U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

DEC - 6 2010

Mr. Rand L. Foster
[redacted]

Dear Mr. Foster,

This is in response to your request for the FAA's policy on whether an aviation safety inspector can carry his or her personal firearm in a rental car used for business travel so as to have access to the firearm during off-duty time.

The Human Resources Policy Manual (HRPM) addresses the possession of personal firearms during business travel. The HRPM states:

> No employee, while in or on FAA/GSA-owned or leased property, to include Government and personal vehicles, shall carry or have in their possession, privately owned firearms or other weapons unless authorized by the FAA to do so in connection with his/her official duties, **such as survival and emergency firearms in an operational area, such as the Alaskan Region**. See FAA Order 1600.69(series), Facility Security Management Program, Appendix 12, for additional information. This prohibition applies regardless of any State law which may permit the carrying of firearms.

HRPM Volume 4: Employee Relations ER-4.1, para. 14 (effective July 1, 2008; updated June 11, 2010) (emphasis in original), available at https://employees.faa.gov/org/staffoffices/ahr/program_policies/policy_guidance/hr_policies/hrpm/er/ER-4-1/.

A rental car used by an aviation safety inspector (ASI) in connection with official agency business is paid for by government funds, and therefore is considered a "government vehicle." See FAA Travel Policy 301-10 Transportation Allowable (effective Oct. 1, 2009), available at https://employees.faa.gov/org/staffoffices/aba/travel/policy/chapter_301/media/Rev%201%20301-10.pdf. Applying the guidance of the HPRM, an ASI must have authorization to carry a privately owned firearm in a government vehicle.

Unauthorized possession of a firearm while in or on government owned or leased property may be subject to disciplinary action, including a forty-five day suspension for the first offense and removal for the second offense. See Human Resources Operating Instructions Table of Penalties (July 1, 2008), available at

https://employees.faa.gov/org/staffoffices/ahr/program_policies/policy_guidance/hr_policies/hrpm/hroi/er/tblchart.pdf.

I hope this information has been helpful. This interpretation has been coordinated with the Office of the Chief Counsel, Personnel and Labor Law Division. If you have further questions concerning this interpretation, please contact Sabrina Jawed on my staff at 202-267-8839.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel for Regulations, AGC-200