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MEMORANDUM

TO Legislative Committee
FROM Maria C. Tripplaar
DATE November 25, 2024
RE Federal Legislative Update

This memo provides a Federal Legislative Update on the items appearing on the agenda for the December 2, 2024, Legislative Committee meeting.

1. Federal Government Update

Congress is currently in recess for the Thanksgiving holiday, with the Senate expected to return on December 2, 2024, and the House on December 3, 2024. Both chambers are expected to be in Washington for the first three weeks of December, which will be the final legislative weeks of the 118th Congress. However, it is possible that one or both chambers will recess early if stopgap funding is enacted prior to December 20, 2024.

As previously discussed, there are also a few pieces of legislation that are considered “must pass” during the lame duck – the period between the election and the start of the new Congress on January 3, 2025 – such as the annual National Defense Authorization Act (NDAA), and reauthorizing expiring healthcare authorities (including funding for Community Health Centers, National Health Service Corps, Teaching Health Centers with Graduate Medical Education, and Special Diabetes programs).

Moreover, some provisions of the Farm Bill, which was already extended for a year past its original expiration date in 2023, expired on September 30th. The Farm Bill will need to see Congressional action before the end of the calendar year or there will be dramatic consequences with the start of a new crop year in January, namely an automatic reversion of sending crop supports back to policy from the 1938 and 1949 Farm Bills. Unfortunately, I am increasingly less confident that the Farm Bill will be enacted prior to the close of the 118th Congress.

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However, it does seem more promising that we may see a final negotiated version of the Water Resources Development Act (WRDA) and legislation to increase transparency for pharmacy benefit managers (PBMs) to reduce overall health care costs.

Additionally, President-Elect Trump is moving forward at a fast clip to name his Cabinet, advisors, and other appointees. Below is a summary of the announcements to date. Once the President-Elect assumes office in January, he will formally appoint these individuals, most of whom will then be subject to confirmation by the Senate. The opinions around the country are divided over these individuals, and their positions on various issues have served as a lightning rod. In collaboration with Annette D'Adamo, I am closely monitoring emerging areas that would be of concern to the County, and will advise the Board of Supervisors as appropriate to either support or oppose executive or legislative actions in accordance with the proposed Legislative Platform for 2025, once approved and adopted.

- White House chief of staff: Susie Wiles
- Secretary of state: Marco Rubio
- Attorney general: Pam Bondi (after Matt Gaetz withdrew)
- Deputy attorney general: Todd Blanche
- HHS secretary: Robert F. Kennedy Jr.
- Office of Management and Budget Director Russ Vought
- U.N. ambassador: Elise Stefanik
- "Border czar": Tom Homan
- Defense secretary: Pete Hegseth
- Secretary of veterans affairs: Doug Collins
- National security adviser: Michael Waltz
- Interior secretary: Doug Burgum
- Secretary of energy: Chris Wright
- Secretary of transportation: Sean Duffy
- Secretary of commerce: Howard Lutnick
- Secretary of education: Linda McMahon
- Secretary of the treasury: Scott Bessent
- Secretary of labor: Lori Chavez-DeRemer
- White House counsel: William McGinley
- U.S. Ambassador to NATO: Matthew Whitaker
- Secretary of homeland security: Kristi Noem
- HUD secretary: Scott Turner
- CIA director: John Ratcliffe
- Director of national intelligence: Tulsi Gabbard
- EPA administrator: Lee Zeldin
- Solicitor general: Dean John Sauer
- FDA commissioner: Marty Makary
- Secretary of agriculture: Brooke Rollins
- CDC Director: David Weldon

- FCC chairman: Brendan Carr
- Centers for Medicare and Medicaid Services administrator: Dr. Mehmet Oz
- Surgeon general: Dr. Janette Nesheiwat
- U.S. ambassador to Israel: Mike Huckabee
- U.S. ambassador to Canada: Pete Hoekstra
- U.S. attorney for the Southern District of New York: Jay Clayton
- Department of Government Efficiency: Elon Musk and Vivek Ramaswamy
- Deputy chief of staff: Dan Scavino
- Deputy chief of staff for policy and homeland security adviser: Stephen Miller
- Deputy chief of staff for legislative, political and public affairs: James Blair
- Deputy chief of staff for communications and personnel: Taylor Budowich
- Presidential Personnel Office head: Sergio Gor
- White House communications director: Steven Cheung
- White House press secretary: Karoline Leavitt

