

EMPOWER OVERSIGHT

Whistleblowers & Research



June 26, 2025

The Honorable Joseph V. Cuffari
Office of Inspector General
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, D.C. 20528-0305

Dear Inspector General Cuffari:

I write to follow up on two letters I sent you on August 5, 2024,¹ and August 7, 2024,² and a meeting with your General Counsel on August 22, 2025. The letters and meeting concerned allegations of wrongdoing by the Transportation Security Administration (“TSA”) in connection with its “Quiet Skies” program of enhanced screening and surveillance of certain air passengers. Individuals targeted under this program were subject to additional security checks at TSA checkpoints and surveilled on their flights by the Federal Air Marshals Service (“FAMS”). Additional information has come to light expanding on previous evidence that the program was abused for political purposes and constituted a gross waste of taxpayer funds.

Recently Homeland Security Secretary Kristi Noem announced that the Quiet Skies program has been terminated.³ She stated that the \$200 million a year program “was used to target political opponents and benefit political allies of the Biden Administration.”⁴

Empower Oversight has helped FAMS whistleblowers submit protected disclosures for years. First, we represent a FAMS whistleblower who came forward in July 2021 alleging that his wife was subjected to FAMS “Special Mission Coverage” solely due to her protected First Amendment activity of being at the ellipse on January 6, 2021. Her file falsely claimed that she had entered the U.S. Capitol Building on that day. When her husband attempted to correct this record showing this was not and could not have been true, TSA stonewalled. The whistleblower’s wife brought these allegations to you in a complaint that apparently did not receive a response. The whistleblower next made protected disclosures to U.S. Senator Ron Johnson, then-Ranking

¹ <https://empowr.us/wp-content/uploads/2024/08/2024-08-05-TL-to-DHS-OIG-re-FAMS-surveillance-with-attachments.pdf>.

² <https://empowr.us/wp-content/uploads/2024/08/2024-08-07-TL-to-DHS-OIG-re-TSA-investigation.pdf>.

³ https://x.com/Sec_Noem/status/1930688976144253410.

⁴ *Id.*

Member of the Permanent Subcommittee on Investigations. Senator Johnson in turn wrote to TSA and the FBI on July 26, 2021.⁵

The whistleblower contacted Empower Oversight in the spring of 2022. On May 24, 2022, Empower Oversight assisted the whistleblower in filing a disclosure with the U.S. Office of Special Counsel, informing them that his chain of command knew his wife had been falsely labeled a “domestic terrorist” who entered the U.S. Capitol. The U.S. Office of Special Counsel wrote back on July 8, 2022, refusing to refer the whistleblower’s protected disclosures to the agency for investigation. On November 29, 2022, we assisted the whistleblower in sending the disclosure directly to your office, alleging among other things an abuse of authority and a gross waste of funds. A letter dated January 9, 2023, indicated that your Office of Investigations would be examining the allegations. However, as of today, the whistleblower never received any further information. Meanwhile, the Air Marshal National Council (“AMNC”) wrote to Congress on January 16, 2023, seeking investigation and redress of this issue. AMNC also wrote to TSA on January 4, 2023.⁶ The whistleblower’s wife was finally removed from Special Mission Coverage in the spring of 2023, but no one has been held accountable for targeting her solely based on the exercise of her protected First Amendment rights.

Subsequently, additional whistleblowers represented by Empower Oversight came forward revealing that former U.S. Representative Tulsi Gabbard, now the Director of National Intelligence, was added to the Quiet Skies list on July 23, 2024—just one day after she went on Fox News to criticize the Biden Administration generally, and Democrat presidential nominee Kamala Harris in particular. Whoever added her was apparently well aware of who she was, as the whistleblowers report that the database entry for Ms. Gabbard included her congressional photograph instead of a driver’s license or passport photograph. The whistleblowers disclosed that Ms. Gabbard was surveilled on at least eight flights in 2024. The surveillance included two Explosive Detection Canine Teams, one Transportation Security Specialist (explosives), one plainclothes TSA Supervisor, and three Federal Air Marshals.

Empower Oversight reported this information to you by letter on August 5, 2024.⁷ Empower Oversight then reported the information to Congress on August 13, 2024.⁸ The reaction to this disclosure from members of Congress was swift and forceful.

Then-Senate Budget Committee Ranking Member Chuck Grassley wrote to TSA on August 20, 2024: “Quite simply, no citizen should ever be targeted for investigation, surveillance, harassment, or arrest based upon their political party or expressions of political, religious, or other views, no matter which party is in power.”⁹

⁵ <https://empowr.us/wp-content/uploads/2024/08/2024-08-05-TL-to-DHS-OIG-re-FAMS-surveillance-with-attachments.pdf>.

⁶ <https://empowr.us/wp-content/uploads/2024/08/2024-08-05-TL-to-DHS-OIG-re-FAMS-surveillance-with-attachments.pdf>.

