



TO: STEVE SMITH
TOPSAIL ISLAND SHORELINE PROTECTION COMMISSION

FROM: MIKE McINTYRE

SUBJECT: MARCH REPORT AND LEGISLATIVE UPDATE

DATE: MARCH 21, 2024

This report and legislative update provides information on the following topics:

- Washington News
 - Congress Passes, President Biden Signs Partial FY 2024 Appropriations Package
 - Biden Addresses Congress in Fourth State of the Union
 - EPA Expands Its Water Technical Assistance Program to Help More Communities Access Federal Infrastructure Funding
 - Senate Environment and Public Works Committee Held Hearing with Army Corps on Next WRDA
- Advocacy Update

Washington News

Congress Passes, President Biden Signs Partial FY 2024 Appropriations Package

On Saturday, March 10, 2024, President Biden signed the \$436 billion *Consolidated Appropriations Act of 2024* (P.L. 118-42) into law. The law provides funding for six of the 12 annual appropriations bills.

P.L. 118-42 provides a \$1.5 billion increase over FY 2023 funding levels. Specifically, the Energy–Water Development and Transportation–HUD bills received small increases, Agriculture bill funding remained flat, and the other three bills received slight reductions. The package makes up around 26 percent of annual discretionary spending. The funding breakdowns for each bill are as follows:

- Agriculture–Rural Development–FDA: \$26.2 billion
- Commerce–Justice–Science: \$81.8 billion
- Energy–Water Development: \$58.2 billion
- Interior–Environment: \$38.9 billion
- Military Construction–Veterans Affairs: \$346.7 billion

- Transportation–Housing and Urban Development: \$103 billion

Congress must act on the remaining six bills by Friday, March 22, to avert a partial government shutdown. On March 21, House and Senate leaders released a 1,012-page legislative package that includes all six of the remaining appropriations bills. They are scrambling to bring the package to the House floor for a vote, followed by a Senate vote as soon as possible afterward to avoid a partial government shutdown at midnight on Friday, March 22.

Once Congress passes the remaining FY 2024 appropriations bills, we expect Congress to ramp up work on FY 2025 appropriations. House Members and Senators are already in the process of soliciting their constituents for “Community Projects,” or earmarks, to include in the FY 2025 budget. House and Senate Appropriators will likely release the FY 2025 appropriations guidance soon after Congress passes the remaining six FY 2024 appropriations bills.

Biden Addresses Congress in Fourth State of the Union

On March 7, 2024, President Biden gave his fourth State of the Union Address in a jam-packed House Chamber. The State of the Union allows each President to update Congress and the American people on the accomplishments and goals of their time in office. During campaign years, it is also an opportunity to present an argument for their re-election.

As expected, President Biden’s speech touched on a wide variety of topics, ranging from immigration at the Southern border to the wars in Gaza and Ukraine, to the state of the economy, and everywhere in between.

President Biden made several notable announcements, including the deployment of U.S. military (non-combat) resources to the Mediterranean to construct a temporary pier to deliver aid to the Gaza Strip. He also called on Congress to support measures to fund further and support America’s allies and partners, including Ukraine and Israel.

EPA Expands Its Water Technical Assistance Program to Help More Communities Access Federal Infrastructure Funding

The U.S. Environmental Protection Agency (EPA) announced the expansion of its Water Technical Assistance (WaterTA) program to better support communities applying for federal infrastructure resources through the agency’s State Revolving Fund programs. Adding engineering support to the WaterTA program will ensure that infrastructure funding from the Bipartisan Infrastructure Law reaches disadvantaged communities that need it most. The WaterTA programs, which provide assistance to eligible entities at no cost, address the needs of communities as they identify their water challenges, develop plans, build capacity, and develop application materials. The expansion of engineering services enhances EPA’s WaterTA programs by assisting eligible entities with developing project needs assessments, preliminary engineering reports, and other necessary studies to support community applications for State Revolving Funds.

The EPA is partnering with states, Tribes, territories, other federal agencies, local governments, community groups, and other technical assistance providers to meet the needs of communities nationwide. Where available, the WaterTA Engineering Support Team will work with local engineers to ensure adequate local expertise and build relationships and trust.

Senate Environment and Public Works Committee Held Hearing with Army Corps on Next WRDA

The Senate Environment and Public Works (EPW) Committee held a hearing featuring the Army Corps of Engineers leadership, including Hon. Michael Connor, the Assistant Secretary of the Army (ASA) for Civil Works, and Lt. Gen. Scott Spellmon, the Army Corps' Chief of Engineers and Commanding General. Their appearance before the EPW Committee was aimed at facilitating discussions surrounding the upcoming Water Resources Development Act (WRDA), biennial legislation directing the Corps' efforts on flooding, navigation, and ecosystem restoration.

Members from both sides of the aisle have submitted proposals for the next WRDA, covering a range of issues such as aging dam repairs, coastal erosion mitigation, and drought and flood threat assessments. The bill is expected to encompass authorizations for port expansions alongside enhancements to municipal water infrastructure. Emphasizing resilience against climate change, Lt. Gen. Spellmon and Chief Connor stressed the importance of fortifying the nation's water resources, a shared objective among many Democrats and some Republicans. With a history of bipartisan support, we expect Congress to pass a WRDA bill by the end of the year.

