

Air Marshal Association

Future Committee

February 26, 2020

FAM 1811 Conversion

Discussion and Cost Analysis



STRENGTHS

- Mobile workforce able to deploy on short notice.
- Extremely adaptable to duties outside those typical of FAMs.
 - History of working within transportation domain.
- Law enforcement officers that excel at tactical level.
- Uniquely situated to operate with interagency partners and add value to their endeavors.
- Currently located in airports that account for significant portion of total international/ interstate passenger and cargo.

WEAKNESSES

- Agency has not effectively evolved in response to changing threat landscape.
- Unable to define effectiveness or success.
- Agency will experience rapid attrition within 5 years.
- Low morale, health issues and loss of mid-level FAMs.
- Organizationally entrenched in output-based strategies.
- Current training is inadequate for investigatory and surveillance programs.

OPPORTUNITIES

- Ability to transition workforce into investigators while maintaining core mission.
- Increased retention, health and morale of workforce.
- Clear career progression for employees.
 - Increased exposure to stakeholders and public.
 - Increased presence in airports and at checkpoint/ consolidated TSA response to violations.

THREATS

- Failure to take meaningful action will result in both a smaller and less effective agency.
- Remaining employees will continue to suffer morale and health issues and best performers will continue to leave.
- Threat landscape has changed since 2002; inability to evolve will leave us poorly positioned to be proactive and respond effectively to incidents.

Summary

The purpose of this document, and the views expressed within, is intended to provide a path to fundamentally change the way in which the Federal Air Marshal Service (FAMS) operates as an organization and utilizes its workforce. Our proposals seek to address deficiencies in FAMS operations while also providing a framework to address those issues in a fiscally responsible manner. The Air Marshal Association (AMA) is committed to the core mission of the FAMS; however, we believe it would be in the best interest of our members, and FAMs (Federal Air Marshals) across the nation, to support a shift in the manner in which this mission has been implemented and administered by our agency.

Our vision does not dismiss the necessity of our core mission, which is to protect the nation's aviation and transportation interests, it seeks only to enhance and add value to it while accepting that the threat landscape has changed drastically since the 9/11 attacks. FAMS, as an organization, has not taken the necessary steps to evolve effectively in response to these changes. We seek to move our organization from an output-based system into one that is foundationally constructed upon tangible outcomes. The FAMS' recent success during operations on the Southwest border lends credence to the argument that we can successfully operate outside of our legacy mission, working alongside other law enforcement agencies, to produce those outcomes. Such a paradigm shift, while daunting, does not necessarily conflict with the agency goals of becoming a smaller, more adaptable and cost-effective law enforcement organization.

The AMA believes that failure to take corrective action in a timely manner will be a missed opportunity to move the FAMS into the future as an effective, efficient and relevant agency. This window to act in a meaningful manner is rapidly closing due to potential trends surrounding the FAMS workforce. The FAMS workforce is aging, suffering from declining health due to the rigors of mission travel, has low morale, and is losing many mid-career employees to outside agencies. We believe transitioning into an organization that is primarily made up of investigators, and conducting investigations in the transportation domain, is the most effective avenue to address the numerous issues affecting the FAMS, while also maintaining our capability to perform legacy missions aboard US flagged aircraft.

The Federal Air Marshal Service cannot continue to be so heavily weighted toward one-dimensionality; the threats to US aviation and transportation interests requires a multifaceted effort to find, fix, track, exploit, and neutralize those threats. The AMA looks forward to our continued efforts with TSA, FAMS and the legislative branch to transform FAMS into the premier law enforcement agency within the transportation domain.

