



June 2021

# COVID-19

## Federal Air Marshal Service Should Document Its Response to Cases and Facilitate Access to Testing



A Century of Non-Partisan Fact-Based Work

# GAO@100 Highlights

Highlights of [GAO-21-595](#), a report to congressional committees

## Why GAO Did This Study

In the U.S. there have been over 29 million cumulative reported cases of COVID-19 and about 524,000 reported deaths, as of March 23, 2021. Public health officials have recommended social distancing and other steps to reduce the spread of the disease, but air marshals often work on planes where they cannot fully adopt these measures. The CARES Act included a provision for GAO to conduct monitoring and oversight of the federal government's response to the COVID-19 pandemic. This report examines (1) how many air marshals have been diagnosed with COVID-19; (2) FAMS's steps to protect air marshals' health; and (3) how FAMS adapted its operations during the pandemic.

GAO analyzed FAMS data on COVID-19 cases among employees, reviewed agency guidance, analyzed FAMS flight operations reports, and interviewed FAMS leadership as well as air marshals at a non-generalizable sample of three field offices selected for variation in number of COVID-19 cases, among other things. This is a public version of a sensitive report that GAO issued in May 2021. Information that DHS deemed sensitive has been omitted.

## What GAO Recommends

GAO recommends that FAMS (1) consistently document steps taken in response to an employee's diagnosis with COVID-19 and (2) routinely facilitate employee access to testing for COVID-19. DHS concurred with both of GAO's recommendations and identified actions it will take to implement them.

View [GAO-21-595](#). For more information, contact Triana McNeil at (202) 512-6691 or [McNeilT@gao.gov](mailto:McNeilT@gao.gov).

June 2021

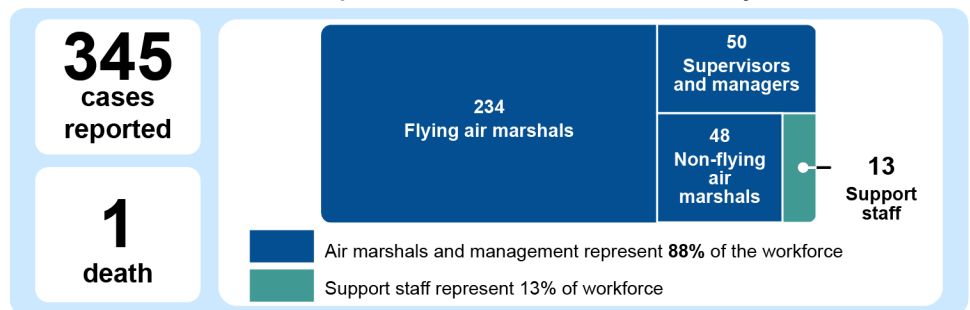
## COVID-19

# Federal Air Marshal Service Should Document Its Response to Cases and Facilitate Access to Testing

## What GAO Found

The U.S. Federal Air Marshal Service (FAMS), within the Department of Homeland Security (DHS), reported 345 cases of COVID-19 among employees, as of January 31, 2021.

### Federal Air Marshal Service's Reported Cases of COVID-19, as of January 31, 2021



Source: GAO analysis of Federal Air Marshal Service data. | GAO-21-595

Note: Cases included in the figure were confirmed with a positive COVID-19 test and reported to the Federal Air Marshal Service by the employee.

To protect air marshals from COVID-19, FAMS provided supplies like N95 masks and implemented new telework and leave policies. FAMS also created protocols for responding to employees with COVID-19, but has not consistently documented their implementation. By doing so, FAMS could better ensure it is taking the required steps to protect employees and the flying public. GAO also found FAMS does not routinely facilitate employee access to COVID-19 testing. FAMS recommends employees seek testing through their medical provider or local public health officials, but air marshals in all three field offices GAO met with either noted barriers to testing or benefits to improved access to tests. In January 2021, FAMS employees became eligible for COVID-19 vaccinations, but Centers for Disease Control and Prevention guidance says testing continues to be important even as vaccinations become available. By facilitating access to testing, FAMS could better ensure employee health and continued operations.

Starting in February 2020, FAMS adjusted the number and types of flights air marshals covered. In April 2020, amidst a decline in U.S. carrier flights, the number of flights FAMS covered declined by 90 percent compared to average monthly flights pre-pandemic. By June 2020, FAMS had resumed pre-pandemic flight levels. From April through August 2020, FAMS made operational changes to increase its flight coverage that also resulted in FAMS covering different types of flights, compared to those it covered prior to the pandemic. For example, due to travel restrictions, FAMS stopped covering most international flights but increased coverage of other types of flights. Starting in April 2020, FAMS also increased air marshals' non-flight work, such as providing a security presence at airports and national events.

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# Contents

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Letter		1
	Background	6
	FAMS Reported 345 Cases of COVID-19 through January 2021	13
	FAMS Has Taken Steps to Protect Air Marshals, but Could Improve Documentation of These Efforts and Access to Testing	16
	FAMS Adjusted Flight Coverage and Expanded Ground-Based Operations	26
	Conclusions	34
	Recommendations for Executive Action	35
	Agency Comments and Our Evaluation	35
Appendix I	Comments from the Department of Homeland Security	39
Appendix II	GAO Contact and Staff Acknowledgments	42
Table		
	Table 1: Categories of Flights the Federal Air Marshal Service (FAMS) Prioritizes	10
Figures		
	Figure 1: Location of Federal Air Marshal Service (FAMS) Field Offices	8
	Figure 2: Numbers of Domestic and International Passenger Flights on U.S. Air Carriers, October 2019 – November 2020	12
	Figure 3: Percent of Federal Air Marshal Service (FAMS) Employees Who Reported Testing Positive for COVID-19 in Each Field Office, as of January 31, 2021	14
	Figure 4: Distribution of Federal Air Marshal Service's (FAMS) Reported COVID-19 Cases by Employee Role, As of January 31, 2021	15
	Figure 5: Photos of N95 Masks, Hand Sanitizer, and Other Personal Protective Equipment Available to Federal Air Marshals	17
	Figure 6: Federal Air Marshal Service (FAMS) Protocols for Responding to a COVID-19 Case	22

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Figure 7: Federal Air Marshals Support Inauguration Event  
Security at Ronald Reagan Washington National Airport

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**Abbreviations**

CDC	Centers for Disease Control and Prevention
COVID-19	Coronavirus Disease 2019
DHS	Department of Homeland Security
FAMS	Federal Air Marshal Service
PPE	Personal Protective Equipment
SAC	Supervisory Air Marshal in Charge
TSA	Transportation Security Administration
VIPR	Visible Intermodal Prevention and Response

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June 23, 2021

### Congressional Committees

The Coronavirus Disease 2019 (COVID-19) has resulted in catastrophic loss of life. In the U.S., as of March 23, 2021, there were about 29.7 million cumulative reported cases and more than 524,000 reported deaths, according to federal agencies.<sup>1</sup> Public health officials have recommended social distancing and other measures to reduce transmission of the disease. However, certain sectors of the U.S. workforce with critical roles such as in law enforcement and transportation have remained at risk of catching and spreading the virus because their jobs require that they come into regular contact with other people. The U.S. Federal Air Marshal Service (FAMS)—an office within the Department of Homeland Security’s (DHS) Transportation Security Administration (TSA)—is one such workforce.<sup>2</sup>

FAMS is tasked with promoting confidence in the nation’s civil aviation system through the deployment of air marshals to protect U.S. air carriers, airports, passengers, and crews. To accomplish this mission, FAMS deploys armed federal law enforcement officers—air marshals—to provide an onboard security presence on selected flights of U.S. air carriers travelling within the U.S. and around the world.<sup>3</sup> FAMS’s mission has continued throughout the COVID-19 pandemic with air marshals routinely working on airplanes and at airports; flying domestic and international routes. The Department of State has advised U.S. citizens to avoid international travel and the Centers for Disease Control and Prevention (CDC) has warned that with regard to COVID-19, high-risk

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<sup>1</sup>Data on COVID-19 cases in the U.S. are based on aggregate case reporting to the Centers for Disease Control and Prevention (CDC) and include probable and confirmed cases as reported by states and jurisdictions. CDC’s National Center for Health Statistics COVID-19 death counts in the U.S. are based on provisional counts from death certificate data, which do not distinguish between laboratory-confirmed and probable COVID-19 deaths. Provisional counts are incomplete due to an average delay of 2 weeks (a range of 1–8 weeks or longer) for death certificate processing. The data were accessed on March 23, 2021. Data include deaths occurring from January 2020 through the week ending on March 20, 2021.

<sup>2</sup>The formal name of this office is Law Enforcement / Federal Air Marshal Service, but we refer to it as the Federal Air Marshal Service throughout this report.

<sup>3</sup>See 49 U.S.C. § 44917.

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settings include workplaces where physical distancing is difficult and workers are in close contact with coworkers or the public.<sup>4</sup> As such, COVID-19 presents a particular health concern for flying air marshals and the public with whom they interact in the course of their work.

The CARES Act—signed in March 2020—includes a provision for us to conduct monitoring and oversight of the federal government’s efforts to prepare for, respond to, and recover from the COVID-19 pandemic.<sup>5</sup> In addition, we were asked to review the steps DHS is taking to protect its employees from contracting COVID-19, among other things. This report examines, (1) how many air marshals have been diagnosed with COVID-19; (2) FAMS’s steps to protect air marshals’ health during the COVID-19 pandemic; and (3) how FAMS has adapted its operations during the COVID-19 pandemic.

This report is a public version of the prior sensitive report that we issued in May 2021.<sup>6</sup> TSA deemed some of the information in our May report to be sensitive security information, which must be protected from public disclosure. Therefore, this report omits this information, such as the number of air marshals as well as data and details associated with FAMS’s flight operations. Although the information provided in this report is more limited in scope, it addresses the same objectives as the sensitive report and uses the same methodology.

To address our first objective, we analyzed FAMS data and reports to identify the number of cases of COVID-19 among employees, as reported

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<sup>4</sup>CDC “SARS-CoV-2 Testing Strategy: Considerations for Non-Healthcare Workplaces, Testing in Non-Healthcare Workplaces.” July 22, 2020. Accessed October 14, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/testing-non-healthcare-workplaces.html>.

<sup>5</sup>Pub. L. No. 116-136, § 19010, 134 Stat. 281, 579. We regularly issue government-wide reports on the federal response to COVID-19. For the latest report, see GAO, *COVID-19: Sustained Federal Action Is Crucial as Pandemic Enters Its Second Year*, [GAO-21-387](https://www.gao.gov/products/2021-387) (Washington, D.C.: Mar. 31, 2021). Our next government-wide report will be issued in July 2021 and will be available on GAO’s website at <https://www.gao.gov/coronavirus>.

<sup>6</sup>GAO, *COVID-19: Federal Air Marshal Service Should Document Its Response to Cases and Facilitate Access to Testing*, [GAO-21-382SU](https://www.gao.gov/products/2021-382SU) (Washington, D.C.: May 5, 2021).

