



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

**FROM:** MIKE McINTYRE

**SUBJECT:** OCTOBER MONTHLY LEGISLATIVE UPDATE

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

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## WASHINGTON NEWS

### Status of Next Coronavirus Relief Package

Several legislative proposals for the next coronavirus relief package have been circulated since our last monthly report to TISPC (dated September 16). However, thus far, none of those proposals have garnered significant traction in Congress. Accordingly, we do not expect a relief package to be approved before the November elections.

On September 28, House Democrats released a new \$2.2 trillion coronavirus relief [bill](#), which is an updated, scaled-down version of the HEROES Act, the coronavirus relief package originally passed by the House in May. The updated bill is more than \$1 trillion less than the original HEROES Act. However, the overall size of the bill remains an issue for Senate Republicans and the White House. The updated HEROES Act would provide \$238 billion in aid for states and \$179 billion for local governments, in addition to making improvements and creating flexibilities for existing CARES Act state and local funding. According to the calculations used in the bill, Topsail Beach would receive \$100,626, Surf City would receive \$569,585, and North Topsail Beach would receive \$174,151 if the bill passed in its current form.

On September 30, the White House proposed a \$1.62 trillion relief package (which includes \$250 billion in aid for state and local governments), but Congressional Democrats said that number was still too low. Negotiations between Congressional Democrats and the White House were ongoing until October 6, when President Trump announced via Twitter that he was halting negotiations with Congressional Democrats on the next coronavirus relief package until after the election. However, President Trump later changed his stance, expressing support for a more piecemeal approach to a stimulus by supporting the approval of specific measures related to stimulus checks and aid for airlines and small businesses. House Speaker Nancy Pelosi and Treasury Secretary Steven Mnuchin have continued to negotiate targeted aid for the airline industry; however, Speaker Pelosi said the House will not advance a stand-alone bill on airlines without a guarantee that the other stimulus items are going to be addressed. On October 9, the White House responded by proposing a \$1.8 trillion relief package (which includes \$300 billion in aid for state and local governments), but the offer was largely rejected by both Democrats and Republicans in Congress.

Most recently, on October 13, Senate Majority Leader Mitch McConnell (R-KY) announced that the Senate will vote on a narrower relief package next week, a package that is expected to total around \$500 billion in aid (similar in cost to the relief package introduced by Senate Republicans in early September). However, with both the White House and Congressional Democrats interested in approving a more robust relief package, the new \$500 billion package from Senate Republicans is not expected to further negotiations that are currently underway.

### Status of Budget and Appropriations

Progress on FY 2021 appropriations remains at a standstill. The House, which has passed 10 of the 12 annual appropriations bills, and the Senate, which has yet to release or consider any annual appropriations bills, approved a Continuing Resolution (CR, Public Law 116-159) in September to extend current FY 2020 funding levels for the federal government until December 11, 2020. The CR does not contain any coronavirus-related relief provisions but does include a one-year extension of the reauthorization for the surface transportation law (FAST Act) and the National Flood Insurance Program (NFIP) through September 30, 2021. It is currently unclear if Congress will be able to negotiate and approve FY 2021 appropriations before the new December 11 deadline. If Congress is not able to advance its FY 2021 appropriations bills, another CR will be required to extend current funding levels past December 11.

### Status of Water Resources Development Act

In July, the House approved its version of FY 2020 Water Resources Development Act (WRDA) legislation. The Senate has yet to approve its FY 2020 WRDA legislation on the floor; however, the Senate Environment and Public Works Committee approved its WRDA legislation at the committee level in May. (It is likely that the Senate will not approve its bill on the floor and will instead head into negotiations with the House using the committee-approved bill.) Discussions between relevant House and Senate committee staff have begun regarding which provisions will be included in the final, compromise FY 2020 WRDA bill. However, it is unclear when a compromise will be reached. The initial goal was to finalize and pass a bill before the November elections. However, with the House now in recess until after the election and the Senate focused on the nomination of Judge Amy Coney Barrett to be an Associate Justice on the Supreme Court, we do not expect WRDA to be passed until after the November elections.