Transitioning FAMS to Criminal Investigators

The chart below is a comparative cost breakdown to retrain our current workforce of 1801 series FAMS into 1811 Criminal Investigators. The cost analysis makes numerous assumptions, but, with more available data, should provide an accurate idea of the cost to transition our workforce into a more investigatory based role. The 1801-1811 “Bridge” referenced is based on the Department of the Interior’s Investigator Training Program (DOIITP), a 30-day training program to reclassify DOI’s 1801 workforce into 1811 Criminal Investigators. Utilizing this program for our own purposes has several advantages, to include, but not limited to:

- Curriculum currently approved and instructed by the Federal Law Enforcement Training Center (FLETC).
- A program that builds upon basic law enforcement skills which end users already possess such as shooting, defensive measures and tactics. This allays concerns regarding possible injuries that are inherent with basic law enforcement training programs.
- Lowered costs due to a lack of additional line items associated with a basic law enforcement training program (range/ duty gear (holsters, hearing protection, etc.), ammunition, physical training uniforms and equipment).
- A corresponding reduction in costs associated with the normal duties of a flying FAM (per diem, lodging, POV mileage reimbursement, tolls, parking, shift differential, overtime, etc.) offsets program costs.
- The FLETC Criminal Investigator Training Program (CITP) was intentionally disregarded as a viable option. This program is redundant in many training areas, extends training time to 3 months and increases risks of injury to our workforce.

2023 Forecasted Total FAMS	2021 New Hires	2023 1811 Candidate Pool	TP1 Total Relative Cost (50TD)
1500	200	1300	\$ 10,010,000.00
Est 1801-1811 Bridge Total Cost (35TD)	4 Classes Per Year (192 Students)	\$4k cost per FAM Each Roster (Year)	
\$ 7,007,000.00	\$ 1,478,400.00	\$ 768,000.00	
	\$ 1,034,880.00	\$ 768,000.00	
Net Cost Per Year			
\$ 710,400.00 (50TD)			
\$ 266,880.00 (35TD)			
Average of Hi/Lo Cost Basis	\$ 488,640.00		
Projected Total Cost over 7 years			
\$ 4,972,800.00 (50TD)			
\$ 1,868,160.00 (35TD)			
\$ 3,420,480.00 Average			

Our assumptions and corresponding analysis are detailed below:

- Assumes a pool of 1300 potential 1811 bridge-eligible candidates (FY2023 FAM estimate given to AMA). Calculated costs also assume an attrition rate of 0% over the course of 7 years and that each FAM will participate in the 1811 bridge program.
 - High cost analysis is based on FY17 costs for the FLETC portion of FAM candidate training (TP-1), which is 50 training days and has associated miscellaneous costs (PT

uniforms, ammunition, etc.) that would not necessarily be included in the bridge program.

- Low cost analysis is based on FY17 costs for the FLETC portion of FAM candidate training, at a reduced rate, relative to training length for the bridge program (30 training days). Miscellaneous costs associated with TP-1 have been included in calculations to account for any unforeseen costs associated with the bridge program.
- Bridge program costs are calculated for 35 training days to account for unforeseen circumstances and possible cost overruns.
- Projected total program costs are for 4 classes of 48 students (typical FLETC class size for basic programs) spread over the course of 7 program years.
- New hires would not be eligible for the bridge course until reaching their time in service date and meeting standards/ goals in order to participate in the bridge program.
- \$4,000 cost per FAM, per roster period, is anecdotally based on voucher submission amounts from 2 field offices. This amount can be more accurately calculated with additional data from FAMS HQ.

Using these figures, we can estimate a fiscal worst-case-scenario associated with training our workforce to become more effective, proactive and adaptable by incorporating a criminal investigative skillset into our counterterrorism efforts. Costs associated with this program can be further reduced by mirroring policies set forth by other agencies; this would protect the investment that FAMS places in the employee and provides policy that has already been vetted by other agencies, establishing a precedent for our organization. Our suggested approach includes:

- Allow FAMS that do not wish to participate in the 1811 program the opportunity to opt-out. Portions of our workforce may not be willing to complete additional extended training before retiring, are seeking employment outside of FAMS, or are comfortable with only fulfilling the legacy mission.
- Determine a time-in-service period after completing the bridge course which must be met by employees reclassifying into the 1811 series. Failure to meet this requirement (barring exigent circumstances) would require the employee to reimburse FAMS for the full cost of the bridge program. Time-in-service contracts of this sort are currently utilized by both the US Postal Inspection Service (USPIS) and the US Secret Service (USSS).
- Newly hired FAMs would be required to meet time-in-service requirements before reclassifying into the 1811 series. During that period, they would fulfill legacy FAM missions and assist the 1811 workforce on an as-needed basis. This would provide the agency with manpower to cover mission flights while providing new employees with a linear career progression. The United States Marshal Service (USMS) codes their newly appointed deputies in the 0082-job series while they served their probationary period (typically in court security roles) before reclassifying them as 1811 Criminal Investigators.