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to FAMS management through January 31, 2021.<sup>7</sup> Specifically, we analyzed data collected by the FAMS Medical Programs Section—the office within FAMS tasked with monitoring cases of COVID-19—to track reported cases of COVID-19 among the workforce.<sup>8</sup> We also analyzed periodic reports summarizing new cases for FAMS management, as well as FAMS summary data on the number of cases broken out by employee location and employee type (i.e., flying air marshals, ground-based air marshals, etc.).<sup>9</sup> We assessed the reliability of these summary data by cross-checking totals from each source, matching totals for the breakouts by field office location and employee type, and resolving discrepancies with FAMS officials. We also spoke with officials from FAMS management and FAMS’s Medical Programs Section to understand how they tracked and reported these data. We determined that these data were sufficiently reliable for describing the number of reported cases of COVID-19 among FAMS employees, including the employees’ office locations and roles.<sup>10</sup>

To address our second objective, we reviewed TSA and FAMS COVID-19-specific guidance to identify changes in policy and procedure intended to protect employees from COVID-19, such as new procedures for contact tracing, among other steps. Specifically, we reviewed TSA’s *Human Capital Advisory Memos (versions 1 through 8)*; TSA’s August 2020 *Guidance for COVID-19: Return to Workplace and Medical Documentation*; and FAMS’s July 2020 *COVID-19 Protocol for Assistant*

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<sup>7</sup>FAMS does not have information on whether employees caught COVID-19 through their work. The Department of Labor’s Office of Workers’ Compensation Programs has determined that for the purposes of the Federal Employees’ Compensation Act, federal law enforcement officers—such as air marshals—whose employment causes them to come into direct and frequent in-person and close proximity contact with the public are assumed to have contracted COVID-19 as a result of their employment.

<sup>8</sup>In addition to tracking reported cases, the FAMS Medical Programs Section tracked employees’ reported history of symptoms, the date the employee contacted the Section, the employee’s field office location, whether the employee had a COVID-19 test, and the results of the test where known, among other things. This spreadsheet included over 700 employee symptom history records beginning February 16, 2020 through January 31, 2021. FAMS summarized employee reports of COVID-19 symptoms and cases in more than 50 reports for FAMS management, on a daily or weekly basis, beginning March 11, 2020 through January 31, 2021.

<sup>9</sup>In addition to conducting flight operations, air marshals may carry out the FAMS mission by participating in ground-based operational assignments that support security activities in transportation settings.

<sup>10</sup>Throughout this report, the numbers of cases of COVID-19 among FAMS employees refers to confirmed cases where an employee received a COVID-19 test and reported their positive test result to the FAMS Medical Programs Section.

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*Administrators, Supervisory Air Marshal In Charge, or Federal Security Director (FAMS Protocols).*<sup>11</sup> We also reviewed FAMS's, TSA's, and DHS's internal communications to employees during the period January 22, 2020 to August 6, 2020 related to COVID-19, such as email messages with best practices to avoid contracting COVID-19 during travel. Lastly, we compared the steps FAMS had taken to protect employees to CDC and Federal Occupational Safety and Health Administration guidance for workplaces responding to COVID-19 and considerations for COVID-19 testing in non-medical workplaces.<sup>12</sup>

To obtain FAMS officials' perspectives on the steps taken to protect employees from COVID-19 and how FAMS management is monitoring implementation of these steps, we interviewed senior FAMS management officials, including the Assistant Administrator for Field Operations and the Assistant Administrator for Flight Operations. We also interviewed field office management officials and air marshals in three of the 20 FAMS field office locations—Newark, New Jersey; Houston, Texas; and Seattle, Washington. We selected these field offices to capture perspectives from field offices that had experienced varying numbers of COVID-19 cases, as well as varied effects on their operations, such as decreased international flights.

We developed standardized lists of questions that we used in each of the three field offices to facilitate two separate discussion sessions—one with field office management officials, including the field office Supervisory Air

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<sup>11</sup>TSA, Human Capital Advisory Memo 2020.30.4 (rev. 8); Appendix A – Return to Workplace and Medical Documentation; and Appendix B – Assistant Administrator (AA)/Supervisory Air Marshal in Charge (SAC)/ Federal Security Director (FSD) Protocol for Employee (or Contractor) with Laboratory-Confirmed or Suspected COVID-19. December 8, 2020. According to FAMS management officials, the FAMS Protocols have been revised three times, since the first version issued on April 2, 2020. The Return to Workplace Documentation guidance was first issued July 2020. TSA has revised the Human Capital Advisory Memo eight times, to reflect changes in policies. Beginning with the seventh version (dated September 24, 2020), the Return to Workplace guidance and FAMS Protocols appear as appendix A and B respectively.

<sup>12</sup>CDC “Domestic Travel during the COVID-19 Pandemic.” December 2, 2020. Accessed December 14, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html>; CDC “Testing Strategy for Coronavirus (COVID-19) in High-Density Critical Infrastructure Workplaces after a COVID-19 Case is Identified, Testing in High-Density Critical Infrastructure Workplaces” June 13, 2020. Accessed October 14, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/worker-safety-support/hd-testing.html>; Occupational Safety and Health Administration “Guidance on Preparing Workplaces for COVID-19.” March 9, 2020, and Occupational Safety and Health Administration. “Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace”. January 29, 2021.



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Marshals in Charge (SAC), and the other with approximately five air marshals in each office. For the group discussion sessions with air marshals, we requested that each field office make available approximately five air marshals including both flying and non-flying air marshals. Although the information obtained from interviews with these officials is not generalizable to all 20 FAMS field offices, it provided insight into the steps FAMS had taken to protect air marshals' health during the pandemic and how these steps varied across offices.

We also met with representatives from the three external employee groups representing air marshals—the Air Marshal Association, the Air Marshal National Council, and the Federal Law Enforcement Officer Association—to obtain their perspectives on the steps FAMS had taken to protect air marshals from COVID-19 and whether additional steps were needed. We determined that the control activities component of internal control was significant to this objective, along with the underlying principle that management should design control activities to achieve objectives and respond to risks.<sup>13</sup> We assessed how FAMS has designed control activities to ensure implementation of the FAMS Protocols. We also compared FAMS's documentation requirements to *DHS Risk Management Fundamentals*—the purpose of which is to establish organizational practices that DHS components should follow to incorporate risk management into organizational missions.<sup>14</sup>

To address our third objective, we analyzed FAMS monthly flight operations reports from October 2019 through January 2021 to identify how FAMS's flight coverage—that is the number and types of flights FAMS covered—changed in response to the COVID-19 pandemic.<sup>15</sup> We assessed the reliability of the data presented in these reports by reviewing documentation and interviewing knowledgeable FAMS officials about their Aircrews and WebEOC flight tracking systems and how they ensure the quality of their data. We also compared FAMS's monthly flight

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<sup>13</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014).

<sup>14</sup>DHS, *Risk Management Fundamentals: Homeland Security Risk Management Doctrine*, (Washington, D.C.: April 2011).

<sup>15</sup>To enable us to compare FAMS flight operations pre- and post-pandemic, we analyzed data for the period October 2019—the beginning of fiscal year 2020—through January 2021—the most recent month for which data were available at the time of our review. Throughout our report, we use the term pre-pandemic to refer to flight data we reviewed for the period October 2019 through February 2020.

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operations reports to record-level flight data for the months of October 2019, April 2020, and January 2021 and resolved discrepancies through discussion with FAMS officials.<sup>16</sup> We determined that these data were sufficiently reliable for describing month-to-month changes in FAMS operations during this period. We also reviewed FAMS documentation of operational changes in response to COVID-19 and interviewed FAMS leadership about their decisions to make these changes. Further, we analyzed FAMS documentation of air marshals' ground-based (non-flight) activities from April 2020 through January 2021 and interviewed the Executive Assistant Administrator/Director of FAMS, the leadership, and three field office SACs about how FAMS's ground-based activities changed in response to the COVID-19 pandemic.

The performance audit upon which this report is based was conducted from July 2020 to May 2021 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. We subsequently worked with TSA from May through June 2021 to prepare this unclassified version of the original sensitive report for public release. This public version was also prepared in accordance with these standards.

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## Background

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### FAMS Management

The senior leader of FAMS is the Executive Assistant Administrator/Director of FAMS. FAMS management is organized into three divisions:

- **Field Operations Division.** Led by the Assistant Administrator for Field Operations, this division manages FAMS's 20 field offices located near major airports across the U.S. Each field office is managed by a SAC, assisted by a Deputy Supervisory Air Marshal in Charge or Assistant Supervisory Air Marshal in Charge, depending on

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<sup>16</sup>Aircrews is FAMS's primary system for tracking flights and air marshal deployments. However, FAMS also captures some types of flights—namely top priority flights—in a second data system called WebEOC. In both systems, record-level flight data included details such as the flight departure and destination locations, the flight's FAMS-designated priority level, and whether or not air marshals covered the flight, among others.

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the size of the field office. The SACs are responsible for the day-to-day management of air marshals assigned to their field office.

- **Flight Operation Division.** Led by the Assistant Administrator for Flight Operations, this division is responsible for planning and preparing air marshals' schedules, monitoring all FAMS flights, and providing support to air marshals during flight operations.
- **Operations Management Division.** Led by the Assistant Administrator for Operations Management, this division is responsible for the agency-wide human capital and financial management of FAMS. Within this division, a staff of one part-time doctor and three occupational health nurses comprise the FAMS Medical Programs Section, located at FAMS's facility in Atlantic City, New Jersey.<sup>17</sup> This unit is responsible for determining air marshals' medical fitness for duty, based on the results of required annual physicals completed by the air marshals' personal physicians. The doctor and nurses also respond to medical questions from air marshals, including questions about new health threats such as COVID-19, among other things.

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## FAMS Workforce

As of January 2021, FAMS had thousands of employees, the majority of whom are air marshals who conduct flight operations and other law enforcement work. The remainder of the FAMS workforce consists of administrative and mission support staff across their headquarters, field office locations, and training facilities. In addition to conducting flight operations, air marshals may carry out the FAMS mission by participating in ground-based operational assignments that support security activities in transportation settings. For example, FAMS assigns air marshals to Visible Intermodal Prevention and Response (VIPR) teams in all of its 20 field offices. See figure 1 for the locations of FAMS's 20 field offices.

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<sup>17</sup>The Medical Programs Section also includes three administrative staff and two occupational health nurse positions that are vacant as of January 2021.

**Figure 1: Location of Federal Air Marshal Service (FAMS) Field Offices**



Source: GAO summary of FAMS organization. | GAO-21-595

Note: This figure shows the locations of FAMS field offices. FAMS also has employees at its headquarters in Springfield, Virginia.

VIPR teams consist of air marshals and other TSA security officers specializing in aviation, surface, and explosives inspections. VIPR teams deploy to provide a visible law enforcement and security screening presence at surface and maritime transportation locations, like public transit stations. In addition to VIPR teams, air marshals may support law enforcement operations at airports, such as conducting risk assessments of security threats. FAMS also deploys air marshals to provide support to other DHS components for a few days or several months, including the Federal Emergency Management Agency, U.S. Immigration and Customs Enforcement's Homeland Security Investigations, and the Secret Service.

