JULY 16, 2015

EXAMINING THE FEDERAL AIR MARSHAL SERVICE AND ITS READINESS TO MEET THE EVOLVING THREAT

UNITED STATES HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY, SUBCOMMITTEE ON TRANSPORTATION SECURITY

ONE HUNDRED AND FOURTEENTH CONGRESS, FIRST SESSION

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(R-New York)
Subcommittee Chairman
Transportation Security

Roderick "Rod" Allison [view pdf]
Assistant Administrator
Office of Law Enforcement
Federal Air Marshal Service
Transportation Security Administration
U.S. Department of Homeland Security

Tim Canoll [view pdf]
President
Air Line Pilots Association

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Opening Statement

July 16, 2015

Statement of Subcommittee Chairman John Katko (R-N.Y.)
Subcommittee on Transportation Security

“Examining the Federal Air Marshal Service and Its Readiness to Meet the Evolving Threat”

Remarks as Prepared

I would like to express my support for Administrator Neffenger, who assumed his new position as TSA’s Administrator last week. I had the opportunity to sit down with Administrator Neffenger, and I am hopeful that he can provide steady leadership in order to bring TSA into a new and more-effective chapter. While it is clear that he will have his work cut out for him, I believe that his experience in the United States Coast Guard will be a valuable asset to TSA and I look forward to working with him and hearing his views on how to fix this agency at our full committee hearing later this month.

Since the beginning of the 114th Congress this subcommittee has aggressively examined several issues related to TSA’s operations, policies, and procedures in order to ensure that TSA is fulfilling its mission of keeping the traveling public safe. Today, we will examine what many have called “the last line of defense” against potential terror attacks in the sky: Federal Air Marshals.

The Federal Air Marshal Service was significantly expanded in the wake of the terror attacks of September 11, 2001. The outcome of 9/11 could have been very different if we had Federal Air Marshals on those planes. However, we also have to keep in mind that the threat to aviation security has evolved dramatically over the last fourteen years. The terrorists are constantly adapting their tactics, and we need to make sure we are not protecting ourselves against yesterday’s threat and ignoring the threats of tomorrow.

For example, the threat of an IED being detonated aboard an aircraft is very real. Is a Federal Air Marshal capable of preventing an IED from being detonated? Or should we reallocate some of the hundreds of millions of taxpayer dollars that are appropriated every year for the Federal Air Marshal Service towards better intelligence efforts, or security measures for other soft targets such as the unsecure areas of the airport.
The purpose of today’s hearing is to discuss if the Federal Air Marshal Service, in its current form, is demonstrating a risk-based approach to securing our nation’s aviation system from a terrorist attack.

It is not clear to me whether the Service and its strategy for resource allocation have kept pace with new threats. Additionally, I remain concerned that continued public allegations of employee misconduct and abuse within the Federal Air Marshal Service have served to hurt public perception of air marshals and decimate employee morale.

Today we plan to examine several key areas of this program to determine its effectiveness and whether there is anything Congress can do to assist and ensure the continued safety and security of the traveling public. We all share the same goal, and as such, it is our duty to ensure that we constantly reexamine what we are doing and why we are doing it in order to yield better security enhancements and be more intelligence-driven.

At today’s hearing we have the Assistant Administrator for TSA’s Office of Law Enforcement, Mr. Rod Alliston, to address these issues and discuss what tools are necessary to improve efficiency and security, and on our second panel we will have Captain Tim Canoll, from the Air Line Pilots Association to discuss the Federal Flight Deck Officer Program and its coordination with the Federal Air Marshal Service. I look forward to hearing the testimony from both of our witnesses and having a meaningful dialogue on how to make improvements to the Federal Air Marshal Service, as we work together to counter threats facing the U.S. aviation sector.

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Good morning Chairman Katko, Ranking Member Rice, and members of the subcommittee. Thank you for the opportunity to testify today. The mission of the Federal Air Marshal Service (FAMS) is to detect, deter, and defeat criminal and terrorist activities that target our Nation’s transportation systems. As Director of the FAMS, I am responsible for leading the thousands of men and women who have taken an oath to prevent and disrupt acts of terrorism within the transportation domain. We perform our core mission by deploying Federal Air Marshals on United States-flagged aircraft throughout the world, 365 days a year, utilizing a comprehensive Concept of Operations that aligns with TSA’s Risk Based Security (RBS) strategy. In addition to deploying the Federal Air Marshals onboard aircraft, FAMS assigns Visible Intermodal Prevention and Response (VIPR) teams at a variety of locations to augment the visible presence of law enforcement and security personnel in all modes of transportation.

