

National Infrastructure Advisory Council

July 30, 2009

The Honorable Barack H. Obama
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC

Dear Mr. President:

We are pleased to submit the National Infrastructure Advisory Council's (NIAC) Final Report and Recommendations entitled *A Framework for Dealing with Disasters and Related Interdependencies*.

The NIAC would like to thank Working Group co-chairs Governor Tim Pawlenty, from the State of Minnesota, Mr. Edmund G. Archuleta, President and CEO of El Paso Water Utilities, and Mr. Jim Nicholson, Chairman and CEO of PVS Chemicals. The NIAC also would like to thank all the other NIAC Members who participated, as well as the numerous subject matter experts, for their support of the study that led to the findings and conclusions from which our recommendations were developed.

At the January 8, 2008, NIAC business meeting, the NIAC elected to explore the United States' ability to respond to and recover from a major disaster that results in a prolonged loss of infrastructure services expanding beyond a local area. The Report includes detailed discussion on the findings of the study and includes recommendations to address each of the gaps identified.

The Council respectfully submits the following recommendations to improve critical infrastructure recovery from major disaster-type events or outages:

- The Department of Homeland Security (DHS) should institutionalize processes and provide funding as needed to systematically develop and maintain at the Federal, State and local (especially major metropolitan) government levels, catalogs of laws and regulations that may need to be suspended or modified during a disaster.
- The Executive Branch should review and work with Congress to update the Stafford Act to assure that it applies to all catastrophic events regardless of cause, and that the public does not suffer by virtue of an excessive concern to preclude benefits from the Stafford Act going to private sector critical infrastructure operators.

Mailstop 8500 245 Murray Lane, SW
Washington, DC 20528-8500

The Honorable Barack H. Obama
July 30, 2009
Page 2

- The Executive Branch should conduct a major review of the Defense Production Act (DPA) for applicability to disaster events and critical infrastructure interruptions with the aim to maximize utility for the restoration of critical infrastructure.
- The DHS Federal Emergency Management Agency (FEMA), and DHS Office of Infrastructure Protection (IP) should collaborate with state and local government to develop and disseminate best practices for:
 - Credentialing and granting access to Critical Infrastructure and Key Resource (CIKR) workers in a disaster area during an emergency;
 - Information sharing during disaster recovery operations; and
 - Disaster planning exercises, including guidance on how to involve private sector CIKR operators in planning and executing disaster exercises and scenarios.
- DHS should work with and collaborate with regulatory agencies in each sector, including local, state and national agencies, to identify scenarios where the lead authority for government response is unclear to private sector CIKR owners and operators and then develop a workable response plan.

Mr. President, on behalf of my fellow NIAC members, we thank you for the opportunity to serve our country through participation in this Council.

Sincerely,



Erle Nye
Chairman Emeritus
TXU Corp.
Chairman, NIAC



Alfred R. Berkeley, III
Chairman and CEO
Pipeline Trading Systems, LLC.
Vice Chairman, NIAC

cc The Honorable Joseph R. Biden, Vice President
The Honorable Janet Napolitano, Homeland Security Secretary