



U.S. Department of Homeland Security
Transportation Security Administration
6595 Springfield Center Drive
Springfield, Virginia 20598-6020

January 17, 2025

3700.1

Case Number: 2025-TSLI-00002

William F. Marshall
Judicial Watch, Inc.
425 Third Street, Suite 800
Washington, DC 20024

Dear Mr. Marshall:

This letter is the first (1st) interim response to your Freedom of Information Act (FOIA) request to the Transportation Security Administration (TSA) FOIA Branch, dated August 5, 2024.

TSA cannot confirm or deny the existence of records that would tend to confirm a particular individual's status on or off a Federal Watch List, including Quiet Skies, which are protected by statute and therefore exempt from disclosure. 5 U.S.C. § 552(b)(3).

TSA conducted a search for records responsive to the FOIA request and, pursuant to FOIA and its exemptions, 5 U.S.C. § 552(b), is processing any responsive records that do not tend to confirm or deny any individual's status on or off a Federal Watch List. The processing of your request identified records that will be released to you. I have considered the foreseeable harm standard when reviewing the record set and have applied the FOIA exemptions as required by the statute and the Attorney General's guidance.¹ Portions not released are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552. Please refer to the Applicable Exemptions list at the end of this letter that identifies the authority for withholding the exempt record, which is indicated by a mark appearing in the block next to the exemption. An additional enclosure with this letter explains these exemptions in more detail.

The rules and regulations of the TSA applicable to Freedom of Information Act and Privacy Act requests are contained in the Code of Federal Regulations, Title 6, Part 5. They are published in the Federal Register and are available for inspection by the public.

Please direct any questions regarding this interim release to Department of Justice Trial Attorney Taisa Goodnature at taisam.goodnature@usdoj.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry Callahan".

Kerry Callahan
Acting FOIA Officer

¹ Department of Justice (DOJ), "Freedom of Information Act Guidelines," March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>

Summary:

Number of Pages Released in Part or in Full: 13

**APPLICABLE EXEMPTIONS
FREEDOM OF INFORMATION ACT AND/OR PRIVACY ACT**

Freedom of Information Act (5 U.S.C. 552)

(b)(1) (b)(2) (b)(3) (b)(4) (b)(5) (b)(6)

(b)(7)(A) (b)(7)(B) (b)(7)(C) (b)(7)(D) (b)(7)(E) (b)(7)(F)

Enclosures

FREEDOM OF INFORMATION ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

Transportation Security Administration (TSA) FOIA Branch applies FOIA exemptions to protect:

Exemptions

Exemption (b)(1): Records that contain information that is classified for national security purposes.

Exemption (b)(2): Records that are related solely to the internal personnel rules and practices of an agency.

Exemption (b)(3): Records specifically exempted from disclosure by Title 49 U.S.C. Section 114(r), which exempts from disclosure Sensitive Security Information (SSI) that “would be detrimental to the security of transportation” if disclosed.

Exemption (b)(4): Records that contain trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

Exemption (b)(5): Inter- or intra-agency records that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege:

- Deliberative process privilege – Under the deliberative process privilege, disclosure of these records would injure the quality of future agency decisions by discouraging the open and frank policy discussions between subordinates and superiors.
- Attorney work-product privilege – Records prepared by or at the direction of a TSA attorney.
- Attorney-client privilege – Records of communications between an attorney and his/her client relating to a matter for which the client has sought legal advice, as well as facts divulged by client to attorney and any opinions given by attorney based on these.

Exemption (b)(6): Records that contain identifying information that applies to a particular individual when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” This requires the balancing of the public’s right to disclosure against the individual’s right to privacy. In certain cases, TSA protects the names and personally identifying information for particular categories of TSA employees due to actual harassment and/or harm experienced by those employees by virtue of their positions within TSA.

Exemption (b)(7)(A): Records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information...could reasonably be expected to interfere with law enforcement proceedings.

Exemption (b)(7)(C): Records containing law enforcement information when disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy” based upon the traditional recognition of strong privacy interests ordinarily appropriated in law enforcement records.

