

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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March 24, 2009

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

Dear Secretary Napolitano:

I am writing to you to express my concern regarding the comments made by Rod Beckstrom, former Director of the National Cyber Security Center (NCSC), in his March 5, 2009, letter of resignation. In light of this resignation combined with the ongoing reviews of cybersecurity policy both within the Department of Homeland Security (Department) and government-wide, I would like to take this opportunity to reiterate the vision for the NCSC laid out in the reauthorization for the Department of Homeland Security introduced by Chairman Lieberman and myself last fall.

As established in the Homeland Security Act of 2002, the Department is tasked with developing plans for "securing the key resources and critical infrastructure of the United States including... information technology and telecommunications systems...." The Comprehensive National Cybersecurity Initiative (CNCI) was established in January 2008, by National Security Presidential Directive 54/Homeland Security Presidential Directive 23. The CNCI recognizes the Department's lead role in cyber security by establishing the NCSC there and requiring that the Director report directly to the Secretary.

In Secretary Chertoff's June 2, 2008, response to a letter from Chairman Lieberman and me, Secretary Chertoff described the role of the NCSC as follows:

The National Cyber Security Center (NCSC) will coordinate and integrate information necessary to help secure U.S. cyber networks and systems and help foster collaboration among Federal cyber groups. In particular, the NCSC will advance the coordination and consultation among the various cyber entities responsible for various parts of the cyber security missions. Additionally, the NCSC will serve a principal role as a single location for all-source situational awareness about cyber security and security status of the U.S. networks and systems. ... The Center will also analyze the mission areas, authorities, and core capabilities of Federal cyber groups.

Secretary Chertoff further stated that the NCSC was created to fill the gap created by the lack of a “single entity charged with increasing collaboration or serving as a focal point for all-source situational awareness.”

On September 26, 2008, Chairman Lieberman and I introduced the “Department of Homeland Security Authorization Act of 2008 and 2009,” which included provisions establishing the NCSC in statute and providing it with the additional authorities we felt necessary to effectively “advance the coordination and consultation” among the many entities within the federal government responsible for cyber security. These authorities include:

- The ability to coordinate and integrate information from across the federal government (including the intelligence community) to provide cross-domain situational awareness.
- The responsibility to develop uniform standards and guidelines for federal information technology systems in cooperation with the National Institute of Standards and Technology.
- The authority to develop performance measures that can be used to evaluate the security of the federal information infrastructure.
- The authority to review agency budgets as they relate to information security technology to determine if those budgets are adequate to meet the performance measures established by the NCSC.
- The authority to review, inspect, and coordinate operational evaluations of any agency’s information infrastructure, including the overall enterprise architecture, acquisition plans, contracts, policies, and procedures.
- The ability to direct remedial measures where agencies fail to meet performance measures unless the head of the agency can certify that any identified vulnerability has been mitigated.
- The responsibility to ensure that policies and procedures for securing federal information infrastructure also adequately protect individual privacy and civil liberties.

I continue to support giving the Department, and more specifically the NCSC, these authorities. As such, I was very concerned by Mr. Beckstrom’s assertion in his resignation letter that “the NCSC did not receive appropriate support inside DHS during the last administration to fully realize [its] vital role.” The Committee needs to understand more fully how and why the NCSC was allegedly marginalized in spite of its prominent role outlined in the CNCI and described by Secretary Chertoff in his letter. In addition, I would like to know how the \$6 million reprogrammed to establish and operate the NCSC was actually used.

To that end, please provide the following documents to my staff:

- A detailed breakdown of the NCSC's budget for FY 2009 – FY 2013, including actual outlays, budget authority, and any unexpended funds.
- A detailed breakdown of the National Cyber Security Division's budget for FY 2009 – FY 2013, including actual outlays, budget authority, and any unexpended funds.
- Copies of any and all contracts entered into to establish and operate the NCSC, including any contracts that may have been cancelled before fulfillment.
- Copies of any documentation related to the cancellation of computers, network equipment, furniture, and office space for the NCSC.
- Copies of any and all Department Management Directives related to the establishment and operation of the NCSC.
- Copies of the relevant portions of Secretary Chertoff's official schedule indicating dates, times, and duration of any meetings between the Secretary and Mr. Beckstrom following his appointment as Director on March 20, 2008.
- Copies of the relevant portions of Secretary Napolitano's official schedule indicating dates, times, and duration of any meetings between the Secretary and Mr. Beckstrom following her confirmation as Secretary on January 21, 2009.
- Copies of any documents related to physically locating the NCSC at any National Security Agency-controlled facility.
- Copies of any documents related to placing the NCSC under the control of any other individual besides the Secretary of Homeland Security.

These documents should be delivered to my staff within 14 days of receipt of this letter so that there will be time to review them before the completion of the President's 60-day review of federal cyber security policies. To the extent that any of these documents are classified, they can be delivered to Senate Security for review by appropriately cleared staff. If you have any questions, please have your staff contact John Grant or Asha Mathew on my staff at (202) 224-4751.

Sincerely,



Susan M. Collins
Ranking Member