



TO: STEVE SMITH
TOPSAIL ISLAND SHORELINE PROTECTION COMMISSION

FROM: MIKE McINTYRE

SUBJECT: FEBRUARY MONTHLY LEGISLATIVE UPDATE

DATE: FEBRUARY 18, 2021

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

- Washington News
 - Status of Earmarks
 - Direct Allocation to Topsail Island Communities in Federal COVID-19 Relief Package
 - Congressman Rouzer Becomes Lead Republican of Key Infrastructure Subcommittee
 - Status of Next Coronavirus Relief Package
 - Work on Infrastructure Package to Begin Soon
 - Biden Executive Order Reinstates the Federal Flood Risk Management Standard
 - Biden Signs Executive Memoranda Providing 100% Federal Cost Share for FEMA Category B Expenses, Expanding Category B Activities
 - FEMA Publishes Updated Community Rating System Guidance
 - Senate Panel Advances Nomination for North Carolina's Michael Regan
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WASHINGTON NEWS

The "Washington News" section of the report is longer than usual given the high level of activity currently happening in Washington. **We ask that you pay particular attention to any sections that are highlighted.**

Status of Earmarks

We are continuing to closely monitor the possible return of Congressionally-directed spending, also known as earmarks, in 2021. **At this point in time, it is highly likely that earmarks will return.** 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 official announcements from the House and Senate Committees on Appropriations, among others, regarding the possible return of earmarks sometime this month.

Direct Allocation to Topsail Island Communities in Federal COVID-19 Relief Package

In keeping with our efforts to update TISPC on federal coronavirus relief to local governments, we want to make you aware of a development at the federal level that will be of interest to Topsail Island

communities. Please be advised that we previously sent information to TISPC on this development on February 10.

On February 9, the House Oversight and Reform Committee [released](#) the [text](#) and [summary](#) of the \$350 billion Coronavirus State and Local Fiscal Recovery Funds as part of the Committee’s Fiscal Year 2021 Reconciliation Act provisions, which will be included as part of the \$1.9 trillion COVID relief package that House and Senate Democrats are advancing over the next several weeks, and which President Joe Biden originally proposed on January 14 as part of his “American Rescue Plan.”

The Oversight Committee also released [direct funding estimates](#) for states, the District of Columbia, counties, municipalities, tribes, and territories. [Based on the Committee estimates, the towns on Topsail Island will receive the following direct allocations. \(Numbers are estimates and provided by the Committee in ranges. Actual awards may vary.\)](#)

- [Topsail Beach: between \\$78,901 - \\$94,843](#)
- [Surf City: between \\$446,612 - \\$536,849](#)
- [North Topsail Beach: between \\$136,552 - \\$164,142](#)

For communities with populations under 50,000, which includes the Topsail Island towns, the money will flow through the State, which will have 90 days after enactment of the bill to distribute the funding.

According to the Committee, the Coronavirus State and Local Fiscal Recovery Funds “keep first responders, frontline health workers, and other providers of vital services safely on the job as states, local governments, Tribes, and territories rollout vaccines and fight to rebuild Main Street economies.” Eligible uses include replacement of revenue lost, delayed, or decreased as a result of the pandemic [as of January 27, 2020].”

Other eligible uses of the Funds include:

- Responding to or mitigating the public health emergency with respect to COVID-19 or its negative economic impacts;
- Covering costs incurred as a result of such emergency; and
- Addressing the negative economic impacts of such emergency.

[Congress is aiming to pass the bill by March 14.](#)

More information on the next COVID-19 relief package is provided below under “Status of Next Coronavirus Relief Package.” We will continue to keep you updated as the legislation advances.

[Congressman Rouzer Becomes Lead Republican of Key Infrastructure Subcommittee](#)

[Congressman Rouzer will serve as the new Ranking Member of the Transportation and Infrastructure Committee Subcommittee on Water Resources and Environment in the 117th Congress.](#) Congressman Rouzer has served on the Transportation and Infrastructure Committee since coming to Congress in 2014 and has been involved in the development of every Water Resources Development Act (WRDA) since then.

