



TSA MANAGEMENT DIRECTIVE No. 3500.1
LEOSA APPLICABILITY AND ELIGIBILITY

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

REVISION: This revised directive supersedes TSA MD 3500.1, *LEOSA Applicability and Eligibility*, dated October 8, 2014.

SUMMARY OF CHANGES: Section 4.A(2), Definitions, changed the word “would” to “could.”

1. **PURPOSE:** This directive provides TSA policy and procedures for the applicability and eligibility criteria of the Law Enforcement Officers Safety Act (LEOSA).
2. **SCOPE:** This directive applies to all TSA Components that have employees in law enforcement officer (LEO) positions who are separating or have separated from TSA as a LEO.
3. **AUTHORITIES:**
 - A. [DHS Directive 257-01, Law Enforcement Officers Safety Act](#)
 - B. [DHS Instruction 257-01-001, Instruction Guide on the Law Enforcement Officers Safety Act](#)
 - C. Law Enforcement Officers Safety Act of 2004, Public Law 108-277, codified in 18 U.S.C. 926C
 - D. Law Enforcement Officers Safety Act Improvements Act of 2010, Public Law 111-272
 - E. National Defense Authorization Act, Public Law 112-239
 - F. [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 LEO shall be deemed as separating or having separated in good standing, unless at the time of their separation:
 - (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 un-adjudicated charge of misconduct against the employee that could 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 LEO 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. The term LEO, as referenced in this directive, means an employee who is separating, or has separated from TSA.
- C. LEOSA Identification Card: A photographic identification card issued by TSA that certifies the holder as a LEO as defined under LEOSA and this directive. Hereinafter referred to as “LEOSA ID Card.”
- D. Organizational Element: A major TSA element headed by an approving official with delegated authority and assigned scope and responsibility for subordinate program offices.
- E. Organizational Element Point of Contact (POC): An individual or entity responsible for processing applications and determining eligibility and if necessary, revocation under LEOSA for their respective Organizational Element.
- F. Qualified Retired LEO¹: For the purposes of this directive, a TSA LEO who:
- (1) Separated from service as a LEO in good standing with TSA;
 - (2) Before such separation, 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 or apprehension under section 807(b) of Title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);
 - (3) Before such separation, served as a LEO for an aggregate of 10 years or more; or separated from service as a LEO with TSA, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by TSA;
 - (4) During the most recent 12-month period, has met, at the expense of the LEO, the standards for qualification in firearms training for active LEOs, as determined by the former agency of the LEO, the State in which the LEO resides or, if the State has not established such standards, either a law enforcement agency within the State in which the LEO resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;
 - (5) Has not been officially found by a qualified medical professional employed by TSA to be unqualified for reasons relating to mental health or has not entered into an agreement with TSA in which the LEO acknowledges he or she is not qualified under this section for reasons relating to mental health;
 - (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.

¹ Individuals who meet the definition of a qualified LEO under LEOSA may or may not meet the definition of a LEO under the Civil Service Retirement System or the Federal Employees Retirement System.

5. RESPONSIBILITIES:

- A. The Assistant Administrator/Director for the Office of Law Enforcement/Federal Air Marshal Service is responsible for:
- (1) Overall implementation and oversight of the LEOSA ID program and the contents of this directive;
 - (2) Providing procedural guidance and overarching policy direction for the LEOSA ID program; and
 - (3) Designating the Office of Law Enforcement/Federal Air Marshal Service (OLE/FAMS), Credential Custodian the issuer of 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 Organizational Element POC as necessary;
 - (2) Maintaining a database of issued LEOSA ID Cards; and
 - (3) Issuing the LEOSA ID Card to eligible LEOs through the Organizational Element POC.
- C. The Office of Inspection (OOI) is responsible for investigating any complaints against LEOs with an issued LEOSA ID Card.
- D. Organizational 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 Organizational Element POC is responsible for:
- (1) Ensuring that [TSA Form 2825A, LEOSA ID Card Application](#), the LEOSA Fact Sheet, (see Attachment 1), and [TSA Form 2825B, LEOSA Annual Certification](#), are provided to all LEOs upon their request;
 - (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 LEO:
 - (a) Is a qualified retired LEO as defined in this directive at the time of separation; and,
 - (b) Communicating these findings to the OLE/FAMS Credential Custodian.
 - (4) Managing all annual certifications sent to TSA by LEOs;
 - (5) Coordinating with the OLE/FAMS Credential Custodian as necessary;

- (6) Maintaining all LEOSA ID Card-related forms consistent with TSA record keeping requirements; and
- (7) Reporting to OOI any complaints against LEOs with an issued LEOSA ID Card.

