Congress in Recess, but Some Legislative Work Continues

The Congress will remain in recess this year until mid-September. During the unusually long recess, work continues to prepare for legislative activity during the short three week session beginning September 13, and for an expected lame duck session following the November elections. Some Congressional committees have held field hearings during the recess. The Congress is expected to recess again on October 8th to provide time for members of the House and Senate to return home to campaign before the November elections.

During this short work session, it will be necessary to deal in some form with reauthorization of the National Flood Insurance Program (NFIP) again. Otherwise, the program will lapse again on September 30. Action can be expected on many appropriations bills. The Senate Appropriations Committee has reported out 9 of the 12 regular appropriations bills, so they are ready for Senate floor action. The House Appropriations Committee has only reported out 2 of the 12, so most action will be at the committee level. The Water Resources Development Act, which was reported out of the House Transportation and Infrastructure Committee in July, could be taken up on the House floor. The Multi-Peril Insurance Act, H.R. 1264, to add wind coverage to the NFIP, could come up on the House floor. The House Rules Committee did issue a rule for the bill’s floor consideration, but scheduled floor time was delayed twice in July. It is also possible that the Homeowners’ Defense Act (H.R. 2555), providing a federal catastrophic loss backstop for state reinsurance fund, could come to the House floor. A subcommittee of the House Transportation and Infrastructure Committee could take up a dam safety bill, H.R. 1770, introduced last year.

Because the Congress has been in recess, the status and other information provided in the Washington Report in the August issue of “News & Views” remains current.

NFIP Reauthorization

Congressional action in June reauthorized the NFIP until September 30th. With the Congress returning so late from its recess (House- September 13th; Senate – September 14th), there is little time for further reauthorizing legislation. The Senate Appropriations Committee’s Homeland Security Appropriations bill for FY 2011 does include a one year reauthorization of the NFIP. That bill has not yet been considered on the Senate floor. The House version has been reported out of subcommittee, but still has to go through full committee mark-up and House floor consideration. Beyond that, there would still need to be a House-Senate conference of some sort to resolve differences between the two versions. It is possible, but a real challenge, to produce a final Homeland Security Appropriations bill before September 30th. It is possible that another short term reauthorization could be passed to cover the period until a lame duck session could act on longer term reauthorization. Additionally,
reauthorization could be attached to some other legislative vehicle. While the House has passed a flood insurance reform priorities bill reauthorizing the program for five years (H.R. 5114), the Senate has not produced its own version as yet. So the future path to NFIP reauthorization is unclear, but will require careful monitoring in September and early October.

WRDA

It is very likely that the House version of a Water Resources Development Act (WRDA, H.R. 5892) will be considered by the full House in the next few weeks. The Senate, however, has not yet introduced its version of a WRDA 2010. It seems increasingly unlikely, therefore, that a WRDA bill could be completed and signed into law this year.

Nevertheless, the House is likely to continue to act on the measure. As reported out of the Transportation and Infrastructure Committee on July 29th, the bill did not include a national levee program provision. According to committee staff, the elements of a levee program title were not ready for inclusion. On the House floor, it is very likely that a Chairman’s amendment would include a levee program component. The ASFPM has been asked for comments and recommendations.

Stafford Act Reform

Senator Mary Landrieu (D-LA) has not yet introduced the Stafford Act Reform legislation she has been developing. Her Disaster Recovery Subcommittee of the Senate Homeland Security Committee, held a field hearing in Chalmette, LA on August 26th entitled, “Five Years Later: Lessons Learned, Progress Made and Work Remaining from Hurricane Katrina”. Testimony was received from the Secretary of Housing and Urban Development, Shaun Donovan; FEMA Administrator Craig Fugate; Lt. General Robert Van Antwerp, Jr., Chief of Engineers, U.S. Army Corps of Engineers; and many local officials.

H.R. 1770 Dam Repair Funding

The House Transportation and Infrastructure Committee’s Subcommittee on Economic Development, Public Buildings and Emergency Management is considering marking up a bill, H.R. 1770, the Dam Rehabilitation and Repair Act. The bill was introduced last year by Rep. John Salazar (D-CO) and a similar bill, S. 732, was introduced in the Senate by Senator Daniel Akaka (D-HI). Comparable legislation passed the House in the last Congress. The measure would establish a grant program in FEMA for states to assist in rehabilitation, repair, or removal of publicly-owned dams. In response to a request for comments, ASFPM commented that assisted areas should be required to participate in the NFIP, that there should be evidence of plans for future non-federal funding of operation and maintenance, that alternatives to rehabilitation be considered, that downstream inundation mapping be done, and downstream zoning be developed and adopted in order to prevent dams from moving to the high hazard class.

Appropriations

During the coming short work period, it is likely that at least some of the 9 regular appropriations bills reported out of the Senate Appropriations will come to the floor, but that will not become clear until after the Senate returns the week of September 13th. In the House, it is also not yet clear how many bills reported out of subcommittees will be considered in full committee and on the House floor during the work period. With the beginning of the new fiscal year fast approaching, it is a virtual certainty that there will have to be a Continuing Resolution to fund the government until regular bills or an omnibus bill can be passed. The only question is how many of the federal departments and agencies will fall under the Continuing Resolution.
Steps Toward Establishment of Task Force on FEMA/USACE Nexus Issues

The Senate report language accompanying the 2010 Supplemental Disaster Relief and Summer Jobs Appropriations bill required that a Task Force be established, to include FEMA, the U.S. Army Corps of Engineers, (USACE) and the Office of Management and Budget (OMB) “to track, address, and where possible, resolve concerns stemming from FEMA mapping in communities with issues related to flood control infrastructure protection, such as levees, drainage or dams.” The agencies have already begun to develop a draft proposal for the Task Force. That bill was signed by the President on July 29th.

Other Legislation and Hearings

The Liveable Communities Act (S. 1619), to promote sustainable housing and communities, was reported out of the Senate Banking Committee on August 3rd. Senate Banking Chairman, Christopher Dodd (D-CT) has announced his commitment to action on this legislation, so it is quite possible it could come to the Senate floor in the next several weeks. At this point, it does not contain a hazard mitigation component. A similar bill was introduced in the House by Rep. Ed Perlmutter (D-CO) and it is possible that a hearing could be held in the House Financial Services Committee at the end of September.

A hearing entitled “Where We Are and What We Have Learned for Future Disasters Five Years After Hurricane Katrina” will be held by a subcommittee of the House Transportation and Infrastructure (T & I) Committee on September 22nd.

A hearing entitled “Impact of Green Infrastructure and Low Impact Development on the Nation’s Water Quality” will be held by another subcommittee of the House T & I Committee on September 30th.

All referenced legislation can be reviewed by going to: [http://thomas.loc.gov](http://thomas.loc.gov) and typing in the bill number or title.