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FROM: MIKE MCINTYRE
SUBJECT: NOVEMBER MONTHLY LEGISLATIVE UPDATE
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The November Monthly Legislative Update provides information on the following topics:

- Washington News
 - Congress Returns to Washington, D.C.
 - White House Releases Fact Sheets on the One-Year Anniversary of the Bipartisan Infrastructure Law (BIL)
 - FEMA Estimates Hurricane Ian National Flood Insurance Program (NFIP) Payments
 - House Democrats Ask GAO for Review of At-Risk Local Water Utilities
 - FEMA Releases National Continuous Improvement Guidance
 - Government Accountability Office (GAO) Publishes Report on Actions Needed to Strengthen FEMA's Housing Inspections Process
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WASHINGTON NEWS

Congress Returns to Washington, D.C.

Following the November 8 midterm elections and the Thanksgiving holiday, Congress returned to Washington, D.C. this week to address several legislative priorities and two must-pass bills.

The two must-pass legislative items are the fiscal year (FY) 2023 government spending package and the National Defense Authorization Act (NDAA). The federal government is currently funded through December 16 and Congress has yet to settle on topline spending numbers. Additionally, the White House requested \$37.7 billion in funding for Ukraine, \$10 billion for COVID relief, and funding for hurricane and other natural disaster relief.

Regarding NDAA, the House Armed Services Committee Chair and Ranking Member predict a final version of the bill could be ready for a vote by the first week in December. The NDAA is currently being negotiated behind closed doors by House and Senate Armed Services Committee leadership and is said to include the Water Resources Development Act that authorizes projects for the U.S. Army Corps of Engineers.

The Senate will also vote on the Respect for Marriage Act to codify the right to same-sex marriage. The bill cleared a critical procedural hurdle securing 60 votes to proceed to a vote, garnering support from 50 Democrats and 12 Republicans. This bill has been chosen as among the highest priority items for Congress to address before the new members are seated in January, and it marks a significant nexus of bipartisan agreement in a sharply divided legislature.

Two priorities not receiving lame-duck consideration are permitting reform and the debt limit.

This week, the House Republican Conference will decide rules for the 118th Congress, including a vote on the lower chamber's stance on earmarks – known in the House as community project funding requests. A vote to end the practice of earmarking in the House will be close as the Freedom Caucus has called for a permanent ban.

Republicans took control of the House with a slim majority and selected Minority Leader Kevin McCarthy (R-CA) to serve as Speaker of the House when the next Congress convenes on January 3. McCarthy faced a challenge from House Freedom Caucus Chairman Andy Biggs (R-AZ) and won comfortably with a vote of 188-31. On Thursday, current House Speaker Nancy Pelosi (D-CA) announced that she would not seek a leadership role for Democrats in the 118th Congress. The decision comes after she led House Democrats for nearly 20 years. House Democrats will hold caucus elections on November 30 and December 1. They will usher in new leaders in the top three positions, Representative Hakeem Jeffries (D-NY) as Minority Leader, Representative Katherine Clark (D-MA) as Minority Whip, and Representative Pete Aguilar (D-CA) as Caucus Chair.

In the Senate, Democrats retain the majority in the 118th Congress. Senate Republicans held leadership elections on Wednesday. Minority Leader Mitch McConnell (R-KY) won a secret ballot vote over challenger Rick Scott (R-FL) on a 37-10-1 vote. Senate Minority Whip John Thune (R-SD) and Senate Conference Chair John Barrasso (R-WY) won third and final terms in their current roles. Montana Republican Senator Steve Daines replaces Senator Rick Scott to oversee the party's efforts to win control of the Senate in 2024. Senate Democrats will vote on leadership on December 8, with Senate Majority Leader Chuck Schumer (D-NY) to continue to lead the party.

Both parties and chambers will select committee leaders for the 118th Congress, as retirements will cause most of the expected changes amongst committee leadership. Seven Senate committee leaders are retiring; six are Republicans, while both lead Senate appropriators are retiring. Seven House leaders will not return on the House side, including Oversight Chair Carolyn Maloney (D-NY) and House Administration Ranking Member Rodney Davis (R-IL), who lost their primaries. Votes on Congressional committee leadership positions will formally occur at the beginning of the new Congress.

White House Releases Fact Sheets on the One-Year Anniversary of the Bipartisan Infrastructure Law (BIL)

The White House released fact sheets on the one-year anniversary of the enactment of the BIL. The fact sheets outlined BIL accomplishments [generally](#) and also by [state](#). The White House noted the Administration has announced over \$185 billion in funding and over 6,900 specific projects, reaching over 4,000 communities across all 50 states, D.C., and the territories.

