

Summary of Federal Legislative Report – February 4

Fiscal Year 2019 Budget / Shutdown Watch / Debt Ceiling

Having endured what was the longest government shutdown in history, federal workers at nine previously shuttered Cabinet-level departments finally returned to work on January 28th after lawmakers struck a temporary budget deal. Under the terms of the agreement, the nine departments, along with dozens of sub agencies, will remain open through Friday, February 15.

The reprieve provides lawmakers with precious little time to negotiate a new long-term spending measure for fiscal year 2019. To help facilitate the budget discussions, congressional leaders created a 17-member bicameral conference committee. The bipartisan panel, which is charged with brokering a deal on border security, is led by the top appropriators in each chamber, namely Senators Richard Shelby (R-AL) and Patrick Leahy (D-VT), as well as Representatives Nita Lowey (D-NY) and Kay Granger (R-TX). The committee, which held its first public meeting on January 30, also includes California Democrats Lucille Roybal-Allard, Barbara Lee, and Pete Aguilar.

As of this writing, the members of the committee have reported little progress in their discussions, raising the prospect that another government shutdown could be on the horizon. While some members are seeking a relatively narrow border-security agreement, others are pushing for a “grand bargain” on immigration, including providing legal protection for undocumented immigrants under the Deferred Action for Childhood Arrivals (DACA) program.

Still other lawmakers are insisting that Congress use the opportunity to increase the debt ceiling. Pursuant to current law, the federal government’s borrowing authority is slated to expire on March 2, though the Treasury Department has indicated that it will be able to use so-called “extraordinary measures” to keep the country’s financing afloat through mid-summer.

For his part, President Trump has doubled-down on his demands that Congress send him a budget bill that includes \$5.7 billion for the construction of a barrier along the southwestern border. It remains to be seen if the conference committee will ultimately produce a package that includes any funding for a border wall.

In the meantime, the president is signaling that he is prepared to move unilaterally to initiate the construction of a wall via executive authority provided under the *National Emergencies Act*. According to White House officials, the administration could repurpose money currently budgeted for the Department of Defense and/or the U.S. Army Corps of Engineers for the construction of a border wall. If President Trump declares a national emergency, the action would almost assuredly be challenged in federal court.

On February 15, 2019, congressional leaders had approved parameters of a bipartisan border security deal and spending bills for the nine departments that were accepted by President. The impending congressional action – and subsequent approval by the president – would avoid the

prospect of another partial government shutdown and ultimately bring closure to the debate over the fiscal year 2019 budget.

Organizational Activities – 116th Congress

Congressional committees in both the House and Senate have been busy in recent weeks organizing for the 116th Congress. As of this writing, most available committee slots have been filled.

The breakdown of committee assignments for Solano County's congressional delegation is as follows.

Senator Feinstein

Committee on the Judiciary (Ranking Member)
Committee on Appropriations
Select Committee on Intelligence

Senator Harris

Committee on the Judiciary
Select Committee on Intelligence
Homeland Security & Governmental Affairs
Committee on the Budget

Representative Garamendi

Committee on Transportation & Infrastructure
Armed Services Committee (Chairman of
Readiness Subcommittee)

Representative Thompson

Committee on Ways and Means (Chairman
of Subcommittee on Select Revenue
Measures)

Of additional interest to Solano County, there are discussions currently taking place on Capitol Hill regarding the potential reinstatement of congressional earmarks. The practice has been banned since 2011. One of the major dynamics driving the discussion is Democrats' unwillingness to cede all decision-making authority on project-level spending to the Trump administration. As of this writing, it remains to be seen if the earmark ban will be lifted.

Infrastructure

While there may be little room for bipartisan consensus on major issues in the 116th Congress, there is discussion among both Democrats and Republicans alike that an infrastructure package could gain momentum in 2019. In the House, the chairman of the Transportation & Infrastructure (T&I) Committee has indicated that he will take the lead in developing a bill that would authorize funding for a variety of public works programs. The chairman has acknowledged that the single biggest challenge facing Congress, however, will be how to pay for any new investment.

