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MEMORANDUM

TO Monterey County Board of Supervisors

FROM Brent R. Heberlee

DATE January 11, 2021

RE Legislative Program: 2020 Federal Advocacy Report

Introduction

Over the last 13 months Congress has impeached a president, weathered a pandemic, and survived an attempted coup, all with a whole lot of crazy in between. And now (as of this writing), Congress appears to be initiating a second impeachment proceeding with ten days left in the Trump presidency. These are not normal times.

In this unprecedented political and social environment, the County's federal advocacy program functioned almost exclusively in a virtual setting – with few exceptions, lobbyists and other visitors were not permitted to enter congressional office buildings. The silver lining, if you can call it that, was that most members of Congress and their staff became more accessible over Zoom as compared to in person due to the reduced demands on their time.

While the presidential election and COVID-19 response dominated the political landscape in 2020, we found opportunities to address many of our policy priorities with the County's congressional delegation. Following is a summary of the County's federal advocacy efforts with which I was involved and policy updates on key federal legislative, budgetary, and regulatory issues included in the 2020 Legislative Program.

Summary of Accomplishments

- Meetings with Monterey County Officials
 - **BOS COVID-19 Briefings:** since last April, I have provided weekly updates to the Board of Supervisors on the federal response to COVID-19 and legislative and regulatory matters impacted by the pandemic.
 - **BOS Legislative Workshop:** in February, I attended the Board's Legislative Workshop in Gonzales. I assisted County staff with the preparation of issue briefs for the meeting and secured attendance of representatives of the County's congressional delegation, including Rep. Jimmy Panetta.

- COVID-19 Relief

Before the end of April, Congress had enacted four bipartisan pieces of legislation that directed trillions of dollars to coronavirus response and relief efforts. In the ensuing months, negotiations on an additional package between the House and Senate stalled, with each chamber opting to act on its own relief bill. In late December, Congress enacted its fifth and final COVID-19 relief bill of 2020. Throughout this process, I advised the County on the status and substance of each legislative proposal and advocated our position and concerns to our congressional delegation. The COVID-19 relief matters in which I was engaged most closely include the following:

- **Direct, Flexible Funding to County Governments:** the County supported legislation, co-authored by Congressman Panetta, that would extend and expand the \$150 billion Coronavirus Relief Fund established in the CARES Act to provide local governments of all sizes with direct and flexible funding to further assist in mitigating the virus, protect the public's health, and restore the economy. Passed House twice.
- **Paid Sick and Medical Leave:** I advised the County on the provisions of the Family First Coronavirus Relief Act (FFCRA) that establishes an Emergency Paid Leave Program and requires employers to provide employees two weeks of paid sick leave to care for a child whose school has closed, or if the childcare provider is unavailable, due to the coronavirus.
- **Support for Hospitals and Healthcare Providers:** I advised the County on additional funding made available to local hospitals and public health agencies for medical surge capacity issues, reimbursements for COVID-19 related expenses, lost revenue, and public health services for uninsured individuals. Natividad Medical Center will also benefit from a two year delay of Medicaid disproportionate share hospital (DSH) payment cuts that would have been implemented this year.
- **Support for Small Businesses:** I advised the County on the Small Business Administration's implementation of the Paycheck Protection Program (PPP), a new

forgivable loan initiative aimed at helping small businesses and nonprofits weather the economic fallout from COVID-19 restrictions.

