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SUBJECT: JANUARY MONTHLY LEGISLATIVE UPDATE

DATE: JANUARY 21, 2021

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

- Washington News
 - President Biden Begins Term with Executive Orders, Agency Reviews
 - Democrats Claim Senate Majority
 - Earmark Prospects Still Unclear
 - Congress Passes, President Signs Massive Combined FY 2021 Budget and Coronavirus Relief Package
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WASHINGTON NEWS

President Biden Begins Term with Executive Orders, Agency Reviews

Joseph R. Biden became the 46th President of the United States at noon on January 20. Security was greatly heightened for the Inauguration Ceremony as a result of the Capitol Hill unrest on January 6, and due to the pandemic, most other Inauguration activities were either canceled or significantly scaled down.

On his first day in office, President Biden signed a series of [executive actions](#), including a national mask and social distancing mandate for people interfacing with the federal government, an extension of eviction and foreclosure moratoriums, and several immigration and border related orders, among others. President Biden also reentered the United States into the Paris Climate Accord and created a White House COVID-19 response team. Many more executive actions are expected in the [coming days](#). TFG produced a [Special Report](#) that provides an overview of what we should expect during the Biden Administration's first 100 days and the interplay with the new 117th Congress.

In addition, on January 20, President Biden released a “non-exclusive [list](#)” of 104 Trump-era agency actions that the new Biden Administration will review. More actions are expected to be added to this list. Please see the “Advocacy Update” section for more information how this list may impact TISPC's priorities.

Democrats Claim Senate Majority

As a result of runoff election victories in Georgia for Senators-elect Raphael Warnock (D-GA) and Jon Ossoff (D-GA), the Senate Democratic Caucus has increased 50 members, giving Democrats the majority in the Senate for the first time since 2014 (with Vice President-elect Kamala Harris serving as the tie-breaking vote). This also means that Senator Chuck Schumer (D-NY) is the new Senate Majority Leader, controlling the legislative agenda for the next two years alongside House Speaker Nancy Pelosi (D-CA).

The last time the Senate was split 50-50 was 2001. At that time, a power sharing agreement was formed, which is expected to serve as the basis for a new power sharing agreement for the 117th Congress. The 2001 agreement provided for equal numbers of members on Senate committees, with a process for discharging bills and nominations that deadlock, effectively giving Republicans a narrow advantage on setting the agenda on contentious issues. There were also equal levels of staffing and office space. A new power sharing agreement is expected to be reached in the near future.

House and Senate committees will continue to formally organize themselves over the next several weeks, including the adoption of their rules and procedures. Committee assignments for rank-and-file members in the House and Senate will continue to be made, and the Chair and Ranking Member positions for Senate Committees will formally be adopted.

The Democratic Senate will move quickly to move President-elect Biden's nominees through the Senate approval process. However, the Senate is also expected to hold an impeachment trial as a result of the House's approval of an impeachment resolution against President Trump. A trial in the Senate could potentially last weeks. Reports suggest that efforts are underway to determine if the Senate trial could occur without impeding President-elect Biden's initial legislative/nomination efforts.

Earmark Prospects Still Unclear

We are continuing to closely monitor the possible return of Congressionally-directed spending, also known as earmarks, in 2021. The return of earmarks would have a substantial impact on how we proceed with legislative and funding requests on behalf of TISPC, so it is a development we continue to watch with great interest and attention. We expect announcements from the Committees on Appropriations by no later than the end of the month regarding the possible return of earmarks.

Congress Passes, President Signs Massive Combined FY 2021 Budget and Coronavirus Relief Package

On December 27, President Trump signed into law a massive \$2.3 trillion deal to provide long-sought coronavirus relief and to fund the federal government for the remainder of FY 2021 (i.e., through September 30, 2021). The deal, titled the *Consolidated Appropriations Act of 2021* (P.L. 116-260), ties the \$900 billion relief package to the \$1.4 trillion FY 2021 appropriations omnibus package (consisting of all 12 annual spending bills). Also included in the package was the 2020 Water Resources Development Act (WRDA). The President had called for numerous changes to the legislation, including \$2,000 stimulus checks instead of the \$600 checks agreed to by Congress. However, after it was clear Congress would not be able to approve his proposed changes before federal funding was again set to expire on December 28, the President signed the bill into law.

The package does not include additional direct aid for state and local governments to cover lost revenue and other COVID-related expenditures. However, additional funding was approved to support emergency rental assistance, testing, tracing, and child development block grant programs, for example, which will trickle down to local governments. Importantly, the package extends the use, by states and localities, of CARES Act Coronavirus Relief Funds to December 31, 2021. For more information on COVID relief provisions included in the package, please refer to [TFG's COVID Relief Bill Brief](#). For more information on the FY 2021 appropriations omnibus included in the package, please refer to [TFG's Special Report on the FY 2021 Omnibus](#).

