



*To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation, and Team Spirit.*

*Note: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C. § 114(n)), this directive establishes Transportation Security Administration (TSA) policy and supersedes Federal Aviation Administration (FAA) orders, policies, guidance, and bulletins regarding Law Enforcement Position Standards and Hiring Requirements issued under the FAA Personnel Management System.*

1. **PURPOSE:** This directive provides TSA policy and procedures pertaining to law enforcement personnel including, position standards and hiring requirements. In addition, this directive incorporates certain provisions of Title 5 pertaining to law enforcement officers and law enforcement availability pay (LEAP).
2. **SCOPE:** This directive applies to all TSA organizational elements and field offices, employees, and applicants for employment in a law enforcement position; defined herein. These procedures/provisions relate to Full Time Equivalent (FTE) allocations for 1801/1811 Law Enforcement positions.
3. **AUTHORITIES:**
  - A. Sections 101 of the Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA), November 19, 2001 (49 U.S.C. §§ 114(n) and (q), 40122)
  - B. Sections 403(2) and 423, of the Homeland Security Act of 2002 (Public Law 107-296)
  - C. DHS MD 3340, Mandatory Separation for Law Enforcement Officers and Firefighters
  - D. DHS MD 3341, Maximum Age for Original Appointment to DHS Law Enforcement Officer and Firefighter Positions
  - E. DHS Delegation No. 7060.2, Delegation to the Administrator of the Transportation Security Administration, dated November 5, 2003.
  - F. TSA MD 1100.73-5, Employee Responsibilities and Conduct
  - G. TSA MD 2800.7, Issuance of TSA Headquarters Photo Access Pass
  - H. TSA MD 2800.71, Pre-Employment Investigative Standards for TSA Non-Screener Employees and Contractors
  - I. Applicable DHS and TSA delegations of authority
  - J. 5 U.S.C. §§ 8331(20), 8335(b), 8336(c), 8401(17), 8412(d) & (e), and 8425

K. 5 C.F.R. 831.502; 5 C.F.R. Part 831, Subpart I (901-911); 5 C.F.R 842.208 & 405; and 5 C.F.R. Part 842, Subpart H (801-809)

L. 5 U.S.C. § 5545a<sup>1</sup>

#### 4. DEFINITIONS:

A. Law Enforcement Officer – For the purpose of this directive, a law enforcement officer is a TSA employee who is authorized by the Assistant Secretary or designee, to carry a firearm and occupies a position as a Criminal Investigator (1811), Federal Air Marshal (1801), or Transportation Security Specialist (1801) as described below. (See Appendix A for specific position requirements).

**NOTE:** Pursuant to 5 C.F.R. 831.902, the definition of a law enforcement officer does not include an employee whose primary duties involve maintaining law and order, protecting life and property, guarding against or inspecting violations of law, or investigating persons other than persons who are suspected or convicted of criminal offenses. See also 5 C.F.R. § 842.802 (Definitions).

- (1) Criminal Investigator (1811): An individual involved in the planning and conducting of complex and often long-term criminal investigations relating to alleged or suspected violations of federal criminal law.
- (2) Federal Air Marshal (1801): An individual whose primary duty is to detect and apprehend persons who commit, or who are attempting to commit criminal or terrorist acts against U.S. air carriers, airports, passengers, and crews.
- (3) Transportation Security Specialist (1801): An individual, in the Office of Law Enforcement, Office of Security, whose primary duties and responsibilities include conducting, monitoring, and coordinating criminal and administrative investigations of non-TSA personnel, which may lead to potential criminal, civil, or administrative actions as part of protecting and securing TSA facilities.

In addition to the above, all Law Enforcement Officers have the authority to:

Carry firearms<sup>2</sup>; make arrests without warrants for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if there is probable cause to believe that the person to be arrested has committed or is committing the felony; seek and execute warrants for arrest or seizure of evidence issued under the authority of the United States upon probable cause that a

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<sup>1</sup> Although TSA is exempt from various Title 5 provisions, TSA has determined that the provisions of Law Enforcement Availability Pay as outlined in Title 5 are appropriate for identified law enforcement positions.

