

**THE FUTURE OF FAMS: EVALUATING THE
FEDERAL AIR MARSHAL MISSION**

HEARING
BEFORE THE
SUBCOMMITTEE ON
TRANSPORTATION AND MARITIME
SECURITY
OF THE
COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTEENTH CONGRESS
SECOND SESSION
SEPTEMBER 24, 2024
Serial No. 118-80

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

59-982 PDF

WASHINGTON : 2025

COMMITTEE ON HOMELAND SECURITY

MARK E. GREEN, MD, Tennessee, *Chairman*

MICHAEL T. MCCAUL, Texas	BENNIE G. THOMPSON, Mississippi, <i>Ranking Member</i>
CLAY HIGGINS, Louisiana	ERIC SWALWELL, California
MICHAEL GUEST, Mississippi	J. LUIS CORREA, California
DAN BISHOP, North Carolina	TROY A. CARTER, Louisiana
CARLOS A. GIMENEZ, Florida	SHRI THANEDAR, Michigan
AUGUST PFLUGER, Texas	SETH MAGAZINER, Rhode Island
ANDREW R. GARBARINO, New York	GLENN IVEY, Maryland
MARJORIE TAYLOR GREENE, Georgia	DANIEL S. GOLDMAN, New York
TONY GONZALES, Texas	ROBERT GARCIA, California
NICK LALOTA, New York	DELIA C. RAMIREZ, Illinois
MIKE EZELL, Mississippi	ROBERT MENENDEZ, New Jersey
ANTHONY D'ESPOSITO, New York	THOMAS R. SUOZZI, New York
LAUREL M. LEE, Florida	TIMOTHY M. KENNEDY, New York
MORGAN LUTTRELL, Texas	LAMONICA MCIVER, New Jersey
DALE W. STRONG, Alabama	YVETTE D. CLARKE, New York
JOSH BRECHEEN, Oklahoma	
ELIJAH CRANE, Arizona	

STEPHEN SIAO, *Staff Director*
HOPE GOINS, *Minority Staff Director*
SEAN CORCORAN, *Chief Clerk*

SUBCOMMITTEE ON TRANSPORTATION AND MARITIME SECURITY

CARLOS A. GIMENEZ, Florida, *Chairman*

CLAY HIGGINS, Louisiana	SHRI THANEDAR, Michigan, <i>Ranking Member</i>
NICK LALOTA, New York	ROBERT GARCIA, California
LAUREL M. LEE, Florida	TIMOTHY M. KENNEDY, New York
MARK E. GREEN, MD, Tennessee (<i>ex officio</i>)	BENNIE G. THOMPSON, Mississippi (<i>ex officio</i>)

VACANCY, *Subcommittee Staff Director*
ALEX MARSTON, *Minority Subcommittee Staff Director*

CONTENTS

	Page
STATEMENTS	
The Honorable Carlos A. Gimenez, a Representative in Congress From the State of Florida, and Chairman, Subcommittee on Transportation and Maritime Security:	
Oral Statement	1
Prepared Statement	2
The Honorable Shri Thanedar, a Representative in Congress From the State of Michigan, and Ranking Member, Subcommittee on Transportation and Maritime Security:	
Oral Statement	3
Prepared Statement	4
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Ranking Member, Committee on Homeland Security:	
Prepared Statement	5
WITNESSES	
Mr. John A. Casareti, Founder and President, Air Marshal Association:	
Oral Statement	6
Joint Prepared Statement	7
Ms. Tina Won Sherman, PhD, Director, Homeland Security and Justice, U.S. Government Accountability Office:	
Oral Statement	9
Joint Prepared Statement	10

THE FUTURE OF FAMS: EVALUATING THE FEDERAL AIR MARSHAL MISSION

Tuesday, September 24, 2024

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON TRANSPORTATION AND
MARITIME SECURITY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:11 a.m., in room 310 Cannon House Office Building, Hon. Carlos A. Gimenez (Chairman of the subcommittee) presiding.

Present: Representatives Gimenez, Higgins, LaLota, Lee, Thanedar, and Kennedy.

Mr. GIMENEZ. Good morning. The Committee on Homeland Security, Subcommittee on Transportation and Maritime Security will come to order. Without objection, the Chairman may declare the subcommittee in recess at any point.

Today's hearing will examine Federal Air Marshal Service's mission set and the future of the agency. I now recognize myself for an opening statement.

Today's subcommittee is examining the Federal Air Marshal Service and its role in securing the commercial aviation sector of the United States. Terrorist organizations and rogue nation-states have targeted the commercial aviation sector since its inception.

In the 1970's and the 1980's, terrorists carried out notorious hijackings across the world, including the 1977 hijacking of Lufthansa flight 181 by the Popular Front for the Liberation of Palestine, and the 1985 hijacking of Transworld Airlines flight 847 by Hezbollah.

While most prior incidents involved hijackers seizing passengers and crew as hostages and demanded ransom for their release, the nature of the threats shifted dramatically with the al-Qaeda attacks on September 11, 2001. As the nature of the threat evolved, so has the role of the Federal air marshals.

While the U.S. Government has deployed air marshals on commercial flights since the early 1960's, today's Federal Air Marshal Service was formally established in response to the September 11 attacks.

After September 11, waves of volunteers stepped forward from other law enforcement agencies and from all walks of life to sign up for the air marshal mission and the organization became part of the newly-established Transportation Safety Administration.

Twenty years later, after the September 11 attacks, a threat to the commercial aviation sector continues to evolve. Fortunately,

our capabilities to counter terrorist threats against commercial aviation have also advanced. There is a vetting of potential terrorists in between when an airline ticket is purchased and the day of the flight gives law enforcement more time to foil terrorist plots before they can be carried out.

TSA is continuing to improve its screening equipment, and my colleagues and I on this subcommittee continue to advocate for the agency to speed up its deployment of new technology to ensure airports have modern capable systems at their security checkpoints.

TSA also offers training like the Federal flight desk officer program to airline flight crews to respond to in-flight threats. It is critical that we are proactive in staying ahead of the threat and continually look for opportunity to sharpen our capabilities and advance our technologies. In this context I believe it is essential to re-evaluate the role of the Federal air marshals in aviation security. We're concerned that air marshals are not being utilized effectively.

It was recently reported that former Congresswoman Tulsi Gabbard was monitored by Federal air marshals during commercial flights because her name appeared on TSA's Quiet Skies Program. The Quiet Skies Program means to prevent terrorist attacks not only to surveil law-abiding citizens traveling on commercial flights.

Additionally, I'm concerned about the deployment of Federal air marshals to the Southwest Border. While TSA has assured the committee that these deployments did not impact normal FAMS operations, it is troubling to me that the border crises have escalated to the point of needing additional personnel surge to the border. It's long past time for the Biden-Harris administration to get this crisis under control.

Two weeks ago we commemorated the 23rd anniversary of the September 11 attacks. In the wake of this somber occasion, it is important that the subcommittee continue to work proactively to secure the commercial aviation sector and prevent an attack like that from ever happening again. This subcommittee must utilize its oversight authority over the Federal Air Marshal Service to ensure that taxpayer dollars are being used efficiently and effectively in the mission to return terrorists and other criminals from targeting the commercial aviation sector. We must ensure that the Federal Air Marshal Service faithfully and effectively fulfills its mission to safeguard the passenger aviation sector.

Thank you to our witnesses, Ms. Won Sherman and Mr. Casaretti for appearing before this subcommittee. I look forward to your testimony.

[The statement of Chairman Gimenez follows:]

STATEMENT OF CHAIRMAN CARLOS A. GIMENEZ

Today, this subcommittee is examining the Federal Air Marshal Service and its role in securing the commercial aviation sector in the United States.

Terrorist organizations and rogue nation-states have targeted the commercial aviation sector since its inception.

In the 1970's and 1980's, terrorists carried out notorious hijackings across the world, including the 1977 hijacking of Lufthansa Flight 181 by the Popular Front for the Liberation of Palestine and the 1985 hijacking of Trans World Airlines Flight 847 by Hezbollah.

While most prior incidents involved hijackers seizing passengers and crew as hostages and demanding ransom for their release, the nature of the threat shifted dramatically with the al-Qaeda attacks on September 11, 2001.

As the nature of the threat evolved, so has the role of Federal air marshals.

While the United States Government has deployed air marshals on commercial flights since the early 1960's, today's Federal Air Marshal Service was formally established in response to the September 11 attacks.

After September 11, waves of volunteers stepped forward from other law enforcement agencies and from all walks of life to sign up for the air marshal mission, and the organization became part of the newly-established Transportation Security Administration.

Twenty-three years after the September 11 attacks, the threat to the commercial aviation sector continues to evolve.

Fortunately, our capabilities to counter terrorist threats against commercial aviation have also advanced.

Diligent vetting of potential terrorists in between when an airline ticket is purchased and the day of the flight gives law enforcement more time to foil terrorist plots before they can be carried out.

TSA is continuing to improve its screening equipment, and my colleagues and I on this subcommittee continue to advocate for the agency to speed up its deployment of new technology to ensure airports have modern, capable systems at their security checkpoints.

TSA also offers trainings like the Federal Flight Deck Officer Program to airline flight crews to respond to in-flight threats.

It is critical that we are proactive in staying ahead of the threat and continually look for opportunities to sharpen our capabilities and enhance our technologies.

In this context, I believe it is essential to reevaluate the role of Federal air marshals in aviation security.

I am concerned that air marshals are not being utilized effectively.

It was recently reported that former Congresswoman Tulsi Gabbard was monitored by Federal air marshals during commercial flights because her name appeared on TSA's Quiet Skies program.

The Quiet Skies program aims to prevent terrorist attacks, not unduly surveil law-abiding citizens traveling on commercial flights.