FAMS is comprised of law enforcement officers who receive specialized initial and recurrent training to prepare them for the challenges associated with a very unique operating
environment. In addition to their initial training, all Federal Air Marshals receive 20 training days per year and are required to maintain a high firearms proficiency standard. As you know, Federal Air Marshals in the aviation sector operate at 30,000 feet, in tight quarters, remain vigilant, and are prepared to react to a wide spectrum of criminal and terrorist events and activities.

The Federal Air Marshals are an integral part of RBS where they serve within a matrix of security layers, and often as a last line of defense. Federal Air Marshals serve as a deterrent to those with intent to do harm, and their presence helps to sustain the confidence of the traveling public. The FAMS is unique in its flexibility and ability to re-deploy thousands of law enforcement officers rapidly in response to specific threats or incidents in the transportation domain. For example, following the 2006 UK liquid explosives plot and the December 25, 2009, failed bombing of Northwest Flight 253 bound for Detroit by Umar Farouk Abdulmutallab, Federal Air Marshals were immediately deployed in response to the evolving threats. FAMS also assisted in security efforts during the evacuation of U.S. citizens from the island of Cyprus following the unrest in Lebanon in July of 2006. As a risk-based organization, FAMS is responsive to current intelligence, threats and vulnerabilities. Mission coverage goals are adjusted continually in response to emerging and evolving threats. Additionally, Federal Air Marshals have leveraged their basic emergency response training to intervene successfully in thousands of in-flight medical emergencies and non-terrorist incidents involving unruly passengers.

**Concept of Operations (CONOPS)**
In consultation with the Department of Homeland Security, FAMS recently completed an updated CONOPS for mission deployment addressing risk mitigation and incorporating randomness and unpredictability. While the focus remains on the highest risk flights, the new CONOPS ensures adversary uncertainty and deterrence through potential deployment on any domestic flight. A “risk by flight” methodology is currently under development which incorporates mission planning based upon passenger travel patterns, assessed passenger risk, and consideration for locations with known vulnerabilities.

Visible Intermodal Prevention and Response (VIPR)

The FAMS manages the VIPR Program, which consists of teams of Federal Air Marshals, Behavioral Detection Officers, Transportation Security Specialists-Explosives, Transportation Security Inspectors and Canine teams who work closely with federal, state, and local law enforcement partners and stakeholders in the aviation and surface transportation sectors.

Surface transportation offers an attractive target for our adversaries, as we learned from the subway bombings in Madrid in 2004 and London in 2005. Through a joint planning process, TSA works with local law enforcement to plan operations that leverage existing resources to provide enhanced detection capabilities and a visible deterrent to terrorist activity. In 2014, VIPR teams conducted approximately 14,000 operations at transportation venues nationwide, to include National Security Special Events (NSSE) and Special Event Assessment Rating (SEAR) activities such as the Super Bowl, NCAA Final Four, and State of the Union. The 2014 NFL Super Bowl in the greater New York City area presented a unique set of challenges based upon the heavy reliance on mass transit to attend all the events surrounding the big game. Our VIPR
teams successfully worked side by side with our local, state and federal law enforcement partners to ensure the safety and security of the traveling public attending that week’s festivities.

**Workforce Engagement**

TSA sets high standards for the code of conduct for all of our employees, especially law enforcement personnel. Professionalism and integrity on and off duty is expected of all Federal Air Marshals. Since becoming the FAMS Director in June 2014, I have implemented several initiatives to promote the highest level of integrity, professionalism, and accountability. Over the past year, my Deputy and I have embarked upon an aggressive workforce engagement campaign, convening nearly 50 office visits and “Town Hall” sessions across the country. I have personally visited the headquarters sites and most field offices. We meet with personnel at all levels of the organization to communicate expectations, gauge concerns, and answer questions. I have applied a multi-pronged approach to ensure robust communications and feedback through all levels of the organization.