Benefits of an Expanded Role

GAO-16-582 Published: May 31, 2016. Publicly Released: May 31, 2016.

...FAMS attempts to maximize the total number of flights it can cover, but because this model does not account for risk, FAMS cannot ensure it is devoting its resources to the highest risk flights overall.

...FAMS does not document rationales for its international deployment decisions because it has not identified a need to do so. Without documentation of the basis for these decisions, neither FAMS nor an external party can effectively oversee these decisions.

By adding a robust investigative function into our mission, we will also be able to do something which FAMS, as an agency, has not been able to accomplish in response to multiple audits, inquiries and investigations. FAMS will now be able to measure and define its success in quantifiable and qualitative terms. This new model will allow us to focus our core mission on the highest risk flights based upon sound intelligence and investigatory work. FAMS would maintain its ability to deploy on mission flights in anticipation of, and in response to, changing threats and events of national or international importance, based upon sound or actionable CT intelligence. Working with interagency partners toward their investigative and intelligence gathering goals, while also providing organically produced investigations and law enforcement responses within the transportation domain, would grant FAMS positive exposure to stakeholders and solidify the justification of our increased footprint on the ground.

GAO-20-125 Published: Feb 12, 2020. Publicly Released: Feb 12, 2020.

...FAMS also maintains shift length and rest period guidelines intended to balance mission needs with air marshals' quality of life. However, FAMS does not monitor the extent to which air marshals' actual work hours are consistent with guidelines because it has not identified a need to do so. As a result, it cannot determine how frequently air marshals work beyond guidelines and is not well-positioned to manage risks associated with long work hours.

From a workforce perspective, this proposal seeks to alleviate numerous issues that FAMS has struggled to adequately address regarding the long-term effects of FAM schedules, particularly as they pertain to health (physical and mental), quality of life and morale. In a 2020 Government Accountability Office (GAO) report, it was revealed that 51% of currently employed FAMs (as of 2019) were hired directly after the 9/11 attacks and 76% of our workforce is over 40 years of age. Depending on whether that population has prior federal service, law enforcement or otherwise, and their current age, we could see a drastic reduction in our availability of FAMs starting in 2022 (based on a 20-year retirement). Since many of the FAMs hired in 2002 did have prior military and/ or federal experience, we can reasonably assume, with a high degree of probability, that much of that population will be at, or near, meeting their time-in-service and age requirements for 6c retirement by 2022. This potential exodus will only compound as individuals hired in the 2003-2005 timeframe also begin to meet their 20-year eligibility requirement.

At this time, based on discussions with TSA/ FAMS HQ, there is currently no strategy in place in which we can recoup or mitigate those losses. This will mean the subsequent reduction in staffing for flights, combined with the new Concept of Operations (CONOPS), will place an enormous amount of pressure on an already beleaguered workforce to accomplish the current mission. Continuing our current mission tempo with a smaller availability of FAMs will quickly become an untenable situation, and most of the pressure will be placed on the downstream employees as a result. Allowing FAMs to conduct ground-

based operations on a continuing basis (as opposed to the current Ground Based Assignment (GBA) program) will ease the burden for an aging workforce and provide a better quality of life, increased longevity and better overall health (especially as it relates to Circadian Rhythm Disruption and the lasting effects of long term sleep deprivation) for employees.

Adding additional responsibilities outside of flying missions will, from our perspective, also aid in recruiting and retaining talented individuals that are currently being lost to outside agencies (mainly in the 1811 series job code). By establishing a probationary period before moving into the 1811 series, our newly hired FAMS will have a period of time to learn and operate within our core mission while also having a clear career progression, something that has been sorely lacking for flying FAMS since 2002. As our total workforce reduces, the opportunities to promote will, correspondingly, be more limited in the future. Reclassifying to the 1811 series would grant new FAMS a path to additional prospects in their career outside of promotional opportunities.