Incidentally, the task of writing the revenue-raising portion of an infrastructure package would fall to the House Ways & Means Committee. At this point, the leading financing option appears to be increasing/indexing the gasoline tax, although some members of Congress have alternative ideas for how to finance the bill. For starters, there is increasing talk of transitioning to a Vehicle Miles Traveled (VMT) system or other non-fuel based tax or user fee.

In related developments, the House T&I Committee is planning to hold a hearing on February 7 entitled “The Cost of Doing Nothing: Why Investing in Our Nation’s Infrastructure Cannot Wait.” The hearing will examine the current state of the nation’s highways, bridges, transit systems, ports, and airports, as well as the increasing costs of federal inaction.

The panel is set to hear testimony from ten witnesses, including Minnesota Governor Tim Walz, Los Angeles Mayor Eric Garcetti, former Transportation Secretary Ray LaHood, as well as representatives from Amtrak, the Aerospace Industries Association, Spokane International Airport, Charlotte Water, UPS Freight, Pacific Northwest Waterways Association, and the Transportation Trades Department, AFL-CIO.

Senator Feinstein – Homelessness Legislation

Senator Feinstein is expected to introduce in the near future legislation designed to provide communities with additional tools to combat homelessness. Among other provisions, the draft bill would:

- authorize \$750 million in competitive homelessness grant funding over five years to eligible recipients (including counties). Federal dollars – up to \$25 million per grant – could be spent on capital construction activities, as well as comprehensive services such as substance abuse, mental health, chronic health, job training, and case management services;
- require a 25 percent match from public or private entities (cash or in-kind);
- require the development of a local plan, which would need to include how the grantee would coordinate with law enforcement, courts, probation and other public services agencies; and,
- require a grantee, if it intends to serve families with children, to provide assurances that children’s behavioral and mental health needs would be addressed, as well as provide staff training to identify and prevent child trafficking, abuse, and neglect.

Senator Feinstein is currently looking to secure a lead Republican to cosponsor the legislation. Once a GOP cosponsor is secured, the bill will be officially introduced.

Mare Island Naval Cemetery Transfer

Representative Thompson and Senator Feinstein recently introduced legislation (HR 578 & S 127) designed to restore the historic Mare Island Naval Cemetery. Specifically, the bill would transfer control of the cemetery from the City of Vallejo to the Department of Veterans Affairs (VA) and place it under the purview of the VA’s National Cemetery Administration (NCA).

Pursuant to the legislation, the NCA would be required to maintain the cemetery as a national shrine. The VA would pay no fee to acquire the land, but it would assume the obligation of maintaining the cemetery in the future.

Several groups have expressed support for the Thompson/Feinstein bill, including the American Legion, the Veterans of Foreign Wars, the Fleet Reserve Association, the Vietnam Veterans of America, AMVETS, Disabled American Veterans, the Wounded Warrior Project and the U.S. Navy League.

For its part, the VA has not provided a statement regarding the introduction of HR 578/S 127. The Department did, however, submit testimony to Congress last year in which it indicated that acquisition of the cemetery by the VA would not align with the Department's current strategic objectives with respect to providing burial access to veterans and their families. The VA also stated that the proposed action would set an unwanted precedent regarding veteran cemeteries that are managed by localities.

Sacramento-San Joaquin Delta National Heritage Area Act

Legislation has been introduced in both chambers of Congress that would designate the Sacramento-San Joaquin Delta as California's first National Heritage Area (NHA). The bills – sponsored by Senators Feinstein and Harris (S 316) and Representative Garamendi (HR 357) – would authorize \$1 million annually for NHA activities, with the total amount not to exceed \$10 million over a ten-year period. Under the legislation, funds could be used to carry out programs and projects that recognize, protect, and enhance important resource values in the Delta, including programs that develop recreational and educational opportunities.

Additionally, funding would be available for the protection and restoration of historic sites and buildings that are consistent with heritage area themes, and could be used to promote a wide range of partnerships among governments, organizations, and individuals to further the heritage area.

The legislation would designate the Delta Protection Commission (DPC) as the NHA's local coordinating entity and would assign to the DPC the duty of preparing and adopting a Heritage Area Management Plan. The bill includes private property and regulatory protections, including language specifying that the legislation does not convey any land use or other regulatory authority to the DPC.