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July 30, 2018

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

As Ranking Member of the Subcommittee on National Security, I respectfully urge you to hold a bipartisan oversight hearing regarding the so-called "*Quiet Skies*" program administered by the Transportation Security Administration. This hearing should examine the purpose, scope, and legality of the *Quiet Skies* program and the extent to which the Transportation Security Administration is undertaking efforts to safeguard the constitutional rights of U.S. citizens.

On July 28th, the *Boston Globe* reported the existence of a previously-undisclosed aviation security and domestic surveillance program administered by the Transportation Security Administration ("TSA"). Under this program, deemed "*Quiet Skies*," the agency is reportedly tracking ordinary air travelers, including U.S. citizens, through targeted airport and inflight surveillance conducted by undercover federal air marshal teams. The TSA currently sees between 40 and 50 *Quiet Skies* air travelers on domestic carriers nationwide each day.

According to a March 15, 2018 Information Bulletin issued by the TSA and obtained by the *Boston Globe*, the purpose of the *Quiet Skies* program is to "*mitigate the threat to commercial aviation posed by unknown or partially known terrorists; and to identify and provide enhanced screening to higher risk travelers before they board aircraft based on analysis of terrorist travel trends, tradecraft, and associations*." However, the Information Bulletin underscores that "*Quiet Skies Selectees*" are distinct from the usual targets of Special Mission Coverage flights undertaken by the Federal Air Marshal Service. In stark contrast to the deployment of federal air marshals for Special Mission Coverage flights on which a known or suspected terrorist is ticketed, "*Quiet Skies Selectees*" are not under investigation by any agency and are not listed in the U.S. Terrorist Screening Database. These travelers are nevertheless subjected to enhanced screening and security measures because they display travel behavior fitting "*risk-based passenger targeting rules*" developed by the TSA and have entered the United States from a foreign location.

Moreover, the TSA guidance indicates that selected individuals remain on the "*Quiet Skies list*" for up to 90 days or if earlier, three encounters, upon entering the United States. The procedures governing removing individuals from this list in cases of misidentification or other error are unclear.

While I strongly support the critical mission of the Transportation Security Administration to "*protect the nation's transportation systems*," the administration of a covert surveillance program that targets nearly 20,000 air travelers, including U.S. citizens, per year without probable cause must be subject to robust congressional oversight. In furtherance of our national security, a meaningful examination of the purpose, scope, and legality of this program will enable us to assess the effectiveness of the *Quiet Skies* program and better ensure the protection of American civil liberties.

Thank you in advance for your consideration. Please feel free to contact me directly if you have any questions regarding this or any other issue.

Sincerely,

STEPHEN F. LYNCH
Ranking Member
Subcommittee on National Security

cc: The Honorable Ron DeSantis, Chairman, Subcommittee on National Security, Committee on Oversight and Government Reform