

Washington Update

COUNTY OF SANTA BARBARA

October 27, 2021

BUDGET RECONCILIATION

We are continuing to advocate that the *Build Back Better* budget reconciliation package give priority to measures to mitigate climate change and key programs that support County operations and the economic recovery. President Biden has been conducting extensive behind-the-scenes negotiations with House and Senate Democrats over the provisions that will eventually be included in the final version of the plan.

In September, proposals were drafted by thirteen House Committees that would have totaled over \$4.5 trillion. However, that package is being reduced in order to achieve the needed unanimous support of all 50 Democratic Senators. House leaders have reserved floor time for consideration of the legislation as soon as a final version can be agreed to.

INFRASTRUCTURE LEGISLATION

Democratic House leaders have tentatively scheduled a vote on H.R. 3684, the *Infrastructure Investment and Jobs Act*, for this week. The Senate voted on August 10 to pass H.R. 3684, by a vote of 69-30. However, House Democrats have been divided on the timing of bringing up H.R. 3684 for a final vote and their support for the bill has been dependent on achieving President Biden's other domestic policy priorities through the *Build Back Better* budget reconciliation legislation. This dynamic could result in the vote being delayed further.

H.R. 3684 would reauthorize surface transportation and water programs and provide about \$550 billion of new funding for roads, bridges, water systems, broadband, passenger rail, transit, and other infrastructure. The current authorization for surface transportation programs will expire on October 31, which lends additional urgency to enactment of the infrastructure legislation.

FY 2022 FUNDING

The Federal government is operating under short-term funding authority provided by a Continuing Appropriations Resolution that runs through December 3. As Congress works to finish up the annual funding bills, we are continuing to advocate for enactment of a full-year appropriations package to ensure continuity in the funding that the County receives through federal programs.

On October 19, the Senate Appropriations Committee released the text of nine draft appropriations bills for fiscal year 2022. Although these draft bills have not been approved by the Committee, they are intended to jump-start negotiations on enacting an appropriations package before the end of the year. This process is hampered by the lack of an agreement on overall fundings levels for defense and non-defense discretionary programs. Although this will necessitate negotiations between the versions drafted by House and Senate Democrats, Republican support is also necessary for the bills to pass the Senate, so discussions are ongoing on many levels.

CALIFORNIA WILDERNESS

Representative Carbajal was able to add his H.R. 973, the *Central Coast Heritage Protection Act*, to H.R. 4350, the *2022 National Defense Authorization Act*, which the House passed on September 23. This legislation would protect 250,000 acres of new and expanded wilderness in the Los Padres National Forest and the Carrizo Plain National Monument, protect wild and scenic rivers, and designate the Condor National Recreation Trail. Representative Carbajal was also successful in adding the Central Coast legislation to H.R. 803, a multi-bill package of wilderness and public lands that the House passed in February.

Senator Padilla has included the *Central Coast Heritage Protection Act* in his proposed S. 1459, the *Protecting Unique and Beautiful Landscapes by Investing in California Lands (PUBLIC Lands) Act*. We recently contacted the Senate Committee on Energy and Natural Resources in support of action on the bill and emphasized that the House has already passed the legislation twice.

IMD EXCLUSION

We are continuing to work with Los Angeles County, the County Welfare Directors Association of California, and other child welfare and health advocacy organizations in support of S. 2689, the *Ensuring Medicaid Continuity for Children in Foster Care Act of 2021*. This legislation was introduced by Senator Burr (R-NC), and cosponsored by Senators Feinstein and Padilla, 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. We are also advocating for the House companion legislation, H.R. 5414, which was introduced on October 1.

COVID-19 AID 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 on October 19 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 to provide emergency relief from natural disasters and their negative economic impacts. The bill's Senate sponsors estimate that enactment of the legislation would result in an additional \$123 billion being available for infrastructure projects. House leaders have not announced if they will be scheduling S. 3011 for a House vote.

SAFE BANKING ACT

Representative Perlmutter's (D-CO) H.R. 1996, the *Secure and Fair Enforcement (SAFE) Banking Act of 2021*, passed the House on September 23 as part of H.R. 4350, the *2022 National Defense Authorization Act*. H.R. 1996 includes provisions to protect banks from federal penalties if they provide services to legitimate cannabis-related businesses. The legislation was also passed by the House in April and adding it to the Defense Authorization Bill is an attempt to obtain Senate approval for the measure.

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