



FEMA

July 17, 2009

Dr. G. Kemble Bennett
Office of the Vice Chancellor
Texas A&M University
301 Wisenbaker Engineering Research Center
College Station, TX 77843

Dear Dr. Bennett:

This letter responds to your memorandum dated April 29, 2009 to then FEMA Acting Administrator, Nancy Ward, in which you recommended that FEMA provide the National Advisory Council (NAC) and its subcommittee's pertinent documents for review at the earliest possible time and prior to any public comment period.

You may rest assured of FEMA's commitment to including the Council at the earliest possible period during policy or guidance document development. For example, since April, the National Disaster Housing Task Force has been including the Council's Post Disaster Housing Subcommittee in their requests for feedback on documents such as the implementation plan, program template, and objectives and tasks – all prior to public comment. Additionally, FEMA has also sought to work with the Council on planning for the National Response Framework (NRF) revision process, currently scheduled for 2010, by briefing the NRF Subcommittee on the current outline of plans. Council members also have the option of utilizing public comment periods separate from their consensus recommendations on the Council.

Having participated in the Stafford Act 3/3/10 initiative, you are aware that FEMA has a separate process for handling regulatory documents. For regulations, FEMA is prohibited from engaging in ex parte communications. This means that the agency is prohibited from giving one entity or group (or group of individuals) the opportunity to review or provide comments on a document without providing the opportunity to all. Accordingly, sharing draft documents is not permissible during rulemaking. The recommendations derived from the 3/3/10 initiative were made prior to the agency's drafting of potential rules, using issue papers, interim policies and final policies. This was a beneficial endeavor and I will certainly encourage FEMA staff to use this process when considering new areas for regulatory improvement to the council.

The NAC's expertise and commitment to FEMA is profoundly appreciated. I look forward to continuing this valuable partnership.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Craig Fugate".

W. Craig Fugate
Administrator