F. LEOs are responsible for:

- (1) Submitting their request for a LEOSA ID card to the Organizational Element POC, through their chain of command or their last Supervisory Air Marshal in Charge (SAC), or equivalent, if already separated;
- (2) Providing evidence of previous law enforcement employment when requested by TSA;
- (3) Notifying the Organizational Element POC, and the certifying entities, if they experience an event which would disqualify them from receiving a firearm under 18 U.S.C. 922 (g) and (n);
- (4) Certifying on [TSA Form 2825B](#) each year, on the anniversary of their separation, that they are not subject to any of the disqualifiers in 18 U.S.C. 922(g) and (n); and
- (5) Reporting lost, stolen, or damaged LEOSA ID Cards to the Organizational Element POC immediately, but no later than 24 hours following the discovery.

6. POLICY:

- A. LEOSA exempts qualified retired LEOs from most State laws prohibiting the carrying of concealed firearms. LEOSA requires that a photographic identification be issued by TSA. This identification will confer that the individual was previously a LEO with TSA who meets the LEOSA eligibility criteria.
- B. If the LEO is found not to be qualified under LEOSA, the LEO shall not be issued a LEOSA ID Card.
- C. Under LEOSA, a qualified retired LEO, as defined in this directive, may carry a concealed firearm only when he or she carries the following documentation:
 - (1) Photographic identification issued by TSA that identifies the person as having been employed as a police officer or law enforcement officer (LEOSA ID Card); and,
 - (2) Certification issued by the State in which the LEO resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the LEO has, not less recently than one (1) year before the date the LEO is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met:
 - (a) The active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or

- (b) If the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.
- D. TSA will not reimburse LEOs for any costs associated with the firearm certification requirement, nor train or provide firearm qualification testing.
- E. Each LEOSA ID Card shall include, at a minimum, the name of the LEO, the LEO's photograph, an identification number traceable to the bearer, the date the LEO separated from service as a LEO in good standing 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. TSA shall not issue a LEOSA ID Card to a qualified 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.
- G. If, at any time, a 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 (see Section 6.H below), he or she is no longer covered by the LEOSA provision or exemptions.
- H. LEOs must notify the Organizational Element POC and the certifying State entities if they experience an event which would disqualify them 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.
- I. On an annual basis, a LEO must certify that he or she is not subject to any of the disqualifiers in 18 U.S.C. 922(g) and (n). The LEO must submit the completed [TSA Form 2825B](#) to the Organizational Element POC on the anniversary of his/her separation.
- J. TSA may revoke the LEOSA ID Card based on the LEO's failure to submit TSA Form 2825B on an annual basis or the LEO's inability to meet the requirements of LEOSA. In this circumstance, the Organizational Element POC shall send written notification of the revocation decision to the LEO's last known address and request the immediate return of the LEOSA ID Card to the Organizational Element POC.
- K. 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. LEOs shall complete Section I of [TSA Form 2825A](#) and submit it to their Organizational Element POC, through their supervisory chain of command or their last SAC or equivalent of record, if already separated.
- B. Once TSA Form 2825A is received by the Organizational Element POC, he or she shall ensure that a determination is made regarding the LEO's eligibility to receive a LEOSA ID Card. The Organizational Element POC shall:
 - (1) Ensure that a National Crime Information Center (NCIC) check is conducted on the 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). Requests for NCIC checks must be sent to CredentialBadgeCustS@tsa.dhs.gov. The LEO's full legal name, date of birth, and social security number shall be attached in a password protected document using the current Sensitive Security Information password;
 - (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 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 LEO is deemed ineligible for a LEOSA ID Card. The Organizational Element POC does not return the completed TSA Form 2825A to the LEO.

