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COVID-19 has prompted both Congress and federal agencies to reexamine the role government plays in safeguarding US citizens. Within DHS, the TSA has endured a high rate of positive COVID-19 cases throughout its workforce. By necessity, aviation security screening concentrates the travelling public through screening choke points. Screening officers must come in close proximity or physical contact with every single individual rendering social distancing impossible. In the past, we have written about the need to evolve the TSA workforce to meet evolving threats, (<https://www.airmarshal.org/media-room/1811-committee-paper-02262020/> , <https://www.airmarshal.org/media-room/ama-fams-evolution-04-23-2019/> , <https://www.airmarshal.org/media-room/july-2017-meeting-the-evolving-threat/>), and virus/disease proliferation represents a significant threat to national security. Transportation, finance, manufacturing, and small businesses were particularly affected. As Congress explores ways to best leverage federal resources and capabilities, the AMA again directs attention to underutilized resources within the transportation domain that could be modified with little effort and maximum impact.

TSA security checkpoints are useful chokepoints that remain underutilized. TSA security checkpoints are government run areas wherein travelers are subject to inspection under federal laws. State, city, and local laws neither permit, nor affect federal operations in these areas. However, the TSA seems unwilling to explore ideas which fully develop these transportation security checkpoints to safeguard the American public, such as:

Consolidate TSA law enforcement functions - TSA split certain law enforcement functions away from Federal Air Marshals (FAMS) to create separate components under a TSA 'Office of Law Enforcement'. The creation of separate TSIs, OOI and K9 officers served only to increase bureaucracy and erect intelligence and communication barriers. FAMS must regain all TSA core law enforcement functions of protection, investigation, fines, seizure, and detention. Federal Air Marshals can request that other federal law enforcement agencies respond to the security checkpoint to address violations of federal law, and other law enforcement agencies can respond to a FAM request.

Designate TSA checkpoints as FIS areas - Federal Inspection Service (FIS) Areas are required at all airports with international inbound flights, and various agencies conduct operations within these areas. FIS areas are generally located within CBP border areas and airport arrival areas. CBP also conducts significant outbound operations, although these operations are limited to areas where international travelers are separate from domestic travelers and border laws fully support their operations. Other agencies that utilize or have operated in FIS areas include:

Drug Enforcement Administration (DEA), Bureau of Alcohol, Tobacco, and Firearms (ATF), Centers for Disease Control (CDC), Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Federal Drug Administration (FDA), Food Safety and Inspection Service (FSIS), Department of Health and Human Services (HHS), Environmental Protection Agency (EPA), Fish and Wildlife Service (FWS), Alcohol and Tobacco Tax and Trade Bureau (TTB)

In almost every US airport, outbound foreign travelers mix with domestic travelers. Agencies that rely on their border authority to conduct outbound searches are therefore limited to inspection areas located in sterile border areas, even though their authority may be extended beyond sterile border areas when responding to aided calls from other law enforcement officers and agencies. Although TSA operations routinely discover violations that are of interest to other federal agencies, the TSA has not endeavored to designate transportation security checkpoints as Federal Inspection Areas, or assigned Federal Air Marshals to security checkpoints as a static federal law enforcement presence (for example, outbound baggage searches routinely uncover bulk cash which should be investigated by CBP, HSI and DEA).

The federal government has invested billions of dollars developing TSA screening checkpoints, but we have failed to utilize these government run chokepoints to enforce federal laws, seize contraband, and arrest violators. Congress should act to designate our federal transportation checkpoints as federal inspection areas.

Aviation Security - Meeting the Evolving Threat

As we examine the government and TSA's role in combatting COVID-19 or future pandemics, efficiency is a primary consideration. Cost saving options which improve the efficiency of government are immediately evident. TSA checkpoints are chokepoints, and already filter travelers; these chokepoints may be used to combat the spread of disease through temperature checks, and advance government enforcement efforts. The TSA already has a law enforcement component that is capable of providing a static federal presence at checkpoints; with the worldwide reduction in travel, it is most efficient to assign Federal Air Marshals to TSA checkpoints as a static federal presence and consolidate TSA law enforcement functions.

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