

Federal Legislative Update – May 15, 2017 Legislative Committee Meeting

Solano County's Washington representatives provided the Legislative Committee with an in-person update on several key issues, including a status report on the federal budget. With Congress recently completing action on a significantly delayed fiscal year 2017 omnibus appropriations package, attention now turns to developing a budget for the fiscal year that begins on October 1.

On May 23, the Trump administration is scheduled to unveil a complete fiscal year 2018 budget proposal to Congress. Unlike the 50-page preview that the White House released in March, the May document will represent a full budget package with line-by-line spending recommendations for programs across all departments and agencies.

As reported by Solano County's Washington representatives, the Trump administration will be seeking significant cuts to a number of discretionary spending programs that are of importance to Solano County. In addition, the White House will be recommending reductions to mandatory spending programs, such as Medicaid and the Supplemental Nutrition Assistance Program (SNAP).

Looking ahead, the bitter partisan divide in Congress is expected to make for a long and arduous FY18 appropriations process. While GOP congressional leaders may embrace some of the program cuts sought by the Trump administration, they will face fierce resistance from congressional Democrats and even some moderate members of the Republican Party who will be working to protect funding for key domestic spending programs.

On the healthcare reform front, the House approved in early May a highly controversial *Affordable Care Act* (ACA) repeal and replacement measure. The GOP-sponsored legislation (HR 1628), which passed on a narrow 217-213 vote, garnered the support of all 14 Republicans from California and was opposed by all 38 Democratic members of the state's delegation.

According to an initial CBO analysis, HR 1628 would yield an \$880 billion cut to Medicaid over the next ten years, or a roughly 25 percent nationwide reduction to the program. Incidentally, the Medicaid cuts would likely be proportionately larger in California since the state has taken full advantage of federal dollars under the ACA when compared to many other states. CBO estimates that the Medicaid cuts would translate into 14 million fewer program enrollees by 2026 – a reduction of about 17 percent relative to the number projected under current law.

Looking ahead, attention now turns to the upper chamber, where Republicans hold a slight 52-48 advantage. Because of the extremely tight margin, GOP leaders have indicated that they intend to be deliberate in drafting a bill and that the final product may differ greatly from the House-passed legislation. As of this writing, several factions of senators – including a group of roughly a dozen members appointed by Senate leadership – are meeting regularly to discuss options for moving a bill that could garner the support of a majority of the Senate.

Solano County's Washington representatives also gave a brief recap of the recent Delta Counties Coalition (DCC) trip to Washington, D.C. Coalition representatives met with a number of members of Congress, as well as with officials from the Office of Management and Budget, the White House Council on Environmental Quality, the Department of the Interior, and the Environmental Protection Agency (EPA). The DCC supervisors focused their discussions primarily on the deficiencies of the CA WaterFix plan while promoting the benefits of investing dollars in alternative water projects.

In other developments, the EPA recently announced that it will be soliciting preliminary comments from stakeholders regarding the upcoming rewrite of the “Waters of the United States” (WOTUS) regulation. The solicitation, which is a precursor to an expected formal rulemaking process, comes on the heels of an Executive Order instructing the EPA and the U.S. Army Corps of Engineers to review the Obama administration’s controversial rule. Pursuant to Trump’s order, the agencies are required to “publish for notice and comment a proposed rule rescinding or revising the [current] rule.”

Stakeholders will have until June 19, 2017 to submit preliminary comments to the EPA.

Finally, the Department of the Interior recently released a list of the national monuments that will be reviewed pursuant to President Trump’s Executive Order directing the Interior Secretary to examine all monument designations/expansions of at least 100,000 acres since January 1st of 1996. As expected, the Berryessa Snow Mountain National Monument is included on the list.

On May 11, the Interior Department published in the *Federal Register* a Notice of Opportunity for Public Comment on the Trump administration’s directive. Solano County is in the process of drafting comments relative to the Berryessa designation. July 10, 2017 is the deadline to submit comments.

It should be noted that the Trump administration would face an uphill battle if they do seek to roll back any of the existing designations. For starters, no president has ever revoked a predecessor’s action to create a monument under the *Antiquities Act*. Moreover, while the Act grants authority to a president to create monuments, it does not provide explicit authority to abolish them. Therefore, if the administration does attempt to rescind or modify an existing monument, it will no doubt be challenged in court.