<sup>2</sup> The authority to carry a firearm in the performance of assigned duties for TSA is granted by the Deputy Assistant Secretary, with concurrence with the Assistant Administrators for OLE/FAMS and Office of Inspection.

violation has been committed; and identify and interview witnesses and suspects. Present information regarding the above to the United States Attorney as appropriate.

- B. Law Enforcement Availability Pay (LEAP): LEAP shall be 25 percent of a Criminal Investigator's (1811) or Federal Air Marshal's (1801) basic rate of pay, subject to the biweekly earnings limitation on the employees combined basic and locality pay. LEAP compensates these employees for unscheduled duty in excess of their basic 40-hour work week and ensures their availability to perform unscheduled duty that meets the needs of the agency. TSA LEAP is paid under the independent pay setting authority of the TSA and for the purposes of administration follows the provisions of 5 U.S.C. § 5545a and 5 C.F.R. § 550.181 through 550.186. In order to receive LEAP, eligible employees must work, or as determined by their Assistant Administrator, be available to work, a minimum annual average of 2-hours of unscheduled overtime per non-excludable regular workday.
- C. Primary/Rigorous Position: A position whose primary duties are the investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States or protecting the personal safety of United States Officials.
- D. Secondary Position: A position that is clearly in the law enforcement field, is in an organization having a law enforcement mission, and is either supervisory or administrative.
- E. Mandatory Retirement: The action required for individuals who occupy a law enforcement officer position that is subject to special retirement provisions and the individual can no longer occupy that position due to age and length of service. This does not apply to employees who are eligible for retirement under the special provisions but are not currently occupying a law enforcement position. For retirement purposes, an employee is considered to reach a year of age on the day before his or her birthday. Generally, the standard mandatory retirement age for law enforcement officers is age 57 with 20 years of covered service, or if the employee is over the age of 57, when the employee achieves twenty years of creditable law enforcement service. The Assistant Secretary is authorized to exempt law enforcement officers from mandatory retirement until age 60, if it is in the public interest (not the best interest of the employee). Exemption beyond the age 60 requirement for CSRS law enforcement officers must be approved by the Office of Personnel Management (OPM). For those law enforcement officers covered by FERS, the exemption can only be granted by the President of the United States by Executive Order. Unlike CSRS, the President's authority to exempt an employee from mandatory separation has not been delegated to OPM.
- F. Maximum Entry Age: The age requirement for initial appointment to a law enforcement position that qualifies an individual for the special law enforcement retirement benefits. The day immediately preceding an individual's 37<sup>th</sup> birthday is the last date for initial appointment to a position as a law enforcement officer as defined in 5 U.S.C. § 8331(20) or 5 U.S.C. § 8401(17). Exceptions to the maximum entry age may be allowed in rare situations involving especially qualified individuals, the unique needs of an operating administration, or where

documented skills shortages arise in specific law enforcement positions or in certain areas of the country. In these cases, the day immediately preceding an individual's 40<sup>th</sup> birthday will be the last date for the initial law enforcement appointment.<sup>3</sup>

- G. Special Law Enforcement Retirement: Employees who meet the conditions for coverage found in 5 CFR §§ 831.903 & 904 (CSRS) or 5 CFR § 842.803 (FERS), can retire at an earlier age than most other federal employees and receive an enhanced annuity under the special retirement provisions.
- (1) Law Enforcement Officer under CSRS: An employee in a primary position or one who has moved directly from a primary position to a secondary position without a break in service exceeding 3 days. The employee must have been continuously employed, without a break in service exceeding 3 days, in a secondary position since moving from a primary position.
  - (2) Law Enforcement Officer under FERS: An employee, in a rigorous position or an employee in a secondary position who has served three (3) years in a rigorous position who has moved directly, that is, without a break in service exceeding three (3) days, from a rigorous position to a secondary position; completed three (3) years of service in a rigorous position, including any such service during which no FERS deductions were withheld; and, been continuously employed in a secondary position or positions since moving from a rigorous position without a break in service exceeding three (3) days.