The Committee is expected to draft the next WRDA later this Congress, and Congressman Rouzer will play a key role in that process.

The Water Resources and Environment Subcommittee has [jurisdiction](#) over the following issues:

- Water resources programs (projects and regulations) – U.S. Army Corps of Engineers
- Clean Water Act, water infrastructure and watershed protection programs – EPA
- Superfund and brownfields revitalization
- Ocean dumping – Corps and EPA
- Oil pollution – EPA and U.S. Coast Guard
- Tennessee Valley Authority
- Saint Lawrence Seaway Development Corporation – U.S. Department of Transportation
- The small watershed program of the Natural Resources Conservation Service – U.S. Department of Agriculture
- Water quality and water-infrastructure related issues on the U.S. Border – International Boundary and Water Commission – U.S. Department of State
- Deepwater ports – EPA, Coast Guard, Corps
- Invasive/aquatic nuisance species – EPA, Coast Guard, Corps, and other agencies
- Coastal pollution and coastal zone management – EPA and National Oceanic and Atmospheric Administration (NOAA)
- Natural resource damages – NOAA, Department of Interior, and other agencies
- Groundwater protection – EPA and Corps
- Water resources policy – multiple agencies

Regarding his new role, Congressman Rouzer [said](#), “I am honored and humbled to be named ranking member of this important subcommittee, and I look forward to serving my colleagues in the House as we work to address the many water resource development and infrastructure needs across the country. The government should work for the people — not against them. We must continue to press for reforms to streamline and bring common sense to the forefront at the agencies for which this subcommittee has jurisdiction. This includes bringing greater focus and attention to mitigation efforts that will better protect property, enhance conservation efforts, and save precious taxpayer dollars when natural disasters hit.”

Status of Next Coronavirus Relief Package

On January 14, then President-elect 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.” (The President [announced](#) his plan again when he took office on January 20.)

President Biden initially sought bipartisan support for the proposal, but the \$1.9 trillion cost was too high for Congressional Republicans to accept. In response, ten Republican senators (including Senator Tillis) [proposed](#) a \$618 billion COVID-19 relief package in an effort to win bipartisan support. However, these efforts were not successful.

Congressional Democrats now plan to use the “budget reconciliation” process to pass President Biden’s \$1.9 trillion package, which will allow the Senate to clear the package with a simple majority of 51 votes instead of the 60 votes usually needed to overcome a legislative filibuster. Two weeks ago, largely along party lines, the House and Senate approved a budget resolution ([S. Con. Res. 5](#)) with instruction to allow the \$1.9 trillion relief plan to advance in the legislative process using the reconciliation process. Two dozen House and Senate committees have jurisdiction over the various provisions included in the budget resolution. The House is currently leading the effort. House Democratic chairs of nine different committees of jurisdiction have sent their coronavirus relief measures to the House Budget Committee, which will prepare the bill for floor consideration. Once approved by the House, the bill will move to the Senate. The Senate Budget Committee, led by Chairman Bernie Sanders (I-VT), does not plan to hold a markup of the bill and will instead send it straight to the Senate floor, according to a Senate Democratic aide.

The goal for Democratic leaders is to have the full reconciliation package on the House floor by the week of February 22, followed by Senate consideration during the weeks of March 1 and 8, and enactment into law by March 14, when \$300 weekly federal unemployment benefits are set to lapse.

Here is what you need to know about the different sections of the COVID-19 relief proposal, as the proposal is currently drafted (note the provisions are organized by committee):

Oversight Committee

[*Read committee summary.*](#)

\$350 billion in Coronavirus State and Local Fiscal Recovery Funds

- States (including Washington, DC) will receive \$195.3 billion (60%).
 - \$500 million state minimum, to a total of \$25.5 billion.
 - \$169 billion distributed to states by population.
- Local governments will receive \$130.2 billion (40%), which will be divided evenly between cities/town and counties.
 - Funding will be distributed to all local governments regardless of size and population.
 - \$65.1 billion for cities/towns.
 - Cities/towns over 50,000: \$45.57 billion (CDBG eligible entities).
 - Cities/towns under 50,000: \$19.53 billion (non-CDBG eligible entities).
 - \$65.1 billion for counties based on population.
- Territories will receive \$4.5 billion.
- Tribal governments will receive \$20 billion.

