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Testimony

Before the Subcommittee on Management,  
Investigations, and Oversight, Committee  
on Homeland Security, House of  
Representatives

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## FEDERAL AIR MARSHAL SERVICE

### Actions Taken to Fulfill Core Mission and Address Workforce Issues

Statement of Steve Lord, Director  
Homeland Security and Justice Issues





Highlights of [GAO-09-903T](#), a testimony before the Subcommittee on Management, Investigations, and Oversight, Committee on Homeland Security, House of Representatives

## Why GAO Did This Study

By deploying armed air marshals onboard selected flights, the Federal Air Marshal Service (FAMS), a component of the Transportation Security Administration (TSA), plays a key role in helping to protect approximately 29,000 domestic and international flights operated daily by U.S. air carriers. This testimony discusses (1) FAMS's operational approach or "concept of operations" for covering flights, (2) an independent evaluation of the operational approach, and (3) FAMS's processes and initiatives for addressing workforce-related issues. Also, this testimony provides a list of possible oversight issues related to FAMS.

This testimony is based on GAO's January 2009 report (GAO-09-273), with selected updates in July 2009. For its 2009 report, GAO analyzed policies and procedures regarding FAMS's operational approach and a July 2006 classified assessment of that approach. Also, GAO analyzed employee working group reports and related FAMS's initiatives for addressing workforce-related issues, and interviewed FAMS headquarters officials and 67 air marshals (selected to reflect a range in levels of experience).

## What GAO Recommends

GAO's January 2009 report (GAO-09-273) recommended actions for improving the design and response rates of FAMS's workforce satisfaction surveys. TSA agreed, and FAMS has begun steps to implement these actions.

View [GAO-09-903T](#) or key components. For more information, contact Steve Lord at (202) 512-4379 or [lords@gao.gov](mailto:lords@gao.gov).

# FEDERAL AIR MARSHAL SERVICE

## Actions Taken to Fulfill Core Mission and Address Workforce Issues

### What GAO Found

Because the number of air marshals is less than the number of daily flights, FAMS's operational approach is to assign air marshals to selected flights it deems high risk—such as the nonstop, long-distance flights targeted on September 11, 2001. In assigning air marshals, FAMS seeks to maximize coverage of flights in 10 targeted high-risk categories, which are based on consideration of threats, vulnerabilities, and consequences.

In July 2006, the Homeland Security Institute, a federally funded research and development center, independently assessed FAMS's operational approach and found it to be reasonable. However, the institute noted that certain types of flights were covered less often than others. The institute recommended that FAMS increase randomness or unpredictability in selecting flights and otherwise diversify the coverage of flights within the various risk categories. In its January 2009 report, GAO noted that the Homeland Security Institute's evaluation methodology was reasonable and that FAMS had taken actions (or had ongoing efforts) to implement the institute's recommendations.

To address workforce-related issues, FAMS's previous Director, who served until June 2008, established a number of processes and initiatives, such as working groups, listening sessions, and an internal Web site for agency personnel to provide anonymous feedback to management. These efforts have produced some positive results. For example, FAMS revised its policy for airport check-in and aircraft boarding procedures to help protect the anonymity of air marshals in mission status, and FAMS modified its mission scheduling processes and implemented a voluntary lateral transfer program to address certain quality-of-life issues. The air marshals GAO interviewed expressed satisfaction with FAMS's efforts to address workforce-related issues. The current FAMS Director has expressed a commitment to continue applicable processes and initiatives. Also, FAMS has plans to conduct a workforce satisfaction survey of all employees every 2 years, building upon an initial survey conducted in fiscal year 2007. GAO's review found that the potential usefulness of future surveys could be enhanced by ensuring that the survey questions and the answer options are clearly structured and unambiguous and that additional efforts are considered for obtaining the highest possible response rates.

To its credit, FAMS has made progress in addressing various operational and quality-of-life issues that affect the ability of air marshals to perform their aviation security mission. However, sustaining progress will require ongoing consideration by FAMS management—and continued oversight by congressional stakeholders—of key questions, such as how to foster career sustainability for air marshals given that maintaining an effective operational tempo can at times be incompatible with supporting a work-life balance.