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In February 2020, we reported that the FAMS workforce had concerns about their health but FAMS had not comprehensively assessed the health of its workforce. We recommended that FAMS develop and implement a plan to assess the health and fitness of the FAMS workforce as a whole, including trends over time. DHS agreed with this recommendation and in January 2020, DHS officials stated that FAMS had established a team to develop a plan to do so, but as of January 2021, they had not taken further steps to implement the recommendation.<sup>18</sup>

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## FAMS's Concept of Operations

The Aviation and Transportation Security Act, enacted in November 2001, authorizes TSA to deploy air marshals on every passenger flight of a U.S. air carrier and requires TSA to deploy air marshals on every such flight determined by the TSA Administrator to present high security risks.<sup>19</sup> FAMS uses a concept of operations to set forth its methodology for deploying air marshals on flights.<sup>20</sup> FAMS prioritizes several categories of flights considered higher risk, including those for which a known or suspected terrorist is ticketed, called special mission coverage. FAMS further prioritizes deployment of air marshals on random, unpredictable flights, and supporting flights used to position air marshals for flights. (See table 1).<sup>21</sup>

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<sup>18</sup>GAO, *Aviation Security: Federal Air Marshal Service Has Taken Steps to Address Workforce Issues, but Additional Actions Needed*, GAO-20-125 (Washington, D.C: Feb. 12, 2020). In addition to recommending that FAMS develop and implement a plan to assess the health and fitness of the FAMS workforce, we made five other recommendations to improve FAMS's tracking of employees' medical status, and strengthen efforts to prevent discrimination, among other things. DHS concurred with these recommendations, and as of January 2021, DHS had taken steps to address two of the six recommendations and had plans to implement the remaining four.

<sup>19</sup>See Pub. L. No. 107-71, § 105(a), 115 Stat. 597, 606; 49 U.S.C. § 44917(a)(1) and (2).

<sup>20</sup>FAMS may deploy air marshals on U.S. air carriers either operating within the U.S. or operating internationally if an agreement is in place with a destination country allowing for the arrival and departure of armed U.S. air marshals. In accordance with its statutory authorities, however, FAMS may not deploy air marshals on foreign-flagged carriers.

<sup>21</sup>TSA designated further detail about these categories as sensitive security information and thus it cannot be included in a public report.

**Table 1: Categories of Flights the Federal Air Marshal Service (FAMS) Prioritizes**

Category description	Flight selection rationale
<b>Domestic:</b> Certain flights within the U.S.	As resources permit, FAMS deploys air marshals on selected domestic flights.
<b>International:</b> Flights covering international routes	International flights selected based on FAMS's assessment of the security risk of a flight's route or last point of departure.
<b>National Special Security Events:</b> Flights traveling into or out of cities during certain high-profile events	Flights associated with certain planned large gatherings that merit special security concern. These gatherings include events such as Presidential inaugurations and major international summits held in the United States. Transportation Security Administration is notified of these events and then identifies specific flights for FAMS coverage, depending on location, aircraft size, and other variables.
<b>Random, Unpredictable:</b> Flights not associated with other priority categories	Flights selected to maintain a periodic law enforcement presence on any type of domestic flight.
<b>Special Mission Coverage:</b> Flights for which a known, suspected, or potentially higher-risk traveler is ticketed	Flights selected based on specific intelligence about higher-risk or potentially higher-risk individual passengers, such as individuals who are in the federal government's database of known or suspected terrorists.
<b>Supporting:</b> Flights completed to support the coverage of other priority missions	Flights needed to position air marshals to cover a priority flight.

Source: GAO summary of FAMS operations documents | GAO-21-595

To cover special mission coverage flights, FAMS typically uses air marshals scheduled for standby, who report to the airport or office and fly upon notification. If no air marshals in standby status are available, FAMS may reassign air marshals from regularly scheduled missions or air marshals who were not scheduled to fly at that time.

## COVID-19 Effects on Flight and Passenger Volume

U.S. air carriers reduced both international and domestic flights in response to a decline in passenger demand following the onset of the pandemic, and TSA officials have publicly stated that they expect air travel to remain below pre-pandemic levels through most of 2021. In January 2020, the State Department and CDC began issuing a series of advisories to U.S. citizens discouraging certain domestic and international travel.<sup>22</sup> According to publicly available U.S. Department of Transportation flight data, in April 2020, U.S. air carriers decreased international flights to and from the U.S. by 93 percent and reduced domestic flights by 70

<sup>22</sup>Specifically, in January 2020, the State Department advised U.S. citizens to avoid travel to China due to the novel coronavirus first identified in Wuhan, China. This travel advisory was extended in late February 2020 to include Italy due to evidence of community spread of the coronavirus. In March 2020, the CDC and State Department issued a Global Level 4 Health Advisory instructing U.S. citizens to avoid all international travel. From January through April 2020, the CDC issued recommendations for individuals to avoid discretionary domestic travel.

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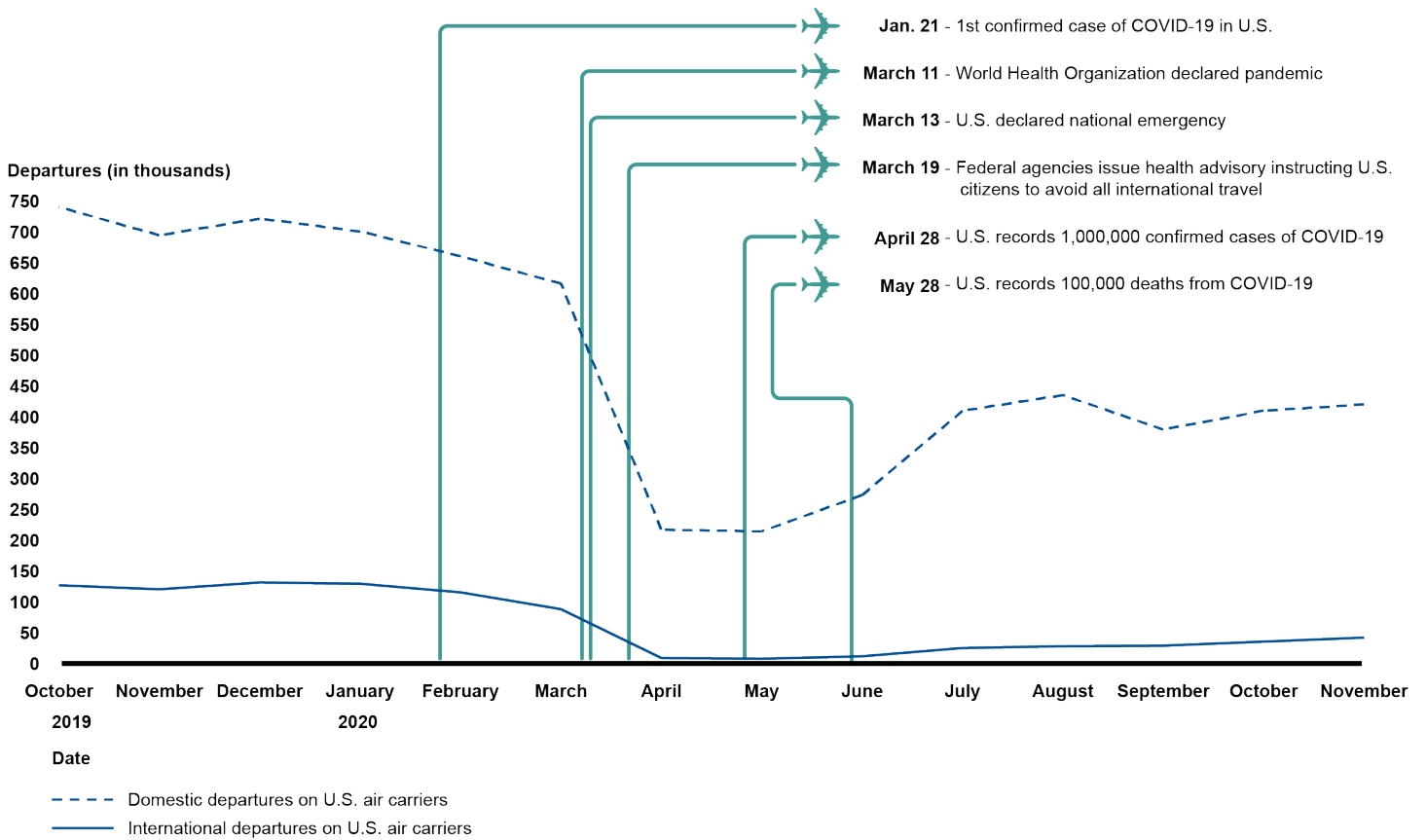
percent compared to pre-pandemic monthly averages.<sup>23</sup> U.S. air carrier flights have increased somewhat since April 2020, but as of November 2020—the most recent month for which Department of Transportation flight data were available at the time of our review—international flights to and from the U.S. remained at 34 percent of pre-pandemic levels and U.S. carrier domestic flights remained at 60 percent of pre-pandemic levels.<sup>24</sup> See figure 2.

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<sup>23</sup>For the purposes of this report, we define the “pre-pandemic” period as October 2019 through February 2020. Pre-pandemic flight levels are based on the number of average monthly passenger flights on U.S. carriers from October 2019 through February 2020.

<sup>24</sup>The U.S. Department of Transportation reports publicly available passenger flight data on their website with a 3-month lag. Therefore, we analyzed passenger flight data through November 2020, the most recent month available at the time of our analysis.

**Figure 2: Numbers of Domestic and International Passenger Flights on U.S. Air Carriers, October 2019 – November 2020**



Source: GAO analysis of publicly available data from the Department of Transportation (departures); Centers for Disease Control and Prevention and Johns Hopkins University (COVID-19 cases and deaths). | GAO-21-595



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## FAMS Reported 345 Cases of COVID-19 through January 2021

FAMS reported 345 cases of COVID-19 among employees, including one death because of complications from COVID-19, as of January 31, 2021.<sup>25</sup> According to FAMS Medical Programs Section officials, this count captures all cases of COVID-19 confirmed by a positive diagnostic test.<sup>26</sup> FAMS has reported cases of COVID-19 in all 20 field offices and other FAMS work locations, including their headquarters and training facilities. The infection rates per office ranged from less than 1 percent of employees in FAMS headquarters to 19 percent of employees in the Las Vegas field office. FAMS does not have information on how or where these employees caught COVID-19 and the TSA Chief Medical Officer said it would be nearly impossible to determine.<sup>27</sup> See figure 3 for the percent of employees in each field office who reported testing positive for COVID-19.

