



*To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.*

**1. PURPOSE:** This directive establishes TSA policy and procedures on the applicability and eligibility criteria of the Law Enforcement Officers Safety Act of 2004 (LEOSA).

**2. SCOPE:** This directive applies to all TSA Components that have employees in law enforcement positions who are retiring or have retired from TSA.

**3. AUTHORITIES:**

A. The Law Enforcement Officers Safety Act of 2004, Public Law 108-277, codified in 18 U.S.C. 926C

B. [DHS Directive 257-01, Law Enforcement Officers Safety Act](#)

C. [DHS Instruction 257-01-001, Instruction Guide on the Law Enforcement Officers Safety Act](#)

D. [TSA MD 1100.88-1, Law Enforcement Position Standards and Hiring Requirements](#)

**4. DEFINITIONS:**

A. Good Standing: For the purposes of this directive, a TSA employee shall be deemed as retiring or having retired in good standing, unless at the time of their retirement:

- (1) There was a determination made or action initiated to remove, or proposal to remove, the employee from Federal employment;
- (2) There was an investigation or unadjudicated charge of misconduct against the employee that would have led to the employee's removal;
- (3) The employee's security clearance was suspended or revoked, or a proposal to suspend or revoke the clearance had been initiated or issued; or
- (4) The employee was the subject of a pending psychological fitness for duty evaluation or had been found to be not fit for duty based on psychological reasons.

B. Law Enforcement Officer (LEO): For the purpose of this directive, a law enforcement officer is a TSA employee who is authorized by the Assistant Secretary or designee, to carry a firearm and occupies a position as a Criminal Investigator (1811), Federal Air Marshal (1801), or Transportation Security Specialist (1801) as described in TSA MD 1100.88-1.

C. Organization Element: A major TSA element headed by an Approving Official with delegated authority and assigned scope and responsibility for subordinate program offices.

- D. Organization Element Point of Contact (POC): An individual or entity responsible for processing applications and determining eligibility under LEOSA for their respective organization element.
- E. Qualified Retired Law Enforcement Officer<sup>1</sup>: A retiring or retired TSA LEO who:
- (1) Retired in good standing from service with a public agency as a law enforcement officer (LEO), other than for reasons of mental instability;
  - (2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
  - (3) Before such retirement was regularly employed as a LEO for an aggregate of 15 years or more; or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
  - (4) Has a non-forfeitable right to benefits under the retirement plan of the agency;
  - (5) During the most recent twelve month period, has met, at the expense of the individual, the State's standards for training and qualification for active LEOs to carry firearms;
  - (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
  - (7) Is not prohibited by Federal law from receiving a firearm.
- F. Retired LEOSA Identification Card: A photographic identification card issued by TSA that certifies the holder as a retired LEO as defined under LEOSA and this directive. Hereinafter referred to as "LEOSA ID Card."

## 5. RESPONSIBILITIES:

- A. The Assistant Administrator for Law Enforcement/Director of the Federal Air Marshal Service is responsible for:
- (1) Overall implementation and oversight of the LEOSA ID program and the contents of this directive; and
  - (2) Designating the Office of Law Enforcement/Federal Air Marshal Service (OLE/FAMS), Office of Administration and Technical Services, Logistic Operations Division, as the Credential Custodian to issue LEOSA ID Cards consistent with this directive and LEOSA statutory authority.
- B. The OLE/FAMS Credential Custodian is responsible for:
- (1) Coordinating with the appropriate Organization Element POC as necessary; and

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<sup>1</sup> Individuals who meet the definition of a qualified law enforcement officer under LEOSA may or may not meet the definition of a law enforcement officer under the Civil Service Retirement System or the Federal Employee Retirement System.

