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MEMORANDUM

TO Monterey County Board of Supervisors
FROM Brent R. Heberlee
DATE January 15, 2020
RE Legislative Program: 2019 Federal Advocacy Report

Introduction

The 2018 mid-term elections ushered in Democratic control of the House of Representatives and an era of divided government for President Trump and his administration. In 2019, House Democrats and President Trump showed little appetite for bipartisan lawmaking, resulting in one of the least productive sessions of Congress in history. The House passed 632 bills and the Senate passed 507 bills, yet only 106 of those bills have become law (20 of which are Post Office namings). By contrast, the Senate confirmed 20 federal circuit court and 67 district court judges in 2019, keeping it on pace to confirm a record number of judicial appointments during the Trump presidency.

In this challenging political environment, the County's federal advocacy program involved both offensive and defensive strategies. While we often found ourselves opposing many of the Trump administration's policy proposals, we also supported a number of bills and budget items that passed the House and eventually became law. Following is a summary of the County's advocacy efforts with which I was involved on key federal legislative, budgetary, and regulatory issues included in the 2019-20 Legislative Program.

Summary of Accomplishments

- DC Meetings with Monterey County Officials
 - **NACo Legislative Conference:** the County delegation attending the conference had productive meetings with Congressman Jimmy Panetta, legislative staff in the offices of Senators Feinstein and Harris, and senior officials from the U.S. Department of Commerce and U.S. Census Bureau. We discussed issues involving the 2020

Census, immigration, and homelessness. At the conference, a resolution sponsored by Santa Cruz and Monterey counties was adopted that urges the U.S. Army Corps of Engineers to improve the cost-benefit analysis for projects like the Pajaro River Flood Risk Reduction Project.

- **Pajaro River Flood Control Project:** In August, WRA Board of Directors member John Baillie and I joined officials from Santa Cruz County and the City of Watsonville for meetings in D.C. with congressional and executive branch officials to advocate for Army Corps of Engineers approval of the feasibility report and funding for the Pajaro River Flood Control Project.
- Immigration
 - **Supported Legal Status for Agricultural Workers:** the County supported legislation, authored by Congressman Panetta and Senator Feinstein, that would establish a new program for undocumented agricultural workers to earn legal status and potentially transition to lawful permanent residency. Passed House.
 - **Supported Reinstatement of DACA and TPS:** the County supported legislation to provide DACA and TPS recipients with an earned pathway to citizenship. Passed House.
 - **Opposed Citizenship Question on 2020 Census:** the County opposed the Trump administration's efforts to include a question on citizenship on the 2020 Census questionnaire, including through litigation led by the State of New York. The Supreme Court ruled that including the question violated federal law.
 - **Opposed Family Separation Policy:** the County supported legislation that prohibits DHS from separating undocumented children from their parents at or near the border. In committee.
- Cannabis
 - **Supported Medical Marijuana Appropriations Rider:** the County supported policy language in the FY2019 omnibus appropriations bill to extend the "Rohrabacher-Farr Amendment" that prohibits the DOJ from spending funds to interfere with the implementation of state medical marijuana laws. Became law.
 - **Supported Cannabis Banking Services:** the County supported legislation to permit banking services for cannabis businesses. Passed House.
- Water Resources
 - **Facilitated Meetings with Bureau of Reclamation:** Ballard Spahr arranged teleconferences with officials from the Bureau of Reclamation to assist the Water Resources Agency in determining whether to pursue grant funding for the Interlake Tunnel Project.

