The Honorable R. David Paulison, Administrator  
Federal Emergency Management Agency  
500 C Street SW  
Washington, DC 20472

Dear Administrator Paulison:

Many state and local members of the Association of State Floodplain Managers (ASFPM) have contacted us to express their concern about the recently identified projects in the Joint Explanatory Statement (JES) specified for the Pre-Disaster Mitigation (PDM) program. These “earmark like” projects were included in the recently passed Consolidated Appropriations Act of 2008. This past Saturday, the ASFPM Board of Directors unanimously voted to oppose project specific set-asides and to support the enforcement of the language in the JES. We note that language in the bill requires compliance with program rules and we strongly encourage efforts to ensure that the provisions of the bill requiring all projects funded with the Pre-Disaster Mitigation Fund comply with the criteria in Section 203(g) of the Robert T. Stafford Disaster Relief and Emergency Act (Stafford Act).

ASFPM is concerned about the unprecedented scope of project specific set-asides (earmarks, Congressional directives, etc.) in small and especially competitive grant programs. Project specific set-asides of mitigation programs has been minimal in the past and FEMA internal project evaluation mechanisms are widely considered to be strong and well grounded in sound public policy.

Because there is nearly always more demand than there are funds allocated for hazard mitigation, these programs are either apportioned to all states based on specific formulas or triggers or are nationally competitive based on set criteria that every applicant must follow. Actions like project specific set-asides hurt every state, even those that are the recipients of such earmarks. For example, in many of the states where the 2008 Congressional Directive communities are identified, the projects are either poorly thought out or not even identified in a hazard mitigation plan, as required by program criteria. Many of the communities don’t even have an application, so the project could be reviewed. Some of the projects appear not to be related to hazard mitigation and/or are not eligible under FEMA hazard mitigation programs criteria. Finally, ASFPM members indicate that many of the projects would not be considered competitive within the state when compared to other communities who dedicated time, effort, and resources to develop comprehensive and cost effective mitigation projects.
Fortunately, there is a provision in the appropriations bill that requires all projects funded under PDM meet requirements of Section 203(g) of the Stafford Act. This will, hopefully, assure the integrity of the program in 2008. FEMA must ensure that these criteria are met. Specifically, requirements to have an approved local mitigation plan, an eligible project activity according to grant guidance, and a cost effective project are especially important. By ensuring adherence to these provisions (which was a condition of the appropriations bill), FEMA can maintain a fair and viable PDM program.

ASFPM notes that even if the set-aside projects are worked in a way to comply with guidance and regulations, there will be negative impacts to the states in which these projects are located. Since the cost of the set-aside project applies toward a state’s $500,000 PDM “guarantee,” this means that the state’s prioritization will be thrown off. Legitimate applications that followed all procedures, met all criteria and were ranked as priority by the State may not get funded, which is unfair to the State and community applicants. If the set-aside project is over $500,000, it may be the only project approved for the State. Because of the emphasis on planning associated with the PDM program, set-aside projects can undermine state and local priorities and capabilities.

ASFPM’s 11,000 members include many state and local officials who are involved in all aspects of floodplain management including hazard mitigation, and who are concerned about the long term objectives and success of the PDM program. We are expressing our firm support for any and all efforts to adhere to PDM program rules and regulations because of our great concern that set-asides could interfere with program integrity. ASFPM members work hard in partnership with FEMA to reduce flood losses in the nation. FEMA’s enforcement of PDM program requirements is important to our pursuit of that important mission. We thank you for your commitment to flood loss reduction. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

Al Goodman, Chair

cc: House Homeland Security Appropriations Committee Chair and Ranking Member
Senate Homeland Security Appropriations Committee Chair and Ranking Member
David Maurstad-FEMA Assistant Administrator, Mitigation Directorate

Dedicated to reducing flood losses in the nation.