



**TESTIMONY
OF
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For the

**UNITED STATES HOUSE COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON TRANSPORTATION AND MARITIME SECURITY**

***“ON THE FRONTLINES IN TURBULENT TIMES: WORKFORCE
PERSPECTIVES ON THE STATE OF TRANSPORTATION
SECURITY”***

November 16, 2021

Good afternoon Chairwoman Watson – Coleman, Ranking Member Gimenez, and distinguished members of the Subcommittee. Thank you for the opportunity to testify before you today on Federal Air Marshal (FAM) perspectives on the state of transportation security.

The insights I share with the Committee today are the insights of flying Federal Air Marshals. These insights are supported by my personal experiences and observations gained throughout 26 years of working in the Transportation domain, as well as my 10 years of union leadership. Most significantly, these insights are tempered by my experiences as a 9/11 first responder and recovery worker, and by my sincere desire to see this agency succeed in its vital mission. Our success ensures that the lives lost on that September morning were not in vain, and will honor the sacrifice of the soldiers lost waging the global war on terror. I appreciate the opportunity to speak before this Committee, and I hope that this statement faithfully represents the perspectives and concerns of the Federal Air Marshal workforce.

The Role of FAMs

The perspective of the Air Marshal Association (AMA) is that the security strategy historically utilized by FAMS must evolve, and our mission must be redefined. The COVID-19 pandemic starkly illuminated the inherent deficiencies in the scope of our mission. Since our agency lacked any meaningful enforcement or investigatory role outside of an aircraft cabin, the FAM Service was essentially sidelined from contributing to the DHS mission effectively within our area of responsibility. While other law enforcement agencies adapted to the changing environment and shifted their operations to continue their missions, the FAMS was left flat-footed once airline capacity bottomed out. A significant portion of our workforce sat idle for many months because there was no role for them to play outside of their traditional security duties. Having an increased investigatory footprint, leveraging our existing authority within the transportation domain, and collaborating more effectively with other agencies would have curtailed this inactivity throughout the pandemic.

Over the past decade, the Air Marshal Association has engaged Congress, stakeholders, and TSA leadership on ways to better position our workforce to meet the constantly evolving threat.ⁱ From 2018 to 2021, the AMA created a Future Working Group to advise both Congress and agency leadership about the changes needed to evolve the law enforcement functions of both the TSA and FAMSⁱⁱ. Specifically, we recommended that the TSA combine the many disjointed positions currently under the TSA Office of Law Enforcement into a single Investigator position to more effectively mitigate emerging threats and resolve transportation vulnerabilities. Although FAMS leadership has worked closely with the AMA over the past year to create opportunities for collateral duties, and has expressed a desire to gradually move portions of the workforce into investigative roles, we disagree with their plans to slowly implement these changes. The FAMS cannot gradually engage an ever changing threat; we must be capable of meeting the threat as it arises.

The recent rise in violent and disruptive passenger behavior at checkpoints and on board aircraft is the latest example of our need to rethink transportation enforcement and FAM involvement. Over the past year, as in-flight violent incidents rose, crewmembers repeatedly approached FAMs with questions and requests. They specifically requested that FAMs step in when passengers become aggressive or belligerent, asked that we fine non-compliant passengers, or arrest disruptive passengers for interfering with their duties. TSOs have also complained that passengers might spit on them or push them during security screening encounters, and they are discouraged and demoralized when neither fines nor criminal charges occur.

Most lawmakers and stakeholders are surprised to learn that airports and transportation facilities lack a static federal Law Enforcement presence, and that federal statutes are randomly and erratically enforced. It is the AMA position that the transportation domain needs a static federal law enforcement presence to investigate criminal activity, respond to stakeholder concerns, coordinate security operations, curate intelligence specifically related to transportation

threats and crimes, and foster relationships with stakeholders to identify and combat insider threats.

Although the federal government pays local law enforcement officers to respond to security checkpoints when needed, these officers will only enforce state and local statutes. Issues of federal concern, such as monetary instrument transport, passport fraud, artfully concealed items, bulk currency transport, and out-of-status travelers remain unaddressed by local officers while investigatory opportunities are routinely squandered. The AMA urges the committee to review the benefits of a single Transportation Investigator position with diversified collateral duties to include inflight protective duties, intermodal protective duties, insider threat mitigation and investigations, as well as the investigation of federal crimes committed within the transportation domain.