Ways and Means Committee

[*Read committee summary.*](#)

- Expands the Child Tax Credit to \$3,000 per child (\$3,600 for children under 6).
- Enhances the Earned Income Tax Credit for workers without children by nearly tripling the maximum credit and extending eligibility.
- Extends temporary federal unemployment and benefits through August 29, 2021, and increases the weekly benefit from \$300 to \$400.
- Direct payment of \$1,400 per person.

- Public employers would receive payroll tax credits for emergency paid family and sick leave paid after March 31, 2021. Based on reconciliation rules, those credits cannot be applied retroactively.

Financial Services Committee

[*Read committee summary.*](#)

Rental, Utility, and Home Security Assistance

- \$19.05 billion for emergency rental and utility assistance. (To supplement the \$25 billion included in the FY 2021 *Consolidated Appropriations Act*.)
- \$5 billion for emergency Housing Choice Vouchers.
- \$200 million to support unassisted households living in USDA-subsidized properties.
- \$100 million for the NeighborWorks program to support housing counseling services that help renters, homeless individuals, people at risk of homelessness, and homeowners navigate their housing options and rights.
- \$5 billion for homelessness assistance to help communities provide shelter that facilitates social distances and supportive services. The bill would also enable state and local governments to finance supportive services, affordable housing, and the acquisition of non-congregate shelter (like hotels). These funds would be distributed through the HOME program formula.
- \$9.961 billion to states, territories, and tribes to address the ongoing needs of homeowners struggling to afford their housing due directly or indirectly to the impacts of the coronavirus pandemic by providing direct assistance with mortgage payments, property taxes, property insurance, utilities, and other housing related costs.
- \$39 million for USDA to continue to provide home loans that help low- and very-low income borrowers purchase, repair, and rehab housing in rural areas.

Defense Production Act

- \$10 billion for Defense Production Act to address medical supply/equipment shortages.

Transportation Committee

[*Read committee summary.*](#)

FEMA's Disaster Relief Fund

- \$50 billion for reimbursement to state, local, tribal, and territorial governments dealing with ongoing response and recovery activities from COVID-19, including vaccination efforts, deployment of the National Guard, providing personal protective equipment for critical public sector employees, and disinfecting activities in public facilities such as schools and courthouses.

Transit

- \$30 billion to help assist with operating costs, including payroll and personal protective equipment.

Economic Development Administration

- \$3 billion to provide economic adjustment assistance to help prevent, prepare for, and respond to economic injury caused by the COVID-19 pandemic.

Education and Labor Committee

[Read committee summary.](#)

Low Income Home Energy Assistance Program

- \$4.5 billion to help families cover the cost of home heating and cooling.

Education Stabilization Fund

- \$128.5 billion for grants to State Educational Agencies (SEA), with 90% allocated to local educational agencies (LEA), to be made in accordance with the same terms and conditions applicable to funds provided in fiscal year 2021 for the Elementary and Secondary School Emergency Relief Fund of the Education Stabilization Fund.
- \$39.5 billion for grants to institutions of higher education to be made in accordance with same terms and conditions applicable to funds provided in FY 2021 for Higher Education Emergency Relief Fund of the Education Stabilization Fund.

Child Care and Development Block Grant Program

- \$39 billion to child care providers who must provide financial relief for families, to the extent possible, and prioritize such relief for families struggling to cover tuition.

Agriculture Committee

[Read committee summary.](#)

- \$500 million in Community Facility Program funds to help rural hospitals and local communities broaden access to COVID-19 vaccines & food assistance
- \$3.6 billion for a food distribution network to aid the poor and food businesses hurt by the pandemic, as well as \$1 billion for debt relief and other tools for minority farmers.
- Extends 15% SNAP benefit increase through September 30, 2021.

