



# RESEARCH BRIEF

## Research Request:

**DOT regulations for the transport of firearms and ammunition aboard aircraft. (updated FEB 2014)**

## Research Response:

In general, the U.S. Department of Transportation prohibits passengers and crewmembers from carrying hazardous materials onboard aircraft; however, there are exceptions (see 49 CFR, section 175.10 on page two). If firearms are to be carried onboard an aircraft and meet the exception described in 49 CFR 175.10 the operator must comply with 49 CFR 1544.203 (see page two).

Law enforcement officers are the only persons allowed to carry loaded weapons onboard a commercial aircraft; however, they must meet the requirements listed under 49 CFR 1544.219 (see page two).

International governments, individual states, local communities, municipalities, and counties may have their own specific regulations in addition to the U.S. DOT regulations. It is recommended that the operator contact the airport manager at the destination airport or local law enforcement to learn about its regulations prior to departure.

In our research we contacted the Hazardous Materials Info Center at the Department of Transportation. They stated ammunition is considered a hazardous material (note Hazmat definition below) and if 49 CFR 175.10 does not apply operators must comply with 49 CFR Subchapter C—Hazardous Materials Regulations. FAR Parts 121 and 135 have specific training requirements for crews to complete before carrying hazardous materials, and crews must maintain this training annually as long as they transport the materials. Part 91 operators are not required to be trained and certified under the 49 CFR regulations; however, the transportation of hazardous materials in general aviation aircraft is confined to excepted and limited quantities of materials approved and permitted to be shipped by air. More information regarding required training including a few excerpts from the DOT Hazmat manuals can be found on page four of this brief.

**Hazmat-** a substance or material which has been determined by the DOT to be capable of posing an unreasonable risk to the health, safety and property when transported in commerce.

## Code of Federal Regulations

### [49 CFR 175.10](#)

(a) This subchapter does not apply to the following hazardous materials when carried by aircraft passengers or crewmembers provided the requirements of §§171.15 and 171.16 (see paragraph (c) of this section) and the requirements of this section are met:

(8) Small arms ammunition for personal use carried by a crewmember or passenger in checked baggage only, if securely packed in boxes or other packagings specifically designed to carry small amounts of ammunition. Ammunition clips and magazines must also be securely boxed. This paragraph does not apply to persons traveling under the provisions of [49 CFR 1544.219](#).

### [49 CFR 1544.203](#)

(f) Firearms in checked baggage. No aircraft operator may knowingly permit any person to transport in checked baggage:

- (1) Any loaded firearm(s).
- (2) Any unloaded firearm(s) unless—
  - (i) The passenger declares to the aircraft operator, either orally or in writing before checking the baggage that any firearm carried in the baggage is unloaded;
  - (ii) The firearm is carried in a hard-sided container;
  - (iii) The container in which it is carried is locked, and only the individual checking the baggage retains the key or combination; and
  - (iv) The checked baggage containing the firearm is carried in an area that is inaccessible to passengers, and is not carried in the flightcrew compartment.
- (3) Any unauthorized explosive or incendiary.
  - (g) Ammunition. This section does not prohibit the carriage of ammunition in checked baggage or in the same container as a firearm. Title 49 CFR part 175 provides additional requirements governing carriage of ammunition on aircraft.

## TSA—Law Enforcement Officers Flying Armed

The Office of Law Enforcement/Federal Air Marshal Service maintains oversight of the Law Enforcement Officers flying armed program under [Title 49 Code of Federal Regulation \(CFR\) § 1544.219](#) Carriage of Accessible Weapons.

To qualify to fly armed, Federal Regulation states that an officer must meet the following basic requirements:

- Be a Federal Law Enforcement Officer (LEO) or a full-time municipal, county, or

state LEO who is a direct employee of a government agency.

- Be sworn and commissioned to enforce criminal statutes or immigration statutes.
- Be authorized by the employing agency to have the weapon in connection with assigned duties.
- Have completed the training program, “Law Enforcement Officers Flying Armed.”