## FEMA Announces Disaster Declaration for North Carolina Counties Impacted by Hurricane Isaias

On October 14, FEMA announced a Major Disaster Declaration ([DR-4568-NC](#)) for 15 North Carolina counties impacted by Hurricane Isaias, which made landfall in North Carolina as a Category 1 hurricane on August 3. The 15 counties included in the Declaration are now eligible to access federal disaster aid. The eligible counties include Beaufort, Bertie, Brunswick, Carteret, Chowan, Columbus, Craven, Hertford, Hyde, Jones, New Hanover, Onslow, Pamlico, Pender and Pitt. Myra M. Shird has been named the federal coordinating officer for federal recovery operations in the affected area.

## Bipartisan House Modernization Committee Recommends Limited Return of Earmarks

The bipartisan House Select Committee on the Modernization of Congress has recommended that Congress return earmarks, or “Article One powers,” in a limited manner starting in the 117th Congress (2021-2022).

The Committee, which consists of six Democrats and six Republicans, was created at the beginning of the 116th Congress (2019) and tasked with researching and offering solutions to strengthen the legislative branch, from improving technology and increasing transparency to reclaiming Congressional powers and exploring a more productive congressional calendar. In September, the Committee released a series of [draft recommendations](#) that it is urging the House to adopt for implementation in the 117th Congress. One of these recommendations is “Reclaim[ing] Congress’ Article One Powers” by reinstating congressionally-directed spending decisions, more commonly known as earmarks. As the report states, “While Congress continues to negotiate funding levels for federal agencies and programs, the decision-making on who receives competitive discretionary grants is being done by unelected executive branch officials. No one knows a district’s needs better than the Member elected to represent their community. But the current system doesn’t acknowledge this reality and leaves the funding decisions up to executive branch officials that are more disconnected from a community’s needs.” As you know, earmarking was barred starting in 2011. The Committee’s recommendation aims to address both the real and perceived issues with the practice of earmarking by increasing transparency and limiting the manner in which earmarks can be used.

The Committee is recommending the creation of a Community-Focused Grant Program (CFGP), a competitive grant program that allows Members of Congress to advocate for district-specific projects requested by public entities. Public entities, including certain non-profits and including the public entity collaborating with a Member of Congress to identify a local priority, may apply for grants, and they must do so by submitting an application to at least one Member of Congress. It is up to each Member to determine which projects they will support via a uniform request process to the appropriate congressional committee. For-profit entities are prohibited from participating in the program, as are relatives of Members of Congress. The recommendation also states, “The grant program will give special consideration to projects that have broad support at the local level, thorough supporting documentation, bipartisan support and multi-member support. Congress will aim to distribute grants equitably across states and geographic regions, between rural, suburban and urban areas, and throughout economic sectors. From time-to-time, major projects of national or regional importance may merit a larger-than-normal grant share.” The [draft recommendation](#) provides additional details on the proposed processes for the CRGP, which are largely similar to previous earmarking procedures prior to the earmark moratorium in 2011.

As we learn more about the prospects for adoption of the Committee’s recommendations by Congress, we will update TISPC accordingly, as such changes would have a significant impact on how Topsail Island communities request federal funds in 2021 and beyond.

### Trump Administration Broadens Offshore Drilling Moratorium Extension to North Carolina

As previously reported, on September 8, President Trump signed an executive order extending a moratorium on offshore drilling in Gulf of Mexico and Atlantic waters around Florida, Georgia, and South Carolina through mid-2032. Ten East Coast states, including North Carolina, sued the federal government in an attempt to prevent offshore drilling, but South Carolina was the only one of those states that was included in the President’s original executive order. However, on September 25, the Trump Administration announced it was also including waters off the coast of North Carolina in the offshore drilling moratorium extension, a change that was strongly advocated for by Governor Cooper and Senator Tillis, among others.

