Getting Ready for the New Congressional Session

The House of Representatives comes back for the 2nd Session of the 111th Congress on January 12th and the Senate comes back on January 19th. Most Congressional staff are back from holiday breaks and working to prepare for the upcoming legislative session.

This session is likely to involve movement in a number of legislative areas of interest to floodplain managers as well as, of course, budget and appropriations for FY 2011.

Some of the issues to watch follow. The President’s budget request for Fiscal Year 2011 will be submitted to the Congress in early February. That kicks off the cycle of appropriations hearings, which leads to development of appropriations bills, generally by sometime in May. Flood insurance reform legislation will be on the table since the National Flood Insurance Program’s authorization will expire on February 28, 2010. Committee staff is already working on development of a new Water Resources Development Act, with expectations for a draft bill by late March or April. Work is progressing on successive drafts of a Sustainable Watershed Planning Act and some progress on developing levee safety legislation could be made. Further, legislation making revisions to the Stafford Act (Disaster Relief and mitigation) has already been reported out of committee and can be expected to come to the House Floor soon. While the House has done its first cut at energy and climate change legislation, the play continues on the Senate side with various additional elements of the overall package currently in development.

National Flood Insurance Program Reform and Reauthorization

Currently, the National Flood Insurance Program (NFIP) is authorized through February 28, 2010. The authority, originally set to expire September 30, 2009, was extended first by Continuing Resolutions and later by inclusion in the Defense Appropriations bill for FY ’10, which became a kind of omnibus bill for leftover needed reauthorizations. All of those extensions of reauthorizations will expire on February 28th. It appears likely that some further action will be taken to extend the NFIP until June 30th.

The process for NFIP reform as well as the scope of reform is unclear at this point. Indications are that the House Financial Services Committee’s Housing Subcommittee will hold at least one hearing on flood insurance early in this new session. Whether or not new legislation will move much beyond the bill passed by the House in the last Congress depends on many factors. Some of those are: assessment of Senate willingness to re-open and expand the flood insurance discussion, whether or not reform recommendations come from FEMA and the Administration, the impact on the Senate Banking
Committee agenda of Committee Chairman Dodd’s announcement that he will not seek re-election in 2010, and the press of other business before the House Financial Services Committee.

Once the Senate and House committees reconvene for the 2nd Session later this month, the path forward may become clearer.

**Water Resources Development Act 2010**

Indications are that both the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee intend to develop and pass a Water Resources Development Act (WRDA) this year – to return to the concept of a WRDA approximately every two years. (The last one was WRDA 2007).

WRDA bills typically authorize Army Corps of Engineers projects and often deal with policy matters as well. It is possible then, that ongoing work on policy legislation could be incorporated into WRDA although stand-alone legislation is also possible. Two items in particular could be sustainable watershed planning and levee safety.

**Sustainable Watershed Planning Act**

Drafts of possible legislation have been circulated to pertinent parties for comment. A number of ASFPM members have participated in developing comments and recommendations and in meeting with House subcommittee staff. Their idea is to establish a framework for better coordination among federal water related programs and for better, more thorough and comprehensive watershed based planning from the local level upwards.

There are many questions to explore in addressing this increasingly critical subject, so it is commendable that the staff is seeking input on such an important public policy initiative.

**Levee Safety**

In its ongoing work following submission to Congress of its draft Levee Safety Report last year, the National Levee Safety Committee (established in WRDA 2007) is developing legislative recommendations. ASFPM is represented as a non-voting member of the NLSC by Sam Riley Medlock. Peer Review of the Report was led by Sally McConkey, currently ASFPM Vice Chair.

Congressional committee staff have expressed interest in legislative recommendations that would go beyond the Levee Safety Report, which was very levee engineering specific, to include related flood risk management aspects, such as associated land use.

**Stafford Act Revisions**

This bill, the Disaster Response, Recovery and Mitigation Enhancement Act, H.R. 3377, was reported out of the House Transportation and Infrastructure Committee on November 5, 2009. The measure is likely to be considered on the House Floor early in this 2nd session.

Among its provisions the bill provides for increased mitigation funds (under the Hazard Mitigation Grant Program) for states which actively enforce approved building codes. It also authorizes the rescue and shelter of animals during disasters and emergencies and the continued issuance of grants for implementation of the Emergency Management Assistance Compact. It is possible that amendments will be considered on the Floor.
Natural Hazards Risk Reduction Act

This bill, H.R. 3820, primarily provides for hazard reduction research, focused on an all hazards approach to earthquake and windstorm. It gives significant responsibility to the National Institute of Standards and Technology (NIST) and establishes an Interagency Coordinating Committee on Natural Hazards Risk Reduction to be chaired by NIST. The stated purpose of the committee is to “oversee the planning and coordination of the National Earthquake Hazards Reduction Program (NEHERP) and the National Windstorm Impact Reduction Program” …. and to “make proposals for planning and coordination of any other Federal research for natural hazard mitigation that the Committee considers appropriate.”

The measure was reported out of the House Science and Technology Committee on October 21, 2009, but was also referred to the Transportation and Infrastructure (T & I) Committee and the Natural Resources Committee. ASFPM and other associations were asked by the T & I Committee staff for comments. Comments from several ASFPM members were forwarded to the committee informally. They tended to question the amount of responsibility given to NIST and to express concern that these efforts not detract from or confuse the role of the Federal Emergency Management Agency (FEMA). Further, they question the role of the Interagency Coordinating Committee, particularly because of the possibility for overlap and duplication of other efforts.

The timing for action and input from the T & I and Natural Resources Committees is not certain, but can be expected fairly early in the session.

Climate Change and Adaptation Legislation

Development of a Senate energy and climate bill is progressing, but is a multi-track process involving many committees and players. ASFPM is concerned that, so far, the measures proposed do not sufficiently address adaptation to climate change. While there is some attention to natural resources adaptation in one of the proposals, it does not address adaptation of the built environment. Most scenarios envision the bill reported out of the Environment and Public Works Committee (S. 1733) as the base bill. Bills from other committees or individual Senators would be added to or blended with that base bill. An expectation is often expressed by staff that more substantive adaptation language will come in these other bills. One such bill is S. 1933, introduced by Chairman Jeff Bingaman (D-NM) of the Energy and Natural Resources Committee, Chairman Max Baucus (D-MT) of the Finance Committee and Sheldon Whitehouse (D-RI). Another is expected from Chairman John D. Rockefeller IV (D-WVA) of the Senate Commerce Committee.

Coalitions

The several coalitions of associations in which ASFPM participates will reconvene to discuss the 2nd Congressional session in late January and early February.

One exception is the Streamgage Coalition. That group, led by Peter Evans, Executive Director in the Interstate Council on Water Policy, has been very active in explaining the importance of streamgage data for many water related purposes. A number of coalition partners, including ASFPM, participated in meetings with key Members of Congress in mid-December and meetings are expected soon with the Executive branch, including the Office of Management and Budget.

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