

**Board of County Commissioners
Leon County, Florida**



2020 State and Federal Legislative Priorities Workshop

**Tuesday,
September 24, 2019
1:30 p.m.**

**Leon County Board of County Commissioners
Leon County Courthouse, 5th Floor**

Leon County Board of County Commissioners

Notes for Workshop

Leon County Board of County Commissioners

Workshop

September 24, 2019

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Workshop on the 2020 State and Federal Legislative Priorities

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Andy Johnson, Assistant to the County Administrator Nicki Paden, Management Analyst Erin Kenney, Management Intern

Statement of Issue:

This workshop item seeks the Board's approval of recommended state and federal legislative priorities for the 2020 Florida Legislative Session and the second session of the 116th Congress.

Fiscal Impact:

This item has a fiscal impact. Funding for state and federal contract lobbying services is included in the tentative FY 2019-2020 budget. Additionally, this item recommends requests for state and federal appropriations as well as substantive policy positions that seek to avoid unfunded mandates and cost shifts to the County.

Staff Recommendation:

- Option #1: Approve the 2020 State and Federal Legislative Priorities, as amended by the Board.
- Option #2: Authorize the County Administrator to extend the existing contract for state lobbying services with Capitol Alliance Group, in a form approved by the County Attorney, for \$70,000 annually for an additional one-year term.
- Option #3: Authorize the County Administrator to extend the existing contract for federal lobbying services with Squire Patton Boggs, in a form approved by the County Attorney, for \$100,000 annually for an additional one-year term.

Report and Discussion

Background:

Each year, the Board conducts a workshop with the County's legislative staff and contract lobbyists to develop priorities for the upcoming state and federal legislative sessions. This workshop enables the County's legislative team to receive important guidance from the Board regarding priority legislative issues and directs the County's lobbying efforts for the upcoming year at both the state and federal level. In recent years, the Board has directed staff to refine the County's substantive policy priorities only to the most pressing issues and to support the Florida Association of Counties (FAC) and National Association of Counties (NACo) in achieving their respective legislative goals. Consistent with this direction, staff is seeking Board approval of the County's 2020 State and Federal Legislative Priorities, comprised of the state and federal policy and appropriations issues proposed herein.

Analysis:

The 2020 Florida Legislative Session will be held from January 14 through March 13, 2020, with interim committee weeks beginning in September. The second session of the 116th U.S. Congress will convene in January 2020. Similar to previous years, the policy and appropriations priorities recommended in this workshop item are organized to target the County's most pressing issues and best align with the anticipated priorities of the 2020 state and federal legislative sessions. As discussed in further detail below, these include:

- 9 legislative appropriation requests;
- 14 County projects for potential state and/or federal grant funding;
- 7 state-level legislative policy priorities, including support of the FAC 2020 Legislative Priorities, for the 2020 Florida Legislative Session; and
- 3 federal legislative policy priorities, including support of the NACo 2020 Legislative Priorities, for the second session of the 116th United States Congress.

Additionally, the Legislature's Office of Economic and Demographic Research (EDR) released new revenue estimates for FY 2020 and 2021, reflecting a reduction of \$867.7 million in revenue collections over the next two years than projected earlier this year. Heading into the 2020 session, the EDR is again projecting a slim budget surplus of \$289.3 million, and the Legislature may seek to once again shift costs to local governments in the form of unfunded mandates and/or further cut state spending to balance the state budget. Following this Workshop, staff will continually keep the Board apprised of updated state revenue estimates through the weekly *Capitol Update* newsletter throughout the legislative session.

Given the narrow budget surplus projected by EDR, the Legislature is not likely to provide substantial funding for direct legislative appropriations in support of local projects. In recent years, the Legislature has reduced funding for local projects in lieu of existing grant programs administered through the executive branch. Accordingly, the list of projects that staff is recommending the County pursue for direct legislative funding reflect those that best align with the anticipated priorities of the Legislature during the 2020 session.

In addition to the list of projects for legislative funding, this workshop item also recommends Board direction to pursue grant funding for specific County projects that best align with existing executive branch grant programs. The County has been successful in recent years securing funding through many of these programs, particularly for major infrastructure projects. To best align the County's top priority projects with their most likely sources of state and federal funding, this item recommends that the Board direct staff to continue the County's successful strategy of seeking grant funding for these projects through regional, state, or federal agency grant programs as applicable.

