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## MEMORANDUM

TO Legislative Committee

FROM Brent R. Heberlee

DATE February 7, 2019

RE Federal Legislative Update

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This memo provides a Federal Legislative Update on the items appearing on the agenda for the February 11, 2019, Legislative Committee meeting.

### A. FY2019 Federal Budget

Funding for nine federal departments is set to expire, again, on February 15<sup>th</sup>. Conference negotiators are trying to craft a border security package that can pass Congress and please President Trump, who's demanding border wall funding, but hope for a deal is slim. The White House is working on the president's backup plan: a national emergency declaration to let him shift funding toward a wall. Congressional Republicans are growing resistant to the idea of another shutdown, so a temporary spending bill, or even a veto override, is possible.

### B. Legislation

#### 1. Agricultural Worker Program Act

Congressman Panetta and Senators Feinstein and Harris have reintroduced legislation (S. 175/H.R. 641) to shield farmworkers from deportation and put them on a path to earned legal status and eventual citizenship.

Under the bill, farmworkers who have worked in agriculture for at least 100 days in each of the past two years may earn lawful "blue card" status. Farmworkers who maintain blue card status for the next three or five years, depending on the total hours worked in agriculture, would be eligible to adjust to a green card or legal permanent residency. The legislation is similar to the Ag Jobs provision that Sen. Feinstein

included in the comprehensive immigration reform bill that passed the Senate in 2013, except that it does not include changes to the H-2A program. The United Farm Workers, the UFW Foundation and Farmworker Justice have voiced their support for the bill.

## 2. Keep Families Together Act

Senators Feinstein and Harris and Congressman Panetta have sponsored legislation (S. 292/H.R. 541) to prohibit DHS officials from separating children from their parents and institute safeguards to protect and promote the legal rights, health and wellness of asylum seekers, children, and their families.

The bill promotes family unity by prohibiting DHS officials from separating children from their parents, except in extraordinary circumstances. In these limited circumstances, separation could not occur unless parental rights have been terminated, a child welfare agency has issued a best interest determination, or the Port Director or the Chief Border Patrol agent of Customs and Border Protection (CBP) have approved separation due to trafficking indicators or other concerns of risk to the child. It requires an independent child welfare official to review any such separation and return the child if no harm to the child is present. The bill also would limit criminal prosecutions for asylum seekers, increase child welfare training, and establish a public policy preference for family reunification.

## 3. Federal Communications Commission 5G Order

The Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019 (H.R. 530), sponsored by Congressman Anna Eshoo (D-CA), would overturn Federal Communications Commission (FCC) regulations limiting the ability of local governments to regulate the deployment of 5G wireless infrastructure.

On August 2, 2018 and September 26, 2018, the FCC adopted regulations limiting the abilities of counties and states to regulate small cell sites (e.g., pole attachments) needed for the deployment of 5G. The actions limit the type and amount of fees local and state governments may charge, set “shot clocks” as low as 60 days for counties and states to authorize proposals, and limit non-fee requirements counties and states may institute. The regulations began taking effect on January 14, 2019. Monterey County submitted comments to the FCC opposing the regulations on September 18, 2018.

## **C. Area Census Office**

Congressman Panetta was joined by 54 of his colleagues in writing to Commerce Secretary Wilbur Ross expressing concern that the administration’s decision to decrease the number of Area Census Offices (ACO) could lead to a potential undercount of rural,

immigrant, low-income, communities of color, and traditionally hard to count communities during the 2020 Census.

The letter requests clarification on the process by which the Census Bureau determined the number and locations of the 248 planned ACOs. In September 2017, the Bureau slashed the number of Regional and ACOs from 12 and 435 in 2010 to 6 and 248 planned for 2020, leaving several congressional districts without a physical Census Bureau presence. This decision will place thousands of critical enumerators far from many of the areas they are responsible to count, seriously jeopardizing the accuracy and completeness of the decennial census.

The County wrote to Secretary Ross last October requesting that an ACO be located in Monterey County. The response was non-committal.

#### **D. McKinney-Vento federal funding – student homeless population**

The Education for Homeless Children and Youth (EHCY) program provides assistance to state educational agencies (SEAs) to ensure that all homeless children and youth have equal access to the same free, appropriate public education, including public preschool education that is provided to other children and youth. The EHCY program was originally authorized under the McKinney-Vento Homeless Assistance Act.

Under the EHCY program, grants made by SEAs to local educational agencies (LEAs) must be used to facilitate the enrollment, attendance, and success in school of homeless children and youth. LEAs may use funds for activities such as tutoring, supplemental instruction, and referral services for homeless children and youth, as well as providing them with medical, dental, mental, and other health services. In order to receive funds, each state must submit a plan indicating how homeless children and youth will be identified, how assurances will be put in place that homeless children will participate in federal, state, and local food programs if eligible, and how the state will address such problems as transportation, immunization, residency requirements, and the lack of birth certificates or school records.

The McKinney-Vento Act also requires that each LEA shall, according to each child's best interest, continue the student's education in the school of origin for the duration of homelessness or enroll the student in a public school that the student is eligible to attend. LEAs are required to provide transportation to and from the school of origin.

EHCY grants are allotted to SEAs in proportion to grants made under Title I, Part A of the Elementary and Secondary Education Act. Total appropriations for the EHCY program in FY2019 are \$93,500,000, an increase of \$8,500,000 over FY2018. California is estimated to receive \$11,620,515 in FY2019 for the program.

### **E. National Association of Counties (NACo) Legislative Conference**

I am in the process of scheduling meetings with our congressional delegation and potentially other offices to discuss the County's legislative priorities. At the NACo conference, a policy resolution sponsored by Santa Cruz County Supervisor Zach Friend and Monterey County Supervisor John Phillips relating to the Pajaro River Flood Control Project is scheduled to be considered on Saturday, March 2<sup>nd</sup>.

#### **Attachments:**

- Agricultural Worker Program Act support letter
- Keep Families Together Act support letter
- Draft NACo resolution on federal flood control projects
- Federal Bill/Issues Track