



TESTIMONY
of

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for the

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

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

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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 Pecoske on numerous occasions, and we provided him with a detailed Future Paperⁱ that outlined some strategiesⁱⁱ to better utilize Federal Air Marshalsⁱⁱⁱ.

A key focus of the AMA Future Committee was the need for FAMs to be Criminal Investigators in the 1811 series^{iv}. 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^v. 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^{vi}.

The AMA is also suing the TSA for backpay and overtime for work performed since 2013^{vii}. 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^{viii}.

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.

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.

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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 two recent AMA surveys show that between 83%^{ix} and 93%^x 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.

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

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

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

^{iv} <https://airmarshal.org/news-1/f/ama-fams-evolution>

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

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

^{vii} <https://www.globenewswire.com/news-release/2020/05/29/2041197/0/en/US-Court-certifies-class-of-Air-Marshals-for-unpaid-overtime.html>

^{viii} <https://oversight.house.gov/wp-content/uploads/2018/09/TSA-Report.pdf>

^{ix} https://www.surveymonkey.com/results/SM-IMrbvJk4IqtbUISQPuX_2FQ_3D_3D/

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