A Shrinking Workforce

As travel resumes to pre-pandemic levels, we must have enough trained Federal Air Marshals available to cover the increased workload. However, many FAMs have retired over the past 12 months, and the projected rate of FAM retirements is expected to halve our workforce over the next 24 months. A significant number of FAMs entered service in 2002, and most of these agents have indicated they will retire as soon as they are eligible. At a time when passenger unrest and threats to aviation are on the rise, we are concerned that the FAM Service will be shrinking at an alarming rate. The AMA has suggested many times that the Aviation Security Service Fee, redirected to the General Fund in 2014ⁱⁱⁱ, should be used *only* for transportation security purposes. Recovering the \$3BN in projected fees for 2022 and 2023 would easily cover the hiring of FAMs to replace current and projected losses, and fund the build out of new law enforcement sections to support expanding FAM roles. The fees could also allow the TSA to hire more TSOs, and would go a long way towards covering the proposed transition of the TSA workforce into the General Schedule pay system.

Crew Member Self Defense Training

The AMA also recommends that Crew Member Self Defense Training be integrated with flight crew recurrent training. It is difficult, and often impractical, for crewmembers to come to a FAM field office to receive instruction. As a result, only a small fraction of flight crews have received this valuable block of training, and most have only received it once. With in-flight violence on the rise, basic self-defense for flight crews should be an agency priority.

Morale

The retirement cliff we are facing is having a negative impact on workforce morale. Many are discouraged that we are losing a wealth of knowledge all at once, as those retiring came from other agencies and have a wealth of diversified experience. This problem can be

resolved by ensuring the FAM Service hires at least 5% of its workforce each year, and evolves FAM duties.

Many FAMs have also expressed anxiety over the prospect of another government shutdown and a disruption in pay. During the government shutdown of 2019, the AMA had to intercede and assist some members with bill payment, as missed payments can endanger security clearances and may lead to removal. I urge the members of this Committee to do everything in its power to ensure that government employees can honor their obligations on time.

Some FAMs are also concerned with the vaccine requirement deadlines, and the AMA supports the suggestion to move back the compliance deadline for federal workers to January 4, 2022 as was enacted for federal contractors. A significant number of FAMs contracted COVID in the performance of their duties over the past 20 months, and those that survived now face the potential loss of their livelihoods due to this mandate. Further, the AMA urges federal agencies to approve the reasonable accommodations of those few federal law enforcement officers who cannot receive the vaccine for religious or medical reasons. The arbitrary removal of sworn officers seeking reasonable accommodation will put the public at risk, and because replacement officers will take years to hire, train and gain experience, our federal resources will be stretched thin during the process.

Finally, varying morale, job related stress, and erratic flight schedules at certain field offices have created mental health challenges, and has resulted in increased strain on the inadequately trained FAM Peer Support program. For instance, the agency has endured 3 suicides in the Washington field office over the past 2 years, and we believe that leadership change is needed at some locations to avoid further tragedy. We would also like to commend the new FAMS Psychologist, Dr. Eunja Talbot, for her compassion and common sense in helping individual FAMs navigate the challenges of balancing job requirements with family life. The AMA believes a more robust mental health program, diversified duties, and meaningful schedules are needed to reduce FAM stress, mitigate crisis, and avoid further tragedies.

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It is my sincere hope that the challenges and opportunities outlined in my statement do not paint an overall dismal picture of the agency, or suggest a workforce in disarray. On the contrary, FAMs have repeatedly reaffirmed their commitment to antiterrorism work, and lament the restrictions placed upon them by legacy policies and out of date concept of operations. Additionally, TSA Administrator David Pekoske and FAMS Director Michael Ondocin have worked closely with the AMA to solve workplace issues, and have shown a sincere desire to support the workforce and move the FAMs in the right direction.

It is an honor to represent the men and women of the Federal Air Marshal Service in front of this committee. Thank you for your steadfast support of TSA frontline workers, and for the opportunity to testify before you today. I look forward to your questions.

ⁱ <https://www.airmarshal.org/media-room/11-27-2017-ama-support-hr4467/>
<https://www.airmarshal.org/media-room/july-2017-meeting-the-evolving-threat/>
<https://www.airmarshal.org/media-room/amacwa-press-release-06252014/>
<https://www.airmarshal.org/media-room/amacwa-press-release-06142014/>

ⁱⁱ <https://www.airmarshal.org/media-room/future-committee-final-08042021/>
<https://www.airmarshal.org/media-room/09212020-ama-evolution-covid-update/>
<https://www.airmarshal.org/media-room/072020-meeting-the-evolving-threat-congressional-brief/>
<https://www.airmarshal.org/media-room/1811-committee-paper-02262020/>
<https://www.airmarshal.org/media-room/ama-fams-evolution-04-23-2019/>

ⁱⁱⁱ PUBLIC LAW 113–67—DEC. 26, 2013 – SEC 601 - <https://www.govinfo.gov/content/pkg/PLAW-113publ67/pdf/PLAW-113publ67.pdf>