The White House also released an [interactive map](#) of BIL funding.

FEMA Estimates Hurricane Ian National Flood Insurance Program Payments

To date, the NFIP has received more than 44,000 flood claims from Hurricane Ian and has paid more than \$437 million to policyholders in five states, including North Carolina. FEMA projects that Hurricane Ian could result in NFIP claims for losses of between \$3.5-\$5.3 billion, including loss adjustment expenses.

For FY 2022, FEMA secured \$2.49 billion of reinsurance to cover events such as Hurricane Ian.

House Democrats Ask GAO for Review of At-Risk Local Water Utilities

Amid an investigation into the water crisis in Jackson, Mississippi, Democratic Reps. Bennie Thompson (D-MS) and Carolyn Maloney (D-NY) are requesting a review of the federal government's efforts to identify and maintain local water utilities that are considered vulnerable to shutting down from disasters or other causes.

The request is the latest development in a joint investigation by the House Homeland Security and the Oversight and Reform committees into the crisis depriving Jackson's 150,000 residents of fresh water after heavy rainfall exacerbated problems at the city's main water treatment plant for several days in late August and early September 2022. Reps. Maloney and Thompson said the study would help identify where investment might be needed to improve struggling water systems before they fall into disrepair.

FEMA Releases National Continuous Improvement Guidance

FEMA recently published the [National Continuous Improvement Guidance](#), which provides suggestions when conducting rigorous continuous improvement activities in emergency management. It also establishes the role of process improvement in emergency management and describes how to establish and manage an effective continuous improvement program.

This guidance is intended for the whole community, including state and local governments, nongovernmental organizations, and private organizations with emergency management functions.

Government Accountability Office (GAO) Publishes Report on Actions Needed to Strengthen FEMA's Housing Inspections Process

A recent [report](#) by GAO shows that low-income households are more likely to be approved for federal aid after major disasters but receive less money than wealthier applicants. FEMA approved emergency cash for 44% of applicants making less than \$10,000 and 24% for those making more than \$50,000. However, the average payment for the latter group was \$4,548, compared with \$3,847 for those making less than \$10,000.

GAO is making several recommendations to the Department of Homeland Security, including that FEMA assess the accuracy of its damage level approach and take concrete steps to ensure that its policies on the use of self-assessments accurately identify eligibility for assistance.

ADVOCACY UPDATE

North Topsail Beach CBRA Mapping Issue

Following our conversation with the offices of Senator Richard Burr and Senator Thom Tillis, they reached out to the Senate Environment and Public Works Committee to get an update on the status of the Coastal Barriers Resources Act (CBRA) technical corrections bill, which currently resides in that Committee.

As of today, the bill includes 185 replacements and 11 new maps waiting to be approved, which include North Carolina. The Committee is packaging together all previous CBRA mapping changes that had not yet been approved by Congress.

We remain confident that our excellent relationship with the Senate offices will ensure that the technical correction for Topsail Unit L06 is included in the draft legislation—removing approximately 2.5 acres from the CBRS in the Barton Bay Yacht Club area.

We will continue to monitor the progress of this package and work with your Congressional delegation in securing favorable legislative language in the CBRA bill as we move toward the end of the year.

Sand Borrowing Issue

As we reported earlier, the NDAA is currently being negotiated behind closed doors by House and Senate Armed Services Committee leadership and is said to include the Water Resources Development Act (WRDA). WRDA would authorize the U.S. Army Corps of Engineers (Corps) to carry out a two-year roadmap of water infrastructure projects.

As a reminder, the [Senate](#) version of WRDA includes a provision that addresses issues that have arisen from the Biden administration's decision last year to restrict the borrowing of sand from within a CBRA unit for use outside of a CBRA unit. The language requires 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. The provision only applies to Corps projects at this time.

During the recess, as lawmakers campaigned in their home states, Senate Majority Leader Chuck Schumer allowed the Armed Services Committee to begin the NDAA amendment process. Senators included WRDA in the NDAA, and as long as it remains in the Senate NDAA following a conference with the House, it will pass in the lame-duck.

We will continue to keep you informed as Congress moves ahead with the passage of WRDA toward the end of this year.

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

As we reported in our previous report, the continuing resolution extended the NFIP's authorization through December 16, 2022. However, Congress must reauthorize the program no later than this date.

As Congress moves forward with passing the FY 2023 government spending package, we expect the reauthorization of the flood insurance program before the end of this year.