- **Support for Broadband Deployment and Services:** I advised the County about the establishment of a new \$300 million broadband deployment grant program administered by the Commerce Department and targeted to areas lacking broadband, especially rural areas. The grants would be issued to qualifying partnerships between state and local governments and fixed broadband providers. The Consolidated Appropriations Act of 2021 also establishes a temporary \$3.2 billion emergency broadband benefit at the FCC to help low-income individuals get or stay connected to broadband by providing a \$50 monthly discount to households to help them afford broadband service, and a subsidy for a low-cost device such as a computer or tablet.
- **FEMA Public Assistance Program:** I advised the County on legislation cosponsored by Rep. Panetta that would adjust the FEMA cost share for all COVID-19 related declarations to 100% federal, up from the normal 75% federal and 25% non-federal.
- **Enhanced Unemployment Benefits:** I advised the County on the CARES Act provisions that established a new pandemic unemployment assistance program for gig workers, expanded relief for governmental and nonprofit entities, and an additional payment of \$600 per week to each person receiving benefits through the end of 2020.
- **Economic Impact Payments:** I advised the County on the parameters of the stimulus checks provided to individuals and families that were authorized by the CARES Act (up to \$1,200) and the Consolidated Appropriations Act of 2021 (up to \$600).
- **Food Assistance:** I advised the County on the additional \$15.5 billion for SNAP in the CARES Act, which has been completely drawn down due to increased program participation. Under the Consolidated Appropriations Act of 2021, all SNAP participant received a uniform monthly benefit increase of 15% on January 1, 2021, which is expected to cost around \$18.5 billion.
- **Supported Economic Assistance for Undocumented Immigrants:** I affirmed the County's support to the congressional delegation for their efforts to extend economic aid to undocumented immigrant families excluded from relief in the CARES Act.
- 2020 Census
 - **Supported Efforts to Achieve a Complete Count:** I advised the County of Census Bureau policies and scheduling adjustments affecting the County's ability to achieve a complete count.

- Health Care
 - **340B Drug Discount Program:** I organized a meeting for County health officials with Rep. Panetta's staff to discuss their concerns with the recent changes imposed by drug manufacturers to the federal 340B Drug Pricing Program. The 340B program provides drugs at heavily discounted prices to contract pharmacies that support the Health Department's ten clinics.
 - **End Valley Fever Now Act:** the County supported legislation that would authorize funding to help train local medical providers to diagnose and treat those exposed to the disease. It would also provide funding for additional research and improved access to clinical trials for affected individuals.
- Cannabis
 - **Medical Marijuana Appropriations Rider:** the Consolidated Appropriations Act of 2021 includes what was previously known as the Rohrabacher-Blumenauer Amendment, which prohibits the Department of Justice from using federal funds to punish states or territories that have legalized medical marijuana. The bill does not include any similar protections for the legal recreational market, even though such protections were included in the House's first appropriations package earlier in 2020.
- Water Resources
 - **Supported Additional Funding for Water Storage and Recycling:** the County supported efforts by Senator Feinstein to extend funding for water storage projects under the WIIN Act. The Consolidated Appropriations Act of 2021 provided over \$300 million for Bureau of Reclamation projects in California, including \$15.5 million for the Pure Water Monterey Groundwater Replenishment Project.
 - **Supported Funding for the Pajaro River Flood Control Project:** I worked closely with Santa Cruz County's lobbyist to advocate for the Army Corps of Engineers to provide FY2020 Work Plan funding for the Pajaro River Flood Control project, resulting in \$1.8 million allocated to the project. The counties also worked successfully with Congressman Panetta to include language in the FY2021 budget that should help the project compete for additional Work Plan funding this year.
- Housing and Homelessness
 - **Housing Vouchers and Student Homelessness Services:** the Consolidated Appropriations Act of 2021 includes \$43.4 million in new targeted vouchers to reduce homelessness among families with children, individuals, the unsheltered, veterans, and survivors of domestic violence. It also includes \$107 million for Education for Homeless Children and Youth, an increase of \$5 million above the 2020 enacted level.

- Transportation
 - **FAST Act Extension:** Congress passed a one year extension of surface transportation reauthorization legislation, along with an additional \$13.6 billion transfer to the Highway Trust Fund, which will provide states with certainty for planning their 2021 programs.
- Payments In Lieu of Taxes
 - **Supported Appropriations for PILT:** the County advocated successfully for one year of full, mandatory funding in FY2021 for the PILT program, which last year resulted in an award of over \$973,000 to the County.

