



TO: Legislative Committee
FROM: Brent R. Heberlee
DATE: October 5, 2017
RE: Federal Legislative Update

This memo provides a Federal Legislative Update on the items appearing on the agenda for the October 11, 2017, Legislative Committee meeting.

A. Immigration Reform

The week of October 2 saw a flurry of activity of immigration matters. Most notably, the Oct. 5 deadline arrived for current DACA beneficiaries to apply to renew their work permits as part of President Trump's decision to end the DACA program. More than 112,000 DACA beneficiaries, roughly 72% of those eligible, have applied for renewals. Despite pleas from advocates, the Trump Administration did not extend the deadline to accommodate immigrants in Texas and Florida affected by the recent hurricanes who have had difficulty gathering the necessary paperwork and \$495 fee. If Congress cannot agree on legislation by March 5, 2018, that would grant legal status to DACA beneficiaries, their work permits will expire at a rate of roughly 30,000 a month, leaving them unable to work legally and putting them at risk of deportation.

Republican committee chairmen in the House and Senate have held or scheduled hearings on border security and immigration enforcement legislation in an effort to get ahead of the push by Democrats for action on the DREAM Act. The House Homeland Security Committee approved a \$15 billion border security bill (H.R. 3548) on October 4 that would authorize 5,000 more Border Patrol agents, the deployment of enhanced electronic surveillance equipment, and construction of "tactical infrastructure" to harden security along the U.S.-Mexico border. The House Judiciary Committee scheduled and then postponed consideration of E-Verify legislation (H.R. 3711) that would require employers to check the immigration status of job applicants on an electronic database. It also postponed consideration of the Agricultural Guestworker Act, which would replace the H-2A visa program with a new H-2C visa to be administered by the Agriculture Department. The Senate Homeland Security and Governmental Affairs Committee approved a series of border measures on October 4, including one to improve accountability of acquisition of border-security technology.

The Senate Judiciary Committee held an oversight hearing on DACA on October 3. Republican members of the committee insisted that a legislative solution for DACA must include robust border security provisions and mandatory E-Verify. Democrats reiterated their opposition to funding for a border wall but expressed a willingness to discuss "reasonable" border security provisions. Senators from both parties, however, pushed back on making DACA part of a

comprehensive bill to overhaul the immigration system. Senator Richard Durbin (D-IL), the Assistant Democratic Leader, said “It shouldn't be on the shoulders of the dreamers to enact comprehensive reform to give them legal status in the U.S.”

B. Federal Emergency Management Agency (FEMA)

The County's OES office recently learned of FEMA's plan to close its Area Field Office in Santa Cruz and its Joint FEMA/Cal OES Office in Sacramento, leading to concerns that these closures could significantly delay the remaining project reimbursements for 2016-17 winter storm damage. The County has been told by Cal OES that it has until October 23 to submit all of its projects or risk having them summarily denied. The County believes it will be able to submit all but a handful of projects to FEMA before the deadline.

County staff and I have been in communication with Congressman Panetta's District and D.C. staff to discuss this issue, and they intend to contact FEMA to share our concerns.

C. Pajaro River Flood Control Project meetings in D.C.

On October 3-5, Supervisor Phillips, Dave Chardavoyne of MCWRA, and I attended several days of meetings in D.C. with Santa Cruz County officials to discuss the Pajaro River Flood Control Project. We met with officials from the White House Office of Management and Budget, U.S. Army Corps of Engineers, Congressman Jimmy Panetta, and staff from the offices of Senators Feinstein and Harris, the House and Senate Appropriations Committees, and the House Transportation and Infrastructure Committee.

The purpose of the meetings was to provide an update on the status of the project and to explore how to improve the competitiveness of the project in the annual budget process. Our group received valuable feedback from each of the officials with whom we met, and they encouraged both counties to keep them apprised of the project going forward.

D. Budget/Tax Reform

Congressional Republicans took the first steps toward passing a tax reform bill this year as the House adopted a budget resolution and the Senate Budget Committee approved its own version on October 5. Republicans plan to use a fast-track budget process called reconciliation to pass a tax bill in the Senate with a simple majority. The Senate is expected to vote on the resolution in about two weeks, followed by a conference committee to reconcile the two budgets. The Senate version allows for \$1.5 trillion in tax cuts over a decade.

Although a tax framework was released on September 27, crucial questions remain on how Republicans plan to pay for the tax cuts and which provisions would be temporary or permanent. The framework assumes the repeal of the state and local tax (SALT) deduction in the federal tax code, along with many other deductions. A group of House Republicans met October 5 to discuss the repeal of the state and local tax deduction that about 50 Republicans

oppose. The SALT repeal is a crucial revenue raiser in the tax bill, to the tune of \$1.3 trillion, and efforts are underway to modify the deduction instead of repealing it.

The Senate has until Nov. 13 to unveil a tax bill. The House is expected to unveil its tax bill once a conference committee agrees on a budget and it is passed.

E. Affordable Care Act (ACA)

Attempts to repeal the ACA appear to be sidelined for at least a few months while Congress turns to tax reform legislation, although a pair of senior senators has resumed work on a bipartisan deal to stabilize ACA insurance markets. Senate HELP Chairman Lamar Alexander and ranking member Patty Murray say they're close to striking a deal that would continue funding a key ACA subsidy and allow states more leeway to tweak their health care systems. But it's not yet clear whether Republicans are ready to abandon their prolonged assault on the ACA. An insurance market stabilization plan would need the support of 60 senators, meaning it would need at least 12 Republican votes to pass.

F. Flood Resiliency Legislation introduced by Congressman Panetta and Curbelo

Congressmen Panetta and Carlos Curbelo (R-FL) introduced a bipartisan bill (H.R. 3854) on September 27 to ensure federal agencies complete implementation of a Federal Flood Risk Management Standard (FFRMS) for government-funded infrastructure projects to reduce exposure to flooding.

In 2015, Executive Order 13690 directed government agencies to incorporate future flooding standards when planning and constructing federal infrastructure projects by establishing a Federal Flood Risk Management Standard (FFRMS). The FFRMS is meant to ensure that taxpayer dollars are spent wisely and communities are protected, while giving agencies the flexibility to select the best approach for complying with the standard.

In August, Executive Order 13690 was revoked, preventing agencies from implementing FFRMS. Congressmen Panetta's and Curbelo's legislation would give the Executive Order the force and effect of law so that agencies complete implementation of a FFRMS to make federally funded infrastructure more resilient to flooding.

G. Proposal to request renaming of "Confederate Corners" in Salinas to "Campesino Corners" in honor of our local farmworkers

The U.S. Board on Geographic Names (BGN) is a federal body within the USGS that establishes and maintains uniform usage of geographic names throughout the federal government. A proposal has been submitted to the BGN to change the name of an area located 2 miles south of Salinas, near the intersection of Highway 68 and Hitchcock Road, from "Confederate Corners" to "Campesino Corners." Confederate Corners was first labeled on USGS maps in 1910 and currently appears on Google Maps.

The BGN welcomes comments on name proposals, especially from local governmental agencies in the vicinity of the populated place.

Attachments:

- Federal Bill/Issues Track