The Board may wish to add, remove, and/or amend legislative priorities as deemed appropriate for the County's 2020 State and Federal Legislative Priorities. Upon Board approval, staff and the County's contract lobbying teams will pursue all of the priority issues approved by the Board. Notwithstanding this, staff will assign priority to any issue that the Board designates to receive a special level of attention in the upcoming legislative cycle.

In addition to the issues specific to Leon County identified herein by staff, much of the County's legislative advocacy each session is focused on issues of statewide importance in conjunction with FAC. FAC will finalize its 2020 legislative program during the 2019-20 Legislative Conference in Broward County, which will take place November 20 through November 22, 2019. The statewide issues identified by the FAC membership will assist staff in identifying the most critical issues facing counties during the state legislative session.

It is important for the Board to be active participants in the legislative process by testifying on behalf of the County and by working with our local legislative delegation. As always, staff will keep the Board involved in legislative issues through agenda items, resolutions, memoranda, and weekly updates during the state legislative session.

PROPOSED APPROPRIATIONS REQUESTS
2020 STATE & FEDERAL LEGISLATIVE SESSION:
(Complete information on each request is included in Attachment #1)

Throughout the year, staff works to identify projects most suitable for state and federal appropriation requests to support important County projects. The Board's practice of retaining professional contract lobbying services at both the state and federal levels enhances the County's advocacy efforts for these requests. The County's contract lobbying firms provide a daily presence by advocating for the County's state and federal priorities with the County's legislative delegations and other legislative leaders.

The following list reflects a concise, targeted set of County projects that best align with the anticipated priorities of the Legislature during the 2020 session (for complete information on each, see Attachment #1):

<u>Request:</u>	<u>Amount:</u>	<u>Project Phase:</u>
Backup Generator – Secondary Special Needs Shelter	\$300,000	Capital/Fixed Assets
Mitigation/Retrofit – Branch Libraries and Community Centers	\$1 million	Capital/Fixed Assets
Leon Works Expo and Junior Apprenticeship	\$100,000	Program Funding
Orchard Pond Greenway Trail, Phase II	\$350,000	Design/Permitting
Lake Henrietta Renovation	\$1.5 million	Design/Construction
Fords Arm/Lexington Tributary Restoration	\$1 million	Construction
Centerville Trace Septic-to-Sewer Project	\$1 million	Design/Permit/Land Acquisition
Harbinwood Estates Septic-to-Sewer Project	\$2.5 million	Design/Permit/Land Acquisition
Fred George Wetland Restoration	\$1 million	Construction

In recent years, community partner agencies have sought and received funding for projects that have aligned with the Board's adopted legislative priorities. For instance, the Bethel Ready4Work program successfully sought legislative funding in recent years to support its offender reentry services. Also, during the 2019 Legislative Session, the Apalachee Center received funding to support mental and behavioral health treatment services. Accordingly, in addition to the proposed Leon County appropriations requests listed above, staff recommends that the County support community partners' funding requests to the extent that they do not conflict with the County's priorities.

**ADDITIONAL HIGH-PRIORITY COUNTY PROJECTS
RECOMMENDED FOR POTENTIAL GRANT FUNDING:**

In recent years, the Florida Legislature and the Governor's Office have placed a greater emphasis on grant programs through the executive branch and coordination with state agencies to help fund infrastructure projects. Governor Ron DeSantis' line-item vetoes totaled over \$130 million for FY 2019-20, specifically striking projects that bypassed state agency review or that would not benefit the State as a whole. This year, staff anticipates the Legislature and Governor to maintain this emphasis on funding through grant programs and state agencies. Accordingly, staff is seeking Board direction to continue pursuing grant funding for the County projects in the following list.

<u>Request:</u>	<u>Amount:</u>	<u>Project Phase:</u>
Leon South Regional Water System	\$750,000	Design/Construction
Veterans Memorial Drive (CR 59) Bridge Replacement	\$530,000	Design/Construction
Capital Cascades Trail Segment 3D RSF	\$5.1 million	Construction
Capital Circle Southwest	\$10 million	Construction
Woodville Highway (Capital Circle to Paul Russell Road)	\$29.7 million	Construction
Northeast Gateway (Welaunee Blvd./Shamrock St.)	\$4.3 million	Design
Orange Avenue Widening & Beautification	\$3.3 million	Design
Lake Lafayette St. Marks Regional Linear Park	\$750,000	Land Acquisition
St. Marks Headwaters Greenway Trails	\$800,000	Construction
Williams Landing Improvements	\$450,000	Design & Construction
Coe Landing Improvements	\$200,000	Design & Construction
Fred George Greenway Boardwalk & Observation Decks	\$650,000	Design & Construction
J. Lee Vause Park Boardwalk & Observation Decks	\$650,000	Design & Construction
Hazard and Flood Mitigation Projects	TBD*	All Phases*

