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COMMITTEES:

JUDICIARY

TRANSPORTATION AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, DC 20515-1004

SUBCOMMITTEES:

RANKING MEMBER,
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HIGHWAY AND TRANSIT

AVIATION

ECONOMIC DEVELOPMENT, PUBLIC
BUILDINGS AND EMERGENCY MANAGEMENT

August 2, 2018

The Honorable David P. Pekoske
Administrator
Transportation Security Administration
Department of Homeland Security
Washington, D.C. 20528

Dear Administrator Pekoske,

I write to you with great concern after reviewing recent media reports about the Quiet Skies Program, which is run by the Transportation Security Administration (TSA). According to a recent Boston Globe article, federal air marshals are tasked with shadowing travelers who appear to pose no threat, a responsibility that is costly, time-consuming, and impedes their ability to do more vital law enforcement work. Reportedly, air marshals secretly track the travel patterns and behaviors of certain travelers for up to 90 days or 3 encounter making notes and reporting back to TSA. Given the history of abuse and profiling in the industry, there's a likelihood that this program could be used to target people within the U.S. Such actions would be wholly unconstitutional. I understand that there is a need to surveil and keep Americans safe but any duty to protect Americans must be carefully balanced so as not to unduly infringe upon any of our long cherished and fundamental rights as citizens.

As a senior member of the House Committees on Judiciary and Transportation and Infrastructure, I have grave concerns that this secret domestic surveillance program is infringing upon the privacy of everyday travelers who pose no threat to national security. Furthermore, reports suggest that the program disproportionately targets travelers of a certain color, racial, ethnic background, or religion, and those with certain physical attributes. Any such program may infringe upon the constitutional rights of Americans and raise questions over the legality of such surveillance. Reportedly, mundane attributes such as a passenger falling asleep too much or repeatedly using the restroom during flight have been written down and analyzed. Indeed, the Quiet Skies Program and the actions taken by the U.S. air marshals raise several questions that I believe the American people deserve answers to the following questions:

(1) What are the criteria for the air marshals to target passengers under the Quiet Skies Program;
(2) What does the Quiet Skies Program do with the data collected;
(3) Are passengers ever banned from or declined travel because of the data collected by this program;
(4) What is the relation between the data kept on persons under this program compared to the terror watch list;

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(5) Is the collection, analysis, and reporting of data collected under this program shared with any law enforcement agencies;

(6) What steps are undertaken by the air marshals acting under this program to ensure that personal privacy rights are protected;

(7) Provide examples of the kinds of behaviors that are problematic for passengers to engage in while traveling on an airplane; and

(8) Explain why a passenger falling asleep would be noted and collected under this program.

While I fully understand that TSA's mission is to help maintain the safest national airspace possible, I am committed to protecting the privacy of all Americans as well as the taxpayer investment in necessary, legitimate national security precautions. I respectfully request that Members of Congress be briefed on the Quiet Skies program in detail. **Additionally, I request that answers to the above questions be provided in writing within eight (8) business days.** I look forward to working with you to address these concerns. Thank you for your consideration and prompt attention to this request.

Sincerely,

Henry C. "Hank" Johnson, Jr.
Member of Congress

Cc: Delta Airlines, American Airlines, Airlines for America