From Last Year to This Year
Last year at the time of the ASFPM Annual Conference in Hartford, the processes of implementing the Biggert-Waters Flood Insurance Reform Act and the Sandy Recovery Improvement Act were underway. Alarm bells were ringing about the possible size and impact of the flood insurance premium increases that could result from the Biggert-Waters legislation and had already led to introduction of various bills to delay implementation. Media coverage of recovery from Hurricane Sandy and the related effects of Biggert-Waters was contributing to new-found interest in hazard mitigation.

The Senate had passed its version of a new Water Resources Development Act, but the House was still far from ready to pass its version, largely due to deliberations over how to preserve Congressional input in the Corps of Engineers project approval process while adhering to the new ban on Congressional earmarks.

Since Last Year
There has been passage of a new version of flood insurance reform – the Homeowners Insurance Affordability Act (HFIAA), which FEMA is now in the process of implementing. At long last a new Water Resources Reform and Development Act of 2014 (WRRDA) has been enacted. Also at long last, the Farm Bill was finalized and signed into law. The increased interest in hazard mitigation and climate adaptation continues. The appropriations process for FY 2015 is in full swing. Some of the regular appropriations bills have already been marked up or even have passed the House. June and July will see an increased pace of appropriations activity.

Homeowner Flood Insurance Affordability Act of 2014
New flood insurance legislation designed to deal with affordability issues passed the House after by-passing the House Financial Services Committee and its Chairman. Various versions were floated. Negotiations and management of the measure were handled by House Leadership – a surprisingly unorthodox process. The same bill passed the Senate, after having by-passed the Senate Banking Committee and surviving several “holds” placed on the bill. Despite attempts by some to propose amendments or to suggest a House-Senate Conference, the differences between the House and Senate were pre-negotiated before the bill even passed the House and its managers were able to bring the House-passed version to the Senate floor. The President signed it and a measure that few expected would succeed intact is now law!

The new flood insurance legislation is being called by its official name or its initials – HFIAA - rather than its earlier name: Grimm-Waters. The legislation, H.R. 3370, is now P.L. 113-89. After its speedy and unorthodox movement through the House and Senate, there is much speculation about how aspects of the new law will be implemented and what those provisions mean.
In response to questions about implementation during a House Appropriations Committee hearing on March 26th, FEMA Administrator Craig Fugate said that the first priority is to immediately implement removal of the trigger to full actuarial rates at the point of sale of a property. (At this writing, that process has been initiated.) The second priority is to process the refunds for properties sold between enactment of Biggert-Waters on July 6, 2012 and enactment of the new legislation on March 21, 2014. The third priority will be development and publication of new premium rates.

The new legislation creates a Flood Insurance Advocate and work is already underway to consider options for implementation.

While the new legislation made many changes to Biggert-Waters in terms of rate increases, much of the B-W legislation was left intact. Authorization of FEMA’s mapping program remains in effect although incorporation of the new mapping tasks has been delayed due to language in the FY 2014 appropriations provisions.

The Technical Mapping Advisory Council is on track to, hopefully, hold its first meeting this summer. Nominees for TMAC membership are currently being “vetted” at the White House level.

**Water Resources Reform and Development Act (WRRDA)**

The Conference Report reflecting compromises between the House and Senate passed versions of WRRDA (H. Rept. 113-449) passed both houses of Congress with overwhelming bipartisan support. Speaker Boehner (R-OH) touted the bill as a major jobs bill that will strengthen the economy.

Senate Environment and Public Works Committee Chair Barbara Boxer (D-CA) stated that this is a long overdue measure that “invests in vital water infrastructure that protects communities from flooding, maintains navigation routes for commerce and the movement of goods, restores vital ecosystems and provides a boost to our economy by creating jobs.” Major industry and farm organizations supported the bill while a few conservative groups opposed it saying it did not sufficiently reduce the backlog of previously authorized projects and that it created a clever way around the ban on earmarks.

The Congressional Budget Office estimates the cost of the bill at $12.3 billion over 10 years and contends that the de-authorization of projects would not offset the spending “because no additional construction is currently planned for these projects.”

