

## ALCALDE &amp; FAY

GOVERNMENT &amp; PUBLIC AFFAIRS CONSULTANTS

January 11, 2018

**To:** Lara DeLaney, Senior Deputy County Administrator

**From:** Paul Schlesinger  
Anne Cullather  
Perrin Badini

**Re:** 2018 Federal Year End Report

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Despite an increasingly partisan and immobilized Congress with the mid-term elections elevating resulting tensions, and the continuing restrictions on earmarks, we are pleased to report significant progress on several fronts important to Contra Costa County.

**Army Corps Projects**

Funding was obtained for water resources projects that are high on the County's priority list. In the years since Congress imposed an earmark ban on itself, there are two ways to secure Army Corps funding for local priorities: (1) work with the Administration to have them budgeted in the Administration's budget request, whereafter such amounts are routinely approved by Congress, and (2) utilizing provisions funded in appropriations bills which provide additional, unallocated funding for the Army Corps, with instructions that the Corps itself determine how these additional monies are spent as part of a work plan to be submitted to Congress.

With regard to FY '18, the federal government is now operating pursuant to a Continuing Resolution (CR) through January 19. At this point, most observers believe that Congress will pass another CR prior to the 19<sup>th</sup> to keep the government running for an additional period of time while it tries to work out a budget for FY '18 (which is now over one-quarter over) with programs operating at generally the same funding levels as in FY '17. While the House and Senate committees reported out their appropriations bills for the Army Corps of Engineers, with funding levels for specific projects reflecting those requested by the Administration, these bills, and the individual project amounts, have not been approved.

At the time we reported on 2017 this time last year, the Appropriations measure for FY '18 had yet to be enacted, and so Congressional instructions for the Corps to prepare a work plan had yet to be issued.

We are pleased to report that the FY '18 work plan included \$1.107 million for the San

Francisco Bay to Stockton General Reevaluation Report, an amount sufficient to complete the feasibility study phase.

Also, closing the books on FY '18, an additional \$4.925 million was secured in the work plan, supplementing \$5.075 that had been requested by the Administration, for the San Pablo Bay/Mare Island Strait project. Maintenance dredging of the Suisun Bay Channel finished the year with \$7.8 million.

The FY '19 Appropriations bill funding the Army Corps was completed in a timely manner, and so the Corps is not among the shuttered federal agencies. Moreover, the bill was enacted so unusually early, that the work plan providing additional funds provided by Congress has been issued. The San Pablo Bay/Mare Island Strait project received \$3.049 million for the year. Suisun Bay Channel, which was budgeted by the Administration with \$3.664 million, received an additional \$3.14 million in the work plan, for a yearly total of \$6,804 million.

It is certainly worth noting that while the support of Senator Boxer has been missed (she served as the Chair and/or ranking Democrat on the Senate Committee with legislative jurisdiction over the Corps) Congressman DeSaulnier now serves on the House Committee on Transportation and Infrastructure, which has this same jurisdictional authority in the House. The support of our entire Congressional Delegation has been absolutely critical to the ongoing successes we have enjoyed with regard to our Army Corps program.

### **Advocacy related to the Sacramento-San Joaquin Delta**

We have been pleased to work extensively with County officials and staff in advocating before the federal government to achieve the County's objectives with regard to the Delta. These efforts have generally been in conjunction with other federal advocates working on behalf of their clients; the other members of the Delta Counties Coalition (DCC).

Of particular note, when some in the DCC seemed to want to focus on promoting the development of new water resources, we worked with County staff to try and assure that the DCC keep as its priority focus its very *raison d'être*, the defeat of the WaterFix. We also worked with staff to assure that the DCC continued to vigorously oppose the San Luis Drain settlement.

### **Funding for Mount Diablo Mercury Mine Clean-up**

We continued to work this year toward securing federal funding in the amount of \$483,000 for clean-up of the Mount Diablo Mercury Mine. Given the current moratorium on earmarks, we recognized that it would not be possible to secure a line-item appropriation for this important project. But, with the language that we had worked to include in the Statement of Managers accompanying a previous Water Resources Development Act (WRDA), specifically directing the Army Corps to give priority consideration to the Mount Diablo Cleanup when allocating funds made available for the Remediation of Abandoned Mine Sites program (RAMS), we also recognized that any funding made available in Appropriations bills for the general RAMS program is almost

certain to be provided for our project.

We are pleased that, at the County's request, the Army Corps budget again includes \$2 million for the RAMS program, despite the fact that no such funds were requested by the Administration. Senator Feinstein, in her role as ranking Democrat on Senate Appropriations Subcommittee on Energy and Water Development, has been the champion in securing funding for this program. Her staff has been quite explicit in telling us that the funding is intended to assist with our project. In separate and ongoing discussions that County staff and I had during last year with Corps staff responsible for implementing this program, we understand their intent to make available for our project such funds as might be necessary and timely for its moving forward. So, it would appear that there will be sufficient funds to allow the Corps to provide the \$483,000 we require for Mount Diablo at such time as we are ready to use it.

