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April 13, 2015

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The Honorable Bill Shuster
Chairman, Transportation and Infrastructure Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Peter A. DeFazio
Ranking Member, Transportation and Infrastructure Committee
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Shuster and Ranking Member DeFazio:

On behalf of the National Emergency Management Association (NEMA), we wish to thank you for the opportunity to share our views on H.R. 1471, *the FEMA Disaster Assistance Reform Act of 2015*. As you know, NEMA represents the state emergency management directors of all 50 states, the Territories, and the District of Columbia. We appreciate the Committee's work on this legislation and the inclusion of provisions that NEMA has supported for many years. However, NEMA has concerns about some elements of the bill and the substantial impact they will have on states. We have provided below comments on selected provisions.

Reauthorization of FEMA, USAR & EMAC - Sections 101, 301, and 302

NEMA is pleased to see provisions in the bill reauthorizing spending through fiscal year 2018 consistent with current funding levels for FEMA, Urban Search and Rescue teams (USAR), and the Emergency Management Assistance Compact (EMAC). USAR teams serve an invaluable function in the immediate response to disasters, and by allowing direct authority to the program, these teams will have a formalized link to FEMA. NEMA strongly supports EMAC reauthorization. It will help ensure that the program can continue to coordinate interstate mutual aid and that the lessons learned from previous disasters are implemented thereby enhancing EMAC's capabilities to respond to future disasters. By reauthorizing EMAC at \$2 million annually, the bill will enable EMAC to continue to enhance coordination and planning with FEMA and other mutual aid stakeholders.

Simplified Procedures - Section 307

While we recognize that raising the small project threshold (or "simplified procedures" threshold) will tend to expedite assistance, we are concerned that without some sort of additional congressional guidance to FEMA and the DHS-



OIG regarding closeout procedures in such cases, as well as in the practice of auditing such cases, a large administrative burden will be passed to the states years after the disaster. We recommend the inclusion of guidance to this effect.

Management Costs - Section 308

We agree that the current management cost system provides insufficient funding to adequately fund state management and administration of disasters, and we are pleased to see that the rates have been increased. As you know, FEMA is currently reforming the Public Assistance program, and we hope that as this process continues, the Committee will consider adjusting the rates further if necessary to address any potential increase in workload for the states.

Debts Owed to the United States Related to Disaster Assistance and Statute of Limitations - Sections 309 and 310

We agree on the importance of protecting innocent individuals and households from unfair recoupment of funds after a disaster, provided that there is no evidence of fraud, waste or abuse. For section 309, we recommend removing any ambiguity regarding the applicability of this provision by making the following wording changes: 1) replacing the word “may” with the word “shall” in section 309 (b)(1); and 2) rewording section 309(b)(1)(c) to meet a more definable standard or removing this in its entirety.

With regard to section 310, we believe that the proposed standard regarding the initiation of a recoupment action should be limited to that contained in proposed section 310(1) and that proposed section 310(2) should be stricken. As written, section 310(2) would severely weaken the intent of section 310(1).

Wildfire Mitigation Assistance - Section 401

Perhaps our most serious concerns about this bill relate to this section, which would permit the transfer of funds from the Disaster Relief Fund (DRF) to the Departments of Interior and Agriculture for wildfire suppression activities on federal lands. As you know, the DRF is already severely overburdened, and supplemental appropriations are often necessary to fund disaster costs. Allowing the transfer of funds to other departments will place further stress on the DRF and increase the likelihood that funding for its traditional purposes will not be there when it is needed. Moreover, allowing DRF funds to be directed to activities on federal lands would mark a significant change and expansion to the program, as until now DRF funding has been directed at assistance for state and local response and recovery and FEMA’s efforts to that end.

Additional Activities - Section 402

We agree that adding mitigation funding to a Fire Management Assistance Grant (FMAG) declaration is a good idea and recommend that local and state management costs be available as part of an FMAG declaration. However, we believe that this section should not limit the uses of such assistance to fires and earthquakes. Instead, we recommend that section 404(f) allow such mitigation funds to be used to mitigate against any naturally occurring hazard. We also recommend that the list of allowable mitigation activities be expanded to encourage the use of innovative, yet scientifically based techniques, in addition to the list proposed in the legislation.

NEMA recognizes the time and effort the Committee has committed to this legislation, and we appreciate your work to engage the emergency management community. We value the partnership we have with the Committee and look forward to continuing to work with you on this legislation. If you need any additional information or have any questions please do not hesitate to contact Jason Thomas Barnosky, Director of Government Relations at (202) 624-5459.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Bryan W. Koon". The signature is written in a cursive, flowing style.

Bryan Koon
President, National Emergency Management Association
Director, Florida State Division of Emergency Management

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