



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

June 19, 2007

Mr. Hugo Teufel, III  
Chief Privacy Officer  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Commissioner W. Ralph Basham  
U.S. Department of Homeland Security  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, N.W.  
Washington, D.C. 20229

Dear Mr. Teufel and Commissioner Basham:

On November 2, 2006, the Department's Privacy Office issued a System of Records Notice (SORN) regarding the Custom and Border Protection's (CBP) use of the Automated Targeting System on passengers traveling in and out of the United States. This system uses personal information collected from international travelers to flag passengers who might present a risk for additional security. During the public comment period, I expressed my concern about the program's compliance with existing privacy laws and constitutional safeguards with respect to American citizens and lawful permanent residents. Additionally, I submitted several questions to Commission Basham regarding the use of the program, which were subsequently answered in a letter from the Commissioner dated February 21, 2007. In the letter, Commissioner Basham indicated that changes to the program may be implemented following the review of the comments received regarding the SORN.

Several months have passed and this very troublesome program remains in existence without any indication from either the Privacy Officer or CBP regarding the issuance of a new SORN or whether changes will ultimately be made. The purpose for allowing public comment is to give the reporting agency the opportunity to review comments generated by public concern to determine whether changes should be made to the program as a result of the issues raised. Since a final decision has not been made on whether a new SORN will be released, CBP is operating this program in legal limbo, at a risk to the privacy rights of the traveling public.

I urge the Privacy Office, in conjunction with CBP, to thoroughly review this program and make a final decision on whether a new SORN will be issued. The concern about this program was widespread. It is therefore, incumbent upon both CBP and the Privacy Office to address the public's concerns and make a final determination.

I ask that you immediately contact the Committee's Chief Oversight Counsel, Cherri Branson, and provide her with an expected time frame for the completion of the SORN comments and the expected release date of a new SORN. Ms. Branson can be reached at (202) 226-2616. Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Bennie G. Thompson". The signature is written in a cursive style with a large, stylized initial "B".

Bennie G. Thompson  
Chairman