DHS OIG Report, December 19, 2018

FAMS' Contribution to International Flight Security is Questionable

...We also identified \$394 million in funds that could be put to better use.

Transitioning into a more traditional investigative role will also allow the TSA to leverage our role as their sole law enforcement entity to bolster both their security and administrative functions, while also cutting costs associated with our existing operations. In its current form, the FAMS plays little-to-no role in checkpoint security, access to sterile areas of the airports or inspection of cargo – instead relying on a patchwork of different agencies (federal, state, local and private sector) to accomplish what may be better served as a consolidated effort, or at very least, a program administered by FAMS from a federal law enforcement perspective. FAMS could provide federal law enforcement response and expertise during TSA screening and subsequent enforcement actions.

This aspect of our proposal is particularly noteworthy. In 2019, over 4,400 firearms (as well as numerous inert/ replica explosives and edged weapons) were discovered during screening at TSA checkpoints across the country. An increased presence on the ground would place FAMS in a position to respond to these violations and determine whether they merit additional investigation. This would provide a seamless response in both an administrative/ regulatory and a federal law enforcement capacity by the TSA. A transition into a more collaborative working relationship between the screening and LEO workforce would also strengthen TSA's overall goal of improving security and safeguarding the transportation system.

An increased presence outside of the aircraft will, obviously, necessitate a reduction in the number of flights covered by FAM missions. This smaller number of covered flights will accomplish numerous goals:

- Bringing the legacy mission in compliance with the findings and recommendations of numerous audits and investigations.
- Significant savings associated with a reduction in mission-related operational costs (per diem, lodging, overtime, tolls, mileage, shift differential, etc.)
- Decreased illnesses and injuries associated with the mission of flying FAMS, lowering instances of LDY, SKL and OWCP/ DOL claims.

- Increased employee morale, wellness and quality of life.
- Positive exposure to stakeholders as a result of increased public presence.