The bill authorizes 34 port, inland waterway and environmental restoration projects with approved Chief’s Reports and pays for them by de-authorizing about $18 billion in projects that were previously authorized, but not initiated. It also limits the time for completion of feasibility studies to 3 years and $3 million.

Previously, Congressional earmarks played a major role in project authorizations. The ban on earmarks currently in effect presented a challenge to legislators who wished to retain an avenue for Congressional influence on choices. The Senate bill had essentially shifted the responsibility to the Army Corps of Engineers while the House bill had provided for Congressional selection among approved Chief’s Report projects. The final result was different from both. It establishes a new process in which all proposed projects must be submitted through the Corps Districts for evaluation. Lists of those projects will periodically be submitted to the Congress for decisions as to which projects to move forward. This will necessarily require new processes both for the Corps and for the Congress.
The Conference Report also strikes a compromise between House and Senate provisions for a levee safety program. The Senate had established a National Levee Safety Program and authorized funding. That bill also increased authorizations for the Corps’ technical assistance programs, Flood Plain Management Services (FPMS) and Planning Assistance to States (PAS) to $50 million each up from current authorized levels of about $15 million and $10 million respectively. The House bill had encouraged states to establish levee safety programs and suggested funding assistance through PAS, but did not authorize increased funding for PAS or FPMS.

The compromise establishes a national levee safety initiative which authorizes the Corps, in consultation with FEMA, to establish voluntary levee safety guidelines and to provide technical assistance to states to create levee safety programs. Within a year after enactment of the new law, the Corps (coordinating with FEMA, state, local and tribal governments) must establish voluntary national levee safety guidelines that are flexible with regard to levee types and differing local conditions. The measure provides for the Corps to provide technical assistance to states and it increases the authorization for Planning Assistance to States from $10 million to $30 million to assist with this effort.

Additionally, the Conference Report:
- creates a new consolidated environmental review process for Corps projects
- increases expenditures from the Harbor Maintenance Fund annually until 2025
- makes modifications to the Clean Water Act State Revolving Fund authorities to improve affordability and flexibility
- makes it easier for the Corps to accept non-federal contributions for authorized activities or projects
- requires the Corps to consider non-structural alternatives to repair or replacement of damaged flood control structures
- requires the Corps to review its guidelines for vegetation on levees and to consider regional or watershed variances
- encourages use of resilient construction techniques that are sustainable in confronting extreme weather conditions
- provides authority for Corps post-disaster watershed assessments and implementation of small flood control and ecosystem restoration projects

The section-by-section summary of the Conference Report can be accessed by clicking on this link: section-by-section summary of the final bill.

**Farm Bill**

After many years in development and a long House-Senate Conference process, the Conference Agreement on the Farm Bill, H. Rept. 113-333, was passed by both the House and Senate and signed by the President. On February 7, 2014, it became P.L. 113-79.

Unfortunately, overall conservation program authorized funding and support was “fairly significantly” reduced and streamlined into a Regional Conservation Partnership Program (RCP) Support continues for the Agricultural Conservation Easement Program (ACEP) at $2 billion for both agricultural land easements (ALE) and wetland reserve easements (WRE). The bill repeals the Farm and Ranch Protection Program, the Grassland Reserve Program and the Wetlands Reserve Program. While it retains many FRPP and WRP requirements, it provides for expiring GRP and WRP lands to have priority for entering the ALE and WRE programs under ACEP. In terms of Crop Insurance Reform, conservation compliance will be required.
Appropriations for Fiscal Year 2015

The President’s Budget Request for FY 2015 was released about a month late – in early March rather than early February. As a result, the process of appropriations hearings was also delayed, but was helped by the fact that both House and Senate had already agreed to budget ceiling amounts for FY 2015 in December, 2013. The House has since passed another budget resolution led by Budget Committee Chairman Paul Ryan (R-WI), but the Senate has determined to adhere to the earlier budget ceiling. This could complicate the ability to reach agreement between House and Senate versions of individual appropriations bills. Both House and Senate Chairs of their Appropriations Committees have expressed their intent to pass as many individual appropriations bills as possible before the end of the fiscal year to avoid the series of Continuing Resolutions followed by huge omnibus appropriations bills that have too often been the case in recent years.