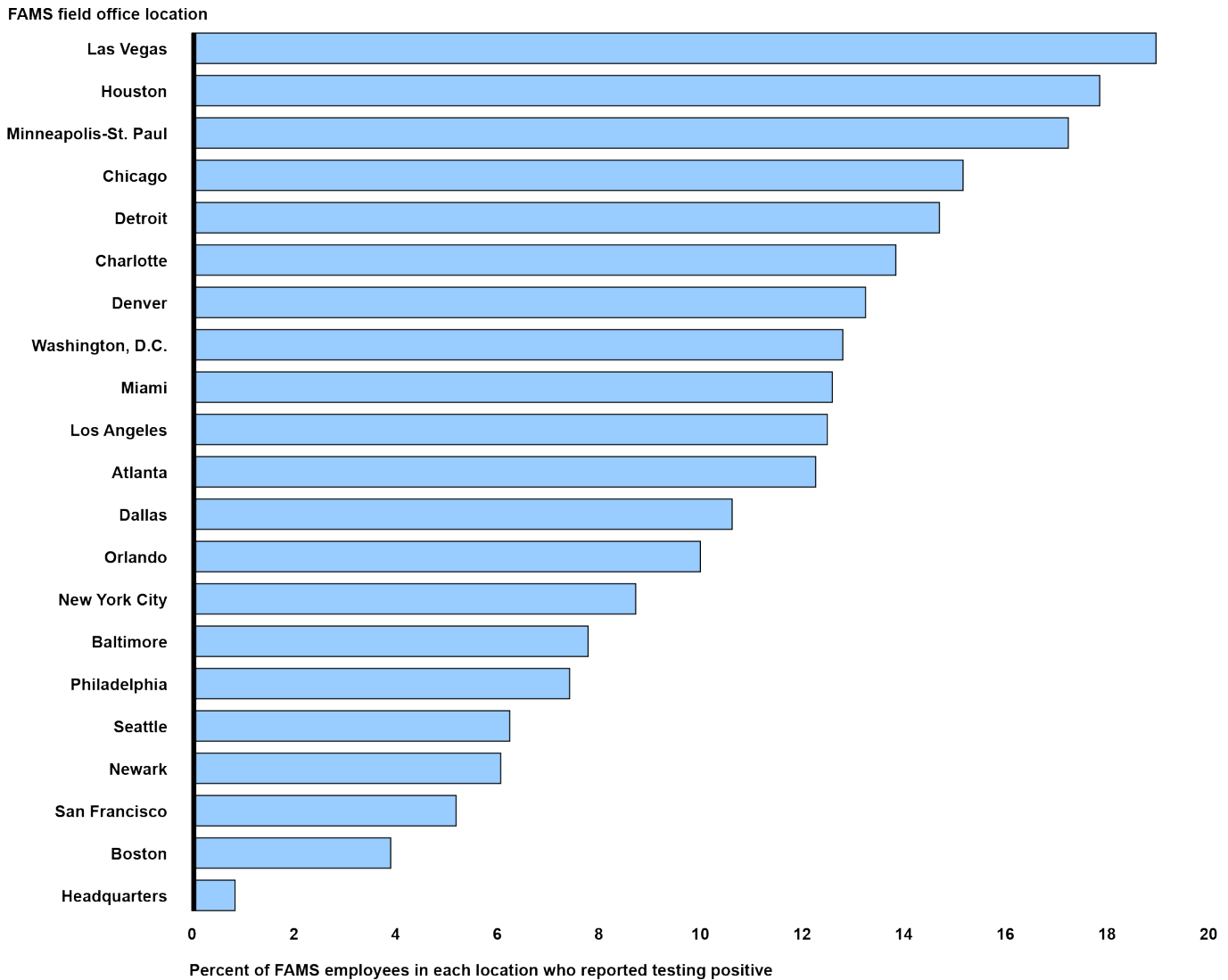
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<sup>25</sup>According to FAMS management officials, employees should communicate any potential exposure to their immediate supervisor, but FAMS and TSA guidance do not require employees to do so. The TSA Human Capital Advisory Memo, and a March 12, 2020 email to the FAMS workforce, directed all employees to report any symptoms or possible exposure to COVID-19 to their local public health officials or healthcare provider.

<sup>26</sup>Each reported case generally represents a unique individual employee. Two employees had more than one case of COVID-19, representing four positive test results, as of January 2021. This case count includes all such cases reported to FAMS management, but may not include all cases that have occurred among employees. On July 22, 2020, the CDC estimated that there were 10 times more cases than reported from March through May 2020.

<sup>27</sup>The Department of Labor's Office of Workers' Compensation Programs has determined that for the purposes of the Federal Employees' Compensation Act, federal law enforcement officers—such as air marshals—whose employment causes them to come into direct and frequent in-person and close proximity contact with the public are assumed to have contacted COVID-19 as a result of their employment.

**Figure 3: Percent of Federal Air Marshal Service (FAMS) Employees Who Reported Testing Positive for COVID-19 in Each Field Office, as of January 31, 2021**

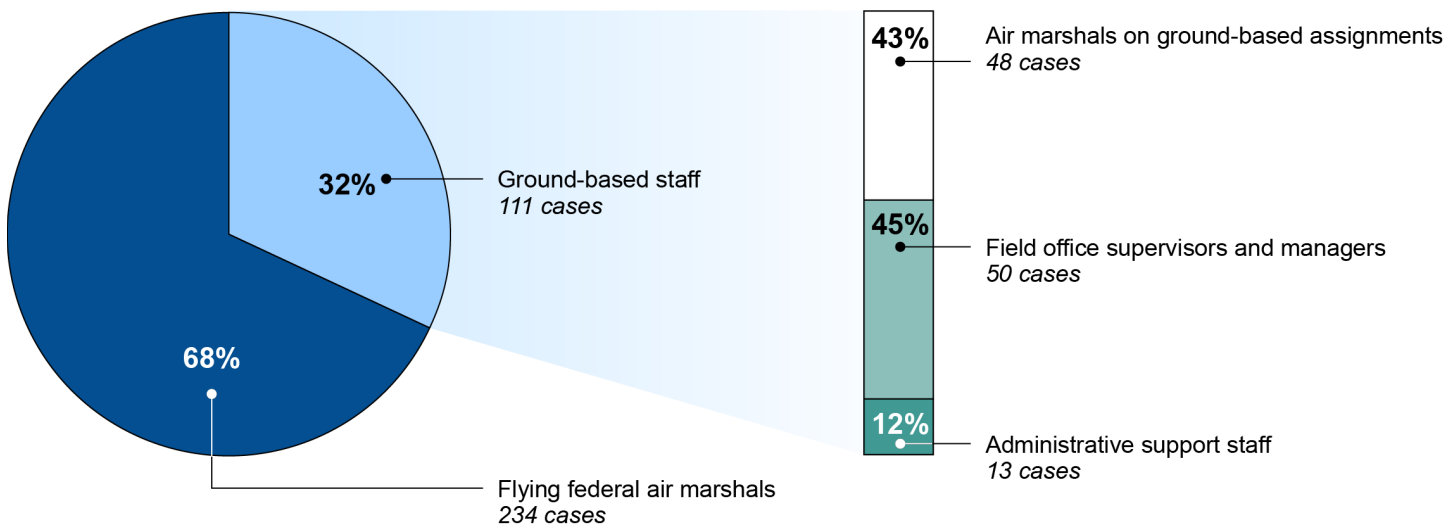


Source: GAO summary of FAMS COVID-19 case data. | GAO-21-595

Note: Cases included here are reported confirmed cases of COVID-19 where an employee received a test and reported their positive test result to FAMS. This figure does not include 12 confirmed cases among FAMS employees located at the TSA Freedom Center in Herndon, Virginia and two reported cases of FAMS employees located at the Federal Law Enforcement Training Center in Artesia, New Mexico and the FAMS training facility in Atlantic City, New Jersey.

According to our analysis of FAMS case data, the majority of COVID-19 infections occurred among flying air marshals (234 out of 345), while the remaining 111 cases occurred among employees in ground-based roles. Of these 111 cases, 50 occurred among field office supervisors and managers; 48 were among air marshals on ground-based assignments, such as VIPR; and 13 occurred among FAMS’s administrative support staff.<sup>28</sup> Figure 4 shows the distribution of FAMS COVID-19 cases across different employee roles.

**Figure 4: Distribution of Federal Air Marshal Service’s (FAMS) Reported COVID-19 Cases by Employee Role, As of January 31, 2021**



Source: GAO summary of FAMS COVID-19 case data. | GAO-21-595

Note: Cases included here are reported confirmed cases of COVID-19 where an employee received a test and reported their positive test result to FAMS.

<sup>28</sup>These data reflect the job air marshals were doing when they reported their illness.

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## FAMS Has Taken Steps to Protect Air Marshals, but Could Improve Documentation of These Efforts and Access to Testing

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### FAMS Has Taken Steps to Protect Employees during Travel and Ground-Based Work

#### FAMS Provided PPE, Guidance, and Adapted Some Travel Procedures

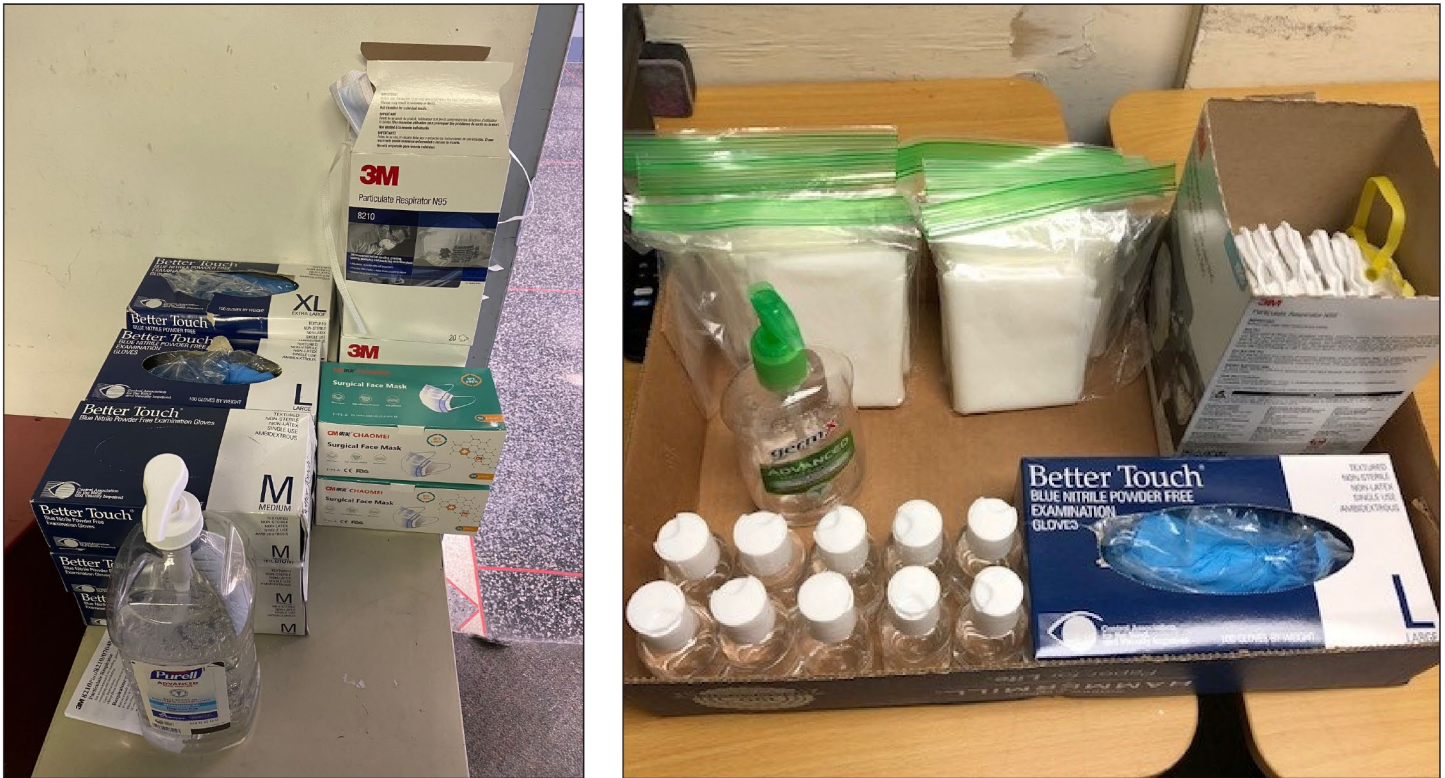
FAMS has taken various steps to protect air marshals' health during the COVID-19 pandemic. Specifically, management has 1) provided Personal Protective Equipment (PPE), guidance, and adapted some travel procedures; 2) implemented new telework and leave policies; and 3) taken steps to reduce in-office contact.