Outlook for 2021

The political landscape in Washington, D.C. was forever changed by the tragic events that unfolded on Capitol Hill on January 6th. As of this writing, it is still too soon even to hazard a guess as to what the long term impacts will be on our government and society, especially how our citizenry views its role in a representative democracy. And it's hard to believe that less than 24 hours before the rioters invaded the Capitol Building, another historic event unfolded that should have dominated the headlines for weeks – the unexpected victories of two Democratic candidates for the U.S. Senate in the Georgia special election.

The significance of the results in the Georgia runoff elections cannot be overstated. Once he takes office, President-elect Joe Biden will now have Democratic majorities in both the House and Senate, albeit by the slimmest of margins. The Senate will now be split 50-50 between the two parties, giving Vice President-elect Kamala Harris the tiebreaking vote and Democrats the ability to set the legislative agenda. Also important for President-elect Biden, Senate Democrats will control the confirmation process, allowing him to get his cabinet and over 1200 other positions requiring Senate confirmation filled much more quickly than if Republicans were in control of the process.

The top three policy priorities for President-elect Biden are COVID, COVID, and COVID. Specifically, Biden plans to speed the distribution effort by deploying every available dose of COVID-19 vaccine when he takes office in a shift from the Trump administration's approach of reserving half the available supply for second shots in a two-dose regimen. Biden is also likely to ask Congress to consider another COVID relief bill in the near term, including direct assistance to state and local governments.

Beyond COVID, President Biden is expected to pursue major initiatives on infrastructure, climate, health care expansion, immigration, voting rights, election security, and student debt relief. The Senate filibuster may prevent legislative success in many of these areas, forcing Biden to pursue executive actions and use of budget reconciliation procedures as a work around for Republican opposition in the Senate. Biden will also move quickly to overturn Trump administration regulations using the Congressional Review Act,

which provides for expedited legislative procedures and avoids filibuster concerns in the Senate. Biden's professed desire to pursue bipartisan solutions to many hotly contested issues will be tested early and often as he engages with members of the institution he served in for 36 years.

COVID-19 Disparate Impact Advocacy

Our advocacy to address the disparate impact of the federal response to COVID-19 has been ongoing since the beginning of the pandemic. I have worked closely with County staff to keep our congressional delegation informed of federal policies and legislative proposals that are of concern to the County, including in the following areas:

- 2020 Census: the effort to achieve a complete count in the County has been challenged by schedule adjustments and restrictions on outreach targeted at hard to count communities.
- Health Care: the lack of access to health care by undocumented immigrants, exacerbated by hostile immigration policies and exclusion from many public assistance programs, has led to disproportionate rates of disease and death in communities of color.
- Broadband: the pandemic has magnified the digital divide, especially for children in a virtual learning environment, but also for low-income residents of all ages and those in residing in rural parts of the County.
- Housing: the congregate living environment for many County residents, particularly those in farmworker households, presents unique challenges to stem the spread of COVID-19.
- Small Business Assistance: the latest round of funding for PPP small business loans includes targeted assistance for minority-focused lenders.

President-elect Biden has established a new COVID-19 Equity Task Force that will be focused on combating pandemic-related health disparities in communities of color. The concept for the task force is based largely on legislation introduced in the Senate last April by now-Vice President-elect Kamala Harris. A primary role for the task force will include working with local and community leaders on education and outreach efforts to communities of color and ensuring equitable access to PPE, testing, and vaccine.

