

# KNOW YOUR RIGHTS



## 10 Crucial Tips for Flying With Firearms





Flying with your firearms can be a nerve-wracking experience. Given the heightened security procedures at airports, the myriad of federal and local regulations, and airline procedures that seem to differ with each carrier and change by the day, a simple trip can add a few unwanted gray hairs. But don't worry: We're going to simplify the process as best we can for you. Just be aware that regulations can change suddenly, so be sure to check the resources referenced here before you leave. You're the one who is ultimately responsible for following the law.

Before we get into the details, let's clear up some potential misconceptions. Can you accurately answer the following questions?



If you're not confident about your answers to any of these questions, that's OK. We're going to cover all of them — and more.

Hopefully it goes without saying that this article assumes you can legally possess a firearm and that you're traveling from one place where that gun is legal to another. It's up to you to make sure that you have everything squared away in this regard.





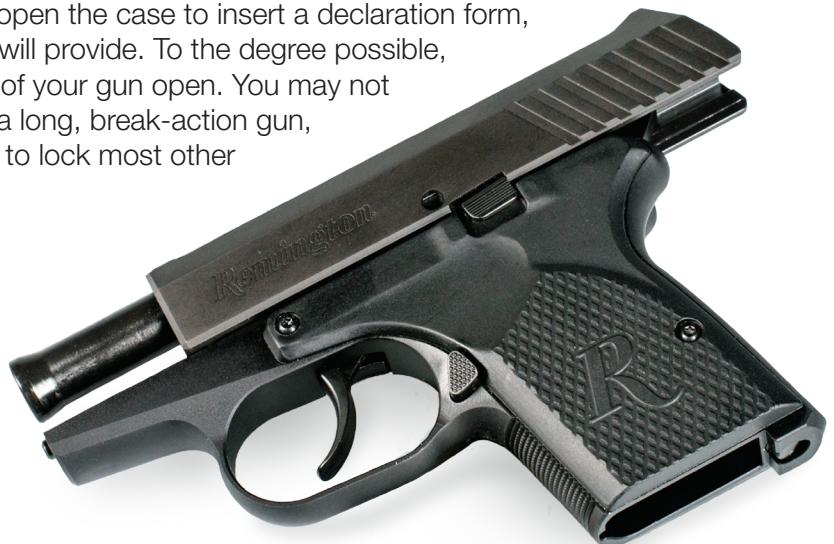
## THE BASIC RULES

You can fly with firearms and ammunition. It's that simple. But let's discuss some of the details.

All firearms and ammunition must go in checked baggage — period. You cannot take any gun with you into the passenger compartment of a commercial flight. Firearms parts, such as frames, barrels, firing pins and slides, must also be locked up and checked. However, if you have an expensive optic, you may remove that from your gun and carry it on the plane.

You will have to lock up your firearm, and we'll get into the specifics of exactly how to do that in a bit. You can also carry ammunition on most airlines, even in the same case as your gun. As with firearms though, you'll need to know some of the specifics.

Before getting to the airport, your gun must already be cased and locked. Make sure that it's unloaded — wholly unloaded, chamber and all. At the counter, you'll need to open the case to insert a declaration form, which the airline agent will provide. To the degree possible, keep the action or bolt of your gun open. You may not be able to do this with a long, break-action gun, but you should be able to lock most other actions open.





## THE TICKET COUNTER

When you arrive at the ticket counter, you'll need to declare to the agent that you are checking a firearm. Most agents deal with this regularly, so you don't have to worry about causing a ruckus (provided you don't shout, "I've got a gun!"). The ticketing agent will most likely ask you if the firearm is unloaded and provide an orange declaration form to put in or on the gun case.

Most agents will not want to touch or handle your firearm, and there's no reason for you to do so either. The last thing you want is a security officer down the hall seeing you wave a gun around in the ticketing area. Remember, your firearm should be cased — unloaded and ready to travel — before you leave home, so no handling at the airport should be required. Just lay the declaration form on top of your gun and relock the case when instructed to do so.