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Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the Federal Air Marshal Service (FAMS), which has a core mission of deploying trained and armed federal air marshals to provide an onboard security presence on selected flights operated by U.S. commercial passenger air carriers. The agency's cadre of air marshals grew significantly in response to the terrorist attacks of September 11, 2001 (9/11), and pursuant to the Aviation and Transportation Security Act.<sup>1</sup> Nonetheless, as noted in our January 2009 report,<sup>2</sup> because the total number of air marshals is less than the approximately 29,000 domestic and international flights operated daily by U.S. commercial passenger air carriers,<sup>3</sup> FAMS routinely must determine which flights are to be provided an onboard security presence. To facilitate making these decisions, FAMS developed an operational approach—commonly referred to as the agency's concept of operations—for deploying air marshals on selected flights. As further noted in our January 2009 report, FAMS also faces challenges in addressing various operational and quality-of-life issues that affect the ability of air marshals to carry out the agency's mission. Such issues range, for example, from maintaining anonymity during aircraft boarding procedures to mitigating the various health concerns associated with frequent flying.

With selected updates as of July 2009, this statement summarizes information presented in our January 2009 report, which addressed the following questions:

- What is FAMS's operational approach for achieving its core mission of providing an onboard security presence for flights operated by U.S. commercial passenger air carriers?
- To what extent has FAMS's operational approach for achieving its core mission been independently assessed?

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<sup>1</sup> See Pub. L. No. 107-71, § 105, 115 Stat. 597, 606-08 (2001) (codified as amended at 49 U.S.C. § 44917).

<sup>2</sup> GAO, *Aviation Security: Federal Air Marshal Service Has Taken Actions to Fulfill Its Core Mission and Address Workforce Issues, but Additional Actions Are Needed to Improve Workforce Survey*, [GAO-09-273](#) (Washington, DC.: Jan. 14, 2009).

<sup>3</sup> The specific number of federal air marshals is classified.

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- To what extent does FAMS have processes and initiatives in place to address issues that affect the ability of its workforce to carry out its mission?

Also, as you further requested, this statement presents information on possible oversight issues related to FAMS.

To address the questions, we reviewed (1) relevant legislation regarding FAMS's mission, (2) the agency's policies and other documentation regarding the strategy and concept of operations for carrying out that mission, (3) a July 2006 classified report prepared by the Homeland Security Institute based on its independent evaluation of FAMS's concept of operations,<sup>4</sup> and (4) documentation regarding various working groups and other initiatives that FAMS had established to address issues that affect the ability of air marshals to carry out the agency's mission. Also, we interviewed FAMS headquarters officials and visited 11 of the agency's 21 field offices, where we interviewed managers and a total of 67 air marshals. We selected the 11 field offices and the 67 air marshals based on nonprobability sampling, which is a method of sampling where observations are selected in a manner that is not completely random, generally using specific characteristics of the population as criteria. Results from a nonprobability sample cannot be used to make inferences about an entire population because some elements of the population being studied had no chance or an unknown chance of being selected as part of the sample. However, the interviews provided a broad overview of issues important to air marshals. More details about the scope and methodology of our work to address the questions are presented in appendix I of our January 2009 report.<sup>5</sup> In conducting work in July 2009 for this statement, we requested updated information from the Transportation Security Administration (TSA), contacted the Department of Homeland Security (DHS) Office of Inspector General to discuss its FAMS-related audits or inspections, and (3) reviewed FAMS budget data for fiscal years 2009 and 2010.

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<sup>4</sup> The Homeland Security Institute is a federally funded research and development center established pursuant to the Homeland Security Act of 2002. See Pub. L. No. 107-296, § 312, 116 Stat. 2135, 2176, as amended. The institute's mission is to assist the Department of Homeland Security in addressing relevant issues requiring scientific, technical, and analytical expertise. In March 2009, the institute's name was changed to Homeland Security studies and analysis Institute (with a logo expressed as HSSaI). In this testimony, we use the former name, which was applicable at the time of our review of FAMS.