Beginning in January 2020, FAMS managers began to inventory, procure, and distribute PPE—including N95 masks, disinfectant wipes, and hand sanitizer—to air marshals, according to the Assistant Administrator for Field Operations. In February 2020, FAMS management emailed all air marshals notifying them that face coverings and other PPE were available for their use. Figure 5 shows PPE supplies available to air marshals in the Newark, New Jersey and Orlando, Florida field offices. By April 2020, the DHS Undersecretary for Management recommended all frontline workers—which includes FAMS—to wear a mask while on duty.<sup>29</sup> Starting in May 2020, the TSA Administrator required that all TSA employees—and specifically air marshals during flight operations—use masks during their work.

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<sup>29</sup>DHS provided this recommendation to all department employees by email on April 7, 2020.

Figure 5: Photos of N95 Masks, Hand Sanitizer, and Other Personal Protective Equipment Available to Federal Air Marshals



Source: Federal Air Marshal Service. | GAO-21-595

Air marshals we met with in all three field offices said they had sufficient access to PPE. In one field office, the field office managers told us that in the midst of widespread shortages of travel-sized hand sanitizer, they emptied commercial-sized bottles of hand sanitizer into travel-sized bottles to ensure flying air marshals were able to get it. In another field office, the SAC told us they procured enough PPE locally to fulfill their needs and provide supplies to another field office. Air marshals in this field office told us that as of October 2020 they had various types of protective masks available for them to choose from, such as N95, surgical, and cloth reusable masks.

FAMS management officials also provided guidance to employees. In June 2020, the FAMS Safety Specialist—an official tasked with supporting air marshals' occupational safety and health—shared guidance with employees detailing safety precautions during travel. The guidance addressed, for example, steps to take to reduce COVID-19 risk

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when taking public transportation, staying at a hotel, and eating at restaurants. The guidance detailed basic hygiene principles and encouraged social distancing, among other actions. The Safety Specialist also provided FAMS employees with links to CDC, World Health Organization, and other health groups' COVID-19 resources.

Individual field offices changed aspects of how air marshals work to encourage social distancing and reduce the risk of spreading COVID-19. For example, officials we spoke with in two of the three field offices told us to permit greater social distancing, SACs no longer required air marshals to be in the airport when assigned to standby, awaiting potential tasking to fly. Rather, these SACs allowed their air marshals to be outside of the airport, in their car, or at a nearby location.<sup>30</sup> According to air marshals and SACs in those two offices, this change improved air marshals' ability to socially distance without affecting the offices' abilities to complete their missions. In another example, the SAC of one field office we met with told us they had reduced the size of their VIPR teams, to decrease the number of coworkers exposed if one became infected with COVID-19 and to create more teams to ensure VIPR operations continued.

Beginning in January 2021, TSA and other federal agencies added to the steps already taken to protect air marshals. On January 5, 2021, TSA began offering COVID-19 vaccinations to mission critical frontline personnel, including the FAMS workforce, as part of the 1b vaccination priority group.<sup>31</sup> The vaccine distribution is part of a program with DHS and the Veterans Health Administration within the Department of Veterans Affairs. According to a TSA document, employees were to select whether they would receive the vaccine, but must notify their supervisors of their decision and whether they have already received the

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<sup>30</sup>Air marshals staffed to "standby" roles were previously required to be in the airport to allow FAMS to fulfill missions with a different air marshal if unforeseen circumstances prevented the planned air marshal from travelling. In the remaining field office, the SAC did not implement this change, citing security priorities within the airport as the basis for continuing to require air marshals to be in the airport.

<sup>31</sup>According to CDC guidance, the allocation for COVID-19 vaccines designates phases for different groups. Specifically, the phase "1b" group includes individuals deemed frontline essential workers.

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FAMS Implemented New  
Telework and Leave Options

vaccine from another provider.<sup>32</sup> In addition, a January 21, 2021 Executive Order and subsequent Emergency Amendment by TSA, required that all individuals wear masks in airports, on planes, and in other transportation venues.<sup>33</sup>

Prior to the pandemic, FAMS generally had not allowed air marshals to telework, but starting in March 2020, FAMS managers permitted and encouraged air marshals to telework when they did not need to be in the office.<sup>34</sup> On March 12, 2020, TSA issued its first *Human Capital Advisory Memo*, to guide the use of telework and various leave categories in response to COVID-19. This guidance encouraged employees—including FAMS employees—to use telework and other flexibilities to protect employees' health and well-being, protect the traveling public, and prevent the spread of COVID-19.

The March version of the TSA Human Capital Advisory Memo also provided that employees who had certain conditions (i.e., immunocompromised, asthma, etc.) and were therefore at a higher risk for negative outcomes from COVID-19 could use weather and safety leave.<sup>35</sup> In total, about 6 percent of the workforce took advantage of this option for some period of time. According to FAMS officials, FAMS did not schedule these individuals to fly or conduct in-person work while on

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<sup>32</sup>We did not review FAMS's data on or monitoring of COVID-19 vaccination among the workforce. As of March 4, 2021, FAMS officials reported that 1,026 staff had received their first dose, and 681 of those had received both doses of the vaccine.

<sup>33</sup>White House. Executive Order on Promoting COVID-19 Safety in Domestic and International Travel. Exec. Order, 13998, 86 Fed. Reg. 7205 (Jan. 21, 2021). This Order also required a negative COVID-19 test for passengers entering the country from international travel. On January 27, 2021, the Acting Secretary of DHS determined that a national emergency existed and directed TSA to take actions consistent with the authorities in Aviation and Transportation Security Act as codified at 49 U.S.C. sections 106(m) and 114(f), (g), (l), and (m) to implement the Executive Order to promote safety in and secure the transportation system. The mask order, which was due to expire May 11, 2021, was extended by TSA Emergency Amendment until September 13, 2021. TSA Emergency Amendment 1546-21-01A (April 30, 2021).

<sup>34</sup>TSA Management Directive 1100.30-5 Telework Program designated air marshals as emergency employees and therefore not eligible for routine telework. However, the Directive also states that under certain circumstances, employees occupying positions that are normally ineligible for telework may be considered for telework on a situational basis, limited to functions that are suitable for telework activity.

<sup>35</sup>According to TSA's human capital policies, prior to the pandemic, weather and safety leave was granted for employees when conditions—such as severe weather—made work or commuting unsafe.

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## FAMS Took Steps to Reduce In-Office Contact

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weather and safety leave. An August 5, 2020 update to the *TSA Human Capital Advisory Memo* rescinded the use of weather and safety leave for high-risk employees.<sup>36</sup> TSA clarified in a subsequent Human Capital Advisory Memo update that these employees could use sick leave at the suggestion of their doctor or leave without pay for personal reasons, including health reasons.

According to air marshals and SACs we met with in three field offices, the use of telework and other leave had helped protect air marshals' health and reduce the spread of COVID-19. For example, air marshals we met with in one office mentioned that they previously had to go to their office to complete time sheets and travel vouchers, but they were now able to do these tasks from home, thereby reducing their possible exposure to COVID-19.

FAMS also took steps intended to prevent the spread of COVID-19 in its offices and facilities, such as gyms and shooting ranges. In addition to reducing occupancy levels in the offices by promoting telework, FAMS closed all gyms and shooting range facilities in late March through July 2020. FAMS also waived training requirements for employees through June 2020.<sup>37</sup> On May 11, 2020, FAMS provided field offices with guidance for the reopening of its offices and gyms, based on the latest CDC and Occupational Safety and Health Administration guidelines. For example, FAMS recommended that field offices disinfect high-touch surfaces in their gyms every 2 hours, close showers and locker rooms, and follow masking and social distancing requirements, among other

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<sup>36</sup>According to an email from the TSA Administrator to TSA employees, weather and safety leave was a tool to protect the highest-risk employees at the start of the pandemic; however, because of the increase in other protective measures, such as access to PPE, the risk of exposure had been reduced and TSA could revert to standard absence and leave policies. September 2020 updates to the Human Capital Advisory Memo (version 7) clarify procedures for the use of sick leave for employees who are at higher risk, at the suggestion of their doctor. December 2020 updates (version 8) further clarified the use of leave without pay for personal reasons, including health conditions that place the employee at higher risk. As of January 8, 2021, 10 air marshals continued to use a combination of sick leave, leave without pay, or emergency paid sick leave, due to their risk for severe complications from COVID-19.

<sup>37</sup>Incumbent air marshals are required to complete 160 hours of recurrent training courses annually on such topics as use of force, defensive measures, firearms, mission tactics, and physical fitness. FAMS began reinstating training in August 2020, though employees were not required to attend training, according to a SAC we spoke to in one field office. According to the official, their office continued to delay training due to heightened COVID-19 levels in the community.



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steps. Air marshals and managers in all three field offices we spoke with said their offices implemented these procedures, and others, such as sign-in procedures to control capacity limits in their facilities and other procedures to ensure social distancing.

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### FAMS Established Protocols for Responding to Cases, but Has Not Consistently Documented Implementation

In April 2020, TSA and FAMS management officials developed protocols to be followed when a FAMS employee reports a confirmed or suspected case of COVID-19.<sup>38</sup> The FAMS Protocols, a 3-page document, states, for example, that field office SACs must conduct contact tracing within the workforce; may contact airport officials in certain circumstances; and must contact local public health officials to report the case.<sup>39</sup> The TSA Chief Medical Officer and FAMS medical officer told us that they defer to local public health entities to handle or initiate any additional contact tracing. The protocols also describe circumstances under which the field office SAC must notify other employees within the office that a coworker has tested positive for COVID-19.