C. The OLE/FAMS Credential Custodian shall:

- (1) Complete Section III of TSA Form 2825A;
- (2) Scan and electronically forward the completed [TSA Form 2825A](#) to the Organizational Element POC; and
- (3) Send the LEOSA ID Card to the Organizational Element POC for issuance to the LEO.

D. The Organizational Element POC shall:

- (1) Notify the separated employee's most recent SAC of the final LEOSA determination via electronic mail;
- (2) Send notification to the LEO of the final LEOSA determination via electronic mail or mail courier service (signature required) to the LEO's home address of record;
- (3) Provide the LEOSA ID Card to the LEO if the requirements of this directive are met; and
- (4) Provide the LEOSA Fact Sheet and [TSA Form 2825B](#) to all LEOs at the time the LEOSA ID Card is issued.

E. The 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.² The OLE/FAMS Assistant Administrator shall designate an official to review all documents presented by the LEO and make a final determination within 60 days of the receipt of the LEO's request.

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

G. The LEO must annually, upon the date of his/her separation, complete and sign TSA Form 2825B and submit the signed copy to the Organizational Element POC.

² LEOs shall send the request to the OLE/FAMS Assistant Administrator to 601 S. 12th Street. Arlington, VA 20598.

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

APPROVAL

Signed

July 17, 2017

Roderick Allison
Assistant Administrator/Director
Office of Law Enforcement/Federal Air Marshal Service

Date

EFFECTIVE

Date

Distribution: TSA Assistant Administrators, Office Directors, FSDs, and all LEOs
Point-of-Contact: retired_credential_FAMS@tsa.dhs.gov

ATTACHMENT A

LEOSA FACT SHEET

Key provisions of the Law Enforcement Officers Safety Act (LEOSA, Public Law 108-277, 18 U.S.C. 926B-C) and DHS requirements are included in this fact sheet. 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 LEO” (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. A Qualified Retired LEO is a TSA employee who:

- (1) Separated from service as a LEO in good standing with TSA;
- (2) Before such separation, 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 or apprehension under section 807(b) of Title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);
- (3) Before such separation, served as a LEO for an aggregate of 10 years or more; or separated from service, as a LEO with TSA after completing any applicable probationary period of such service, due to a service-connected disability, as determined by TSA;
- (4) During the most recent 12-month period, has met, at the expense of the LEO, the standards for qualification in firearms training for active LEOs, as determined by the former agency of the LEO, the State in which the LEO resides or, if the State has not established such standards, either a law enforcement agency within the State in which the LEO resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;
- (5) Has not been officially found by a qualified medical professional employed by TSA to be unqualified for reasons relating to mental health or has not entered into an agreement with TSA in which the LEO acknowledges he or she is not qualified under this section for reasons relating to mental health;
- (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:³

- (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.

It is important to note that LEOs who either now, or at some future time, no longer meet any one of the requirements in Section B above 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, LEOs shall certify to the TSA in writing that they are 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 and submitting the signed form to the Organizational Element Point-of-Contact.

³ 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)).

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

- (1) TSA issued LEOSA ID Card that identifies the person as having been employed as a police officer or law enforcement officer; and
- (2) An annual firearms certification (as outlined in Section D below) issued by the State in which the LEO resides, or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State, that indicates that the LEO has, not less recently than one (1) year before the date the LEO is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met:
 - (a) The active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or
 - (b) If the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.

D. **Certifications Issued by the State:** To meet LEOSA requirements, qualified, retired LEOs 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 [LEO] resides" indicating that the LEO has "been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm..." The availability of such "certifications" varies by State, and it is the responsibility of the individual separated TSA LEO 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 LEOs. LEOs 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 LEO 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 LEO" 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 separated LEO from TSA. Neither the LEOSA ID Card nor LEOSA confer law enforcement status or arrest authority. The LEOSA ID Card and the LEOSA law enforcement status do not authorize LEOs to engage in any law enforcement activities or investigations.