### **Other Advocacy Projects**

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From the County's extensive legislative program, we were asked to focus particularly on several appropriations issues. This was a particularly unusual year with regard to the appropriations process, as the President's budget proposal for FY '19 was released several weeks before the Omnibus appropriations bill for the previous fiscal year (FY '18) was enacted. Despite a bipartisan budget deal in February locking in spending caps for FY '19, which essentially meant the House and Senate should be working from the same topline numbers, final agreement could not be reached between Congress and the White House and a partial government shutdown began on December 22, 2018. While seven of the twelve FY '19 appropriations bills have not yet been finalized despite the shutdown fast approaching the four-week mark (already the longest in history), we were pleased that Congress did complete work on several of its key appropriations bills. To that point, some pertinent amounts in the enacted and pending appropriations bills for programs of interest to the County can be identified – as measures of our progress - as follows:

#### ➤ **Emergency Management Performance Grant (EMPG)**

Request = \$350 million in the Homeland Security (DHS) Appropriations Bill

- Senate: The DHS appropriations bill approved by Committee would provide \$350 million for the EMPG program, which is equal to the FY '18 enacted level but \$71 million above the President's request.
- House: The DHS appropriations bill approved by the House would provide \$350 million for the EMPG program, which is equal to the FY '18 enacted level but \$71 million above the President's request.

While this program will not be increased in FY '19, it will not reflect \$71 million reduction sought by the Administration.

#### ➤ **Community Development Block Grants (CDBG)**

Request = \$3.3 billion in the Transportation, Housing and Urban Development (T-HUD) Appropriations Bill

- Senate: The T-HUD appropriations bill approved by Committee would provide \$3.3 billion for this program, the same as the FY '18 enacted level but \$3.3 billion more than the President's request.
- House: The T-HUD appropriations bill approved by the House would provide \$3.3 billion for this program, the same as the FY '18 enacted level but \$3.3 billion more than the President's request.

The President's FY '19 budget proposed eliminating all CDBG funding, which was roundly dismissed in both chambers, and by both parties.

➤ **Institute of Museum and Library Services (IMLS)**

Request = \$187.6 million in the Labor, Health and Human Services, and Education (L-HHS-Ed) Appropriations bill, \$4 million more than the FY '17 enacted level.

- The FY '19 L-HHS-Ed bill approved by Congress and signed into law on September 28, 2018, included \$189.27 million for IMLS programs (including grants to states) funded by the Library Services and Technology Act (LSTA).

The approved funding level is the same as the FY '18 level despite the President seeking to eliminate all IMLS funding in his budget.

➤ **Cooperative Endangered Species Conservation Fund (CESCF):**

Request = \$85 million in the Interior-Environment Appropriations bill, the same as the FY '10 enacted level and approximately \$32 million more than the FY '18 enacted level.

- The FY '19 Interior-Environment approved by the House would provide \$53.5 million for this program, the same as the FY '18 enacted level but \$53.5 million more than the President's request.
- The FY '19 Interior-Environment approved by the Senate would provide \$49.5 million for this program, \$4 million less than the FY '18 enacted level but \$53.5 million more than the President's request.

The President's FY '19 budget proposed would eliminate the CESCF in order to direct those funds to 'higher priorities' elsewhere at the Department of Interior.

➤ **Election Assistance Commission (EAC)**

Request = \$400 million in the Financial Services Appropriations bill for grants to states to be used to secure election systems; this funding was previously authorized under the Help America Vote Act of 2002 (HAVA).

- The FY '18 Omnibus Appropriations bill, enacted shortly after our FY '19 requests were submitted, included the allocation of approximately \$380 million for HAVA grants to states.
- The House and Senate each passed their respective FY '19 Financial Services Appropriations bill, although neither included additional funding for HAVA grants.

In addition to managing the issues on the County's legislative platform, and given the dynamic nature of events in Washington, we have also brought various matters of interest to the County's attention and assisted the County when new matters surfaced that required attention or communication with our delegation. Below are a few examples that illustrate the breadth of our support for the County:

- Notified County of Administration efforts to modify the “Public Charge” rule that would expand the definition used to identify whether an individual seeking entry to the U.S. or permanent residency would likely become dependent on the government, and circulated the Board’s letter opposing the proposal to our delegation offices.
- Notified County of developments related to the Farm Bill reauthorization, including provisions in the House-passed bill that would establish certain work requirements for participation in the Supplemental Nutrition Assistance Program (SNAP); we circulated the Board’s letter opposing this language, and were pleased to report that it was not included in the final version signed into law.

Activities such as these certainly contribute to the long-held perception around Capitol Hill and elsewhere in Washington that Alcalde & Fay serves as the County’s office here in town; a place that these offices can call, trusting that they will be communicating, if through an agent, with appropriate County officials.

As always, it has been a privilege to represent the County with its efforts as they relate to the federal government. We would be pleased to elaborate on any aspect of this work, and look forward to continuing work on your behalf in the year ahead.