During these site visits, I discuss my appreciation to the workforce and specifically address the ongoing “Thank You Campaign”, wherein hundreds of employees have received letters of commendation for noteworthy accomplishments. I also recently implemented a “Director’s Award,” which honors one non-supervisory employee at each office location who demonstrates the highest level of integrity and serves as a role model to their colleagues. We have also launched a new product on the FAMS internal website homepage entitled “In the Spotlight” where employees are recognized for civic related activities and accomplishments.

Additionally, FAMS has a number of programs to provide our workforce with the resources and support they need to carry out their mission. As part of our efforts, FAMS
maintains a robust system of both medical, including mandatory physicals, and psychological assistance programs which are available to the workforce and their families. The FAMS Medical Programs Section is staffed with a physician and other full time medical professionals who are available to FAMS personnel 24/7 and upon request. FAMS also has a Critical Incident Response Unit that provides guidance and support to assist FAMS employees and their families in the event of a critical or traumatic incident. This unit provides guidance and support to assist FAMS, along with other offices within TSA, in the event of a critical or traumatic incident. For example, shortly after the LAX shooting, members of the FAMS Los Angeles Field Office mobilized to offer assistance to all affected.

Further, FAMS contracts with a professional counseling team with licensed mental health professionals that provides services to employees that are free and confidential. Finally, FAMS employees can contact TSA’s Employee Assistance Program (EAP), which provides short-term counseling and resources, and referral services at no cost to employees and family members.

**Workforce Realignment**

In order to maximize organizational effectiveness and efficiency, FAMS completed a staffing and field office assessment to ensure that FAMs are located in offices that are positioned in a risk-based manner to cover the most critical flights. As a result, six offices will be closed: Cincinnati, Cleveland, Phoenix, Pittsburgh, San Diego, and Tampa. As of today, we have closed four of these offices, with the final two slated to close next summer. Personnel were reassigned to our most critical offices, namely those offices which serviced the highest risk flights. Despite these closures, Office of Law Enforcement (OLE)/FAMS will continue to maintain a presence in these locations. OLE/FAMS will maintain an Assistant Federal Security Director for Law
Enforcement at each location and FAMs assigned to the FBI’s Joint Terrorism Task Force will not be affected. While personnel will be reassigned to other offices, these closures will not adversely impact our ability to maintain coverage onboard flights at these airport locations. Additionally, though VIPR team personnel will be transferred to other offices, operations involving specific events and infrastructure will remain unaffected.

**Conclusion**

FAMS is a strong counterterrorism layer in the security TSA provides to the traveling public. We take our mission seriously and our workforce is dedicated to preventing and disrupting acts of terror onboard aircraft. I appreciate this Committee’s partnership in our efforts and support for this critical mission.

Thank you for the opportunity to appear before you today and I will be happy to answer any questions.
STATEMENT OF

CAPTAIN TIM CANOLL, PRESIDENT

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

BEFORE THE

TRANSPORTATION SECURITY SUBCOMMITTEE

OF THE

HOMELAND SECURITY COMMITTEE

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC

JULY 16, 2015

“EXAMINING THE FEDERAL AIR MARSHAL SERVICE AND ITS READINESS TO MEET THE EVOLVING THREAT”
Good morning, Mr. Chairman and members of the Subcommittee. I am Captain Tim Canoll, President of the Air Line Pilots Association, International (ALPA). ALPA represents over 52,000 pilots who fly for 31 passenger and all-cargo airlines in the United States and Canada. On behalf of our members, I want to thank you for the opportunity to provide our perspectives on the Federal Air Marshal Service, which provides an important layer of aviation security.

ALPA has a decades-old relationship with the Federal Air Marshal Service (FAMS) which dates back long before it was part of the TSA and even before it was overseen by the Federal Aviation Administration. Historically, ALPA and FAMS leadership have met multiple times over the years, we have observed their training methods at their facilities and engaged with them on a regular basis to better understand their roles, responsibilities, methods and other aspects of their work and how their role interfaces with our flight crew members. We are impressed by the professionalism of the individuals whom we have known through the years, which certainly includes Rod Allison, who currently heads the FAMS organization. As just one indicator of their professionalism, FAMS’ demonstrated marksmanship skills are among the very best of any law enforcement agency in this country, which is certainly a needed skill in the very tightly confined space of a crowded aircraft cabin.

