Association of State Floodplain Managers
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Operating Full Tilt – Until the Snowstorms

Both houses of Congress are back in session, have received the President’s State of the Union message and the President’s Proposed Budget for Fiscal Year 2011. The focus of attention has shifted somewhat from the health care legislation to a new jobs package of several bills. The appropriations committees scheduled hearings to begin the week of February 9th and many authorizing committees are holding budget hearings as well.

That is, until the “snowpocalypse.” The double-header snowstorms resulted in postponement of virtually all hearings during the week of February 9th. The following week is the Presidents’ Day Congressional District Work Period. The hearings on agency budgets will be set back by two weeks, not able to begin in earnest until the week of February 22nd. The House of Representatives has cancelled all House Floor voting for the entire week. The Senate did hold votes on February 9th, has cancelled votes for February 10th, and likely will be in session later in the week to focus on the first Jobs bill.

Rumors are that extension of the National Flood Insurance Program, which is set to expire on February 28th, will be accomplished via the jobs bill. So far, the extension period has not been defined.

Appropriations hearings, the jobs bill, and committee development of other legislation will be the major focus for February. Stafford Act revisions reported out of committee could be considered on the House floor. Legislation in development includes a watershed planning measure, a new version of the Water Resources Development Act, possible levee safety provisions, and a national catastrophe insurance backstop bill.

Scheduled But Postponed

The week of February 9th had been planned as a very busy week. Among the hearings scheduled were House and Senate authorizing committee hearings and a House Appropriations hearing on the Department of Homeland Security’s budget proposal. House Appropriations hearings on the budget requests for the U.S. Army Corps of Engineers, Department of Agriculture, National Oceanic and Atmospheric Administration, and the National Weather Service also were scheduled. A Senate authorizing committee had planned a hearing on the Interior Department’s budget. Other than budget hearings, hearings on implementation of the Secure Water Act, and on a one-year progress report on last year’s economic
stimulus legislation also had been planned. All of these hearings were postponed.

**NFIP, The Jobs Bill, and Flood Insurance Reform**

Rather than moving a full-scale jobs bill, the Senate leadership has opted to act on several jobs bills over the rest of the Congressional session. A draft of the first of those is expected to be released later this week. Procedurally, the Senate will take up a jobs bill passed by the House, but will amend it to substitute its version. Staff associated with the Senate Banking Committee have indicated that the plan is to include another extension of the National Flood Insurance Program’s authorization in the bill. There is some indication, however, of objections from the Committee’s Ranking Republican, Richard Shelby (R-AL) and from Tom Coburn (R-OK). Shelby objects to further extension of the program without reform. Previously, however, he had indicated agreement with another extension to June 30, 2010. Without an extension, the program’s authority will expire February 28th. A lapse in authority causes significant consternation and confusion in the real estate, lending, and insurance industries.

The prospects for serious consideration of flood insurance reform legislation during this Congressional session are not promising. Senate Banking Committee Chairman Chris Dodd (D-CT) has indicated he does not intend to take up flood insurance reform this year. He is not running for re-election, so there will be a new Chairman of the Banking Committee in the next Congress. Indications from the House Financial Services Committee are that reform legislation is unlikely in the House if there are no prospects for Senate action this session.

The ASFPM has expressed the view that the previous reform bills passed by the House and Senate, respectively, have grown somewhat stale, although each version does contain some important and useful program changes. In the interim, many other considerations have emerged (for example, the difficult levee certification and mapping issues) that require Congressional attention. In addition, FEMA Administrator Craig Fugate held an NFIP Listening Session in November at which he challenged participants to “think big” in terms of reforms for the NFIP. The Administration may well have resulting legislative recommendations.

Meanwhile, House Financial Services Chairman Barney Frank (D-MA) has now publicly expressed his wish to transfer jurisdiction over the NFIP to the House Transportation and Infrastructure Committee. That committee has jurisdiction over the Stafford Act and also over the Corps of Engineers and levee issues. The program has historically been under the Financial Services Committee because it resided in the Department of Housing and Urban Development before FEMA was created in 1979 and because NFIP compliance has been effected through federally insured lending institutions. Such a change would not occur until the next Congress (January 2011).

**Water Resources Development Act**

The House Transportation and Infrastructure Committee’s Water Resources Subcommittee has begun development of a new WRDA bill. The most recent WRDA was in 2007, and, among other provisions, established the National Committee on Levee Safety (NCSL).