- **Supported Additional Funding for Water Storage:** the County supported legislation sponsored by Senator Feinstein that extends funding provided under the 2016 California drought legislation. The legislation would provide an additional \$670 million for water storage projects authorized under the WIIN Act. In committee.
- **Supported Water Justice Act:** the County supported legislation sponsored by Senator Harris that authorizes \$250 billion for water infrastructure improvements, with a focus on the water needs of historically at-risk communities and individuals. In committee.
- **Supported Funding for Dam Spillway Repairs:** the County is supporting Senator Feinstein's efforts to modify and increase funding for FEMA's Rehabilitation of High Hazard Potential Dams Grant Program, which is a potential source of funding for the San Antonio Dam spillway repair project. Level funding in FY2020.
- **Supported Funding for the Pajaro River Flood Control Project:** the County advocated successfully with Santa Cruz County to persuade the Army Corps of Engineers to approve the feasibility report for the Pajaro River Flood Control project. The counties also worked successfully with Congressman Panetta to include language in the FY2020 budget that should help the project compete for funding.
- Housing and Homelessness
 - **Supported Funding for Student Homelessness Services:** the County supported an increase in funding for the McKinney-Vento program, which provides support to local education departments to address student homelessness issues. 8.5% increase in FY2020 budget.
 - **Supported Homelessness Legislation:** the County supported legislation sponsored by Senator Feinstein that authorizes new grant funding for local governments to provide comprehensive services to combat homelessness. In committee.
- Health Care
 - **Supported Funding for Community Health Centers:** the County supported legislation to extend mandatory funding for community health centers for five years and to authorize new grants to local public health departments to address communicable diseases and other public health needs. Passed House.
 - **Supported Repeal/Delay of Medicaid DSH Cuts:** the County supported legislation that would delay and repeal scheduled cuts to Medicaid Disproportionate Share Hospital payments. These payments are significant source of revenue for Natividad Medical Center and other public hospitals across the country. FY2020 spending bill delays cuts for five months.

- **Supported Access for Affordable Health Care:** the County supported legislation to improve access to health insurance exchanges and to make prescription drugs more accessible and affordable. Passed House.
- 2020 Census
 - **Supported Area Census Office:** the County met with officials from the U.S. Census Bureau and the Department of Commerce to advocate for locating an Area Census Office in Monterey County.
- Offshore Oil and Gas Development
 - **Opposed Offshore Drilling:** the County supported legislation that prohibits offshore oil and gas development along the Pacific Coast. Passed House.
- Oil and Gas Fracking on Public Land
 - **Opposed BLM Proposal for Central Coast:** the County filed an official protest with the BLM to oppose its proposal to resume oil and gas leasing and development on federal lands across the Central Coast. The proposal is currently in litigation brought by several environmental groups.
- Climate Change
 - **Supported Carbon Fee and Dividend Program:** the County supported legislation that imposes a fee on carbon-based fuels and distributes the proceeds back to low-income citizens. In committee.
- FCC 5G Wireless Deployment Proceeding
 - **Opposed FCC Order:** the County supported legislation to overturn an FCC rulemaking on 5G wireless network deployment that significantly curtails local authority to review applications from wireless providers seeking to install 5G small cell equipment and limits the fees local governments may assess for this service. In committee.
- Income Support
 - **Supported Middle Class Tax Credits:** the County supported legislation sponsored by Senator Harris that would provide middle class and working families with a tax credit to address the rising cost of living. In committee.
- Payments In Lieu of Taxes
 - **Supported Appropriations for PILT:** the County advocated for FY2019 appropriations for the PILT program administered by the Department of the Interior, which resulted in an award of over \$931,000 to the County. Became law.

- Justice
 - **Supported Hate Crime Legislation:** the County supported legislation sponsored by Senator Harris that makes lynching a federal crime. In committee.

Outlook for 2020

The political landscape in Washington, D.C. will be dominated by the Senate impeachment trial in the near term, and by the 2020 presidential election campaign thereafter. The Democratic leadership in the House will continue to advance legislation that reflects its priorities heading into the 2020 elections. We can expect to see legislative proposals related to climate change, college affordability and student loan debt, prescription drug pricing, and limiting presidential authority to use military force. The Senate is likely to continue to prioritize judicial confirmations over legislation. The process to complete a budget for FY2021 will be even more challenging in an election year, but the recently enacted budget deal for the current fiscal year provides some hope that Congress will get the job done again this year.