

111TH CONGRESS
1ST SESSION

H. R. 2703

To prohibit the Secretary of Homeland Security from obligating or expending funds for the National Applications Office of the Department of Homeland Security.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2009

Ms. HARMAN (for herself and Mr. DICKS) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To prohibit the Secretary of Homeland Security from obligating or expending funds for the National Applications Office of the Department of Homeland Security.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

5 (1) In its current form, the National Applica-
6 tions Office of the Department of Homeland Secu-
7 rity (NAO) would process requests for classified sat-
8 ellite information from nontraditional users of intel-
9 ligence for civil, homeland security, and law enforce-

1 ment purposes without a clear legal framework to
2 govern its use or stringent standards and protocols
3 to protect privacy and civil liberties.

4 (2) Existing law already provides that capa-
5 bility through a “Civil Applications Committee”
6 within the Department of Interior.

7 (3) The United States law enforcement commu-
8 nity, who comprise a majority of the new users of
9 the NAO, have not requested that new capability.

10 (4) Section 525 of the Consolidated Appropria-
11 tions Act, 2008 (Public Law 110–161; 121 Stat.
12 2074) prohibited funds from being made available to
13 commence operations of the NAO until the Secretary
14 of Homeland Security certified that the program
15 complies with all existing laws, including all applica-
16 ble privacy and civil liberties standards, and that
17 certification was reviewed by the Government Ac-
18 countability Office (GAO).

19 (5) GAO found serious flaws in the NAO, spe-
20 cifically that the Department of Homeland Security
21 (DHS) has failed to provide sufficient assurances
22 that requests for classified information will be fully
23 reviewed to ensure it can be legally provided.

24 (6) On April 9, 2008, in a letter to Members
25 of Congress, the Secretary of Homeland Security

1 certified that the NAO complies with all existing
2 laws, including all applicable privacy and civil lib-
3 erties standards. The Secretary also provided a char-
4 ter for the office, privacy and civil liberties impact
5 assessments, and NAO standard operating proce-
6 dures. GAO deemed the certification and standard
7 operating procedures insufficient.

8 (7) Despite numerous requests by Congress in
9 writing, in open hearings, and in person for a legal
10 framework and a full justification for the Depart-
11 ment's certification of the NAO, DHS seeks to oper-
12 ate the office before establishing clear definitions for
13 law enforcement and homeland security requests for
14 satellite imagery.

15 (8) Operation of the NAO in its current state
16 poses serious constitutional questions and threatens
17 to violate the privacy of Americans and their civil
18 liberties.

19 **SEC. 2. PROHIBITION ON USE OF FUNDS FOR THE NA-**
20 **TIONAL APPLICATIONS OFFICE OF THE DE-**
21 **PARTMENT OF HOMELAND SECURITY.**

22 Notwithstanding any other provision of law, the Sec-
23 retary of Homeland Security shall not obligate or expend
24 funds for—

1 (1) the National Applications Office of the De-
2 partment of Homeland Security; or

3 (2) any office of the Department of Homeland
4 Security tasked to process requests for classified sat-
5 ellite information for civil, homeland security, or law
6 enforcement purposes.

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