

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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August 23, 2024

The Honorable David P. Pekoske
Administrator
Transportation Security Administration
6595 Springfield Center Drive
Springfield, VA 22150

Dear Administrator Pekoske:

I write with deep concern that Transportation Security Administration (TSA) officials are continuing a pattern of retaliation against whistleblowers attempting to expose waste and abuse at the agency. Most recently, Federal Air Marshals Service (FAMS) employees made protected whistleblower disclosures revealing that FAMS wasted resources and abused its authority by assigning air marshals to surveil the spouse of a Federal Air Marshal and a former U.S. Member of Congress, Tulsi Gabbard.¹ These alleged assignments are coming at a time of heightened concerns of potential terrorist attacks against the United States.² Instead of holding officials accountable for this misconduct, it now appears that the whistleblowers have been targets of a “retaliatory investigation” by leadership at TSA for their protected disclosures.³ The Committee requests TSA provide documents and communications and a staff-level briefing to better understand TSA’s use of resources and whether it is retaliating against whistleblowers.

In July 2021, a FAMS whistleblower made a protected disclosure to Congress alleging “his wife had been improperly labeled a ‘domestic terrorist’ and targeted for FAMS ‘Special Mission Coverage’ simply because she attended President Trump’s January 6, 2021 speech at the ellipse in Washington, D.C.”⁴ The Federal Air Marshal’s wife was “nowhere near the U.S. Capitol Complex that day.”⁵ More recently, whistleblowers at FAMS revealed that TSA has also “improperly target[ed] . . . former U.S. Representative and presidential candidate Tulsi Gabbard” under the “Quiet Skies” program.⁶ Created under the Obama Administration, the Quiet Skies program mission is to “mitigate[e] the threat to commercial aviation posed by

¹ Letter from Tristan Leavitt, President, Empower Oversight to Hon. Joseph V. Cuffari, Inspector General, U.S. Dep’t of Homeland Security (Aug. 5, 2024).

² See Speeches, Director Wray’s Opening Statement to the Senate Appropriations Committee Subcommittee on Commerce, Justice, Science, and Related Agencies, Fed. Bureau of Investigations (June 4, 2024).

³ Letter from Tristan Leavitt, President, Empower Oversight to Hon. Joseph V. Cuffari, Inspector General, U.S. Dep’t of Homeland Security (Aug. 7, 2024).

⁴ *Supra*, n. 1.

⁵ *Id.*

⁶ *Id.*

unknown higher risk passengers;” Federal Air Marshals “observe these individuals at airports and during flights.”⁷ Subjects “added to Quiet Skies receive the same level of surveillance as Special Mission Coverage.”⁸ Whistleblowers claim the surveillance of Ms. Gabbard “involves two Explosive Detection Canine Teams, one Transportation Security Specialist (explosives), one plainclothes TSA Supervisor, and three Federal Air Marshals on every flight Ms. Gabbard boards.”⁹ TSA added Ms. Gabbard “to the Quiet Skies program on July 23, 2024—one day after she criticized the Biden Administration in an interview.”¹⁰ According to a whistleblower, TSA has deemed this protected disclosure as a “leak” and initiated a “retaliatory investigation.”¹¹

It is alarming that TSA is wasting its resources to surveil an air marshal’s wife and Ms. Gabbard—a high-profile, American public figure—when the threat of terrorist attacks on the United States is high. The threat of terrorism on the homeland has, according to Federal Bureau of Investigation Director Christopher Wray, “rise[n] to a whole ‘nother level after October 7.”¹² The Committee previously investigated the Department of Homeland Security’s (DHS) detailing of Federal Air Marshals to the southwest border to assist U.S. Customs and Border Protection in processing and providing services to the massive influx of illegal aliens drawn to the United States by the Biden-Harris Administration.¹³ The DHS Office of Inspector General (OIG) found “TSA could not assess the operational impacts to its primary mission of safeguarding the Nation’s transportation system while TSA deployed air marshals to assist U.S. Customs and Border Protection at the Southwest border.”¹⁴

Under the Biden-Harris Administration, TSA is struggling to fulfill its mission. From Federal Air Marshals being forced to detail on the southwest border to process and provide services to illegal border crossers, to tailing American citizens and public figures, to retaliating against whistleblowers for their protected disclosures, there is something wrong at TSA under the Biden-Harris Administration.

To assist the Committee in its investigation of TSA’s use of resources in FAMS and possible retaliation by TSA against whistleblowers, please provide the following documents and information, covering the time period January 6, 2021, to the present unless otherwise indicated, as soon as possible but no later than September 6, 2024:

⁷ Office of Inspector General, TSA Needs to Improve Management of the Quiet Skies Program (REDACTED), U.S. Dep’t of Homeland Security (Nov. 25, 2020).

⁸ *Supra*, n. 1.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Supra*, n. 3.

¹² *Supra*, n. 2.

¹³ Letter from Rep. Pete Sessions, Chairman, Subcomm. On Gov. Operations, and Rep. Glenn Grothman, Chairman Subcomm. On National Security, the Border, and Foreign Affairs to Hon. Alejandro Mayorkas, Secretary, U.S. Dep’t of Homeland Security (June 8, 2023).

¹⁴ Office of Inspector General, TSA Could Not Assess Impact of Federal Air Marshal Service Personnel Deployed to Support Southwest Border Security (REDACTED), U.S. Dep’t of Homeland Security (July 2, 2024).

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1. All documents and communications related to any employment action taken or any investigation initiated with respect to TSA employees related to the disclosures regarding Special Mission Coverage of a Federal Air Marshal's wife and the listing and surveillance of Ms. Gabbard under Quiet Skies;
2. All documents and communications regarding or related to Tulsi Gabbard;
3. All documents and communications regarding the implementation of the Quiet Skies program;
4. All documents and communications containing any DHS or TSA policy related to treatment of information determined to be "Sensitive Security Information," including, but not limited to, any limitations imposed on the ability of the legislative branch to access such information upon request;
5. The identities of all individuals or officials who initiated or who are involved in any investigation identified with respect to request number 1.

Additionally, please make arrangements to schedule a briefing with Committee staff on this matter as soon as possible, but no later than August 30, 2024.

To schedule the briefing, arrange for the delivery of responsive documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability Majority Staff at (202) 225-5074. Attached are instructions for producing the documents and information to the Committee.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability