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MEMORANDUM

TO Legislative Committee
FROM Maria C. Tripplaar
DATE March 5, 2024
RE Federal Legislative Update

This memo provides a Federal Legislative Update on the items appearing on the agenda for the March 11, 2024, Legislative Committee meeting.

1. Congressional Update

Both the House and Senate are in session for most of the month of March, although the traditional two-week Spring/Easter recess will begin on March 25th. The focus of this work period is expected to be resolving funding the federal government by each the March 8th and March 22nd deadlines. Additionally, both chambers continue discussions relating to the U.S. southern border and funding in support of Ukraine, Israel, and Taiwan. On February 13th, the Senate passed a bill that included provisions for humanitarian aid for Gaza, Ukraine and other nations; along with other funding to support Ukraine, Israel and Taiwan. However, House Republicans have not yet taken it up, and are not expected to in its current form given that it did not address the Southern border and included the humanitarian provisions which increased the total cost of the package.

Additionally, we are well into primary season at this stage in the year, with Super Tuesday already having taken place on March 5th. As of the time of this writing, not all results of those elections are available.

2. Budget Update

The most recent stopgap funding measure extended the deadline to pass appropriations language to March 8th (for the Agriculture, Energy-Water, Military Construction-VA, and Transportation-HUD bills), and March 22nd (for the Commerce-Justice-Science, Defense, Financial Services-General Government, Homeland Security, Interior-Environment, Labor-

HHS-Education, Legislative Branch, and State-Foreign Operations bills). The previous deadlines, pursuant to a stopgap funding measure, called a Continuing Resolution or “CR” had set the deadlines at March 1st and March 8th, respectively (detailed in my January 2024 Federal Legislative Report).

After months of uncertainty and stopgap funding measures, the House and Senate have released combined text that includes the negotiated language for six of the twelve federal appropriations bills. For our purposes, these six bills encompass all four of the earmarks requests we filed that were previously approved in Committee (of the nine total we submitted for consideration last year). I’ve included a chart below which itemizes each of the four projects and the funding amount included in the legislative text.

While not yet formally announced, as of the time of this writing, the House is expected to vote on the combined text – which is being referred to as a “minibus” – on Wednesday, March 6th, with the Senate then expected to take it up before the week’s end and the President to quickly sign it into law prior to the March 8th deadline. Text has not yet been released nor a formal announcement made regarding the six remaining appropriations bills which have the deadline of March 22nd.

3. Federal Budget Requests

Federal earmark – also called Congressional Directed Spending and Community Project Funding – requests are typically due for submission in March, with the appropriations process intended to continue first through committee and then each chamber (House and Senate) through the spring and summer. I continue to strongly suggest that the County discuss any project requests in advance and to liaise with the federal delegation to better understand the Senator’s or Member’s views on the project.

It remains unclear whether the County or any other entity will have an opportunity to submit federal earmark requests for consideration for the FY25 appropriations cycle, and pending further guidance from Congress, I recommend that we move forward as if there will be an opportunity so that we can effectively preserve all options for potential funding.

Additionally, I note that within our federal delegation, and pending any official announcement from the Appropriations Committees, only Senator Butler has announced that she is accepting FY25 Congressional Directed Spending requests. To that end, the Departments are preparing applications for projects previously approved by the Board of Supervisors, and intend to submit by Senator Butler’s March 12, 2024 at 11:59PM Eastern deadline.

a. FY24 Community Project Funding Update

As discussed at previous Legislative Committee meetings, Monterey’s federal delegation has been extremely supportive of all the requests that we submitted earlier this year. Ultimately,

the below requests were approved in their respective House and Senate Committees' appropriations bills, and now await action by each chamber, which is expected to occur during the week of March 4, 2024.

	Submitted by	Amount Submitted to Senate or House Appropriations Committee, respectively	Amount Approved by Committee	Amount Included in "Minibus"	Amount Requested by County
Family Justice Center (FJC)	Sen. Padilla	\$490,000			\$500,000
	Rep. Lofgren	\$500,000	\$500,000	\$500,000	
Porter Vallejo Mansion (Pajaro Library)	Sen. Padilla	\$500,000			\$500,000
Trail Access/Amenities – Salinas Skate Park and BMX Pump Track (855 E. Laurel Dr., Salinas)	N/A	N/A			\$500,000
Supplemental Well Rehabilitation/Replacement – Castroville Seawater Intrusion Project (CSIP)	Sen. Padilla	\$3,000,000			
Blight Removal – Former Ft. Ord	Sen. Padilla	\$650,000			\$650,000
Pajaro Park Artificial Turf Replacement	N/A	N/A			\$1 million
Pajaro County Sanitation District (PCSD) Sewer System Improvements	Sen. Padilla	\$1.5 million	\$1.5 million	\$1.5 million	\$1.5 million
Carmel River FREE Project	Sen. Padilla	\$3 million			\$3 million
	Rep. Panetta	\$3 million	\$3 million	\$3 million	\$3 million
San Lucas Drinking Water	Sen. Feinstein	\$2 million			\$2 million
	Sen. Padilla	\$2 million			
	Rep. Lofgren	\$2 million	\$959,752	\$959,752	

b. *FY25 Community Project Funding Requests*

The following projects were previously approved by the Legislative Committee to be submitted for consideration by the federal delegation in the event there is an opportunity to do so for FY25. The relevant County Departments are already working expeditiously to prepare request packages for each of the listed projects.

- Family Justice Center (FJC), King City
- Trail Access/Amenities – Salinas Skate Park and BMX Pump Track
- Supplemental Well Rehabilitation/Replacement – Castroville Seawater Intrusion Project (CSIP)
- Blight Removal – Former Ft. Ord
- Pajaro County Sanitation District (PCSD) Sewer System Improvements
- Carmel River FREE Project
- San Lucas Drinking Water
- Community Services Center, Seaside

County staff has informed me that we no longer expect to submit requests related to a suite of projects for system upgrades to the County's NGEN systems because alternate funding opportunities have been identified.

4. Legislation

a. *West Coast Ocean Protection Act of 2023 (H.R. 470/S. 22) – Recommend Support*

This bill would prohibit the Department of the Interior from issuing a lease for the exploration, development, or production of oil or natural gas in any area of the Outer Continental Shelf off the coast of California, Oregon, or Washington.

This legislation was introduced by Rep. Huffman in the House, with Rep. Panetta as a co-sponsor. The late Sen. Feinstein introduced it in the Senate, and both Sen. Padilla and Sen. Butler are co-sponsors.

b. *Fighting Homelessness Through Services and Housing Act (H.R. 516/S. 24) – Recommend Support*

This bill requires the Health Resources and Services Administration to award grants to local and tribal government entities for the planning and implementation of programs to address homelessness. The program includes five-year implementation grants to assist such entities in carrying out activities and paying capital building costs associated with the provision of housing and services to homeless individuals and families. Additionally, eligible entities must demonstrate the capacity to address areas such as mental health, substance use disorder and recovery services, chronic health conditions, and educational and job training.

The late Sen. Feinstein introduced it in the Senate, and both Sen. Padilla and Sen. Butler are co-sponsors. It was introduced in the House by Rep. Lieu (CA-36)

c. Incorporating National Support for Unprecedented Risks and Emergencies (INSURE) Act (H.R. 6944) – Recommend Support

This bill has the potential to aid property owners by creating a catastrophic property loss reinsurance program, thereby alleviating the cost and availability issues currently challenging insurers nationwide.

The INSURE Act will also benefit homeowners by creating a grant program to promote loss prevention investments, which is particularly useful in rural California communities with large populations of socio-economically disadvantaged residents. While home hardening measures for wildfire mitigation are crucial to decreasing loss potential for insurers, they can often be costly and necessitate investment for certain sectors of the population.

I note that Rural County Representatives of California (RCRC) is supportive of this legislation. Additionally, I have consulted County officials, notably the Director of Emergency Management and Acting Director of Monterey County Housing and Community Development (HCD), who believe that the bill is a step in the right direction to bring insurers back to California, and a very exciting development in this space. In particular, the Department of Emergency Management has a number of suggestions to improve the bill and I will work with her and the federal delegation to ensure the County's perspective is heard.

This bill was introduced in the House by Rep. Schiff (CA-40), and is co-sponsored by Rep. Lofgren. It does not yet have a Senate companion.

5. Carmel River Floodplain Restoration and Environmental Enhancement Project (CRFREE) update

The County has applied for FEMA/CalOES Hazard Mitigation Grant (Disaster No. DR-4344; Project No. 0079; Fund Request \$29,577,805), and the award is pending FEMA completion of requirements mandated by the National Environmental Policy Act (NEPA) and filing a Finding of No Significant Impact (FONSI), and subsequent finalization of grant funding documentation.

I have been working with Melanie Beretti, the County's Acting Chief of Planning, who has alerted me to the challenges associated with FEMA's inability to complete their environmental review and award the grant, and that the delays could ultimately impact the state funds that have also been awarded and delay construction.

In coordination with many County officials, Ms. Beretti and I partnered with the Big Sur Land Trust (BSLT) to reach out to Rep. Panetta's office for assistance. On February 22, 2024, Rep. Panetta wrote to U.S. Army Corps of Engineers (USACE) and State Historic

Preservation Offices (SHPO) reiterating his support of the CRFREE project, and to request that both offices expedite completion of the Memorandum of Agreement (MOA) and historic property treatment plan (HPTP) for the CRFREE project. Subsequently on February 28th, USACE sent a draft MOA to SHPO for consideration, and we currently await SHPO's response.

6. Federal Delegation Support

a. Supervisor Askew Meetings

The 2024 NACo Legislative Conference was held February 10-13 in Washington, DC. While in the Nation's Capital, Supervisor Askew met with Rep. Panetta, Rep. Lofgren, and Rep. Peltola.

Supervisor Askew was able to share the County's Legislative Program Document with each Rep. Panetta and Rep. Lofgren, and highlighted several County priorities. Additionally, Supervisor Askew was accompanied by two students from Monterey County who were able to meet with their legislators, see first-hand how the federal government works, seek counsel from their legislators about future career plans, and tour both the White House and Capitol building with Supervisor Askew.

b. Federal Grant Applications

The County received broad support from the federal delegation for recent federal grant applications. Both Rep. Panetta and Rep. Lofgren provided letters of support for the County's RAISE grant application that was filed in late February. If awarded, these grant funds would be used to increase infrastructure safety, reliability and efficiency for the Davis Road Bridge Replacement and Road Widening Project. Senator Padilla's office has also been very supportive of the County's grant application and we anticipate an additional letter of support from him imminently.

Additionally, in October 2023, Monterey County Water Resources Agency (MCWRA) submitted a DOE grant application for the Nacimiento Dam Spillway Plunge Pool Erosion Project. I am pleased to share that Rep. Lofgren, Rep. Panetta and Senator Padilla have been advocates on behalf of the County for this grant application as well.

7. Federal Bill/Issues Track

Attachment(s):

Federal Bill/Issues Track