A Three-Ring Circus in Washington D.C. and on Capitol Hill

Activity on the Hill involving issues of interest to floodplain managers has been proceeding in many arenas, seemingly all at once. The continued authorization for the National Flood Insurance Program (NFIP) was caught up in much bigger picture political maneuvering and its authorization beyond March 28 continues to require attention. Hearings on Fiscal Year 2011 budget requests for the various departments and agencies are proceeding rapidly in both appropriations and authorizing committees and in both the House and Senate – often overlapping. Hearings on disaster policy, needed changes to the Stafford Act, implementation of the Water Resources Development Act of 2007 (WRDA ’07), and federal insurance for catastrophic losses are moving forward in preparation for legislation. ASFPM presented testimony on the Conference of Mayors Report on the Stafford Act and related recommendations for Stafford Act revisions.

The ASFPM has been actively engaged in discussions on Capitol Hill, in federal agencies and with partner organizations on the new Principles and Standards (P & S) for water resources programs, on extending the comment period for the P & S, on the work of the National Committee on Levee Safety (NCLS) and its legislative recommendations, and on the problems and opportunities associated with the levee status/flood map issues – to name a number of the issues requiring attention.

Much of this was taking place in the midst of major snow accumulations which delayed action on some matters and forced multiple postponements and rescheduling of hearings and meetings. With the federal government actually closed for four days, and many other days with delayed start times and early closings, the subsequent catching up contributed to the atmosphere of a three-ring circus.

NFIP Status

First and foremost in terms of immediacy has been the need for legislative action to reauthorize the NFIP. At present, after actually expiring for two days (March 1 and 2), the program has been reauthorized until March 28th. Legislation is under consideration on the Senate floor which would retroactively cover the two day hiatus and extend NFIP authorization to December 31, 2010.

The Senate finally passed a package of extensions of programs expiring on February 28th, the NFIP among them, H.R. 4691. The package also included unemployment insurance and highway programs among others and had been held up on the Senate floor by Senator Bunning (R-KY) who wanted to assure
a budgetary offset for the cost of the extensions. Although the Senate leadership had offered to allow him to offer an amendment to accomplish this, he said this was a “phony” offer because he was certain his amendment would fail. Eventually he agreed to a new version of this offer which would permit him to offer other such amendments in the future. His amendment failed and the bill was passed on March 2nd, ending the two day hiatus in program authorities.

**New extension of authority to December 31**
An amendment restoring NFIP authority for the two lapsed days was accepted on a bill currently under consideration on the Senate floor which would extend a number of tax provisions (H.R. 4213). That bill also includes a further NFIP extension to December 31, 2010. The bill was on the floor March 4 and 5 and is scheduled for continued consideration during the week of March 8. Although the base form of the bill already passed the House, Senate changes would have to be accepted by the House.

**NFIP Reform**
It seems unlikely that serious Congressional action will be taken on NFIP reform legislation this year. Signals from the Senate Banking Committee indicate that the committee’s full platter will not permit taking up flood insurance reform during this session, which is likely to be shorter due to November elections. The House Financial Services Committee, however, is likely to schedule a hearing in May which could consider some aspects of flood insurance reform.

Particularly problematic issues for the Congress are those associated with issuance of updated flood maps, de-accreditation of levees, expiring Provisionally Accredited Levee (PAL) agreements, and associated requirements for purchase of flood insurance. The issue is raised in a variety of hearings and discussions on Capitol Hill, including hearings on Corps of Engineers for example. A number of bills have been introduced to delay issuance of maps. A Levee Caucus to focus on both levee and mapping issues has been formed in the House of Representatives, co-chaired by Rep. Jerry Costello (D-IL) and Rep. Rodney Alexander (R-LA).

**Catastrophe Insurance**
H.R. 2555, the Homeowners Defense Act, introduced by Rep. Ron Klein (D-FL) would provide a federal back-up for state catastrophe funds. This is a revised version of similar legislation considered in the last Congress. The House Financial Services Committee will hold a hearing on the bill March 10th. Testimony will be heard from James Lee Witt, the National Association of Realtors, and Taxpayers for Common Sense among others. A coalition of groups largely made up of reinsurance interests and environmental interests, the SmarterSafer.org Coalition, is strongly opposed to this legislation. ASFPM will submit a letter to the committee expressing that the measure needs to include sufficient provisions to encourage hazard mitigation.

