



TO: STEVE SMITH
TOPSAIL ISLAND SHORELINE PROTECTION COMMISSION
FROM: MIKE McINTYRE
SUBJECT: DECEMBER MONTHLY LEGISLATIVE UPDATE
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The December Monthly Legislative Update provides information on the following topics:

- Washington News
 - Congress Works Through Must-Pass Bills
 - Senate Democrats Re-Elect Schumer and Team After Election Wins
 - Congress Passes Community Disaster Resilience Zones Act
 - CEQ Releases ‘Version 1.0’ of Controversial Justice40 Mapping Tool
 - GAO Report Presents Options for Improving Federal Response to Major Disasters
- Advocacy Update

WASHINGTON NEWS

Congress Works Through Must-Pass Bills

Last week, Democrats reported the potential of releasing their own versions of the fiscal year 2023 omnibus spending package and a year-long continuing resolution (CR). The topline negotiations center around \$25 billion, a number that Republicans and Democrats are apart on non-defense spending. \$25 billion represents an otherwise small portion of the \$1.7 trillion in funding but has left discussion in a stalemate. Republicans believe that Democrats funded specific non-defense priorities through the Inflation Reduction Act.

If lawmakers fail to pass an omnibus spending package, which is highly unlikely as of this writing, Congress will use a full-year CR as a contingency plan. The Department of Defense has shared letters with congressional leaders about the pitfalls that would bring to the department’s operating abilities. Additionally, negotiators agreed to include earmarks if a year-long CR is a path that Congress chooses. We expect a short-term CR either to pass by December 23 or early next year. The short-term CR will give lawmakers enough time to work through the procedural and logistical hurdles of passing the bill through both chambers. Passing a spending bill is still the goal for all parties and chambers involved.

Following the House-passage of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (HR 7776) on a vote of 350 - 85, the Senate will also vote on the must-pass legislation. The NDAA features \$858 billion in defense spending, an 8% increase from FY 2022 and \$45 billion more than the White House requested. The NDAA includes a 4.6% pay raise for active-duty personnel, \$800 million to Ukraine for military assistance, \$10 billion in military aid to Taiwan over 10 years, and an overhaul to the military's approach to sexual misconduct. The House version included a bipartisan amendment to end the COVID-19 vaccine mandate for service members. The Senate will work through amendments, and Senate Majority Leader Chuck Schumer (D-NY) has yet to determine if he will allow a vote on permitting reform, a measure sought after by Sen. Joe Manchin (D-WV) that would expedite the environmental review process for energy projects.

The House will also consider 39 bills under suspension of the rules, including the Senate-passed Flood Level Observation, Operations, and Decision Support (FLOODS) Act (S 1617), which would authorize the Small Business Administration (SBA) to declare a disaster in rural areas impacted by significant damage and provide specific assistance. The House will also vote on the Equal Access to Green Cards for Legal Employment (EAGLE) Act of 2022 (H. R. 3648), which would require the National Oceanic and Atmospheric Administration (NOAA) to expand its efforts to forecast floods and communicate with the public.

Senate Democrats Re-Elect Schumer and Team After Election Wins

Senate Democrats re-elected Sen. Chuck Schumer (D-NY) for another two years as Majority Leader last week after the Georgia runoff election handed Democrats a 51-seat majority in the first session of the 118th Congress. The Caucus also voted to re-elect Majority Whip Dick Durbin (D-IL) and the rest of the sitting leadership team. The only difference was the election of Sen. Patty Murray (D-WA) as Senate President Pro Tempore, replacing retiring Sen. Patrick Leahy (D-VT). The position places Sen. Murray third in the presidential line of succession behind Vice President Kamala Harris and the House Speaker. The party also added Sen. Brian Schatz (D-HI) to the leadership team as deputy conference secretary.

The rest of the current Democratic leadership will stay in place, including:

- Democratic Policy and Communications Committee Chair Debbie Stabenow (D-MI)
- Steering Committee Chair Amy Klobuchar (D-MN)
- Conference Vice Chair Elizabeth Warren (D-MA)
- Conference Vice Chair Mark Warner (D-VA)
- Outreach Chair Bernie Sanders (I-VT)
- Democratic Policy and Communications Committee Vice Chair Joe Manchin (D-WV)
- Conference Secretary Tammy Baldwin (D-WI)
- Democratic Policy and Communications Committee Vice Chair Cory Booker (D-NJ)
- Outreach Vice Chair Catherine Cortez Masto (D-NV)

Additionally, Sen. Kirsten Sinema (D-AZ) announced that she is changing her party registration to independent for the upcoming 118th Congress. While the switch is unlikely to change the Democratic

advantage in the Senate, it could provide some potential political gain in her reelection campaign in two years in Arizona.

