



One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

July 31, 2018

The Honorable David Pekoske
Administrator
Transportation Security Administration
601 South 12th Street
Arlington, VA 20598-6001

Dear Administrator Pekoske:

We write regarding recent reporting about Transportation Security Administration (TSA) intelligence programs and Federal Air Marshal Service (FAMS) scheduling practices and operations. On July 28, 2018, the *Boston Globe* published an article titled “Welcome to the Quiet Skies,” which purports to disclose sensitive TSA documents and raises questions regarding the surveillance of U.S. Citizens on domestic flights.¹

We appreciate the severity of threats facing the aviation sector and TSA’s work to improve its intelligence capabilities to ensure FAMS and other security operations are driven by informed risk assessments. We are concerned by the apparent publication of operational documents that could compromise FAMS activities. That said, we must ensure TSA’s programs and policies provide appropriate privacy and due process protections to travelers, are applied without discrimination, are grounded in actionable intelligence, and exist within TSA’s legal authorities. We are also concerned that some Federal Air Marshals (FAMS) apparently disagree with their assigned missions.

As such, in accordance with Rule X cl. 3(g) and Rule XI of the United States House of Representatives, please provide in writing answers to the following inquiries no later than August 14, 2018:

- 1) Under what legal authorities does TSA operate its intelligence rules and FAMS programs? What are the limitations of such authorities? Does TSA believe it has authority to collect intelligence, including on U.S. Citizens, and if so, from where does it derive such authority? If not, how does TSA believe its activities differ from intelligence collection?
- 2) How does TSA develop intelligence rules and ensure they are based on intelligence, limited in scope, assessed regularly for continued relevancy, and vetted appropriately? How does

¹ Winter, Jana, “Welcome to the Quiet Skies,” *Boston Globe*, 28 July 2018, <https://apps.bostonglobe.com/news/nation/graphics/2018/07/tsa-quiet-skies/?b9eaj>.

TSA assess the effectiveness of such rules? Have intelligence rules allowed TSA to identify any known or suspected terrorists or stopped a planned terrorist attack? If so, please provide details.

- 3) What protections are in place to ensure TSA intelligence rules and FAMS operations provide all persons, including U.S. Citizens, with appropriate privacy and due process considerations? Please provide any and all directives, memoranda, and other relevant materials documenting such protections.
- 4) What protections are in place to ensure TSA intelligence rules and FAMS operations comply with all applicable civil rights and civil liberties laws, regulations, executive orders, and policies and do not allow for discrimination on the basis of race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, or parental status? Please provide any and all directives, memoranda, and other relevant materials documenting such protections.
- 5) How does TSA communicate legal authorities and privacy, due process, and non-discrimination protections to FAMS and conduct oversight to ensure FAMS operate according to such authorities and protections?
- 6) How does TSA communicate operational changes to the FAMS workforce and train FAMS on new procedures? Has leadership solicited feedback from the workforce on such changes, and what, if any, lessons have been learned from such feedback?
- 7) How did TSA develop FAMS mission reporting mechanisms, including any behavioral indicators FAMS are directed to document? How does TSA ensure such reporting is based on intelligence and accurately and meaningfully informs law enforcement investigations?
- 8) Does TSA ever assign FAMS to missions based on passenger behavior?
- 9) How has TSA communicated its intelligence and FAMS programs to the general public, and how does TSA plan to assure the public of the legality and appropriateness of its activities in light of recent reporting? What redress is available to people who believe they have been wrongly identified as posing a threat to transportation security?

Thank you for your prompt attention to this matter.

Sincerely,



Bennie G. Thompson
Ranking Member



Bonnie Watson Coleman
Ranking Member, Subcommittee on
Transportation and Protective
Security