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# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

July 14, 2025

## VIA ELECTRONIC TRANSMISSION

Ms. Ha Nguyen McNeill  
Deputy Administrator  
Transportation Security Administration

Dear Deputy Administrator McNeill:

On August 20, 2024, I wrote to then-Transportation Security Administration (TSA) Administrator David Pekoske regarding the Biden-TSA's reported weaponization of the "Quiet Skies Program."<sup>1</sup> On September 24, 2024, then-Administrator Pekoske responded to my letter, but failed to provide any substantive answers or records to my oversight requests.<sup>2</sup> As such, I am requesting again that the TSA provide full and complete responses, including all responsive records, to my August 20, 2024, letter, which is enclosed for reference.<sup>3</sup>

Thank you for your prompt review and response. If you have any questions, please contact Tucker Akin on my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley  
Chairman  
Committee on the Judiciary

Enclosures

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<sup>1</sup> Letter from Sen. Charles E. Grassley, Ranking Member, Sen. Committee on the Budget to the Honorable David P. Pekoske, Administrator, Transportation Security Administration (Aug. 20, 2024),

[https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_tsa\\_-\\_quiet\\_skies.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_tsa_-_quiet_skies.pdf); Wendi Straunch Mahoney, *Federal Air Marshal Whistleblowers Report Tulsi Gabbard Actively Under Surveillance via Quiet Skies Program*, UncoverDC (August 5, 2024), <https://uncoverdc.com/2024/08/04/famswistleblowers-report-tulsi-gabbard-on-quiet-skies-list>.

<sup>2</sup> Letter from the Honorable David P. Pekoske, Administrator, Transportation Security Administration, to Sen. Charles E. Grassley, Ranking Member, Sen. Committee on the Budget (Sep. 24, 2024), Enclosed.

<sup>3</sup> Letter from Sen. Charles E. Grassley, Ranking Member, Sen. Committee on the Budget to the Honorable David P. Pekoske, Administrator, Transportation Security Administration (Aug. 20, 2024), [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_tsa\\_-\\_quiet\\_skies.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_tsa_-_quiet_skies.pdf); "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

United States Senate  
WASHINGTON, DC 20510

August 20, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable David P. Pekoske  
Administrator  
Transportation Security Administration

Dear Administrator Pekoske:

Many times in recent years, I've sounded the alarm on the weaponization of the federal government against presidential candidates, members of Congress and their staff, and—just as importantly—ordinary Americans from all walks of life.<sup>1</sup> Quite simply, no citizen should ever be targeted for investigation, surveillance, harassment, or arrest based upon their political party or expressions of political, religious, or other views, no matter which party is in power. In recent days, however, troubling reports have surfaced that the Transportation Security Administration (TSA) appears to have done exactly that to former Representative and current Army Lieutenant Colonel, Tulsi Gabbard, under its “Quiet Skies Program.” More than that, TSA whistleblowers who came forward to disclose the abuse of the “Quiet Skies Program” and the apparent political targeting of Lt. Col. Gabbard have themselves been targeted by TSA for investigation.<sup>2</sup> To maintain the trust of Congress and the people we serve, TSA must recognize the seriousness of these allegations and swiftly provide answers to Congress and the American people.

The “Quiet Skies Program” is a program that subjects people, including U.S. citizens not suspected of any crime or on any terrorist watch list, to surveillance and collection of information about their movements and behavior when flying.<sup>3</sup> According to Ms. Sonya LaBosco, the Executive Director of the Air Marshal National Council (AMNC), TSA added Lt.

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<sup>1</sup> See, e.g., letter from Senator Charles E. Grassley, Ranking Member, Comm. on the Budget, to the Hon. Michael Horowitz, Inspector General, Dep't of Justice (November 2, 2023) (asking for a thorough investigation of the DOJ after revelations it obtained phone records of members of Congress and their staff), [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_doj\\_oig\\_-\\_congressional\\_subpoena1.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_oig_-_congressional_subpoena1.pdf); press release, *Grassley: FBI Credibility Demands Immediate Cooperation with Congressional Oversight*, (discussing how the Durham report showed FBI top brass caved to political bias in its Russia probe) (May 15, 2023), <https://www.grassley.senate.gov/news/news-releases/grassley-fbi-credibility-demands-immediate-cooperation-with-congressional-oversight>; prepared floor remarks, *Grassley: Democrats Offer a Political Resolution That Ignores Their Past Political Weaponization of the FBI* (April 25, 2023), <https://www.grassley.senate.gov/news/remarks/grassley-democrats-offer-a-political-resolution-that-ignores-their-past-political-weaponization-of-the-fbi>.

<sup>2</sup> Letter from Tristan Leavitt, President, Empower Oversight, to The Hon. Charles E. Grassley, Chair, U.S. Senate Whistleblower Protection Caucus, et al. (August 13, 2024) (noting whistleblower revelations that, “TSA ha[s] opened a retaliatory investigation into the so-called ‘leak’ of Sensitive Security Information (SSI)” related to Ms. Gabbard), <https://empowr.us/wp-content/uploads/2024/08/2024-08-13-TL-to-Congress-FAMS-Gabbard-surveillance-redacted.pdf>.

<sup>3</sup> Jana Winter, *Welcome to the Quiet Skies*, Boston Globe (July 28, 2018), <https://apps.bostonglobe.com/news/nation/graphics/2018/07/tsa-quiet-skies/>.

Col. Gabbard to the Quiet Skies program on July 23, 2024, the day after she criticized Vice President Harris, President Biden, and the “National Security State” in an interview on Fox, and federal air marshals were assigned to her first flight after this, on July 25.<sup>4</sup> Ms. LaBosco also said whistleblowers disclosed TSA has assigned two explosive detection canine teams, one transportation security specialist in explosives, one plainclothes TSA supervisor, and three federal air marshals to surveil Lt. Col. Gabbard every time she flies.<sup>5</sup> If accurate, TSA’s monitoring of Lt. Col. Gabbard and subjecting her to additional and invasive scrutiny is an outrage. In addition to concerns about politically-motivated surveillance, TSA’s actions appear to be a complete waste of taxpayer resources given that Lt. Col. Gabbard is a well-known and trusted figure with decades of service to her country in the U.S. Military, and service in Congress. According to additional protected whistleblower disclosures to my office, Lt. Col. Gabbard to date has been subject to this heavy scrutiny on at least eight flights, requiring a significant allocation of taxpayer resources.<sup>6</sup> The Biden-Harris administration appears to have given surveilling Lt. Col. Gabbard more effort and focus than stopping terrorists from entering our Southern Border.<sup>7</sup>

TSA must explain why it’s using taxpayer resources in this manner at a time when the FBI has stated that threats from international terrorism, domestic terrorism, and state-sponsored terrorism are all simultaneously elevated.<sup>8</sup> Even more alarmingly, the AMNC has also disclosed that the TSA is, “improperly classifying innocent Americans as ‘Domestic Terrorists’ on internal TSA/FAMS [Federal Air Marshal Service] databases and watchlists,” and that, “[m]ost of these classifications occur in the absence of any investigation or even any follow up.”<sup>9</sup> All of this, if true, is an abuse of government authority, a waste of taxpayer money, and a clear indication that TSA requires more exacting congressional oversight.

Whistleblowers have also disclosed troubling information about TSA’s response to these revelations. According to lawyers for the FAMS whistleblowers, “TSA has initiated an investigation into what it considers a ‘leak’ of Sensitive Security Information (SSI) regarding the

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<sup>4</sup> Wendi Straunch Mahoney, *Federal Air Marshal Whistleblowers Report Tulsi Gabbard Actively Under Surveillance via Quiet Skies Program*, UncoverDC (August 5, 2024), <https://uncoverdc.com/2024/08/04/fams-whistleblowers-report-tulsi-gabbard-on-quiet-skies-list>.

<sup>5</sup> *Id.*

<sup>6</sup> Notes of interview with whistleblower on file with Committee staff.

<sup>7</sup> Staff Report, U.S. Comm. on the Judiciary, *Terror at Our Door: How the Biden-Harris Administration’s Open Borders Policies Undermine National Security and Endanger Americans* (reporting the Biden-Harris Administration released at least 99 illegal aliens on the terrorist watchlist into U.S. communities, whom Border Patrol encountered between FY 2021 and FY 2023) (August 5, 2024) at 8, [https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/FILE\\_6538.pdf](https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/FILE_6538.pdf).

<sup>8</sup> The Hon. Christopher Wray, Director, Federal Bureau of Investigation, hearing statement for U.S. Senate Comm. on Appropriations, hearing, *A Review of the President’s Fiscal Year 2025 Budget Request for the Federal Bureau of Investigation* (June 4, 2024), [https://www.appropriations.senate.gov/imo/media/doc/download\\_testimony80.pdf](https://www.appropriations.senate.gov/imo/media/doc/download_testimony80.pdf).