The *FAMS Protocols* also instruct SACs to follow the *TSA Human Capital Advisory Memo* regarding the use of leave for quarantine when employees have been potentially exposed to COVID-19, and to follow *TSA Return to Workplace* guidance when determining the requirements for employees to return to work from a period of quarantine. This guidance explains TSA's criteria for an employee to return to work following different exposure situations. For example, an employee with a confirmed COVID-19 infection who remains asymptomatic may return to work after 10 days of quarantine from the employees' first positive test result.<sup>40</sup> Figure 6 describes the steps SACs and other FAMS employees are expected to take following a case of confirmed or suspected COVID-

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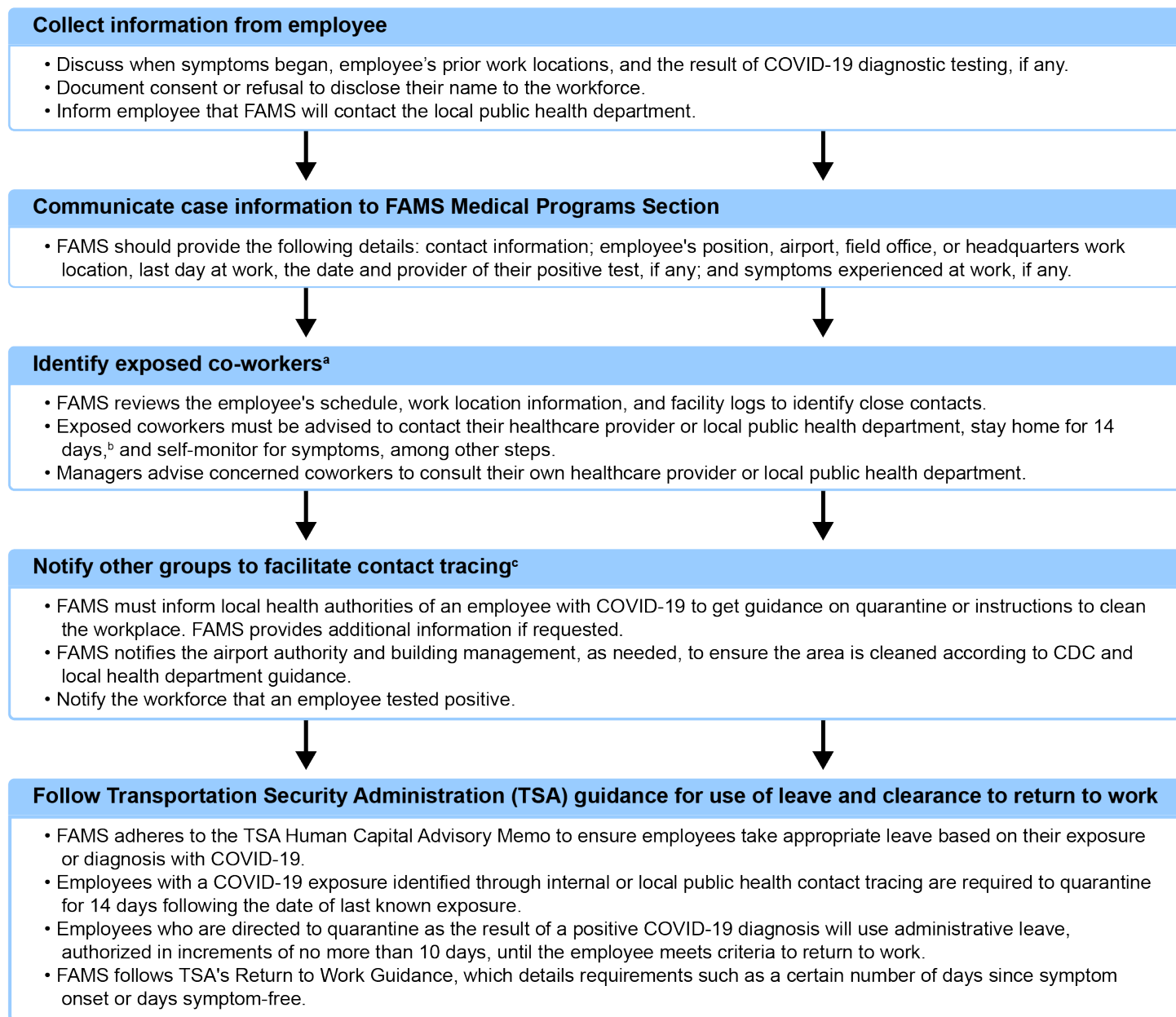
<sup>38</sup>FAMS defines a "suspected case" of COVID-19 to be cases where an employee (or contractor) has signs and symptoms clinically compatible with COVID-19, as identified by a healthcare provider, but the employee was not tested, or was tested and the test result is pending.

<sup>39</sup>According to FAMS management officials, there have been three revisions of the FAMS Protocols, first issued in April 2020. The FAMS Protocols does not provide information on the conditions under which SACs would have to contact airport officials. One SAC we spoke with described taking this step in a few cases, when the infected air marshals reported contact with someone at an airport. The FAMS Protocols also do not specify when SACs must carry out the steps but FAMS officials told us they expect contact tracing to be carried out as soon as practicable.

<sup>40</sup>None of the situations requires an employee to obtain a negative COVID-19 test result in order to return to work.

19 among their employees, as set forth in the *FAMS Protocols* and TSA guidance.

**Figure 6: Federal Air Marshal Service (FAMS) Protocols for Responding to a COVID-19 Case**



Source: GAO summary of FAMS and TSA guidance. | GAO-21-595

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<sup>a</sup>FAMS defines an “exposed coworker” as any employee who has had close contact with a symptomatic person or a person who has tested positive for COVID-19 without symptoms. FAMS defines “close contact” as within 6 feet for 15 minutes or more or being directly coughed on in the face.

<sup>b</sup>If exposed coworkers are mission-critical employees, FAMS leadership may assess whether they need to continue working, according to FAMS Protocols.

<sup>c</sup>FAMS defers to local public health entities to carry out any further contact tracing.

FAMS has developed these protocols, but has not consistently documented their implementation. FAMS management provided us with examples of emails notifying field offices of COVID-19 cases—one of the steps in the protocols—but could not provide documentation showing implementation of other steps in the protocols. For example, they could not provide documentation of employees’ consent or refusal to disclose their name to the workforce, a step that the FAMS protocols require be documented. Further, FAMS could not provide documentation confirming that required contact with local public health officials had been completed or that exposed coworkers had been advised to notify their healthcare providers. According to the Assistant Administrator for Field Operations, FAMS management has not seen a need to document the steps taken in response to cases of COVID-19. Rather, this official noted that they relied on verbal communication with field office SACs as a means to communicate about implementation of the protocols, as needed.

However, according to DHS *Risk Management Fundamentals*, leadership should require documentation of actions taken to implement a risk management strategy, specifically citing pandemics, such as COVID-19, as one source of risk. Further, according to *Standards for Internal Control in the Federal Government*, management should design control activities to achieve objectives and respond to risks. Internal control standards provide that one means of implementing this is for management to clearly document all transactions and other significant events in a manner that allows the documentation to be readily available for examination. Fully documenting the steps taken would facilitate FAMS management’s oversight and better position them to assure both employees and the flying public that FAMS—a federal law enforcement entity tasked with protecting the public—is consistently taking the steps established in its protocols.

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## FAMS Does Not Routinely Facilitate Employee Access to Testing

FAMS recommends that employees who want or need COVID-19 testing seek it through their medical provider or local public health officials. Some air marshals told us they could be tested through their personal doctor or at local testing sites. However, air marshals in all three field offices we

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met with noted either barriers to testing or benefits to improved access to COVID-19 testing.<sup>41</sup> For example, air marshals we met with spoke of the time needed to wait in line in some communities and the length of time between being tested and obtaining results. These scheduling and timing challenges are particularly impactful for air marshals who may be scheduled to travel more than 50 percent of their work days and may not be in a city—even their home city—for more than a few hours before their next flight.

Further, air marshals we met with expressed concern that they might be a threat to the public, because they are flying on multiple planes and through multiple cities every week, without knowing whether they might be asymptomatic and spreading COVID-19. A group of air marshals we spoke with in one office noted that this runs counter to their mission to protect the public. Lastly, representatives of all three employee groups we met with said that air marshals had persistent concerns about the lack of testing, which added to their stress given their fear of being at an increased risk of exposure or exposing family members to COVID-19.

Some FAMS employees and employee groups have shared resources to assist air marshals seeking COVID-19 testing. Air marshals we met with in one field office said that law enforcement workers, including air marshals, could access testing at a nearby location. According to them, an air marshal had identified this resource and shared it with their SAC; the SAC had then shared the information with others in the office. In another example, representatives from one employee group told us they were aware of a SAC in one field office who had compiled and shared a document with information about testing locations. FAMS management and Medical Programs Section officials told us they have in specific instances, such as when an employee is ill while on travel, helped an air marshal find a way to get tested, but said they do not routinely do this.

CDC guidance states that mitigation strategies such as social distancing and wearing masks continue to be important during the period of vaccination, and testing is one mitigation strategy that can help make

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<sup>41</sup>We reported in September 2020, that national challenges existed with testing supply availability and recommended the development of plans outlining specific actions the federal government could take to help mitigate remaining medical supply gaps—including testing supply shortages. See GAO, *COVID-19: Critical Vaccine Distribution, Supply Chain, Program Integrity, and Other Challenges Require Focused Federal Attention*, [GAO-21-265](#) (Washington, D.C.: Jan. 28, 2021).

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travel safer, even though it does not eliminate all risk. Importantly, CDC guidance notes that even when individuals feel well and experience no symptoms, they may still spread COVID-19 to others in busy travel settings such as airports.<sup>42</sup> CDC guidance also states that experience from outbreaks in a variety of settings suggests that when symptomatic workers with COVID-19 are identified, there are often asymptomatic workers present in the workplace. According to the guidance, testing is important to identify such individuals, as they may not know they are infected and detecting workers earlier and excluding them from the workplace—that for air marshals includes airplanes and airports—can help prevent the spread of COVID-19.<sup>43</sup>

CDC guidance further states that testing before and after travel is a critical layer to slow the introduction and spread of COVID-19, particularly as variants of the virus continue to emerge in other countries. As such, in December 2020, the CDC recommended testing before and after domestic travel; and, effective January 26, 2021, began requiring all air passengers to provide a negative test result when they enter the country.<sup>44</sup> Guidance from the Occupational Safety and Health Administration also states that employers should provide information to

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<sup>42</sup>CDC “Domestic Travel during the COVID-19 Pandemic.” December 2, 2020. Accessed December 14, 2020 at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html>.

<sup>43</sup>CDC “Testing Strategies for Coronavirus (COVID-19) in High-Density Critical Infrastructure Workplaces after a COVID-19 Case is Identified, Testing in high-Density Critical Infrastructure Workplaces.” June 13, 2020. Accessed October 14, 2020 at <https://www.cdc.gov/coronavirus/2019-ncov/community/worker-safety-support/hd-testing.html>.

<sup>44</sup>CDC guidance suggests getting a COVID-19 viral test 1 to 3 days prior to travel and within 3 to 5 days following a trip. Additionally, the CDC suggests reducing any non-essential activities for 7 to 10 days after traveling. See CDC “Domestic Travel during the COVID-19 Pandemic.” December 2, 2020. Accessed December 12, 2020 at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html>. CDC and Department of Health and Human Services. “Requirement for Negative Pre-Departure COVID-19 Test Result of Documentation of Recovery from COVID-19 For All Airline or Other Aircraft Passengers Arriving into the United States from Any Foreign Country”. This order was issued pursuant to their authority under 42 C.F.R. § 71.20.