County of Monterey Federal Issues Track 2019-20

<i>Measure</i>	<i>Author</i>	<i>Topic</i>	<i>Brief Summary</i>	<i>Position</i>	<i>Notes</i>
Medical Marijuana appropriations rider	Blumenauer	Cannabis	Prohibits DOJ from spending funds to prevent certain states “from implementing their own State laws that authorize the use, distribution, possession or cultivation of medical marijuana”	Monitor	1/28/19 passed House as part of appropriations package to reopen the government 12/27/20 enacted as part of the Consolidated Appropriations Act of 2021
H.R. 1595 S. 1200	Perlmutter Merkley	Cannabis	SAFE Banking Act – creates a safe harbor for financial institutions to provide services to lawful, state-authorized cannabis businesses	Monitor	3/28/19 approved by Financial Services Com 9/25/19 passed House 5/15/20 passed House in HEROES Act
H.R. 3884 S. 2227	Nadler Harris	Cannabis	Marijuana Opportunity Reinvestment and Expungement (MORE) Act of 2019 -- decriminalizes and deschedules cannabis, provides for reinvestment in certain persons adversely impacted by the War on Drugs, provides for expungement of certain cannabis offenses	Monitor	12/4/20 passed House
H.R. 3185	Panetta	Economic Development	Defense Language Improvement Act – authorizes the Defense Language Institute Foreign Language Center to confer a BA degree in foreign language	Monitor	1/1/21 enacted as part of the FY2021 National Defense Authorization Act
H.R. 7467	Panetta	Economic Development	Revolving Loan Fund Flexibility Act – provides flexibility for use of EDA grant funds	Monitor	6/26-29/20 emails with Panetta staff 7/1/20 passed House as amdt to H.R. 2
H.R. 8802	Horsford	Economic Development	Hospitality and Commerce Job Recovery Act	Support	12/17/20 LC Support
CAFE standards	EPA/NHTSA	Environment	EPA proposal would lower auto emission standards and revoke CA waiver to set more stringent standards	Oppose	10/25/18 comment letter submitted to regulations.gov
H.R. 4051 S. 2284	Panetta Feinstein	Environment	Climate Action Rebate Act – imposes a carbon fee on fossil fuels and rebates revenues to low-income citizens	Support	10/14/19 LC Support 10/15/19 letters to Rep. Panetta and Sen. Feinstein

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H.R. 310 H.R. 1941 S. 1318	Huffman Cunningham Feinstein	Environment	West Coast Ocean Protection Act – prohibits offshore oil and gas development	Support	5/13/19 LC Support 5/14/19 Letters to Panetta, Feinstein, Harris 9/11/19 passed House
BLM Central Coast Oil and Gas Proposal	BLM	Environment	Proposal to increase oil and gas fracking on public lands	Protest	6/4/19 BOS approved protest position 6/5/19 Letter filed with BLM 10/4/19 BLM ROD issued; County protest dismissed
H.R. 5303	Panetta	Environment	Establishes a moratorium on new oil and gas leasing on federal land on the central coast	Monitor	7/24/20 passed House as part of FY2021 appropriations bill
S. 4431	Feinstein	Environment	Emergency Wildfire and Public Safety Act	Monitor	9/1/20 letter received from Feinstein requesting support 9/14/20 LC Support
H.R. 8731	Panetta	Environment	Save Our Forests Act	Support	10/19/20 request for support from Panetta 11/9/20 LC Support
H.R. 530	Eshoo	Government	Legislation to overturn an FCC rulemaking on 5G wireless network deployment that curtails local authority	Support	3/11/19 LC Support 3/15/19 letter sent to Panetta
2020 Census	Commerce Department	Government	The U.S. Census Bureau is conducting the 2020 Census and implementing policies that will fail to achieve a complete count	Support	10/1/18 letter to U.S. Census Bureau in support of opening a census office in Monterey County 11/13/18 response letter received from U.S. Census Bureau denying request 1/16/19 Panetta letter to Commerce 3/5/19 meeting with Department of Commerce and Census Bureau officials in DC 3/6/19 meeting with congressional delegation 10/15/20 call with Panetta's office
H.R. 3043	Kirkpatrick	Government	Permanently Authorizing PILT Act	Monitor	
H.R. 6467	Neguse	Government	Coronavirus Community Relief Act	Monitor	4/30/20 call with Panetta staff
H.R. 7090	Cook	Government	Coronavirus County Relief and Stability Act	Monitor	5/26-6/3/20 emails with Panetta staff
H.R. 1629 S. 1015	Torres Burr	Government	911 SAVES Act	Monitor	

