

June 10, 2005

Andrew H. Card, Jr.
Chief of Staff
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. Card:

We are writing to express our concern about Administration delays in complying with mandates in the Intelligence Reform and Terrorism Prevention Act (P.L. 108-458), which President Bush signed into law on December 17, 2004. The legislation we enacted has the potential to substantially enhance our defenses against terrorist attacks, but only if the Executive Branch works with Congress to implement effectively its provisions. In a number of cases agencies have already missed implementation deadlines contained in the Act. We regard this as a troubling sign, especially as many important provisions are expected to be completed by June 15, 2005, and in subsequent months. We request the Administration re-double its efforts to ensure that the Act's goal of better protecting our nation, a vision shared by Congress, the 9/11 Commission, and the Administration, is fully realized.

We have written previously concerning several important statutory provisions whose implementation is overdue. The development of a National Strategy for Transportation Security was a central recommendation of the 9/11 Commission, and Congress required the strategy to be completed by April 1, 2005. The Department of Homeland Security (DHS) has indicated it needs more time to complete this critical effort. We expect DHS to promptly produce the much needed roadmap for improving and coordinating transportation security across all modes.

We have also written to urge speedier implementation of an effective Privacy and Civil Liberties Oversight Board. On June 10, 2005, the Administration nominated or appointed five board members; however, we remain concerned about the insufficient budget request for the Board and look forward to your response on this issue.

Recent developments have called into question the Administration's strategy to execute the provisions of the Act relating to information sharing. The Act requires the rapid implementation of an information sharing environment (ISE) to facilitate the governmentwide sharing of information about terrorist threats. Based on a key recommendation of the 9/11 Commission, the creation of the ISE envisions an ambitious and coordinated effort by myriad agencies involved in the war on terrorism. Important mandates related to the ISE will be due in mid-June, requiring the ISE program manager to report on his plans for addressing key technological and policy issues, to complete a review of the federal government's data-sharing capabilities, and to establish electronic directory services to help locate information about terrorist threats.

These mandates, and the many that follow, will require that the program manager work with agencies across the federal government and with state and local officials. We are concerned that

the recent decision to locate the ISE's program manager within the Office of the Director of National Intelligence (ODNI), where he will report to the Director of National Intelligence, will impede the development of this coordinated effort; furthermore, the decision could undermine Section 1016 of the Act, which states that the program manager is to "have and exercise governmentwide authority." Because of the placement within the ODNI, the program manager is likely to face greater challenges in implementing an information sharing network that includes agencies outside the intelligence community. Indeed, we question whether the ISE program manager can provide the effective leadership and governmentwide management required of him under these circumstances. If the Administration does not commit ample resources and high-level leadership to the effort, the ISE will fail. The Administration should demonstrate its commitment to effective information sharing by reconsidering its decision to place the program manager in the ODNI, and by clearly establishing the program manager's strong lines of authority over all relevant agencies.

In addition, a variety of other provisions from the Act have come due without adequate implementation by the Administration. For example, Section 3001(b) of the Act requires the President to designate by March 15, 2005, an Executive Branch agency to oversee the security clearance process. The 9/11 Commission identified the unwieldy system for granting security clearances as a threat to national security. Establishing uniformity and efficiency in our security clearance process will be a major challenge, and it's disappointing that the Administration is already well behind schedule on this first step.

Section 4023 of the Act mandated that by March 15, 2005, DHS develop standards for determining the aviation security staffing for all airports at which screening is required. These standards will be an essential determinant for efficient and effective deployment of screeners, yet we are unaware of any progress the Department has made towards completing the standards. Under Section 4019(d) the Department was also required to submit to Congress a cost-sharing study that would propose an equitable division of costs for deploying in-line baggage screening equipment, reflecting the benefits to the government and the private sector of the equipment. The provision could free up badly needed homeland security funds for other missions, but its implementation is now months overdue. Under Section 4072 the Department was required to submit by March 15, 2005, a series of strategic plans and reports relevant to port security, including a comprehensive management plan for the Transportation Worker Identification Credential (TWIC) program. We understand that the plans and reports required by Section 4072 have not been completed.

The 9/11 Commission recognized that the fight against Islamic terrorism starts overseas, and the Act implemented the Commission's recommendations with a number of provisions establishing diplomacy initiatives and targeting terrorist havens. Unfortunately, the President has failed to submit a report, due last February under Section 7104(i), on the Administration's efforts to encourage other countries to participate in expanded peacekeeping and security operations in Afghanistan. Similarly, the Departments of Defense and State were required to submit a report under Section 7104(j) on illegal drug production in Afghanistan and its relationship to terrorist organizations by mid-April, 2005. This report has not been submitted yet. The State Department has also not submitted to Congress a report, due May 31, 2005, on the feasibility of coordinating with other countries to share information on lost and stolen passports, as a possible tool in

tracking the travel of suspected terrorists.

Congress, the Administration, and the 9/11 Commission all understood that the war on terrorism must be fought simultaneously and effectively on many fronts. That's why the Intelligence Reform and Terrorism Prevention Act directs actions and reforms in so many components of our government, on an accelerated timetable. There are many challenges in simultaneously implementing these anti-terrorism initiatives, but the consequences of failure are unthinkable. And as we saw with 9/11, in the war on terrorism delay can be a form of failure. Initial stumbles in implementing new programs can be corrected, but problems often snowball if neglected. On June 15, 2005, the Administration will be required to complete a series of strategic plans vital to transportation security, terrorist travel, border security, and information sharing. We urge the Administration to devote high-level attention to ensuring the war on terrorism remains on track.

Sincerely,

Susan Collins
United States Senator

Joseph Lieberman
United States Senator