



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

**FROM:** MIKE MCINTYRE

**SUBJECT:** JANUARY MONTHLY LEGISLATIVE UPDATE

**DATE:** JANUARY 21, 2020

---

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

- Washington News
  - Budget and Appropriations
  - National Flood Insurance Program Reauthorization
  - Bill to Expedite Disaster Recovery Process Passes House
  - Senate Approves Save our Seas 2.0 Act
- Update on TISPC Federal Priorities
- Washington Advocacy Trip
- With Appreciation...

## WASHINGTON NEWS

### Budget and Appropriations

On December 20, 2019, President Trump signed two appropriations “minibus” packages into law that fund the entirety of the federal government through September 30, 2020, avoiding a government shutdown. Congress chose to organize the 12 annual appropriations bills into two separate packages—a “national security” package and a “domestic priorities and international assistance” package—to ease the approval process. Prior to final approval by the President, the House passed the first FY 2020 “national security” appropriations minibus package by a vote of 280-138 and the second FY 2020 “domestic priorities and international assistance” appropriations minibus package by a vote of 297-120. The Senate passed both packages on December 19 by votes of 81-11 and 71-23, respectively.

The legislation is the culmination of months of bargaining and numerous stalemates, even after the *Bipartisan Budget Act of 2019* (P.L. 116-37) was signed into law on August 2, 2019, which raised the budget caps for fiscal years 2020 and 2021 for defense and non-defense spending. In total, the two FY 2020 minibus packages provide \$8 billion more for defense than the \$738 billion envisioned by P.L. 116-37 and about \$37 billion more than the \$632 billion for non-defense programs contained in P.L. 116-37. All told, defense programs got a 4 percent bump, while non-defense accounts got about 5 percent more than they received in FY 2019.

Highlights from the minibus packages that may be of interest to TISPC are provided below:

- **National Oceanic and Atmospheric Administration (NOAA):** The law includes \$5.352 billion for NOAA. It funds continued core operations including ocean monitoring; fisheries management; grant and external partnership programs; aqua culture research; and weather forecasting. Full funding is also provided for NOAA’s flagship weather satellites, which are critical for accurate weather warnings. \$599 million is provided for National Ocean Service (NOS) operations, an increase of \$17 million above FY 2019, including \$33 million for the National Oceans and Coastal Security Fund; a \$1 million increase for the Marine Debris program; a \$1.9 million increase for the Coral Reef Program; and a new dedicated carve out of \$10 million for research to combat harmful algal blooms.
- **U.S. Army Corps of Engineers:** The law provides \$7.65 billion for the Corps of Engineers, an increase of \$652 million above the FY 2019 level, which will provide a much-needed influx of funds into the nation’s water resources infrastructure.
  - \$151 million for investigations, an increase of \$26 million above FY 2019.
  - \$2.68 billion for construction, an increase of \$498 million above FY 2019.
  - \$3.79 billion for operations and maintenance, an increase of \$160 million above FY 2019.
    - \$30,000 for maintenance operations of the New River Inlet.
    - \$2.155 million is provided for maintenance operations of the Atlantic Intracoastal Waterway in North Carolina.
  - Provides for six new study starts and six new construction starts in the Construction account.
    - Of the new study starts, two are for navigation studies, at least one is for flood and storm damage reduction, one is for a multipurpose watershed study to address coastal resiliency, and at least one is for an environmental restoration study.
    - Of the new construction starts, two are for navigation projects, two are for environmental restoration projects; and two are for either flood and storm damage reduction projects, environmental restoration projects, or multipurpose projects.
  - Makes full use of the estimated receipts and some additional prior year revenues for the Inland Waterways Trust Fund.
  - Harbor Maintenance Trust Fund projects will receive \$1.63 billion. This exceeds the target set by the *Water Resources Reform and Development Act of 2014* and represents 91.5 percent of estimated revenues compared to the FY 2020 target of 80 percent.
  - Provides \$7.5 million for the Beneficial Use of Dredged Material Pilot Program.
  - Prevents the reorganization of the Army Corps of Engineers or the transfer Corps functions to other agencies.
- **Federal Emergency Management Agency (FEMA):** The law provides \$22.3 billion for FEMA, \$5.7 billion above the FY 2019 enacted level. Important funding includes:
  - \$17.8 billion for disaster response and recovery efforts.
  - \$2.9 billion for state and local grants, including:
    - \$560 million for the State Homeland Security Grant Program (SHSGP).
    - \$125 million for the Emergency Food and Shelter Program.

## National Flood Insurance Program Reauthorization

The “domestic priorities and international assistance” minibus appropriations bill signed into law on December 20 includes a provision that extends the authorization for the National Flood Insurance Program (NFIP) through September 30, 2020, the 14th extension of the program over the last 2.5 years. This latest extension provides congressional committees several additional months to work together on a long-term reauthorization solution for the NFIP.

## Bill to Expedite Disaster Recovery Process Passes House

On December 17, the House approved the *Hazard Eligibility and Local Projects (HELP) Act* (H.R. 2548), which aims to help municipalities and local agencies expedite certain disaster mitigation projects by removing unnecessary delays and streamlining FEMA’s hazard mitigation grant program, including the Pre-Disaster Mitigation Grant Program, the Hazard Mitigation Grant Program, and the Flood Mitigation Assistance Program. [According to the sponsor](#) (Lizzie Fletcher (D-TX)), under current law, local and state agencies applying for federal money to begin such hazard mitigation recovery projects must wait until they receive an answer from FEMA before purchasing land or starting construction on their project. Purchasing the land or starting construction without an answer disqualifies the project from receiving this federal assistance, which delays and disrupts disaster recovery efforts. The HELP Act will allow certain eligible disaster mitigation projects to begin without the risk of losing potential federal funds.