## 5. RESPONSIBILITIES:

- A. Assistant Secretary for TSA is responsible for exercising delegated authority for establishing and approving all law enforcement positions within TSA. The Assistant Secretary has delegated this authority, among others, to the Deputy Assistant Secretary. This authority has not been further redelegated.
- B. Deputy Assistant Secretary as delegated by the Assistant Secretary is responsible for:
- (1) Approving any request(s) to establish a new law enforcement position.
  - (2) Coordinating all requests to establish a new law enforcement position with the Assistant Administrator for Human Capital for a determination whether the position meets the requirements of a law enforcement position, is eligible for coverage under the special law enforcement retirement provisions, and is eligible for LEAP.

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<sup>3</sup> On May 31, 2002, TSA issued HRM Letter 300-5 (Interim HR Guidance on Exception to Maximum Entry Age for TSA Law Enforcement Officers), which established an exception to the maximum entry age. The HRM Letter established that individuals could be hired up to the date preceding their 40<sup>th</sup> birthday for LEO positions within TSA. HRM Letter 300-5 was rescinded on March 3, 2006. Unless a justification is submitted through the AA/OHC and approved by the Assistant Secretary or his designee under the provisions outlined in this directive, the maximum entry age for initial appointment into a law enforcement position within TSA is the day preceding an individual's 37<sup>th</sup> birthday. **NOTE:** The provisions outlined in DHS MD 3341, apply to designated law enforcement officers within TSA. However, these provisions will be effected prospectively.

C. Assistant Administrator for Human Capital (AA/OHC) is responsible for:

- (1) Receiving requests to create law enforcement positions.

**NOTE:** Requests to fill vacant positions that have already been approved are not part of this process.

- (2) Determining whether the requested law enforcement position(s) meet the established classification criteria, requirements for coverage under special law enforcement retirement, and/or LEAP.
- (3) Submitting a recommendation to the Deputy Assistant Secretary for approval or denial of requests following a review and concurrence from the Assistant Administrators for Law Enforcement/Director of Federal Air Marshal Service and the Assistant Administrator for Inspection.
- (4) Ensuring that potential candidates for approved law enforcement positions meet all established requirements prior to final selection.
- (5) Maintaining all requests to create new law enforcement positions within TSA.

**NOTE:** On a monthly basis, OHC will develop a report for the AA/OHC that reflects the affected office, whether or not the request was approved, and the number of law enforcement positions in each designated office. If approved, the report will also reflect the name of the selected individual, the title of the individual, if the individual is authorized to carry a firearm, and if the individual is in a primary or secondary position. This report will be subsequently forwarded to the Assistant Secretary and the Deputy Assistant Secretary.

D. TSA Offices are responsible for:

- (1) Ensuring that all requests to establish new law enforcement positions are initiated at the Assistant Administrator level.
- (2) Ensuring that the requests are in writing, meet all noted requirements, and submitted to the Deputy Assistant Secretary through the AA/OHC.
- (3) Ensuring that no employment action shall be initiated by the requesting office until the Deputy Assistant Secretary has approved the request to create a new position.

**NOTE:** Any premature employment action may result in the request being denied or rescission of an employment offer.

E. OLE, Office of Security is responsible for:

- (1) Issuing credentials and related badges to authorized law enforcement officers under established criteria.

- (2) Retrieving all credentials/badges when an individual's law enforcement functions are modified or no longer required.

**6. POLICY:** It is the policy of TSA to ensure that every law enforcement position established complies with applicable statutory and regulatory requirements, and that every law enforcement position established within TSA is placed in a component authorized to carry out law enforcement functions and duties on behalf of TSA.