A new WRDA could incorporate provisions reflecting the (still draft) report of the NCLS. The report is still a draft because it is undergoing review at the Office of Management and Budget, but it has been informally presented to the relevant Congressional committees. A subgroup of the NCLS has developed recommendations for legislation, which it intends to present to the Congressional committees. (Its briefings also were postponed because of the snowstorms.)
The ASFPM has been represented as a non-voting member of the NCLS by Sam Riley Medlock. Although the ASFPM supports much of the work of the NCLS, the ASFPM has expressed the hope that any levee safety legislation takes a broader flood risk management perspective than is reflected in the draft report. Tentative plans are to have a draft WRDA ready for committee consideration and action in late March or early April.

**Sustainable Watershed Planning**

The Water Resources Subcommittee also is continuing work on legislation to provide a framework for water resources and watershed planning and to establish an office in the Executive Office of the President to facilitate improved and less confusing and overlapping planning requirements. The ASFPM representatives have had a number of discussions with subcommittee staff and have, at their request, provided several recommendations. Two earlier drafts have been circulated for comment, the most recent from July 2009. At present, the staff is still assimilating comments and suggestions from a number of organizations and individuals and expects to produce a new draft for further comment.

**Highlights of the FY 2011 Budget Request**

Some new initiatives and key programs associated with floodplain management are highlighted below. More budget detail will be provided on the ASFPM website after further analysis.

**FEMA**— Pre-Disaster Mitigation (PDM) funding is requested at $100 million, the same as in FY ‘10. Language associated with the PDM program refers to improvement of federal efforts to incentivize state and local governments in planning and implementing pre-disaster mitigation. It also mentions a partnership with the U.S. Department of Housing and Urban Development to couple hazard mitigation with community development goals and activities.

The Flood Mitigation Assistance (FMA) request is for $40 million, the same as for FY ‘10. The Severe Repetitive Loss (SRL) request is for $70 million, the same as FY ‘10, and Repetitive Loss Claims also the same as FY ‘10, at $10 million. FEMA’s Mapping/RiskMAP budget request is for $194 million, down from $220 million last year.

**U.S. Army Corps of Engineers**—Overall, the Corps’ discretionary budget authority was reduced by 10% to $4.9 billion (down from $5.4 billion). Most of the reductions are taken from projects deemed to be low national priorities and to have unsatisfactory benefit-cost ratios. Expenditures are focused mainly on dam safety, repairs and rehabilitations, hydropower generator upgrades, and major environmental restoration projects.

At a briefing on the budget request, Assistant Secretary for Civil Works Jo Ellen Darcy said the budget focuses on three elements: construction, flood risk reduction, and aquatic ecosystem restoration. She said that, overall, the budget reflects support for non-structural flood risk management and noted that one of the two newly authorized projects is a non-structural project for Onion Creek in Texas.

The overall budget is lean, however. The Planning Assistance to States request is for $7 million; Flood Plain Management Services is $8 million; streamgaging (support to the U.S. Geological Survey) is $600,000, the same as for FY ‘10. The request for the Levee Inventory is $15 million, up from $10 million in FY ‘10. (Note that there is an additional $90 million from FY ‘10 stimulus funds, and that a significant portion of the FY ‘11 request supports work of the NCLS, not the inventory itself.) The budget request for Flood Risk Management (formerly FEMA/MapMod Coordination) is $2 million; Ecosystem Management...
and Restoration is $2.59 million, and Aquatic Ecosystem Restoration (Section 206) is $7.27 million.

**U.S. Geological Survey**—The budget request includes a new initiative called WaterSmart, which is essentially a new form of the water census. At the budget briefing, new USGS Director Marcia McNutt indicated a wish to focus on achieving full implementation of the National Streamflow Information System (NSIP) over the next 10 years.

The budget request for the NSIP is $26.5 million, down from $27 million in FY ‘10. The Cooperative Streamgage program is listed at $62 million, down from $64 million in FY ‘10.

**National Oceanic and Atmospheric Administration**—The budget request includes the establishment of a new Climate Service in NOAA that would bring together the existing modeling, forecasting, and observation science functions. A new web portal for NOAA’s Climate Service is [http://www.climate.gov](http://www.climate.gov).

**Department of Agriculture, Natural Resources Conservation Service**—The budget request includes a number of reductions in conservation programs. The Environmental Quality Incentives Program request is down by $380 million; the Conservation Stewardship Program is down by $70 million (or 770,000 acres). The Wetland Reserve Program budget is down by $35 million (or 15,000 acres). The Farm and Ranch Land Protection Program budget is down by $15 million, and the Wildlife Habitat Incentives Program request is down by $12 million.

Additional budget details for these and other agencies will be posted on the ASFPM website.

*All bills referenced (except drafts) can be reviewed by going to: [http://thomas.loc.gov](http://thomas.loc.gov) and typing in the bill number.*