

Congress of the United States

Washington, DC 20515

June 2, 2003

The Honorable Norman Y. Mineta
Secretary of Transportation
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590

Dear Mr. Secretary:

We welcome you ordering a review of whether Federal Aviation Administration (FAA) officials acted appropriately when they provided assistance to U.S. House Majority Leader Tom Delay in finding an aircraft belonging to former Speaker of the Texas House of Representatives Pete Laney during recent disputes involving the Texas State Legislature.

A recent press report on the subject quotes a Department of Transportation spokesperson as stating that information on when a private aircraft took off and landed “can routinely be made available.” C. Lee and D. Phillips, *Agencies Review Roles in Hunt for Tex. Lawmakers in Walkout*, WASH. POST, May 24, 2003, at A2. If this statement is indeed correct, we are concerned about the homeland security implications of a policy that “routinely” makes information about the flight pattern of private aircraft available to the public. It is not difficult to imagine scenarios in which a terrorist could use such information to plan or execute an attack.

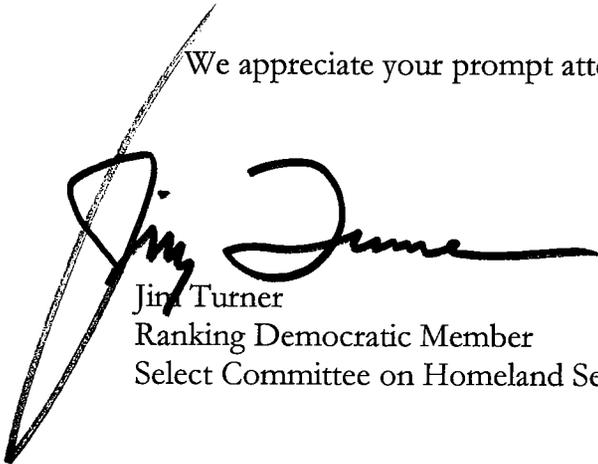
As Ranking Members of the Transportation and Infrastructure Committee and the Select Committee on Homeland Security, we want to review the FAA’s policy on public dissemination of this information. Specifically, please provide us with answers to the following questions:

- What information does the FAA provide, directly to the public or to commercial websites that may be accessed by the public, about the airports at which a private aircraft takes off and lands, and the location of a private aircraft during a flight?
- Are the operators of private aircraft given the right to have the foregoing information withheld from public disclosure? If so, how are operators made aware of this right?
- Are any inquiries made, by the FAA or by commercial websites, prior to release of this information to ensure that the information is not being used for illicit purposes?
- What level employee is authorized to release such information?

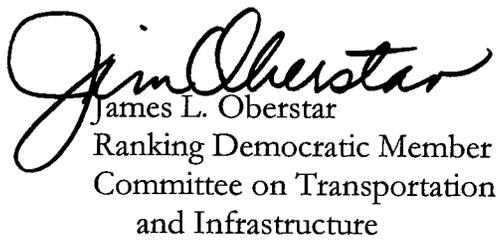
- How does this policy on public dissemination of information incorporate the Department of Homeland Security's assessment of the current threat against U.S. interests?

We appreciate your prompt attention to this matter and request a response by June 9.

Sincerely,



Jim Turner
Ranking Democratic Member
Select Committee on Homeland Security



James L. Oberstar
Ranking Democratic Member
Committee on Transportation
and Infrastructure