The Senate Appropriations Committee on May 22nd adopted its subcommittee allocations in spite of objections from Republicans who sought to mesh the Senate allocations more closely with those already adopted by the House Appropriations Committee.

There are 12 Appropriations subcommittees and, under regular order, 12 separate appropriations bills. Thus far the House has passed two of those: Military Construction/VA and Legislative Branch. The House Appropriations Committee has reported out two more: Transportation/HUD, and Commerce, Justice, Science. The Agriculture Appropriations bill has been reported out of subcommittee and will be marked up in full committee during the week after Memorial Day. The Senate has not yet passed any of the bills but the Senate Appropriations Committee reported out its Military Construction/VA and Agriculture bills on May 22nd. The House Appropriations Subcommittee on Homeland Security is scheduled to mark-up its bill, which includes funds for FEMA, on May 28th.

The Opportunity, Growth and Security Initiative

This year, the Administration proposed an additional set of budget items separate from the standard budget requests for the departments and agencies.

The regular Administration budget requests are geared to the agreed upon budget ceilings. That means that the $56 billion requested for the Opportunity, Growth and Security Initiative (let’s call it OGSI) is over and above that ceiling, although the proposal itself includes a number of proposals to close tax loopholes to “pay for” the added budget request. There seems to be general agreement that the likelihood of the Congress taking up and passing those tax measures in an election year is unlikely.

It is not easy for the Congress to operationally handle a large budget request outside of “regular order”. While Appropriations leaders in both the House and Senate have indicated their intent to mark-up to their current budget ceilings, the Director of the Office of Management and Budget has expressed hope that a methodology can be developed to act on aspects of the proposal.

In the $1 billion Climate Resilience Fund within the OGSI, the $400 million for the Pre-Disaster Mitigation Program would support “adaptation planning and projects for cities and communities through hazard mitigation assistance, building on Administration efforts to implement the National Mitigation Framework. “

FEMA

The request for RiskMAP is $84.4 million, about the same as the request for FY ’14.
The Congress provided $95 million in the Omnibus Appropriations Act for FY ’14. The mapping budget also includes what is expected to be over $100 million from policy fees. That precise number is not yet available.

The allocation from the Flood Insurance Fund for the Flood Mitigation Assistance grants is $150 million, a substantial increase over the $100 million allocated for FY ’14. The FMA program now includes the previously separate Severe Repetitive Loss Program and the Repetitive Claims Program.

Once again, the regular budget request includes no funds for Pre-Disaster Mitigation. It does specify that $25 million in carry-over funds will remain available and this year, there is no language about program termination.

The House Homeland Security Appropriations Subcommittee held a hearing on the FEMA budget request with Administrator Craig Fugate on March 26th. Discussion during the hearing focused on a range of issues from cyber security to the proposal to move the Emergency Food and Shelter program to HUD, to the proposal made again this year to consolidate Homeland Security Grants, State and Local Assistance Grants into a National Preparedness Grant program, to wildfire assistance and to FEMA’s Strategic Plan. There was remarkably little discussion of the new flood insurance legislation except for the priorities outlined by Mr. Fugate in response to a question.

In the testimony and discussion about the Five Strategic Priorities, priority #4 is “Enable Disaster Risk Reduction Nationally”. This outlines FEMA’s efforts to build community resilience, including hazard mitigation. Of three focus areas, a notable one states: “Leading greater Federal interagency collaboration around risk reduction and resilience, building on earlier efforts such as establishment of the Mitigation Framework Leadership Group and implementing a consistent Federal flood risk standard for Federal funds in Hurricane Sandy rebuilding. For example: through the development and adoption of a Federal Flood Risk Reduction Standard under the President’s Climate Action Plan of 2013.”

ASFPM submitted Outside Witness Testimony on the FEMA budget request to both House and Senate Homeland Security Appropriations Committees. That testimony is posted on the ASFPM website.

**Army Corps of Engineers**

The overall Corps Budget Request for FY ’15 is a 17% reduction from the FY ’14 budget. During the March 26 hearing of the Energy and Water Appropriations Subcommittee with Army Corps leadership, the Chairman and members of the subcommittee expressed disappointment with the reduced budget request.