<sup>5</sup> See [GAO-09-273](#).

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We conducted the work for this statement in July 2009 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.

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## Background

FAMS was originally established as the Sky Marshal program in the 1970s to counter hijackers. In response to 9/11, the Aviation and Transportation Security Act expanded FAMS's mission and workforce and mandated the deployment of federal air marshals on high-security risk flights. Within the 10-month period immediately following 9/11, the number of air marshals grew significantly. Also, during subsequent years, FAMS underwent various organizational transfers. Initially, FAMS was transferred within the Department of Transportation from the Federal Aviation Administration to the newly created TSA. In March 2003, FAMS moved, along with TSA, to the newly established DHS. In November 2003, FAMS was transferred to U.S. Immigration and Customs Enforcement (ICE). Then, about 2 years later, FAMS was transferred back to TSA in the fall of 2005.<sup>6</sup>

FAMS deploys thousands of federal air marshals to a significant number of daily domestic and international flights. In carrying out this core mission of FAMS, air marshals are deployed in teams to various passenger flights.<sup>7</sup> Such deployments are based on FAMS's concept of operations, which guides the agency in its selection of flights to cover. Once flights are selected for coverage, FAMS officials stated that they must schedule air

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<sup>6</sup> The transfer of FAMS to ICE was based partly on the assumptions that (1) air marshals would be afforded a broader career path by cross-training with ICE's investigative division and (2) ICE's special agents could provide a surge capability by serving as supplemental air marshals, if needed. See GAO, *Aviation Security: Federal Air Marshal Service Is Addressing Challenges of Its Expanded Mission and Workforce, but Additional Actions Needed*, [GAO-04-242](#) (Washington, D.C.: Nov. 19, 2003).

<sup>7</sup> The specific number of air marshals assigned to an onboard team, whether for a domestic flight or an international flight, may vary depending on such factors as duration of the flight, the type of aircraft, the departure and destination cities, and awareness of specific threat information.

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marshals based on their availability,<sup>8</sup> the logistics of getting individual air marshals in position to make a flight, and applicable workday rules.<sup>9</sup>

At times, air marshals may have ground-based assignments. On a short-term basis, for example, air marshals participate in Visible Intermodal Prevention and Response (VIPR) teams, which provide security nationwide for all modes of transportation. After the March 2004 train bombings in Madrid, TSA created and deployed VIPR teams to enhance security on U.S. rail and mass transit systems nationwide. Comprised of TSA personnel that include federal air marshals—as well as transportation security inspectors, transportation security officers, behavioral detection officers, and explosives detection canines—the VIPR teams are intended to work with local security and law enforcement officials to supplement existing security resources, provide a deterrent presence and detection capabilities, and introduce an element of unpredictability to disrupt potential terrorist activities.

FAMS's budget request for fiscal year 2010 is \$860.1 million, which is an increase of \$40.6 million (or about 5 percent) over the \$819.5 million appropriated in fiscal year 2009. The majority of the agency's budget provides for the salaries of federal air marshals and supports maintenance of infrastructure that includes 21 field offices.

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## FAMS's Operational Approach to Achieving Its Core Mission Is Based on Risk-Related Factors

FAMS's operational approach (concept of operations) for achieving its core mission is based on assessments of risk-related factors, since it is not feasible for federal air marshals to cover all of the approximately 29,000 domestic and international flights operated daily by U.S. commercial passenger air carriers. Specifically, FAMS considers the following risk-related factors to help ensure that high-risk flights operated by U.S. commercial carriers—such as the nonstop, long-distance flights targeted on 9/11—are given priority coverage by federal air marshals<sup>10</sup>:

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<sup>8</sup> In determining air marshals' availability, FAMS officials stated that they must consider such factors as training requirements, other ground-based duties, and annual leave plans.

<sup>9</sup> "Workday rules" refer to the parameters that FAMS uses for assigning air marshals to flights. As applicable to nonovernight missions, for example, FAMS tries to assign air marshals to flights (or combinations of flights) that will return the air marshals home during a scheduled 10-hour workday.

