



## Ernest B. Abbott

Of Counsel

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Ernest Abbott is the co-leader of the Firm's Disaster Recovery and Government Services Team and has extensive experience with the laws, regulations, policies and procedures relating to eligibility for federal disaster and mitigation assistance.

Mr. Abbott has more than 20 years of experience with the laws, regulations, policies and procedures relating to eligibility for federal disaster and mitigation assistance, the coordination of federal, state, local, non-profit and private sector responders in catastrophic events, and the elements of the National Flood Insurance Program, including insurance, floodplain mapping and floodplain management. Mr. Abbott assists his clients with issues pertaining to the Federal Emergency Management Agency (FEMA) Public Assistance Program, homeland security, the Hazard Mitigation Disaster Grant Program, flood insurance rate maps, public health emergency laws, disallowance and Office of Inspector General (OIG) audits.

Mr. Abbott is well versed in the administrative appeals process under FEMA's Public Assistance program, and he regularly represents applicants for public assistance in the arbitration process promulgated by Section 601 of the American Recovery and Reinvestment Act.

Mr. Abbott is a former general counsel of FEMA. In that role, he managed all FEMA regulatory development and coordinated the legislative program for all FEMA agencies. He led expedited development of regulations to implement the Cerro Grande Fire Assistance Act, which created a new \$500 million FEMA compensation program. Mr. Abbott developed and implemented an integrated litigation and regulatory program to protect the National Flood Insurance Program from punitive damage awards. He also created the FEMA Office of Dispute Resolution in the Office of General Counsel, which received special mention by the Justice Department. He has extensive experience in the regulation of critical infrastructure industries and critical infrastructure projects.

Prior to his role at FEMA, Mr. Abbott worked as managing deputy general counsel of a \$3 billion diversified natural gas company, where he led negotiations on a 275 billion cubic-foot international natural gas purchase contract and on the gas processing and liquids transportation aspects of the \$500 million sale of a gas liquids business. He has experience in toxic tort litigation and environmental corporate compliance programs. Mr. Abbott has also worked at the U.S. Environmental Protection Agency and the Interstate Commerce Commission.

### Professional Honors & Activities

- Professorial Lecturer in Law, Disaster Law Course – George Washington Law School, Washington D.C. (2011 – present)
- Member – American Bar Association (1977 – present)
  - Special Advisor to the Standing Committee on Disaster Response and Preparedness (2020 – 2022)
  - Standing Committee on Disaster Response and Recovery and predecessor Special Committee (2006 – present)
  - ABA Section of State and Local Government Law (2003 – 2007); Founding Chair, Committee on Emergency Management and Homeland Security (2002 – 2009)
  - Chair, Multi-Section Task Force on Homeland Security (2005 – 2007)
  - Hurricane Katrina Task Force (2005 – 2006)

- Associate Member – National Emergency Management Association (2001 – present)
  - Private Sector Liaison, Legal Committee (2001 – present)
- Editorial Board Member – *Journal of Homeland Security and Emergency Management* (JHSEM) (2008 – 2016)
- United States Soccer Federation
  - Referee (1989 – 2016)
  - Associate Referee Instructor (2003 – 2014)
- Cathedral Choral Society, Washington D.C.
  - Second Bass (2002 – present)
  - Board of Trustees (2012 – 2019)
    - Vice President (2013 – 2014)
    - President (2014 – 2019)
    - Chair, Personnel Committee (2017 – 2020)
  - Chair, Music and Program Committee of the Board of Trustees (2012 – 2017)
- Trustee – Arlington Temple United Methodist Church (2007 – present)



