



TO: MICHAEL CURLEY
TOPSAIL ISLAND SHORELINE PROTECTION COMMISSION

FROM: MIKE MCINTYRE

SUBJECT: JUNE MONTHLY LEGISLATIVE UPDATE

DATE: JUNE 23, 2016

MONTHLY LEGISLATIVE UPDATE

Noteworthy progress has been made on resolving the North Topsail Beach Coastal Barrier Resources System (CBRS) Unit L06 mapping issue. Following our meetings in Washington on June 14 and at our request, Senator Thom Tillis (R-NC), Senator Richard Burr (R-NC) and Congressman Walter Jones (R-NC-3) sent a letter to the American Law Division of the Congressional Research Service on behalf of North Topsail Beach requesting a legal opinion on the position of U.S. Fish and Wildlife Service (USFWS) with regard to its potential misinterpretation of the statute and corresponding regulations as applied to the infrastructure of North Topsail Beach. We expect to receive a response from the American Law Division by September.

Senator Tillis and Senator Burr have also indicated their willingness to proceed with introducing a bill in the Senate similar to Congressman Jones' bill in the House (H.R. 151). Before proceeding, Senator Tillis' staff has indicated they would prefer to wait on introduction of the bill until after they have received the legal opinion from the American Law Division, as strategy for bill language could change depending on the response.

Similarly, it was decided that adding "report language" to the Senate Interior, Environment and Related Agencies Appropriations bill requiring that USFWS review the infrastructure analysis that North Topsail Beach provided to the service in 2009 and report back to Congress on the justification of their position should be deferred pending the outcome of the American Law Division review. For example, a positive response from the American Law Division may justify the use of more directive language in a Senate companion bill to H.R. 151, effectively eliminating the need for the proposed report language.

STATUS OF FY 2017 APPROPRIATIONS BILLS

Lawmakers face a looming July 15 deadline to complete work before Congress breaks for an extended summer recess to accommodate the presidential nominating conventions. House and Senate leadership are revising their strategies in order to bring more appropriations spending bills to the floor, but both chambers have hit various snags in the process, sparking speculation of a potential continuing resolution (CR) to keep the government running after the fiscal year ends on September 30, and an eventual omnibus appropriations measure later this year.

Nonetheless, House and Senate appropriations committees have made significant progress in reporting their respective 12 annual spending bills. The House panel has reported ten appropriations bills and the full House has passed three, the Military Construction-Veteran's Affairs (MilCon-VA) bill, the Legislative Branch bill, and the Defense bill. The Senate panel has reported 11 bills and the full Senate has passed two, the Energy and Water bill and a minibus spending measure that includes appropriations for MilCon-VA, Transportation and Housing and Urban Development (THUD), and emergency funding to respond to the Zika virus outbreak.

Additional floor action on remaining bills could depend on the ability of Republican leaders to structure the debate process to avoid votes on contentious "poison pill" amendments that have stalled progress on several bills. On June 8, House Speaker Paul Ryan (R-WI) announced that the House Majority will begin restricting the ability for contentious amendments to make it to the floor by first requiring that all amendments be approved by the House Rules Committee. Even if the new structure for regulating amendments is successful, lawmakers expect attention will soon shift towards a new stopgap spending bill that will be necessary to prevent any lapse in government funding this fall, leaving fewer legislative days to debate and approve remaining spending bills.

Energy and Water Appropriations

On May 12, the Senate passed its \$37.5 billion Energy and Water (E&W) appropriations bill by a 90-8 vote. It was the first spending bill to be approved by the full Senate, but passage of the measure was not without controversy, as Senators blocked cloture of the bill twice over a contentious amendment related to the Administration's nuclear deal with Iran.

The House has yet to resolve differences on its E&W measure after the bill suffered an appalling 112-305 defeat on May 26 following several days of contentious debate over the adoption of amendments dealing with LGBT issues. It is unclear when the House will take up the bill again on the floor.

HOUSE AND SENATE 2016 WATER RESOURCES DEVELOPMENT ACT BILLS

The Senate Environment and Public Works Committee (EPW) introduced and approved Water Resources Development Act (WRDA) bill, S. 2848, in late April. There is no clear indication of when the bill will be considered by the full Senate. EPW leadership has had a difficult time convincing Senate leadership to prioritize WRDA. On June 8, EPW leadership convened a closed-door meeting to encourage waterways interests from around the country to push other lawmakers to bring WRDA to the floor before both chambers break for the summer recess in mid-July. Senate leadership maintains the position that spending bills must take precedence over the desire to pass a WRDA bill.

The House Transportation and Infrastructure Committee (T&I) approved its version of WRDA on May 25. T&I majority staff do not think there is a need for stakeholder engagement, like there is on the Senate side, in order to get House leadership to provide WRDA floor time. T&I Chairman Bill Shuster (R-PA) has asked for floor time already and House leadership has interest in the bill. However, it is still unclear when floor consideration will be scheduled. If the House prioritizes the appropriations process, like the Senate, House passage of a WRDA bill before mid-July will be challenging.

SENATE COMMITTEE ADVANCES UPDATE TO COASTAL ZONE MANAGEMENT ACT

On June 15, the Senate Commerce, Science and Transportation Committee marked-up and unanimously passed the Coastal Coordination Act of 2016 (S. 3038), introduced by Senators Bill Nelson (D-FL) and Roger Wicker (R-MS).

The bill would reauthorize the Coastal Zone Management Act (CZMA) of 1972, a law created to encourage coastal states to develop and implement coastal zone management plans (CZMPs), which provide the basis for protecting, restoring, and responsibly developing coastal communities and resources. CZMA aims to ensure that federal activities are consistent with state programs for the protection and, where possible, enhancement of the nation's coastal zones. The law also provides technical, financial, and planning assistance to states and communities to enhance the implementation of state coastal management plans to address disaster preparedness and hazard mitigation. CZMA established the Coastal Zone Management Program and the National Estuarine Research Reserve System Program, both administered by the National Oceanic and Atmospheric Administration.

Some changes made in the reauthorization bill include a new emphasis on coastal resilience and sea-level rise, and the encouragement of coordination between coastal states on coastal planning, policies and programs. It also authorizes appropriations for the Coastal Resources Improvement Program and the National Estuarine Research Reserve Program.

There is no companion bill in the House at this time. There are several bills in both chambers proposing to amend CZMA; however, S. 3038 is the only comprehensive reform proposal, and the only measure to advance out of committee.