Exemption (b)(7)(E): Records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

Exemption (b)(7)(F): Records containing law enforcement information about a person, in that disclosure of information about him or her could reasonably be expected to endanger his or her life or physical safety.

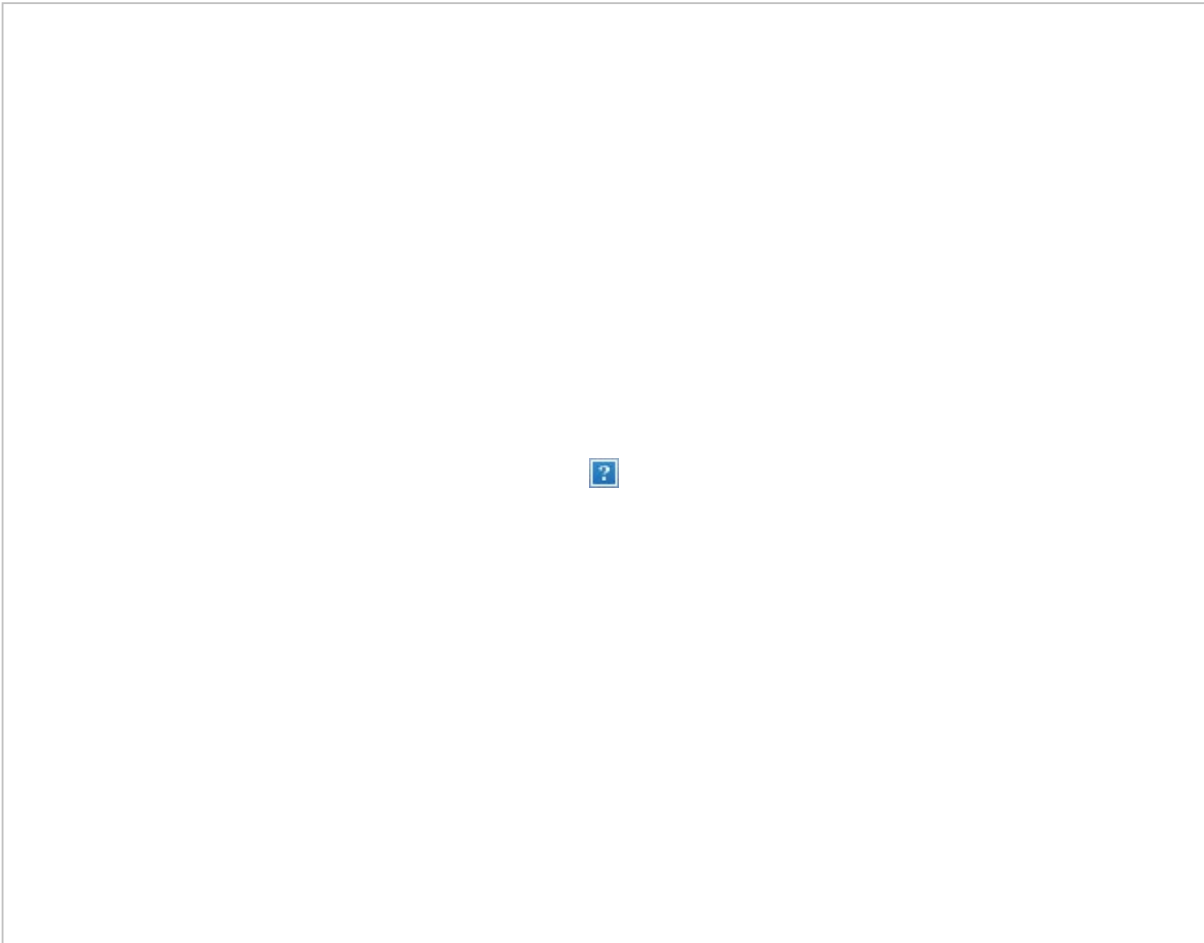
From: [Hall, Leigh](#)
To: [HQADs](#)
Subject: Congressional Letters, Tweet, and Hawaii news story
Date: Tuesday, August 13, 2024 9:28:34 AM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[Letter TSA Gabbard Quiet Skies.pdf](#)
[HI Delegation.msg](#)
[Letter to TSA Admin - Tulsi Gabbard.pdf](#)

FYI.