Below is a brief summary of provisions of interest to TISPC in the FY 2021 Omnibus:

- \$30,000 for New River Inlet O&M
- \$3,625,000 for Atlantic Intracoastal Waterway O&M
- \$5,000,000 for regional sediment management for the Corps. The funds will support continued Corps research and development into “enhanced forecasting capabilities to implement proactive strategies for flood risk management to enhance the resiliency of coastal communities and mitigate socioeconomic and environmental consequences of extreme coastal hazards. Funds are also provided to support cooperative efforts between the Corps and academia to address compound flooding issues.”
- Report language regarding the South Atlantic Coastal Study: “The Corps shall consult with industry groups, academia, and nongovernmental organizations who can provide specialized expertise and coordinate appropriate attention and interest in the study's design and implementation from relevant stakeholders, including coastal state agencies, local officials, and private coastal scientists and engineers. The Corps is urged to ensure due consideration of near-shore marine habitat with potential impacts of coastal flooding and inundation within the scope of this study and where possible, ensure the full interoperability of modeling work and data analysis conducted for this study and other inland flood control and aquatic ecosystem restoration projects bordering the study area.”

Status of Next Coronavirus Relief Package

Under the leadership of President Biden, Congressional leaders are gearing up to pass another COVID relief bill in the coming weeks. On January 14, President Biden unveiled his \$1.9 trillion COVID-19 “[American Rescue Plan](#),” an emergency legislative package to “fund vaccinations, provide immediate, direct relief to families bearing the brunt of the COVID-19 crisis, and support struggling communities.”

President Biden is aiming to garner Republican support for the measure. However, at \$1.9 trillion, the cost is likely to be too high for many House and Senate Republicans to accept. While President Biden wants to achieve a bipartisan majority in Congress on his first bill, his transition team has reportedly conducted little outreach to Congressional Republicans regarding the American Rescue Plan. Democratic Congressional aides say that if Republicans do not appear willing to collaborate, they can shift gears quickly and move to utilize “budget reconciliation,” the procedure that would allow them to pass legislation without Republican votes in the Senate (i.e., passage with 51 votes instead of 60 votes).

Notable provisions in the package include:

State and Local Aid:

- \$350 billion in emergency funding for state, local, and territorial governments “to ensure that they are in a position to keep front line public workers on the job and paid, while also effectively distributing the vaccine, scaling testing, reopening schools, and maintaining other vital services.” The Plan does not specifically detail how this funding will be distributed to municipal and county governments.
 - \$3 billion would be set aside for Economic Development Administration grants to “provide resources directly to state and local government entities, tribal institutions, institutions of higher education, and non-profits to fund initiatives that support bottom's up economic development and enable good-paying jobs.”
- \$20 billion for public transit agencies.

Housing:

- \$25 billion for rental assistance to help renters and small landlords.
- \$5 billion for home energy and water costs and arrears.
- \$5 billion to help secure housing for people experiencing, or at risk of, homelessness.
 - Funds could be used by states and localities to convert hotels and motels to permanent housing.
- Extend through September 30, 2021, the CDC’s national eviction moratorium and an application period for forbearance on federally backed mortgages.
- Provide funds for legal assistance for households facing eviction or foreclosure.

Health Care:

- \$50 billion to expand testing, including through rapid testing and school testing protocols.
- \$30 billion for FEMA’s Disaster Relief Fund to ensure sufficient supplies and to fully reimburse states, localities, and tribes for critical emergency response resources, including deploying the National Guard.
- \$20 billion for a national vaccination program, including through community centers and mobile units, in partnership with states and localities.
- \$20 billion for veterans’ health-care needs.
- \$4 billion for SAMHSA to expand mental health and substance use disorder services.
- \$800 million for programs to support domestic violence survivors.
- Other health initiatives, including:
 - A public health jobs program that would fund 100,000 public health workers.
 - Addressing health disparities, including through equitable vaccine distribution and expanded services.
 - Funding for strike teams to assist long-term care facilities and for mitigation strategies for prisons.

Business Support:

- Leverage \$35 billion to invest in state, local, tribal, and nonprofit programs to finance as much as \$175 billion in low-interest loans and venture capital funds for small businesses and entrepreneurs.
- \$15 billion for flexible, equitably distributed grants to small businesses.

Worker Support:

- The federal minimum wage would be raised to \$15/hour (up from \$7.25/hour).
- The Occupational Safety and Health Administration (OSHA) would be authorized to issue a standard to protect workers from the coronavirus.
 - Standard would also cover public sector employees.
- Employers would be directed to provide hazard pay to frontline essential workers, including back payments for 2020.
- Pandemic-related unemployment benefit programs are extended through September 30, 2021.
 - Weekly benefits are increased to \$400/week (up from \$300/week).
- Emergency paid sick and family and medical leave is extended through September 30, 2021.
 - State and local governments would be reimbursed for the cost of this leave.
 - Eligible workers would receive a maximum weekly benefit of \$1,400/week.

