



**TO:** STEVE SMITH  
TOPSAIL ISLAND SHORELINE PROTECTION COMMISSION

**FROM:** MIKE McINTYRE

**SUBJECT:** MAY MONTHLY LEGISLATIVE UPDATE

**DATE:** MAY 15, 2019

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The May Monthly Legislative Update provides information on the following topics:

- Washington News
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  - National Flood Insurance Program Reauthorization
  - EPA Updates Guidance on Natural Disaster Debris
  - Senator Tillis Co-Introduces Bipartisan Disaster Relief Bill to Release Funds to North Carolina and Other States
  - Bipartisan Bill Introduced to Accelerate Post-Disaster Recovery Activities
- Update on TISPC Federal Priorities

## WASHINGTON NEWS

### Budget and Appropriations

The Fiscal Year (FY) 2020 appropriations process is fully underway in Congress. As usual, the House is moving more quickly than the Senate in the process. The House Appropriations Committee (HAC) has released bill text for seven of the twelve annual appropriations bills and has already approved two bills (Military Construction-Veterans Affairs and Legislative Branch). The Senate has yet to release or consider any bills, but the Senate Appropriations Committee (SAC) has held several hearings. SAC is expected to begin considering its first appropriations bill in early June.

One of the bills HAC has released is the Energy and Water Development (E&W) appropriations bill, which provides funding for the U.S. Army Corps of Engineers (Corps), among other agencies. HAC is proposing to increase the allocation to E&W in FY 2020 by approximately four percent, totaling \$46.4 billion. The bill also provides a total of \$7.36 billion to the Corps, an increase of \$357 million above the FY 2019 level and \$2.53 billion above the President's budget request. The bill increases funding for investigations, construction, and operations and maintenance activities, as well as provides six new study starts and six new construction starts. More specific line-item details will not be known until HAC releases the accompanying report document, which likely will not be released until just before the bill is marked up by HAC.

## Disaster Aid

On May 10, the House passed a \$17.2 billion disaster aid package (H.R. 2157) for communities affected by recent natural disasters, including Hurricane Florence, by a vote of 257-150. This bill costs approximately \$3 billion more than other disaster aid proposals previously considered because it includes additional funding to assist recent victims of tornadoes in Alabama and floods in the Midwest, as well as additional aid for Puerto Rico. Agreement on a disaster aid proposal in the Senate, however, remains elusive. Proposals have been traded back and forth between Democrats and Republicans in recent weeks, but a compromise has yet to be reached. Senators have expressed optimism that a disaster aid package will be considered on the Senate floor during the week of May 20. Senate Majority Leader Mitch McConnell said that he wants the Senate to pass a bill by Memorial Day.

H.R. 2157 also included a short-term extension of the National Flood Insurance Program (NFIP) through September 30, 2019, the end of the fiscal year.

## National Flood Insurance Program Reauthorization

Efforts to pass a short-term extension of the NFIP before it expires at the end of the month has taken multiple tracks. In addition to the short-term extension included in the House disaster aid package, the House unanimously passed on May 14 a stand-alone bill that would also extend the NFIP through September 30, 2019. It is unclear if the Senate will consider the House's stand-alone bill or if it will include a similar NFIP extension in its disaster aid package. Either way, we expect that Congress will pass a short-term NFIP extension through September 30 by the end of the month. This extension will mark the 11<sup>th</sup> short-term extension of the program in two years. There are talks underway in Congress about a long-term NFIP reauthorization, but there are few signs lawmakers are close to striking a long-term reauthorization deal.

## EPA Updates Guidance on Natural Disaster Debris

The U.S. Environmental Protection Agency (EPA) recently updated a 2008 guidance document designed to help communities create disaster debris management plans. The 2019 [\*Planning for Natural Disaster Debris\*](#) guidance includes information on the following topics:

- Recommended components of a debris management plan;
- Suggested management options for various natural disaster debris streams;
- A collection of case studies that highlights how several communities prepared for and managed debris generated by recent natural disasters;
- Resources to consult in planning for natural disasters; and
- EPA's recommended pre-incident planning process to help prepare communities for effective disaster debris management.

EPA also integrated "lessons learned" from the 2017 hurricane seasons into this 2019 final guidance document.

