

United States Senate

WASHINGTON, DC 20510

October 12, 2006

The President of the United States
The White House
1600 Pennsylvania Ave. NW
Washington, DC

Dear Mr. President:

Thank you for signing into law H.R. 5441, the Department of Homeland Security Appropriations Act, which makes important strides in strengthening and reforming the Federal Emergency Management Agency and its response to national disasters such as hurricanes Katrina and Rita and the catastrophic levee breaks of last year.

We were dismayed, however, by the "signing statement" in which you express your intention to disregard provisions in the law intended to protect against further mistakes such as those that plagued the 2005 hurricane response.

The law requires that the new FEMA Administrator must meet certain minimum qualifications, reflecting the findings of the Senate's investigation into the failed response to Hurricane Katrina. This is not unprecedented. Congress has established qualifications for numerous executive positions, such as the Solicitor General and the Director of the Fish and Wildlife Service. The bottom line is that we need FEMA leadership that meets high standards. Disregarding provisions of the Act that are intended to strengthen those standards is a move in the wrong direction.

The "signing statement" also rejects provisions in the law that would allow Congress to receive unfettered counsel from the FEMA Administrator on the emergency response needs of the nation. This provision follows precedent set in other agencies - in particular, the Department of Defense - and would allow the Legislative Branch to more adequately make sure that these needs are met and that problems are addressed. Congress needs a forthright assessment of the state of the nation's preparedness from the FEMA Administrator.

We continue to have concerns about your broad use of signing statements to raise questions about the executive's intention to comply with legislation passed by both houses of Congress and signed into law by the President. We urge you to reconsider your position and join us in calling for strong standards and the highest professional qualifications for the leadership of FEMA and for open dialogue between the executive and legislative branches on issues of such significant importance to our nation's safety and security.


(over)

We stand ready to work with you to further reform and strengthen our nation's disaster preparedness and emergency response and to see to it that the lessons learned from Katrina and Rita are truly reflected in the positive steps we take for the future.

Sincerely,



Mary L. Landrieu
United States Senator



Susan Collins
Chairman, Homeland Security and
Government Affairs Committee



Joseph Lieberman
Ranking Member, Homeland Security and
Government Affairs Committee