June 3, 2010

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

We are writing to urge you to accelerate the Department of Homeland Security's (DHS) launch of the voluntary private sector preparedness accreditation and certification program, commonly referred to as PS-Prep, required by Section 901 of the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53 (hereon referred to as "the Act").

The Act, which was signed into law nearly three years ago, required DHS to adopt one or more preparedness standards for the program and to implement the program not later than 210 days after enactment. Unfortunately, the previous Administration missed the statutory deadline for implementation and failed to widely promote the program. To date, the program still has neither been implemented, nor promoted, as required by the law.

The Executive Branch's failure to implement the program is regrettable. Given that the private sector controls 85 percent of the critical infrastructure in the nation, private sector preparedness is a necessity, not a luxury. The National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission) found that the private sector remains largely unprepared for disasters, and the recent devastating oil spill in the Gulf of Mexico serves as a painful reminder of why preparedness is so important.

To address these preparedness vulnerabilities, Congress required DHS to establish the PS-Prep program to replace ad hoc and isolated preparedness measures with appropriate voluntary standards implemented through a structured approach. The program will also raise the visibility of the importance of private sector preparedness and provide a roadmap to preparedness, benefitting businesses that choose to participate and making America safer.

We appreciate that under your leadership DHS has published draft standards for public comment and engaged in 10 public information sessions. However, we remain concerned that the timeline for adopting final standards for PS-Prep continues to recede. This past winter, DHS officials told staff from both Committees that they intended to adopt final standards this spring, but DHS recently informed us that it would miss this deadline.

Current expectations for implementation appear to be set for this autumn. Needless to say, every additional delay in implementation further violates the Act and means less security for our country.

While DHS has moved forward with the rulemaking process, we note that DHS leadership has not embarked on a campaign to fully engage the private sector in this voluntary program. The success of PS-Prep will depend upon the active participation of the business community.

The impact of future disasters on vulnerable cities and towns across the country would be significantly mitigated if businesses were armed with preparedness and recovery programs. Proper preparation leads to resilience and recovery. PS-Prep would serve as a helpful tool in preparing the private sector for all types of disasters. This valuable program should be quickly implemented.

We implore you to act promptly to implement this program and vigorously promote it within the private sector. We ask that, within the next 15 days, DHS provide a timeline for adopting standards for the program. Additionally, please provide your plan to conduct a campaign to promote the program, as well as a plan to implement the Act's requirements for separate classifications and methods of certification for small business concerns. We look forward to continuing to partner with you on this important program. Thank you for your attention to this important issue.

Sincerely,

JOSEPH I. LIEBERMAN
Chairman
Senate Homeland Security &
Governmental Affairs

BENNIE G. THOMPSON
Chairman
House Committee on Homeland
Security

cc: The Honorable Craig Fugate, Administrator, Federal Emergency Management Agency