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H.R. 2420 S. 1267	Serrano Menendez	Government	National Museum of the American Latino Act	Monitor	7/27/20 passed House
H.R. 8112	Thompson	Government	Increase Federal Disaster Cost Share Act	Monitor	
H.R. 3022 H.R. 3054	Engel Olson	Health	Repeal and/or delay of Disproportionate Share Hospital (DSH) payment reductions under the ACA	Support	7/22/19 LC Support
S. 1895	Alexander	Health	Lower Health Care Costs Act – extends mandatory funding for community health centers and authorizes new grant programs for local health departments	Support	7/22/19 LC Support
H.R. 987 S. 455 S. 1400	Rochester Shaheen Menendez	Health	Increases consumer access to comprehensive and affordable health care services	Support	6/7/19 Letters to Feinstein and Harris
H.R. 5438	Cox	Health	End Valley Fever Now Act – authorizes funding for research and clinical trials	Support	1/13/20 LC Support
H.R. 7327	Lowey	Health	Child Care for Economic Recovery Act	Monitor	7/29/20 passed House
H.R. 7027	DeLauro	Health	Child Care Is Essential Act	Monitor	7/29/20 passed House
340B Drug Program		Health	Pharmaceutical industry is seeking to restrict use of contract pharmacies for dispensing discounted drugs	Monitor	11/2/20 briefing with Health Dept and Panetta staff
McKinney-Vento program	Department of Education	Homelessness	Department of Education provides funding to local education departments to address student homelessness issues	Support	3/6/19 meeting with congressional delegation 5/8/19 FY2020 funding approved by House Appropriations Committee
H.R. 2001	Stivers	Homelessness	Homeless Children and Youth Act – expands HUD’s definition of “homeless” to include all children and youth who are already verified as homeless by other educational and social services programs	Monitor	
Emergency Solutions Grant program	HUD	Homelessness	Provides grants to local governments to address homelessness issues	Support	3/6/19 meeting with congressional delegation

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S. 923	Feinstein	Homelessness	Fighting Homelessness Through Services and Housing Act – provides grants to local governments for housing and homeless services	Support	4/8/19 LC Support 4/9/19 Letter to Sen. Feinstein
H.R. 7351	Gomez	Housing	Opportunity Starts at Home Act - establishes a new tax credit that supports affordable housing financed by the Low-Income Housing Tax Credit	Monitor	
Census Question on Citizenship	Commerce Department	Immigration	Commerce Department intends to include a question on citizenship on the 2020 Census	Oppose	1/30/18 letter to Secretary of Commerce and congressional delegation 3/5/19 meeting with Department of Commerce and Census Bureau officials in DC 3/6/19 meeting with congressional delegation
H.R. 6	Roybal-Allard	Immigration	American Dream and Promise Act of 2019 – provides Dreamers and TPS recipients with an earned pathway to citizenship	Monitor	3/12/19 cosponsored by Panetta 6/4/19 passed House
S. 879	Van Hollen	Immigration	SECURE Act – provides TPS recipients with an earned pathway to citizenship	Monitor	3/26/19 cosponsored by Feinstein
S. 175 H.R. 641	Feinstein Harris Panetta	Immigration	Agricultural Worker Program Act - farmworkers who have worked in agriculture for at least 100 days in each of the past two years may earn lawful “blue card” status and potentially transition to lawful permanent residency	Support	2/11/19 LC Support 2/12/19 letters to Panetta, Feinstein & Harris 3/6/19 meeting with congressional delegation
S. 292 H.R. 541	Feinstein Harris Panetta	Immigration	Keep Families Together Act – prohibits DHS from separating undocumented children from their parents at or near the border	Support	2/11/19 LC Support 2/12/19 letters to Panetta, Feinstein & Harris
H.R. 4916	Panetta	Immigration	Farm Workforce Modernization Act – establishes new program for ag workers to earn legal status	Support	11/12/19 LC Support 11/17/19 letters to Panetta, Feinstein & Harris
H.R. 6437	Chu	Immigration	Coronavirus Immigrant Families Protection Act	Monitor	4/30/20 call with Panetta staff
H.R. 3328	Torres	Immigration	Citizenship Affordability Act – provides for fee waivers for naturalization	Monitor	12/5/19 comment letter submitted to USCIS