<sup>10</sup> Under this approach, FAMS categorizes each of the approximately 29,000 daily flights into risk categories—high risk or lower risk.

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- Threat (intelligence): Available strategic or tactical information affecting aviation security is considered.<sup>11</sup>
  - Vulnerabilities: Although FAMS's specific definition is designated sensitive security information, DHS defines vulnerability as a physical feature or operational attribute that renders an entity open to exploitation or susceptible to a given hazard.
  - Consequences: FAMS recognizes that flight routes over certain geographic locations involve more potential consequences than other routes.

FAMS attempts to assign air marshals to provide an onboard security presence on as many of the flights in the high-risk category as possible.<sup>12</sup> FAMS seeks to maximize coverage of high-risk flights by establishing coverage goals for 10 targeted critical flight categories. In order to reach these coverage goals, FAMS uses a scheduling process to determine the most efficient flight combinations that will allow air marshals to cover the desired flights. FAMS management officials stressed that the overall coverage goals and the corresponding flight schedules of air marshals are subject to modification at any time based on changing threat information and intelligence. For example, in August 2006, FAMS increased its coverage of international flights in response to the discovery, by authorities in the United Kingdom, of specific terrorist threats directed at flights from Europe to the United States. FAMS officials noted that a shift in resources of this type can have consequences because of the limited number of air marshals. The officials explained that international missions require more resources than domestic missions partly because the trips are of longer duration.

In addition to the core mission of providing an onboard security presence on selected flights, FAMS also assigns air marshals to VIPR teams on an as-needed basis to provide a ground-based security presence. For the first quarter of fiscal year 2009, TSA reported conducting 483 VIPR operations, with about 60 percent of these dedicated to ground-based facilities of the

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<sup>11</sup> FAMS considers "threat" and "intelligence" as separate risk-related factors.

<sup>12</sup> FAMS's criteria for determining high-risk flights are classified. In part, FAMS's determinations are guided by the provisions of the Aviation and Transportation Security Act that specify the deployment of federal air marshals on flights presenting high security risks, such as the nonstop, long-distance flights targeted on 9/11.

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aviation domain (including air cargo, commercial aviation, and general aviation) and the remaining VIPR operations dedicated to the surface domain (including highways, freight rail, pipelines, mass transit, and maritime). TSA's budget for fiscal year 2009 reflects support for 225 VIPR positions at a cost of \$30 million. TSA plans to significantly expand the VIPR program in fiscal year 2010 by adding 15 teams consisting of 338 positions at a cost of \$50 million. However, questions have been raised about the effectiveness of the VIPR program. In June 2008, for example, the DHS Office of Inspector General reported that although TSA has made progress in addressing problems with early VIPR deployments, it needs to develop a more collaborative relationship with local transit officials if VIPR exercises are to enhance mass transit security.<sup>13</sup>

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**An Independent Assessment Concluded That FAMS's Approach for Achieving Its Core Mission Was Reasonable; Recommendations for Enhancing the Approach Are Being Implemented**

After evaluating FAMS's operational approach for providing an onboard security presence on high-risk flights, the Homeland Security Institute, a federally funded research and development center, reported in July 2006 that the approach was reasonable.<sup>14</sup> In its report, the Homeland Security Institute noted the following regarding FAMS's overall approach to flight coverage:

- FAMS applies a structured, rigorous approach to analyzing risk and allocating resources.
- The approach is reasonable and valid.
- No other organizations facing comparable risk-management challenges apply notably better methodologies or tools.

As part of its evaluation methodology, the Homeland Security Institute examined the conceptual basis for FAMS's approach to risk analysis. Also, the institute examined FAMS's scheduling processes and analyzed outputs in the form of "coverage" data reflecting when and where air marshals were deployed on flights. Further, the Homeland Security Institute developed and used a model to study the implications of alternative

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<sup>13</sup> Department of Homeland Security, Office of Inspector General, *TSA's Administration and Coordination of Mass Transit Security Programs*, OIG-08-66 (Washington, D.C.: June 12, 2008).

