



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

September 26, 2007

Honorable David E. Price
Chair
Subcommittee on Homeland Security
Committee on Appropriations
Room H-218, The Capitol
Washington, D.C. 20515

Honorable Harold Rogers
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations
Room H-218, The Capitol
Washington, D.C. 20515

Dear Chairman Price and Ranking Member Rogers:

We are writing to clarify our position, as Members of the Committee on Homeland Security, with respect to funding the Office of Intelligence and Analysis in advance of the forthcoming conference for the Fiscal Year (FY) 2008 Department of Homeland Security Appropriations Act.

In an August 10, 2007 letter, Chairman Bennie G. Thompson (D-MS) expressed support for the Senate recommendation of \$306 million for I&A to provide adequate resources for, among other things, the State, Local and Regional Fusion Center Initiative and compliance with the Implementing Recommendations of the 9/11 Commission Act of 2007. Since that time, the Committee on Homeland Security became aware of I&A's plans to administer the National Applications Office (NAO) on October 1, 2007. As you know, our Committee held a hearing on September 6, 2007, titled, "Turning Spy Satellites on the Homeland" that examined the privacy and civil liberties implications of the NAO at the Department of Homeland Security. The NAO will oversee the use of spy satellites for domestic purposes – including, for the first time, the provision of detailed satellite imagery to State, Local, and Tribal law enforcement. The NAO marks a dramatic expansion of prior domestic use of satellite imagery that raises very significant Constitutional, legal, and organizational issues.

While we believe the NAO may hold significant promise in helping to secure the homeland from future terrorist attacks, we are gravely concerned by the Department's lack of progress in creating the appropriate legal and operational safeguards necessary for ensuring that military spy satellites do not become the "Big Brother in the Sky" that some in the privacy and civil liberties community have described. Accordingly, the Committee on Homeland Security,

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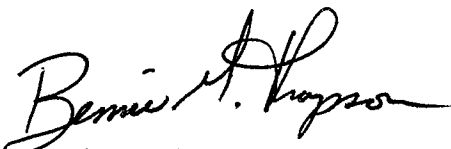
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like the House Homeland Security Appropriations Subcommittee, have asked the Department to provide a written legal framework for the NAO and the standard operating procedures (SOPs) under which it will operate in order to allow Members an opportunity to review the plans and suggest changes to ensure that the Constitutional rights of all Americans are protected.

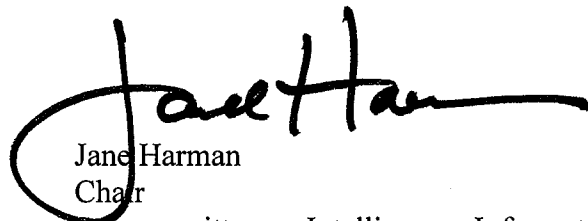
In the last three years, at least four programs – including the \$140 million Secure Flight Program; the \$100 million Computer Assisted Passenger Prescreening System II (CAPPS II) program; the \$42 million Analysis, Dissemination, Visualization, Insight and Semantic Enhancement (ADVISE) program; and the \$8 million Multistate Anti-Terrorism Information Exchange Pilot Project (MATRIX) – have been either canceled or suspended by the Department as a result of its failure to adhere to applicable privacy rules and regulations. We appreciate that Democrats on the House Homeland Security Appropriations Subcommittee played a critical role in bringing to light the vulnerabilities of these programs. Each of these programs, if implemented, would have compromised the privacy rights of hundreds of thousands, if not millions, of Americans. We do not want the Department to repeat the same mistakes with this program. Given the gravity of the privacy and civil liberties issues in play with the NAO, we respectfully request that the forthcoming Conference Committee adopt the House position on NAO unless and until the Department has completed its written legal framework and SOP documents and Congress has had an opportunity to review those documents and to assess their adequacy.

We look forward to working with you throughout this process to ensure that the issues identified as matters of concern by the Committee on Homeland Security and Chairman Price of the Appropriations Committee's Subcommittee on Homeland Security are resolved.

Sincerely,



Bennie G. Thompson
Chairman



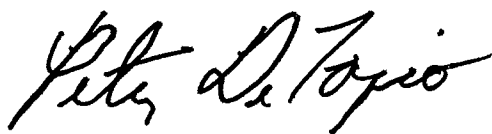
Jane Harman
Chair
Subcommittee on Intelligence, Information
Sharing, and Terrorism Risk Assessment



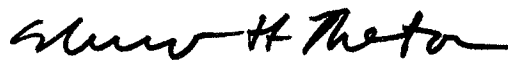
Loretta Sanchez



Edward J. Markey



Peter A. DeFazio



Eleanor Holmes Norton

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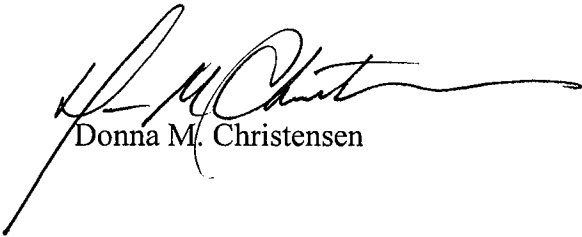
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Zoe Lofgren



Sheila Jackson-Lee



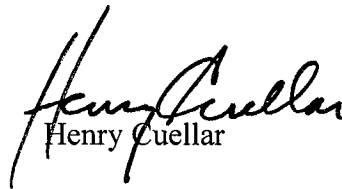
Donna M. Christensen



Bob Etheridge

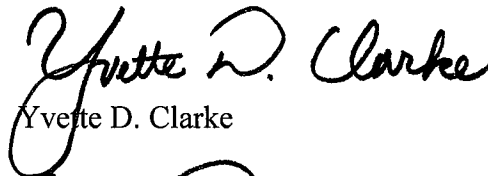
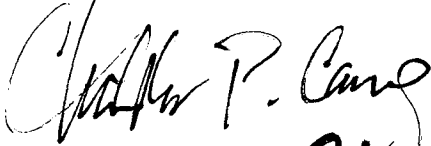


James R. Langevin



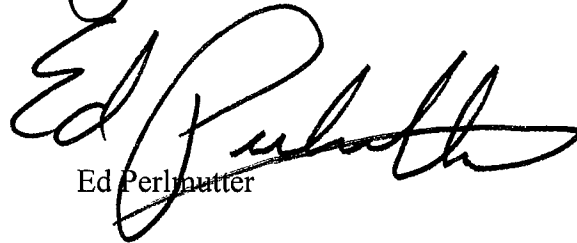
Henry Cuellar

Christopher P. Carney



Yvette D. Clarke

Al Green



Ed Perlmutt

Bill Pascrell, Jr.



cc: The Honorable Dave Obey, Chairman, Committee on Appropriations
The Honorable Jerry Lewis, Ranking Member, Committee on Appropriations