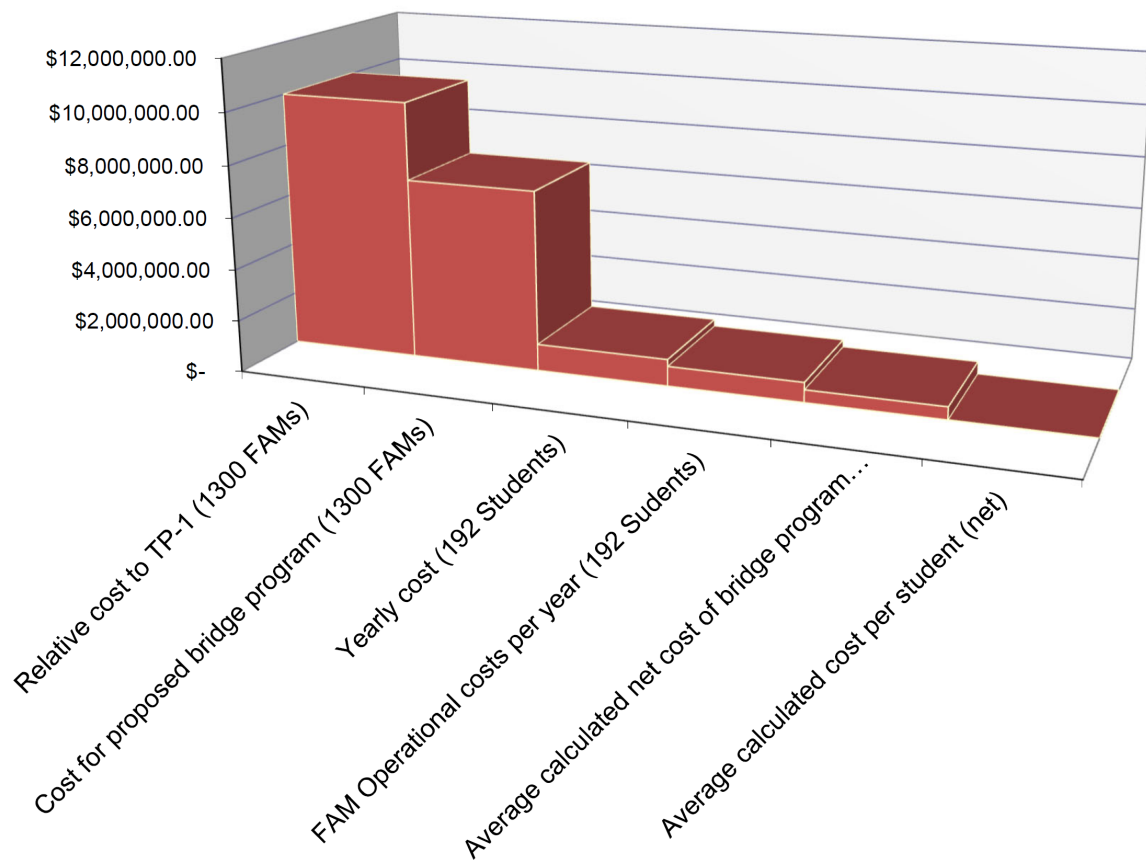
Obstacles to Overcome

Implementation of this proposal will require substantial, but not insurmountable effort to maintain the intended outcome for the agency. Tasks that would need to be completed include, but are not limited to:

- Coordination with the FLETC to review and/ or tailor curriculum and attain FLETA accreditation for the proposed new training program. This will also likely require discussions with the Department of the Interior's instructor staff at the FLETC, as that agency is currently the only entity that runs the bridge course.
- Strategies should be examined to determine the best way in which to implement and administer an investigative program in the field. Many current Supervisory Federal Air Marshals (SFAMs) have prior criminal investigative experience and/ or CI Supervisory experience which could provide a wealth of knowledge and serve as a foundation within field offices to conduct investigations.
- Realignment of current CONOPS to better suit and integrate the new investigative function. This would focus the core mission on intelligence and investigation driven flights that are organically produced by TSA/ FAMS or vetted by TSA/ FAMS in the furtherance of investigations by other agencies.
- Considerable thought should be put toward how to balance this new investigative function while maintaining the core mission. International partner organizations that have an In-Flight Security Officer program, notably the Australians and Canadians, could provide insight on the structure of the agency going forward.
- Increasing support of existing programs that enhance aviation security, but do not require a FAM presence on flights (Crew Member Self Defense, Federal Flight Deck Officer, etc.).
- Legislative action will be required to expand the existing authorities of FAMS in order to leverage participation with other federal law enforcement agencies and the intelligence community. This expansion would allow the agency to not only target organizations and individuals involved in terrorism, but also work alongside law enforcement partners to investigate Transnational Criminal Organizations and individuals involved in other crimes that have a nexus to the transportation domain.

Proposed Bridge Training Program	Cost
Relative cost to TP-1 (1300 FAMs)	\$ 10,010,000.00
Cost for proposed bridge program (1300 FAMs)	\$ 7,007,000.00
Yearly cost (192 Students)	\$ 1,034,800.00
FAM Operational costs per year (192 Students)	\$ 768,000.00
Average calculated net cost of bridge program (Per Year)	\$ 488,640.00
Average calculated cost per student (net)	\$ 2,545.00

Cost Center

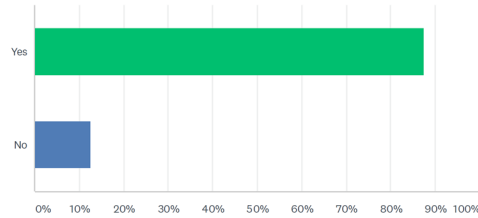


Air Marshal Association
Survey open from 2/5/2020 to 2/15/2020
Platform – Survey Monkey

FAMS as Transportation Criminal Investigators?

Q1 Are you in favor of converting the FAM position into a criminal investigator position (while retaining our core mission coverage)?

Answered: 706 Skipped: 0

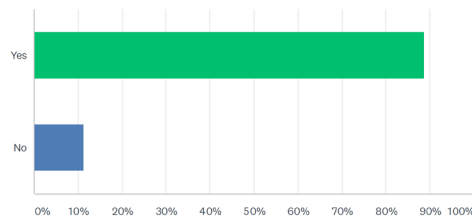


ANSWER CHOICES	RESPONSES
Yes	87.39% 617
No	12.61% 89
TOTAL	706

FAMS as Transportation Criminal Investigators?