<sup>14</sup> Much of the specific information in the report is classified.



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strategies for assigning resources. We reviewed the institute's evaluation methodology and generally found it to be reasonable.

Although the institute's July 2006 report concluded that FAMS's operational approach was reasonable and valid, the report also noted that certain types of flights were covered less often than others. Accordingly, the institute made recommendations for enhancing the operational approach. For example, the institute recommended that FAMS increase randomness or unpredictability in selecting flights and otherwise diversify the coverage of flights.

To address the Homeland Security Institute's recommendations, FAMS officials stated that a broader approach for determining which flights to cover has been implemented—an approach that opens up more flights for potential coverage, provides more diversity and randomness in flight coverage, and extends flight coverage to a variety of airports. Our January 2009 report noted that FAMS had implemented or had ongoing efforts to implement the institute's recommendations. We reported, for example, that FAMS is developing an automated decision-support tool for selecting flights and that this effort is expected to be completed by December 2009.

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## FAMS Has Taken Positive Actions to Address Issues Affecting Its Workforce and to Help Ensure Continued Progress

To better understand and address operational and quality-of-life issues affecting the FAMS workforce, the agency's previous Director—who served in that capacity from March 2006 to June 2008—established various processes and initiatives. Chief among these were 36 issue-specific working groups to address a variety of topics, such as tactical policies and procedures, medical or health concerns, recruitment and retention practices, and organizational culture. Each working group typically included a special agent-in-charge, a subject matter expert, air marshals, and mission support personnel from the field and headquarters. According to FAMS management, the working groups typically disband after submitting a final report, but applicable groups could be reconvened or new groups established as needed to address relevant issues. The previous Director also established listening sessions that provided a forum for employees to communicate directly with senior management and an internal Web site for agency personnel to provide anonymous feedback to management. Another initiative implemented was assigning an air marshal to the position of Ombudsman in October 2006 to provide confidential, informal, and neutral assistance to employees to address workplace-related problems, issues, and concerns.

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These efforts have produced some positive results. For example, as noted in our January 2009 report, FAMS amended its policy for airport check-in and flight boarding procedures (effective May 15, 2008) to better ensure the anonymity of air marshals in mission status.<sup>15</sup> In addition, FAMS modified its mission scheduling processes and implemented a voluntary lateral transfer program to address certain issues regarding air marshals' quality of life—and has plans to further address health issues associated with varying work schedules and frequent flying. Also, our January 2009 report noted that FAMS was taking steps to procure new personal digital assistant communication devices—to replace the current, unreliable devices—and distribute them to air marshals to improve their ability to communicate effectively with management while in mission status.<sup>16</sup>

All of the 67 air marshals we interviewed in 11 field offices commented favorably about the various processes and initiatives for addressing operational and quality-of-life issues, and the air marshals credited the leadership of the previous FAMS Director. The current FAMS Director, as noted in our January 2009 report, has expressed a commitment to sustain progress and reinforce a shared vision for workforce improvements by continuing applicable processes and initiatives.

In our January 2009 report, we also noted that FAMS plans to conduct a workforce satisfaction survey of all employees every 2 years, building upon an initial survey conducted in fiscal year 2007, to help identify issues affecting the ability of its workforce to carry out its mission. We reported that a majority (79 percent) of the respondents to the 2007 survey indicated that there had been positive changes from the prior year, although the overall response rate (46 percent) constituted less than half of the workforce. The 46 percent response rate was substantially less than the 80 percent rate encouraged by the Office of Management and Budget

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<sup>15</sup> FAMS's changes to check-in and boarding procedures concern air marshals' interactions with airline personnel. FAMS's policy continues to require air marshals to adhere to established TSA regulations and locally established airport procedures.

<sup>16</sup> In July 2009, the DHS Office of Inspector General informed us that it was initiating a review with objectives that include determining whether TSA is pursuing communication capabilities to ensure that federal air marshals in mission status can receive and send time-sensitive, mission-related information through secure communication while in flight.