We've received Congressional letters from Rep. Doug Lamborn and the Hawaii state delegation.

Also attached the previous Rep. Burchett letter for awareness, and below is the link to a new article from a Hawaiian new organization as well as Rep. Lamborn's tweet.

[Hawaii's Tulsi Gabbard added to TSA terror watchlist | News | kitv.com](#)







DOUG LAMBORN
5TH DISTRICT, COLORADO

COMMITTEE ON ARMED SERVICES

CHAIRMAN, STRATEGIC FORCES
TACTICAL AIR & LAND FORCES

COMMITTEE ON NATURAL RESOURCES
VICE CHAIRMAN

FEDERAL LANDS
ENERGY AND MINERAL RESOURCES



Congress of the United States
House of Representatives
Washington, DC 20515-0605

2371 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
202-225-4422
FAX 202-226-2638

DISTRICT OFFICE:

1125 KELLY JOHNSON BOULEVARD, SUITE 330
COLORADO SPRINGS, CO 80920
719-520-0055
FAX 719-520-0840

Website: Lamborn.house.gov

Facebook: [@CongressmanDougLamborn](https://www.facebook.com/CongressmanDougLamborn)

Twitter: [@RepDLamborn](https://twitter.com/RepDLamborn)

August 12, 2024

The Honorable David Pekoske
Administrator of the Transportation Security Administration
301 12th Street South
Arlington, Virginia 22202

Dear Administrator Pekoske,

I was greatly disturbed to read recent open-source reporting that one of my former constituent military commanders, Lieutenant Colonel Tulsi Gabbard, and her husband have been placed on a domestic terror watch list (known as the Quiet Skies Program) by your agency. As you may or may not be aware, LTC Gabbard commanded the 440th Civil Affairs Battalion, which is garrisoned in my district at Fort Carson, Colorado Springs and supports multiple special operations units throughout the INDOPACOM Area of Responsibility. In that role, she was solely responsible for the combat readiness of her unit and was required to maintain an active security clearance. She currently commands the 1-354 Regiment Battalion garrisoned in Tulsa, Oklahoma.

According to the TSA website, the Quiet Skies program “is another tool that allows the Federal Air Marshal Service to more efficiently deploy law enforcement resources to focus on travelers who may present an elevated risk to aviation security.” This comports with personal account given by LTC Gabbard, who reported that she was subjected to increased screening while recently crossing ports of entry into the United States.¹ Furthermore, according to the same open-source reporting, LTC Gabbard was regularly shadowed by two Explosive Detection Canine Teams, one TSA explosive security specialist, and three Federal Air Marshals on every flight she boards.

To the casual observer, the notion that an active Commander of an Army Reserve unit who is entrusted with the well-being of our servicemembers and is allowed access to national secrets would be subject to such scrutiny is extremely disturbing. This is only enhanced by the fact that LTC Gabbard is a former Member of Congress and Democratic candidate for President of the United States – a position that granted her extensive access to Top Secret, Sensitive Compartmented and Special Access Program information.

Yet, even more concerning is the possibility that LTC Gabbard’s placement into the Quiet Skies program represents an act of retribution and lawfare that has become the hallmark of the Biden-Harris Administration’s political toolkit. It is, after all, a strange coincidence that LTC

¹ <https://www.racket.news/p/american-stasi-tulsi-gabbard-confirms>

Gabbard was reportedly placed in the Quiet Skies program on July 23rd, only two days after the President Biden withdrew his candidacy for reelection and the Democratic National Committee installed Vice-President Harris as the party's candidate without her winning a single vote in a primary election. Subjecting LTC Gabbard to harassment by law enforcement agencies could easily be attributed to retribution for her actions as a Democratic Presidential Candidate in 2019 when she was publicly critical of other political candidates vying for their party's nomination. Of note, LTC Gabbard was highly critical of Kamala Harris's actions as California Attorney General, and correctly highlighted instances of Harris suppressing evidence that would exonerate innocent men from death row, incarcerating people en masse for minor offenses and then extending their sentences to use them as cheap labor for the State of California, and fighting to keep a cash bail system in place that made it impossible for disadvantaged people to post bond while awaiting trial.²

As a Member of the House Armed Services Committee and Chairman of the Strategic Forces Subcommittee, I take seriously any threats to our national security. However, I strongly feel this action by your agency is an act of political retribution and, at the very least, is ripe for oversight. Therefore, I will be encouraging my colleagues on both the House Committee on Oversight and Accountability and the House Select Committee on Weaponization of the Federal Government to investigate the Transportation Security Administration for wrongdoing in this matter.