The request does include funds to support the Water Resources Priorities Study called for in Section 2032 of WRDA 2007. It also includes $2 million in the Flood Risk Management account to support the Silver Jackets program which has successfully brought the Corps and other federal agency representatives together to develop and manage flood risk reduction solutions.

ASFPM submitted Outside Witness Testimony on aspects of the Corps budget request to both House and Senate Energy and Water Appropriations Subcommittees. That testimony is posted on the ASFPM website.
Agriculture Appropriations
The Senate Agriculture Appropriations bill reported out of committee on May 22nd provides slightly less than the enacted amount for FY 2014 and the House subcommittee bill. Several conservation programs are significantly reduced in the House bill, however. Funds for the Conservation Stewardship Program are reduced by $109 million or 1 million acres. More than $200 million is cut from the Environmental Quality Incentives Program (EQIP) and the newly consolidated Agricultural Conservation Easement Program is reduced by $60 million. Although full details about the Senate’s bill were not available as this article is written, the Chair of the Senate Agriculture Committee, Senator Debbie Stabenow (D-MI) said, “These irresponsible cuts to some of the most important Farm Bill programs cannot be allowed to happen.”

Commerce, Justice, Science Appropriations
This bill is expected to be considered soon on the House floor. As reported out of committee, it would reduce NOAA’s climate research budget by 24%. It also reduces the overall budget for the National Ocean Service.

Interior and Environment
Largely due to the controversial nature of many issues associated with the Environmental Protection Agency budget and some difficult challenges related to Indian tribal issues, the Interior and Environment Appropriations bills are often among the last to be marked-up. The measure also includes funding for the US Geological Survey and its water science, stream gaging and inundation mapping programs.

ASFPM has joined with about 50 other organizations led by the Interstate Council on Water Policy in urging strong support for the USGS stream gaging programs. Additionally, ASFPM has sent a letter to the Subcommittees expressing support for other elements of the water science and inundation mapping efforts. ASFPM joined with several other organizations in sponsoring two briefings (House and Senate) for Congressional staff on the USGS stream gaging programs and the importance of the data collected. ASFPM member Janet Thigpen of New York made an important contribution as a member of that Briefing panel.

Other Legislation to Watch
Digital Coast Act (H.R. 1382)
The legislation would codify the Digital Coast program within the National Ocean Service. The measure has been pending consideration in the House for some time, but a companion version will be introduced very soon in the Senate. ASFPM is one of several Digital Coast Partner organizations.

Flood Insurance Market Parity Act (H.R. 4558)
The bill was introduced May 1st by Rep. Dennis Ross (R-FL) and Rep. Patrick Murphy (D-FL). The measure clarifies the authority of states to regulate private flood insurance. A companion measure is expected to be introduced soon in the Senate by Senators Tester (D-MT) and Heller (R-NV).

Innovative Stormwater Infrastructure Act (H.R. 3449)
The measure was introduced by Rep. Donna Edward (D-MD). At a House hearing on hazard mitigation in April, Rep. Edwards mentioned that she might consider adjusting her bill to specifically incorporate consideration of hazard mitigation. The measure would create up to five regional centers of excellence for research, development of recommendations and for training and
technical assistance regarding stormwater control and management. A companion measure was introduced in the Senate by Senator Tom Udall (D-NM).

Tax Credit for Flood Mitigation (H.R. 1268)
This would provide a tax credit of up to $5,000 for flood mitigation expenditures. It was introduced by Rep. Steve Palazzo (R-MS) and is awaiting consideration in the House Ways and Means Committee.

Disaster Savings Accounts (H.R. 3989 and S. 1991)
The bill was introduced by Rep. Dennis Ross (R-FL) and a companion bill was introduced in the Senate by Sen. James Inhofe (R-OK). The bills would establish tax-free savings accounts allowing annual contributions of up to $5,000.

Coordination and Consolidation of Federal Mapping Activities (H.R. 1604)
The bill is called “Map It Once; Use It Many Times Act” and would consolidate mapping activities at the Interior Department, U.S. Forest Service and NOAA into a new National Geospatial Technology Administration (NGTA) at USGS.

FEMA Reauthorization (H.R. 3300)
This bill reauthorizes several FEMA programs and authorizes $972 million annually for FEMA through FY 2016. The measure was reported out of the House Transportation and Infrastructure Committee last fall and is expected to be considered on the House floor soon.

