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**AGENDA ITEM NO. 4**

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**MEMORANDUM**

TO Legislative Committee

FROM Maria C. Tripplaar and Katlyn Koegel

DATE February 4, 2025

RE Federal Legislative Update – AGENDA ITEM #4

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This memo provides a Federal Legislative Update on the items appearing on the agenda for the February 10, 2025, Legislative Committee meeting.

a. Federal Government Update

***i. Congressional Overview***

In January, House Republicans met with President Trump at his resort in Florida. During those meetings, President Trump reiterated many campaign promises he wants included in either reconciliation or other legislation this year. These include increased funding for border security; eliminating taxes on tips, overtime pay and Social Security; and, pledging not to cut Medicare or Social Security.

However, these priorities will be expensive, and in order to satisfy conservatives, the related legislation will need to include offsets for the new spending and promised tax cuts. It remains to be seen how the unified Republican government will accomplish these goals without making reforms to mandatory programs and without increasing the debt, especially with such tight margins in both chambers

As for Reconciliation, the House is reportedly determined to maintain its one bill approach, while the Senate favors a two bill strategy. However, as we will address below, Congress is also working to keep up with the Presidential Executive Orders that have been announced since the inauguration, and it's inevitable that this effort dividing Congress' attention away from budget matters.

### *ii. Federal Funding Executive Order Updates*

On Monday, January 27, 2025, the acting head of the Office of Management and Budget ("OMB") issued a memo ordering the pause of all federal financial assistance "that may be implicated" by any of President Trump's recent barrage of Executive Orders. According to the memo, the freeze encompasses funding for activities including, but not limited to, "foreign aid, nongovernmental organizations, DEI, woke gender ideology, and the green new deal." The pause also blocks the issuance of new federal grants and specifies that Medicare and Social Security benefits will not be affected. The suspension was intended to go into effect at 5:00 p.m. on Tuesday, January 28. Federal agencies were then expected to have until February 10 to complete and submit to OMB a detailed report on any programs, projects, or activities impacted by the pause. Ballard Spahr has a team of attorneys who are closely following the legal implications of this particular EO and who have published on this specific topic; much of that article is incorporated in this section.[1]

As noted by the Ballard team who authored the article referenced above, the breadth of the suspension leaves open many urgent questions for nonprofits, educational and research institutions, state and local governments, federal loan recipients, military aid recipients, and all other organizations that receive federal funding and who are now scrambling to understand the extent to which their activities will be impacted. The scope of the directive potentially implicates billions of dollars of federal funding. Legal challenges to the funding freeze have already been filed and further lawsuits are expected. Just before the directive was to take effect, U.S. District Judge Loren L. AliKhan granted a "brief administrative stay" on the spending freeze until 5:00 p.m. on Monday, February 3rd.

In a surprising move, on January 29th, OMB rescinded the memo issuing the federal funding freeze. On February 3rd, Judge AliKhan issued an order that continued to block the Trump administration's efforts to freeze trillions of dollars in federal spending and directed the administration to show by Friday how it's complying.

On a somewhat brighter note, while there remains a great deal of uncertainty regarding future federal funding, the County's federal Congressional delegation was exceptionally supportive in the days leading up to the original stay and subsequent memo rescission. Each office provided guidance as it became available and from their respective chambers, and has been clear that they will continue to advocate for the County as this process unfolds.

### *iii. Immigration Related Executive Order Updates*

On January 20 and 21, 2025, President Trump declared a national emergency and issued several executive orders relating to immigration. These actions address "enhanced vetting" of visa applicants, birthright citizenship, border security, the U.S.-Mexico-Canada

[1] https://www.hrlawwatch.com/2025/01/28/white-house-halts-federal-assistance-to-advance-trump-priorities-including-eliminating-dei-funding/

Agreement, asylum, and refugee programs. Below we will address the most prominent of these measures and will be happy to answer any questions at the Legislative Committee meeting.

The EO regarding birthright citizenship has been particularly controversial and states that if both parents are unlawfully present in the U.S. or are on temporary visas or are in the U.S. under the Visa Waiver Program, their children, born on or after February 19, 2025, would not acquire U.S. citizenship. To date, 24 U.S. states, 2 U.S. cities, and civil rights organizations have initiated lawsuits to challenge this Executive Order. On January 23, 2025, the US District Court for the Western District of Washington issued a Temporary Restraining Order blocking the implementation of this Executive Order for 14 days.