<sup>9</sup> Letter from David Londo, President, Air Marshal National Council, and Sonya Hightower-Labosco, Executive Director, Air Marshal National Council, to the Hon. Kevin McCarthy, Speaker, U.S. House of Reps., The Hon. Rick Scott, Comm. on Homeland Security and Govt. Aff., The Hon. Mark Green, Chairman, House Homeland Security Comm., The Hon. Jim Jordan, Chairman, House Comm. on the Judiciary, and the Hon. James Comer, Chairman, House Oversight Comm. (January 16, 2023), [https://mr.cdn.ignitedcdn.com/client\\_assets/uncoverdc\\_com/media/attachments/6559/236e/f57c/cd0e/d85c/ee42/6559236ef57ccd0ed85cee42.pdf?1700340590](https://mr.cdn.ignitedcdn.com/client_assets/uncoverdc_com/media/attachments/6559/236e/f57c/cd0e/d85c/ee42/6559236ef57ccd0ed85cee42.pdf?1700340590).

surveillance of Ms. Gabbard.”<sup>10</sup> I’ve spent much of my career working with whistleblowers, and shoring up legal protections for them. I’ve also fought for the public’s right to know as much as possible about the workings of our government and particularly the vast bureaucracy in the executive branch that is all too often insulated from transparency and accountability. Legally protected whistleblower disclosures aren’t a “leak,” rather they’re lawful acts under the Constitution and federal law. TSA must comply with the law and immediately cease its retaliatory investigation of these FAMS whistleblowers.

Based on the allegations provided to Congress and without further explanation from the TSA, it appears the Quiet Skies program has been weaponized against Lt. Col. Gabbard. The TSA’s actions raise serious questions about whether it has done the same with other U.S. citizens and for how long. The federal government exists to protect the people, not harass and surveil them. So that Congress may conduct thorough and independent oversight of TSA’s apparent abuse of authority, waste of resources, and whistleblower retaliation, answer the following requests no later than September 3, 2024 and provide a briefing to my office by September 10, 2024:

1. Provide all records related to the decision to place Lt. Col. Gabbard in the Quiet Skies program, including all records referencing Lt. Col. Gabbard’s appearance on Fox News.<sup>11</sup>
2. Describe in detail the taxpayer resources used to monitor Lt. Col. Gabbard, including the number of government employees assigned to her, broken down by position, and provide all records sufficient to document the full scope of the government’s surveillance of Lt. Col. Gabbard.
3. Has TSA interfaced, communicated and/or worked with other government agencies to surveil Lt. Col. Gabbard? If so, which agencies?
4. Why was the decision made to include Lt. Col. Gabbard’s congressional portrait in the TSA database rather than her passport photo? Who made this decision?
5. In the past five years, how many unique U.S. citizens have been in the program and for what reasons? Currently, how many U.S. citizens are in the Quiet Skies program and for what reasons? In your answer, provide data showing the length of time all existing individuals in the Quiet Skies program have been in the program, broken down by number of individuals within the following time ranges: less than a month, 1-3 months, 3-6 months, 6 months to 1 year, 1-2 years, 2-4 years, or more than four years.

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<sup>10</sup> Letter from Tristan Leavitt, President, Empower Oversight, to The Hon. Joseph V. Cuffari, Inspector General, U.S. Dep’t of Homeland Security (August 7, 2024), <https://empowr.us/wp-content/uploads/2024/08/2024-08-07-TL-to-DHS-OIG-re-TSA-investigation.pdf>.