ADVOCACY UPDATE

Washington Advocacy Meetings

We look forward to hosting TISPC in Washington for a series of advocacy meetings on April 15-17. We are currently in the process of scheduling meetings with your Congressional delegation, appropriate Congressional committees, FEMA, and the U.S. Army Corps of Engineers.

The following TISPC delegation will be traveling to Washington to participate in the meetings:

- Engineering: Chris Gibson
- Town of North Topsail Beach: Alderman Tom Leonard and Alice Derian
- Town of Surf City: Mayor Teresa Batts and Kyle Breuer
- Town of Topsail Beach: Mayor/Chairman Steve Smith and Doug Shipley

All of the meetings will be scheduled on Monday, April 15 and Tuesday, April 16 with one exception: the U.S. Army Corps of Engineers can only meet with TISPC at 10:00 a.m. on Wednesday, April 17. We understand that Wednesday is a travel day for some of you, so please let us know who from the TISPC delegation can be available on April 17 for the meeting with the Corps. (Note that we are already aware that Manager Derian will not be available on April 17.)

We also look forward to speaking with the TISPC delegation on Monday, April 8 from 11:00 a.m. to 12:00 p.m. for a briefing call to prepare for the meetings. If you did not receive the calendar invite for the call, please let us know.

As we have in the past, we will send draft meeting materials and talking points before the April 8 call so we can discuss them together. We (Ward and Smith and TFG) will make any necessary changes to the meeting materials as a result of our discussion well ahead of our meetings the following week. We will also print the meeting materials and assemble the meeting packets. We will have packets for each of you in addition to everyone we will be meeting with.

North Topsail Beach CBRA Mapping Issue

We are still waiting for the Congressional Budget Office (CBO) to provide Congress with a “score” for [H.R. 2437](#), Congressman Murphy’s bill to correct issues arising from historical improper mapping of CBRS Unit L06. When the CBO score becomes available, it can be found on [here](#) on Congress.gov (on the right-hand side of the page next to the bill overview).

CBO is required to produce a cost estimate for nearly every bill approved by a full committee of the House of Representatives or the Senate. As we have reported previously, it can take several months to produce a CBO score. Having a CBO score is essential to a bill moving forward in Congress, so action on the bill will be stalled until CBO produces the score.

The bill also remains caught in the legislative logjam that ongoing disagreements over government funding have created, though there will certainly be opportunities to advocate and push for the bill's passage before the end of this Congress. As this is an election year, the lame-duck period at the end of the year represents a significant opportunity to push legislation to a vote. Senator Budd, Senator Tillis, and Congressman Murphy's offices will remain invaluable partners in moving the bill closer to passage. The bill must still be passed by the full House, the Senate, and be signed into law by the President in order for it to become law.

Sand Borrowing

Congressman Rouzer's bill to exempt certain uses of federal funds in shoreline borrow sites within the CBRS ([H.R. 524](#)) is still awaiting passage by the House. As you will recall, the House Natural Resources Committee approved the bill on November 15, 2023, by unanimous consent. Passage by unanimous consent indicates overwhelming bipartisan support and that a bill is non-controversial. There is a good chance that this legislation will be able to pass the whole House and Senate and be signed into law by the end of the calendar year. Congress could also eventually include the bill in a larger legislative package.

CBO provided Congress with a [score](#) for H.R. 524 in late February. (Note that it took CBO over three months to produce the score.) CBO concluded that the bill "would not have a significant effect on the resources needed for or the timing of ongoing projects" and, therefore, "would not have a significant cost" to the federal government. As a reminder, H.R. 524 only applies to Corps coastal storm risk management projects that have used an inlet borrow source for at least the last 15 years. Due to the limited nature of H.R. 524, it is not necessarily surprising that CBO found the bill not to have a significant cost to the federal government. Regardless, we view this score as positive and see it as potentially helpful in advocating for a policy that allows more projects to borrow sand from within the CBRS for use outside the CBRS.

FEMA Issues

On March 7, FEMA presented to Congress a report on the status of the Disaster Relief Fund (DRF). The DRF is an appropriation against which FEMA can direct, coordinate, manage, and fund eligible response and recovery efforts associated with major domestic disasters and emergencies that overwhelm state resources pursuant to the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*.

The March 7 report indicated that the DRF, which currently has \$20 billion, would run out of funds in August 2024 and have a \$7.2 billion deficit in September if Congress does not provide additional funding to FEMA.

Our preliminary analysis of FY 2024 appropriations for FEMA (just released by Congress on March 21) indicates that Congress will provide FEMA with \$20.261 billion to fund the DRF, avoiding any near-term DRF budget issues.

Surf City General Reevaluation Report (GRR)

We have been in contact with Kyle Breuer regarding the Surf City GRR and possible Congressional action that may be necessary to move the project forward. As we reiterated to Kyle, we remain available to assist TISPC and Surf City on the GRR, as needed.