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(OMB) in its guidance for federal surveys that require its approval.<sup>17</sup> According to the OMB guidance, a high response rate increases the likelihood that the views of the target population are reflected in the survey results. We also reported that the 2007 survey's results may not provide a complete assessment of employees' satisfaction because

- 7 of the 60 questions in the 2007 survey questionnaire combined two or more issues, which could cause respondents to be unclear on what issue to address and result in potentially misleading responses, and
- none of the 60 questions in the 2007 survey questionnaire provided for response options such as "not applicable" or "no basis to judge"—responses that would be appropriate when respondents had little or no familiarity with the topic in question.

In summary, our January 2009 report noted that obtaining a higher response rate to FAMS's future surveys and modifying the structure of some questions could enhance the surveys' potential usefulness by, for instance, providing a more comprehensive basis for assessing employees' attitudes and perspectives. Thus, to increase the usefulness of the agency's biennial workforce satisfaction surveys, we recommended that the FAMS Director take steps to ensure that the surveys are well designed and that additional efforts are considered for obtaining the highest possible response rates. Our January 2009 report recognized that DHS and TSA agreed with our recommendation and noted that FAMS was in the initial stages of formulating the next workforce satisfaction survey. More recently, by letter dated July 2, 2009, DHS informed applicable congressional committees and OMB of actions taken in response to our recommendation.<sup>18</sup> The response letter noted that agency plans include (1)

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<sup>17</sup> The OMB guidance governs federal agency surveys of the public at large or outside individuals, groups, or organizations, such as local government entities. The FAMS workforce survey was administered internally to gather information from the agency's employees. Although internal workforce surveys such as the one conducted by FAMS do not require OMB approval, we believe the OMB standards and guidance provide relevant direction on planning, designing, and implementing high-quality surveys—including the need to obtain a high response rate to increase the potential that survey responses will accurately represent the views of the survey population.

<sup>18</sup> Pursuant to 31 U.S.C. § 720, the head of a federal agency must submit a written statement of the actions taken on our recommendations to the Senate Committee on Homeland Security and Governmental Affairs and to the House Committee on Oversight and Government Reform not later than 60 days from the date of the report and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

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ensuring that questions in the 2009 survey are clearly structured and unambiguous, (2) conducting a pretest of the 2009 survey questions, and (3) developing and executing a detailed communication plan.

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## Congressional Oversight Issues

Federal air marshals are an important layer of aviation security. FAMS, to its credit, has established a number of processes and initiatives to address various operational and quality-of-life issues that affect the ability of air marshals and other FAMS personnel to perform their aviation security mission. The current FAMS Director has expressed a commitment to continue relevant processes and initiatives for identifying and addressing workforce concerns, maintaining open lines of communications, and sustaining progress.

Similarly, this hearing provides an opportunity for congressional stakeholders to focus a dialogue on how to sustain progress at FAMS. For example, relevant questions that could be raised include the following:

- In implementing the agency's concept of operations, how effectively does FAMS use new threat information and intelligence to modify flight coverage goals and the corresponding flight schedules of air marshals?
- In managing limited resources to mitigate a potentially unlimited range of security threats, how does FAMS ensure that federal air marshals are allocated appropriately for meeting in-flight security responsibilities as well as supporting new ground-based security responsibilities, such as VIPR team assignments? What cost-benefit analyses, if any, are being used to guide FAMS decision makers?
- To what extent have appropriate performance measures been developed for gauging the effectiveness and results of resource allocations and utilization?
- How does FAMS foster career sustainability for federal air marshals given that maintaining an effective operational tempo is not necessarily compatible with supporting a better work-life balance?

These types of questions warrant ongoing consideration by FAMS management and continued oversight by congressional stakeholders.

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Mr. Chairman, this completes my prepared statement. I look forward to answering any questions that you or other members of the subcommittee may have.

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## Contacts and Acknowledgments

For information about this statement, please contact Steve Lord, Director, Homeland Security and Justice Issues, at (202) 512-4379, or [lords@gao.gov](mailto:lords@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Other individuals making key contributions to this testimony include David Alexander, Danny Burton, Katherine Davis, Mike Harmond, and Tom Lombardi.

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