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# REPORT

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TO: Santa Barbara County Board of Supervisors

DATE: November 18, 2022

FROM: Don Gilchrest

## 2022 ANNUAL REPORT

Throughout this year, we have continued to work closely with CEO Miyasato and County staff to advocate your Board's 2022 Federal Legislative Platform. We also coordinated our advocacy with NACo, CSAC, and other local government representatives to maximize the County's effectiveness. Representative Carbajal, Senator Feinstein, and Senator Padilla provided crucial support for the County's efforts, and we were in regular contact with the White House Office of Intergovernmental Affairs and federal agencies.

After President Biden's *Build Back Better Plan* became stranded in the Senate last year, we redoubled our advocacy efforts to focus on provisions in the legislation that would address the County's priority support for clean energy infrastructure and climate change mitigation. The breakthrough legislation that was enacted in August, the *Inflation Reduction Act*, brought this advocacy to a successful culmination, and included \$369 billion for clean energy, energy security, and climate change mitigation, which is the most aggressive climate investment ever taken by Congress.

We have also lobbied for numerous other Santa Barbara County priorities over a broad range of issues such as health care programs, social services, nutrition, public safety, immigration, and wilderness designations. As usual, Congress is struggling to complete many of these initiatives before the end of the year, but one bright spot is enactment in the spring of a long-sought reauthorization of grant programs through the *Violence Against Women Act*.

The funding priorities included in your Board's adopted federal platform have continued to be a major focus of our lobbying efforts, particularly in the annual appropriations process. The federal government has been operating under a short-term Continuing Resolution since the start of the new federal fiscal year on October 1 and Congress will be attempting to finalize the twelve FY 2023 appropriations bills in December. These efforts have an added wrinkle because a budget enforcement

mechanism will require \$132 billion in budget cuts known as “sequestration” unless Congress waives the rule. While many federal programs support the County through allocations to the State or through other formula distributions, we have reported the following direct allocations of funding to the County so far this year:

- FY22 funding obtained by Representative Carbajal for County projects: \$900,000 for the Lompoc Health Clinic and \$1.3 million for improvements at the Santa Barbara Veterans Memorial Building.
- FY23 funding for County projects passed by the House and pending in the lame duck session: \$1.4 million for San Marcos Road Stabilization and \$2 million for the Orcutt Branch Library Building Acquisition.
- \$4.9 million from the Department of Housing and Urban Development for affordable housing and homelessness response in the County.
- \$2 million to the County from the Payments in Lieu of Taxes Program.
- \$2.2 million to Santa Barbara County from the Local Assistance and Tribal Consistency Fund.

Grant opportunities have taken on a larger significance this year as the Biden Administration is implementing the first of five years of funding enacted in the Bipartisan Infrastructure Law. We continue to work with County staff to track these new programs and highlight funding opportunities that align with your priorities and operations.

The lame duck session that began November 14 may provide additional opportunities to enact various bills before Congress adjourns for the year. We are working to advance Santa Barbara County priorities such as:

- Behavioral health reauthorization legislation,
- Repeal the Institutions for Mental Disease exclusion,
- Medicaid Inmate Exclusion Policy bills,
- Immigration reform,
- Additional flexibility for COVID-19 assistance and investments in vaccines,
- Enacting Representative Carbajal’s *Central Coast Heritage Protection Act*,
- Extending and increasing the Low-Income Housing Tax Credit,
- Water Resources Development Act reauthorization,
- Temporary Assistance for Needy Families program extension, and
- Continuation of the National Flood Insurance Program.

The report that follows provides additional details on federal legislation impacting the County of Santa Barbara so far in 2022.

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## **Clean Energy/Climate Change**

Enactment of the *Inflation Reduction Act* in August brought to a successful culmination several years of advocacy by the County for federal clean energy incentives, resiliency funding, and climate change mitigation. We advocated the County's support for these provisions to Congress and the Biden Administration. This included lobbying key congressional committees and leadership, and working with Representative Carbajal, Senator Feinstein, and Senator Padilla to elevate this issue above the many other priorities competing for their attention. Whenever possible, we lobbied in coordination with others like the Transportation Electrification Partnership for investments to transition to zero-emissions transportation to provide greenhouse gas emission reductions and transform the economy.