The work of a FAM within the aviation domain is a difficult, thankless job. It mostly consists of long hours traveling on airliners, endeavoring to maintain a low profile while still keeping high situational awareness and being prepared to react on a moment’s notice to any disturbance which could threaten the flight. FAMS put their lives at risk on behalf of the passengers and crewmembers onboard their flights on a daily basis, and for that, ALPA and its members are most grateful.
Although the FAMS cadre had numbered into the thousands prior to the 9/11 attacks, there were only 33 of them in September 2001, according to the 911 Commission Report. FAMS were being used to protect international flights exclusively, except when they were required to travel on a domestic leg to get to an international flight. The government’s rationale behind this arrangement at the time was that domestic travel was quite safe from hijackings, as there had been none of a U.S. airliner since 1986.

After 9/11, the program grew very quickly to several thousand FAMS and they were assigned to international and domestic flights, as they still are today. In our view, there continues to be great value in having highly trained anti-terrorism experts onboard U.S. commercial aircraft. They are not only capable of defending the flight deck, they serve as a strong deterrent to anyone who might consider hijacking a commercial flight. TSA has adopted a risk-based security (RBS) philosophy for many of its programs—the FAM program may also benefit from adopting a greater RBS focus than it currently has, which could result in greater efficiencies and effectiveness.

A complement to the FAM program is the Federal Flight Deck Officer (FFDO) program. FFDO’s are airline pilots who voluntarily undergo a very thorough screening and qualification process and then submit to being trained by the TSA and assume responsibility for protecting the flight deck with lethal force. ALPA conceived of and successfully advocated for the creation of the program, which became a reality when the Arming Pilots Against Terrorism Act (APATA) was enacted as part of the Homeland Security Act of 2002. In response to that Congressional mandate, ALPA assisted the TSA in designing and implementing the FFDO program.

In April 2003, the first 44 airline pilots graduated from the Federal Law Enforcement Training Center (FLETC) in Glynco, GA and were deputized as the nation’s first FFDOs. Since then, thousands more pilots who fly for passenger and all-cargo airlines have volunteered to become FFDOs. They protect the flight decks of our nation’s airliners on about 1 million flight segments per year, all within a budget of roughly $25 million dollars per year, or about $25 per protected flight.

FFDO’s volunteer their personal time in order to receive the training required to become part of the program, and pay some of the related expenses as well. Because of its volunteer “work force,” the FFDO program may well be the most cost-effective, federally funded program in the country. FFDO’s are the last line of defense in protecting the flight decks of our nation’s airliners. A fully trained and armed pilot in the cockpit provides a strong deterrent against the potential for terrorist acts and helps ensure that our airplanes will never again be used as guided weapons. The thousands of FFDO’s have protected millions of airline flights since the inception of the program.
and, like FAMS, FFDO’s provide an additional layer of security to our nation’s aviation system.

We applaud the supporters of the FFDO program in Congress and particularly those from this subcommittee. There are some within government who have endeavored to reduce its relatively small funding level or zero it out completely, but we have been very gratified to work with numerous representatives who are steadfast in their support for the program. The funding level that Congress has agreed upon, $22.3 million, is enough for the TSA to continue to train new FFDOs and provide management and oversight the program needs. ALPA would like to encourage this Subcommittee to continue its support of appropriate levels of funding for this highly efficient program.

Last year, TSA placed the FFDO program under the oversight of its Office of Training and Workforce Engagement (OTWE) and, to date, that branch of the agency has exhibited a strong desire to ensure that the program grows and thrives. We have worked closely with the program’s leadership since that change—in fact, several ALPA representatives are attending a quarterly FFDO working group meeting that OTWE convened this week in Artesia, New Mexico. That meeting will give our representatives and other government and industry attendees an opportunity to observe the most current FFDO training methods and procedures and provide input on any areas of concern. OTWE has been very responsive to issues that we and other industry organizations have raised regarding management, resources, communications, and other areas.

Although not specifically part of this hearing, I would be remiss if I did not reiterate ALPA’s strong support for installing secondary barriers on passenger aircraft. FAMS and FFDOs would benefit from having this additional layer of security onboard to help them protect the flight deck whenever the hardened cockpit door must be opened. The key to any multi-faceted, multi-layered safety plan is to be proactive and not reactive. We need to be mindful of the ever-emerging threats that face our nation and not get complacent in our defense against terrorism. More can always be done and frequent changes, adjustments, and improvements will help protect our nation’s flight decks from future attacks.

Thank you for your interest. I would be pleased to take any questions that you may have.