EDWARD J. MARKEY
MASSACHUSETTS

COMMITTEES:
ENVIRONMENT AND PUBLIC WORKS
FOREIGN RELATIONS
RANKING MEMBER:
SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND INTERNATIONAL CYBERSECURITY POLICY
COMMERCE, SCIENCE, AND TRANSPORTATION
RANKING MEMBER:
SUBCOMMITTEE ON SPACE, SCIENCE, AND COMPETITIVENESS
SMALL BUSINESS AND ENTREPRENEURSHIP
CHAIRMAN:
U.S. SENATE CLIMATE CHANGE TASK FORCE

United States Senate

SUITE SD-255
DIRKSEN BUILDING
WASHINGTON, DC 20510-2107
202-224-2742

975 JFK FEDERAL BUILDING
15 NEW SUDBURY STREET
BOSTON, MA 02203
617-565-8519

222 MILLIKEN BOULEVARD, SUITE 312
FALL RIVER, MA 02721
508-677-0523

1550 MAIN STREET, 4TH FLOOR
SPRINGFIELD, MA 01103
413-785-4610

July 30, 2018

David P. Pekoske
Administrator
Transportation Security Administration
601 12th Street
Arlington, VA 20598

Dear Administrator Pekoske,

I write in response to a recent *Boston Globe* report revealing the existence of the Transportation Security Administration's (TSA) "Quiet Skies" program.[1] I am concerned about the existence of this previously undisclosed domestic surveillance operation and the implications Quiet Skies has for American privacy, civil rights, and security in our skies. In particular, I am troubled by reports that the TSA is tracking U.S. citizens who are not suspected of any crime and then monitoring seemingly innocuous behavior such as whether a person slept on their plane, used the bathroom, or obtained a rental car.[2] Although national security and airline passenger safety are of paramount importance, the American people deserve to know whether Quiet Skies violates their rights and if it is an effective use of federal resources.

In order for Congress to properly exercise its oversight role and more fully understand the Quiet Skies program, I request answers to the following questions by August 20, 2018:

1) How does the TSA select individuals to monitor under the Quiet Skies program?

   a. Please describe in detail the process and all criteria the TSA uses to select individuals for surveillance, noting in particular any criteria related to, or serving as a proxy for, ethnicity, nationality, race, or religion.

   b. Are individuals targeted for surveillance based on travel to the United States from any particular countries? If so, which countries?

---

[1] *See e.g.*, Jana Winter, *Welcome to the Quiet Skies*, BOSTON GLOBE (July 28, 2019), http://apps.bostonglobe.com/news/nation/graphics/2018/07/tsa-quiet-skies/?b9eaj; Missy Ryan & Ashley Halsey III, *Air marshals have conducted secret in-flight monitoring of U.S. passengers for years*, WASH. POST (July 29, 2018), https://www.washingtonpost.com/world/national-security/air-marshals-have-conducted-secret-in-flight-monitoring-of-us-passengers-for-years/2018/07/29/b50ffe94-9370-11e8-810c-5fa705927d54_story.html.

[2] *See* Winter, *supra* note 1.

c. Please describe in detail what standards the TSA employs for surveilling a U.S. citizen versus a non-U.S. citizen.

2) Once an individual has been selected for surveillance under the Quiet Skies program, how does the TSA monitor that individual for threatening behavior?

a. Please describe in detail all aspects of individual behavior the TSA evaluates.

b. Please describe in detail the means of surveillance that the TSA employs, including whether TSA agents physically follow passengers around the terminal prior to boarding and after deplaning their flight.

c. Please detail where and for how long the TSA monitors any individuals selected for surveillance, including whether the surveillance extends beyond the airport.

d. Does the TSA surveil individuals engaging in purely domestic travel in addition to international flights?

3) When did the Quiet Skies program begin and how many individuals has the TSA monitored under the program?

4) Does the TSA delete all information collected about individuals if they are found to be non-threatening? If the TSA retains any information on non-threatening individuals, please detail what information is retained.

5) What is the TSA's annual budget for the Quiet Skies program? How many federal employees work on the Quiet Skies program?

6) To the extent that the TSA can disclose this information, has anyone surveilled under Quiet Skies been arrested or prosecuted? Has Quiet Skies uncovered any threats to an airplane, its passengers, or the public? Please provide details on these arrests, prosecutions, and threats.

Sincerely,

Edward J. Markey
United States Senator

Cc: The Honorable Kirstjen Nielsen
Secretary, Department of Homeland Security