



TO: Monterey County Legislative Committee
FROM: Nossaman LLP – Washington DC
DATE: January 14, 2019
RE: Legislative Program: Federal Advocacy Updates

a) Federal Government Shut Down

Part of the federal government shut down on Friday, December 28 as Congress and the White House were unable to reach agreement on terms to fund certain federal agencies. The impacted agencies are the Departments of Homeland Security, Transportation, Justice, Commerce, State, Agriculture, Interior, Treasury and Housing and Urban Development, and the Environmental Protection Agency, the Food and Drug Administration, and the Internal Revenue Service.

The shutdown is likely to polarize the country even more than it has been recently. Both sides, unsurprisingly, have been blaming the other for the shutdown. However, for the vast majority of Americans, the impacts of the shutdown will not be immediately noticeable. This will help the President validate his position that the shutdown is an acceptable outcome in the absence of his requested border security funding.

The Democrat majority in the House feel the need to score a win in whatever deal is ultimately struck by Congress and the White House. Trump and Democratic leaders have met several times, but both sides are holding to their respective positions regarding funding of a border wall.

Federal Government Shutdown Impact on Counties

As the Federal government shutdown enters its third week, counties may experience impacts in the following areas:

- **Food Stamps:** Trump Administration officials have said food stamp recipients are guaranteed access to their benefits only through the end of February. Beyond that, funding is questionable.
- **Housing:** On January 4, the Department of Housing and Urban Development sent letters to 1,500 landlords asking them not to evict residents in housing assistance programs, including those with Section 8 vouchers, for which funding had lapsed.
- **Prisons:** County jails which house federal inmates rely on the federal government to pay for their housing. The U.S. Marshall's Service is unable to process payments for prisoner housing during the shutdown.

- WIC (Special Supplemental Nutrition Program for Women, Infants, and Children): this program will continue to operate through February, USDA announced on January 8, due to prior year funding which USDA will begin providing states this week.
- USDA Farm Service Agency county offices: Closed on December 28 leaving no one to answer questions or assist farmers in signing up for programs under the Farm Bill recently approved by Congress.

b) U.S. Department of Homeland Security (DHS) – Proposed “Public Charge” Rule

The DHS proposed rule on “Inadmissibility on Public Charge Grounds” was published in the Federal Register on October 10, 2018 (83 Fed. Reg. 51114). The 60-day comment period on the proposed rule closed on December 10, 2018.

Bloomberg Government reported that the proposal has “drawn a wave of opposition”.

“The Inadmissibility on Public Charge Grounds proposal would add hours of legal paperwork for businesses trying to hire or retain foreign students or workers, prevent hundreds of thousands of Americans and military members from bringing their foreign spouses to the U.S., discriminate against people with disabilities, and cost U.S. taxpayers, states and cities billions of dollars in degrading public health and productivity, critics of the rule said in comments.

More than 210,000 comments both supporting and opposing the plan had been submitted by Monday night, more than any other DHS rulemaking proposal since 2004, according to a Bloomberg Government data analysis. The department was launched in 2003.

A handful of localities and state attorneys general, such as the New York City Council and the Cook County Board of Commissioners in Illinois, have already opposed the proposal's financial impact on local governments, Aaron Reichlin-Melnick, a policy analyst with the American Immigration Council, said in an interview.”

Source: “Trump Plan to Bar Immigrants Tapping Public Aid Under Fire”, Bloomberg Government, December 11, 2018.

c) Federal Communications Commission (FCC) 5G Deployment

On September 26, the FCC approved a new rule on 5G wireless network deployment that curtails local authority. The FCC decision limits the fees that local government may assess on telecommunications companies for the placement, construction or co-location of new wireless service facilities.

The new regulations were published in the Federal Register on October 15 and are effective January 14, 2019.

d) Cannabis Legislation

During the 115th Congress, companion House and Senate bills were introduced to amend the federal Controlled Substances Act to exempt state-legal marijuana activity from its provisions. The “Strengthening the Tenth Amendment Through Entrusting States Act” or the “STATES Act” bills (H.R. 6043 and S. 3032) did not proceed beyond committee. Similar legislation has not been introduced in the 116th Congress at this time.

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