Additionally, I am concerned about the deployments of Federal air marshals to the Southwest Border.

While TSA has assured the committee that these deployments did not impact normal FAMS operations, it is troubling to me that the border crisis has escalated to the point of needing additional personnel surged to the border—it is long past time for the Biden-Harris administration to get this crisis under control.

Two weeks ago, we commemorated the 23rd anniversary of the September 11 attacks.

In wake of this somber occasion, it is important that this subcommittee continues to work proactively to secure the commercial aviation sector and prevent an attack like that from ever happening again.

This subcommittee must utilize its oversight authority over the Federal Air Marshal Service to ensure that taxpayer dollars are being used efficiently and effectively in the mission to deter terrorists and other criminals from targeting the commercial aviation sector.

We must ensure that the Federal Air Marshal Service faithfully and effectively fulfills its mission to safeguard the passenger aviation sector.

Thank you to our witnesses, Ms. Won Sherman and Mr. Casaretti, for appearing before the subcommittee.

I look forward to your testimony.

Mr. GIMENEZ. I now recognize the Ranking Member, the gentleman from Michigan, Mr. Thanedar, for his opening statement.

Mr. THANEDAR. Good morning. Thank you, Chairman Gimenez, for holding this hearing today, and thank you to our witnesses for being here. We look forward to listening to you and with us.

This is our subcommittee's first hearing since we commemorated the anniversary of September 11 attack a couple weeks ago, so it is truly time to evaluate the state of Federal Air Marshal Service. FAMS have evolved significantly since September 11, 2001, when only 33 air marshals were in service working under the Federal Aviation Administration.

In the following months and years, FAMS expanded exponentially hiring hundreds and eventually thousands of marshals to protect our skies. Today FAMS carry out an essential mission every day serving as the last line of defense to secure commercial flights for—from terrorist attacks.

TSA has evolved its methods for assigning FAMS to flights to ensure coverage is driven by its regions and risk assessment. Thanks to the leadership of Ranking Member Thompson and the support of Congress, TSA has also evolved—paid for FAMS along with the rest of the TSA work force finally, placing employees on equal footing with counterparts at other Federal agencies.

However, other aspects of FAMS have changed little over more than 20 years and may be in need of reform. Far too long FAMS have voiced dissatisfaction with the day-to-day realities of serving as air marshals. The job of an air marshal is extremely demanding as FAMS must stay alert and focused during long-haul flights, travel on little rest, and spend significant time away from loved ones and support networks.

FAMS has struggled with impacts to their health, including their mental health. Tragically, according to TSA data, since 2002, 16 FAMS have taken their own lives. Sadly, this experience is far too common among law enforcement within the Department of Homeland Security and throughout the country.

I'm proud to have co-sponsored Ranking Member Thompson's bill, the DHS Suicide Prevention and Resiliency for Law Enforcement Act, which would help address the challenges facing FAMS and other DHS law enforcement personnel. Congress must consider whether FAMS requires additional reforms to protect the health and well-being of its employees and ensure the ability to continue to secure air travel.

I look forward to hearing from our witnesses about their recommendation for the future of the Federal air marshal services.

Thank you, and I yield back.

[The statement of Ranking Member Thanedar follows:]

STATEMENT OF RANKING MEMBER SHRI THANEDAR

SEPTEMBER 24, 2024

This is our subcommittee's first hearing since we commemorated the anniversary of the September 11 attacks a couple weeks ago, so it is a fitting time to evaluate the state of the Federal Air Marshal Service. FAMS has evolved significantly since September 11, 2001, when only 33 air marshals were in service, working under the Federal Aviation Administration.

In the following months and years, FAMS expanded exponentially, hiring hundreds and eventually thousands of marshals to protect our skies. Today, FAMS carry out an essential mission every day, serving as the last line of defense to secure commercial flights from terrorist attacks. TSA has evolved its methodology for assigning FAMS to flights to ensure coverage is driven by intelligence and risk assessments.

Thanks to the leadership of Ranking Member Thompson and the support of Congress, TSA has also evolved pay for FAMS, along with the rest of the TSA workforce, finally placing employees on equal footing with counterparts at other Federal agencies.

However, other aspects of the FAMS have changed little over more than 20 years and may be in need of reform. For far too long, FAMS have voiced dissatisfaction with the day-to-day reality of serving as air marshals. The job of an air marshal is extremely demanding, as FAMS must stay alert and focused during long-haul flights, travel on little rest, and spend significant time away from loved ones and support networks.

FAMs have struggled with impacts to their health, including their mental health. Tragically, according to TSA data, since 2002, 16 FAMs have taken their own lives. Sadly, this experience is far too common among law enforcement within the Department of Homeland Security and throughout the country.

I am proud to cosponsor Ranking Member Thompson's bill, the DHS Suicide Prevention and Resiliency for Law Enforcement Act, which would help address the challenges facing FAMs and other DHS law enforcement personnel. Congress must consider whether FAMS requires additional reforms to protect the health and well-being of its employees and ensure their ability to continue to secure air travel.

I look forward to hearing from our witnesses about their recommendations for the future of the Federal Air Marshal Service.

Mr. GIMENEZ. Thank you, Ranking Member. Other Members of the committee are reminded that opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

SEPTEMBER 24, 2024

Originally established in 1961 and expanded exponentially the wake of 9/11, today the Federal Air Marshal Service employs several thousand FAMs who fly armed on domestic and international flights. Every day, FAMs protect commercial flights against hijackings, explosive attacks, and other terrorist threats.

I want to express my gratitude to the air marshals who work long hours under difficult conditions to help keep the flying public secure. We may not be able to thank each of them personally, but their service and sacrifice—and that of their families—is truly appreciated.

I am proud to have championed the effort to boost pay for all TSA employees, including FAMs, to put them on the same footing as their peers at other Federal agencies. While increasing pay is a critical part of the effort to support the TSA workforce, more remains to be done to support FAMs.

I hope this hearing will help Congress address long-standing challenges and the need for further reform at the agency. I am particularly focused on supporting the health and well-being of FAMs, who have long expressed health concerns as a result of their demanding duties and schedules.

In 2012, a study by Harvard Medical School on reportedly found that 75 percent of FAMs were sleep-deficient when flying domestic missions and 84 percent when flying international missions.

In 2020, the Government Accountability Office (GAO) reported that FAMs in every office GAO visited stated that health issues were a key quality of life concern. Tragically, TSA has lost 16 FAMs to suicide since 2002.

Last year, the Committee on Homeland Security approved my bill, H.R. 2577, the DHS Suicide Prevention and Resiliency for Law Enforcement Act, which would help address suicides and mental health among DHS law enforcement, including FAMs. I look forward to reaching an agreement with the Senate on the bill so it can go to the President to be signed into law.

I hope our witnesses will share their thoughts today about what more TSA can do to support FAMs and what Congress can do to support those who are on the front lines securing the homeland.

Mr. GIMENEZ. Again, I am pleased to have this distinguished panel of witnesses before us today on this critical topic. I ask that our witnesses please rise and raise their right hands.

[Witnesses sworn.]

Mr. GIMENEZ. Let the record reflect that the witnesses have answered in the affirmative. Thank you and please be seated.

I would now like to formally introduce our witnesses. Mr. John Casaretti is the founder and president—and president of the air marshal—of the Air Marshal Association. Ms. Tina Won Sherman serves as director for the Homeland Security and Justice Team at the U.S. Government Accountability Office. I thank both of our distinguished witnesses for being here today. I now recognize Mr. Casaretti for 5 minutes to summarize his opening statement.

**STATEMENT OF JOHN A. CASARETTI, FOUNDER AND
PRESIDENT, AIR MARSHAL ASSOCIATION**

Mr. CASARETTI. Good morning, Chairman Gimenez, distinguished Members of this committee. My name is John Casaretti. I'm the president of the Air Marshal Association. The AMA represents thousands of current and former air marshals, and approximately half the flying air marshals are voluntary members.

I was working as a custom inspector in New York City on September 11, 2001. I worked at the ground zero clean-up and Fresh Kills recovery effort for 7 months, then joined the Federal Air Marshal Service shortly thereafter. Those experiences created a sincere and personal desire to ensure that FAMS mission is successful.

Currently, FAMS are part of the TSA. The TSA mission is a screen pass to the property at our Nation's airports. It's an important mission, but it's not a law enforcement mission. Air marshals believe their lack of law enforcement culture makes the TSA either unable or unwilling to develop the FAMS service to its fullest potential.

As I testified to this committee in November 2021, the agency security strategy must evolve and the FAM mission must be redefined. We cannot be just another layer of TSA bureaucracy.

The Air Marshal Associations met with TSA Administrator Pekoske on numerous occasions and we provided him with a detailed future paper that outlines some strategies to better utilize Federal air marshals. A key focus of the AMA future committee was the need for FAMS to be criminal investigators. Currently, there are no Federal agents available to investigate transportation incidents at airports and local authorities can only investigate to the limit of State law. Simply put, Federal interests are not being met at airports.

Air marshals also do not fully understand their role within TSA initiatives. A current concern from our members is the TSA Quiet Skies Program. FAMS complain that they're not getting briefings, that they do not know why they are assigned to specific QS missions, that they have been given no specific task to complete.

The TSA will claim that Quiet Skies is a useful and effective measure, but we disagree. To our knowledge, no Quiet Skies mission has resulted in the identification of a terrorist, of a terrorist plot being uncovered, or a terrorist action being stopped. Because of the question of programs like Quiet Skies, the Air Marshal Association worked with former Congressman Hice to enact the Strengthening Aviation Security Act in the 115th Congress. The law required TSA to tell Congress what specific intelligence is used to assign FAMS on missions. Many years later we're still waiting for this report.