Throughout the first part of this year, the aggressive climate change provisions that had passed the House as part of President Biden's *Build Back Better Plan* remained stalled in the Senate due to the opposition of Senators Manchin (D-WV) and Sinema (D-AZ). Representative Carbajal joined with 174 other House Democrats in mid-June to send a joint letter to President Biden to urge his prioritization of legislation to mitigate climate change. We provided a copy of the letter to Senate Majority Leader Schumer, Senator Feinstein, and Senator Padilla and asked them to include these provisions in any year-end legislation under development. Although there was little apparent progress on negotiating a Senate bill, a breakthrough occurred in late July when Senator Manchin and President Biden announced an agreement to move forward. The legislation was signed into law in August and included \$369 billion for clean energy, energy security, and climate change mitigation, which is the most aggressive climate investment ever taken by Congress.

## **Appropriations**

### FY22 Omnibus Appropriations

On March 15, H.R. 2471, the *FY 2022 Consolidated Appropriations Act*, was signed into law, more than 5 months after the start of the new federal fiscal year. This legislation combined all twelve of the individual annual appropriations bills that fund the federal government into a package for a single vote. The funding bills were delayed by extensive differences between the two parties that included debate over how to allocate spending between the defense and non-defense categories. The final Omnibus appropriated a total of \$1.5 trillion, with defense-related spending increasing by \$42 billion, or 5.6 percent, over the previous year's level, while nondefense spending increased by \$46 billion, or 6.7 percent

### FY22 Community Project Funding

For the first time in over a decade, the FY22 Omnibus included funding earmarks for specific projects that were added at the request of Senators and Representatives. Two County projects that were funded through the House process were included in the Omnibus at Representative Carbajal's request: \$900,000 to expand and upgrade the County's Lompoc Health Clinic and \$1.3 million for seismic, health, and safety

improvements at the Santa Barbara Veterans Memorial Building. Senator Padilla and Senator Feinstein also supported these projects, helping to ensure that they were included in the final version of the appropriations measure.

### FY23 Appropriations Bills

Throughout this year, we have advocated for the County's funding priorities in the drafting of the annual appropriations bills that provide discretionary funding for federal government operations. We contacted the House and Senate Appropriations Committees, our local House delegation, and Senators Padilla and Feinstein to advocate for programs of significance to the County. This advocacy is undertaken in coordination with other local government stakeholders such as NACo and representatives for other counties. As part of these efforts, we provided funding justifications to members of the local delegation for them to use in supporting key programs with the Appropriations Committees.

The federal government is operating under interim funding authority provided by a short-term Continuing Resolution because none of the appropriations bills for FY 2023 were signed into law prior to the start of the new fiscal year on October 1. The House Appropriations Committee has reported out all twelve bills and six have been passed by the full House. In contrast, the Senate Appropriations Committee has not passed any of the bills, though Chair Leahy (D-VT) released his drafts of the measures in late July. One of the primary obstacles to progress is again a disagreement over the split between defense and non-defense programs. Congress is aiming to finish the bills before the Continuing Resolution expires on December 16. These efforts have an added wrinkle because a budget enforcement mechanism will require \$132 billion in budget cuts known as "sequestration" unless Congress waives the rule. Last year, a one-year delay was inserted into the final appropriations legislation to prevent sequestration and Congress could decide to do something similar again this year.

### FY23 Community Project Funding

We worked extensively this year with our local Delegation regarding projects from the Legislative Program Committee list of priority unfunded projects for 2022-2023 for possible support through House Community Project Funding or Senate Congressionally Directed Spending in the FY 2023 appropriations bills. Working with County staff, we reviewed the guidance we were given by Senator Feinstein, Senator Padilla, and Representative Carbajal regarding possible funding available through a limited number of programs under the jurisdiction of the Appropriations Committee. Then we helped develop the detailed project requests formatted to the specific requirements of each office.

As Congress works to finish the appropriations process in the lame duck session, we are continuing to lobby for two Santa Barbara County projects that were included in the House bills through Representative Carbajal's efforts:

- San Marcos Road Stabilization - \$1.384 million.
- Orcutt Branch Library Building Acquisition - \$2 million.