⁷ <https://empowr.us/wp-content/uploads/2024/08/2024-08-05-TL-to-DHS-OIG-re-FAMS-surveillance-with-attachments.pdf>.

⁸ <https://empowr.us/wp-content/uploads/2024/08/2024-08-13-TL-to-Congress-FAMS-Gabbard-surveillance-redacted.pdf>.

⁹ [https://www.grassley.senate.gov/imo/media/doc/grassley to tsa - quiet skies.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley%20to%20tsa%20-%20quiet%20skies.pdf).

Then-Senate Homeland Security and Governmental Affairs Ranking Member Rand Paul wrote to TSA on August 21, 2024 regarding concerns that TSA was “target[ing] individuals based on their political views and participation in constitutionally protected activities, rather than legitimate security threats.”¹⁰

House Judiciary Chairman Jim Jordan also wrote TSA on August 21, 2024 “[t]o ensure that the Biden-Harris Administration is not weaponizing its federal surveillance powers against its political opponents.”¹¹

House Oversight and Accountability Chairman James Comer wrote to TSA on August 23, 2024 “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.”¹²

At first, TSA responded to these disclosures by opening a retaliatory investigation into the purported “leak” of information, even though what occurred was lawful, protected whistleblower disclosure—not a “leak.”¹³ We understand that this retaliatory inquiry was terminated without conclusion shortly after we wrote to your office to alert you. However, it is unclear whether anyone was ever disciplined, reprimanded, counseled, or given remedial training as a result of having abused their authority to open a “leak” investigation as pretext to hunt for lawful whistleblowers.

Further, despite failing to produce the documents requested by Congress, on January 28, 2025, *The New York Times* published a story clearly based on leaks from somewhere within DHS regarding TSA’s monitoring of Ms. Gabbard.¹⁴ Chairman Paul repeated his requests for documents after that story, and then on March 25, 2025 was joined by House Homeland Security Chairman Mark Green as they reiterated the disclosures that “TSA, under the Biden administration, may have engaged in unwarranted screening of individuals based on political beliefs, travel patterns, or other non-security-related factors.”¹⁵

As the final straw, DHS revealed recently that after U.S. Senator Jeanne Shaheen’s husband was added to Quiet Skies for traveling with a known or suspected terrorist, he was given a blanket exemption due to her lobbying of the TSA Administrator.¹⁶ This special treatment for someone close to a powerful Democrat Senator stands in stark contrast to the abuse our FAMS whistleblower client’s wife suffered and the targeting of Ms. Gabbard. It underscores the need to probe FAMS being weaponized for political purposes and to hold agency officials accountable.

¹⁰ https://www.hsgac.senate.gov/wp-content/uploads/2024.08.21_Ranking-Member-Rand-Paul-Letter-to-TSA-Administrator-Pekoske_FINAL.pdf.

¹¹ See <https://x.com/BreannaMorello/status/1826324699011580408>.

¹² <https://oversight.house.gov/wp-content/uploads/2024/08/Letter-to-TSA-re-FAMS-whistleblower-retaliation-08232024.pdf>.

¹³ <https://empowr.us/wp-content/uploads/2024/08/2024-08-07-TL-to-DHS-OIG-re-TSA-investigation.pdf>.

¹⁴ <https://www.nytimes.com/2025/01/28/us/politics/tulsi-gabbard-trump-intel-pick-watch-list.html>.

¹⁵ https://homeland.house.gov/wp-content/uploads/2025/03/2025.03.25_HSGAC-CHS-Letter-to-TSA-re-Quiet-Skies-Follow-Up.pdf.

¹⁶ <https://www.dhs.gov/news/2025/06/04/dhs-unearths-tsa-corruption-sitting-us-senators-husband-received-blanket-exemption>.

Even though Secretary Noem terminated the Quiet Skies program, that should not be the end of your involvement in these issues. There is the prospect that a new program could be set up at any time under a future Administration to recreate the essential components of Quiet Skies. Further, the American people deserve a full accounting of the past abuses. You have an important responsibility to document the failings of programs like Quiet Skies within DHS, and transparency is essential to accountability. A full review, investigation, and report of the matters set forth in this and previous letters will help deter the misguided approach of Quiet Skies and the misuse of FAMS in the future.

Accordingly, I urge you to complete work on the issues we have brought to your attention, make appropriate disciplinary recommendations, and issue a public report. Should a meeting with Empower Oversight's clients be helpful to understanding the protected disclosures they have made, we would be happy to facilitate that.

Thank you for your time and consideration of this important issue.

Cordially,

/Tristan Leavitt/
Empower Oversight
President

Cc: Chairman Rand Paul
Senate Committee on Homeland Security and Governmental Affairs

Chairman Chuck Grassley
Senate Committee on the Judiciary

Chairman Jim Jordan
House Committee on the Judiciary

Chairman James Comer
House Committee on Oversight and Accountability

Chairman Mark Green
House Committee on Homeland Security

Director Tulsi Gabbard
Office of the Director of National Security