### Senator Tillis Introduces Legislation to Bolster Pre-Disaster Mitigation

On September 30, Senator Tillis [introduced](#) legislation that would accelerate pre-disaster mitigation activities, including buyouts of flood prone homes. The “Strategic Acquisition and Floodplain Efficiency Reform (SAFER) Act” ([S. 4764](#)) would authorize the Department of Housing and Urban Development (HUD) to establish a pilot program that would leverage public-private partnerships to expedite pre-disaster mitigation projects. As his press release states, “North Carolina unfortunately has extensive experience dealing with major flooding events that have destroyed thousands of homes over the last few years. It is clear some areas of North Carolina have a higher likelihood of flooding and we need to act now to prevent potential damage before the next storm hits. I am proud to introduce this legislation that will allow HUD to create a pilot program to establish public-private partnerships for mitigation activities to help North Carolina families avoid catastrophic damage to their homes.”

### Legislation Introduced to Increase FEMA Public Assistance Cost Share

On September 16, legislation was introduced in both the House and Senate that would increase the federal cost share of Public Assistance (PA) provided by FEMA. The bill, titled the “FEMA Assistance Relief Act of 2020” ([H.R. 8266](#), [S. 4627](#)), was introduced by the Chair of the House Committee on Transportation and Infrastructure, Peter DeFazio (D-OR), and Representative Greg Walden (R-OR) in the House and Senators Jeff Merkley (D-OR) and Ron Wyden (D-OR) in the Senate. The bill was approved by the House Transportation and Infrastructure Committee on September 30 and is currently awaiting floor consideration in the House.

Typically, state, local, tribal, and territorial governments are responsible for 25 percent of the costs of FEMA PA assistance. This bill would adjust the FEMA cost share for all Emergencies and Major Disasters declared in calendar year 2020 to not less than 90 percent federal and 10 percent non-federal, up from the typical 75 percent federal and 25 percent non-federal cost share. The legislation would also adjust the FEMA cost share for all COVID-19 related Emergency and Major Disaster declarations to 100 percent federal and clarify to FEMA that under the COVID-19 declarations, the Agency may—and Congress expects—FEMA to cover certain expenses for reimbursement, including personal protective equipment and other services for public schools, public transit, and courthouses.

## President Trump Signs Executive Order Establishing Interagency Water Subcabinet

On October 13, President Trump signed [Executive Order \(E.O.\) 13956](#), entitled “Modernizing America’s Water Resource Management and Water Infrastructure.” A fact sheet on the E.O., provided by the White House, is available [here](#).

The E.O. establishes an interagency Water Policy Committee (to be known as the Water Subcabinet), which will be co-chaired by the Interior Secretary and EPA Administrator, and includes the Agriculture, Commerce, Energy, and Army Secretaries as members. The Water Subcabinet will also work in close coordination with senior officials from the White House Council on Environmental Quality (CEQ), OMB, and the Office of Science and Technology Policy (OSTP), and other federal agencies as appropriate.

- By January 11, 2021, the Water Subcabinet shall, to the extent practicable, identify all federal interagency working groups which exist to address water resource management and provide recommendations to the CEQ Chairman, OMB Director, and OSTP Director on coordinating and consolidating these federal interagency working groups.
- By February 10, 2021, the Water Subcabinet shall submit to the CEQ Chairman, OMB Director, and OSTP Director a report that recommends actions to address the issues described below, and for each recommendation identifies a lead agency, other relevant agencies, and agency milestones for fiscal years 2021 through 2025:
  - Actions to increase water storage, water supply reliability, and drought resiliency;
  - Actions to improve water quality, source water protection, and nutrient management; to promote restoration activities; and to examine water quality challenges facing our Nation’s minority and low-income communities;
  - Actions to improve water systems, including for drinking water, desalination, water reuse, wastewater, and flood control; and
  - Actions to improve water data management, research, modeling, and forecasting.
- By February 10, 2022 (and annually thereafter), the Water Subcabinet is required to update the CEQ Chairman, the OMB Director, and the OSTP Director on the status of the actions identified in the report.
- By March 12, 2021, the Water Subcabinet shall identify and recommend actions and priorities to the OMB Director, CEQ Chairman, and Assistant to the President for Economic Policy to “support integrated planning and coordination among agencies to maintain and modernize our Nation’s water infrastructure, including for drinking water, desalination, water reuse, wastewater, irrigation, flood control, transportation on our rivers and inland waterways, and water storage and conveyance.” The recommendations shall consider water infrastructure programs that are funded by the Army Corps of Engineers, FEMA, the Environmental Protection Agency, the Economic Development Administration, and the Departments of the Interior, Agriculture, and Energy (and other agencies, as appropriate).
- By March 12, 2021, the Water Subcabinet, in consultation with the Secretaries of Labor, Health and Human Services, Education, and Veterans Affairs (and the heads of other agencies, as appropriate), shall “identify actions and develop recommendations to improve interagency coordination and provide assistance and technical support to state, local, tribal, and territorial governments in order to enhance the recruitment, training, and retention of water professionals