Small Business Committee

[Read committee summary.](#)

- Expands the Paycheck Protection Program to include additional non-profit entities as eligible recipients.
- \$25 billion for a new program at the SBA offering assistance to restaurants and other food and drinking establishments.
- Establishes a Community Navigator Program to educate small businesses on SBA programs and provide technical assistance.
- \$1.25 billion in additional funding for the SBA Shuttered Venue Operators Grant Program.
- \$460 million for the disaster loan program.
- \$15 billion for the Targeted Economic Injury Disaster Loan Advance program.

Energy and Commerce Committee

[Read committee summary.](#)

Vaccines and Testing

- \$7.5 billion in funding for the CDC to prepare, promote, administer, monitor, and track COVID-19 vaccines. These activities can include distribution and administration of COVID-19 vaccines

and ancillary supplies, and support for state, local, tribal, and territorial public health departments, among other activities.

- \$46 billion to detect, diagnose, trace, and monitor COVID-19 infections, and for other activities necessary to mitigate the spread of COVID-19. Specified activities include implementing a national strategy for testing, contact tracing, surveillance, and mitigation of COVID-19, and guiding state and local public health departments in their work to implement the national strategy.
- \$1.75 billion for CDC to conduct, expand, and improve activities to sequence genomes, identify mutations, and survey the circulation and transmission of viruses including SARS-CoV-2. These dollars could also be used to provide genomic sequencing support to state, local, tribal, or territorial public health departments.
- \$7.6 billion for efforts related to establishing, expanding, and sustaining a public health workforce, and to make awards to State, local, and territorial public health departments.
- 1.8 billion to support the purchase, procurement, or distribution of COVID-19 tests and testing supplies, PPE, and vaccines for staff and individuals in congregate settings. It also allows HHS to provide technical assistance and award grants or cooperative agreements to states, localities, territories, and tribes to support strategies and activities to detect, diagnose, trace, or monitor COVID-19 in congregate settings, including prisons, jails, detention centers, long-term care facilities, psychiatric hospitals and residential treatment facilities, intermediate care facilities, and other settings providing care for individuals with disabilities.

Environmental Health and Ratepayer Protection

- \$50 million in funds to EPA for environmental justice grants and activities.
- \$4.5 billion for home energy assistance through the Low-Income Home Energy Assistance Program (also being considered by the Education and Labor Committee).
- \$500 million available to provide financial assistance to low income and other consumers adversely affected financially by COVID-19 to assist with payments for drinking water and wastewater expenses.

Distance Learning

- \$7.6 billion for an Emergency Connectivity Fund.
- Requires the FCC to promulgate rules within 60 days of enactment for provisioning support to eligible schools and libraries to provide, among other things, eligible connected devices, internet service, and hotspots to students and teachers for internet use at home. In providing support under the covered regulations, the FCC shall reimburse 100% of the costs associated with the eligible equipment and services.

Veterans Affairs Committee

[Read committee summary.](#)

- \$272 million to mitigate the impacts of the pandemic on the benefits claims and appeals backlog.
- \$13.5 billion to provide health care services and related support to eligible veteran.
- \$400 million for up to 12 months of retraining assistance for veterans who are unemployed due to COVID-19.
- Allows VA to waive copays for treatment provided to eligible veterans, beginning April 6, 2020 when VA first paused medical billing, through September 30, 2021. This section also authorizes VA to reimburse those veterans who already submitted payments for their care during this period.

Three House committees have yet to schedule their markups: Natural Resources Committee, Foreign Affairs Committee, and Science Space and Technology Committee. We will provide additional information and a complete overview of the package after the package is finalized.

Work on Infrastructure Package to Begin Soon

The Biden Administration is urging Congress to move quickly on a large infrastructure package after passing the next COVID-19 relief bill in March. Details about the planned package, which is being called the “Build Back Better” package, are not yet known. However, the package is expected to include funding for a wide variety of infrastructure projects, including water, wastewater, highways, transit, rail, Corps-related projects, and many others. The timeline for consideration and passage of the bill is currently unclear, but several reports suggest that the Administration and Congress would like to move the package this summer.

Based on statements made by White House officials and Members of Congress, most notably House Transportation and Infrastructure Chairman Peter A. DeFazio (D-OR), earmarks will likely be used to construct aspects of the infrastructure package. Chairman DeFazio said he would like to create a website where members can submit, and the committee can vet, specific member-designated projects ([CQ Roll Call](#)).