2. Budget Update, including Community Project Funding Requests

As discussed in previous Legislative Committee meetings, on September 25, 2024, both the House and Senate passed 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 December 20th. The House Committee on Appropriations has approved all 12 of the annual appropriations bills for FY25, and the full House has passed five of the 12 so far (Defense, Homeland Security, Interior-Environment, Milcon-VA, and State-Foreign Operations). None of the five bills that have passed the Republican-led House so far are expected to pass in the Democrat-controlled Senate, because they all passed the House on a party-line vote. The Senate Committee on Appropriations has approved all but one of the 12 bills (Homeland Security), but has not yet started floor consideration of any of the bills. Once Congress returned to Washington, D.C. on November 12th, after an extended recess period, it was hoped that Congress would begin meaningful work towards completing the regular appropriations process. However, while there's still a chance that the regular appropriations process will be completed by December 20th, it is much more likely that Congress will pass a three-month CR.

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.

3. Federal Engagement

a. ***FEMA Reimbursement***

County staff has scheduled a site visit at the levee for December 2, 2024 at 2pm PT, with CalOES, FEMA, and USACE to engage in a deep dive of the jurisdictional areas of responsibilities. We have also communicated with Rep. Panetta's and Rep. Lofgren's office, and we are hopeful that they will be able to attend the site visit given their valuable and zealous advocacy on the County's behalf.

According to the Department of Emergency Management, the County submitted over \$30 million in FEMA Public Assistance grants related to the COVID-19 emergency and wildfires of 2020, but as of December 2023 has been obligated just over \$3 million in reimbursements. Simultaneously, the County is working through the same process for reimbursement of nearly \$100 million in additional eligible damages related to the January and March 2023 Winter Storms. FEMA review of these applications takes considerable time, with the County waiting two or more years to recover costs for approved activities

b. ***Water Resources Development Act (WRDA) Update***

As discussed at the most recent Legislative Committee meeting, the House version of the WRDA bill and the Senate version are not mirror images. Significantly, the House version authorizes a “Project for flood risk management and ecosystem restoration, Salinas River, California,” although this language does not appear in the Senate version.

The Salinas River is a highly modified ecosystem due to the construction and operation of two dams and reservoirs, built in the 1950s and 1960s. With proper channel maintenance, precipitation flows allowed for scouring of the river channel, leaving a clear channel for capacity flow, free of sandbars and excess vegetation. The channelization of the riverbed in the late 1940s and early 1950s brought levees to help control these precipitation flows away from farmland, municipalities, and public infrastructure.

With these modifications to the river flow system, an unintended consequence was realized when vegetation growth increased (and scouring decreased) after reservoir water releases became standard practice for groundwater recharge during the irrigation season (and then mandatory for ecological reasons). Because of this consequence, stakeholders began river channel maintenance to maintain capacity flow and vegetation control, primarily for flood control and mitigation.

The Army Corps of Engineers feasibility study called for in the House WRDA bill would primarily consider measures necessary to provide flood risk reduction along the river channel and determine if there is federal interest in undertaking a flood control project to protect farmland, infrastructure, and buildings.

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At the direction of the Board of Supervisors, I transmitted a letter signed by Chair Church to all members of the federal delegation urging them to support inclusion in the WRDA bill of the provision regarding the Salinas River in H.R. 8812 in any internal discussions, floor votes, or negotiations between the House and Senate. I am pleased to report that I have received affirmative responses from both Rep. Panetta's and Rep. Lofgren's offices that they are strenuously advocating that the final package retains the Salinas River language.

c. *Letter to Senator Butler*

As directed by the Legislative Committee, I have prepared a thank you letter to Senator Butler for her support and advocacy on behalf of the County of Monterey. I note that the proposed letter is dated for January 3, 2025, to be sent once her term of service is completed.

d. *Letter to Senator-Elect Schiff*

As directed by the Legislative Committee, I have prepared a note of congratulations to Senator-Elect Schiff, and have invited him to visit the County of Monterey and attend the upcoming Legislative Workshop. I note that the proposed letter is dated for January 3, 2025, to be sent upon his swearing-in to the Senate.

4. Federal Bill/Issues Track

Attachment(s):

Federal Bill/Issues Track