There is currently not a companion bill in the Senate, but it is our understanding that several Senate offices are working to introduce a companion bill in the near future.

## Senate Approves Save our Seas 2.0 Act

On January 9, the Senate voted unanimously to pass the *Save Our Seas (SOS) 2.0 Act* (S. 1982), legislation introduced by Senators Bob Menendez (D-NJ), Dan Sullivan (R-AK), and Sheldon Whitehouse (D-RI) to address the plastic debris crisis threatening coastal economies and harming marine life. SOS 2.0 builds on the *Save Our Seas Act*, which was signed into law by President Trump in October 2018. “Save Our Seas 2.0 is the most comprehensive marine debris legislation ever to pass the U.S. Senate,” said Senator Sullivan in a [press statement](#). “Our legislation aims to tackle this global challenge on three fronts – improving America’s ability to respond to marine debris events and clean up waste, working toward international cooperation and agreements with nations responsible for the majority of trash entering the oceans, and exploring new, innovative ways to manage and even reuse plastic waste.”

The *Save Our Seas 2.0 Act* is composed of three main pieces:

1. Strengthening the United States’ domestic marine debris response capability with a Marine Debris Foundation, a genius prize for innovation, and new research to tackle the issue.
2. Enhancing global engagement to combat marine debris, including formalizing U.S. policy on international cooperation, enhancing federal agency outreach to other countries, and exploring the potential for a new international agreement on the challenge.
3. Improving domestic infrastructure to prevent marine debris through new grants for and studies of waste management and mitigation.

The *Save Our Seas 2.0 Act* is cosponsored by Senators Lisa Murkowski (R-AK), Cory Booker (D-N.), Rob Portman (R-OH), Chris Murphy (D-CN), Tom Carper (D-DE), Susan Collins (R-ME), Lindsey Graham (R-SC), Chris Coons (D-DE), Richard Blumenthal (D-CN), Chris Van Hollen (D-MD), Jeff Merkley (D-OR), Ben Cardin (D-MD), Mazie Hirono (D-HI), David Perdue (R-GA), Brian Schatz (D- HI), Angus King (I-ME), and Roger Wicker (R-MS), in addition to Senators Menendez, Whitehouse, and Sullivan.

There is companion bill in the House (H.R. 3969), but the bill has yet to move through committee. The House bill has 30 bipartisan cosponsors.

## UPDATE ON TISPC FEDERAL ADVOCACY PRIORITIES

We are very pleased to have had two major successes for TISPC's federal priorities accomplished in recent months: the Surf City and North Topsail Beach Project and the favorable ruling for the Topsail Beach sand borrowing issue.

### Surf City and North Topsail Beach Project

We are thrilled that the U.S. Army Corps of Engineers has awarded the Towns of Surf City and North Topsail Beach \$237 million to construct the Surf City and North Topsail Beach Project. We are prepared to assist TISPC and the Towns as the project moves forward in the process to ensure that the project progresses properly and in a timely manner. Securing funding for the Surf City and North Topsail Beach Project has been a chief priority for TISPC since we commenced work on behalf of TISPC in 2016. We are grateful for the opportunity to have pursued and promoted this project over the past several years alongside, and on behalf of, TISPC.

We also plan to draft "thank you" letters for TISPC's and the Towns' consideration to thank the congressional delegation for their efforts to get the Surf City and North Topsail Beach Project funded. We will provide these draft letters to TISPC and the Towns by no later than the end of this week.

### Topsail Beach Sand Borrowing Issue

We are also pleased to have worked on the sand borrowing issue in recent years for TISPC and to see it come to fruition with the decision of the Secretary of the Interior in November. We will continue working with your congressional delegation to protect this important ruling.

As per Chairman Smith's request, we will work to develop a briefing document that provides an overview of the CBRA sand borrowing issue and the recent rule change in order to provide an accurate narrative regarding the interpretation of the CBRA and the impacts of the rule change. We will provide a draft document for the Commission's review in a timely manner.

### North Topsail Beach CBRA Mapping Issue

As the legislative agenda for 2020 begins to take form, we are working to evaluate potential legislative vehicles to advance the North Topsail Beach CBRA mapping bill. There are early indications that a bill may advance in 2020 that approves additional CBRA mapping changes (similar to the bill that made technical corrections to CBRS Unit L06 in 2018), which provides an ideal vehicle for the North Topsail Beach bill. We will continue to discuss this option and others with your congressional delegation in an effort to move the North Topsail Beach CBRA mapping bill forward.

## WASHINGTON ADVOCACY TRIP

As per Congressman McIntyre's phone conference with Chairman Smith on January 11, it is our understanding that staff and/or officials from TISPC will be in Washington, DC, for the American Shore and Beach Preservation Association (ASBPA) conference on March 24-26. We strongly encourage that these staff and/or elected officials join Poyner Spruill and The Ferguson Group for a series of meetings with TISPC's congressional delegation, relevant congressional committees, and federal agencies on Tuesday,

March 24. (Some meetings may occur on Wednesday, March 25, if there are scheduling conflicts with any offices on that Tuesday.)

TISPC should notify both Congressman McIntyre ([mmcintyre@poynerspruill.com](mailto:mmcintyre@poynerspruill.com)) and Stephanie Missert of The Ferguson Group ([smisvert@tfgnet.com](mailto:smisvert@tfgnet.com)) as soon as is practicable regarding which staff/elected officials from TISPC plan to attend these meetings. Once that information is received, we will then be able to begin scheduling meetings accordingly.

### WITH APPRECIATION...

We are grateful to have had two major federal priorities come to fruition over the last 90 days. It is indeed an honor and a privilege to work with TISPC and the communities and counties which its serves. We thank you for giving us the opportunity to be of service to you!