Another recent misstep has been the AVO program, which assigns FAMS to airports without specific mission or clarification of their authority. While we agree that assigning FAMS to airports is a step in the right direction, the FAMS must be in power to investigate any security incident or insider threat that they may encounter.

There are simply too many operational criticisms to cover in this short statement. However, there are a multitude of other TSA missteps that need to be mentioned and may help explain why

FAM morale is so low. For example, the AMA was forced to sue the agency in Federal court for Constitutional rights violations, management misconduct, and for lack of due process during agency investigations.

The AMA is also suing for back pay and overtime for work performed since 2013. Even now FAMS can be assigned to shifts over 20 hours without receiving overtime due to misguided agency policies. FAMS are also required to remain on call 24/7 without compensation. Sadly, the TSA believes it can behave this way because Congress authorized it. Public law 107-71 of 2001, commonly referred to as the ATSA, essentially gives the TSA the authority to do whatever it wants. Prior administrators have even testified during open Congressional hearings that they do not have to answer Congressional questions and have also resisted subpoenas.

This TSA defiance of Congress originates at the TSA Office of Chief Counsel and aided by DHS Office of General Counsel. TSA will do nothing without the permission of the chief counsel. This top-down control of TSA decisions by unaccountable attorneys who are detached from the mission has paralyzed the air marshals.

All FAMS understand that law enforcement is a demanding job, but no FAMS signed up to be on call without compensation, to work punishing schedules, to endure management abuse, or to be subjected to investigations that violate our basic rights.

The issues air marshals face have brought some agents and their families to the breaking point. We have lost many to suicide and other mental health issues. I have personally lost friends and I've watched families crumble.

Air marshals tell the AMA that they want to be removed from the TSA and placed into a law enforcement agency. Since 2001, an entire generation of FAMS was made to work for 20 years under difficult conditions and then retire without fair compensation. The FAMS that remain do not want to share this fate. Responses to 2 recent surveys show that between 83 and 93 percent of air marshals want to leave the TSA. Simply put, they don't trust the TSA after 23 years.

I'd like to thank this committee for being—for holding this hearing and for the opportunity to testify before you today.

I look forward to your questions.

[The prepared statement of Mr. Casaretti follows:]

PREPARED STATEMENT OF JOHN A. CASARETTI

SEPTEMBER 24, 2024

Good morning, Chairman Gimenez and distinguished Members of this committee. My name is John Casaretti, and I am the president of the Air Marshal Association. The AMA represents thousands of current and former air marshals, and approximately half of flying air marshals are voluntary members.

I was working as a Customs Inspector in New York City on September 11, 2001. I worked at ground zero and the Fresh Kills landfill for 7 months, and then joined the Federal Air Marshal Service shortly after recovery operations ended. Those experiences created a sincere and personal desire to ensure the FAM mission is successful.

Currently, the FAMS are part of the Transportation Security Administration. The TSA mission is to screen passengers and property at our Nation's airports. It is an important mission, but it is not a law enforcement mission. Air marshals believe that a lack of law enforcement culture makes the TSA either unable or unwilling to develop the FAM Service to its fullest potential.

As I testified to this committee in November 2021, the agency's security strategy must evolve, and the FAM mission must be redefined. We cannot be just another layer of TSA bureaucracy.

The Air Marshal Association has met with TSA Administrator Pekoske on numerous occasions, and we provided him with a detailed Future Paper¹ that outlined some strategies² to better utilize Federal air marshals.³

A key focus of the AMA Future committee was the need for FAMs to be Criminal Investigators in the 1811 series.⁴ Currently, there are no Federal agents available to investigate transportation incidents at airports, and local authorities can only investigate to the limits of State law. Simply put, Federal interests are not being met at airports.

Air marshals also do not fully understand their role within certain TSA initiatives. A current concern from our members is the TSA Quiet Skies program. FAMs complain that they are not given briefings, they do not know why they are assigned to QS missions, and that they have been given no specific tasks to complete.

The Quiet Skies program mimics the rule sets used by border agencies within the Federal Inspection Service areas. But the metrics and data points used to anchor arbitrary border inspections were never designed, or intended, to send highly-trained agents, like air marshals, on anti-terrorism missions.

The TSA will claim that Quiet Skies is a useful and effective measure, but we disagree. To our knowledge, no Quiet Skies mission has resulted in the identification of a terrorist, a terrorist plot being uncovered, or a terrorist action being stopped.

Because of questionable programs like Quiet Skies, the Air Marshal Association worked with former Congressman Hice to enact the Strengthening Aviation Security Act in the 115th Congress.⁵ The law required the TSA to tell Congress what specific intelligence is used to assign FAMs on missions. Many years later, we are still awaiting this report.

Another recent agency misstep has been the AVO program, which assigns FAMs to airports without a specific mission or clarification of their authority. While we agree that assigning FAMs to airports is a step in the right direction, the FAMs must be fully empowered to investigate any security incident or insider threat they might encounter.

There are simply too many operational criticisms to cover in this short statement. However, there are a multitude of other TSA missteps which need to be mentioned, and may help explain why FAM morale is so low.

For example, the AMA was forced to sue the agency in Federal court for Constitutional rights violations, management misconduct, and for lack of due process during agency investigations.⁶

The AMA is also suing the TSA for back pay and overtime for work performed since 2013.⁷ Even now, FAMs can be assigned to shifts of over 20 hours, without receiving overtime, due to misguided agency policy. FAMs are also required to remain on call 24/7 without compensation.

Sadly, the TSA believes it can behave this way because Congress authorized it. Public Law 107-71 of 2001, commonly referred to as the ATSA, essentially gives the TSA the authority to do whatever it wants. Prior administrators have even testified during open Congressional hearings that they do not have to answer Congressional questions, and have also resisted subpoenas.⁸

This TSA defiance of Congress originates at the TSA Office of Chief Counsel, aided by the DHS Office of General Counsel. TSA will do nothing without the permission of the chief counsel. This top-down control of TSA decisions, by unaccountable attorneys who are detached from the mission, has paralyzed the air marshals.

All FAMs understand that law enforcement is a demanding job, but no FAM signed up to be on call without compensation, to work punishing schedules, to endure management abuse, or to be subjected to investigations that violate our basic rights.

¹ <https://airmarshal.org/news-1/f/08042021-ama-future-committee-final-recommendations>.

² <https://airmarshal.org/news-1/f/ama-evolution-committee-covid-update>.

³ <https://airmarshal.org/news-1/f/fam-1811-committee-paper>.

⁴ <https://airmarshal.org/news-1/f/ama-fams-evolution>.

⁵ <https://airmarshal.org/news-1/f/ama-supports-hr-4467>.

⁶ <https://www.globenewswire.com/news-release/2022/06/20/2465651/0/en/Federal-Air-Marshals-Union-Sues-TSA-for-Violating-Constitutional-Rights.html>.

⁷ <https://www.globenewswire.com/news-release/2020/05/29/2041197/0/en/US-Court-certifies-class-of-air-marshals-for-unpaid-overtime.html>.

⁸ <https://oversight.house.gov/wp-content/uploads/2018/09/TSA-Report.pdf>.

The issues air marshals face have brought some agents, and their families, to the breaking point. We have lost many FAMs to suicide and other mental health issues. I have personally lost friends, and have watched families crumble.

Air marshals tell the AMA they want to be removed from the TSA and placed into a law enforcement agency. Since 2001, an entire generation of FAMs were made to work for 20 years under difficult conditions, then retire without fair compensation. The FAMs that remain do not want to share that fate.

Responses on 2 recent AMA surveys show that between 83 percent⁹ and 93 percent¹⁰ of air marshals want to leave the TSA. Simply put, air marshals do not trust the TSA after 23 long years. We need to find a different path forward.

I would like to thank this committee for holding this hearing, and for the opportunity to testify before you today.

I look forward to your questions.

Mr. GIMENEZ. Thank you, Mr. Casaretti.

I now recognize Ms. Sherman for 5 minutes to summarize her opening statements.

STATEMENT OF TINA WON SHERMAN, PHD, DIRECTOR, HOMELAND SECURITY AND JUSTICE, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Ms. SHERMAN. Chairman Gimenez, Ranking Member Thanedar, Members of the subcommittee, thank you for inviting me to testify this morning on behalf of GAO. Twenty-three years after 9/11, threats to aviation security remain prevalent and have evolved beyond terrorists from the cockpit to now also included threats from explosives, insiders, cybersecurity, and more.

Tasked with remaining confident in the Nation's civil aviation system, the Federal Air Marshal Service or FAMS assigns armed Federal law enforcement officers to provide an on-board security presence on selected domestic and international flights by U.S. carriers. To provide as much coverage as possible, FAMS uses a deployment strategy that involves identifying flights and determining how to divide its resources between in-flight and ground-based security.

GAO 2016 examine a range of issues related to FAMS and has also highlighted 2 key areas where FAMS could strengthen its efforts. Those are organizational performance and work force management. Regarding organizational performance, GAO has made 8 recommendations to FAMS and TSA since 2016 and 6 of them implemented. These recommendations include comprehensively reporting on performance information and assessing the effectiveness of its countermeasures.

We also recommended that FAMS consider risk when setting annual targets for domestic and international flights to achieve its mission priorities. Without doing so, FAMS cannot ensure it's devoting its resources to the highest-risk flights. FAMS has since revised its deployment strategy and no longer uses annual targets, so it did not implement a recommendation. We continue to believe that risk should be a key consideration in any FAMS-supporting strategy.

Regarding work force management, GAO has made 12 recommendations to FAMS and TSA and all but one have been imple-

⁹ https://www.surveymonkey.com/results/SM-IMrbvJk4IqtbUISQPuX_2FQ_3D_3D/.