Biden Executive Order Reinstates the Federal Flood Risk Management Standard

On January 26, we sent a memo to Chairman Smith and TISPC providing more information on the reinstatement of plans to create the Federal Flood Risk Management Standard. For the record, we are including this same information here in the monthly report.

On January 20, President Biden signed an “[Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis](#)” (EO 13990). EO 13990 is lengthy and includes many different policy provisions, one of which is the reinstatement of plans to create the Federal Flood Risk Management Standard (FFRMS).

To be more specific, EO 13990 revokes a [2017 executive order](#) (EO 13807) from President Trump that revoked a [2015 executive order](#) (EO 13690) from President Obama that called on the Federal Emergency Management Administration (FEMA) and other agencies to establish a FFRMS to “improve the resilience of communities and Federal assets against the impacts of flooding” by adopting higher flood standards. After President Obama announced his executive order in January 2015, agencies including FEMA, the EPA, the Department of Housing and Urban Development, and the Army Corps of Engineers drafted rules to implement the FFRMS. However, none of the agencies had finalized their rules by the time President Trump revoked President Obama's order in August 2017, which forced the agencies to withdraw their proposed rules.

We expect federal agencies to release new draft rules as a result of President Biden's executive order. Given the scope of the FFRMS, numerous other agencies will need to update their procedures and regulations to reflect new FFRMS requirements, including but not limited to the Departments of

Agriculture, Defense, Energy, Health and Human Services, Interior, Transportation, and the General Services Administration. This process could take several months. However, as was the case in 2015-2016, we expect there will be opportunities for stakeholders to provide feedback on proposed FFRMS procedures and regulations. We will continue to monitor this issue closely and provide updates accordingly.

For more information, please refer to the [Brief](#) produced by TFG on the FFRMS.

[Biden Signs Executive Memoranda Providing 100% Federal Cost Share for FEMA Category B Expenses, Expanding Category B Activities](#)

On February 2, President Biden signed a [Presidential Memorandum](#) on “**Maximizing Assistance from the Federal Emergency Management Agency**,” which directs FEMA to provide 100% percent Federal cost-share for all eligible Category B emergency costs related to the COVID-19 pandemic performed from January 20, 2020, through September 30, 2021

It is important to note that the February 2 memorandum excludes certain expenses from being eligible for the *retroactive* reimbursement period, which is defined as January 20, 2020, through January 20, 2021. These expenses are the supplementary expenses President Biden asked FEMA to “make available” under Category B in his January 21, 2021, [Presidential Memorandum](#) titled, “**Memorandum to Extend Federal Support to Governors’ Use of the National Guard to Respond to COVID-19 and to Increase Reimbursement and Other Assistance Provided to States**.” This January 21 memorandum directed FEMA to make available under Category B “such assistance as may be required by States (including territories and the District of Columbia), local governments, and Tribal governments to provide for the safe opening and operation of eligible schools, child-care facilities, healthcare facilities, non-congregate shelters, domestic violence shelters, transit systems, and other eligible applicants.” The memorandum continues on to say that “Such assistance may include funding for the provision of personal protective equipment and disinfecting services and supplies.”

At this time, it is unclear what additional expenses are being authorized as a result of the January 21 memorandum. FEMA issued a [statement](#) today saying that it will release an amended COVID-19 policy “in the coming days” as a result of the President’s directive. However, what *is* clear is that all [eligible Category B emergency protective measures](#), as currently identified by FEMA, are eligible for 100% Federal reimbursement from January 20, 2020, through September 30, 2021.

We will provide additional information to you once FEMA issues its amended COVID-19 policy clarifying implementation of the President’s memoranda.

[FEMA Publishes Updated Community Rating System Guidance](#)

In January 2021, an [Addendum](#) to the Community Rating System (CRS) [Coordinator’s Manual](#) became effective. The 2021 Addendum and the 2017 CRS Coordinator’s Manual together constitute the official statement of CRS credits and procedures. Regarding the Addendum, FEMA said, “It would be useful for participating communities to examine the Addendum and incorporate its clarifications and updates into their own working documents related to the Community Rating System.”

