

ONE HUNDRED TENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5051
Minority (202) 225-5074

February 23, 2007

Mr. Edmund Hawley
Assistant Secretary
Transportation Security Administration
Department of Homeland Security
Washington, DC 20528

Dear Mr. Hawley:

I am writing concerning allegations that a Transportation Security Administration web site designed to help travelers remove their names from the “no-fly” list lacked basic measures to ensure the security and privacy of information submitted. I am also interested in determining what role contractors played in the development of this web site and whether TSA followed appropriate procedures in launching the site.

There have been many problems with individuals incorrectly identified on the no-fly list. Persons with names similar or identical to names on the no-fly list — including senior Members of Congress such as Representative Don Young and Senator Edward Kennedy — have been prevented from boarding flights or otherwise detained and questioned because their names come up in no-fly list checks.

According to media reports, on February 13, 2007, TSA tried to address these problems by launching a new web page to allow travelers whose names are identical to the names of persons on TSA’s “no-fly list” to establish they are not the persons of concern.¹ This new site, which was linked from TSA’s “Our Travelers” page, announced a “Travel Verification Identity Program,” which in turn asked travelers to submit sensitive personal information, such as their Social Security number, date of birth, height, weight, and eye color.

¹ *TSA Not Living Up to Its Middle Name*, washingtonpost.com “Security Fix” Weblog, (Feb. 14, 2007) (available online at: http://blog.washingtonpost.com/securityfix/2007/02/tsa_not_living_up_to_its_middl_1.html); *Homeland Security Site Hacked by Phishers? 15 Signs Say Yes*, Wired News Weblog (Feb. 14, 2007) (available online at: http://blog.wired.com/27bstroke6/2007/02/homeland_securi.html).

As soon as the site was launched, several web security experts alleged that this site lacked basic security measures to ensure that the submitted personal information would not end up in the hands of third parties. For example, these experts claimed that the site was not protected with a “secure sockets layer” (SSL), which would have ensured the secure transfer of the data to TSA. They also claimed that this failure to encrypt the data could have allowed a third party — including a terrorist — to obtain this sensitive personal information.

According to these experts, the site was not operating out of the TSA web domain, but instead was operating out of the following commercial domain: <http://rms.desyne.com>. This domain appears to belong to Desyne Web Services, Inc., a web design company whose mailing address is a post office box located in Boston, Virginia. In addition, security experts pointed out that the website text had numerous spelling errors and that the attached form did not have an OMB number, which all federal government forms are required to have. In fact, the overall appearance of the site was so poor that web experts first assumed it was a so-called “phishing” site, a site internet hackers had created to look like a TSA website page.

The site also appears to have been launched prematurely. A notice in the *Federal Register* on January 18, 2007, announced that, in compliance with the Privacy Act of 1974, the Department of Homeland Security would be creating a new system of records.² This system, called the Traveler Redress Inquiry Program (TRIP) would support travelers’ ability to redress complaints that they have been incorrectly placed on no-fly lists. The comment submission period for this notice was open until February 20, 2007. If TSA’s traveler identity verification website is part of the TRIP system, it was launched while the comment period for this notice was still open.

In order to investigate the accuracy of these allegations, I request that you provide the Committee with the following information:

1. All documents relating to any contract(s) with Desyne Web Services, Inc., to provide web design, hosting, or maintenance services for the TSA website, including any agreement that Desyne Web Services would host the “Travel Verification Identity Program” on its own web domain, rather than on the TSA domain;
2. All communications between TSA, including any TSA contractor or consultant, and Desyne Web Services, Inc. regarding security and/or privacy protections for the “Travel Verification Identity Program” website;
3. All documents relating to the period during which the site operated without encrypted data transfer protections, including the number of travelers who may have submitted

² Department of Homeland Security, *Privacy Act; Redress and Response System of Records*, 72 Fed. Reg. 2294 (Jan. 18, 2007).

their personal information to the site during the period when the site was not SSL-protected;

4. All documents related to TSA's discovery and remediation of this security breach, including any reports or audits of investigations of the breach;
5. All documents related to TSA's compliance with the requirements of the Privacy Act of 1974 in creating this new website. If the "Travel Verification Identity Program" is part of the Department of Homeland Security's TRIP program, provide all information about TSA's compliance with the notice and comment submission requirements of the January 18, 2007 DHS TRIP notice in the *Federal Register*, as well as TSA's compliance with the *Privacy Impact Assessment* filed by the Department of Homeland Security on January 18, 2007.
6. Information regarding the domain on which this web site is now currently located. If the "Travel Verification Identity Program" site remains on the Desyne domain, please indicate whether Desyne is complying with the government-wide policy of not setting information-gathering "cookies" on the computers of users who access the site; and

The Committee requests that you produce these documents on or before March 9, 2007. In addition, I request a briefing from TSA officials in charge of this program.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. An attachment to this letter provides additional information on how to respond to the Committee's request.

If you have any questions regarding this request, please contact David Rapallo or John Williams with the Committee staff at (202) 225-5420.

Sincerely,



Henry A. Waxman
Chairman

Enclosure

cc: Tom Davis
Ranking Minority Member