¹⁰ <https://airmarshal.org/news-1/f/membership-responds-to-ama-priorities-survey>.

mented. These recommendations span assessing the health and fitness of the FAMS work force to facilitate employee access to COVID testing during the pandemic.

We also recommend that FAMS monitor air marshals work hours against scheduling guidelines. FAMS has developed a standard report showing air marshals' actual work and rest hours are consistent with its guidelines but does not provide the report to leadership or produce it on a regular basis. Doing so would fully address our recommendation.

In 2023 FAMS issued a new road map to guidance efforts. The road map outlines 5 priorities and efforts to identify and align funding, prioritize risk and allocate resources, and improve operational and mission support. It also states that implementation would not be fully realized until the end of this year.

To support the subcommittee's oversight role, future Congressional studies could examine FAMS progress in implementing the road map and whether it contains specific strategies to help achieve its objectives. GAO's guide to managing and assessing performance of Federal organizations could be used to help Congress determine if FAMS is achieving its objectives.

Congressional oversight could also cover the degree to which FAMS supports the overall health and wellness of its air marshals. GAO strategic human capital management body of work includes leading practices to address those and other workforce challenges.

In closing, protecting the civil aviation system and its evolving threats is critical to our Nation's transportation security, and GAO is prepared to continue to assist the subcommittee in its oversight of FAMS and TSA. I'd like to thank my GAO colleagues for your support in advance of this hearing and to the subcommittee for their focus on this important topic.

[The prepared statement of Ms. Sherman follows:]

PREPARED STATEMENT OF TINA WON SHERMAN

TUESDAY, SEPTEMBER 24, 2024

GAO HIGHLIGHTS

Highlights of GAO-24-107824, a testimony before the Subcommittee on Transportation and Maritime Security, Committee on Homeland Security, House of Representatives.

Why GAO Did This Study

Twenty-three years after 9/11, the threat of terrorist attacks to civil aviation and the need for effective security measures remains of significant concern. FAMS deploys air marshals on selected flights to deter and address such threats. In June 2023, FAMS issued a road map that describes the mission, vision, and priorities of the agency.

This statement discusses GAO's portfolio of work on FAMS and its progress addressing prior GAO recommendations.

This statement is based on prior GAO reports published from May 2016 through June 2021, along with updates on FAMS's efforts to address previous GAO recommendations. For these reports, GAO reviewed TSA and FAMS documentation, analyzed data, and interviewed agency officials. For recommendation updates, GAO reviewed FAMS and TSA documentation and met with officials.

What GAO Recommends

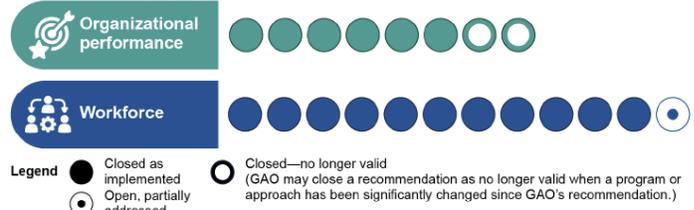
GAO made 20 recommendations related to FAMS in the reports covered by this statement. DHS agreed with all of them. As of August 2024, 17 have been implemented; 1 has been partially implemented; 2 have been closed—no longer valid. GAO will continue to monitor the agency's progress.

FEDERAL AIR MARSHAL SERVICE.—RECOMMENDATIONS TO ADDRESS ORGANIZATIONAL PERFORMANCE AND WORKFORCE CHALLENGES LARGELY IMPLEMENTED

What GAO Found

The Federal Air Marshal Service (FAMS) is a component within the Department of Homeland Security’s (DHS) Transportation Security Administration (TSA). In prior work, GAO identified various challenges affecting FAMS. These generally fall into two areas: (1) organizational performance and (2) workforce management. As of August 2024, FAMS and TSA have largely implemented GAO’s 20 recommendations.

Summary Status of GAO Recommendations to the Federal Air Marshal Service from Calendar Years 2016-2021, by Type of Challenge and Status, as of August 2024



Source: GAO analysis; Icons-Studio/stock.adobe.com (icons). | GAO-24-107824

One example of a closed recommendation to address organizational performance relates to the effectiveness of TSA’s aviation security countermeasures. In 2017, GAO reported on the costs and effectiveness of TSA’s passenger aviation security countermeasures, including FAMS. GAO found that TSA did not have methods to assess its effectiveness in deterring attacks on the U.S. aviation system. As a result, GAO recommended that TSA explore and pursue methods to do so. TSA addressed this by commissioning several studies and using them to inform leadership decisions about new or revised countermeasures. As a result, TSA should now be better-positioned to understand and improve its efforts to deter attacks on the U.S. aviation system.

The open, partially-addressed, recommendation to address workforce management challenges focuses on FAMS’s tracking of the time its air marshals spent on and off their shifts. In 2020, GAO found that FAMS did not monitor air marshals’ work hours against its guidelines for shift lengths and rest periods. GAO recommended that FAMS monitor the extent to which air marshals’ actual shifts and rest hours are consistent with scheduling guidelines. As of August 2024, FAMS developed reports with this information, but it had not used them to help manage its workforce.

Chairman Gimenez, Ranking Member Thanedar, and Members of the subcommittee: I am pleased to be here today to discuss our work on the Federal Air Marshal Service (FAMS)—a component within the Department of Homeland Security’s (DHS) Transportation Security Administration (TSA). FAMS’s stated mission is to detect, deter, and defeat criminal, terrorist, and hostile activities that target our Nation’s transportation systems.

In the 23 years since the attacks of September 11, 2001, TSA has spent billions on a wide range of programs designed to enhance aviation security.¹ For example, FAMS deploys armed Federal law enforcement officers—air marshals—to provide an on-board security presence on selected flights of U.S. air carriers traveling domestically and around the world. To cover as many flights as possible, FAMS has a deployment strategy that involves identifying flights and determining how to divide resources between in-flight and ground-based security.

To effectively carry out its work, FAMS must continually ensure alignment between its core mission and the resources necessary to achieve it. In June 2023, FAMS issued a road map that, in part, describes the mission, vision, and priorities of the agency.²

My statement today discusses GAO’s portfolio of work on FAMS and its progress addressing our recommendations. This statement is based on prior GAO reports published from May 2016 through June 2021, along with selected updates on

¹In fiscal year 2023, FAMS’s total appropriation was \$735 million and for fiscal year 2025, FAMS has requested \$843 million.

²Transportation Security Administration, *Law Enforcement/Federal Air Marshal Service Roadmap* (June 2023).

FAMS's efforts to address previous GAO recommendations.³ For these reports, GAO reviewed FAMS documentation, analyzed data, and interviewed agency officials. For recommendation updates, we reviewed FAMS and TSA documentation and met with FAMS and TSA officials.

More detailed information on the objectives, scope, and methodologies of our prior work can be found in each of the reports listed at the end of this statement. We conducted the work on which this statement is based in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

FAMS AND TSA HAVE LARGELY IMPLEMENTED GAO'S RECOMMENDATIONS

Since 2016, we have made 20 recommendations to address various challenges affecting FAMS. These generally fall into two areas: (1) organizational performance and (2) workforce management.⁴ As of August 2024, FAMS and TSA have largely implemented our recommendations. As figure 1 illustrates, 17 have been implemented, 1 has been partially implemented, and 2 have been closed as no longer valid.⁵

³ GAO, *COVID-19: Federal Air Marshal Service Should Document Its Response to Cases and Facilitate Access to Testing*, GAO-21-595 (Washington, DC: June 23, 2021); *Aviation Security: Federal Air Marshal Service Has Taken Steps to Address Workforce Issues, but Additional Actions Needed*, GAO-20-125 (Washington, DC: Feb. 12, 2020); *Aviation Security: Actions Needed to Systematically Evaluate Cost and Effectiveness Across Security Countermeasures*, GAO-17-794 (Washington, DC: Sept. 11, 2017); *Federal Air Marshal Service: Actions Needed to Better Incorporate Risk in Deployment Strategy*, GAO-16-582 (Washington, DC: May 31, 2016); and *Federal Air Marshal Service: Additional Actions Needed to Ensure Air Marshals' Mission Readiness*, GAO-16-764 (Washington, DC, Sept. 14, 2016).

⁴ Managing organizational performance can include efforts to measure and assess performance. Managing the workforce can include efforts to acquire, develop, and retain staff.

⁵ GAO may close a recommendation as no longer valid when a program or approach has been significantly changed since GAO's recommendation. GAO continues to monitor FAMS's progress in implementation.