The Declaration of National Emergency at the Southern Border of the United States gives the President access to statutory powers under the National Emergencies Act, which allow unilateral action without approval from Congress. The order exercises these powers to deploy troops, deploy transportation (including aircraft), create detention spaces and deploy other logistics services to the southern border. The order empowers the Secretary of Defense to "take all appropriate action" using the resources above, which may include everything from surveillance to detention to deportation flights. The order also allocates resources to the construction of additional physical barriers and requests that the FCC & FAA suspend regulations to allow DHS to combat unmanned aerial systems within 5 miles of the border.

The Declaration goes hand-in-hand with an Executive Order entitled “Securing Our Borders.” This EO orders the Secretary of Defense and the Secretary of Homeland Security to deploy and construct physical barriers at the southern border and deploy adequate personnel to ensure complete operational control of the border. The EO also requires the detention of apprehended immigrants until their removal from the United States. Lastly, the EO requires that the Attorney General and Secretary of Homeland Security take action to fulfill the DNA Fingerprint Act of 2005, determine the validity of familial relationships between apprehended immigrants and prioritize the prosecution of offenses that relate to the borders of the United States.

These are just three examples of a very aggressive approach that the Trump Administration has taken towards immigration, and which is causing a great deal of uncertainty nationwide within the immigrant community. Based on previous direction that has been provided by the Legislative Committee, the Ballard team is continuing to monitor these developments very closely and will provide relevant updates as appropriate.

### *iv. Other Significant Executive Order Updates*

As of February 3, 2025, President Trump has signed 50 executive orders, eight proclamations, and 16 memoranda in his second term, which began on January 20, 2025 (i.e. in a two week period). The Ballard team will be prepared to highlight any additional EOs of particular interest to the Legislative Committee at the meeting on February 10, 2025.

b. Budget Update, including Community Project Funding Requests

As discussed in the January federal report, in late December 2024, both the House and Senate passed and extension of the stopgap funding, called a continuing resolution or CR, to avoid a federal government shutdown. The CR extends FY 2025 funding for all 12 annual spending bills, including the Labor, Health and Human Services, and Education bill, through March 14, 2025.

Last week, Congressional leadership authorized the Chairs of the House and Senate Appropriations Committees permission to begin negotiating a topline spending deal for a final fiscal year (FY) 2025 spending bill. Members have only until March 14 to reach an agreement, draft, and finalize all 12 overdue spending bills for FY25 or risk a federal government shutdown.

Unfortunately, as was also true last year, until Congress completes the regular appropriations process, we will not know the outcome of the County's Community Project Funding/Congressionally Directed spending requests – also called earmarks – for FY25. As I presented in previous meetings, the $1,105,800 earmark requested by Rep. Lofgren for the Pajaro County Sanitation District (PCSD) Sewer System Improvements project is expected to continue moving forward. At this stage, the PCSD project was successfully included in the Interior-Environment bill that passed the House, and currently awaits Senate consideration. I will continue to monitor all developments closely, including independent Senate consideration or any conference negotiations.

c. Legislation

**i. *Caring for Survivors Act of 2025 (H.R. 680)* – Recommend Support**

This legislation would ease the eligibility criteria for Dependency and Indemnity Compensation (DIC) to allow additional survivors to receive the benefit and increase the monthly benefit amount to match benefits provided by other federal survivor programs. Specifically, the measure would:

- Expand eligibility for DIC by replacing the "10-year" rule with a graduated scale of benefits that begins at five years for initial eligibility at 50% and gradually reaches the full benefit 10 years after determination of disability. For example, if a veteran is rated totally disabled for five years and dies of a non-service-connected cause, a survivor would be entitled to 50% of the DIC benefit.
- Increase the amount of DIC to 55% of the rate of monthly compensation received by a totally disabled veteran.

This legislation was introduced by Rep. Hayes in the House. There is not yet an identical companion bill in the Senate.

### ii. *Every Drop Counts Act (H.R. 338)* – Recommend Support

This legislation would build on the Bipartisan Infrastructure Law's impact by increasing funding and expanding support for groundwater recharge projects. Significantly, H.R. 338 would make it easier for groundwater projects to qualify for funding, increase the amount of water they can store, and stabilize underground aquifers.

This legislation was introduced by Rep. Costa in the House. There is not yet an identical companion bill in the Senate.

### iii. *Fix Our Forests Act (H.R. 471)* – Recommend Support

This legislation would encourage more active management of federal forest lands, improves the regulatory process for forest health projects on federal lands, promotes federal, state, and local government collaboration, coordinates federal grant programs to better serve communities in high fire risk areas, and expands the use of technologies to address wildfire threats.

This legislation was introduced by Rep. Westerman in the House, and Rep. Panetta is a co-sponsor. While there is not yet an identical companion bill in the Senate, H.R. 471 has passed the House and may see activity in the Senate.

d. Federal Bill/Issues Track

**Attachment(s):**

Federal Bill/Issues Track