Aid for Individuals, Families:

- \$1,400 direct Economic Impact Payments would be provided to eligible individuals and dependents.
- The Child Tax Credit, Earned Income Tax Credit, and Child Care Tax Credit would be increased for 2021.
- \$25 billion for an Emergency Stabilization Fund for childcare providers.
- \$15 billion for the Child Care and Development Block Grant program.
- Supplemental Assistance Nutrition Program (SNAP) benefits would be increased by 15% through September 30, 2021.
- \$3 billion for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) program.
- \$1 billion would be provided for the Temporary Assistance for Needy Families (TANF) program.
- FEMA is directed to partner with restaurants to provide food to those in need.

Education Support:

- \$130 billion to support safely reopening school buildings and to facilitate distance learning.
- \$35 billion for the Higher Education Emergency Relief Fund.
- \$5 billion to governors to mitigate the educational effects of the pandemic.

Congress Passes, President Signs STORM Act Into Law

On January 1, President Trump signed into law the Safeguarding Tomorrow through Ongoing Mitigation (STORM) Act, which [establishes](#) revolving loan fund programs managed by the states for use by local governments to carry out mitigation projects that reduce natural disaster risk, including shoreline erosion and rising water levels. These low-interest loans will allow local governments to invest in resiliency and

mitigation projects that help reduce loss of life and property, the cost of insurance, and disaster recovery payments. These loans will reach communities more quickly than FEMA's traditional grants and provide communities with capital necessary to invest in more resilient infrastructure. Only counties with mitigation plans in place will be eligible to receive these funds, which are capped at \$5 million.

Currently, FEMA programs are unable to provide assistance for projects related to sustained high water levels and long-term shoreline erosion. It is unclear if beach renourishment projects will be eligible for funding, as it is not specifically stated in the law that they are, but such activities are clearly in line with the purposes of the Act. Eligible activities will be determined in the rulemaking process.

It will take several months for FEMA to produce guidance and rules for the program, and Congress will need to appropriate funding for the program before states can begin providing loans to local governments. Accordingly, we do not expect these funds to be available until at least 2022.

ADVOCACY UPDATE

Updates on TISPC's federal priorities are outlined below.

Topsail Beach Sand Borrowing Issue

As discussed in the “Washington News” section of this report, President Biden released a [list](#) of over 100 Trump Administration agency actions that the new Biden Administration will review. One of the agency actions on this list includes the [action](#) taken by former U.S. Interior Secretary David Bernhardt in November 2019 to reverse the long-standing U.S. Fish and Wildlife Service interpretation that disallowed the borrowing of sand from within a Coastal Barrier Resources System (CBRS) unit for use outside a CBRS unit. It is currently unclear when the review of this action will take place or what the result of the review will be. However, as we discussed in previous monthly updates, several beach renourishment projects have advanced under the new 2019 guidance from Secretary Bernhardt, which could make the 2019 policy more difficult to overturn. We will continue to closely track this issue as the situation progresses.

North Topsail Beach CBRA Mapping Issue

As discussed in the “Washington News” section of this report, the final weeks of Congress' legislative session in December were focused on advancing major must-pass legislative items, including FY 2021 appropriations, WRDA, annual defense authorization legislation, and coronavirus relief. There were numerous unanticipated delays that arose on these must-pass items, which kept lawmakers in Washington for an exceptionally rare session between Christmas and the new year. As a result of these exceptional circumstances, few additional legislative items were advanced in December, including relatively non-controversial bills. Consequently, H.R. 2834/S. 1406, the North Topsail Beach CBRA mapping bill, was not approved by Congress. The bill will need to be reintroduced this year in the new 117th Congress.

As you know, both chambers of Congress are now controlled by Democratic majorities, and the executive branch is now under the leadership of President Biden. As a result of these new conditions, our advocacy strategy for moving the North Topsail Beach CBRA mapping bill will need to be reevaluated. We will discuss potential legislative options with your Congressional delegation in the coming weeks, which may include amending language in the bill to incorporate the “land substitute” concept. As you recall, we had not previously drafted legislative language for the land substitute concept. However, given that Democratic committee staff expressed some interest in the idea, now may be the ideal time to draft legislative language for the land substitute. Once new legislative language is drafted, we will provide the language to TISPC for its review. Additional outreach to advocacy organizations such as the National Audubon Society will likely also be required for any new legislative strategy to be successful in the new Congress. We will keep TISPC apprised as the new legislative strategy is developed and discussed with the Congressional delegation.

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.