Figure 1: GAO Recommendations to the Federal Air Marshal Service (FAMS) from Calendar Years 2016-2021, Categorized by Area and Status, as of August 2024

GAO report area and year	Recommendation summary	Status
Risk-based deployment^a 2016	Incorporate risk into method for initially setting annual target numbers of average daily international and domestic flights to cover.	○
	Conduct and document a risk assessment to further support FAMS's domestic resource allocation decisions, including the identification of high-priority geographic areas.	●
	Document the rationale for FAMS's selection of international destinations for air marshal deployment and the proportion of flights to cover at each destination.	●
	Adopt a consistent name and definition for the performance measure referred to as the TSA coverage score that accurately reflects its calculation method and composite nature.	●
	Report the performance results for each of the subcategories that comprise the TSA coverage score to FAMS and TSA leadership.	●
Mission readiness^b 2016	Regularly collect and incorporate incumbent air marshals' feedback on the training they receive from field office programs.	●
	Improve the response rates of the training surveys it conducts.	●
	Specify in policy who at the headquarters level has oversight responsibility for ensuring that field office Supervisory Air Marshals-in-Charge or their designees meet their responsibilities for ensuring that training completion records are entered in a timely manner.	●
	Specify in policy who at the headquarters level is responsible for ensuring that headquarters personnel enter approved air marshals' training exemptions into the Federal Air Marshal Information System, and define the time frame for doing so.	●
	Determine whether incumbent air marshals continue to be mission ready in key skills.	○
Cost and effectiveness across security countermeasures^c 2017	Assess the deterrent effect of TSA's passenger aviation security countermeasures; such an effort should identify FAMS as a top priority to address.	●
	Evaluate the potential cost and effectiveness trade-offs across countermeasures.	●
Workforce management^d 2020	Identify and utilize a suitable system that provides information about air marshals' medical qualification status.	●
	Assess the health and fitness of the FAMS workforce as a whole, including trends over time.	●
	Monitor the extent to which air marshals' actual shifts and rest hours are consistent with scheduling guidelines.	◐
	Provide all air marshals access to scheduling guidelines, including workday length and rest periods.	●
	Provide supervisory air marshals access to guidance that outlines authorities and procedures for changing an air marshal's work schedule.	●
COVID-19 protocols^e 2021	Reaffirm and strengthen efforts to prevent discrimination.	●
	Document steps taken to implement agency protocols following identification of employees with COVID-19.	●
	Routinely facilitate employee access to COVID-19 testing.	●

Legend: **Organizational performance challenge** ● Closed as implemented ○ Closed—no longer valid^f TSA Transportation Security Administration
Workforce challenge ● Closed as implemented ◐ Open, partially addressed

Source: GAO analysis. | GAO-24-107824

^aFederal Air Marshal Service: Actions Needed to Better Incorporate Risk in Deployment Strategy, GAO-16-582 (Washington, D.C.: May 31, 2016).

^bFederal Air Marshal Service: Additional Actions Needed to Ensure Air Marshals' Mission Readiness, GAO-16-764 (Washington D.C.: Sept. 14, 2016).

^cAviation Security: Actions Needed to Systematically Evaluate Cost and Effectiveness Across Security Countermeasures, GAO-17-794 (Washington, D.C.: Sept. 11, 2017).

^dAviation Security: Federal Air Marshal Service Has Taken Steps to Address Workforce Issues, but Additional Actions Needed GAO-20-125 (Washington, D.C.: Feb. 12, 2020).

^eCOVID-19: Federal Air Marshal Service Should Document Its Response to Cases and Facilitate Access to Testing, GAO-21-595 (Washington, D.C.: June 23, 2021)

^fGAO may close a recommendation as no longer valid when a program or approach has been significantly changed since GAO's recommendation.

Actions to Better Manage FAMS Organizational Performance

With respect to the 8 recommendations we made concerning organizational performance challenges, FAMS and TSA have implemented 6 but did not implement the remaining 2. Examples of actions taken in response to our recommendations include:

- *FAMS took action to report comprehensively on performance categories.*—In May 2016, we reported on the performance information FAMS shared with TSA and DHS. We found that the performance measure FAMS used to assess the extent to which it met its flight coverage and resource use targets was not clear or objective.⁶ This measure—the TSA coverage score—was a composite score for 11 performance categories, including air marshal coverage of certain domestic and

⁶GAO-16-582.

international flights.⁷ The measure lacked clarity because, for example, it aggregated flight coverage and resource allocation information, which made it difficult to interpret. It also lacked objectivity because, as a composite measure, it did not show performance below or above desired levels in the 11 categories—information that would aid decision making. As a result, we recommended that FAMS report the performance results for each of the 11 categories that comprise the TSA coverage score to FAMS and TSA leadership.

In 2017, FAMS began reporting the more complete information to both FAMS and TSA leadership on a regular basis.⁸ As a result, DHS, TSA, and FAMS leadership had more complete information about FAMS performance, including where FAMS performance was below targets. We therefore closed this recommendation as implemented.

- *TSA took action to assess the deterrent effect of countermeasures.*—In September 2017, we reported on the costs and effectiveness of TSA’s passenger aviation security countermeasures, including FAMS.⁹ We found that TSA did not have methods to assess its effectiveness in deterring attacks on the U.S. aviation system. As a result, we recommended that TSA explore and pursue methods to assess the deterrent effect of TSA’s passenger aviation security countermeasures. TSA addressed this recommendation by commissioning several studies. For example, TSA studied threat shifting—the response of an adversary to its perception of countermeasures or procedures—as a means to understand and influence deterrence. TSA officials explained that they used the studies’ results to inform leadership decisions about new or revised countermeasures. By pursuing these methods, TSA could better understand and improve its efforts to deter attacks on the U.S. aviation system. We closed this recommendation as implemented.
- *FAMS has not set annual targets for its coverage of domestic and international flights.*—In our May 2016 report, mentioned above, we found FAMS could better incorporate risk in its deployment strategy.¹⁰ For example, we found that FAMS did not consider risk when deciding how to initially divide annual resources between domestic and international flights to achieve its mission priorities. With this approach, FAMS attempted to maximize the total number of flights it could cover, but because this model did not account for risk, FAMS could not ensure it is devoting its resources to the highest-risk flights overall. As a result, we recommended that FAMS incorporate risk into its method for initially setting annual target numbers of average daily international and domestic flights to cover.

In March 2018, FAMS revised its deployment methodology to no longer set these annual targets. We closed this recommendation as no longer valid. In November 2020, agency officials said that FAMS was evaluating its concept of operations and planned to make further adjustments to their deployment strategy.

Actions to Better Manage the FAMS Workforce

With respect to the 12 recommendations we made concerning workforce management challenges, FAMS and TSA have implemented 11 and FAMS is making progress in implementing the remaining recommendation. Examples of actions taken in response to our recommendations include:

- *FAMS took action to assess the health and fitness of its workforce.*—In February 2020, we assessed FAMS’s workforce issues, including air marshals’ quality of life.¹¹ We found that although FAMS had assessed individuals’ health, such as by requiring medical exams, the agency had not comprehensively assessed the health of its workforce as a whole—a step that would enable it to look for broader health trends and risks. As a result, we recommended that FAMS develop and implement a plan to assess the health and fitness of the FAMS workforce. In October 2022, FAMS began tracking injuries among the workforce, including the number, type, and geographic location of individuals with injuries. With this information, FAMS management can better ensure its workforce can fulfill its national security mission. We closed this recommendation as implemented.
- *FAMS took action to facilitate employee access to COVID-19 testing.*—In June 2021, we reported on FAMS’s response to COVID-19.¹² We found that air marshals faced barriers getting tested for COVID-19 and FAMS had not been rou-

⁷ Further detail about these categories has been designated sensitive security information and thus cannot be included in a public testimony.

⁸ FAMS now refers to this as the “Composite Index of Federal Air Marshal Service Risk-Based Flight Coverage Goals.”

⁹ GAO-17-794.

¹⁰ GAO-16-582.

¹¹ GAO-20-125.

¹² GAO-21-595.

tinely facilitating employee access to such testing. As a result, we recommended that FAMS routinely facilitate employee access to COVID-19 testing.

In March 2022, FAMS began making COVID-19 tests available to employees. By routinely facilitating employee access to testing, FAMS helped employees better ensure their health, the health of others, and FAMS's continued security operations. We closed this recommendation as implemented.

- *FAMS has taken some action toward monitoring air marshals' work hours against scheduling guidelines.*—In our February 2020 report we found that FAMS did not monitor air marshals' actual shifts and rest periods against FAMS's scheduling guidelines.¹³ As a result, we recommended that FAMS do so.

As of August 2024, FAMS has developed a standard report describing the extent to which air marshals' actual work and rest hours were consistent with the guidelines. However, FAMS has not produced the report regularly and provided it to leadership. According to agency officials, FAMS plans to implement the report before the end of 2024. To fully address this recommendation, FAMS will need to use this report to understand the extent to which air marshals' actual work hours are consistent with the guidelines. We consider this recommendation open-partially implemented and will continue to monitor FAMS's progress.

In conclusion, protection of our Nation's civil aviation system amidst evolving threats is critical to overall transportation security. Our prior recommendations prompted FAMS's and TSA's actions to address organizational performance and workforce management challenges. We stand ready to support future Congressional oversight.

GAO CONTACTS AND STAFF ACKNOWLEDGEMENTS

Chairman Gimenez, Ranking Member Thanedar, and Members of the subcommittee, this completes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

Mr. GIMENEZ. Thank you, Ms. Sherman.

Members will now be recognized by order of seniority for their 5 minutes of questioning. I now recognize myself for 5 minutes.

Mr. Casaretti, your testimony was somewhat troubling to me. How many FAMS are there? How many Federal air marshal personnel are there?

Mr. CASARETTI. Chairman, I'm not sure if I'm supposed to be releasing that in open testimony, and specifically I can only guess. I don't work with the agency directly, so I would—

Mr. GIMENEZ. We'll find that out. Not a problem. OK. Thanks. I'm interested in—where is it that you would want the FAMS to be? I mean, you don't want it to be under TSA, but where would you recommend that it should be? Should you be your own agency separate or should you be under some other law enforcement branch of Federal Government?

Mr. CASARETTI. I think the FAMS want to be under law enforcement. We've had this conversation with—amongst ourselves and with different staff. The best fit would be in a law enforcement, not a regulatory agency. Standalone probably would be more problematic than its worth, and the air marshals just want to make sure that there is an intelligence basis for them going on these flights, that they have a meaningful contribution to the security in so much that they can do investigative work and try and find the problems before they get on the aircraft as well.