Because the bills must still be reconciled with the Senate versions, we have requested Senators Padilla and Feinstein to also support the projects. Final project funding amounts will not be known until the appropriations bills are completed in December.

## **Pandemic Recovery**

### Local Assistance

On September 29, the U.S. Department of the Treasury announced the allocation of funds for counties under the Local Assistance and Tribal Consistency Fund (LATCF). Santa Barbara County is allocated two payments of \$1,145,684.50 through this program for a total of \$2,291,369.

The LATCF was established by Section 9901 of the American Rescue Plan Act to provide recovery payments to revenue-sharing counties and tribal governments. ARPA included \$2 billion total for the program, with \$1.5 billion of that going to counties. LATCF payments can be used as general revenue funds and eligible uses include any governmental purpose other than a lobbying activity.

### COVID-19 Relief Flexibility

We are coordinating with NACo to advocate for S. 3011, the *State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act*. The Senate passed this bill last year to provide additional flexibility for the Coronavirus State and Local Fiscal Recovery Fund that was authorized by the *American Rescue Plan Act*. S. 3011 would allow the County to direct up to \$10 million of its ARPA Recovery Fund allocation for the provision of government services without being required to calculate revenue loss. It would allow the County to use up to \$10 million (or 30 percent, whichever is greater) of Recovery Fund dollars for a wide range of infrastructure-related purposes, including, but not limited to: road, bridge, and safety improvement projects; public transit; and Community Development Block Grant (CDBG) eligible projects. It also would provide explicit authority to spend ARPA funds for emergency relief from natural disasters and their negative economic impacts. The bill's Senate sponsors, which include Senator Padilla, estimate that enactment of the legislation would result in an additional \$123 billion being available for infrastructure projects. Representative Carbajal is a cosponsor of the House version of the legislation, H.R. 5735.

### Pandemic Preparedness

We have advocated this year for legislation to better prepare for future pandemics. On March 15, the Senate Health, Education and Labor Committee approved S. 3799, the *Prepare for and Respond to Existing Viruses, Emerging New Threats, and Pandemics Act (PREVENT Pandemics Act)*. S. 3799 includes several important provisions to improve coordination among public health agencies and strengthen stockpiles of medical products, such as masks, drugs, vaccines, and tests. In addition,

it would revitalize the public and community health workforce by providing grants to recruit, train, and retain health workers and through improving educational opportunities. Additional provisions would accelerate biomedical research to develop medical countermeasures for pandemic threats and improve access to behavioral health services during emergencies. So far, S. 3799 has not been scheduled for consideration by the full Senate.

### **Bipartisan Infrastructure Law**

Following enactment of the Bipartisan Infrastructure Law in 2021, we immediately began working with County staff and federal agencies to assist with accessing these funding resources. As part of these efforts, we have participated in agency briefings and webinars to understand the new and expanded programs and provided notices of funding opportunity for key programs to the County for review. We also assisted the Board of Supervisors with a briefing on the provisions of the legislation in coordination with Representative Carbajal's staff. We will continue these efforts as we move into the second of the five years of the infrastructure legislation and continue to review the actions of the Biden Administration to implement these programs.

### **Agricultural Funding**

Following enactment of a five-year Farm Bill in 2018, we have continued to work with our local delegation to support implementation of programs authorized in the legislation, including the highest possible levels of funding for Department of Agriculture programs of importance to the County's agriculture-related responsibilities. The pending versions of the *FY 2023 Agriculture Appropriations Act* include this funding for programs of importance to the County:

- Pest Detection – House: \$29.8 million; Senate \$29 million
- Specialty Crop Pests funding – H: \$219 million; S: \$222 million
- Agricultural Quarantine Inspection – H: \$35.5 million; S: 36.6 million
- Food Safety and Inspection – H: \$1.18 billion; S: \$1.17 billion

### **Disaster Preparedness and Response**

#### Flood Insurance

We have continued to monitor Congressional activity related to the National Flood Insurance Program to ensure continuation of this protection. The NFIP is currently operating under a short-term extension of the program's authorization that will expire on December 16. A longer-term authorization is needed to provide stability to the program, but disagreements over how to reform the program and keep it on a financially sound footing have prevented Congress from acting. An additional short-term extension for the program is likely in the lame duck session to carry the program over into 2023.