**7. PROCEDURES:**

A. Request Submissions: All requests to create a new law enforcement position must be approved before a formal offer of employment is made. To that end, all requests must include the following information:

- (1) The name/location of the requesting office;
- (2) A copy of the job documentation for the new position;
- (3) A written justification outlining the need for a law enforcement officer;
- (4) A statement regarding how, if at all, the position meets the requirements for coverage under the law enforcement retirement provisions and LEAP;
- (5) The number of approved law enforcement positions within the office and a summary of their responsibilities; and
- (6) A cover letter signed by the respective Assistant Administrator supporting the request.

B. Request Decisions: Decisions on requests to establish a new law enforcement position shall be communicated in writing and, if approved, shall indicate whether the position will be eligible for coverage under the special retirement provisions for law enforcement officers and/or LEAP.

C. Position Establishment: If a request is approved, OHC will promptly contact the affected office and initiate appropriate action to recruit for the new position. Recruitment should not begin until an approved position has been established.

D. Position Requirements: (See Appendix A for specific position requirements).

- (1) Primary Positions: Prospective candidates must not have reached their 37<sup>th</sup> birthday for initial appointment.
- (2) Secondary Positions:
  - (a) Covers supervisory and administrative functions. (Individuals occupying secondary positions may be required to perform primary functions when necessary, secondary positions should not be used to perform primary functions on a regular and recurring basis).

(b) Mandatory retirement and special law enforcement retirement coverage **may** apply.

**NOTE:** Mandatory retirement will not apply if an individual is hired directly into a secondary position as an initial appointment because the individual will not qualify for special retirement under FERS and there is no maximum entry age. However, if an individual transfers from a primary/rigorous position to a secondary position under established provisions, AND meets all necessary coverage requirements, the special retirement coverage is retained and the individual is still subject to mandatory retirement.

- (3) **Reentry Into Covered Positions (Positions Subject to Special Law Enforcement Retirement):** An individual who has passed the maximum entry age limit, but who previously served in a covered position, may in some cases be reinstated to coverage in a primary/rigorous position, as defined in 5 C.F.R. Parts 831 and 842, if the individual meets the applicable qualification requirements for the position. In addition, the individual must be able to complete a total of 20 years of covered law enforcement service by the time he or she reaches the mandatory separation age of 57. There is no maximum age for reentry to a secondary position which is not subject to the law enforcement special retirement benefits.
- (4) **Dual Compensation Waivers/Reemployed Annuitants:** Dual compensation waivers for reemployed annuitants must be approved by the Assistant Secretary for TSA. These waivers are only offered to individuals with unique or special skills to carry out the duties of a law enforcement officer. Unless the Executive Resources Council concurs with valid justification, dual compensation waivers will not be considered. In addition, reemployed annuitants, beyond age 60, can only be considered for secondary law enforcement positions.

**E. Physical Requirements (Applies to 1801 and 1811 positions authorized to carry a firearm)**

- (1) **Applicants –** Must complete all medical entry and physical fitness requirements established for law enforcement positions by the hiring/employing law enforcement component within TSA in consultation with and concurrence of OHC.
- (2) **Employees –** May be required to complete medical examinations and participate in periodic fitness assessments. Employees may be granted official duty hours to maintain physical fitness requirements. TSA will not reimburse employees for membership fees related to joining a physical fitness center. Non compliance with the medical examination or physical fitness requirements will result in appropriate administrative actions up to and including removal.

**F. Drug/Alcohol Testing:** All authorized TSA law enforcement positions are Testing Designated (TDP) positions, the occupants of which are subject to pre-employment, random, reasonable suspicion, and post-accident drug and alcohol testing.

