
1909 K Street, NW
12th Floor
Washington, DC 20006-1157
TEL 202.661.2200
FAX 202.661.2299
www.ballardspahr.com

Brent R. Heberlee
Tel: 202.661.2249
Fax: 202.661.2299
heberlee@ballardspahr.com

MEMORANDUM

TO Legislative Committee

FROM Brent R. Heberlee

DATE October 4, 2022

RE Federal Legislative Update

This memo provides a Federal Legislative Update on the items appearing on the agenda for the October 10, 2022, Legislative Committee meeting.

1. FY2023 Appropriations

Congress passed a bipartisan continuing resolution on September 30 that continues federal funding through December 16 and is a temporary measure to afford Congress sufficient time to complete the FY2023 omnibus appropriations bill. The bill includes additional military and humanitarian support for Ukraine, as well as emergency funding to address the water crisis in Jackson, Mississippi. The measure also provides continuing authority for a number of expiring federal programs, including an extension of the National Flood Insurance Program.

2. American Rescue Plan Funding for Counties

The U.S. Department of the Treasury recently released over \$181.5 million to California counties through the Local Assistance and Tribal Consistency Fund (LATCF), a \$2 billion program funded through the American Rescue Plan Act (ARPA). Monterey County is scheduled to receive over \$1.65 million from the LATCF.

The LATCF provides two years of general fiscal aid to eligible “revenue-sharing counties” (counties with large amounts of federally-owned public lands) and Tribal governments. Of the \$2 billion available under the program, \$1.5 billion is reserved for counties and the remaining \$500 million will be distributed to eligible tribes.

ARPA states that LATCF funds are available “for any governmental purpose other than a lobbying activity.” These funds can be treated like general revenue funds or PILT payments. Examples of eligible uses include economic development, affordable housing, transportation infrastructure, and emergency services. More information on eligible uses and funding requirements can be found in the [Treasury LATCF Guidance](#) from July.

Treasury also clarified that federal Davis-Bacon prevailing wage rate requirements will not apply to projects funded by LATCF nor will receipt of funds automatically trigger any NEPA requirements, though NEPA and other environmental laws will apply as normally mandated by those individual laws. Counties can transfer and pool funds for specific projects, so long as the funds are used and tracked in a manner consistent with the law, and can use LATCF dollars to meet non-federal matching requirements for other federal programs.

More information on the LATCF can be accessed [here](#).

3. Pajaro River Flood Risk Management Project

Congressman Panetta recently announced an additional \$82 million in federal funding for the Pajaro River Flood Risk Management Project. This funding for the project was allocated to the Army Corps of Engineers’ construction account. As I reported in March of this year, Rep. Panetta secured \$67 million in funding for the first phase of construction. Both tranches of this federal funding are from the Infrastructure Investment and Jobs Act. The combination of federal, state, and local funding has the \$400 million project on its way to beginning construction as early as 2024.

4. Renewing Immigration Provisions of the Immigration Act of 1929

Senator Padilla recently introduced legislation to expand a pathway to citizenship for millions of long-term U.S. residents. The Renewing Immigration Provisions of the Immigration Act of 1929 (S. 4974/H.R. 8433) would update the existing Registry statute so that an immigrant may qualify for lawful permanent resident status if they have lived in the U.S. continuously for at least seven years before filing an application for lawful permanent resident status and are of good moral character.

The legislation would provide a pathway to a green card for up to 8 million people, including Dreamers, forcibly displaced citizens (TPS holders), children of long-term visa holders who face deportation, essential workers, and highly skilled members of our workforce such as H-1B visa holders who have been waiting years for a green card to become available. Companion legislation has been introduced in the House by Congresswoman Zoe Lofgren.

Section 249 of the Immigration and Nationality Act, also known as the Registry, gives the Secretary of Homeland Security the discretion to register certain individuals for

lawful permanent resident status if they have been in the country since a certain date and meet other requirements. Section 249 was first codified in 1929 and Congress has modified it four times, most recently in 1986. No changes have been made since 1986 and the cutoff date for eligibility remains January 1, 1972, more than 50 years ago.

The Renewing Immigration Provisions of the Immigration Act of 1929 would:

- Amend the existing Registry statute by moving the eligibility cutoff date so that an immigrant may qualify for lawful permanent resident status if they have been in the U.S. for at least seven years before filing an application under Registry.
- Preempt the need for further congressional action by making the eligibility cutoff rolling, instead of tying it to a specific date, as it is now.

Attachments:

- Federal Bill/Issues Track