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AMENDMENT NO. _____ Calendar No. _____

Purpose: To make improvements to the Federal Flight Deck Officer Program.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 1872

To authorize the programs of the Transportation Security Administration relating to transportation security, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. THUNE (for himself and Mr. BLUNT)

Viz:

1 At the end of subtitle E of title II, insert the following:
2

3 **SEC. 255. FEDERAL FLIGHT DECK OFFICER PROGRAM IM-**
4 **PROVEMENTS.**

5 (a) IMPROVED ACCESS TO TRAINING FACILITIES.—
6 Section 44921(c)(2)(C)(ii) is amended—

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

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

1 (2) in subclause (I), as designated, by striking
2 “approved by the Under Secretary”; and

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

4 “(II) ACCESS TO TRAINING FA-
5 CILITIES.—Not later than 180 days
6 after the date of enactment of the
7 TSA Modernization Act, the Adminis-
8 trator shall designate additional fire-
9 arms training facilities located in var-
10 ious regions of the United States for
11 Federal flight deck officers for recur-
12 rent and requalifying training relative
13 to the number of such facilities avail-
14 able on the day before such date of
15 enactment.”.

16 (b) FIREARMS REQUALIFICATION.—Section
17 44921(c)(2)(C) is amended—

18 (1) in clause (iii)—

19 (A) by striking “The Under Secretary
20 shall” and inserting the following:

21 “(I) IN GENERAL.—The Admin-
22 istrator shall”;

23 (B) in subclause (I), as designated by sub-
24 paragraph (A), by striking “the Under Sec-
25 retary” and inserting “the Administrator”; and

1 (C) by adding at the end the following:

2 “(II) USE OF FACILITIES FOR
3 REQUALIFICATION.—The Adminis-
4 trator shall allow a Federal flight
5 deck officer to requalify to carry a
6 firearm under the program through
7 training at a Transportation Security
8 Administration-approved firearms
9 training facility utilizing a Transpor-
10 tation Security Administration-ap-
11 proved contractor and a curriculum
12 developed and approved by the Trans-
13 portation Security Administration.”;
14 and

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

16 “(iv) PERIODIC REVIEW.—The Ad-
17 ministrator shall periodically review re-
18 qualification training intervals and assess
19 whether it is appropriate and sufficient to
20 adjust the time between each requalifica-
21 tion training to facilitate continued partici-
22 pation in the program under this section
23 while still maintaining effectiveness of the
24 training, and update the training require-
25 ments as appropriate.”.

1 (c) TRAINING REVIEW.—Section 44921(c)(2) is
2 amended by adding at the end the following:

3 “(D) TRAINING REVIEW.—The Adminis-
4 trator shall periodically review training require-
5 ments for initial and recurrent training for
6 Federal flight deck officers and evaluate how
7 training requirements, including the length of
8 training, could be streamlined while maintain-
9 ing the effectiveness of the training, and update
10 the training requirements as appropriate.”.

11 (d) OTHER MEASURES TO FACILITATE TRAINING.—
12 Section 44921(e) is amended—

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

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

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

17 “(2) FACILITATION OF TRAINING.—An air car-
18 rier shall permit a pilot seeking to be deputized as
19 a Federal flight deck officer or a Federal flight deck
20 officer to take a reasonable amount of leave to par-
21 ticipate in initial, recurrent, or requalification train-
22 ing, as applicable, for the program. Leave required
23 under this paragraph may be provided without com-
24 pensation.”.

1 (e) INTERNATIONAL HARMONIZATION.—Section
2 44921(f) is amended—

3 (1) in paragraphs (1) and (3), by striking
4 “Under Secretary” and inserting “Administrator”;
5 and

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

7 “(4) CONSISTENCY WITH FEDERAL AIR MAR-
8 SHAL PROGRAM.—The Administrator shall har-
9 monize, to the extent practicable, the policies relat-
10 ing to the carriage of firearms on flights in foreign
11 air transportation by Federal flight deck officers
12 with the policies of the Federal air marshal program
13 for carrying firearms on such flights and carrying
14 out the duties of a Federal flight deck officer, not-
15 withstanding Annex 17 of the International Civil
16 Aviation Organization.”.