House and Senate Hearings on Hazard Mitigation

Chad Berginnis, ASFPM Executive Director, presented testimony at two hearings on hazard mitigation. His testimony focused on the importance of national investment in hazard mitigation to reduce loss of life and property due to flooding and to reduce the costs of flooding disasters to taxpayers. He made a number of specific recommendations as to steps that can be taken by both the legislative and executive branches of government as well as by state and local governments and property owners. The testimony at both hearings is posted on ASFPM's website, www.floods.org.

House Transportation and Infrastructure Committee
The Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing April 3rd titled, “Disaster Mitigation: Reducing Cost and Saving Lives.” Those testifying were David Miller, FEMA Associate Administrator for Insurance and Mitigation, Linda Langston, President of the National Association of Counties (NACo), Brian Koons, Florida Emergency Management Director and Chad Berginnis. Subcommittee Chairman Lou Barletta (R-PA) and Ranking Democrat Andre Carson (D-IN) are very interested in the importance of hazard mitigation and wanted to focus the attention of other committee members on the issue. Questions were asked about the relationship to climate change; the effectiveness of elements of the Sandy Recovery Improvement Act; Community Rating System; green infrastructure; flood map accuracy; and mitigation technical assistance.

Senate Homeland Security and Governmental Affairs Committee
The Subcommittee on Emergency Management, Intergovernmental Relations and the District of Columbia held a hearing on May 14th titled, “The Role of Mitigation in Reducing Federal Expenditures for Disaster Response.” Those testifying were David Miller of FEMA, Christopher Currie of GAO, Robert Detlefson of the National Association of Mutual Insurance Companies (NAMIC) testifying for the Build Strong Coalition, and Chad Berginnis. The focus of this hearing was
on the increasing costs of flood disasters and the value of hazard mitigation in reducing those costs. Questions concerned the Pre-Disaster Mitigation program (PDM), the lengthy FEMA process for developing regulations, the accuracy of flood maps, the inclusiveness of membership of the Technical Mapping Advisory Council (TMAC), coordination of Public Assistance and hazard mitigation.

**Coalitions**

**USGS Coalition**
This group met on March 20th with a representative of the White House Office of Science and Technology Policy. There was considerable discussion about the President’s newly announced Climate Data Initiative, which is a public-private partnership. Its website is: climate.data.gov.

The Coalition met again on March 27th to hear from the USGS Acting Associate Director for Budget and the Budget Officer.

**Streamgage Coalition**
This group has been conducting an active schedule of meetings (in which ASFPM has participated) with Appropriations Interior Subcommittee staff and personal staff of members of the Subcommittee to discuss the importance of long-term streamgage data for multiple water resources and floodplain management, climate adaptation and other purposes. ASFPM has again joined with some 50 other organizations in the Streamgage Coalition in sending a letter to the Appropriations Committees and to the Secretary of the Interior discussing the importance of the federal streamgage network.

**Digital Coast Partnership**
ASFPM has worked with other members of this partnership to educate Congressional offices about NOAA’s Digital Coast program and its importance in making data and decision tools available to local officials and planners. It appears likely that legislation to formally authorize the program will soon be introduced in the Senate as a companion to legislation already pending in the House. A briefing for Senate staff is being planned for some time in June following introduction of the bill.

**Stafford Coalition**
This group focuses on the programs of the Stafford Act and on hazard mitigation in general. The group met earlier in the year with staff of the House Committee on Transportation and Infrastructure (having Stafford Act jurisdiction) and is planning a follow-up meeting on mitigation hearings held in both the House and Senate committees.

**Congressional Hazards Caucus Alliance**
ASFPM worked closely with the Caucus Alliance on briefing on the science of floodplain mapping. The briefing took place last October and was extremely well attended – about 60 Congressional staff and 30 others from other NGOs and federal agencies. Mike Buckley, formerly of FEMA and currently a VP at Dewberry, spoke on hydrology and hydraulics and represented ASFPM. The next meeting of the Caucus Alliance is scheduled for May 28th.

*Legislation referenced can be found at [www.Congress.gov](http://www.Congress.gov) and typing the bill number or title.*