- G. Security Clearance Requirements: Any individual being considered for an approved law enforcement position must meet and maintain eligibility requirements for a Top Secret security clearance, including the requirements outlined in [TSA MDs 2800.7, \*Issuance of TSA Headquarters Photo Access Pass\*](#) and [TSA MD 2800.71, \*Pre-employment Investigative Standards for TSA Non-Screeners and Contractors\*](#). Any questions or concerns must be resolved by the OLE, Office of Security prior to any entry on duty.
- H. Lautenberg Amendment/Conflict of Interest
- (1) Lautenberg Amendment: Law enforcement positions may require an individual to carry a firearm. Any person who has been convicted of a misdemeanor crime of domestic violence cannot lawfully possess a firearm or ammunition (Title 18, U.S.C. § 922(g) (9)). Individuals who have been convicted of a misdemeanor crime of domestic violence within the meaning of the referenced statute are ineligible for a law enforcement officer position. This certification is an annual requirement for employees; [TSA Form 1116, \*Firearm Position Certification\*](#) must be used for this declaration and must also be maintained by the employing law enforcement component in the employee's Employee Performance Folder (EPF). (The 1116 form can be accessed via TSA Forms on the TSA Intranet). In addition, an individual who is subject to certain court orders restraining such individual from harassing, stalking, or threatening certain intimate partners or children may also not lawfully possess a firearm or ammunition. (Title 18, U.S.C. § 922(g)(8)). Individuals subject to such orders must immediately bring the order to the attention of their supervisor.
- (2) Conflict of Interest
- (a) Individuals occupying law enforcement positions are reminded that they must recuse themselves from matters in which they have a financial or personal interest. The financial interest is not restricted to the employee, it can be one that is imputed to the employee through a member of their household or through someone with whom they have a "covered relationship", as defined in 5 C.F.R. Part 2635. Personal interests are non-financial relationships between the law enforcement officer and the subject of a case or investigation being handled by the law enforcement officer. Such relationships are deemed to be conflicts of interest if impartiality issues arise during the course of the case/investigation. Personal interests, like financial interests, may be imputed to the employee through a member of the household or through someone with whom the employee has a "covered relationship."

- (b) Law enforcement officers must not engage in any case/investigation in which a financial or personal conflict of interest exists without obtaining prior approval to do so. In the event a conflict of interest exists, all related information must be sent to the Office of Chief Counsel, Ethics Office, for review and approval prior to any involvement with the case/investigation. Failure to do so could be a violation of the conflict of interest regulations under 5 C.F.R. Part 2635. Failure of an individual to recuse him/herself from an ongoing case/investigation due to a conflict of interest could result in Brady/Giglio violations.<sup>4</sup> This also could result in the individual being removed from a law enforcement position.
- I. Firearms Certification: Law enforcement officers who are authorized to carry a firearm must pass a certification at an interval required by the hiring/employing law enforcement component within TSA. Failure to do so will result in the revocation of firearm authorization and any other appropriate administrative action, up to and including removal.
- J. Reconsideration Issues:
- (1) Affected employees may seek reconsideration of certification failures from the Assistant Administrator for the law enforcement component within TSA to which the employee is assigned. Such reconsideration is limited to certification requirements related to physical/medical issues, and/or firearms.
- (2) Issues relating to age requirements, misuse/abuse of a firearm, and security clearance eligibility cannot be reconsidered. These issues are based on statutory provisions or policy that TSA has deemed to be critical to the position and the mission of the agency. As such, these issues will not be waived or reconsidered.
- K. Appeal Rights: In the event that an individual believes that his/her position should be a covered law enforcement position for retirement purposes, the individual may submit a request for review to the Assistant Administrator for the law enforcement component to which the employee is assigned. If the request is denied, the individual may file an appeal with the Merit Systems Protections Board (MSPB) under the procedures prescribed by the Board.
- L. Mandatory Removal from A Law Enforcement Officer Position: Pursuant to 5 U.S.C. § 7371, a law enforcement officer convicted of felony offense shall be removed from employment on the last day of the first applicable pay period following the conviction notice date.
- (1) The “conviction notice date” is the date on which TSA has notice that the officer has been convicted of a felony that is entered by a Federal or State court, regardless of whether that conviction is appealed or is subject to appeal.

