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1909 K Street, NW  
12th Floor  
Washington, DC 20006-1157  
TEL 202.661.2200  
FAX 202.661.2299  
www.ballardspahr.com

Brent R. Heberlee  
Tel: 202.661.2249  
Fax: 202.661.2299  
heberlee@ballardspahr.com

## MEMORANDUM

TO Legislative Committee

FROM Brent R. Heberlee

DATE March 2, 2021

RE Federal Legislative Update

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This memo provides a Federal Legislative Update on the items appearing on the agenda for the March 8, 2021, Legislative Committee meeting.

### 1. COVID Relief Legislation

This week, the Senate is scheduled to consider the American Rescue Plan Act, President Biden's \$1.9 trillion COVID relief bill that narrowly passed the House on February 27<sup>th</sup>. The Coronavirus Local Fiscal Recovery Fund that is included in the legislation is estimated to provide \$84 million in direct funding to the county to address the negative economic impacts of COVID-19, including to replace revenue lost, delayed, or decreased as a result of the pandemic. The Senate is expected to make some modifications to the House-passed bill, including the removal of the minimum wage provision, before sending it back to the House for final approval.

Legislation has been introduced in the House and Senate to provide tax relief for Americans who lost their jobs and utilized unemployment benefits last year. The Coronavirus Unemployment Benefits Tax Relief Act (H.R. 685/S. 175) would waive federal income taxes on the first \$10,200 of unemployment benefits received in 2020. The tax relief would extend to both workers who received benefits through federal unemployment programs like Pandemic Unemployment Assistance and Pandemic Emergency Unemployment Compensation as well as those who received traditional benefits through their state unemployment insurance fund.

Staff is recommending a SUPPORT position on H.R. 685/S. 175.

2. FY2022 Appropriations

The Chair of the House Appropriations Committee recently announced that the House will accept Member requests for Community Project Funding, better known as “earmarks,” in appropriations bills for the upcoming fiscal year. Members are limited to funding requests for state and local governmental entities and for eligible non-profits, and the Committee will accept a maximum of 10 community project requests from each member, though only a handful may actually be funded. Members must provide evidence of community support that were compelling factors in their decision to select the requested projects, and all projects requests must be posted on the Member’s website. In the coming weeks, the House Appropriations Committee will provide additional information regarding which accounts and programs will be eligible for Community Project Funding requests and the criteria necessary for consideration in those areas.

The Chair of the Senate Appropriations Committee has expressed a desire to establish a similar process for senators, but no information has been released to date by the Committee. It is unclear if House and Senate Republicans will participate in the earmarking process.

3. Immigration Reform Legislation

On the heels of the introduction of the U.S. Citizenship Act, President Biden’s comprehensive immigration reform proposal, the House is expected to consider several more targeted immigration bills in the next few weeks. Working under a new House rule that permits legislation to move directly to the floor before April 1<sup>st</sup> if it previously passed the House, Democratic leaders have indicated privately that they intend to bring bills to the floor soon to provide relief for Dreamers, TPS beneficiaries, and certain agricultural workers. The American Dream and Promise Act, which passed the House in 2019, would provide a path to citizenship for Dreamers and immigrants with Temporary Protected Status or Deferred Enforced Departure. The Farm Workforce Modernization Act, which passed the House in 2019, would establish a program for agricultural workers in the U.S. to earn legal status through continuing agricultural employment, reform the H-2A program, and establish a new E-Verify system for all agricultural employment. These two bills are rumored to be on the agenda for House floor consideration before the end of the month.

Senator Alex Padilla is sponsoring the Citizenship for Essential Workers Act, the first bill he has introduced as California’s newest senator. This legislation would create an expedited pathway to citizenship for the over 5 million essential workers without permanent legal status who have kept Americans healthy, fed, and safe during the COVID-19 pandemic. The bill provides undocumented essential workers with a fast, accessible, and secure path to citizenship, beginning with immediate adjustment of status to legal permanent resident. The bill also covers undocumented workers who worked in essential industries but lost employment due to COVID-19, including leaving the job due to unsafe working conditions, as well as undocumented relatives of an essential worker who died from COVID-

19. Applicants for adjustment of status will be required to pay a reasonable fee and go through a background check.

Staff is recommending a SUPPORT position on the Citizenship for Essential Workers Act.

#### 4. Criminal Justice Reform Legislation

This week, the House is considering the George Floyd Justice in Policing Act (H.R. 7120), which is identical to the legislation of the same name that passed the House last year by a vote of 236-181. The legislation addresses a wide range of policies and issues regarding policing practices and law enforcement accountability. It includes measures to increase accountability for law enforcement misconduct, to enhance transparency and data collection, and to eliminate discriminatory policing practices. Among other things, it does the following:

- lowers the criminal intent standard—from willful to knowing or reckless—to convict a law enforcement officer for misconduct in a federal prosecution,
- limits qualified immunity as a defense to liability in a private civil action against a law enforcement officer or state correctional officer, and
- authorizes the Department of Justice to issue subpoenas in investigations of police departments for a pattern or practice of discrimination.

The bill also creates a national registry—the National Police Misconduct Registry—to compile data on complaints and records of police misconduct. It establishes a framework to prohibit racial profiling at the federal, state, and local levels. And it establishes new requirements for law enforcement officers and agencies, including to report data on use-of-force incidents, to obtain training on implicit bias and racial profiling, and to wear body cameras.

#### 5. Election Integrity and Voting Rights Legislation

This week, the House is scheduled to consider the For the People Act (H.R. 1), a broad-based piece of legislation that would make it easier to vote in federal elections, end congressional gerrymandering, overhaul federal campaign finance laws, increase safeguards against foreign interference, strengthen government ethics rules, and more. A previous version of the bill passed the House in 2019 by a vote of 234 to 193, although it did not advance in the Senate.

Importantly, the legislation affirm Congress's commitment to update and restore the full protections of Section 5 of the Voting Rights Act of 1965, including its pre-clearance provision, which required states and localities with histories of discriminatory voting practices to secure federal government approval prior to making any changes to their voting rules. In *Shelby County v. Holder* (2013), the Supreme Court rendered Section 5 inoperable

by striking down the coverage formula used to determine which states were subject to pre-clearance. The *Shelby County* decision allowed states to move forward with many new voting restrictions that previously would have been subject to federal pre-clearance.

**Attachment:**

- Federal Bill/Issues Track
- DRAFT Support Letters: Coronavirus Unemployment Benefits Tax Relief Act (H.R. 685/S. 175)
- DRAFT Support Letter: Citizenship for Essential Workers Act (to be finalized when bill is officially introduced)