We've toyed around with DOT looking into the authority of that. There's been a lot of speculation and questions about whether or

¹³ GAO-20-125. At the time of our review, FAMS's guidelines identified a 10-hour maximum for domestic work shifts. In certain circumstances, however, air marshals could be scheduled to work longer than 10 hours. In addition, FAMS's guidelines identified a 16-hour minimum rest following domestic flights exceeding 8 hours of flight time and a 12-hour minimum rest following domestic flights lasting 8 hours of flight time or less.

not we could become HSI agents and whether or not the duties in the air are going to be a collateral duty. Those are promising, but I think there's going to be an issue with the shifting authority from 49C over to 19 USC authority, so we're still talking about that. We have no answer. We're hoping this committee can figure it out for us.

Mr. GIMENEZ. Yes, but we're going to be looking to you, the people, to tell us hey, where do you think you best lie? I guess we're going to look at it ourselves. When you have—when you are assigned to a flight, are you assigned to a mission, or are you just—are these things random, or how does that—how does that work?

Mr. CASARETTI. So the missions—a lot of the missions are random, but there are QS and those types of flights, or SMCs that they say—

Mr. GIMENEZ. Could you speak English for me, please. I'm not—I don't speak TSA-ese.

Mr. CASARETTI. I understand. Special mission coverages they say are intelligence-based missions. Quiet Skies they say are intelligence-based missions. Unfortunately, we don't feel that the rule sets that they're using to create these missions are necessarily intelligence.

One of the reasons why we worked with Congressman Hice in the past was because we were trying to flush out exactly what they were doing with intelligence and why they thought these missions were of higher risk that require a Federal agent to be placed on it for antiterrorism measures. It just didn't make sense to us.

What we found out was they borrowed or they thought that they would borrow a rules set system from Customs, which is called automated targeting system, which puts these rules in place, and they grab people that happen to stumble into it like a net. I worked for Customs and I used to deal with this before. That system was designed to be used in the border area. It was designed to have inspectors actually asking questions of these people that might stumble across a rule set. So in that scenario, it works very well, because you have eye-to-eye human law enforcement contact with the individual that may have stumbled across the rule set.

Air marshals can't do anything like that. They're assigning an air marshal on the flight based upon these single data points. I don't consider that intelligence and a lot of the air marshals don't either.

Mr. GIMENEZ. The Quiet Skies Program, how does one get on that list?

Mr. CASARETTI. You have to trigger one of the rules. There's rules that they make and they're triggered, and if you happen to trigger it, you're on the program.

Mr. GIMENEZ. OK. So I guess we're going to have to have a Classified briefing with TSA to find out how one gets on that list and how in the world does a former Congresswoman get on that list. So when somebody is in the Quiet Skies Program, anytime they fly, they're going to be seen. Somebody is going to be with them. Is that what you're telling me?

Mr. CASARETTI. They're going to—there is a high risk they're going to have an air marshal on the flight. I don't know if they're going to have a job on the flight, but they'll become the flight.

Mr. GIMENEZ. Fair enough. I think that's better in a Classified setting as to how one gets there and why certain people are on it. I'm certainly very interested in why certainly people are on it, but I'm not going to have it here in this hearing. So my time is up and I now recognize the Ranking Member from Michigan.

Mr. THANEDAR. Thank you, Chairman.

Thank you, witnesses, for your testimony today. Mr. John Casaretti from the Air Marshals Association, thank you so much for being here. I also want to thank the men and women of—for the air marshals and the work that you've done to keep us all safe. I really appreciate it, especially those of us who fly fairly frequently. We appreciate the good work that your members do.

In your testimony, you described some of the challenges facing air marshals, including their punishing schedule. Would you please walk us through what kind of schedule would be typical for an air marshal during the week, you know, how—when they're asked to perform or be on a flight what information do they have, what training do they have, what is expected of them, and how taxing could that be.

Mr. CASARETTI. Yes, Ranking Member. There is—a regular day would be unknown at this point, because schedule changes happen all the time. They'll pretty much be on stand-by, which affects their personal lives. They may be called to get on a flight early. They may be told at the end of their shift to be on a flight that lasts for 8 or 9 hours, so a lot of the problems that the FAMS face is that they have families, they have child care. There's dogs to walk. There's things to do that can't be dropped at the drop of a hat.

As far as the long work days are concerned, our international missions can run on our longest-haul flights, you know, 16 to 20 hours, and that doesn't include the pre-mission briefings. It doesn't include the breakdown or the meeting with foreign authorities to lock up weapons, getting to the hotel. By the time you actually have your time to yourself, you may have worked a triple shift and you're pretty much wiped out, but then you've got to go to sleep, find food in some cases off times at the destination city and get your sleep in, maybe a get workout if you can, and get right back on the aircraft and do it again. So you're working on a constant sleep deprivation and your circadian rhythm is knocked out of whack.

A problem that we found over the years is the other demands that you have to meet when you get back specifically going to the office, doing specific training, even things like firearms or physical fitness becomes really hard because you're on this huge sleep deprivation. You're away from your children and your families. You're groggy. You cannot keep up with what's going on at home because you're so disjointed. That's one of the things that I was mentioning before about families being torn apart and crumbling. You can't get it all together when you're on this constant 27-day deployment that's lasted in some cases for 20 years.

Mr. THANEDAR. Thank you.

Dr. Sherman, I have a—in 2020 GAO heard from many air marshals that they were experiencing extreme fatigue, mental health issues, difficulty maintaining a healthy diet, and increased frequency of illness. GAO also cited survey data showing that only 44

percent of air marshals felt protected from health and safety hazards. What actions did GAO recommend TSA should take to address these health concerns?

Ms. SHERMAN. Thank you. In particular I'd like to highlight from that work. One has to do with scheduling deadlines and ensuring that there is adherence by FAMS to the TSA scheduling guidance for those air marshals. That wasn't something that was being documented and that is some action that the FAMS has since taken.

Also, the other quality of life considerations that have come up in terms of physical fitness assessments, and while those assessments were being carried out on a regular basis, they weren't also being documented. There wasn't a lot of information that was easily accessible and there wasn't information in some type of a system that would allow FAMS to look across the work force and really better understand the physical fitness and, of course, the mental health issues as well of the work force. So we made those recommendations.

I just wanted to also add that for this committee we are planning to start up work in the near term to look at DHS law enforcement officers' mental health and wellness and we look forward to supporting the committee's oversight in that area.

Mr. THANEDAR. Thank you, Dr. Sherman. My time is up, so I yield back.

Mr. GIMENEZ. Thank you, Ranking Member. I now recognize the gentlelady from Florida, Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman.

Dr. Sherman, I'd like to pick up right where you left off and talk a little bit further about the Federal Air Marshals' road map and some of the initiatives that are outlined there. Can you tell me, are there any particular initiatives in that road map that have not yet been implemented that you think are important for the road map?

Ms. SHERMAN. Yes. Thank you. So we actually have in GAO taken a look at the implementation of that road map since this issuance from last year. In fact, stated in the document itself at the very end, it highlights the fact that it was going to take about 18 months at the end of this year for largely kind-of a substantive invitation to occur and even another 6 months before there are sufficient performing measures to understand the efforts.

As part of that road map, there's absolutely, though, areas that we think that will help to potentially address some of these issues but also to keep FAMS at bay, or I should say—sorry, at pace with current threats. For example, building or increasing field-based capabilities to be able to address some of the additional threats around insiders in cybersecurity that are continuing to emerge.

Ms. LEE. Tell us a little bit more about that, if you would. Any specific recommendations or insight about how they might build those field-ready capabilities?

Ms. SHERMAN. Yes. No insight at this stage. It's something that we absolutely believe is important for us to take a closer look at in terms of the implementation of the road map, whether or not the strategies that are being carried out align with the objectives and the priorities that are set forth, and we also think that it would be a good time for us to revisit the FAMS deployment strategy and get a better understanding of progress made there as well.

Ms. LEE. Mr. Casaretti, turning to you, how do the operational air marshals on the ground feel about that road map? Is it your assessment that they are supportive of it, that they are believers in it, or are there concerns about it?

Mr. CASARETTI. Congresswoman, I don't think the air marshals even understand the road map. We had submitted a detailed future committee with a bunch of recommendations and I've spoken to the current and former directors about implementing it and making us more able to meet insider threats on the ground and have meaningful work at the airport, but nothing really has been done.

Even the AVO program I mentioned earlier in my statement, FAMS are just placed in airports without training, without guidance, and they are pretty much told to walk around. We don't think that's an effective use of us. In a lot of ways, it's an insult of what we know in our experience.

Ms. LEE. On that point, if you would help us with just a little bit of background. Those who are currently serving in the Federal air marshal program, are they sworn law enforcement officers?

Mr. CASARETTI. Yes, ma'am.

Ms. LEE. So you all have the ability and the background and the training to be doing that sort of investigation insider threat assessment and things that you refer to.

Mr. CASARETTI. Yes and no. The reason I'll say no is because we've suffered an incredible brain drain over the last few years. The air marshals that came on post-9/11 like myself, they've mostly retired, and we have now air marshals that came on and have no other law enforcement experience except what TSA has taught them. We're not in love with what TSA has taught us. A lot of us has crutched off of our prior training and experience to do actions at airports. I myself was on a ground team twice around for about 2 years and 2 months and I was able to develop a lot of case work, but that was all based upon my prior training and experience, none of that was what taught to me in the FAMS service.

So I think there's a real challenge right now that trainings got bumped up, which is why we keep going back to training. We have a fresh group of people and they need to be taught how to do this kind of work.

Ms. LEE. I'd like to hear a little bit more about what you just described. So during your work on the ground team, you were able to develop and make cases. So for us, at some point an FBI agent or HSI agent could bring a Federal case, build an investigation, but you clearly are seeing a role for the Federal Air Marshals to do more and to do more of that front-line work investigating and bringing cases. Could you describe for us the types of things, the types of situations and cases that you have investigated and what you think the air marshals can be adding if they were given appropriate training?