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<sup>4</sup> “Brady/Giglio” refers to the disclosure of exculpatory and possible impeachment information relating to trials and other court proceedings. The two Supreme Court cases which require governments to disclose this evidence is part of a defendant’s constitutional guarantee to a fair trial. The law also requires the disclosure of related evidence when such evidence is material to guilt or punishment. *Brady v. Maryland*, 373 U.S. 83, 87 (1963); *Giglio v. United States*, 405 U.S. 150, 154 (1972).

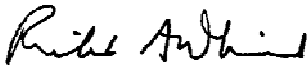
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- (2) This does not prohibit the removal of an individual from employment as a law enforcement officer before a conviction notice date if the removal is properly effected under other applicable procedures.
- (3) If the conviction is overturned on appeal, the removal, if solely based on the conviction shall be reversed and the affected law enforcement officer should be reinstated with applicable back pay.

M. Distribution: This directive must be provided to all employees upon initial appointment into a covered position. Subsequent updates to this directive must also be provided. This directive will be posted on the TSA Intranet.

**8. EFFECTIVE DATE AND IMPLEMENTATION:** This directive is effective immediately upon signature.

**APPROVAL**



05/07/2007

\_\_\_\_\_  
Richard A. Whitford  
Assistant Administrator for Human Capital

\_\_\_\_\_  
Date

Filing Instructions: File 200.1.1  
Effective Date: 05/07/2007  
Review Date: 05/07/2009  
Distribution: Assistant Secretary, Deputy Assistant Secretary; Associate Administrator, Assistant Administrators, Area Directors, Office Directors, Federal Security Directors, and all affected TSA Employees  
Point-of-Contact: Office of Human Capital

APPENDIX A

TRANSPORTATION SECURITY ADMINISTRATION  
LAW ENFORCEMENT OFFICER  
POSITION CHARACTERISTICS<sup>5</sup>

Criminal Investigator, SV-1811<sup>6</sup> - An individual involved in the planning and conducting of complex and often long-term criminal investigations relating to alleged or suspected violations of federal criminal law.

Is required to:

- (a) Possess knowledge of investigative techniques, laws of evidence, the rules of criminal procedure, and precedent court decisions concerning admissibility of evidence, constitutional rights, search and seizure, and related issues;
- (b) Recognize, develop, and present evidence that reconstructs events, sequences and time elements for presentation in various legal hearings and court proceedings;
- (c) Demonstrate skills in applying surveillance techniques, undercover work, and advising and assisting the United States Attorney in and out of court;
- (d) Demonstrate the ability to apply the full range of knowledge, skills, and abilities necessary for cases which are complex and unfold over a long period of time (as distinguished from certain other occupations that require the use of some investigative techniques in short-term situations that may end in arrest or detention);
- (e) Possess knowledge of criminal laws and Federal rules of procedure which apply to cases involving crimes against the United States, including (i) knowledge of the elements of a crime, (ii) evidence required to prove the crime, (iii) decisions involving arrest authority, (iv) methods of criminal operation, and (v) availability of detection devices; and
- (f) Possess the ability to follow leads that indicate a crime will be committed rather than initiate an investigation after a crime is committed.
- (g) Possess the ability to work with other law enforcement agencies support investigative matters regarding threats to the transportation sector and national security.

In addition to the above, this position may require prior law enforcement experience and may require the employee to carry a firearm, and maintain proficiency. The position also may require the employee to be subject to 24-hour on call duty and irregular working hours.

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<sup>5</sup> Appendix A can be modified based up the needs of the Agency.

<sup>6</sup> As defined in 5 U.S.C. § 5544a. See also 49 U.S.C. §§ 114(q).

Transportation Security Specialist, SV-1801<sup>7</sup> - An individual, in the Office of Security, whose primary duties and responsibilities include conducting, monitoring, and coordinating criminal and administrative investigations of non-TSA personnel, which may lead to potential criminal, civil, or administrative actions as part of protecting and securing TSA facilities. (Not all Transportation Security Specialist positions in TSA are designated as law enforcement officer positions.)

