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MEMORANDUM

TO Legislative Committee

FROM Brent R. Heberlee

DATE March 4, 2020

RE Federal Legislative Update

This memo provides a Federal Legislative Update on the items appearing on the agenda for the March 9, 2020, Legislative Committee meeting.

1. FEMA Rehabilitation of High Hazard Potential Dam Program

FEMA administers the Rehabilitation of High Hazard Potential Dams Grant Program, which provides technical, planning, design, and construction assistance to states and counties for repairs to eligible non-federal dams with “high hazard potential.” Congress has appropriated \$10 million for the program in FY2019 and FY2020, although the program was authorized to receive up to \$25 million in FY2019 and \$40 million in FY2020. From FY2021-26, the program is authorized to receive \$60 million each year, although the Trump Administration’s FY2021 budget request proposes to eliminate the program. Senator Feinstein is working to increase appropriation levels for the program, and demonstrable support from similarly situated counties across the state would be helpful.

2. The Marijuana Opportunity Reinvestment and Expungement Act (MORE Act)

Rep. Panetta recently cosponsored the MORE Act, which would decriminalize marijuana at the federal level by de-scheduling it from the Controlled Substances Act. The bill also gives states varying incentives to expunge the criminal records of people with low-level marijuana offenses, and it authorizes the assessment of a 5% tax on cannabis products that would go towards programs benefiting communities that have suffered most from the War on Drugs.

The bill has been approved by the Judiciary Committee, but it still must be considered by seven other House committees before it will be eligible for a vote by the full House. Senator Kamala Harris has sponsored identical legislation in the Senate.

3. Pajaro River Flood Risk Reduction Project

The U.S. Army Corps of Engineers FY2020 Work Plan budget provides \$1,800,000 to the Pajaro River Flood Risk Reduction Project. The funding, which was tied to Rep. Panetta's successful effort to include report language for the project in the FY2020 Energy and Water appropriations bill, will help the project progress through the Pre-construction, Engineering, and Design phase. Rep. Panetta also recently testified before the Transportation and Infrastructure Committee in support of the project as the committee begins to develop the Water Resources Development Act of 2020, which establishes flood control priorities across the country.

4. Justice for Victims of Lynching Act

The House recently passed the Emmett Till Antilynching Act, legislation that would make lynching a federal crime for the first time in the history of the United States. The Senate passed similar legislation last year, sponsored by Senator Harris, which the County supported. Once the bills are reconciled, the legislation will be sent to the White House where President Trump is expected to sign it into law.

5. SAFE Banking Act

House-passed legislation that creates a safe harbor for financial institutions to bank businesses in the cannabis industry has been held up in the Senate Banking Committee since Chairman Mike Crapo (R-ID) recommended changes that industry stakeholders view as untenable. Chairman Crapo has expressed significant concerns that the legislation does not address the high level potency of marijuana, marketing tactics to children, lack of research on marijuana's effects, and the need to prevent bad actors and cartels from using the banks to disguise ill-gotten cash to launder money into the financial system. He has been receiving stakeholder input on each of these concerns over the past two months. This past week, the lead Republican sponsor of the Senate version of the SAFE Banking Act, Senator Cory Gardner (R-CO), indicated that several senators, including Chairman Crapo, are "close to finding common ground" to advancing the legislation.

6. Public Charge Rule

The U.S. Supreme Court recently removed the last nationwide injunction preventing the implementation of the Trump Administration's "Public Charge" rule, which makes it easier to deny immigrants residency or admission to the U.S. if they utilize public assistance programs. The U.S. Citizenship and Immigration Service began enforcing the rule on

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February 24th, although legal challenges to the rule on the merits continue to play out in lower courts across the country.

Attachment:

- Federal Bill/Issues Track