The Honorable Roy Wright  
Deputy Associate Administrator for Mitigation  
Federal Emergency Management Agency  
8 NE, 500 C Street SW  
Washington, DC 20472-3100

RE: FEMA-2015-0006

Dear Mr. Wright:

We are writing to urge the Federal Emergency Management Agency (FEMA) to further extend the public comment period for the proposed “Revised Guidelines for Implementing Executive Order 11988, Floodplain Management” (Guidelines), as published in the Federal Register on February 5, 2015, beyond the current deadline of May 6, 2015 for stakeholders, constituents, state and local officials, and Congress to have adequate time to respond to the Guidelines.


To comply with E.O. 13690, at a minimum, federal agencies must implement the Standard through one of three approaches to the construction of federal buildings in the floodplain that include construction of a minimum of 2-3 feet above the current base flood elevation (BFE) or using the area subject to a 500-year Floodplain.

The Guidelines also require agencies to use one of these approaches in determining whether a “federal action” is in the floodplain. The definition of a “federal action” includes any “federally undertaken, financed, or assisted construction and improvements.” It is not clear in the E.O. whether this includes the National Flood Insurance Program or mortgage loans insured or guaranteed by the federal government through programs such as Federal Housing Administration or Veterans’ Administration. A delay would give FEMA more time to clarify the breadth of the impact of this Executive Order.

Because of the potentially significant implications of the Guidelines and subsequent federal regulatory changes, it is imperative that they not be finalized until after careful scrutiny is given to all aspects of the Guidelines and their implementation.

The current deadline fails to provide this opportunity. The Guidelines are lengthy, complex, and raise critical legal, policy, economic, and administrative issues that require additional review. The Guidelines
could potentially impact any home or business located in a floodplain. Further, they could add regulatory confusion to federal projects if different agencies apply different standards for implementation.

Finally, no scientific, cost/benefit or economic analysis was provided in the Federal Register notice, so Members and stakeholders will need additional time to determine potential implications of this oversight and provide meaningful input. Again, an extended comment period would also give FEMA an opportunity to fully disclose the research, data, and findings that led to these Guidelines.

We again urge you to further extend the public comment period so taxpayers and their representatives in Congress can more fully understand and comment on these proposed Guidelines.

Respectfully,

Rod L. Blum
Member of Congress

Ralph Abraham, M.D.
Member of Congress

Cheri Bustos
Member of Congress

Tom Cole
Member of Congress

Rodney Davis
Member of Congress

Mario Díaz-Balart
Member of Congress

Dave Loebsack
Member of Congress

Charles W. Boustany, Jr., M.D.
Member of Congress

Emanuel Cleaver II
Member of Congress

Rick Crawford
Member of Congress

Jeff Denham
Member of Congress

Bill Flores
Member of Congress
Paul A. Gosar  
Member of Congress

Garret Graves  
Member of Congress

Gregg Harper  
Member of Congress

Vicky Hartzler  
Member of Congress

Lynn Jenkins  
Member of Congress

William R. Keating  
Member of Congress

Doug LaMalfa  
Member of Congress

Tom Marino  
Member of Congress

John Ratcliffe  
Member of Congress

Cedric Richmond  
Member of Congress

Steve Scalise  
Member of Congress

Pete Sessions  
Member of Congress

John Shimkus  
Member of Congress

Ann Wagner  
Member of Congress

Bruce Westerman  
Member of Congress

David Young  
Member of Congress

Ryan Zinke  
Member of Congress

Ami Bera, M.D.  
Member of Congress
Dan Newhouse  
Member of Congress

Frank Lucas  
Member of Congress

John Garamendi  
Member of Congress