Is required to:

- (a) Conduct, monitor, and coordinate criminal and administrative investigations, which may lead to potential criminal, civil, or administrative actions. This is demonstrated by comprehensive knowledge of criminal and administrative requirements and procedures as they pertain to the resolution of alleged fraud, theft, and destruction of government property, misconduct by non-TSA personnel.
- (b) Possess the ability to follow leads that indicate a crime may have occurred and determine through an investigation whether a crime has been committed.
- (c) Familiarization with the judicial process, criminal statutes, rules of evidence, constitutional rights, search and seizure, precedent court decisions, legal aspects of investigations, investigative techniques, interviewing techniques and examination of evidentiary documents or material to include knowledge of the functions and jurisdictions of other Federal, State, and local law enforcement agencies.
- (d) Recognize, develops, and presents evidence that reconstructs events, sequences, and time elements for presentation in various legal hearings, court proceedings, and/or administrative proceedings.
- (e) Demonstrate the ability to analyze adverse intelligence information and apply sound countermeasures to insure the security and safety of all TSA employees and visitors.
- (f) Demonstrate skills in applying surveillance and counter-surveillance techniques.
- (g) Possess direct knowledge of physical security programs and activities to maintain a safe and secure working environment at TSA facilities.
- (h) Demonstrate knowledge in access control, CCTV, electronic security alarm systems, key/lock systems, and conduct physical security surveys of TSA facilities in the performance of investigations.

In addition to the above, this position may require prior law enforcement experience; the employee to carry a firearm, and if so, maintain proficiency. The position also may also require the employee to be subject to 24-hour on call duty and irregular working hours.

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<sup>7</sup> Developed under the authority delegated to the Assistant Secretary under 49 U.S.C. §§ 114(q).

Federal Air Marshal, SV-1801 (FAM) – An individual whose primary duties are to detect, deter and defend against criminal acts and acts of terrorism in the aviation domain, and across other such transportation modes as the Assistant Secretary directs.

- (1) May be required, in accordance with applicable law, policies, procedures, training standards, and supervisory direction, and in the course of his or her duties, to:
  - (a) Carry a firearm, and maintain a prescribed standard of proficiency;
  - (b) Make an arrest without a warrant for any offense against the United States committed in the presence of the officer, or for any felony cognizable under the laws of the United States if the officer has probable cause to believe that the person to be arrested has committed or is committing the felony;
  - (c) Seek and execute warrants for arrest or seizure of evidence issued under the authority of the United States upon probable cause that a violation has been committed;
  - (d) Seek and serve administrative subpoenas in accordance with prescribed procedures as set forth in the TSA Management Directive and Administrative Subpoena Guidebook;
  - (e) Serve as the TSA law enforcement representative on Joint Terrorism Task Forces and other multi-agency task forces;
  - (f) Where appropriate, conduct, monitor and coordinate criminal and administrative investigations as they pertain to the TSA mission, including following leads in order to determine whether a crime has or may have been committed, and assist in the investigations of other law enforcement agencies;
  - (g) Serve in a detail as and assist the Assistant Federal Security Directors for Law Enforcement as TSA's primary law enforcement point of contact at U.S. airports;
  - (h) Understand the criminal and civil judicial process, criminal statutes, TSA authority, international law, rules of evidence, constitutional law and process, criminal procedure, relevant court decisions, investigative techniques, interviewing techniques, report writing, preparation of warrants and complaints, and examination of evidentiary documents or materials, and a knowledge of other federal, state, and local law enforcement agencies, and international law enforcement authorities;
  - (i) Testify and present evidence in legal proceedings, court proceedings or administrative hearings;
  - (j) Receive, apply and analyze intelligence or mission related sensitive information associated with the mission of TSA;
  - (k) Demonstrate skill in applying pro-active surveillance and counter-surveillance techniques throughout the transportation system in order to pre-identify criminal or terrorist activity or pre-operational plans;

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- (l) Maintain an appropriate level of physical fitness commensurate with the demands of the position of Federal Air Marshal; and
- (m) Be subject to 24 hour on call duty and irregular working hours.