- (2) Issuing the LEOSA ID Card to eligible LEOs through the Organization Element POC.
- C. The Office of Inspection (OOI) is responsible for investigating any complaints against retirees with an issued LEOSA ID Card.
- D. Organization Elements are responsible for identifying a POC(s) within their organization to manage the LEOSA ID Card process and notifying the OLE/FAMS Credential Custodian of the POC designation.
- E. The Organization Element POC is responsible for:
- (1) Ensuring that [TSA Form 2825A, LEOSA ID Card Application](#), is provided to all LEOs at the time of their retirement exit clearance process;
  - (2) Ensuring completion of a National Criminal Information Center (NCIC) check on the applicant, verifying the applicant's identity;
  - (3) Determining, for each applicant, that the individual:
    - (a) Retired in good standing;
    - (b) Is a qualified retired LEO as defined in this directive at the time of retirement; and,
    - (c) Communicating these findings to the OLE/FAMS Credential Custodian.
  - (4) Ensuring that TSA Form 2825A, LEOSA Fact Sheet (**Attachment**) and [TSA Form 2825B, LEOSA Annual Certification](#), are provided upon request to all LEOs who retired prior to this directive;
  - (5) Providing the LEOSA Fact Sheet and TSA Form 2825B to all LEOs at the time the LEOSA ID Card is issued;
  - (6) Managing all annual certifications sent to TSA by retired LEOs, and coordinating with the OLE/FAMS Credential Custodian as necessary;
  - (7) Maintaining all LEOSA ID Card-related forms consistent with TSA record keeping requirements; and
  - (8) Reporting to OOI any complaints against retirees with an issued LEOSA ID Card.
- F. Retiring and retired LEOs are responsible for providing evidence of previous law enforcement employment when requested by TSA.

## 6. POLICY:

- A. LEOSA exempts qualified retiring and retired LEOs from most State laws prohibiting the carrying of concealed firearms. LEOSA requires that a photographic identification be issued by the employing agency. This identification will confer that the retiring and retired LEO is currently or

was previously a LEO in accordance with the LEOSA eligibility criteria. Refer to LEOSA, 18 U.S.C. 926C for additional information.

- B. If the retiring or retired LEO is found not to be qualified under LEOSA, the retiring or retired LEO shall not be issued a LEOSA ID Card.
- C. Under LEOSA, a qualified retired LEO may carry a concealed firearm only when he or she carries the following documentation:
  - (1) Photographic identification issued by the agency (LEOSA ID Card) from which the individual retired from service as an LEO; and
  - (2) A certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active LEOs to carry a firearm of the same type as the concealed firearm.
- D. TSA will not reimburse retiring or retired LEOs for any costs associated with the firearms certification requirement, nor train or provide firearm qualification testing.
- E. Each LEOSA ID Card shall include, at a minimum, the name of the retiring or retired LEO, the retiring or retired LEO's photograph, an identification number traceable to the bearer, the date the LEO retires or retired in good standing from service with TSA, and a disclaimer statement that the ID card carries no law enforcement powers or authorities, and does not provide the LEO with any authority to carry a firearm outside of LEOSA specifications.
- F. LEOSA ID Cards issued to qualified retiring or retired LEOs carry no law enforcement powers or authorities. This disclaimer shall be clearly marked, prior to issuance, on each LEOSA ID Card issued by TSA.
- G. TSA shall not issue a LEOSA ID Card to a qualified retiring or retired LEO until he or she signs TSA Form 2825A, indemnifying TSA for, and holding TSA harmless from, any resulting liability from the use, misuse, or possession of a firearm carried under LEOSA authority.
- H. If, at any time, a retired LEO no longer meets the definition of a qualified retired LEO, or falls within one of the categories of individuals prohibited by Federal law from receiving a firearm, he or she is no longer covered by the LEOSA provision or exemptions.
- I. Retiring and retired LEOs must notify the Organization Element POC and the certifying state entities if they experience an event which would disqualify him or her from receiving a firearm under 18 U.S.C. 922(g) and (n) which includes the following statutory requirements:
  - (1) Has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
  - (2) Is a fugitive from justice;
  - (3) Is an unlawful user of or addicted to any controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