In addition to the above requirements, the officer must need to have the weapon accessible from the time he or she would otherwise check the weapon until the time it would be claimed after deplaning. The need to have the weapon accessible must be determined by the employing agency, department, or service and be based on one of the following:

- The provision of protective duty, for instance, assigned to a principal or advance team, or on travel required to be prepared to engage in a protective function.
- The conduct of a hazardous surveillance operation.
- On official travel required to report to another location, armed and prepared for duty.
- Employed as a Federal LEO, whether or not on official travel, and armed in accordance with an agency-wide policy governing that type of travel established by the employing agency by directive or policy statement.
- Control of a prisoner, in accordance with [Title 49 CFR § 1544.221](#), or an armed LEO on a round trip ticket returning from escorting, or traveling to pick up a prisoner.

State, Local, Territorial, Tribal, and approved Railroad LEOs flying armed must submit a National Law Enforcement Telecommunications System (NLETS) message prior to travel. The NLETS message replaces the Original Letter of Authority, commonly referred to as the “Chief’s Letter.” Failure to use the NLETS message will result in denial to the sterile area for failure to comply with the “Letter of Authority.” More information on this procedure is contained in the training program.

The Law Enforcement Officers Flying Armed training is a 1.5 to 2 hour block of instruction that is comprised of a structured lesson plan, slide presentation, FAQs, NLETS procedures, and applicable codes of federal regulation. This material is provided to Federal, State, Local, Territorial, Tribal, and approved Railroad Law Enforcement agencies and departments to properly instruct their officers on the subject of flying on board commercial aircraft while armed. The training includes protocols in the handling of prohibited items, prisoner transport, and dealing with an act of criminal violence aboard an aircraft.

The program training material may be obtained by emailing the Office of Law Enforcement/Federal Air Marshal Service, Office of Training and Workforce Programs, at [leofatrn.trn@dhs.gov](mailto:leofatrn.trn@dhs.gov). To request this training material you must:

- Be a full-time law enforcement officer meeting the instructor qualification standards of the agency, academy, or department in which you are employed.
- Send the request from a governmental email address.
- Include the following information in the body of the email:
  - Your name and contact information.
  - Your department's name and address.
  - Your supervisor's name and contact information.

If you are not a qualified instructor, please request a member of your training staff to contact us by email.

For general questions or guidance related to Law Enforcement Officers flying armed or for time sensitive training requests, please contact the Office of Law Enforcement/ Federal Air Marshal Service at (855) FLY-LEOS (359-5367) or [LEOFA@dhs.gov](mailto:LEOFA@dhs.gov).

### **§175.20 Compliance and training.**

An air carrier may not transport a hazardous material by aircraft unless each of its hazmat employees involved in that transportation is trained as required by subpart H of part 172 of this subchapter. In addition, air carriers must comply with all applicable hazardous materials training requirements in 14 CFR Part 121 and [135](#).

### **Excerpt from the HAZMAT DOT Training Module, Version 5.1:**

An air carrier to whom the HMR applies may not transport a hazardous material by aircraft unless each of its hazmat employees involved in that transportation has been trained and tested as required in 49 CFR 175.20 and 172.700-704. Initial training is required within 90 days for new employees or employees who assume new hazmat related responsibilities. Until they are trained, these employees may perform a hazardous materials employee function only under supervision. DOT requires that hazmat employees be retrained and tested at least once every three years; however, the FAA, under 14 CFR, requires annual training for air carrier employees. Both DOT and FAA require the employer to maintain training records.

A person may not perform a hazmat function unless they have been trained in that function or, for a new employee or one who changes job functions; they work under the direct supervision of someone who is trained. If any regulatory requirement pertaining to a function the employee performs changes, the employee must receive training concerning that function immediately.

Training for air carriers must also incorporate training requirements in 14 CFR, parts 121 and 135. Under these regulations, air carriers may be defined as "will-carry" or "will-not-carry." "Will-carry" operators have chosen to accept and carry hazardous materials, under the HMR. "Will-not-carry" operators have chosen not to accept hazard-

ous materials, but still require training to reject hazardous materials packages. Both "will-carry" and "will-not-carry" operators are required to include certain information in their manuals. Additional information must be provided in "will-carry" manuals.