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workers about medical care, such as testing, in coordination with health insurance providers and local health agencies.<sup>45</sup>

FAMS management officials stated that they have not facilitated employee access to testing because they have not identified a need to do so. They noted that employees should be able to access COVID-19 testing through their private health providers or local health departments. One senior FAMS official noted that FAMS employees are not among the highest risk employees (like first responders) so they questioned whether limited testing resources should be used for air marshals and they further questioned the value of testing. However, one FAMS Medical Programs Section official stated that facilitated access to testing would be beneficial if it improves the timeliness of testing results for their employees. Further, according to DHS Human Capital officials, the Coast Guard and Secret Service are providing their employees with access to COVID-19 testing as part of their efforts to ensure continued operations during the pandemic, and DHS has provided all components with the opportunity to access a contract for COVID-19 testing as of January 2021. As of February 2021, FAMS did not plan to use this contract or otherwise facilitate employee access to testing. By routinely facilitating employee access to testing, FAMS would better support its workforce when employees want or need COVID-19 testing to ensure their health, the health of others, and continued operations during this exigent circumstance.

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## FAMS Adjusted Flight Coverage and Expanded Ground-Based Operations

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<sup>45</sup>Occupational Safety and Health Administration "Guidance on Preparing Workplaces for COVID-19." May 11, 2020. In additional guidance in January 2021, the Occupational Safety and Health Administration recommended that employers establish COVID-19 prevention programs and described 16 elements of effective programs, one of which is "providing guidance on screening and testing." See Occupational Safety and Health Administration. "Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace". January 29, 2021.

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## Amidst Decline in U.S. Flight Volume, the Number of Flights FAMS Covered Declined 90 Percent in April 2020

In April 2020, amidst a 73 percent decline in total monthly domestic and international U.S. carrier flights,<sup>46</sup> the number of flights air marshals covered decreased by 90 percent compared to average monthly flights covered pre-pandemic.<sup>47</sup> With regard to international flights, specifically, in April 2020, when publicly available flight data indicate the total number of international flights on U.S. carriers had decreased 93 percent, air marshals covered no international flights.<sup>48</sup> This decline followed the first confirmed U.S. case of COVID-19 on January 21, 2020 and subsequent State Department and CDC travel advisories discouraging certain international travel starting in late January 2020.<sup>49</sup> (See figure 2) In response to these advisories, FAMS management made a series of changes in the coverage of international missions through December 2020.<sup>50</sup>

- February 2020: FAMS management decided to stop covering certain international flights to China and Italy. In January 2020, the State Department advised U.S. citizens to avoid travel to China and in late February 2020, extended this advisory to include Italy.
- March and April 2020: According to FAMS officials, FAMS continued to deploy air marshals on international flights throughout the pandemic. However, because FAMS identified certain flights based on the risk associated with a specific passenger or passengers, the number of these international flights FAMS covered decreased as overall international passenger volume decreased in March and April 2020. Further, according to FAMS officials, in March 2020 they

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<sup>46</sup>To determine trends in U.S. air carrier flight volume, we analyzed the U.S. Department of Transportation's publicly available passenger flight data.

<sup>47</sup>This decline in the number of flights FAMS covered is in part the result of the decrease in the total number of U.S. carrier international flights, and other high-priority domestic flights, as detailed below. For the purposes of this report, we define the "pre-pandemic" period as October 2019 through February 2020. TSA designated the specific numbers of flights FAMS covered as sensitive security information and thus they cannot be included in a public report.

<sup>48</sup>According to FAMS officials, many of the international flights they had planned to cover were cancelled during this period.

<sup>49</sup>Specifically, in January 2020, the State Department advised U.S. citizens to avoid travel to China due to the novel coronavirus first identified in Wuhan, China. This travel advisory was extended in late February 2020 to include Italy due to evidence of community spread of the coronavirus. In March 2020, the CDC and State Department issued a Global Level 4 Health Advisory instructing U.S. citizens to avoid all international travel.

<sup>50</sup>TSA designated the details of FAMS's changes to flight operations as sensitive security information and thus they cannot be included in a public report.

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stopped coverage of certain international flights when the CDC and State Department issued a Global Level 4 Health Advisory instructing U.S. citizens to avoid all international travel. In effect, FAMS management did not have air marshals cover international flights for approximately 5 weeks.

- May 2020 through January 2021: From May 2020 through January 2021, as U.S. carrier flight volume increased, FAMS began covering certain international flights although at lower rates. FAMS officials reported that some of the international flights air marshals covered from May through January 2021 were in support of flights categorized as higher risk.

The number of domestic flights air marshals covered in April 2020 was 88 percent lower than average monthly domestic flights covered pre-pandemic. According to FAMS officials and our analysis of publicly available flight data, this decrease reflects both the 70 percent reduction in U.S. carriers' total domestic flights and the specific reductions in flights FAMS categorizes as National Special Security Events and Special Mission Coverage. With regard to National Special Security Events, CDC guidance on limiting the size of events and public concern about the pandemic caused many of these events to be cancelled or conducted in virtual environments. As a result, FAMS conducted no flights related to National Special Security Events from March through June 2020. With regard to Special Mission Coverage, with fewer passengers flying, FAMS saw a corresponding decrease in flights with higher risk travelers.

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## FAMS Adjusted the Types of Flights It Covered and Increased Ground-Based Activities

### FAMS Increased Flights to Pre-Pandemic Levels by June 2020

Beginning in April 2020, FAMS management implemented operational changes to increase the number of monthly covered flights.<sup>51</sup> They did this in part, by increasing the number of flights they covered that do not fit FAMS's defined flight categories. For example, FAMS data indicate that air marshals covered more random, unpredictable flights in June 2020

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<sup>51</sup>TSA designated the details of FAMS's operational changes as sensitive security information and thus they cannot be included in a public report.



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## FAMS Has Continued to Adapt Flight Operations

than pre-pandemic.<sup>52</sup> Following these operational changes, by June 2020, FAMS covered approximately the same number of flights per month as it did on average in pre-pandemic months; however, the types of flights covered differed.<sup>53</sup>

From July 2020 through January 2021, the number and types of flights FAMS covered continued to fluctuate in response to ongoing changes in the airline industry and FAMS management's decisions to end some flight operations modifications, among other variables.

From July 2020 through January 2021, the number of flights FAMS covered per month varied from a high in August 2020 to a low in December 2020. FAMS officials explained that the high number of flights covered in August was the result of the increase in total U.S. domestic flights combined with their April and May 2020 decisions to expand the types of flights FAMS would cover. They explained that due to instability in the airline industry, it had been difficult for FAMS leadership to predict how the changes in their flight selection criteria would affect the total number of covered flights. According to FAMS officials and documentation, in August 2020, FAMS leadership adopted two changes they expected would reduce the number of covered flights going forward.

FAMS covered fewer flights in December 2020 in part because of increased COVID-19 infection rates in certain cities, according to FAMS management officials. Beginning in July 2020, FAMS tracked the level of COVID-19 infection by city and restricted operations that would require air marshals to stay overnight in locations with high rates of infection—which they referred to as “hotspots.”<sup>54</sup> According to FAMS officials, FAMS's

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<sup>52</sup>Prior to the pandemic, in addition to their defined flight categories, FAMS scheduled random, unpredictable flights based on air marshals' availability. According to FAMS officials, in March 2020, in response to the pandemic, they discontinued these flights. Starting in May 2020, FAMS categorized all flights that did not meet the conventional definitions of their flight categories as random, unpredictable flights.

<sup>53</sup>TSA designated the specific number of flights air marshals covered as sensitive security information and thus it cannot be included in a public report.

<sup>54</sup>According to FAMS officials and documentation, beginning in July 2020, FAMS worked with TSA's Intelligence and Analysis Office, and assessed data from the Johns Hopkins Coronavirus Resource Center to determine the weekly level of COVID-19 infection in the areas around U.S. airports. FAMS officials explained that FAMS generally discontinued overnight stays in these areas but in certain circumstances, such as a lengthy operation or in the event of weather delays, air marshals were asked to stay overnight in a hotel near the airport.

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FAMS Plans to Permanently Increase Ground-Based Activities

coverage of flights in January 2021 increased, in part, due to additional flight coverage following the January 6, 2021 attack on the U.S. Capitol and increased coverage associated with the January 20, 2021 Presidential Inauguration, a National Special Security Event.<sup>55</sup>

As of February 2021, FAMS officials reported that they were not covering certain international flights due to CDC travel advisories, but were otherwise selecting flights for coverage much as they had pre-pandemic.<sup>56</sup> FAMS officials explained that they did not anticipate FAMS would be covering flights at pre-pandemic levels given the decrease in U.S. air travel, but they were not working toward a specific target number of covered flights per month. As of February 2021, FAMS officials told us they were not planning any modifications to their flight operations.

FAMS leadership is in the early stages of planning to permanently shift operations toward more ground-based transportation security activities. According to the Executive Assistant Administrator/Director of FAMS, FAMS leadership had been considering an increase in ground-based operations prior to the COVID-19 pandemic—as far back as 2011—but the effects of the COVID-19 pandemic have caused them to accelerate this shift.

In April 2020, when FAMS flight operations were at decreased levels, FAMS leadership increased air marshals' participation in some ground-based activities such as expanded VIPR operations and supporting TSA and DHS activities.

- **Expanding VIPR work.** According to FAMS officials, FAMS expanded VIPR operations in at least four field offices by deploying at least 47 air marshals to enhance transportation security and free up local law enforcement for other purposes.<sup>57</sup> For example, leadership

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<sup>55</sup>According to FAMS officials, air marshals covered hundreds of flights in January 2021 related to the heightened security following the January 6, 2021 attack on the U.S. Capitol and the Presidential Inauguration. TSA designated the specific number of flights as sensitive security information and thus it cannot be included in a public report.

<sup>56</sup>FAMS continued to track hotspot airports and avoid overnight missions in those areas.

<sup>57</sup>FAMS management officials explained that they provided field office management with discretion in how they utilized VIPR operations during this time, so they did not have comprehensive data on the extent of FAMS's VIPR operations agency-wide. Rather, FAMS officials asked field office management retrospectively about their VIPR operations during this period and identified that at least 47 air marshals in four offices were assigned to support VIPR operations from inception of the pandemic through October 2020.

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of the Seattle field office told us that during a period when they had fewer air marshals on flights, they deployed air marshals to aid with VIPR operations at transportation venues when the Seattle Police Department was focused on local civil unrest.

