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July 23, 2009

House Subcommittee on Management, Investigations,
and Oversight Hearing

Chairman: The Honorable Christopher A. Carney

Ranking Member: The Honorable Gus M. Bilirakis

“Protecting the Protectors: Examining the Personnel
Challenges Facing the Federal Air Marshal Service”

Federal Law Enforcement Officers Association

Witness Statement: Jon Adler, National President

Accompanied by: Frank Terreri, FLEOA FAMS

Agency President

Chairman Carney, Ranking Member Bilirakis, and Distinguished Members of the committee, on behalf of the membership of the Federal Law Enforcement Officers Association, I thank you for the opportunity to appear before you today. My name is Jon Adler and I am the National President of F.L.E.O.A. I am proud to represent approximately 1,300 Federal Air Marshals, and share their views with you regarding personnel and work-force issues. As the “Boots on the Plane,” the flying Air Marshal’s perspective and insight are paramount to the success and effectiveness of the agency.

Since the horrific events of September 11th, 2001, the Federal Air Marshals Service has struggled to grow beyond its tumultuous past. Furthermore, after enduring an executive management staff that was more fixated on dress codes than Air Marshal safety, the agency is beginning to come together under the strong leadership of Director Bob Bray.

The emotional wounds inflicted by the FAMS’ executive Staff during the 2003 to 2006 period still linger.

Nonetheless, our Air Marshals are valiantly trying to regain their agency's credibility and reassemble a splintered workforce that plays a vital role in our homeland security. To their credit, they are succeeding.

We can see this success by examining the progress Director Bray and the Air Marshals have made with the Visible Intermodal Protection and Response (VIPR) program. While it was initially rolled out with many flaws, it has ultimately evolved into a viable program.

On August 9th, 2007, FLEOA met with Secretary Michael Chertoff to discuss the flaws in the program. Subsequent to the meeting, Secretary Chertoff directed then TSA Administrator Edmund "Kip" Hawley to ensure that the Air Marshals' safety would not be compromised working ground based missions. After being appointed the FAMS Director, Mr. Bray embraced this, and instituted a policy that corrected the operational and safety issues.

Intelligence reports continue to indicate that subversive groups are still searching for vulnerabilities in our public transportation system. It is important that Congress recognizes this and provides the FAMS with the necessary funding to operate this important program. Our allies in Israel who run the El Al airline have succeeded by running a similar proactive program geared towards ground based missions. We should learn by their example.

While Director Bray has done an admirable job elevating moral in the FAMS, the attrition rate continues to be high. Anecdotal feedback from our membership indicates that this is largely a result of the FAMS being trapped in the 2004 TSA pay for performance scale. Unlike all their DHS counterparts, such as ICE, CBP and the Secret Service, Air Marshals do not get "in-step" pay increases. The logical solution to this problem is to place the FAMS on the same GS (General Schedule) pay scale that their counterparts are on.

Another factor that impacts attrition is the limitation of their training. Air Marshals' carry out a mission that entails more than security functions. Specifically, Air Marshals should go through the Criminal Investigator Training Program (CITP) like their counterparts in DHS. What value does this bring? First, it would provide them with the right training to perform ground based assignments. The training places heavy emphasis on interviewing skills, report writing, surveillance, legal procedure, and working crime scenes. It will also empower the force multiplier concept within DHS. This means that the DHS could use the Air Marshals to augment their law enforcement efforts in a variety of ways, i.e., Southwest border initiative, UN General Assembly protection details, national emergencies such as Hurricane Katrina, etc.

Last, in an effort to remedy some of the personnel hardships brought on those who spoke out in the past, FLEOA recommends that TSA conduct retroactive case reviews of past Whistleblower cases within the agency. Brave Air Marshals such as Frank

Terreri who sits with me today, and Robert MacLean were punished in 2005 and 2006 for blowing the whistle on past FAMS policies that endangered the public. At the same time, FAMS executive management, in the height of its hypocrisy, continued to televise false bravado news segments that publicized Air Marshal operational protocol. I appeal to this committee to support all efforts to review these cases and return those who were victimized to full flying duty.

In closing, I would like to leave this committee with one point to consider. If you look at the TSA Organization chart, you will see that the FAMS are placed on the fourth row. There isn't a person within TSA that has more credible law enforcement and security experience than Director Bob Bray. Furthermore, no other box on that chart represents the wealth of law enforcement and security experience that the Air Marshal workforce embodies. Shouldn't they be at the top of the chart, leading TSA?

I thank you for taking the time to consider the viewpoint of the flying Air Marshal.

Respectfully submitted,

Jon Adler

Jon Adler
National President