**Mitigation**

**Stafford Act and Conference of Mayors Report**
The House Transportation and Infrastructure Committee’s Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on the recently released Conference of Mayors Report on the Stafford Act and recommended revisions to the Stafford Act. Chad Berginnis, former ASFPM Chair and current ASFPM Mitigation POD leader, testified for the Association on a panel with the International Association of Emergency Managers (IAEM) and the National Emergency Management Association (NEMA). Another panel included Mayor Ray Nagin of New Orleans, co-author of the report, Mayor Franklin Cownie of Des Moines, Iowa and Mayor Robert J. Duffy of Rochester, New York.
ASFPM’s testimony complimented the Mayors Report for a number of points made including recognition of the importance of integrating mitigation early in the response-recovery time frame. The testimony did question two points in particular – a recommendation to bypass states to deal directly with FEMA in order to streamline assistance and a recommendation to allow 100% federal funding in certain situation. The ASFPM testimony offered several recommendations previously submitted to Congressional committees which supported and built upon recommendations of the Mayors Report. Of note were recommendations to provide for reimbursement through Public Assistance of inspectors and permitting officials from other jurisdictions and the recommendation that FEMA act on its authority to delegate authority to manage Hazard Mitigation Grant Program assistance to capable states. The ASFPM testimony is available on our website at: [www.floods.org/index.asp?menuID=334&firstlevelmenuID=187&siteID=1#Testimony](http://www.floods.org/index.asp?menuID=334&firstlevelmenuID=187&siteID=1#Testimony) under the ‘ASFPM Testimony’ section. Testimony of others testifying can be found by going to [http://thomas.loc.gov](http://thomas.loc.gov), clicking on House of Representatives, then on Committees, then on Transportation and Infrastructure and then on March 4 hearings.

The Transportation and Infrastructure Committee reported out a bill, H.R. 3377, last year which makes revisions to the Stafford Act. Subcommittee Chairman Eleanor Holmes Norton (D-DC) indicated that the Subcommittee wanted to consider other recommendations before taking the bill to the House floor. It is likely that a Chairman’s amendment will be offered when the bill is taken up on the floor soon.

Amendment to Tax bill – Weatherization Assistance for Low-Income Households
Senator George LeMieux (R-FL) will offer an amendment to H.R. 4213, the tax provision extender currently under consideration on the Senate floor, to increase assistance for pre-disaster mitigation home improvements for low income households to $8,500 from $6,500.

Mitigation and Home Star Energy legislation
The Administration has proposed energy efficiency legislation known as “Home Star”, but the SmarterSafer.org Coalition is calling attention to the need to include more disaster resilience (mitigation) measures. While reinsurance interests, environmental groups and others have complimented the Administration for its weatherization and energy efficiency efforts, they stress the need to include not only energy retrofits, but hazard mitigation. Hearing on the Home Star proposals will be held in House and Senate energy committees during the week of March 8th.

Other Mitigation bills
Other mitigation bills mentioned in recent issues of “News & Views” and “Insider” are still pending consideration with no action scheduled at the present time.

Fiscal Year 2011 Appropriations

Subcommittees of both the House and Senate Appropriations committees are in the midst of a packed schedule of hearings to consider department and agency budget requests for FY ’11.

In the past two weeks, hearings have been held in House Appropriations subcommittees on the Army Corps of Engineers, Environmental Protection Agency and U. S. Forest Service budget requests. A hearing on the Department of Homeland Security request has been held in the Senate Appropriations subcommittee.

In the coming week (week of March 8th), the House Appropriations Interior and Environment Subcommittee will hold hearings on budget requests for the Bureau of Land Management, the U.S. Geological Survey and the Fish and Wildlife Service. Both the USGS and Fish and Wildlife Services requests include increased funding for climate change adaptation. The USGS request also includes an
increase for improved water management, assessment of availability and use of water and consideration of effects of infrastructure aging, population changes, groundwater issues and climate variation. The Homeland Security Subcommittee will hold a hearing on the Federal Emergency Management Agency’s budget request. The Senate Appropriations Committee held a hearing with Homeland Security Secretary Napolitano, but does not intend to hold a hearing specifically on the FEMA budget request. The Senate Appropriations Energy and Water Subcommittee will hold its hearing on the Army Corps of Engineers budget request.

All legislation referenced can be found by going to: http://thomas.loc.gov.