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S. 2302	Barasso	Infrastructure	America's Transportation Infrastructure Act – reauthorizes federal surface transportation programs for five years	Monitor	10/14/19 LC Watch
Pajaro River Flood Control Project		Infrastructure	Monterey and Santa Cruz counties are working with the Army Corps of Engineers to authorize and fund a flood control project for the Pajaro River	Support	3/2/19 NACo resolution cosponsored by Monterey and Santa Cruz counties adopted 3/5/19 meeting with Panetta 8/13-14/19 meetings with ACOE, House and Senate staff 12/12/19 ACOE signs Director's Report 12/20/19 report language in FY20 budget 2/11/20 ACOE FY20 Work Plan - \$1.8M 11/20/20 MCWRA letter to Feinstein/Harris on FY2021 appropriations 12/27/20 report language in FY21 budget
S. 4131	Klobuchar	Infrastructure	Accessible, Affordable Internet for All Act – provides \$80 billion for broadband deployment	Monitor	
H.R. 8	Thompson	Justice	Bipartisan Background Checks Act – requires background checks for all gun sales	Monitor	2/27/19 passed House
H.R. 1112	Clyburn	Justice	Enhanced Background Checks Act – closes loophole related to three day waiting period for gun sales	Monitor	2/27/19 passed House
S. 488 H.R. 35	Harris Rush	Justice	Justice for Victims of Lynching Act	Support	6/7/19 Letter to Panetta 2/26/20 passed House
S. 4	Harris	Tax	LIFT Middle Class Act – establishes a refundable middle class tax credit of up to \$3,000 for individuals and \$6,000 for married couples	Support	4/8/19 LC Support 4/9/19 Letter to Sen. Harris
H.R. 7197	Blumenauer	Tax	RESTAURANTS Act – establishes a \$120 billion revitalization fund to help independent restaurants deal with the COVID pandemic	Monitor	
H.R. 7222	Panetta	Tax	Safe Reopening Tax Credit Act - provides businesses and nonprofits a tax credit for expenses related to the COVID pandemic	Monitor	

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S. 1932	Gardner Feinstein	Water	Drought Resiliency and Water Supply Infrastructure Act – extends water storage and recycling programs authorized by the WIIN Act	Support	7/22/19 LC Support 7/31/19 Letter to Sen. Feinstein 12/27/20 similar provision included in FY21 Consolidated Appropriations Act
S. 2466	Harris	Water	Water Justice Act – provides funding for safe drinking water programs for high-risk communities	Monitor	10/14/19 LC Support 10/15/19 letter to Sen. Harris
Interlake Tunnel Project		Water	WIIN Act Section 4007 water storage funding opportunity through Bureau of Reclamation		7/1/19 call with Bureau of Reclamation 7/3/19 call with WRA and County staff 9/5/19 call with Bureau of Reclamation
San Antonio Dam Repairs		Water	Federal funding is needed to assist with costs associated with repairs to the spillway		11/6/19 call with Feinstein staff
Salinas Valley Water Project		Water	Biological Opinion for project has been rescinded by NOAA/NMFS		2/28/19 update provided to Rep. Panetta staff