<sup>11</sup> “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

6. What criteria are applied to determine who is placed in the Quiet Skies program? Does TSA's criteria for the Quiet Skies program take into account honorable military service or congressional service? If not, why not? If so, how was it factored in with respect to Lt. Col. Gabbard? In your answer, explain whether an articulable basis that an individual is a threat must exist before placing an individual in the Quiet Skies program. Provide all records.
7. What criteria are applied to remove persons from the Quiet Skies program in a timely manner?<sup>12</sup> Provide all records.
8. Name all TSA employees who were provided information obtained through surveillance of Lt. Col. Gabbard. Was that information shared outside TSA? If so, which agencies?
9. When a subject is given additional scrutiny under the Quiet Skies program, does this in any or all cases lead to their spouses, family members, and/or associates being placed in the program? In what percentage of cases currently entered in the Quiet Skies program is one or more family members or known associates also in the program?
10. Please provide the number of current or former members of Congress and current or former cabinet-level officials who are currently monitored through the Quiet Skies program, and separately the number of those who have been in the program in the past five years, broken down by year.
11. Does TSA use artificial intelligence (AI) or any kind of algorithm to determine or aid in the determination of whom to target for further surveillance?<sup>13</sup> If so, what human supervision and review is involved in scrutinizing the work of AI, and in what percentage of cases flagged by AI or algorithms for surveillance or placement on a watch list did the human review result in the person being removed or not selected for further scrutiny or surveillance?
  - a. Please provide records sufficient to document the number of passengers placed on federal aviation watch lists or selected for surveillance, in the Quiet Skies program or any other TSA list, based in whole or in part on AI analysis, and describe in detail what actions TSA has taken to prevent AI from incorporating biases of any kind, to include biases against individuals because of their religious or political beliefs.
  - b. If TSA uses AI analysis, what data does TSA use to train the AI system?

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<sup>12</sup> See Dep't of Homeland Security, Office of Inspector General, Report, *TSA Needs to Improve Management of the Quiet Skies Program* (November 25, 2020) at 7 (finding "TSA may not have always removed passengers from the Quiet Skies List as required by its [implementation plan]"), <https://www.oig.dhs.gov/sites/default/files/assets/2020-11/OIG-21-11-Nov20-Redacted.pdf>.

<sup>13</sup> See, e.g., ACLU, News & Commentary, *TSA Darkens the Skies With Secret Surveillance of Americans*, (July 30, 2018) (noting TSA appears to be using algorithms to decide who to target for the Quiet Skies program and pointing out the risk of artificial intelligence incorporating human biases), <https://www.aclu.org/news/national-security/tsa-darkens-skies-secret-surveillance-americans>.

12. Is TSA investigating or in any way seeking the identity of the whistleblowers who provided information to Congress related to Lt. Col. Gabbard or the Quiet Skies program? If so, who ordered this investigation or review? If TSA has initiated such an investigation or review, provide all related records.

Should you have any questions about this inquiry, please reach out to James Layne on my Budget Committee staff at (202) 224-0642. I look forward to your prompt and thorough reply.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

cc: The Hon. Joseph V. Cuffari  
Inspector General  
Department of Homeland Security





U.S. Department of Homeland Security  
**Transportation Security Administration**  
6595 Springfield Center Drive  
Springfield, Virginia 20598

September 24, 2024

The Honorable Charles E. Grassley  
United States Senate  
Washington, DC 20510

Dear Senator Grassley:

Thank you for your August 20, 2024, correspondence regarding the Transportation Security Administration's (TSA) Quiet Skies program.

Since its inception in the aftermath of the September 11 attacks, TSA has faithfully protected the Nation's transportation system. Under the *Aviation and Transportation Security Act*, Pub. L. 107-71, TSA is responsible for overseeing security in all modes of transportation. In the area of aviation security, TSA uses security measures to effectively identify and mitigate security threats. In doing so, TSA employs an intelligence driven, risk-based approach to security, using multiple security methods and cutting-edge technology while maintaining a flexible, highly trained workforce.

TSA's ability to protect the transportation system hinges on our ability to address and outmatch dynamic threats to our aviation and surface transportation systems. TSA must continuously evaluate how it uses its resources and performs its mission. Risk is a central consideration in this endeavor. TSA uses several risk-based programs, including Quiet Skies, to inform its operational actions – such as whether to conduct enhanced screening at the checkpoint and when to assign Federal Air Marshal Service (FAMS) coverage. These risk-based programs are critically important to our security. They are intelligence-driven and designed to address potential threats to aviation security.

Quiet Skies is a valuable risk-based security program which identifies and mitigates potential threats to aviation security. This program was born of near disaster – it originated in an interagency review of the facts and circumstances that permitted Umar Farouk Abdulmutallab to board an aircraft in December 2009 while wearing an improvised explosive device. He received no enhanced screening. This program is a central pillar of TSA's efforts to address and mitigate risks to aviation security consistent with our statutory mandate.

