6 ing the training guidance, the Under Secretary, in
7 consultation with the Administrator, shall issue a
8 rule to—

9 “(A) require both classroom and effective
10 hands-on situational training in the following
11 elements of self defense:

12 “(i) recognizing suspicious activities
13 and determining the seriousness of an oc-
14 currence;

15 “(ii) deterring a passenger who might
16 present a problem;

17 “(iii) crew communication and coordi-
18 nation;

19 “(iv) the proper commands to give to
20 passengers and attackers;

21 “(v) methods to subdue and restrain
22 an attacker;

23 “(vi) use of available items aboard the
24 aircraft for self-defense;

1 “(vii) appropriate and effective re-
2 sponses to defend oneself, including the
3 use of force against an attacker;

4 “(viii) use of protective devices as-
5 signed to crew members (to the extent
6 such devices are approved by the Adminis-
7 trator or Under Secretary);

8 “(ix) the psychology of terrorists to
9 cope with their behavior and passenger re-
10 sponses to that behavior;

11 “(x) how to respond to aircraft ma-
12 neuvers that may be authorized to defend
13 against an act of criminal violence or air
14 piracy;

15 “(B) require training in the proper con-
16 duct of a cabin search, including the duty time
17 required to conduct the search;

18 “(C) establish the required number of
19 hours of training and the qualifications for the
20 training instructors;

21 “(D) establish the intervals, number of
22 hours, and elements of recurrent training;

23 “(E) ensure that air carriers provide the
24 initial training required by this paragraph with-



1 in 24 months of the date of enactment of this
2 subparagraph; and

3 “(F) ensure that no person is required to
4 participate in any hands-on training activity
5 that that person believes will have an adverse
6 impact on his or her health or safety.

7 “(3) RESPONSIBILITY OF UNDER SEC-
8 RETARY.—(A) CONSULTATION.—In developing the
9 rule under paragraph (2), the Under Secretary shall
10 consult with law enforcement personnel and security
11 experts who have expertise in self-defense training,
12 terrorism experts, and representatives of air carriers,
13 the provider of self-defense training for Federal air
14 marshals, flight attendants, labor organizations rep-
15 resenting flight attendants, and educational institu-
16 tions offering law enforcement training programs.

17 “(B) DESIGNATION OF OFFICIAL.—The
18 Under Secretary shall designate an official in
19 the Transportation Security Administration to
20 be responsible for overseeing the implementa-
21 tion of the training program under this sub-
22 section.

23 “(C) NECESSARY RESOURCES AND KNOWL-
24 EDGE.—The Under Secretary shall ensure that
25 employees of the Administration responsible for



1 monitoring the training program have the nec-
2 essary resources and knowledge.”; and

3 (3) by aligning the remainder of the text of
4 paragraph (1) (as designated by paragraph (1) of
5 this section) with paragraphs (2) and (3) (as added
6 by paragraph (2) of this section).

7 (b) ENHANCE SECURITY MEASURES.—Section
8 109(a) of the Aviation and Transportation Security Act
9 (49 U.S.C. 114 note; 115 Stat. 613–614) is amended by
10 adding at the end the following:

11 “(9) Require that air carriers provide flight at-
12 tendants with a discreet, hands-free, wireless method
13 of communicating with the pilots.”.

14 (c) BENEFITS AND RISKS OF PROVIDING FLIGHT AT-
15 TENDANTS WITH NONLETHAL WEAPONS.—

16 (1) STUDY.—The Under Secretary of Transpor-
17 tation for Security shall conduct a study to evaluate
18 the benefits and risks of providing flight attendants
19 with nonlethal weapons to aide in combating air pi-
20 racy and criminal violence on commercial airlines.

21 (2) REPORT.—Not later than 6 months after
22 the date of enactment of this Act, the Under Sec-
23 retary shall transmit to Congress a report on the re-
24 sults of the study.



1 **SEC. 1404. COMMERCIAL AIRLINE SECURITY STUDY.**

2 (a) STUDY.—The Secretary of Transportation shall
3 conduct a study of the following:

4 (1) The number of armed Federal law enforce-
5 ment officers (other than Federal air marshals), who
6 travel on commercial airliners annually and the fre-
7 quency of their travel.

8 (2) The cost and resources necessary to provide
9 such officers with supplemental training in aircraft
10 anti-terrorism training that is comparable to the
11 training that Federal air marshals are provided.

12 (3) The cost of establishing a program at a
13 Federal law enforcement training center for the pur-
14 pose of providing new Federal law enforcement re-
15 cruits with standardized training comparable to the
16 training that Federal air marshals are provided.

17 (4) The feasibility of implementing a certifi-
18 cation program designed for the purpose of ensuring
19 Federal law enforcement officers have completed the
20 training described in paragraph (2) and track their
21 travel over a 6-month period.

22 (5) The feasibility of staggering the flights of
23 such officers to ensure the maximum amount of
24 flights have a certified trained Federal officer on
25 board.



1 (b) REPORT.—Not later than 6 months after the date
2 of enactment of this Act, the Secretary shall transmit to
3 Congress a report on the results of the study. The report
4 may be submitted in classified and redacted form.

5 **SEC. 1405. AUTHORITY TO ARM FLIGHT DECK CREW WITH**
6 **LESS-THAN-LETHAL WEAPONS.**

7 (a) IN GENERAL.—Section 44903(i) of title 49,
8 United States Code (as redesignated by section 6 of this
9 Act) is amended by adding at the end the following:

10 “(3) REQUEST OF AIR CARRIERS TO USE LESS-
11 THAN-LETHAL WEAPONS.—If, after the date of en-
12 actment of this paragraph, the Under Secretary re-
13 ceives a request from an air carrier for authorization
14 to allow pilots of the air carrier to carry less-than-
15 lethal weapons, the Under Secretary shall respond to
16 that request within 90 days.”.

17 (b) CONFORMING AMENDMENTS.—Such section is
18 further amended—

19 (1) in paragraph (1) by striking “Secretary”
20 the first and third places it appears and inserting
21 “Under Secretary”; and

22 (2) in paragraph (2) by striking “Secretary”
23 each place it appears and inserting “Under Sec-
24 retary”.



1 **SEC. 1406. TECHNICAL AMENDMENTS.**

2 Section 44903 of title 49, United States Code, is
3 amended—

4 (1) by redesignating subsection (i) (relating to
5 short-term assessment and deployment of emerging
6 security technologies and procedures) as subsection
7 (j);

8 (2) by redesignating the second subsection (h)
9 (relating to authority to arm flight deck crew with
10 less-than-lethal weapons) as subsection (i); and

11 (3) by redesignating the third subsection (h)
12 (relating to limitation on liability for acts to thwart
13 criminal violence for aircraft piracy) as subsection
14 (k).

15 **TITLE XV—TRANSITION**
16 **Subtitle A—Reorganization Plan**

17 **SEC. 1501. DEFINITIONS.**

18 For purposes of this title:

19 (1) The term “agency” includes any entity, or-
20 ganizational unit, program, or function.

21 (2) The term “transition period” means the 12-
22 month period beginning on the effective date of this
23 Act.

24 **SEC. 1502. REORGANIZATION PLAN.**

25 (a) SUBMISSION OF PLAN.—Not later than 60 days
26 after the date of the enactment of this Act, the President