Meanwhile, Sen. Mitch McConnell (R-KY) will remain Senate minority leader, an expected outcome after Sen. Rick Scott (R-FL) challenged him in a closed-door Senate GOP election. GOP Senators also voted to re-elect much of their existing leadership slate in noncontroversial elections: Minority Whip John Thune of South Dakota, Conference Chair John Barrasso, and Policy Chair Joni Ernst of Iowa. Sen. Steve Daines of Montana ran unopposed to succeed Scott as chair of the NRSC. Sen. Shelley Moore Capito of West Virginia is joining the GOP leadership team as conference vice chair.

Congress Passes Community Disaster Resilience Zones Act

Congress recently passed the “Community Disaster Resilience Zones Act,” which requires FEMA to permanently maintain its natural hazard National Risk Index and use it to designate high-risk census tracts as “community disaster resilience zones” every five years. FEMA would have to consider geographical balance when designating coastal, inland, urban, suburban, and rural areas.

Among other things, the measure would also authorize FEMA to increase the federal share to 90% from 75% under the Building Resilient Infrastructure and Communities Program (BRIC) in a designated zone. BRIC aims to shift the focus from reactive post-disaster relief to preventative mitigation and resilience efforts and generally sets a 75% limit for federal costs. The bill would also allow FEMA to use the Disaster Relief Fund to provide financial, technical, or other assistance to a state, tribal, or local government for resilience or mitigation projects that would be in or primarily benefit a community disaster resilience zone.

CEQ Releases ‘Version 1.0’ of Controversial Justice40 Mapping Tool

The White House Council on Environmental Quality (CEQ) recently released the first formal version of its [Climate & Economic Justice Screening Tool \(CEJST\)](#), which increases the number of communities eligible for funding under the Biden Administration’s Justice40 initiative to 27,251, nearly 4,000 over a beta version of the mapping tool. The November 22 release of CEJST “Version 1.0” means that federal agencies may now use it to identify disadvantaged communities eligible for Justice40 dollars, including under the bipartisan infrastructure law and Inflation Reduction Act.

Justice40 aims to ensure overburdened and underserved areas reap at least 40 percent of the benefits of federal infrastructure investments, including remediation and reduction of legacy pollution, the development of drinking water and wastewater infrastructure, and resources to fund clean energy and climate change strategies.

GAO Report Presents Options for Improving Federal Response to Major Disasters

Last month, the Government Accountability Office (GAO) [suggested](#) revising the nation’s disaster recovery system and making it easier for vulnerable communities to access federal aid.

The report suggests various policy changes, including by overhauling the current methodology whereby agencies calculate the benefits of a rebuilding project. This calculation weighs the financial benefits against the costs of a proposed recovery project, giving priority to communities with high property values. GAO recommends expanding the range of factors that federal agencies consider as benefits and reducing the level of benefits that must be demonstrated to qualify for federal aid.

Additionally, this report suggests creating a single application and improving coordination between different government agencies responsible for disaster aid. It also acknowledges that federal disaster agencies, including FEMA, which provide low-interest disaster loans, do not have sufficient data to identify communities that face barriers to receiving federal aid for disaster relief.

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ADVOCACY UPDATE

North Topsail Beach CBRA Mapping Issue

Earlier this month, the Senate Environment and Public Works Committee released the CBRA technical corrections bill. It is called the "Strengthening Coastal Communities Act of 2022" (S. 5185) and can be accessed: [here](#). Specifically, this bill approves a total of 11 new and 184 updated CBRA maps, which were transmitted to Congress by the US Fish and Wildlife Service.

We are pleased to report that the updated map, which includes the removal of the 2.5 acres of the Barton Bay area for Topsail Unit L06, was included in this final bill. The bill is expected to move forward this week and be approved before the Christmas holidays.

We will continue to monitor the progress of this bill and work with your congressional delegation in ensuring that it passes before the year's end.

Sand Borrowing Issue

As we reported earlier, the House passed the James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year 2023 (HR 7776) on a vote of 350 – 85. The Senate will also need to vote on this must-pass legislation. The NDAA includes the Water Resources Development Act (WRDA), which authorizes the U.S. Army Corps of Engineers (Corps) to carry out a two-year roadmap of water infrastructure projects.

The NDAA includes language (which was already agreed upon by both chambers) that mandates the federal government to cover the excess cost of using sand from borrow sites that are not considered to be the least cost method of disposal. Specifically, Section 8308 of the bill states that the federal government should “fund at Federal expense, any incremental increase in cost to the project that results from a legal requirement to use a borrow source determined by the Secretary to be other than the least-cost option.”

Congress is expected to pass the NDAA before the adjournment for the Christmas holidays.

Support and Promote the Community Rating System and the Federal Flood Insurance Program

We anticipate that Congress will pass an omnibus after a week-long extension (CR) to December 23. As such, we expect the reauthorization of the NFIP before the end of this year.

We will continue to monitor the passage of the FY 2023 government spending package and work to ensure the reauthorization of the flood insurance program.