Lots of Congressional Activity

Congress is in the midst of moving many pieces of legislation to tee up bills for final action during this congressional session. Given the Congressional schedule of an August recess, as well as a focus on campaigning in October, bills moving now have the best chance of being enacted. The number of bills pending, nominations needing confirmation, and determination to avoid another omnibus appropriations bill funding the entire federal government, are leading to calls in the Senate for eliminating or shortening the usual month-long August recess. Congress will take its one week Memorial Day Recess and return to a very busy schedule.

Among bills actively moving in Congress are the Water Resources Development Act and Disaster Recovery Reform Act. The House and Senate have marked up their versions of WRDA in committee. The House has again passed the DRRA, this time as Title VI of the FAA Reauthorization bill. The Senate Commerce Committee intends to move its own version of FAA Reauthorization, and it is unclear whether or not DRRA or elements of it will be attached to the Senate bill.

Congress is determined to stay on track with a WRDA every two years. After a seven year hiatus, there have been water resource bills in 2014 and 2016. A WRDA 2018 would continue that progress and is very likely to be accomplished. The House and Senate are moving WRDA 2018 bills on a fast track. The Senate reported its WRDA out of the Environment and Public Works Committee May 22 (S. 2800). The House marked up and reported its bill (H.R. 8) out of the House Transportation and Infrastructure Committee May 23. The House bill is narrowly focused on only Army Corps of Engineers issues and projects, while the Senate bill does address some larger issues. The House bill proposed moving the Corps from the Department of Defense. The Senate bill, alternatively, calls for a National Academy of Sciences study on whether or not the current organization and structure "is the most effective for its continued operation." The latter is seen as an attempt to achieve a compromise with the House.

Reauthorization of the National Flood Insurance Program remains in a working status in the Senate. The House passed its version last year. Several bills are in play in the Senate Banking Committee, which continues to grapple with issues associated with growth of the market for private flood insurance and resource (dollar) issues involving ways to address affordability and even the program’s debt.

Dedicated to reducing flood risk and losses in the nation.
Appropriations are in full swing as both House and Senate Appropriations committees are committed to passing as many bills as possible before the beginning of the new fiscal year Oct. 1. The House committee has already reported out six of the 12 regular appropriations bills and the Senate committee has marked up two bills – Energy and Water and Agriculture - and has a robust mark-up schedule for June. House leadership has announced plans to bring a package of three bills to the House floor in June. They are calling it a “mini-bus” as opposed to an omnibus! It is likely most of the bills will be packaged into mini-buses this year. The President had indicated in signing last year’s omnibus appropriations bill for the entire federal government that he did not intend to do that again. The bills in the first mini-bus will be Energy and Water (Army Corps of Engineers and Bureau of Reclamation), Military Construction/VA, and Legislative Branch. All three are seen as non-controversial and usually easy to pass.

Appropriations

Homeland Security

Neither the House nor Senate subcommittees have marked up their bills yet. ASFPM has been in touch with both subcommittees to urge appropriations for FEMA’s flood risk mapping and Pre-Disaster Mitigation at levels at least equal to the amounts appropriated for FY18 in the omnibus appropriations bill. Due to the agreed upon two-year budget ceilings, the appropriations for mapping and PDM were the highest they have ever been: $262.5 million for mapping and $249.2 million for PDM. ASFPM urged higher levels of $400 million for mapping and $500 million for PDM, while also recommending at least the FY18 levels.

Indications are that it may be difficult for the subcommittees to appropriate those levels again because of increased pressure to fund the border wall in particular and other Homeland Security functions such as cybersecurity. For this reason, it is particularly important that representatives and senators hear from their constituents about the importance of risk identification (mapping) and pre-disaster hazard mitigation.

ASFPM has joined with The Nature Conservancy and other organizations to urge the House and Senate to include 1) a continuing authorization for flood control projects using natural infrastructure, and 2) a GAO study of how the Corps uses natural infrastructure currently and barriers to its use.

Leadership Changes

Senate Appropriations Chairman Thad Cochran (R-MS) resigned from Congress as of April 1, citing health matters. He had wanted to complete work on FY18 appropriations, which he was able to accomplish with passage of the Omnibus Appropriations bill in March. The committee voted to approve Sen. Richard Shelby (R-AL) as the new chairman. In the House, Appropriations Chairman Rodney Frelinghuysen (R-NJ) has announced his retirement at the end of this congressional session in December.
Subcommittee Budget Ceiling Allocations
House and Senate Appropriations have just approved their budget ceiling allocations (302(b) allocations) to each of their subcommittees. Both shifted priorities to more equal appropriations for defense and domestic programs. The House, however, approved a significant increase for the Homeland Security subcommittee, presumably to accommodate the President’s repeated demands for funding a border wall between U.S. and Mexico. The Senate did not follow that example and its allocation for Homeland Security (which includes FEMA) is $8.7 billion below the House. These allocations are not binding, but bills that exceed their allocation would be hard to pass.

Rescissions Request from the Administration
The administration sent Congress a package of requested rescissions of previously appropriated funds totaling $15 billion. The request says these are funds that have not been used and are no longer needed. Much of the request targets health care ($7 billion from the Children’s Health Insurance Program or CHIP) and green energy programs. Many members of Congress on both sides of the aisle are questioning aspects of the rescissions package to the extent that its future is in some doubt. The House may schedule a vote in June, but the path forward is not clear at this time. None of the proposed rescissions affect FEMA or Corps programs, but the proposal does include some conservation and watershed restoration programs. ASFPM joined with many other groups in signing a letter strongly opposing the rescissions for these programs.

