

107TH CONGRESS  
2D SESSION

# S. 2546

To amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 22, 2002

Mr. THURMOND introduced the following bill; which was read twice and referred to the Committee on Armed Services

JUNE 4, 2002

Committee discharged; referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend title 49, United States Code, to establish a program for Federal flight deck officers, 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 “Arming Pilots Against  
5 Terrorism Act”.

1 **SEC. 2. FEDERAL FLIGHT DECK OFFICER PROGRAM.**

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

5 **“§ 44921. Federal flight deck officer program**

6 “(a) ESTABLISHMENT.—Not later than 90 days after  
7 the date of enactment of this section, the Under Secretary  
8 of Transportation for Security shall establish a program  
9 to deputize qualified volunteer pilots of passenger aircraft  
10 as Federal law enforcement officers to defend the flight  
11 decks of aircraft of air carriers engaged in air transpor-  
12 tation or intrastate air transportation against acts of  
13 criminal violence or air piracy. Such officers shall be  
14 known as ‘Federal flight deck officers’. The program shall  
15 be administered in connection with the Federal air mar-  
16 shal program.

17 “(b) QUALIFIED PILOT.—Under the program, a  
18 qualified pilot is a pilot of an aircraft engaged in air trans-  
19 portation or intrastate air transportation who—

20 “(1) is employed by an air carrier;

21 “(2) has demonstrated to the satisfaction of the  
22 Under Secretary fitness to be a Federal flight deck  
23 officer under the program; and

24 “(3) has been the subject of an employment in-  
25 vestigation (including a criminal history record  
26 check) under section 44936(a)(1).

1       “(c) TRAINING, SUPERVISION, AND EQUIPMENT.—  
2 The Under Secretary of Transportation for Security shall  
3 provide training, supervision, and equipment necessary for  
4 a qualified pilot to be a Federal flight deck officer under  
5 this section at no expense to the pilot or the air carrier  
6 employing the pilot.

7       “(d) DEPUTIZATION.—

8           “(1) IN GENERAL.—The Under Secretary shall  
9 deputize, as a Federal flight deck officer under this  
10 section, any qualified pilot who submits to the Under  
11 Secretary a request to be such an officer.

12           “(2) INITIAL DEPUTIZATION.—Not later than  
13 120 days after the date of enactment of this section,  
14 the Under Secretary shall deputize not fewer than  
15 500 qualified pilots who are former military or law  
16 enforcement personnel as Federal flight deck officers  
17 under this section.

18           “(3) FULL IMPLEMENTATION.—Not later than  
19 24 months after the date of enactment of this sec-  
20 tion, the Under Secretary shall deputize any quali-  
21 fied pilot as a Federal flight deck officer under this  
22 section.

23       “(e) COMPENSATION.—Pilots participating in the  
24 program under this section shall not be eligible for com-

1 pensionation from the Federal Government for services pro-  
2 vided as a Federal flight deck officer.

3 “(f) AUTHORITY TO CARRY FIREARMS.—The Under  
4 Secretary shall authorize a Federal flight deck officer  
5 under this section to carry a firearm while engaged in pro-  
6 viding air transportation or intrastate air transportation.

7 “(g) AUTHORITY TO USE FORCE.—Notwithstanding  
8 section 44903(d), a Federal flight deck officer may use  
9 force (including lethal force) against an individual in the  
10 defense of an aircraft in air transportation or intrastate  
11 air transportation if the officer reasonably believes that  
12 the security of the aircraft is at risk.

13 “(h) LIMITATION ON LIABILITY.—

14 “(1) LIABILITY OF AIR CARRIERS.—An air car-  
15 rier shall not be liable for damages in any action  
16 brought in a Federal or State court arising out of  
17 the air carrier employing a pilot of an aircraft who  
18 is a Federal flight deck officer under this section or  
19 out of the acts or omissions of the pilot in defending  
20 an aircraft of the air carrier against acts of criminal  
21 violence or air piracy.

22 “(2) LIABILITY OF FEDERAL FLIGHT DECK OF-  
23 FICERS.—A Federal flight deck officer shall not be  
24 liable for damages in any action brought in a Fed-  
25 eral or State court arising out of the acts or omis-

1 sions of the officer in defending an aircraft against  
2 acts of criminal violence or air piracy unless the offi-  
3 cer is guilty of gross negligence or willful mis-  
4 conduct.

5 “(i) REGULATIONS.—Not later than 90 days after the  
6 date of enactment of this section, the Under Secretary,  
7 in consultation with the Firearms Training Unit of the  
8 Federal Bureau of Investigation, shall issue regulations to  
9 carry out this section.

10 “(j) PILOT DEFINED.—The term ‘pilot’ means an in-  
11 dividual responsible for the operation of aircraft.”.

12 (b) CONFORMING AMENDMENTS.—

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

“44921. Federal flight deck officer program.”.

16 (2) EMPLOYMENT INVESTIGATIONS.—Section  
17 44936(a)(1)(B) is amended—

18 (A) by aligning clause (iii) with clause (ii);

19 (B) by striking “and” at the end of clause  
20 (iii);

21 (C) by striking the period at the end of  
22 clause (iv) and inserting “; and”; and

23 (D) by adding at the end the following:

24 “(v) qualified pilots who are deputized as Fed-  
25 eral flight deck officers under section 44921.”.

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

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