Mr. CASARETTI. Of course. A lot of the cases I've developed were based upon plain view and me being at the airport, basic law enforcement tactics. You put yourself in the place where you can see bad things happening. What we were doing at the time was we had a training of the TSA BDO component, behavioral detection officers. They were under the Federal Air Marshals for a short time. So I trained them on bag searches, I trained them on properly

dumping out a bag to feel the weight of it in case there was precursor chemicals in it.

When they did that kind of search, I was able to see a lot of things, because they were doing a proper search. Things that were uncovered were multiple credit cards unsigned going foreign. So that's a CMIR, Currency Monetary Instrument Reporting Act violation, and I was able to notify customs about. You'll see if you're down by the areas where baggage is being screened, you may see a lot of organics coming through an E-scan machine. I was able to seize \$110,000, get a DEA agent on-site and do 13 arrests and close 2 cases the following day in Newark.

There are ways to build the air marshals into current TSA operations to utilize us as law enforcement and as investigators, but TSA is so risk-averse they do not want us to do these things. I think one of the things that we have been trying to get them to do is to look at intelligence, to deploy us based upon intelligence, and to look at what we're able to do at the airports so we can identify these insider threat incidents and we can get some case work developed. If we develop case work at the airport, it will naturally lead to intelligence, and that will naturally keep the whole domain safer.

Ms. LEE. Mr. Chairman, I yield back.

Mr. GIMENEZ. Thank you. I now recognize the gentleman from New York, Mr. LaLota.

Mr. LALOTA. Not yet Florida, Mr. Chairman.

Mr. GIMENEZ. You'll get there eventually.

Mr. LALOTA. Thank you, Mr. Chairman. I want to say thanks for your leadership and bringing us all together on the Federal Air Marshal Service. To our witnesses for your expertise, your informing this panel is important to how we craft our policies and set our budgets, and I want to say thanks for being here and for your professionalism.

This month marks the 23rd anniversary of the tragic events of September 11 which serve as a catalyst for the creation and expansion of the Federal Air Marshal Service as we know it today, and as we as a committee and we as the public who reflect on that fateful day, it's important to recognize that the aviation security landscape has evolved significantly since 23 years ago.

Originally tasked with ensuring the safety and security of passengers, crew, and aircraft, the Federal Air Marshal Service has played a vital role in deterring and responding to in-flight threats. However, the effectiveness of FAMS is now subject to on-going discussion given the limited deployment of air marshals only covering an estimated 5 to 6 percent of daily commercial air flights and the high operational costs involved amounting to \$735 million in 2023.

Dr. Sherman, good morning. Thanks so much for being with us here today. Can you tell us what has the GAO's work revealed about the Federal Air Marshal Service's contribution to aviation security, Doctor?

Ms. SHERMAN. Thank you for asking that question. What we've identified is that it's been challenging and difficult for TSA to understand FAMS and air marshals' ability to be able to be effective as an aviation security countermeasure. We looked back just a few years ago across all of the aviation security layers or counter-

measures that TSA has, and FAMS stood out as one of the few where understanding effectiveness was very limited.

We can understand and appreciate the challenge of doing so, because essentially one of the primary contributions that FAMS has is to be a deterrent—to deter attacks, and that’s difficult to quantify, that’s difficult to measure, but there are ways for the air marshals and for the relevant programs to be able to get closer to an understanding of that deterring factor so that we have a better sense of the cost effectiveness and we also have an opportunity, or at least FAMS and TSA would, to essentially optimize or right-size the use of its resources.

Mr. LALOTA. Given that complex and ever-changing threat environment that you described where the adversaries have shifted from traditional hijacking tactics to cyber threats, insider attacks, and even drone-related disruptions, we must now understand how FAMS has adapted its mission and whether its contributions remain impactful. A follow-up question to that is how has FAMS adjusted its operations and deployment strategy to adapt to these new threats?

Ms. SHERMAN. Yes. We’ve talked a little bit about ground-based operations already, considering Viper teams, support of transportation security officers at the airport, providing security and law enforcement assistance not only at the airport, but also in transportation hubs and service in the kind of maritime space to providing other types of assistance or support as intelligence is identified.

That moved toward ground-based deployment as not only something that is a function of the changing integral threats, but it’s actually something that FAMS has been interested and has had a desire to move toward since I think 2010 or 2011 in part to help address some of the physical and mental wellness challenges that we were talking about earlier.

Mr. LALOTA. I want to get into that a little bit more, but with the remaining time I have left, just about a minute, we, Congress, this panel especially knows the nature of the job includes frequent travel and long hours, and we know that can take a toll on the morale and mental health of our Federal Air Marshals, and we have a specific appreciation for that. Understanding how air marshals view their roles, leadership in FAMS and TSA, the factors contributing to job satisfaction or dissatisfaction is crucial in how we can assess, how we can improve engagements, morale, and retention among air marshals.

With about the 30 seconds I have remaining, Mr. Casaretti, I want to thank you again for being here with us today. Tell the panel here how the air marshals generally feel about their role. How is morale? How is everybody doing?

Mr. CASARETTI. Congressman, morale is low. It got a bump, because we finally have equal pay to the rest of our peers in law enforcement, but none of the other issues have been solved, and that’s one of the big problems. Over and over again I talked to FAMS from across the country on a weekly basis, and it always comes back to the simple fact that the FAM does not know why they’re on the specific flight they’re on. That’s usually what we always get

back to. What is the specific intelligence to the flight that I'm on? No one can tell us.

Even with the program I related earlier with Quiet Skies, they say there's specific intelligence and you will get a PDF with the picture of the individual, but you have no job and is there is no specific reason for you to be on that flight that's identified, so we're being told to sit on an airplane, but we have no job.

It turns out that me myself in my entire career, my agency never really told me I had a job except if you see them get on a plane, take care of it. If you see a violent incident, take care of it. Other than that, I feel like my entire career was squandered, except for my own proactive efforts at the airport.

Mr. LALOTA. I can tell you, and I'll yield back in a moment, Mr. Chairman, but under the Chairman's leadership, this panel cares about the morale of the leadership and the morale leads to more effectiveness which leads to safer skies. It's an important mission that we should all strive to, and I appreciate your testimony today.

Chairman, I yield.

Mr. GIMENEZ. Thank you. I now recognize the gentleman from Louisiana, Mr. Higgins.

Mr. HIGGINS. Thank you, Mr. Chairman.

Mr. Casaretti, Dr. Sherman, thank you for being here today. There's been on-going discussion in my office for quite some time, and of course I support the enforcement of the law and protection of our travelers. We all travel a lot.

You know, it has always been to me as an American comforting to know even as a cop, you know, when I was a full-time cop and sometimes I would travel on a pretty regular basis to participate in the training somewhere or to interact in some manner with other law enforcement, so even being a cop on an airplane, it was always reassuring to think maybe there is an air marshal on a plane. Try and identify the guy, you know, maybe it's that guy, maybe it's that guy. It's just the way it's supposed to work.

So being a supporter and a cop myself, it was that much more troubling as a constitutionalist when it began to be brought to my attention that maybe the air marshal service has been co-opted by some darker force within the Federal Government that would oppress the freedoms and rights, including the very, very basic freedom to travel the land that Americans enjoy.

So I paid very close attention to the initial whistleblowers that came forward and spoke to me in my office and we performed our due diligence. We discovered a letter that I had not known of prior that was offered by—at that time the Democrat Chairman of this committee and the Ranking Member of this committee just after January 6 essentially instructing TSA to find ways to interact with and obstruct the travel of conservatives that had come to the Capitol region in the time frame before January 6th and after January 6th.

Well, that bothered the hell out of me that such a thing could happen. So we started looking into it, and some disturbing things have come to light, and some things that we thought perhaps were disturbing, they were settled. Where we are right now as a body, as a committee, and we're responsible to perform for the American people and to support our oath to the family. Support the Constitu-

tion of these United States, far more important than anything Republican or Democrat. But Americans need to hear from you that the air marshal services are not being used to follow around conservative Americans that have been tagged as some high-risk individual. Do you support—if an American supports a particular candidate for President, does that put an American potentially in a high-risk category that they would be followed by the air marshals, Mr. Casaretti?

Mr. CASARETTI. Congressman, I don't believe that specific thing would put you in the category, but I believe there is the discretion and the leeway for TSA to develop a rule set that has a high likelihood of catching any type of person it wants to. So everything is rules-based, because there is no tough oversight of the rules they're using. They can make any rule they want to, and yes, it could—

Mr. HIGGINS. Exactly. The freedom to travel the land, I mean, it's a foundational principle. You're not actually living in a free land if you're not free to travel the land. If we're being watched and tracked and followed and spied upon by agents that we, the people, you know, provide to protect the citizenry allegedly from some legitimate threat to air travel, it's disturbing and troubling.

I have several questions that I'm going to never get to but were prepared in writing for you, Mr. Casaretti, and you, Dr. Sherman. Just 3 or 4 questions each. We're going to provide those in writing. I hope to have a timely answer on those questions.

Mr. Chairman, I appreciate the subcommittee convening on this important topic, and I yield.

Mr. GIMENEZ. Thank you, gentleman from Louisiana. We're going to go through a second round, so I'll start off. Mr. Casaretti, when something happens in TSA at the line, something which is illegal, somebody brings a weapon, et cetera, and they're apprehended, who apprehends them?

Mr. CASARETTI. Chairman, local law enforcement are called to respond. It's very unlikely that there will be a Federal charge on it, so they have the TSA reimbursement program. They pay for local law enforcement to be available to TSA and TSA will call them.

One of my big complaints about this system is that Federal Air Marshals are not automatically on the local notification system, so if there ever were an opportunity to examine Federal interests in these incidents, we don't even have the opportunity to, because city, State, and local comes and does whatever they're going to do, seize or invest our evidence or just arrest the individual, and we don't get a piece of it.