### Funding for Homeland Security Programs

We are continuing to advocate for programs that support state and local preparedness efforts in the *FY 2023 Homeland Security Appropriations Act* as Congress negotiates final spending bills in the lame duck session. In addition to programs such as State Homeland Security Grants and Firefighter Assistance Grants, we are emphasizing support for the Emergency Management Performance Grant (EMPG) program because of its critical importance for planning comprehensive emergency management response. Throughout the year, we have coordinated our lobbying on EMPG with the National Emergency Managers Association and the International Association of Emergency Managers in order to support the highest possible funding level for the program.

Final funding is still to be determined but the pending bills include the following funding for key DHS programs:

	<b>Final FY22</b>	<b>House FY23</b>	<b>Senate FY23</b>
<b>Urban Area Security Initiative</b>	\$740 million	\$615 million	\$605 million
<b>State Homeland Security Grants</b>	\$645 million	\$520 million	\$510 million
<b>Firefighter Assistance Grants/SAFER</b>	\$740 million	\$760 million	\$740 million
<b>Emergency Management Performance Grants</b>	\$355 million	\$370 million	\$355 million

### **Environment and Land Use**

#### Payments in Lieu of Taxes

The Department of Interior released the FY 2022 Payments in Lieu of Taxes (PILT) amounts in June, and the County received \$2,059,722 for its annual allocation, which is roughly the same as the previous year. PILT provides funding to counties to offset lost property tax revenue due to the presence of tax-exempt federal lands within their jurisdictions.

We have urged the House and Senate Appropriations Committees to continue support for PILT and also provided our local delegation with budget justifications for their use in advocating for the program. Both the House and Senate versions of the *FY 2022 Interior Appropriations* bill propose full funding for PILT.

#### Outer Continental Shelf

We urged the House and Senate Appropriations Committees to include provisions in the *FY 2023 Interior, Environment and Related Agencies Appropriations Act* to continue the annual moratorium on additional offshore oil and gas leasing activities.



Section 129 of the FY 2023 House Interior Appropriations Act would limit the use of funds for certain Outer Continental Shelf activities to lease sales that are contained in the currently approved 2017–2022 plan, which would prevent any new leasing along the Pacific coast. There is no comparable provision in the Senate version of the bill, so this issue will be decided in the negotiations for a final bill in the lame duck session.

#### Los Padres Wilderness

We have continued to advocate in support of Representative Carbajal’s H.R. 973, the *Central Coast Heritage Protection Act*, which would expand wilderness and wild and scenic river designations in the Los Padres National Forest, the Carrizo Plain National Monument, and designate the Condor National Recreation Trail. We also contacted the Senate Committee on Energy and Natural Resources in support of Senator Padilla’s S. 1459, the *Protecting Unique and Beautiful Landscapes by Investing in California (PUBLIC) Lands Act*, which was introduced with Senator Feinstein as the primary cosponsor and includes the provisions of H.R. 973.

Representative Carbajal was able to achieve House approval of his legislation by including it in H.R. 803, a multi-bill package of wilderness and public lands that the House passed last year and was also able to add it to H.R. 7900, the *Fiscal Year 2023 National Defense Authorization Act*, which the House passed in July. House and Senate negotiators are expected to complete a final version of the Defense bill in the lame duck session, and we have requested inclusion of the wilderness protections, emphasizing that they have already passed the House twice.

#### Clean Air

We urged the House and Senate Appropriations Committees to provide the highest possible level of funding for EPA’s State and Local Air Quality programs, citing the importance of the Section 103 & 105 grants for providing resources to the County to perform basic air pollution control activities. Subsequently, the House version of the *FY 2023 Interior and Related Agencies Appropriations Act* proposed \$322.2 million in grants for these programs, an increase of \$90.8 million over last year. The Senate version would increase the funding for the programs by a smaller amount, to a total of \$265 million. The final funding level will be decided in year-end budget negotiations.

#### Department of Interior Funding

We urged the House and Senate Appropriations Committees to support President Biden’s proposals for FY 2023 funding for the Department of Interior, which are important for conservation initiatives such as the Administration’s 30 x 30 plan. The Biden budget proposed an 11 percent increase for Interior, which includes numerous proposals to support healthier lands, waters, and ecosystems. We have also advocated for other County of Santa Barbara priorities in this legislation, including funding for cleanup/removal of historic, abandoned oil and gas wells, and the Land and Water Conservation Fund.