In the meantime, provide my office with answers to the following questions. If required, I will arrange to receive such information in a classified setting:

1. Your agency claims to use a "risk-based, intelligence-driven" process to identify international travelers who may require enhanced screening. What are the specific factors that contributed to TSA identifying LTC Gabbard as posing a risk to national security?
2. Putting an individual on the "no-fly" list involves an interagency nomination process that leverages the Terrorist Identities Datamart Environment (TIDE) and the Terrorist Screening Database (TSD). Is there a similar process for placing someone into the Quiet Skies Program? If so, explain who was involved in the interagency decision and what executive agency Principal approved subjecting LTC Gabbard to increased surveillance.
3. Individuals are flagged for enhanced screening at ports of entry in the Treasury Enforcement Communication System (TECS). Provide the exact data entry for LTC Gabbard's profile that flagged her for enhanced screening after July 23, 2024.
4. Provide all communication with the Department of Defense and the Department of the Army, specifically the Office of the Chief of Staff of the Army and the Chief of Army Reserves, regarding the placement of one of their unit Commanders in the Quiet Skies program.

Sincerely,



Doug Lamborn
Member of Congress

² <https://www.nytimes.com/2019/07/31/us/politics/kamala-harris-prisoners-tulsi-gabbard.html>
<https://www.nytimes.com/2020/08/09/us/politics/kamala-harris-policing.html>

From: [Dvorak, Bryan](#)
To: [Hall, Leigh](#)
Subject: HI Delegation
Date: Tuesday, August 13, 2024 9:24:33 AM
Attachments: [image001.png](#)
[image002.png](#)

See below.

Bryan Dvorak

Assistant Supervisory Air Marshal in Charge
Office of the Director | Legislative Affairs Liaison
Transportation Security Administration

o: 571.227 (b) (6) | (b) (6)
c: 3 (b) (6)
e: (b) (6)



From: (b) (6) on behalf of: Rep. Gene Ward
(b) (6)
Date: Monday, Aug 12, 2024 at 15:40
To: Pekoske, David <(b) (6)>
Subject: ATTN: Administrator Pekoske - Letter from Hawaii State Lawmakers

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. If you believe this is SPAM or a phishing email, contact the TSA Cyber Security Operations Center at TSA-SPAM.



HOUSE OF REPRESENTATIVES
Hale o nā Luna Makaʻāinana
STATE CAPITOL
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

August 12, 2024

The Honorable David P. Pekoske

Administrator, Transportation Security Administration (TSA)
Washington, D.C.
Electronically: (b) (6)

Aloha Administrator Pekoske,

It has rather shockingly come to our attention that your agency has put one our former Hawaii State House colleagues, one of Hawaii's "favorite daughters", former Congresswoman, former Presidential Candidate, and combat veteran on your TSA terrorist watch list!

We understand that you are harassing her with your Air Marshalls from flight to flight including her husband.

Sir, please remember this is the United States of America and you have not even stated why such a dastardly label has been attached to and besmirched her good name.

As members of the Hawaii State House of Representatives listed below, we strongly urge you to immediately withdraw her name from the Quiet Skies program and/or provide full public transparency of the TSA's reasons for maligning her name and reputation.

How can your Agency assume you have the power to put a Congresswoman on your Terrorist Watch List and not explain yourself?

The people of Hawaii love Tulsi and your actions have offended us for your attempt to ruin her reputation without explanation. Again, as leaders in the State of Hawaii, we remind you that this is not China or Russia and our government is not to overstep the boundaries that have been set by our US Constitution nor should ever attempt to weaponize its regulatory powers.

