

111TH CONGRESS 1ST SESSION H.R. 2704

To direct the Secretary of Homeland Security to close the National Applications Office of the Department of Homeland Security.

IN THE HOUSE OF REPRESENTATIVES

June 4, 2009

Ms. Harman introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To direct the Secretary of Homeland Security to close 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-
- ment purposes without a clear legal framework to

- govern its use or stringent standards and protocols
 to protect privacy and civil liberties.
 - (2) Existing law already provides that capability through a "Civil Applications Committee" within the Department of Interior.
 - (3) The United States law enforcement community, who comprise a majority of the new users of the NAO, have not requested that new capability.
 - (4) Section 525 of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2074) prohibited funds from being made available to commence operations of the NAO until the Secretary of Homeland Security certified that the program complies with all existing laws, including all applicable privacy and civil liberties standards, and that certification was reviewed by the Government Accountability Office (GAO).
 - (5) GAO found serious flaws in the NAO, specifically that the Department of Homeland Security (DHS) has failed to provide sufficient assurances that requests for classified information will be fully reviewed to ensure it can be legally provided.
 - (6) On April 9, 2008, in a letter to Members of Congress, the Secretary of Homeland Security certified that the NAO complies with all existing

- laws, including all applicable privacy and civil liberties standards. The Secretary also provided a charter for the office, privacy and civil liberties impact assessments, and NAO standard operating procedures. GAO deemed the certification and standard operating procedures insufficient.
 - (7) Despite numerous requests by Congress in writing, in open hearings, and in person for a legal framework and a full justification for the Department's certification of the NAO, DHS seeks to operate the office before establishing clear definitions for law enforcement and homeland security requests for satellite imagery.
 - (8) Operation of the NAO in its current state poses serious constitutional questions and threatens to violate the privacy of Americans and their civil liberties.

18 SEC. 2. CLOSURE OF THE NATIONAL APPLICATIONS OFFICE

- 19 OF THE DEPARTMENT OF HOMELAND SECU-
- 20 **RITY.**

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- Notwithstanding any other provision of law, the Sec-
- 22 retary of Homeland Security shall immediately close the
- 23 National Applications Office of the Department of Home-
- 24 land Security.