As a result of the inter-agency review, the Department of Homeland Security (DHS) determined that it needed to mitigate the threat to commercial aviation posed by unknown or partially known potential threats. Accordingly, in 2010, TSA began formulating risk-based screening rules based on analysis of terrorist travel and tactics to identify travel patterns posing

an elevated risk, resulting in a limited number of international travelers who are not known or suspected terrorists (KSTs) receiving enhanced screening prior to flying into the United States. This program was, and remains, known as Silent Partner. Silent Partner leverages intelligence-based rules to identify and mitigate risks posed by certain passengers on international flights inbound to the United States.

Subsequently, in 2012, DHS extended a subset of the Silent Partner rules to mitigate the risk that a terrorist could conduct an attack on domestic travel after arriving in the United States. Rules in this subset are referred to as Quiet Skies rules. Quiet Skies rules are predicated on intelligence regarding aviation or national security threats to the United States. This intelligence identifies individuals who have traveled to the United States from abroad and require enhanced screening before boarding subsequent domestic flights, as well as possible federal air marshal mission coverage. Under the Silent Partner and Quiet Skies programs, TSA leverages Customs and Border Protection's Automated Targeting System to identify those individuals whose travel indicates an elevated risk to aviation security or the Homeland.

In 2018, Congress implemented legislation (Section 1949 of the *FAA Reauthorization Act of 2018*) to require the FAMS to consider Quiet Skies in its mission scheduling process, while also codifying requirements regarding the review of, and redress for, Quiet Skies rules.

Under the rules-based Silent Partner and Quiet Skies programs, travelers may match a rule based upon travel patterns, intelligence regarding terrorist travel, and/or passenger information correlating with the information used by a partially identified terrorist or a KST. Matching a TSA risk-based rule results in enhanced screening and is an indication that there may be elevated risk. It is neither terrorism information, nor specific derogatory information that the individual has or is suspected to have engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or terrorist activities.

In implementing these risk-based security programs, TSA aggressively employs procedural and privacy safeguards and maintains robust review procedures within TSA and with the DHS Privacy Office, Office of Civil Rights and Civil Liberties, and Office of the General Counsel. Since their initiation in 2010, TSA's risk-based, intelligence-driven rules have been subject to routine and ongoing civil rights, civil liberties, privacy, and legal reviews. These reviews focus on whether each rule meets the following conditions:

- Based on current intelligence
- Identifies a specific potential threat to aviation security or the United States
- Deactivated when no longer necessary to address the threat
- Appropriately tailored to minimize the impact on travelers' civil rights, civil liberties, and privacy, and complies with relevant legal authorities, regulations, and DHS policies

Moreover, TSA's intelligence-driven risk-based programs rely on passenger-provided data and do not use race, color, religion, disability, sexual orientation, parental status, political affiliation, or protected speech as a basis for operational decisions.



Quiet Skies is not only effective at designating individuals whose travel indicates an elevated risk for enhanced screening but is also efficient in doing so. To minimize impacts on passengers and to ensure an individual will not indefinitely receive enhanced screening on account of TSA's risk-based, intelligence-driven rules, and to enhance privacy, civil rights, and civil liberties protection in the Quiet Skies program, TSA developed several mechanisms under which passengers may no longer be required to undergo enhanced screening. These mechanisms include, but are not limited to, removal from the list based on a defined length of time or encounters, or a redress inquiry submitted to the DHS Traveler Redress Inquiry Program. Additionally, the rules are routinely reviewed by the TSA Office of Chief Counsel, TSA Privacy, and the DHS Offices for Civil Rights and Civil Liberties, Privacy, and General Counsel, including, but not limited to, notifications to DHS when rules are created, renewed, or archived.

In response to the specific questions referenced in your letter, under the Privacy Act of 1974, the sharing of Privacy Act-protected information is permitted with congressional offices only when the request for such information is made by a chair of a committee or subcommittee with jurisdiction over TSA transportation security matters.<sup>1</sup> However, this disclosure exception does not authorize the disclosure of Privacy Act-protected information, in classified or unclassified settings, to an individual member of Congress who is not acting pursuant to direction of the chair.

If you or your staff would still like a meeting to discuss the Quiet Skies program, we would be happy to coordinate with your staff.

Thank you for taking the time to share your concerns with me and for supporting TSA's important security mission. If I may be of further assistance, please do not hesitate to contact me personally or our Legislative Affairs office at 571-227-2717.

Sincerely,

A handwritten signature in black ink that reads "David P. Pekoske". The signature is written in a cursive, slightly slanted style.

David P. Pekoske  
Administrator

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<sup>1</sup> See Privacy Act of 1974, 5 U.S.C. § 552a.