## TSA INSPECTION

Procedures vary between airports, but the TSA also has to "clear" your checked firearm. This usually happens behind the scenes via X-ray, and no intervention is required. Depending on the airport, a few things might happen: Your case might go on the belt behind the ticketing agent and make its way through the process. In this case, the agent might tell you to wait in the area for a few minutes in case there is a question or problem. In other airports, the agent might call a TSA agent to the counter to inspect the case while you're still checking in. And at some airports, TSA will want to examine your firearms case back in a secure area. Hold this thought; we'll come back to it because it's controversial.







## FIREARMS CASES

Firearms need to be in a locked case. You can use a key or combination lock; there are no requirements either way. The case must be a hard case, and either metal or plastic is fine. Whatever the type, it must prevent access to the firearm. If you can pry or twist open an end or corner to get inside, it probably won't fly.

Many firearms companies now ship new guns in cases that are perfectly acceptable for air travel, so you may not even need to buy a separate one. Of course, you'll get better security with a purpose-built case, so if you travel a lot, it might make sense to invest in one. A custom case is also useful if you need to transport multiple firearms. That's fine too, and you can put more than one in a case.

You can use a dedicated firearms case or a smaller case that fits inside of a larger piece of standard luggage. When I travel with a handgun, I prefer the "case-in-a-case" method, as it's not so apparent that there is a gun. For extra security, use a cable lock to secure the gun case to the frame of the larger piece of luggage.

Here's one unfortunate caveat that's bitten far too many travelers: Some TSA and airline agents will want a lock through every available lock hole in your case. If two locks secure the case, but it has four holes, you might find yourself at the airport store buying more locks before your firearm is allowed on the plane.

## TSA LOCKS

There is no requirement to use a “TSA lock” on firearms cases. Some TSA agents may encourage that, but I believe the use of a TSA lock is risky. By definition, a simple tool available to almost anyone can open a TSA lock, so it provides no meaningful security for your firearm. A TSA lock isn’t much more secure than tying a square knot with string.

Another factor to consider is that you might be violating federal law if you use a TSA lock. As we’ll talk about in a minute, the Code of Federal Regulations is pretty clear about who can and can’t have access to your checked firearms case. Hint: It’s you and you alone. By definition, thousands of people have access to your TSA lock.



## AMMUNITION CONTAINERS

Ammunition must be stored in secure packaging. There’s not a lot of clarity on what exactly counts as “secure packaging,” so it’s always safest to use the original factory boxes. In theory, it would be OK to store ammunition in magazines, since that can also be construed as “secure packaging.” The TSA policies even reference carrying ammunition this way. Also in theory, it should be

OK to transport ammunition in plastic ammo boxes, especially since they’re arguably more secure than cardboard factory boxes. However, individual interpretations at the airline ticket counter or TSA inspection area can throw a wrench in the works if you choose anything other than original factory packaging. As we’ll discuss in more detail, you can be right all day long and still lose. Save yourself potential headaches and use the original boxes.

You do not need to carry ammunition in a locked case; it can go right in regular luggage. Be aware that there is usually an 11-pound weight limit for ammo, but that might vary by airline; check your carrier’s policies before you go.





## KNOW THE LAW ABOUT MAINTAINING CONTROL OF YOUR FIREARMS

Like most big bureaucracies, the TSA effectively makes its own “law” as it goes along. It’s not actually law, but at the time of an encounter, that distinction doesn’t help you. At least to me, the federal law seems very clear on the issue of your responsibility to maintain complete control over access to your firearms. Two statutes apply to air travel with guns. According to the Code of Federal Regulations:

***Title 49: Transportation, Part 1540 – Civil Aviation Security: General Rules, Subpart B – Responsibilities of Passengers and Other Individuals and Persons, 1540.111 (c) (iv) - The container in which it is carried is locked, and only the passenger retains the key or combination.***

***Title 49: Transportation, Part 1544 – Aircraft Operator Security: Air Carriers and Commercial Operators, Subpart C – Operations, 1544.203 (f) (iii) - The container in which it is carried is locked, and only the individual checking the baggage retains the key or combination.***

I’m not a lawyer (and I have no desire to play one on TV), but to me, both phrases seem clear. The words “only the passenger retains the key or combination” and “only the individual checking the baggage retains the key or combination” are about as unambiguous as the law gets. Note that there is no phrasing that indicates that duly authorized federal employees or contracted security personnel have exemptions from these requirements.

