

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

DAVID M. WEINBERG, STAFF DIRECTOR
WILLIAM E. HENDERSON III, MINORITY STAFF DIRECTOR
LAURA W. KILBRIDE, CHIEF CLERK

August 21, 2024

The Honorable David P. Pekoske
Administrator
Transportation Security Administration
601 South 12th Street
Arlington, VA 20598-6020

Dear Administrator Pekoske:

As the Ranking Member of the U.S. Senate Committee on Homeland Security and Governmental Affairs, I write to request detailed information related to the management of watchlists and screening procedures by the Transportation Security Administration (TSA). Recent disclosures from whistleblowers raise serious concerns that these mechanisms may have been improperly employed to target individuals based on their political views and participation in constitutionally protected activities, rather than legitimate security threats.¹

Among the troubling allegations is the claim that former U.S. Representative Tulsi Gabbard was subjected to heightened surveillance after she was added to the Quiet Skies list following her public criticism of the current administration.² In an equally concerning case, a Federal Air Marshal disclosed that his wife was labeled a “domestic terrorist” and subjected to Special Mission Coverage (SMC) after attending a political rally in Washington, D.C.³ The whistleblower disclosed that TSA inaccurately recorded his wife—who has a documented mobility disability—as having unlawfully entered the U.S. Capitol on January 6, 2021. Despite her physical limitations making it impossible for her to engage in the alleged activities, and with no criminal charges against her, TSA has kept her on a watchlist for more than three years. To compound matters, TSA later assigned a Federal Air Marshal, who was diverted from a high-risk international mission, to monitor her on a flight, even though she was traveling with her husband, who is also a Federal Air Marshal.

¹ Empower Oversight, *Whistleblowers: Air Marshals Improperly Targeting Americans for Surveillance*, Empower Oversight (2024), <https://empowr.us/whistleblowers-air-marshals-improperly-targeting-americans-for-surveillance/>.

² Matt Taibbi, *Intimidation and Waste: Surveillance of Tulsi Gabbard Triggered by Unspecified “Affiliation,”* (2024), <https://www.racket.news/p/intimidation-and-waste-surveillance.>, Matt Taibbi, *American Stasi: Tulsi Gabbard Confirms “Quiet Skies” Nightmare*, Racket News (2024), <https://www.racket.news/p/american-stasi-tulsi-gabbard-confirms.>

³ Luke Rosiak, *Federal Air Marshals Diverted From Sensitive Flights To Follow January 6 Suspects, Officials Say*, DailyWire (2023), <https://www.dailywire.com/news/federal-air-marshals-diverted-from-sensitive-flights-to-follow-january-6-suspects-officials-say.>

These allegations echo concerns highlighted in a previous report by the Department of Homeland Security's Office of Inspector General (OIG), which identified critical deficiencies in TSA's management of the Quiet Skies program, including insufficient oversight and inadequate safeguards to protect against the misuse of passenger data.⁴ Taken together, these incidents seem to be part of a broader pattern in which TSA has repurposed Quiet Skies to surveil individuals based on their political activities, even when there is no evidence of wrongdoing.

In light of these serious concerns, I request the following information no later than 5:00 p.m. ET on September 4, 2024:

1. Unredacted copies of all current guidelines, criteria, standard operating procedures (SOPs), and related documents governing the selection of individuals for TSA-managed lists and programs, including the Quiet Skies program, Silent Partner List, TSA Enhanced Screening List, and TSA Deny Boarding List, as well as any revisions or updates made since January 2021.
2. Unredacted copies of all documentation and internal communications related to the process for determining whether an individual is designated as a "domestic terrorist" or subjected to SMC under the Quiet Skies program or any other TSA-managed list, including those linked to individuals who were present in Washington, D.C., on or around January 6, 2021.
3. Unredacted copies of records concerning criteria used to determine "high-risk indicators" and "travel patterns" that trigger inclusion on TSA-managed lists, including the Quiet Skies program, and related TSA tools such as "threat-based intelligence scenarios" and "user-defined rules" within the Automated Targeting System (ATS).⁵
4. Unredacted copies of all documentation, internal communications, and records related to the inclusion of former U.S. Representative Tulsi Gabbard in the Quiet Skies program, including the criteria used to justify her surveillance, the duration and scope of the surveillance, and any related approvals, reviews, or oversight activities.
5. Unredacted copies of all documentation and communications concerning the wife of a Federal Air Marshal, who was designated as a "domestic terrorist" and placed under SMC after attending a political rally on January 6, 2021, including records of any decisions to surveil her during subsequent air travel, particularly when she was accompanied by her husband, as well as any reviews, objections, investigations, or corrective actions related to her continued surveillance status.⁶
6. Unredacted copies of all documentation and internal communications related to the handling, distribution, and decision-making process for the list provided by TSA's Office of Intelligence and Analysis (OIA) to the Federal Air Marshal Service (FAMS) Incident