## Senator Tillis Co-Introduces Bipartisan Disaster Relief Bill to Release Funds to North Carolina and Other States

On May 9, Senators Thom Tillis, Joe Manchin (D-WV), John Cornyn (R-TX), Dianne Feinstein (D-CA), Ted Cruz (R-TX), and Kamala Harris (D-CA) introduced the *Bipartisan Disaster Recovery Funding Act*. The bill directs the White House Office of Management and Budget (OMB) to release \$16 billion in disaster relief funding within 60 days to nine states and two U.S. territories, including North Carolina.

“As North Carolina continues to recover from Hurricane Florence, this bipartisan legislation is a positive step to ensure our great state receives the resources it needs to help communities affected by the storm,” said Senator Tillis. “I will continue to work with my colleagues in the Senate and ensure our families, businesses and farmers have the opportunity to rebuild from the devastation left by Hurricane Florence.”

These funds were originally appropriated for mitigation and resilience activities through the Community Development Block Grant-Disaster Recovery (CDBG-DR) program in the *Bipartisan Budget Agreement of 2018*, which became law on February 9, 2018. However, more than a year later the affected states and territories still have not seen funding from the U.S. Department of Housing and Urban Development.

## Bipartisan Bill Introduced to Accelerate Post-Disaster Recovery Activities

On May 8, North Carolina Congressmen G.K. Butterfield (D) and Mark Meadows (R), along with Texas Members Lizzie Fletcher (D) and Ted Olson (R), introduced the *Hazard Eligibility and Local Projects Act (HELP)*, which would expand eligible pre-award activities under the FEMA hazard mitigation assistance programs. Under current law, if an applicant begins work on a project before it is awarded hazard mitigation funds, it is immediately disqualified from the application process. This bill would allow the applicant to begin work on a project (and purchase land, if needed) that qualifies for a categorical exclusion under the *National Environmental Policy Act (NEPA)*.

North Carolina Senators Richard Burr and Thom Tillis, along with Texas Senators John Cornyn and Ted Cruz, are introducing the same bill in the Senate.

## UPDATE ON TISPC FEDERAL ADVOCACY PRIORITIES

The current status of priority agenda items are outlined below.

### 1. North Topsail Beach – Continue to facilitate changes to the CBRA maps

We are pleased to report that on May 9, Senators Tillis and Burr reintroduced the North Topsail Beach CBRA mapping bill, which was assigned bill number S. 1406. The bill has been referred to the Senate Environment and Public Works Committee. The text of the bill is not yet available, but a copy of the language has been included as an attachment to this memo. As you know, the bill text was amended slightly for clarification purposes. We will continue to work with the offices of Senators Tillis and Burr on a strategy to advance the legislation in the legislative process.

### 2. Topsail Beach – Support legislation that would allow for the use of sand from inlet CRBA areas for beach nourishment

We are continuing to work with Representative Rouzer's office to obtain necessary information from relevant federal agencies and to secure support from other Members of Congress. Both legislative and administrative options are being explored and considered at this time. More detailed information was relayed to Members of the TISPC during a May 7 strategy call.

### Island-wide – Obtain federal funding for approved federal beach nourishment projects (Surf City/North Topsail Beach & Topsail Beach)

We are continuing to pursue a multi-pronged approach to secure new start construction funding for the Surf City and North Topsail Beach Project. First, we are continuing to pursue language in disaster aid legislation that would allow the Corps of Engineers to use disaster aid funding for authorized but not yet constructed Corps projects (i.e. new starts). We could see a final disaster aid package with this language as soon as the week of May 20. As a reminder, it is our understanding that the Corps has a list of projects for which it would use the disaster aid funding to continue, complete or start. This list has been provided to Congress to help tabulate the total requests that must be made in the disaster aid package. We have been informed that the Surf City and North Topsail Beach Project is considered a priority project and is included on this list. Although no guarantees can be made at this juncture, there is a possibility that funds will be made available through the upcoming disaster aid package that can be used to start the Surf City and North Topsail Beach Project outside of the 2020 Work Plan process.

Second, we are continuing efforts to secure funding through the regular annual appropriations and also the work plan process. As you know, we worked with Representative Rouzer's office to request appropriations language that provides a coastal storm damage reduction new construction start to the Corps in FY 2020. We will see if this request was approved by the House Appropriations Committee within the next one to two weeks. This new start language will provide us with a greater opportunity to secure a new start in the 2020 Corps of Engineers Work Plan, which will be released sometime this fall, if the annual appropriations process stays on schedule. This language would also need to be agreed to by the Senate. We could see if the Senate supports similar language as soon as early June.