Here’s why it matters: At some airports in the country, TSA has created a policy (not a law!) that it will inspect firearms cases in a “secure back room” where you, the passenger and firearms owner, are not allowed. Often an agent will ask for your keys or combination and require you to wait outside while he or she inspects the contents of your gun case. In my view, this is illegal because you’ve allowed the firearm out of your direct control. If you surrender your keys, you directly violate Title 49, which clearly states that only the passenger can retain the key or combination.

So, what to do?





## TROUBLE AT THE AIRPORT

Decide before you go what your strategy for handling disagreements will be because “winging it” will not work in the TSA line. As if it needs to be said, waving a copy of the Second Amendment and shouting, “Here’s my permission!” will not solve the problem either, even though you’re technically correct.

If you get worked up in the heat of the moment, you will lose. You probably won’t fly, at least at that time. You might be detained or even arrested. You might win down the road, but only after selling your home to pay your legal bills. Thanks to your hard work and tax dollar contributions, the United States government can afford to pay a seemingly infinite number of lawyers for infinity-plus-one years to argue about your particular case; you can’t. So it’s time to get real about this.

First and foremost, decide in advance which battles you’re willing to fight. If the TSA agent asks for your keys, have a canned response ready to go. If the airline agent says you can’t carry ammunition in the same case as your gun, having prepared for this situation in advance will help you avoid an issue.

Second — and just as important — never lose your temper. Calm, cool, collected and, atop all, respectful behavior will almost always carry the day.

Third, print out applicable laws, current TSA regulations and your airline’s policies. Smiling and handing over a sheet of relevant information to the ticket agent printed from the airline’s website goes a lot further than your verbal insistence. If you hand a gate or TSA agent current policy information on a sheet of paper with his or her company’s logo, it’s hard for him or her to disagree.



## STOPPING ALONG THE WAY

Your trip may involve a stop along the way to your final destination. Perhaps it's a brief layover to change planes, or maybe you're spending a day or two visiting friends and family on your way to your final destination. Perhaps your flight was diverted or canceled due to weather or maintenance issues. Whatever the case, you need to be aware of potential "gotchas" if you're traveling with checked firearms.

If you're connecting through a city with strict firearms laws and never claim your baggage, it shouldn't matter since you never have legal possession of your firearm until you reach your final destination. In theory, the right to travel through less-than-gun-friendly states like New York and Maryland is protected by the Firearms Owners' Protection Act (FOPA). In reality, people have been burned when air travel snafus left them stranded in cities or states that couldn't wait to arrest law-abiding gun owners on technicalities. I always make sure any connections don't take me through places where gun rights are vigorously oppressed, especially since FOPA no longer protects you the minute you claim your checked firearm. (In some places, FOPA is treated more like a guideline than a legal imperative.)





## THE BIG PICTURE

As a lawful concealed carrier, you are ultimately responsible for knowing and following the rules. You must know the rules that apply where you live and where you're going. It's up to you to know current TSA regulations, so check them before you leave. This article is a guide to help you understand the process, but it's your responsibility to check the laws. You have to know the airline's regulations, and you need to understand the laws regarding you and your firearms at your destination. Your home state's laws mean absolutely nothing after you cross the border.

With all these caveats, traveling with firearms may sound like an endeavor fraught with peril. It's not. We're just being extra cautious, as should you. In fact, in all my travel with handguns, rifles and a few of each, I've yet to experience an incident of any significance. Know the rules, print them out, follow them all and get to the airport early. Do these things and you'll be just fine.

## RESOURCES

**Transportation Security Administration: Transporting Firearms and Ammunition**  
<https://www.TSA.gov/travel/transporting-firearms-and-ammunition>

**TSA Fact Sheet**

[https://www.TSA.gov/sites/default/files/resources/firearmsammunition\\_factsheet.pdf](https://www.TSA.gov/sites/default/files/resources/firearmsammunition_factsheet.pdf)

**USCCA Concealed Carry Reciprocity Map & Gun Laws By State**

<https://www.USConcealedCarry.com/ccw-reciprocity-map>







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