



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

May 14, 2008

The Honorable Silvestre Reyes
Chairman
House Permanent Select Committee on
Intelligence
H-405, The Capitol
Washington, DC 20515

The Honorable David E. Price
Chairman
Subcommittee on Homeland Security
Committee on Appropriations
B307 Rayburn HOB
Washington, DC 20515

The Honorable Rush Holt
Chairman
Select Intelligence Oversight Panel
HT-66
Washington, DC 20515

Dear Sirs:

We write to communicate our serious concern about this Congress taking any actions to authorize or appropriate funding for the new National Applications Office (NAO) at the Department of Homeland Security. Since August 2007, we have undertaken extensive oversight of NAO and remain extremely concerned about the program.

Specifically, we believe the NAO raises major issues under the Posse Comitatus Act (18 U.S.C. § 1385) as it involves the use of military satellites for surveillance of American citizens inside the United States for law enforcement and other purposes. Having been burned before on the Terrorist Surveillance Program and knowing of this Administration's disdain for obeying the laws Congress passes, we need to be extraordinarily careful.

By the Department's own admission, existing authorities are adequate to permit emergency use of military satellites in extreme weather situations or to protect large outdoor mass gatherings like the Super Bowl or World Series. Thus, the question becomes what unmet law enforcement purposes or needs would the creation of the NAO serve. We have asked the Department this question repeatedly and they have been unable to respond.

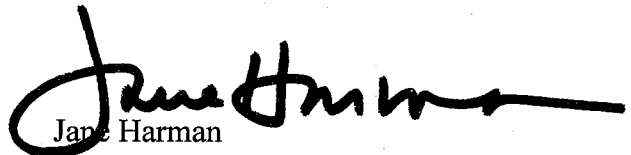
We are left to conclude that the only reason to stand up a new office would be to gather domestic intelligence outside the rigorous protections of the law – and, ultimately, to share this intelligence with local law enforcement outside of constitutional parameters. For the NAO to proceed, there needs to be a tight and complete legal framework in place. To date, no legal framework has been created.

We therefore urge you to abstain from authorizing or appropriating funding for the NAO. At a minimum, all funds should be fenced. We strongly believe that any funding is premature and risks further eroding the privacy and civil liberties rights of all Americans.

Sincerely,



Bennie G. Thompson
Chairman
Committee on Homeland Security



Jane Harman
Chairwoman
Subcommittee on Intelligence,
Information Sharing, and Terrorism
Risk Assessment
Committee on Homeland Security

cc: Honorable Peter T. King, Ranking Member, Committee on Homeland Security