FEMA also published an [FAQs](#) document to help local governments understand the changes to CRS included in the Addendum.

The 2021 Addendum presents two new prerequisite requirements, several new program credit options, and some updates and modifications aimed at “simplifying credit and reporting requirements.”

The two new prerequisites are as follows (as described by FEMA in the FAQ):

1. The Class 9 prerequisite for FEMA Elevation Certificates is being changed to require 90% accuracy at the community’s annual review, plus a requirement for a community to have written procedures for the management of its floodplain-related construction certificates, including Elevation Certificates. All communities will receive credit for the management procedures. Communities will no longer need to submit copies of construction certificates at their cycle verification visits.
2. A new Class 8 prerequisite will require communities to adopt and enforce at least a 1-foot freeboard requirement (including equipment or mechanical items) for all residential buildings constructed, substantially improved, and/or reconstructed due to substantial damage, throughout its Special Flood Hazard Area where base flood elevations or depths have been determined. The freeboard requirement is aimed at lowering the risk of flood damage in a community and helping community residents realize the reduced flood insurance premiums brought about by higher building elevations. Communities have already received letters from the Insurance Services Office, Inc., regarding this new prerequisite.

Senate Panel Advances Nomination for North Carolina’s Michael Regan

On February 9, the Senate Environment and Public Works Committee voted 14-9 to advance Michael Regan’s nomination to be administrator of the EPA, clearing the way for full Senate consideration. Regan started his career at the EPA, serving in the Clinton and Bush administrations until 2008. Regan then spent eight years at the Environmental Defense Fund, where he ultimately became the associate vice president for clean energy and a Southeast regional director. He has served as Secretary of the North Carolina Department of Environmental Quality since 2017. Regan has a bachelor’s degree in earth and environmental science from North Carolina A&T University and a Master of Public Administration degree from George Washington University.

Senator Burr and Senator Tillis introduced Secretary Regan at his nomination hearing. Both Senators expressed their support for Secretary Regan’s nomination.

ADVOCACY UPDATE

Updates on TISPC's federal priorities are outlined below.

Topsail Beach Sand Borrowing Issue

As we reported in January, all federal agencies were directed by President Biden in [Executive Order 13990](#) to “immediately review and, as appropriate and consistent with applicable law, take action to address the promulgation of Federal regulations and other actions during the last 4 years that conflict with these important national objectives, and to immediately commence work to confront the climate crisis.” One of the actions that is under review as a result of the executive order is 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 (USFWS) interpretation that disallowed the borrowing of sand from within a Coastal Barrier Resources System (CBRS) unit for use outside a CBRS unit.

It is our understanding that all federal agencies are working to comply with the directive outlined in Executive Order 13990, but we do not yet have an update on the status of the 2019 CBRS policy change. We will continue to closely track this issue as the situation progresses.

North Topsail Beach CBRA Mapping Issue

As you know, the North Topsail Beach CBRA mapping bill must be reintroduced this year in the new 117th Congress. We have had several conversations with the Congressional delegation regarding reintroduction of the bill over the last several weeks. North Topsail Beach officials have also discussed reintroduction of the bill directly with Congressman Murphy and his staff.

In addition to discussing and coordinating reintroduction of the bill, we have also talked with North Topsail Beach and the Congressional delegation about further exploring the “land substitute” concept. We have submitted an information request to North Topsail Beach to help update the current information we have regarding the land substitute so we can begin having more detailed discussions about the land substitute concept with the Congressional delegation and others.

We will keep TISPC and North Topsail Beach apprised as our work continues 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.

2021 Federal Priorities

We understand TISPC has approved new Advocate Goals for 2021. We look forward to discussing with you an advocacy strategy for the following four new goals listed by TISPC:

- Work to obtain funding to keep the federal channels of Topsail Island navigable.
- Advocate to promote Community Rating System discounts for flood insurance.
- Work to seek insights on ways to support the Federal Flood Insurance Program.
- Look for funding avenues for water and sewer projects.