Mr. GIMENEZ. Do you have arrest powers?

Mr. CASARETTI. I'm sorry?

Mr. GIMENEZ. Does the Federal Air Marshal Service, do you have arrest powers?

Mr. CASARETTI. Yes.

Mr. GIMENEZ. You do. OK. If something happens on an aircraft, again, some incident, et cetera, that may be a violation of law, who gets called for that?

Mr. CASARETTI. So different situation. That's our special aircraft jurisdiction. We share concurrent jurisdiction on those things with the FBI. There are a lot of things on the aircraft we wouldn't get

involved in that are low-level. We would just activate and do something if there was a threat to life and the aircraft itself.

Mr. GIMENEZ. Somebody assaults, let's say, a flight attendant. Would you be involved in that? Would the Federal Air Marshal Services be involved in that? Or would you be doing the arresting, or it would be somebody else?

Mr. CASARETTI. Absolutely. On flight, we'd take care of the incident, obviously arresting the individual. Usually a hand-off to local law enforcement would happen, or if there was a responding agent able to respond, the FBI might be notified and they might respond.

Mr. GIMENEZ. One final question that I have is, and I do intend to have a Classified briefing about the Quiet Skies and how people get on it and what the rules are and because, obviously, it needs to be in a Classified setting, but I'm also concerned as my colleague from Louisiana about how—what these rules are and how certain people get on them. We've heard of some names that are on it. They're frankly quite disturbing as to why they would be on it.

But I'm going to have—my final question is about the scheduling. It would seem to me that an air marshal, a system like that that goes on flights and surveils flights and protects flights, would be very—the scheduling and the work hours would be quite similar to what the aircraft personnel or the pilot, the co-pilots, the flight attendants would follow. Do you follow that kind of schedule or is it something completely different?

Mr. CASARETTI. It is completely different inasmuch that airline employees are able to change their shifts. They're feeling tired, they give up a trip. Air marshals can't do that. There is a variety of reasons why they can't, especially when you're talking about international deployments, because there's country clearances to be considered, so you will not be able to switch an individual off an aircraft when they've already been cleared to go to that destination.

However, the local or the CONUS trips, the continental U.S. trips, that's a whole different story. If there was more like a flight attendant or a pilot schedule, there would be the ability to swap back and forth when you feel tired so you can stay healthy. There is no ability for air marshals to do that, and I think that's a huge difference that affects why we're unhealthy.

Mr. GIMENEZ. Do you get paid overtime for anything over 40 hours?

Mr. CASARETTI. There is a provision of the FLSA that says we have to work 43, and because we're grouped in with regular law enforcement, we're paid on a rotating shift schedule, so what that basically means is TSA is able to game our schedules to deny us a lot of overtime pay. In the example I was using earlier about a 20-hour workday, they may have a shift that crosses midnight and the TSA says oh, that doesn't count anymore, it's a brand new day. So you got 8 hours of straight time and 8 hours of straight time, and therefore, hey, you only got 3 hours of overtime. But then they'll put you on a short domestic trip the next day so they're able to erase that overtime. It disappears.

Mr. GIMENEZ. I mean, there's a Fair Labor Standards Act. Do you follow the Fair Labor Standards Act in terms of overtime, et cetera? You're not executive personnel. You're hourly personnel, right? Or are you not?

Mr. CASARETTI. The Court has ruled that we are covered under the FLSA, so we are under the FLSA. What we don't enjoy are the rest breaks and things like that that are mandated when we're on a flight. There's no break time.

Mr. GIMENEZ. Fair enough. OK. I yield back and I recognize the Ranking Member.

Mr. THANEDAR. Thank you, Mr. Casaretti, for your testimony. So when you have longer flights, like 14-, 16-hour flights, are there multiple air marshals on those flights?

Mr. CASARETTI. Our assignments are based upon risk. The longer flights, usually it's a larger team, and that's also on the size of the aircraft itself. You have a working area that you can cover, a line of sight and where you can observe things, so if it's a bigger aircraft, obviously, we need multiple teams, one to cover the flight deck, one to take care of maybe bombs in the back of the aircraft if we find one, so there is larger teams and larger aircraft.

Mr. THANEDAR. OK. Now, the GAO's report came out before COVID, and I believe that FAMS were classified as essential employees and they're required to fly missions throughout the pandemic, which I imagine would have made mental health challenges even worse. How would you describe the mental state of most air marshals today? What resources do you believe would help air marshals who are struggling with their mental health?

Mr. CASARETTI. I think the mental state of most air marshals that have been flying for a long time is strained, and that's because it's a compounding thing month after month where you're having issues and not being home and not being able to contribute meaningfully to home life and contributions.

For instance, one of the GAO reports that's in front of me, just to reference the estimated shift time, 29 percent of air marshals shifts were over 18 hours in 2019. That's just directly prior to the pandemic really affecting how we fly. If you're being scheduled almost 30 percent over 18-hour workdays, notwithstanding your commute and other things that you have to do to prepare, there's almost no time at home. You just cannot have a home life.

My own family suffered terribly and we made a decision as a family for my wife to quit and home school our kids, and we've done that for 12 years just because it was the only time I could get with my family. So if you're not able to make those kinds of changes to your life, things devolve quickly, and we have a very high divorce rate in the FAMS.

Mr. THANEDAR. Typically, on an average, how many hours would they work per week?

Mr. CASARETTI. It varies. It depends on your scheduling. Mostly it depends on where your field office is located. Coastal field offices have a lot of international flights where a lot of the middle-of-the-country field offices do a lot of multiple-leg flights, 3, 4 a day, so it just depends.

Mr. THANEDAR. Are there hourly workers? Are there exempt salary workers?

Mr. CASARETTI. Air marshals are—it's FLSA workers, so we get paid a salary, but we get paid hourly for overtime purposes.

Mr. THANEDAR. All right. Thank you so much.

Mr. GIMENEZ. Mr. Kennedy, do you have any questions? OK. Thank you.

I will now recognize the gentleman from Louisiana again, Mr. Higgins.

Mr. HIGGINS. Thank you, Mr. Chairman.

Dr. Sherman, in your statement, you stated that since 2016, we've made 20 recommendations to address various challenges affecting the Federal Air Marshal Services.

These generally fall into two areas. No. 1, organizational performance, and No. 2, work force management. Is that from your statement?

Ms. SHERMAN. That's correct.

Mr. HIGGINS. Yes, ma'am. Well, I'm going to ask you, Dr. Sherman, are you familiar with the fact that air marshals, generally speaking, is as broadly reflected in survey after survey? Air marshals want to do law enforcement work. They don't want to do political work. That's why they want out from under TSA. When you survey air marshals again and again and again, they don't want to be a part of TSA, because they feel that TSA is like political—has become a political extension of whoever is in charge. Air marshals want to have law enforcement missions on the plane.

Mr. Casaretti, is that an accurate reflection of your surveys that show that 83 and 93 percent of air marshals want to leave TSA? Simply put, air marshals do not trust the TSA. After 24 years, that they want to be removed and placed in a law enforcement agency. Why? Because they want to perform law enforcement missions. Is that generally accurate?

Mr. CASARETTI. That's correct.

Mr. HIGGINS. OK. So when you have a letter, Dr. Sherman, I'm going to ask you if they'll be more effective? If in your opinion the field air marshals are being more efficient, more effective agency performing for the American people and the law enforcement role, which is what they originally intended to do, not as political spies or political extensions of the weaponization of some political agenda out of this Executive branch or that Executive branch. These guys don't want to do that. They want to do law enforcement.

So you're looking into the efficiency of the agencies talking about organizational performance and work force management when morale is low and turnover is high because the work force is not happy with the role that they're playing, then of course it will be less efficient than if you flip that switch. What survey after survey shows is that these guys want to do law enforcement work, not political work.

But I ask you each to reflect upon these words from the letter on January 11, 2021 written by Chairman Bennie Thompson, who was the Chair of this committee at that time, Ranking Member now, Ranking Member John Katko, Republican. We were in the Minority. Sent a letter to TSA Administrator Pekoske—nobody knew about this letter, by the way. Took me a year-and-a-half to find out about this letter—to Pekoske asking for updates on current efforts to disrupt “the travel of white supremacists”. Options available for “denying air carrier service” to individuals posing a potential threat following January 6. There you go, that pesky

right to travel the land that Americans that enjoy Constitutional protections are supposed to enjoy.

So we have the 2 top guys, Democrat and Republican, signing a letter to the—I almost used an acronym I'm not supposed to use in here, the man in charge at TSA saying hey, we want you to report to us on what you're doing to follow around using field air marshal services, to follow around these Republicans that came to the capital region on January 6.

That's political stuff. This is why these guys don't want to be a part of TSA, this is why their performance is lagging, this is why turnover is high, this is why morale is low.

So Mr. Casaretti, in my remaining 30 seconds, we covered a broad topic there. Should this body take action to make the field air marshals services a stand-alone law enforcement agency? I yield to the gentleman.

Mr. CASARETTI. Thank you, Congressman.

I think that would be the best for the American people. I think we need to be out of the bureaucratic agency we find ourselves in, just be an arm of that. We need to be released to do the law enforcement work we all signed up to do.

Mr. HIGGINS. Thank you, sir. Thank you, ma'am for being here. Thank you, Mr. Chairman. I yield.

Mr. GIMENEZ. Thank you. I thank the witnesses for their valuable testimony and the Members for their questions. The Members of the subcommittee may have some additional questions for the witnesses and we would ask the witnesses to respond to these in writing.

Pursuant to committee rule VII(D) the hearing record will be held open for 10 days. Without objection, this subcommittee stands adjourned.

[Whereupon, at 11:13 a.m., the subcommittee was adjourned.]