Q2 Do you believe increased investigative duties would add value to our position, and fill a federal enforcement void across the transportation domain?

Answered: 705 Skipped: 1

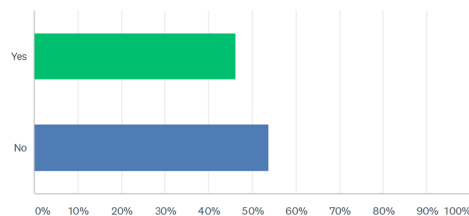


ANSWER CHOICES	RESPONSES
Yes	88.65% 625
No	11.35% 80
TOTAL	705

FAMS as Transportation Criminal Investigators?

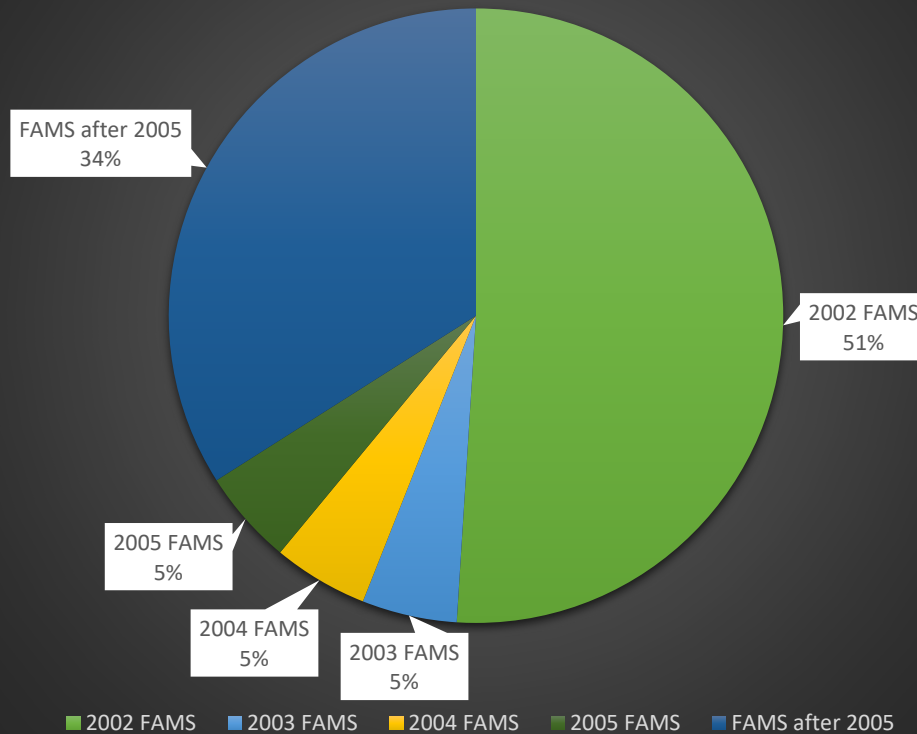
Q3 Do you intend to retire in the next 3 to 5 years?

Answered: 702 Skipped: 4



ANSWER CHOICES	RESPONSES
Yes	46.30% 325
No	53.70% 377
TOTAL	702

Possible 2022-2025 Attrition Scenario



This chart is a visual representation of what the Federal Air Marshal Service could experience, regarding attrition due to retirements, through 2025. Our initial source of information is based on the Government Accountability Office's report from February of 2020, which used data accumulated in 2019. In this report it was revealed that:

- 51% of currently serving FAMS (circa 2019) were hired in 2002.
- 76% of currently serving FAMS were over the age of 40.

If we assume that, in 2002, our average FAM hired was 30 years of age and had no prior federal service (Military, Federal LEO or other creditable federal service) by 2022 a significant portion of that 51% will be eligible to retire under the current 6c requirements of time-in-service and age.

If we also assume the same FAM information above for hiring during the years 2003-2005; and assign just 5% from each year relative to total FAM population, we will encounter a significant portion of that population (66%) of FAMS that will be eligible to retire by 2025.