You have embarrassed the State of Hawaii in our eyes, and we plead with you to clarify this without hesitation.

Sincerely,

Representative Gene Ward

Representative Gene Ward

Minority Policy Leader

State House District 18

(b) (6)

(b) (6)

Representative Diamond Garcia

Representative Diamond Garcia

Minority Floor Leader

State House District 42

Representative David Alcos

Representative David Alcos

Assistant Minority Leader

State House District 41

Representative Elijah Pierick
Representative Elijah Pierick
Assistant Minority Floor Leader
State House District 39

TIM BURCHETT

WASHINGTON OFFICE:
1122 Longworth House Office Building
Washington, DC 20515-4202
(202) 225-5435

DISTRICT OFFICES:
800 Market Street, Suite 110
Knoxville, TN 37902
Phone: (865) 523-3772
Fax: (865) 544-0728

331 Court Street
Maryville, TN 37804
Phone: (865) 984-5464
Fax: (865) 984-0521

<https://burchett.house.gov>

Congress of the United States
House of Representatives
Washington, DC 20515-4202

COMMITTEES:

Committee on Foreign Affairs

SUBCOMMITTEES:

Middle East, North Africa, and Central
Asia — Vice Chair
Oversight and Accountability

Committee on Transportation and
Infrastructure

SUBCOMMITTEES:

Aviation
Highways and Transit
Railroads, Pipelines, and Hazardous Materials

Committee on Oversight and
Accountability

SUBCOMMITTEES:

Cybersecurity, Information Technology,
and Government Innovation
Government Operations and the
Federal Workforce

The Honorable David P. Pekoske
Administrator
Transportation Security Administration

Dear Administrator Pekoske,

Thank you for what you do for the American people. I write to you today regarding a report concerning former Congresswoman and presidential candidate, Tulsi Gabbard. I have been told Mrs. Gabbard has been placed on a Transportation Security Administration (TSA) watchlist under a program known as "Quiet Skies". I find this profoundly troubling for a number of reasons.

I request a meeting with either yourself or the individual at TSA in charge of overseeing the Quiet Skies program. Please reach out to my office to schedule this meeting. Your expeditious response is appreciated.

Respectfully,



Tim Burchett
Member of Congress

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From: [Harrison, Kimberly R](#)
To: [Belcher, Brian](#)
Subject: FW: Media Coverage
Date: Wednesday, August 7, 2024 3:06:22 PM
Attachments: [image001.png](#)

From: Goff, Jason (b) (6)
Sent: Wednesday, August 7, 2024 2:28 PM
To: Harrison, Kimberly R <(b) (6)>
Cc: Hall, Leigh (b) (6); Cochran, Scott (b) (6); Dvorak, Bryan (b) (6); Boateng, Regina Warren (b) (6)
Subject: RE: Media Coverage

Good afternoon,

A few more articles regarding this week's QS activity. (b) (5)

(b) (5)

-
Online Articles

<https://thefederalist.com/2024/08/07/watchdog-demands-dhs-inspector-general-investigate-new-abuses-of-surveillance-state/>
<https://www.zerohedge.com/political/federal-air-marshall-whistleblowers-report-tulsi-gabbard-actively-under-surveillance-quiet>
<https://americanmilitarynews.com/2024/08/fmr-congresswoman-under-govt-surveillance-after-criticizing-biden-harris-whistleblowers-warn-report/>
<https://pjmedia.com/benbartee/2024/08/06/report-tulsi-gabbard-tossed-on-tsa-watchlist-no-due-process-n4931380>

Respectfully,

Jason Goff

Supervisory Federal Air Marshal
Liaison to FBI CTD - ITOS CONUS 1 & 2
DHS/TSA/Federal Air Marshal Service
Desk: 571-280-(b) (6)

(b) (6)
DHS (b) (6)

(b) (6)

From: Boateng, Regina Warren <(b) (6)>
Date: Tuesday, Aug 06, 2024 at 8:34 AM
To: Harrison, Kimberly R (b) (6)
Cc: Cochran, Scott <(b) (6)>, Hall, Leigh <(b) (6)>, Dvorak, Bryan (b) (6)
Subject: Media Coverage