The House *FY 2023 Interior-EPA Appropriations Act* provides almost all of the additional funding requested by the Biden Administration for the Department of the Interior, while the Senate version of the bill proposes a smaller, 7 percent, funding increase. The final decisions on these funding bills will be made in the negotiations for an omnibus appropriations measure in the lame duck session.

### **Flood Control/Lower Mission Creek**

We are continuing to work with Public Works Director McGolpin and Representative Carbajal to seek Army Corps of Engineers support for the Lower Mission Creek Flood Control Project. Extensive discussions with the USACE have indicated that an economic review/update of the project is necessary to improve the benefit-cost ratio in order to better compete for federal support. Representative Carbajal is seeking supportive language in the *Water Resources Development Act of 2022*, and we have discussed the project with Senator Padilla's staff because of his position on the Senate Committee with jurisdiction over the Army Corps. A final version of WRDA 2022 is under negotiation and the bill is a good candidate for action during the limited time available in the lame duck session.

### **Housing/Homelessness**

#### Housing Programs

As work began on FY 2023 appropriations, we contacted the House and Senate Appropriations Committees, our local Congressional delegation, and Senators Padilla and Feinstein to advocate for homeless assistance and other housing and community development programs of significance to the County in the *FY 2023 Transportation, Housing and Urban Development (HUD), and Related Agencies Appropriations* bill. As part of these efforts, members of the local delegation agreed to sign on to "Dear Colleague" letters to the appropriators in support of the programs. We also provided funding justifications to our delegation for their use in supporting the programs. During 2022, Santa Barbara County was allocated the following funding through HUD programs:

- \$1,270,313 in formula CDBG funding,
- \$1,356,247 under the HOME Program, and
- \$2,345,893 for projects in the County serving the homeless.

The *FY 2023 Transportation, and Housing and Urban Development, and Related Agencies Appropriations Act* was passed by the House on July 20. The Senate Appropriations Committee has not passed its version of the bill, but Committee Chair Leahy (D-VT) released a draft of the bill on July 28 to serve as a starting point for negotiations.

Final funding is still to be determined but the pending bills include the following funding for key HUD programs:

	Final FY22	House FY23	Senate FY23
<b>CDBG</b>	\$3.3 billion	\$3.3 billion	\$3.525 billion
<b>HOME Investment Partnership</b>	\$1.5 billion	\$1.675 billion	\$1.725 billion
<b>Homeless Assistance</b>	\$3.2 billion	\$3.6 billion	\$3.5 billion
<b>Housing Opportunities for People with AIDS</b>	\$450 million	\$600 million	\$468 million
<b>HUD-Veterans Affairs Supportive Housing</b>	\$50 million	\$50 million	\$50 million
<b>Housing for the Elderly</b>	\$1.03 billion	\$1.2 billion	\$1.03 billion

We are also working with Senator Feinstein's staff to support two bills that she introduced to increase housing resources and improve the delivery of services to homeless individuals. S. 580, the *Affordable Housing Redevelopment Act*, proposes to reauthorize the Neighborhood Stabilization Program and provide \$1.5 billion in competitive grants to help state and local governments purchase blighted, vacant, abandoned, foreclosed, or surplus properties, and convert them into affordable housing. S. 2357, the *Fighting Homelessness Through Services and Housing Act*, proposes a new grant program for supportive housing models that pair comprehensive services and intensive case management with stable housing. It would authorize \$1 billion per year for grants for services and housing. The bill would require a 25 percent match from non-federal funds and grants may be used for any combination of operations and capital building costs, as long as the housing and services requirements are fulfilled. Eligible entities include cities, counties, regions, and tribal organizations that provide supportive housing with services.

### Low-Income Housing Tax Credit

We joined with other affordable housing advocates to request that Congress expand and improve the Low-Income Housing Tax Credit (LIHTC) before adjourning for the year. The LIHTC provides an incentive for private investment in the development and preservation of affordable and supportive housing units. Since its enactment in 1986, the credit has been one of the primary ways that affordable housing has been financed. We are requesting support for S. 1136/H.R. 2573, the *Affordable Housing Credit Improvement Act*, which includes provisions to increase the per capita dollar amount of the LIHTC and its minimum ceiling amount. The bill would also extend the inflation adjustment for such amounts and increase state allocations of the credit.