⁴ Department of Homeland Security Office of Inspector General, *TSA Needs to Improve Management of the Quiet Skies Program (Redacted)*, (2020), <https://www.oig.dhs.gov/sites/default/files/assets/2020-11/OIG-21-11-Nov20-Redacted.pdf>.

⁵ Privacy Impact Assessment Update for Secure Flight Silent Partner and Quiet Skies, (2019), https://www.dhs.gov/sites/default/files/publications/pia-tsa-spqs018i-april2019_1.pdf.

⁶ Tristan Justice, *Watchdog Goes After TSA For Retaliating Against Whistleblower*, *The Federalist* (2024), <https://thefederalist.com/2024/08/08/watchdog-tsa-punishing-whistleblower-who-exposed-surveillance-abuses-is-classic-retaliation/>.

Coordination Section (ICS), which covered individuals who flew into the Washington, D.C., area around January 6, 2021, including records related to decisions regarding the inclusion or exclusion of specific individuals or groups—particularly those identified as potential protestors—before the list was shared with FBI units, and the intended purpose of their screening, surveillance, or possible arrest and prosecution.

7. Comprehensive data related to the list provided by TSA’s Office of Intelligence and Analysis (OIA) to the Federal Air Marshal Service (FAMS) Incident Coordination Section (ICS), which included individuals who flew into the Washington, D.C., area around January 6, 2021, including:
 - a. the total number of individuals included on this list;
 - b. the number of Federal Air Marshals included on this list;
 - c. the number of current or former members of Congress included on this list;
 - d. the number of individuals from the list who were subjected to SMC or other forms of surveillance;
 - e. the number of individuals from the list who were targeted for arrest or prosecution in connection with the January 6 events; and
 - f. the number of individuals from the list who are still under surveillance.
8. Unredacted copies of all audits, evaluations, or reviews of the Quiet Skies program, Silent Partner List, TSA Enhanced Screening List, and other TSA-managed lists or programs conducted since January 2021, including documentation of findings, actions taken in response, and how these findings were addressed.
9. Unredacted copies of any whistleblower complaints, associated investigations, and records of any disciplinary actions taken against TSA or FAMS personnel as a result of whistleblower disclosures.
10. Unredacted copies of all records related to TSA’s handling of whistleblower allegations concerning the misuse of aviation security programs or TSA-managed lists, including internal communications, investigations conducted, outcomes determined, and measures taken to protect whistleblowers from retaliation.⁷
11. Unredacted copies of detailed accounts of any incidents where TSA or FAMS resources were diverted from high-risk international missions or other critical tasks to conduct surveillance on individuals wrongfully classified as "domestic terrorists" or subjected to Special Mission Coverage under TSA-managed lists.
12. Comprehensive data on the number of individuals placed on each TSA-managed list, including the Quiet Skies program, Silent Partner List, TSA Enhanced Screening List, and TSA Deny Boarding List, from January 2021 to the present, broken down by month and categorized by the reason for inclusion (e.g., high-risk indicator, travel pattern, etc.).
13. Comprehensive data on the number of individuals removed from each TSA-managed list, including the Quiet Skies program, Silent Partner List, TSA Enhanced Screening List, and TSA Deny Boarding List, from January 2021 to the present, broken down by month

⁷ Empower Oversight, *Empower Oversight: TSA Opens “Leak” Probe to Hunt Whistleblowers on Gabbard Surveillance*, (2024), <https://empowr.us/empower-oversight-tsa-opens-retaliatory-investigation-to-punish-whistleblower-in-release-of-gabbard-surveillance-information/>.

and categorized by the reason for removal (e.g., successful appeal, expiration of criteria, etc.).

14. Unredacted copies of any documentation or communications discussing the potential or actual impact of TSA-managed lists on civil liberties, including any assessments or recommendations made by TSA, the DHS Office for Civil Rights and Civil Liberties (CRCL), or external oversight bodies.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Rand Paul". The signature is written in a cursive, flowing style.

Rand Paul, M.D.

Ranking Member

Committee on Homeland Security and Governmental Affairs