



U.S. House of Representatives
Committee on Transportation and Infrastructure

James L. Oberstar
Chairman

Washington, DC 20515

John L. Mica
Ranking Republican Member

May 6, 2008

David Heysfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

The Honorable David R. Obey
Chairman
House Committee on Appropriations
H-218, The Capitol
Washington, D.C. 20515

The Honorable David E. Price
Chairman
Subcommittee on Homeland Security
B-307 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jerry Lewis
Ranking Member
House Committee on Appropriations
1016 Longworth House Office Building
Washington, D.C. 20515

The Honorable Harold Rogers
Ranking Member
Subcommittee on Homeland Security
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Sirs:

As you develop the FY 2009 Department of Homeland Security ("DHS") Appropriations bill, we write to urge you to continue a provision included in the FY 2008 Consolidated Appropriations Act which prohibited any expenditure of funds to support the Principal Federal Official ("PFO") position during a Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act") declaration.

The Stafford Act, which governs federal disaster response, requires the President to appoint a Federal Coordinating Officer ("FCO") each time he declares a major disaster or emergency. The FCO is required by section 302 of the Stafford Act to be the Federal official empowered to direct all federal response activities during a disaster declaration¹.

Unfortunately, the Department of Homeland Security has administratively created a similar position known as the Principal Federal Official. The PFO is designated as the lead Federal official in a disaster. Although the PFO has no legal authority to direct federal resources, witnesses have testified before the Subcommittee on Economic Development, Public Buildings, and Emergency Management that, in practice, the PFO overlaps and conflicts with the role of the Federal Coordinating Officer, thereby confusing the federal chain of command and delaying federal response activities. Congressional investigations into the response to Hurricane Katrina identified the role of the PFO as a significant factor contributing to the ineffective federal response.

¹42 U.S.C. 5143.

The Honorable David R. Obey
The Honorable David E. Price
The Honorable Harold Rogers
The Honorable Jerry Lewis
Page 2

As a result of the significant problems associated with the PFO during Hurricane Katrina, the authorizing committees included language in the Post-Katrina Emergency Management Reform Act ("PKEMRA") prohibiting the PFO from directing the FCO or the use of federal resources during federally declared disasters.²


Last year, we sought your assistance to prohibit the appointment of PFOs in a Major Disaster or Emergency under the Stafford Act. In response to these concerns, you included the following language in the Consolidated Appropriations Act, 2008 (P.L. 110-161): "None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official for any Robert T. Stafford Disaster Relief and Emergency Assistance Act declared disasters or emergencies".³

The President's Fiscal Year 2009 budget request strikes this language. We therefore believe that the prohibition needs to be retained to ensure that federal activities in response to a disaster are carried out effectively and efficiently. Further, any report language on this provision should direct DHS to strictly comply with the statutory language.

State and local emergency management professionals and local elected officials have communicated their continued concerns to the Committee on Transportation and Infrastructure that the PFO confuses the federal chain of command and delays federal response activities. We share this view and urge your support.

Thank you for your consideration.

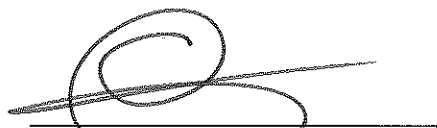
Sincerely,



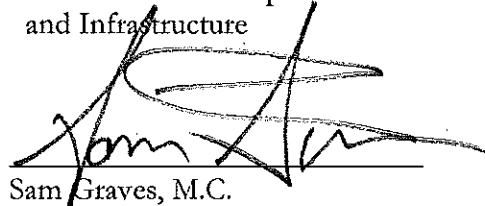
James L. Oberstar, M.C.
Chairman
Committee on Transportation
and Infrastructure



Eleanor Holmes Norton, M.C.
Chairwoman
Subcommittee on Economic
Development, Public Buildings,
and Emergency Management



John L. Mica, M.C.
Ranking Member
Committee on Transportation
and Infrastructure



Sam Graves, M.C.
Ranking Member
Subcommittee on Economic
Development, Public Buildings,
and Emergency Management

²6 U.S.C. 319(c)(2).

³P.L. 110-161 Division E, Title III, Section 541, 121 Stat 2079.