- (4) Has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) Has been discharged from the Armed Forces under dishonorable conditions;
- (6) Having been a citizen of the United States, has renounced his or her citizenship;
- (7) Is subject to a court order that:
  - (a) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
  - (b) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and,
  - (c) Included a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.
- (8) Has been convicted in any court of a misdemeanor crime of domestic violence; or,
- (9) Is under indictment for a crime punishable by imprisonment for a term exceeding one year.
- J. TSA may revoke the LEOSA ID Card based on the retired LEO's failure to submit TSA Form 2825B on an annual basis or the retired LEO's inability to meet the requirements of LEOSA. In this circumstance, the Organization Element POC shall send written notification of the revocation decision to the retired LEO's last known address and request the immediate return of the LEOSA ID Card to the Organization Element POC.
- K. On an annual basis, a retired LEO must certify that he or she is not subject to any of the disqualifiers in 18 U.S.C. 922(g) and (n).
- L. This directive is an internal policy statement of TSA. It is not intended to, and does not create any rights, privileges or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies or other entities; its officers or employees; or any other person.

## **7. PROCEDURES:**

- A. Qualified retiring or retired LEOs must complete Section I of TSA Form 2825A and submit it to their Organization Element POC, through their supervisory chain of command or their last Special Agent in Charge of record if already retired.
- B. Once TSA Form 2825A is received by the Organization Element POC, he or she shall ensure that a determination is made regarding the retiring or retired LEO's eligibility to receive a LEOSA ID Card. The Organization Element POC must:

- (1) Ensure that an NCIC check is conducted on the retiring or retired LEO to ensure that he or she is not precluded by Federal law from receiving a firearm under 18 U.S.C. 922(g) and (n);
- (2) Complete Section II of TSA Form 2825A; and,
- (3) Scan and electronically forward the completed TSA Form 2825A to the OLE/FAMS Credential Custodian, if the retiring or retired LEO is eligible for issuance of a LEOSA ID Card.

**NOTE:** TSA Form 2825A is not sent to the OLE/FAMS Credential Custodian if the employee is deemed ineligible for a LEOSA ID Card. The Organization Element POC does not return the completed TSA Form 2825A to the retiring or retired LEO.

C. The OLE/FAMS Credential Custodian must:

- (1) Complete Section III of TSA Form 2825A;
- (2) Scan and electronically forward the completed TSA Form 2825A to the Organization Element POC; and,
- (3) Send the LEOSA ID Card to the Organization Element POC for issuance to the applicant.

D. The Organization Element POC must:

- (1) Send notification to the retiring or retired LEO of the final LEOSA determination via electronic mail, if the LEO has not yet retired or mail courier service to the LEO's home address of record, if the LEO is retired;
- (2) Provide the LEOSA ID Card to the retiring or retired LEO if the requirements of this directive are met; and
- (3) Provide the LEOSA Fact Sheet and TSA Form 2825B to all retiring or retired LEOs at the time the LEOSA ID Card is issued.

E. The retiring or retired LEO may request a review of the decision to not issue a LEOSA ID Card by forwarding a written request to the OLE/FAMS Assistant Administrator, or designee, within thirty (30) days of the issuance of the written decision. The request shall contain the reason(s), and any supporting documentation, as to why the decision should be reversed. The OLE/FAMS Assistant Administrator shall designate an official to review all documents presented by the retiring or retired LEO and make a final determination within 60 days of the receipt of the retiring or retired's request.

F. If a LEOSA ID Card is stolen, lost or damaged, the retiring or retired LEO must report the occurrence to the Organization Element POC immediately, but no later than 24 hours following the discovery. The Organization Element POC shall determine if a replacement TSA LEOSA ID Card will be issued to the retiring or retired LEO. If a replacement card is authorized, it will be issued as outlined in this directive.

8. **APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

**APPROVAL**

*Signed*

*10/7/2010*

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Robert S. Bray  
Assistant Administrator for Law Enforcement/  
Director of the Federal Air Marshal Service

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Date

**EFFECTIVE**

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Date

Distribution: TSA Assistant Administrators, Office Directors, FSDs, and all LEOs  
Point-of-Contact: [OLE\\_FAMSCredentialCustodian@secureskies.net](mailto:OLE_FAMSCredentialCustodian@secureskies.net) or 609-813-3319

ATTACHMENT

LEOSA FACT SHEET

A copy of the Law Enforcement Officers Safety Act (LEOSA, Public Law 108-277, 18 U.S.C. 926B-C) is attached. Your attention is directed especially to the provisions of Section 3 of the Act (18 U.S.C 926C) entitled “Exemption of Qualified Retired Law Enforcement Officers from State Laws Prohibiting the Carrying of Concealed Firearms.”