## Publications

### Newsletters

- "FEMA Actions: Interim Policy on "Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance"," *Washington, D.C. Update* (September 2020)
- "FEMA Releases "Streamlined" Project Application in 33-Page Guidance Document" (April 27, 2020)
- "Coronavirus: Tips for Hospitals Navigating State Emergency Management and FEMA Funding" (March 27, 2020)
- "Coronavirus: FEMA Simplifying the Public Assistance Process to Expedite Payment," republished in *American City & County* (March 24, 2020)
- "Coronavirus: Nationwide Emergency Declaration – Access to Disaster Relief Fund" (March 17, 2020)
- "Coronavirus: Implications of an Emergency Declaration" (March 11, 2020)
- "OMB Seeks Comments on Proposed Changes to 2 C.F.R. Part 200" (February 2020)
- "Draft Rules Issued for New Arbitration Option for FEMA's Public Assistance Program" (March 2019)
- "Five-Year Federal Aviation Administration Reauthorization, Including Disaster Relief Funding and Recovery Reform" (October 2018)
- "The Disaster Recovery Reform Act of 2018: Key Provisions Affecting FEMA Funding" (October 2018)
- "Update: FEMA Issues Revised Policy on Alternative Procedures for Direct Administrative Costs" (July 2018)
- "Hurricane Season 2018: The Basics of FEMA's New Alternative Procedures for Direct Administrative Costs" (June 2018)
- "Three Questions on Disaster Response with Ernie Abbott, Of Counsel, Baker Donelson" (November 2017)

### Selected Publications

- "Diligence Tips For Potential Disaster Relief Fund Recipients," *Law360* (March 2020)
- *Homeland Security and Emergency Management: A Legal Guide for State and Local Governments*, Co-editor; author or co-author, Introduction and chapters "Representing Local Governments in Catastrophic Events" and "Catastrophic Events, the Law, and Federalism" (ABA Press: 1st edition 2005; 2nd edition 2010; 3rd edition 2018)
- "Legislative Authorities and Regulatory Issues," *Koenig & Schultz*, "Disaster Medicine" (Cambridge University PRESS 2009 and 2016)
- "Flood Insurance and Climate Change: Rising Sea Levels Challenge the NFIP," *Fordham Environmental Law Review*, Volume XXVI, Symposium 2014, No. 1 (2014)

- Review of "Disaster Law," *Journal of Homeland Security and Emergency Management* (BEPress 2011)
- "Law, Emergencies, and the Constitution: A Review of *Outside the Law: Emergency and Executive Power*," *Journal of Homeland Security and Emergency Management*, Volume 7, Number 1, Article 17 (2010)
- "The Law and Catastrophic Disasters: Legal Issues in the Aftermath," three-day legal exercise and report produced by the Institute for Public Safety and Justice of the University of the District of Columbia (Program Coordinator, Report Author) (2009)
- "Floods, Flood Insurance, Litigation, Politics – and Catastrophe: the National Flood Insurance Program," *University of Mississippi Sea Grant Law & Policy Journal* (Summer 2008)
- "Federalism, the Constitution, and Control of Pandemic Flu," *Asian-Pacific Law and Policy Journal* (Summer 2008)
- Review of "Disaster: Hurricane Katrina and the Failure of Homeland Security," *Journal of Homeland Security and Emergency Management* (BEPress 2007)
- Co-author – "Public Health Emergency Law," *Public Health Law in Public Health Practice*, 2nd Edition (Oxford Press 2006)
- "FEMA Guidebook for Public Power Managers," *American Public Power Association* (2006)
- "Are you Ready? What Lawyers Need to Know About Emergency Preparedness and Disaster Recovery," 70-minute video produced by ABA Center for Continuing Legal Education and ABA Section of State and Local Government Law (Announcer, Moderator, and Content Director) (2005)