## **Health Care Programs**

### Public Health Emergency

On October 13, the Department of Health and Human Services extended the COVID-19 pandemic Public Health Emergency declaration for another 90 days. HHS previously indicated that it would provide a 60-day notice before the emergency declaration expires, so we have been carefully monitoring any announcements that would indicate if the declaration will be renewed again. On October 11, the Administration indicated that the emergency will be extended through the spring of 2023, due to the expected Covid surge this winter and as more immune evasive omicron subvariants become dominant in the U.S.

We are also staying in touch with FEMA regarding the Presidentially declared nationwide emergency and major disaster declaration for the COVID-19 pandemic. This declaration allows the County to receive 90 percent reimbursement from the Public Assistance Program for eligible expenses. The FEMA declaration is ongoing until rescinded and FEMA is continuing the work completion deadline extension for work completed on or after July 2, 2022, until further notice. FEMA has committed to providing a 30-day notice prior to rescinding the disaster declaration.

### Funding for County Health Care Programs

We are advocating for federal funding of critical public health programs in coordination with the National Association of County and City Officials and other local government organizations. Earlier in the year, we contacted the House and Senate Appropriations Committees in support of the proposal by the CDC Coalition and other supporting state and national organizations for \$11 billion for the Centers for Disease Control and Prevention's program in the *FY 2023 Labor-Health and Human Services Appropriations* bill. This proposal supports CDC's activities and programs to protect the health of local communities and strengthening public health infrastructure. We also requested support for the broad array of federal programs that help local governments lead public health emergency response and provide services to prevent and respond to other public health problems. We also contacted our local Delegation to ask them to continue to work with the Appropriations Committees in support of these programs.

Both the House and Senate Appropriations Committees included \$10.5 billion for the CDC in their versions of the *FY 2023 Labor-Health and Human Services Appropriations* bill, which would be an increase of \$2 billion above last year's enacted level. In addition, the pending bills include the following funding levels for specific programs of interest to the County:

	<b>Final FY22</b>	<b>House FY 23</b>	<b>Senate FY 23</b>
<b>Public Health Infrastructure</b>	\$200 million	\$750 million	\$600 million
<b>Community Health Centers</b>	\$5.74 billion	\$5.94 billion	\$5.91 billion
<b>Substance Abuse Block Grants</b>	\$1.9 billion	\$2.4 billion	\$2.4 billion
<b>Mental Health Block Grant</b>	\$856 million	\$1.35 billion	\$1.42 billion
<b>Preventive HHS Block Grant</b>	\$160 million	\$160 million	\$160 million
<b>Ryan White HIV/AIDS</b>	\$2.5 billion	\$2.7 billion	\$2.63 billion
<b>Maternal and Child Health Block Grant</b>	\$747 million	\$872.7 million	\$951.7 million
<b>Public Health Preparedness Cooperative Agreements</b>	\$715 million	\$735 million	\$740 million
<b>Section 317 Immunization Grants</b>	\$651 million	\$826 million	\$860 million

### Behavioral Health

We are urging Congress to enact legislation this year to continue and expand mental health and substance abuse programs. On June 22, the House passed H.R. 7666, the *Restoring Hope for Mental Health and Well-Being Act of 2022*, which includes

provisions to reauthorize 32 mental health and substance abuse programs under the Health Resources and Services Administration and the Substance Abuse and Mental Health Services Administration that are scheduled to expire this year. Multiple hearings have been held by the Senate Finance Committee and the Senate Health, Education, Labor, and Pensions Committee in preparation for Senate legislative action.

One of the key priorities that we are supporting in the behavioral health package is repeal of the Institutions for Mental Disease (IMD) exclusion because of its impact on a broad range of County operations such as social services, public safety, and health care. Current federal regulations prohibit Medicaid reimbursement for individuals at hospitals, nursing facilities, or other institutions with more than 16 beds that are primarily engaged in the diagnosis, treatment, or care of persons with mental diseases. Our lobbying on this issue includes support for H.R. 2611, the *Increasing Behavioral Health Treatment Act*, and S. 2689/H.R. 5414, the *Ensuring Medicaid Continuity for Children in Foster Care Act*, which would exempt foster care Qualified Residential Treatment Programs from the rule.