within drinking water, desalination, water reuse, wastewater, flood control, hydropower, and delivery and storage sectors. Such recommendations shall be submitted to the Chairman of CEQ, the Assistant to the President for Domestic Policy, the Assistant to the President for Economic Policy, and the Chairman of the Council of Economic Advisers.”

## ADVOCACY UPDATE

The House is currently in recess and scheduled to return to Washington on November 16. The Senate is in recess until October 19; however, the Senate Judiciary Committee is meeting this week, each day through Thursday, for the confirmation hearing of Judge Amy Coney Barrett to serve as an Associate Justice of the Supreme Court of the United States. With the House in recess and the Senate focused on Judge Barrett’s nomination, legislative activity has generally stalled. We expect the legislative schedule after the November elections to be very busy, as is typical at the end of every legislative session. However, it must be noted that the results of the November elections may have a substantial impact on legislative activity in November and December. It is unclear if major pieces of legislation, including WRDA, coronavirus relief, and FY 2021 appropriations, will be approved before Congress leaves Washington in December for the holidays. (WRDA likely has a greater prospect of being approved by the end of the year, but we have yet to see a House/Senate compromise bill, and it is our understanding that negotiations are ongoing.) A new Congress (the 117th Congress) will start in January, and several major pieces of legislation may need to be reintroduced and reconsidered in early 2021 (including the budget).

Updates on TISPC’s federal priorities are outlined below.

### Topsail Beach Sand Borrowing Issue

As you know, the lawsuit filed by the National Audubon Society (which is [moving](#) through the legal process) will make any effort to address this issue legislatively difficult, but at this time, projects—such as Wrightsville Beach and Carolina Beach, as discussed in the September Monthly Legislative Update—continue to move forward. We will continue to monitor the situation closely.

### North Topsail Beach CBRA Mapping Issue

As reported above, the legislative schedule in September will be focused on very few legislative items, so the majority of legislative work is expected to occur after the November elections. Most CBRA-related bills are approved in December at the end of the legislative session, and that will likely again be the case this year. (As previously noted, please keep in mind that legislative activity in November and December may be greatly impacted by the results of the November elections, so it is difficult to know right now which bills or packages of bills will advance by the end of the year.) We are continuing to work with your Congressional delegation to seek the best legislative avenue possible to move the bill forward by the end of the session. In addition, we recently had a follow-up discussion with the North Carolina Association of Realtors regarding the status of the bill and ongoing discussions with the National Association of Realtors. These discussions are expected to continue in the coming weeks as we continue efforts to advance H.R. 2834/S. 1406 this session.

### Topsail Beach Flood Mapping Issue

We continue to be available to assist the Town of Topsail Beach with resolving its FEMA flood mapping issue. Topsail Beach is to keep us apprised as to the status of their efforts so we can engage the Congressional delegation, as needed and as discussed.

### Surf City and North Topsail Beach Federal Project

We continue to be available to assist Surf City and North Topsail Beach as their discussions continue with the Corps regarding advancement of the federal project.