## Speaking Engagements

### Selected Presentations

- "FEMA Public Assistance Program Rules Utilities Need to Know," Florida Municipal Electric Association (June 17, 2020)
- "Getting Ready for Hurricane Season: Mutual Aid and COVID-19 Considerations," Florida Municipal Electric Association (May 2020)
- "Lessons Learned From the 1918 Pandemic: Historical and Legal Framework of the Spanish Flu and How It Relates to Today's Crisis," Historical Society of the New York Courts Webinar (May 11, 2020)
- Panelist – "IAEM Disaster Cost Recovery & Finance Caucus COVID 19 Cost Recovery Webinar" (April 28, 2020)
- "Responding to the Global COVID-19 Pandemic: The State and Local Government Perspective," webinar, American Bar Association (March 31, 2020)
- "COVID 19 Cost Recovery," International Association of Emergency Managers (IAEM) Disaster Cost Recovery & Finance Caucus Webinar (March 30, 2020)
- Panelist – "IAEM Disaster Cost Recovery & Finance Caucus: COVID-19 Cost Recovery Webinar" (March 30, 2020)
- "The NEMA 2019 Annual Forum" (October 2019)
- Moderator – "State & Local Responders Working with FEMA," 13th Annual Homeland Security Law Institute, Arlington, Virginia (May 2019)
- "ABA Forum on Construction Law 2019 Annual Meeting: Dealing with Natural Disasters - Here Comes the Flood (of Legal Issues)" (April 2019)
- "Looking Forward: FEMA Flood and Disaster Programs React to Increasing Disaster Costs and Budget Pressure," International Municipal Lawyers Association (IMLA) 83rd Annual Conference, Houston, Texas (October 2018)
- "How New FEMA Changes Impact Public Power," American Public Power Association Legal & Regulatory Conference, New Orleans, Louisiana (October 2017)
- "Getting Disaster Assistance from FEMA: the Basics, the Audits, and the Compliance Risks," Florida Municipal Electric Association Annual Conference (July 2017)

- Moderator – "National Response and Recovery Framework: Legal Considerations in Emergency Management," 10th Annual ABA Homeland Security Law Institute, Washington, D.C. (August 2015)
- "Ensuring Reimbursement by FEMA," American Public Power Association' 2015 National Conference, Minneapolis, Minnesota (June 2015)
- Panelist – "FEMA's Public Assistance Program," 2015 National Hurricane Conference in Austin, Texas (March 2015)
- "Update on De-obligation of FEMA Funding," National League of Cities (September 2014)
- Facilitator – "Preparing for Disaster-Related Liabilities" and "Communicating Legal Protections to the Healthcare System," The Centers for Disease Control Hospital Executives and Disasters: A Stakeholder Meeting, Atlanta, Georgia (November 2013)
- Panelist – "Disasters: Thinking About the Unthinkable," American Bar Association, Section of State and Local Government Law, Section of Litigation, Standing Committee on Disaster Response and Preparedness (October 2013)
- "FEMA and the Flood Insurance Program," HarrisMartin's Super Storm Sandy Insurance Coverage Litigation Conference, Atlantic City, New Jersey (June 2013)
- "Funding Sources for Redevelopment After Sandy: Insurance, Disaster Assistance, Special Mitigation Funds," Hofstra University School of Law's Recovery and Rebuilding After Superstorm Sandy, "Legal Perspectives: What We Know and Where We Go" (April 2013)
- "Emergency Sheltering and Americans with Disabilities Act," National Lieutenant Governors Association Annual Meeting, Puerto Rico (July 2011)
- "Water Law and The National Flood Insurance Program," American Bar Association Water Law Conference, San Diego (February 2011)
- Keynote Speaker – Symposium on Public Health Emergencies and California Law, University of the Pacific, McGeorge School of Law (May 2009)



## Webinars

- How Health Care Organizations Can Take Advantage of Increased Federal Funding of COVID-19-Related Costs (March 2021)
- Guidance on New FEMA Appeals Process and Arbitration Rules (August 2019)
- Long Term Care Disaster Readiness: How Your Facility Can Prepare, Respond, and Recover (November 2017)



## Education

- Harvard University School of Law, J.D., 1976, magna cum laude
- Harvard University Kennedy School of Government, M.P.P., 1976
- Swarthmore College, B.A., 1972, with high honors



## Admissions

- District of Columbia Bar, 1977
- Massachusetts Bar, 1977
- Texas Bar, 1985
- Virginia Bar, 2018