Good Morning,

I wanted to provide an update on the QS story published yesterday:

Broadcast Inquiries

- Independent Journalist Morello
- FOX News (The Ingraham Angle) story didn't air

DHS Guidance – (b) (5)

Online Articles

<https://www.bizpacreview.com/2024/08/05/whistleblowers-claim-tulsi-gabbard-being-surveilled-under-quiet-skies-program-1477640/>
<https://dallasexpress.com/national/domestic-surveillance-are-targets-politically-motivated/>
<https://uncoverdc.com/2024/08/04/fams-whistleblowers-report-tulsi-gabbard-on-quiet-skies-list>

Social Media

TSA tags on social: The QS story is still the top thing in mentions on X, formally known as Twitter, but not as busy as yesterday



Regina W. Boateng, PhD

Assistant Supervisory Air Marshal in Charge
Liaison to Strategic Communications & Public Affairs
Office of the Executive Administrator
Law Enforcement/Federal Air Marshal Service

Mobile: (b) (6)

Email: (b) (6)

"Whatever you do, work at it with all your heart, as working for the Lord." – Colossians 3:23

From: [Lopez, Alexa](#)
To: [Pekoske, David](#); [Makings, Charles](#); [Gibson, Marian](#); [Kim, Myung](#); [Mehring, Holly](#); [Belcher, Brian](#); [Harvey, Melanie](#)
Subject: FW: Republican Prods TSA on Watch List for 2021 Trump Rally-Goers
Date: Wednesday, August 21, 2024 3:26:50 PM

Alexa C. Lopez
Assistant Administrator
Strategic Communications and Public Affairs
Transportation Security Administration
(b) (6)

From: noreply@bgov.com <noreply@bgov.com>
Date: Wednesday, Aug 21, 2024 at 15:25
To: Lopez, Alexa <(b) (6)>
Subject: Republican Prods TSA on Watch List for 2021 Trump Rally-Goers

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This article was sent by: Ellen Gilmer

Republican Prods TSA on Watch List for 2021 Trump Rally-Goers

By Ellen M. Gilmer | August 21, 2024 1:32PM ET

A top Senate Republican is demanding answers on whether the Transportation Security Administration used watch lists to target people based on their political views, an allegation the agency has denied.

Sen. [Rand Paul](#) (Ky.), the top Republican on the Homeland Security and Governmental Affairs Committee, on Wednesday in a [letter](#) questioned TSA on how it decides when travelers merit extra security scrutiny. He cited recent whistleblower [allegations](#) that a private citizen who attended a rally for then-President Donald Trump before the Jan. 6, 2021, attack on the US Capitol was added to a watch list for her political speech. He also pointed to reports

alleging former Rep. [Tulsi Gabbard](#) (Hawaii), who served as a Democrat before announcing she was leaving the party, was subjected to added screening under a program known as Quiet Skies.

“Taken together, these incidents seem to be part of a broader pattern in which TSA has repurposed Quiet Skies to surveil individuals based on their political activities, even when there is no evidence of wrongdoing,” Paul wrote to TSA Administrator David Pekoske.

Quiet Skies attracted broad scrutiny in 2018 for subjecting “[higher-risk](#)” travelers to enhanced screening and observation by federal air marshals, prompting TSA to [add](#) an oversight council and increase transparency within the program.

Paul is seeking the agency’s guidelines, criteria, and operating procedures for how TSA selects people for Quiet Skies and other watch lists; internal communications related to whether individuals present in Washington, D.C., on Jan. 6 are designated as “domestic terrorists” or subjected to extra screening; records related to Gabbard’s alleged inclusion on the Quiet Skies list; and other information.

TSA doesn’t confirm or deny whether any individual is on a list triggering enhanced security measures, Assistant Administrator Alexa Lopez said in a statement, adding that such programs are risk-based rules that apply to travelers for limited periods of time.

To contact the reporter on this story: Ellen M. Gilmer in Washington at egilmer@bloombergindustry.com

To contact the editors responsible for this story: Michaela Ross at mross@bgov.com; John Hewitt Jones at jhewittjones@bloombergindustry.com