17 (f) PHYSICAL STANDARDS.—Section 44921(d)(2) is
18 amended—

19 (1) by redesignating subparagraphs (A), (B),
20 and (C) as clauses (i), (ii), and (iii), respectively;

21 (2) in clause (ii), as redesignated, by striking
22 “Under Secretary’s” and inserting “Administra-
23 tor’s”;

24 (3) by striking “A pilot is” and inserting the
25 following:

1 “(A) IN GENERAL.—A pilot is”; and

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

3 “(B) CONSISTENCY WITH REQUIREMENTS
4 FOR CERTAIN MEDICAL CERTIFICATES.—In es-
5 tablishing standards under subparagraph
6 (A)(ii), the Administrator may not establish
7 medical or physical standards for a pilot to be-
8 come a Federal flight deck officer that are in-
9 consistent with or more stringent than the re-
10 quirements of the Federal Aviation Administra-
11 tion for the issuance of the required airman
12 medical certificate under part 67 of title 14,
13 Code of Federal Regulations (or any cor-
14 responding similar regulation or ruling).”.

15 (g) TRANSFER OF STATUS.—Section 44921(d) is
16 amended by adding at the end the following:

17 “(5) TRANSFER FROM INACTIVE TO ACTIVE
18 STATUS.—In accordance with any applicable TSA
19 appeals processes, a pilot deputized as a Federal
20 flight deck officer who moves to inactive status may
21 return to active status upon successful completion of
22 a recurrent training program administered within
23 program guidelines.”.

24 (h) TECHNICAL CORRECTIONS.—Section 44921, as
25 amended by this section, is further amended—

1 (1) in subsection (a), by striking “Under Sec-
2 retary of Transportation for Security” and inserting
3 “Administrator”;

4 (2) in subsection (b)—

5 (A) in paragraph (1), by striking “Not
6 later than 3 months after the date of enactment
7 of this section, the Under Secretary” and in-
8 serting “The Administrator”;

9 (B) in paragraph (2), by striking “Begin-
10 ning 3 months after the date of enactment of
11 this section, the Under Secretary shall begin
12 the process of training and deputizing” and in-
13 serting “The Administrator shall train and dep-
14 utize”; and

15 (C) in paragraph (3)(N), by striking
16 “Under Secretary’s” and inserting “Adminis-
17 trator’s”;

18 (3) in subsection (d)(4)—

19 (A) by striking “may,” and inserting
20 “may”; and

21 (B) by striking “Under Secretary’s” and
22 inserting “Administrator’s”;

23 (4) in subsection (i)(2), by striking “the Under
24 Secretary may” and inserting “may”;

25 (5) in subsection (k)—

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

2 and

3 (B) by striking “APPLICABILITY.—” and

4 all that follows through “This section” and in-

5 serting “APPLICABILITY.—This section”;

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

7 “(1) DEFINITIONS.—In this section:

8 “(1) ADMINISTRATOR.—The term ‘Adminis-
9 trator’ means the Administrator of the Transpor-
10 tation Security Administration.

11 “(2) AIR TRANSPORTATION.—The term ‘air
12 transportation’ includes all-cargo air transportation.

13 “(3) FIREARMS TRAINING FACILITY.—The term
14 ‘firearms training facility’ means a private or gov-
15 ernment-owned gun range approved by the Adminis-
16 trator to provide recurrent or requalification train-
17 ing, as applicable, for the program, utilizing a
18 Transportation Security Administration-approved
19 contractor and a curriculum developed and approved
20 by the Transportation Security Administration.

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

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

3 (i) SENSITIVE SECURITY INFORMATION.—Not later
4 than 180 days after the date of enactment of this Act—

5 (1) the Secretary of Transportation shall revise
6 section 15.5(b)(11) of title 49, Code of Federal Reg-
7 ulations, to classify information about pilots depu-
8 tized as Federal flight deck officers under section
9 44921 of title 49, United States Code, as sensitive
10 security information in a manner consistent with the
11 classification of information about Federal air mar-
12 shals; and

13 (2) the Administrator shall revise section
14 1520.5(b)(11) of title 49, Code of Federal Regula-
15 tions, to classify information about pilots deputized
16 as Federal flight deck officers under section 44921
17 of title 49, United States Code, as sensitive security
18 information in a manner consistent with the classi-
19 fication of information about Federal air marshals.

20 (j) REGULATIONS.—Not later than 180 days after
21 the date of enactment of this Act, the Administrator shall
22 prescribe such regulations as may be necessary to carry
23 out this section and the amendments made by this section.