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Congress of the United States
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Washington, DC 20515-6015

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September 14, 2004

CLERK AND STAFF DIRECTOR
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The Honorable David Walker
Comptroller General
Government Accountability Office
Washington, D.C. 20548

Dear Mr. Walker:

The terrorist attacks of September 11, 2001, and more recent terrorist acts internationally involving foreign transportation sectors, highlight the need to protect sensitive government information while keeping the public informed of information that could affect their safety and security. Although the release of certain sensitive information could put the nation's citizens and infrastructure at risk, the federal government should be mindful of the public's legitimate interest in, and right to know, information related to threats to the transportation system and associated vulnerabilities. Accordingly, access to this information should only be limited when it is necessary to guard against those who pose a threat and their ability to develop techniques to subvert security measures.

As you are aware, Sensitive Security Information (SSI) is a specific category of information related to transportation security that requires protection against disclosure. Although it is subject to certain legal disclosure limitations, SSI is not classified national security information subject to the handling requirements governing classified information. The purpose of the SSI designation is to limit disclosure of information obtained or developed in carrying out certain security or research and development activities to the extent that it has been determined that disclosure of the information would be an unwarranted invasion of personal privacy; reveal a trade secret, privileged information, or confidential commercial or financial information; or be detrimental to the safety of passengers in the transportation sector.

Recent events have led to our concern regarding the Department of Homeland Security (DHS) and the Transportation Security Administration's (TSA) practices and procedures for determining whether information should be protected under the SSI

designation. For example, TSA provided written responses to questions to the Homeland Security Subcommittee that it designated as SSI. However, one month earlier, the agency did not treat this same information as sensitive. In another example, TSA identified that certain information related to the electronic screening of checked baggage at airports was SSI when that same information had already been reported in the public domain. Another example is that a recent DHS executive telephone list sent to staff by DHS was stamped "Sensitive but Unclassified." We are baffled as to how a telephone list, containing only government phone numbers, can be determined to contain sensitive information.

Given the need to protect SSI information while honoring the public's right to know information that affects their safety and security, we request that GAO conduct a review of DHS' and TSA's designation process related to SSI information. Specifically, we request that GAO evaluate:

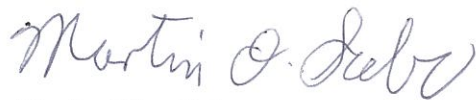
1. DHS and TSA procedures for determining whether information should be protected under the SSI designation, as well as procedures for determining if and when the designation should be removed.
2. Internal controls in place to ensure the department complies with laws and regulations governing the designation of information as SSI, and removal of the designation, for information released by the department and others, and oversees the process to ensure it is consistently applied.
3. DHS and TSA internal operating structure for invoking or revoking SSI designations, including the number of staff with SSI designation/revocation authority, and associated training provided to this staff.

If you would like to discuss this request further, please do not hesitate to either contact us or Beverly Pheto of the Subcommittee staff.

Sincerely,



David Obey
Ranking Member
Appropriations Committee



Martin Olav Sabo
Ranking Member
Homeland Security Subcommittee
Appropriations Committee