- **Supporting TSA at airports.** Prior to the pandemic, FAMS regularly supported TSA at airports with duties including overt and covert law enforcement activities. According to FAMS officials, in April 2020 air marshals increased their support for TSA operations in some airports. For example, from April through July 2020, in Newark, New Jersey, air marshals worked additional shifts at the airport to provide exit lane security when there was a shortage of Transportation Security Officers due to COVID-19. FAMS officials told us that at least 134 air marshals across ten field offices have provided support to TSA at airports since April 2020. FAMS officials told us that they also increased their security assistance at small-hub airports.<sup>58</sup> According to FAMS management officials, prior to COVID-19, FAMS did not typically assist TSA in this manner. However, starting in April 2020 FAMS officials said that they regularly deployed eight air marshals to these two airports to provide security assistance.<sup>59</sup> FAMS also deployed four air marshals from the Boston, Massachusetts field office to three regional airports from May through December 2020 and five air marshals from the New York City, New York field office to three regional airports from June through August 2020 to provide on-going security assistance.
- **Supporting other DHS activities.** FAMS officials told us that at least 339 air marshals provided support to other DHS components from April through December 2020. For example, FAMS officials told us that in March 2020, they deployed VIPR teams of air marshals from six field offices to support Federal Emergency Management Agency by providing security and safe escort for individuals quarantined at Joint Base Lackland and Travis Air Force Base.<sup>60</sup> FAMS also deployed 18 air marshals to assist the Federal Protective Service with

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<sup>58</sup>Federal law defines a small-hub airport as an airport with scheduled air carrier service that receives 0.05 to 0.25 percent of the annual U.S. commercial enplanements.<sup>49</sup> U.S.C. § 40102(a)(42).

<sup>59</sup>As of January 2021, FAMS officials stated that one air marshal based out of the Washington field office was providing ongoing support to TSA at the Norfolk, Virginia airport and FAMS was providing support to TSA at the Richmond, Virginia airport upon request.

<sup>60</sup>FAMS deployed VIPR teams from Chicago, Illinois; Los Angeles, California; New York City, New York; San Francisco, California; Seattle, Washington; and Washington, D.C. to assist with quarantine efforts from March 10-26, 2020.

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responsibilities such as protecting federal property at Gettysburg National Battleground on July 4, 2020. Additionally, FAMS officials told us that from August through December 2020, approximately, 285 air marshals supported the U.S. Secret Service in a variety of assignments including providing security at the Democratic National Convention.

In January 2021, FAMS further expanded its ground-based activities. Specifically, FAMS officials told us that following the January 6, 2021 attack on the U.S. Capitol, VIPR teams from the Washington and Baltimore field offices supported TSA by providing an increased visible law enforcement presence at airport screening checkpoints and provided protective escorts for congressional members, staff, and others (see figure 10). Further, for the January 20, 2021 Presidential Inauguration, eight FAMS VIPR teams supported DHS Countering Weapons of Mass Destruction Mobile Detection Deployment Units and 224 air marshals supported the U.S. Secret Service through assignments including providing security at inauguration venues.<sup>61</sup>

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<sup>61</sup>Within DHS, the Domestic Nuclear Detection Office deploys Mobile Detection Deployment Units—radiological and nuclear detection equipment housed in a mobile trailer package—as a national surge asset, designed to augment and supplement first responders' existing capabilities, especially in support of national and special security events. According to FAMS officials, the eight VIPR teams conducted 42 operations from January 17-22, 2021 in support of Amtrak, Maryland Area Regional Commuter, Washington Metropolitan Area Transit Authority, and the Metropolitan Washington Airport Authority.

**Figure 7: Federal Air Marshals Support Inauguration Event Security at Ronald Reagan Washington National Airport**



Source: Transportation Security Agency. | GAO-21-595

The FAMS Director said the purpose of this shift toward more ground-based activities is to find additional ways for air marshals to contribute to DHS and TSA security missions in a changing national security environment. FAMS leadership also intends for the shift toward a greater variety of law enforcement tasks to benefit employee retention and morale.

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FAMS leadership has tasked a working group with identifying opportunities for air marshals to engage in new ground-based initiatives, such as participating in TSA red-team testing, assisting with behavior detection activities at airport security checkpoints, working with airport officials on access control, and assisting with passenger screening at airport departure gates.<sup>62</sup> The FAMS Director said he anticipated FAMS would not need any additional authorities to carry out these changes. In November 2020, the working group reported 12 recommendations for FAMS leadership and, as of January 2021, FAMS leadership had named a program manager to lead the development and implementation of the operational changes. FAMS officials said they expected to begin implementing the changes on a rolling basis through 2021 and they planned to update their concept of operations to reflect the changes.

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## Conclusions

The COVID-19 pandemic has resulted in catastrophic loss of life. Public health officials have widely recommended physical distancing to reduce transmission, but air marshals' jobs require that they work at airports, on airplanes, and in other public spaces where they are routinely in close quarters with colleagues and the public. To mitigate this risk, FAMS has taken steps intended to help protect employees from infection at work, such as providing PPE and encouraging employees to telework. Even with these and other measures, FAMS reports that, as of January 31, 2021, 345 employees had been infected with COVID-19 and one air marshal had died due to complications of the disease.

FAMS developed and implemented protocols to guide its response when employees became sick with COVID-19, but has not consistently documented the steps taken to implement the protocols. Doing so would facilitate management oversight and better position FAMS to assure both its employees and the flying public that it is consistently implementing its protocols.

FAMS recommends that employees seek COVID-19 testing through their medical provider or local public health officials but air marshals we met

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<sup>62</sup>What TSA commonly calls "red team" tests are covert tests that are designed to assess TSA's screening operations. Behavior detection is a technique used by TSA to identify passengers exhibiting behaviors indicative of stress, fear, or deception at airport screening checkpoints. According to TSA, certain verbal and nonverbal cues and behaviors may indicate mal-intent and provide a means for identifying passengers who may pose a risk to aviation security and referring them for additional screening. GAO has issued numerous reports about TSA's use of behavior detection, most recently GAO, *Aviation Security: TSA Has Policies that Prohibit Unlawful Profiling But Should Improve Its Oversight of Behavior Detection Activities*, [GAO-19-268](#) (Washington, D.C.: Apr. 23, 2019).



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with noted barriers to testing and benefits to improved access. In January 2021, FAMS employees became eligible for COVID-19 vaccinations through the Department of Veterans Affairs, but CDC guidance says testing continues to be important even as vaccinations become available. By facilitating employee access to testing, FAMS would better support its workforce to ensure their health, the health of others, and continued operations during this exigent circumstance.

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## Recommendations for Executive Action

We are making the following two recommendations to FAMS:

The Executive Assistant Administrator/Director of FAMS should ensure that FAMS officials consistently document steps taken to implement agency protocols following identification of employees with COVID-19. (Recommendation 1)

The Executive Assistant Administrator/Director of FAMS should routinely facilitate employee access to COVID-19 testing. (Recommendation 2)

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## Agency Comments and Our Evaluation

We provided a draft of our report to DHS for comment. In written comments, which are included in Appendix I, the agency concurred with our two recommendations and described steps they plan to take to address them. DHS also provided technical comments, which we have incorporated, as appropriate.

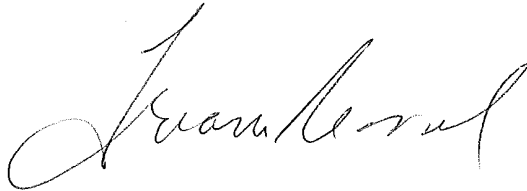
With regard to our first recommendation that FAMS consistently document steps taken to implement agency protocols following identification of employees with COVID-19, DHS responded that it would develop and implement a formal reporting process to document the steps taken at FAMS field offices and headquarters by the end of June 2021. If implemented effectively, this would address the intent of our recommendation.

With regard to our second recommendation that FAMS routinely facilitate employee access to COVID-19 testing, DHS responded that it would provide information to employees regarding available COVID-19 testing locations, and ensure that employees deployed away from home have the necessary assistance to obtain testing by the end of June 2021. If implemented effectively, this would address the intent of our recommendation.

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We are sending copies of this report to the appropriate congressional committees, the Secretary of Homeland Security, and other interested parties. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions concerning this report, please contact me at (202) 512-6691 or [McNeilT@gao.gov](mailto:McNeilT@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of the report. GAO staff who made key contributions to this report are listed in Appendix II.

A handwritten signature in black ink, appearing to read "Triana McNeil". The signature is fluid and cursive, with a large initial "T" and "M".

Triana McNeil  
Director, Homeland Security and Justice



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Committee on Ways and Means  
House of Representatives

# Appendix I: Comments from the Department of Homeland Security

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

June 4, 2021

Triana McNeil  
Director, Homeland Security and Justice  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Re: Management Response to Draft Report GAO-21-595, "COVID-19: Federal Air Marshal Service Should Document Its Response to Cases and Facilitate Access to Testing"

Dear Ms. McNeil:

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS or the Department) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

The Department is pleased to note GAO's positive recognition of the actions taken by the Transportation Security Administration's (TSA) Federal Air Marshal Service (FAMS) to mitigate the impacts of COVID-19 to help keep its workforce safe and to maintain transportation security throughout the Nation, such as providing employees personal protective equipment and encouraging them to telework. While the pandemic persists, TSA's mitigation efforts continue to improve as preventative resources, such as the availability of vaccinations, become more readily available. Likewise, lessons learned involving employee safety protocols and medical reporting have helped improve DHS processes for dealing with wide-spread health pandemics.

The draft report contained two recommendations with which the Department concurs. Attached find our detailed response to each recommendation. DHS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for GAO's consideration.

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**Appendix I: Comments from the Department of  
Homeland Security**

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Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

**JIM H  
CRUMPACKER**

Digitally signed by JIM H  
CRUMPACKER  
Date: 2021.06.04 10:44:35 -04'00'

JIM H. CRUMPACKER, CIA, CFE  
Director  
Departmental GAO-OIG Liaison Office

Attachment

**Attachment: Management Response to Recommendations  
Contained in GAO-21-595**

GAO recommended that the Executive Assistant Administrator/Director of FAMS:

**Recommendation 1:** Ensure that FAMS officials consistently document steps taken to implement agency protocols following identification of employees with COVID-19.

**Response:** Concur. TSA's FAMS will develop and implement a formal reporting process documenting: (1) agency protocols taken at each field office location and other FAMS facilities, including headquarters offices; and (2) positive COVID-19 diagnoses of employees. Estimated Completion Date (ECD): June 30, 2021.

**Recommendation 2:** Routinely facilitate employee access to COVID-19 testing.

**Response:** Concur. TSA's FAMS will provide information to employees regarding available COVID-19 testing locations, and will also ensure that employees deployed away from their homes have the necessary assistance to obtain testing. ECD: June 30, 2021

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# Appendix II: GAO Contact and Staff Acknowledgments

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## GAO contact

Triana McNeil at (202) 512-6691, [McNeilT@gao.gov](mailto:McNeilT@gao.gov).

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## Staff Acknowledgments

In addition to the contact named above, Claudia Becker (Assistant Director), Amanda Parker (Analyst in Charge), Paul Aussendorf, Karen Doran, Clifton Douglas, Elizabeth Dretsch, David Hooper, Susan Irving, Tyler Kent, Terell Lasane, Diona Martyn, Adam Vogt, and Emilie Weisser made key contributions to this report.

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