You will note that Section 3 of LEOSA is essentially a State law preemption statute in that it exempts “a qualified retired law enforcement officer” (see definition below) who is carrying the required “identification” (see definition below) from most (but not all) state and local laws that prohibit the carrying of concealed weapons. It is important to note that LEOSA contains no exemption for retirees from Federal statutes and regulations (to include those relating to firearms aboard commercial aircraft).

**A. Qualified Retired Law Enforcement Officer:** A retiring or retired TSA employee who:

- (1) Retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;
- (2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
- (3) Before such retirement was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- (4) Has a non-forfeitable right to benefits under the retirement plan of the agency;
- (5) During the most recent twelve month period, has met, at the expense of the individual, the State’s standards for training and qualification for active law enforcement officers to carry firearms;
- (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and,
- (7) Is not prohibited by Federal law from receiving a firearm.

**B. Those Prohibited by Federal Law From Receiving a Firearm** include, consistent with the provisions of 18 U.S.C. 922(g) and (n), any person who<sup>2</sup>:

- (1) Has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

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<sup>2</sup> Federal law also precludes aliens from receiving a firearm if the alien is illegally or unlawfully present in the United States or, except as provided in 18 U.S.C. 922(y)(2), has been admitted to the United States under a non-immigrant visa as that term is defined in section 101(a)(26) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(26).

- (2) Is a fugitive from justice;
- (3) Is an unlawful user of or addicted to any controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);
- (4) Has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) Has been discharged from the Armed Forces under dishonorable conditions;
- (6) Having been a citizen of the United States, has renounced his or her citizenship;
- (7) Is subject to a court order that:
  - (a) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
  - (b) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and,
  - (c) Included a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.
- (8) Has been convicted in any court of a misdemeanor crime of domestic violence; or,
- (9) Is under indictment for a crime punishable by imprisonment for a term exceeding one year.

It is important to note that retirees who either now or at some future time no longer meet any one of the requirements or become subject to any one of these prohibitions set out above would no longer be covered under the exemptions from State and local firearms laws contained in LEOSA.

On an annual basis, the retiree shall certify to the TSA in writing that the retiree is not subject to any of the disqualifiers in 18 U.S.C. 922(g) and (n) that would prohibit an individual from receiving a firearm by completing TSA Form 2825B.

**C. Identification** is, for purposes of TSA's implementation of the LEOSA, and consistent with the provisions:

- (1) TSA issued LEOSA ID Card; and,
- (2) A certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

**D. Certifications Issued By the State:** To meet LEOSA requirements, law enforcement retirees from TSA and its predecessor agency must annually "be tested or to otherwise be found...to

meet...standards” by a non-DHS entity authorized to issue “a certification...by the State in which the [retiree] resides” indicating that the retiree has “been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers...” The availability of such “certifications” varies by State, and it is the responsibility of the individual TSA law enforcement retiree to determine and meet the requirements of his or her State of residence for obtaining this “certification.” TSA will not perform or assist with annual firearms testing for retirees. Retirees are reminded:

- (1) That they must have their TSA LEOSA ID Card **and** up-to-date annual State firearms testing “certification” in their possession at all times when they carry a concealed firearm under the authority of LEOSA. Possession of the LEOSA ID Card alone does not authorize a retiree to carry a concealed firearm.
- (2) That, in order to carry a concealed weapon under the authority of LEOSA, they must, in addition to having the required LEOSA ID Card and current State firearms testing “certification” in their possession, also be in compliance with all of the other requirements (set out above) of LEOSA concerning being a “Qualified Retired Law Enforcement Officer” who is not “Prohibited by Federal Law From Receiving a Firearm.”
- (3) That the required TSA LEOSA ID Card is only for the purpose of identifying them as being a retired law enforcement officer from TSA. Neither the retired ID Card nor LEOSA confer law enforcement status or arrest authority. The LEOSA ID Card and the LEOSA law enforcement status do not authorize retirees to engage in any law enforcement activities or investigations.