Energy and Water
The House bill is scheduled to be voted on in early June, and will provide funding for the Corps of $7.3 billion, which is an increase of $500 million over FY18. The bill does include increased funding for Planning Assistance to States and for Flood Plain Management Services. Other small programs that ASFPM supports received funding at the same level as FY18. Those are the National Flood Risk Management Program, Flood Control and Coastal Emergencies and support for USGS stream gauges. Unfortunately, the bill contains no funds for the Water Resources Priorities Study. Additionally, the committee report specifically states that no funds are provided to implement the Principles and Requirements for Federal Investment in Water Resources (March 2013) or the Interagency Guidelines (December 2014). The bill also contains a policy rider repealing the Waters of the U.S. rule.

The Senate committee has just reported out its bill (S. 2975 and S. Rept. 115-258). That bill also includes increases for PAS and FPMS and keeps NFRMP, FCCE and stream gauge support at the same levels as FY18. The Senate bill does not contain language repealing the WOTUS rulemaking.

Interior and Environment
The House subcommittee marked up its bill, but full committee consideration scheduled for the week of May 21 was postponed until after the Memorial Day recess. Details will not be available until then, but the bill does apparently contain contentious policy riders providing for easing repeal of WOTUS, prohibition of ESA protection for sage grouse and alteration of clean air reporting requirements for agricultural activities. The Environmental Protection Agency is funded
at about $8 billion, which is $100 million less than FY18, but $1.9 billion above the administration’s budget request.

The DRRA passed the House again, this time attached to the bill reauthorizing the Federal Aviation Administration (H.R. 4) as Title VI. That bill is now pending consideration in the Senate Commerce, Science and Transportation Committee and its Aviation subcommittee. The Senate committee staff indicate that the Senate is likely to pass its own version of FAA authorization rather than an amended version of the House bill. Committee action on the bill is expected mid-June.

Chairman John Thune (R-SD) has indicated willingness to accept some elements of the DRRA on his bill, but he is not inclined to accept the entire measure. Some aspects of the bill are considered controversial for various reasons. The chairman wants to be sure that his bill will pass, so does not want controversial provisions.

Those could include sections with which ASFPM has expressed concern. One is Section 609, which allows for waiver of the Stafford Act’s prohibition of duplication of benefits and specifically allows use of Disaster Relief funds for Corps projects. Another is Section 628, which indicates lack of applicability of the Endangered Species Act to the NFIP. Unfortunately, the really positive and innovative provision to dramatically increase funding for pre-disaster mitigation, Section 635, is likely to also be considered controversial because of cost considerations. ASFPM is urging the Senate Commerce Committee to retain the latter section.

ASFPM is also urging retention of a provision from the House bill that would specifically allow expense reimbursement for floodplain managers, building code officials and others who volunteer to assist with substantial damage determinations and permitting under the Emergency Mutual Aid Compact following declared disasters. ASFPM worked with Rep. Earl Blumenauer (D-OR), who offered this provision as an amendment to the House bill. The amendment was accepted as part of an “en bloc” amendment by House Transportation and Infrastructure by Chairman Bill Shuster (R-PA). This provision would help to significantly expedite post-disaster inspections and facilitate timely mitigation efforts.

**NFIP Reauthorization Status**

The Senate Banking Committee is still working to develop its version of reauthorization legislation. In addition to ongoing discussions about how to design provisions promoting the growth of the private flood insurance market, there are also questions about how to react to the report on flood insurance affordability recently released by FEMA and to reported interest from some quarters in promoting further forgiveness of the NFIP debt.

Senate Banking Committee staff have indicated that they expect this to be a multi-week process. The current NFIP authority extension will expire July 31. At this point, it seems increasingly likely that resolution of these issues may not be possible by July 31. In that case, another extension will need to be considered to avoid a lapse in the program’s authority.
Other Legislation of Interest

Digital Coast Act
The legislation codifying the Digital Coast project at NOAA (S. 110 and H.R. 4062) passed the Senate again during this congressional session. The House bill is still pending consideration by the House Natural Resources Committee. Members of the Digital Coast Partnership (including ASFPM) have been visiting with congressional offices to explain the project and its value for coastal communities including the Great Lakes communities. Although the House bill now has many co-sponsors from both parties, it is important to encourage more Republicans to co-sponsor, as that will encourage the committee to move the bill.

ASFPM recently participated in a well-attended congressional briefing by most of the Digital Coast Partners explaining the 10-year-old initiative and its value. Additionally, the Senate Commerce Committee is likely to hold a hearing on Digital Coast in early June. ASFPM has been contacted about possibly testifying.

Scientific Mapping Act
H.R. 5559 was introduced April 30 by Rep. Eric Crawford (R-AR). The measure would shift all of FEMA’s flood mapping activities to the USGS. The bill was referred to the House Financial Services Committee and the Natural Resources Committee. At this point, there is no scheduled action on the bill, but it will be important to track any movement.

Coastal Communities Adaptation Act
S. 2783 was introduced at the end of April by Sen. Bill Nelson (D-FL). A central provision of the measure would create a state revolving loan fund to reduce flooding in coastal areas. The bill was referred to the Senate Committee on Commerce, Science and Transportation. Sen. Nelson is the ranking Democrat on that committee. Committee staff have been in touch with ASFPM to explain the bill. ASFPM will support it.

State Flood Mitigation Revolving Loan Act
S. 1507 was introduced by Sen. Jack Reed (D-RI) last year. The bill has been pending consideration by the Senate Banking Committee. There is some possibility it could be included in legislation the committee will eventually produce to reauthorize the NFIP. ASFPM has expressed support for the bill.