We are also advocating the County's support for repealing the Medicaid Inmate Exclusion Policy. This change is needed to ensure that individuals who are in jail awaiting disposition of charges are not prevented from accessing federal health care benefits for which they are otherwise eligible. Under current law, the Medicaid Inmate Exclusion Policy makes no distinction between individuals housed in jails versus prisons, and thus unfairly denies federal health benefits for adults and juveniles that are being housed in local jails prior to conviction. There are several bills that have been introduced on this issue, including S. 3050, the *Equity in Pretrial Health Coverage Act*, H.R. 955/S. 285, the *Medicaid Reentry Act*, and S. 2697, the *Due Process Continuity of Care Act*.

### **Immigration Reform**

We have continued to advocate the County's support for bipartisan, comprehensive immigration reform that includes an earned path to citizenship and continuation of protections provided under the Deferred Action for Childhood Arrivals (DACA) program. The House of Representatives passed H.R. 6, the *American Dream and Promise Act*, last March 18 to create a path to citizenship for undocumented immigrants who were brought to the United States as children. The House also passed H.R. 1603, the *Farm Workforce Modernization Act*, which would allow undocumented farmworkers to earn legal status and would also increase requirements for the electronic system to check employee work authorizations. Senator Durbin (D-IL) has reintroduced his S. 264, the *Dream Act of 2021*, with Senator Graham (R-SC) as the principal co-sponsor, but the Senate Judiciary Committee has not scheduled consideration of the bill.

The recent review of DACA by federal courts has underscored the need for Congress to act to protect the program, and we have reiterated the County's support in hopes that Congress will take up these issues before the end of the year. In order for the legislation to move forward in the Senate there must be at least some Republican support to achieve the 60 votes needed under Senate rules. In the past, Republican support for DACA legislation has been tied to proposed border security measures and negotiations are reportedly ongoing over whether legislation can be crafted that meets those concerns.

## **Public Safety**

### Local Law Enforcement Funding

We are continuing to advocate for the highest possible funding for State and Local Law Enforcement Grants in the *FY 2023 Commerce, Justice, Science (CJS) Appropriations Act* as Congress negotiates a final version of the bill in the lame duck session. The House version of the legislation would increase funding for State and Local Law Enforcement grants by 24 percent to a total of \$2.75 billion. The Senate bill proposes a smaller increase to \$2.39 billion.

On September 22, the House passed a package of four bills that would provide additional opportunities for funding through local law enforcement programs:

- H.R. 6448, the *Invest to Protect Act of 2022*, which would establish a Community Oriented Policing Services grant program to provide assistance to police departments with fewer than 200 law enforcement officers.
- H.R. 8542, the *Mental Health Justice Act of 2022*, to authorize grants to hire, employ, train, and dispatch mental health professionals to respond in lieu of law enforcement officers in emergencies involving one or more persons with a mental illness or an intellectual or developmental disability.
- H.R. 4118, the *Break the Cycle of Violence Act*, to authorize a Department of Health and Human Services program to invest in community-based violence reduction initiatives.
- H.R. 5768, the *Violent Incident Clearance and Technological Investigative Methods Act*, to establish a Justice Department grant program to establish, create, and administer the violent incident clearance and technology investigative method.

These four bills would authorize approximately \$2 billion in total assistance that would be allocated through programs at the Department of Justice and the Department of Health and Human Services. However, these program authorizations would still be subject to funding by the House and Senate Appropriations Committees, who would have to decide how much funding to provide to them each year in the annual appropriations process. At this point, it does not appear that the Senate will schedule the bills for consideration before the end of the year, which means these initiatives may carry over into the 118<sup>th</sup> Congress.

### Violence Against Women Act

The *FY 2022 Omnibus Appropriations Act* that was signed into law in March included a long-sought reauthorization of the *Violence Against Women Act (VAWA)*. VAWA expired in 2018 and we worked over the past few years in support of the authorization and annual appropriations needed to implement these programs to support victims of domestic and sexual violence. Senator Feinstein, as a senior member of the Senate Judiciary Committee, played a key role in reauthorizing VAWA, and Representative Carbajal and Senator Padilla both strongly supported this effort. Under the provisions of the legislation, VAWA is extended for five years and expanded to provide increased legal protections to victims of domestic and sexual violence and grant programs to support victims and help prosecute those crimes.