The regulations in 14 CFR Parts 121 and 135 require specific information be contained in the manuals of both Will-Carry and Will-Not-Carry Operators. The manuals must spell out points regarding compliance with the HMR, as well as: Will-Carry or Will-Not-Carry status; procedures for communicating incidents and discrepancies within the company, to contractors, and to the Federal government; Procedures for rejecting packages; and function-specific procedures that must be in the manual of an employee who performs a given job function, or the employee's supervisor.

Manuals must also:

- Communicate that the operator may carry hazmat in accordance with the passenger and crew exceptions in 49 CFR175.10
- Indicate whether the operator will carry or will not
- Indicate procedures for communicating incidents and discrepancies to employers and contractors.
- Indicate procedures for complying with the incident reporting requirements and discrepancy reporting req of the HMR
- Indicate procedures for rejecting packages that do not conform to the HMR or that appear to contain undeclared hazardous materials.
- Include function specific procedures for:
  - Acceptance
  - Rejection
  - Handling

Manuals of Will-Carry Operators must contain additional procedures and information regarding the transport of hazardous materials. Will-Carry Operators must also provide procedures and information to ensure that employees comply with the HMR in regard to the offering, acceptance, handling, storage, packing, and loading of hazardous materials; requirements for notice to the Pilot-in-Command; and the shipping of aircraft replacement parts shipped as COMAT, consumable materials, and any other regulated item. In summary, the Manual of the Will-Carry Operator must provide additional information to further communicate to its employees and contractors, how to properly carry hazardous materials in commerce.

Manuals of Will-Not-Carry Operators need not meet any additional requirements. However, in meeting the manual requirements that are common to both Will-Carry and Will-Not-Carry operators, the will-not-carry operator must include procedures and information necessary to assist the employee in identifying and rejecting packages that are marked or labeled as containing hazardous materials, or that show signs of containing hazardous materials. In summary, the manual of a will-not-carry operator must tell its employees how to recognize and refuse to carry hazardous materials in commerce.

## **Transportation Security Administration Guidelines**

Although this is specific to airline operations, it is still falls in line with the general guidelines of transporting ammunition and firearms aboard any aircraft.

- You must declare all firearms to the airline during the ticket counter check-in process.
- The firearm must be unloaded.
- The firearm must be in a hard-sided container.
- The container must be locked.
- We recommend that you provide the key or combination to the security officer if he or she needs to open the container. You should remain present during screening to take the key back after the container is cleared. If you are not present and the security officer must open the container, we or the airline will make a reasonable attempt to contact you. If we can't contact you, the container will not be placed on the plane. Federal regulations prohibit unlocked gun cases (or cases with broken locks) on aircraft.
- You must securely pack any ammunition in fiber (such as cardboard), wood or metal boxes or other packaging that is specifically designed to carry small amounts of ammunition.
- You can't use firearm magazines/clips for packing ammunition unless they completely and securely enclose the ammunition (e.g., by securely covering the exposed portions of the magazine or by securely placing the magazine in a pouch, holder, holster or lanyard).
- You may carry the ammunition in the same hard-sided case as the firearm, as long as you pack it as described above.
- You can't bring black powder or percussion caps used with black-powder type firearms in either your carry-on or checked baggage.

## **Large Aircraft Security Program (LASP)**

TSA is proposing to require that all aircraft operations, including corporate and private operations, with aircraft with a maximum certificated takeoff weight (MTOW) above 12,500 pounds ("large aircraft") adopt a large aircraft security program (LASP). This security program would be based on the current security program that applies to operators providing scheduled or charter services.

TSA understands that a significant portion of the large aircraft population may not have inaccessible cargo hold compartments, but may have a need to transport weapons, such as when transporting hunters. Therefore, TSA proposes that weapons may be stored in a cargo hold, if the aircraft has such a cargo hold, or may be stored in a locked box in the cabin under the direct control of the in-flight security coordinator. In these instances, the weapons would be considered inaccessible to the persons on board.

**Twelve-Five Standard Security Program (TFSSP)**

Most charter/corporate aircraft do not have inaccessible cargo areas which could be used to transport unloaded declared firearms in "checked" baggage. TFSSP operators have dealt with this issue by keeping a secured lockbox and/or trigger locks (to which only the pilot have keys) as a means of preventing use of a firearm during flight.