### Safer Communities Act

We are monitoring the implementation of the *Bipartisan Safer Communities Act* for any resources that would be helpful to the County's behavioral health responsibilities. This legislation was signed into law in June in response to recent mass shooting events and includes provisions to strengthen criminal background checks for gun purchases by those under age 21. The legislation would also create grants for states to support crisis intervention programs, expand restrictions on gun ownership for individuals convicted of domestic violence against a dating partner, and provide school security grants that could be used to harden schools to make them more difficult to target.

## **Social Services**

### Foster Care Medicaid Funding

We are working with other impacted child welfare and health advocacy organizations to advocate the County's support for legislation to exempt foster care Qualified Residential Treatment Programs (QRTPs) from the Institution for Mental Diseases (IMD) exclusionary rule. Under the IMD exclusion, children in foster care with behavioral and mental health needs are at risk of losing their federal Medicaid coverage if placed in a QRTP larger than 16 beds. S. 2689, the *Ensuring Medicaid Continuity for Children in Foster Care Act of 2021*, was introduced by Senator Burr (R-NC), and cosponsored by Senators Feinstein and Padilla, to provide this exemption and we are also advocating for the House companion legislation, H.R. 5414.

### TANF Reauthorization

Congress did not take any meaningful action this year to provide a multi-year reauthorization for the Temporary Assistance for Needy Families program, instead defaulting to a series of short-term extensions for the program. We have been advocating for a new TANF authorization that would increase funding for childcare, job training and other aspects of the program and provide California more flexibility in the administration of the program. We are coordinating our advocacy with NACo and the County Welfare Directors Association of California to address the overly rigid



Work Participation Rate requirements that were put into place by the Deficit Reduction Act of 2005. The most recent extension runs through December 16, and Congress is expected to address the issue again in the final omnibus appropriations legislation that is under negotiation in the lame duck session.

#### Nutrition/Food Assistance Programs

We are advocating the County's support for reauthorization of child nutrition programs including full funding of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Program. The most recent legislation authorizing these programs expired in 2015, although Congress has continued to fund them through the annual appropriations bills.

In order to expand access to child nutrition programs and provide certainty for this funding, the House Education and Labor Committee in July approved H.R. 8450, the *Healthy Meals, Healthy Kids Act*, which would reauthorize WIC through FY 2028. The legislation also includes provisions to expand eligibility and support investments in technology infrastructure for the program, as well as provisions to expand school meal programs. In addition to urging passage of the legislation by the full House, we are advocating for the Senate Agriculture Committee to move reauthorization legislation through the Senate. So far, there have been no plans announced to schedule the bills for consideration in the lame duck session.

#### Older Americans Act

Working in coordination with USAging and other local stakeholders, we urged our local Delegation and the House and Senate Appropriations Committees to support Older Americans Act (OAA) program funding in the FY 2023 funding bills. In June, Senator Feinstein and Senator Padilla joined with 40 other Senators to send a joint letter to the Senate Appropriations Committee requesting a substantial increase in OAA programs. The House *FY 2023 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act*, included \$2.83 billion for OAA programs, a significant increase over the \$2.25 billion FY 2022 enacted level. The Senate bill proposes \$2.42 billion for these programs in FY 2023. A final version of the legislation will be determined by negotiations in the lame duck session.

#### **Financial Data Mandates**

The Government Finance Officers Association has been urging opposition to S. 4295, the *Financial Data Transparency Act of 2022*, because of provisions in the legislation that would require the Municipal Securities Rulemaking Board to establish uniform data standards for local governments. The proposed standardization would result in an unfunded mandate and pose a significant burden to many local governments and public entities because it would require identical financial reporting classifications across all types of local governments. NACo has expressed similar concerns, and we have requested Senator Feinstein and Senator Padilla to oppose the legislation unless local governments are exempted. A similar bill was included in the House *FY 2023*

*National Defense Authorization Act*, so we are closely monitoring actions in the lame duck sessions to finalize the defense bill.