** Staff is currently in the process of identifying and prioritizing hazard and flood mitigation projects consistent with the County's Local Mitigation Strategy for potential grant funding. The Board adopted the most recent update to the Local Mitigation Strategy at the July 11, 2017 meeting.*

**PROPOSED POLICY REQUESTS
2019 STATE LEGISLATIVE SESSION:**

Like most legislation, Leon County's policy requests are generally incremental in nature, focusing on issues specific to Leon County that are built upon over the course of several legislative sessions. Some of Leon County's policy priorities have traditionally been perennial, such as advocating for protection of the state workforce in Leon County and opposing efforts by the Legislature to erode or pre-empt counties' home rule authority. Staff also annually evaluates the trends and issues affecting all County programs and services to identify potential legislative policy priorities. Statewide significant substantive issues range from maintaining the County's home rule authority

to the state's current fiscal challenges and efforts to further reduce the size and scope of state government. Once again, the state's current fiscal challenges are likely to dominate the Legislature's time this year. Leon County's lobbying team will monitor the budgetary and programmatic decisions made by the Legislature to determine their impact, if any, on local governments in the form of cost shifts or unfunded mandates. In addition to the substantive issues identified by the County, staff works closely with FAC to identify developing issues that affect counties during the legislative session. In many cases, the County joins FAC to advocate for or against initiatives that would substantially impact counties.

Following is a list of the proposed Leon County 2020 state legislative policy requests. Each request provides a brief overview of the issue and indicates the specific recommended legislative action.

Protection of the State Workforce

Issue: Recognizing that the state employees who live in Leon County are vital to our community, economy, and diversity, protecting the jobs of these workers from privatization and advocating for fair wages has continuously been a top priority of the Board during the legislative cycle. In addition, following major cuts to state positions in recent years, this is an issue also strongly supported by members of Leon County's legislative delegation.

During the 2017 Legislative Session and for the first time in eight years, funding for an across the board pay raise for over 97,000 state employees was included in the FY 2017-18 state budget. State employee pay raises were effective October 1, 2017; however, the general pay increase was linked to reforms to the state's health insurance and the Florida Retirement System (FRS). During the 2019 session, funds were not appropriated in the state budget for an across-the-board salary increase for state employees, although the final did include targeted salary increases for select groups of state employees. Staff will continue to monitor for any legislation affecting state employee pay and benefits, and will advocate on behalf of policies that benefit state employees during the 2020 session.

Action: Support the protection of the state workforce and oppose any reductions to state employee benefits.

Modification of the Eligibility for Levying the Local Option High Impact Tourist Development Tax

Issue: A top priority for the Board during recent legislative sessions has been to seek the revision of Sec. 125.0104, F.S. to modify the eligibility for levying the local option High Tourism Impact Tax. In Leon County, proceeds from a local option High Impact Tourist Development Tax could be used to support operating costs of a convention center contemplated as part of FSU's Arena District Master Plan to modernize its facilities and grow the campus footprint. The County and City Commissions have allocated up to \$20 million of local funds from a voter-approved sales tax referendum in support of the \$400 million project in effort to support the community's shared initiatives and long-term economic goals.

On September 20, 2018 the Blueprint Intergovernmental Agency (IA) Board of Directors authorized OEV staff to commence the bond financing process for the issuance of up to \$20 million toward the convention center as early as October 2020 (FY 2021), subject to the IA Board's final approval of the scope, size, and operations plan for the hotel and convention center. In addition, the IA Board directed OEV staff to continue to participate with FSU in the market and feasibility analysis for the hotel and convention center, to be brought back to the IA Board upon completion with staff recommendations.

During FAC's 2018-19 Innovation and Policy Development Conference and Legislative Conference, the Finance, Tax, and Administration Committee unanimously passed a Policy Proposal to support the expansion of eligibility of counties to levy the Local Option High Impact Tourist Development Tax. The proposal seeks statutory revisions to authorize all 67 counties, by an extraordinary commission vote, to levy the local option tax. Final consideration of the issue as a legislative policy for the upcoming session will take place during FAC's Legislative Conference in November. Staff will continue to work with FAC and fellow counties to align advocacy efforts in support of modification of the eligibility for levying the local option High Tourism Impact Tax.

Action: Support the revision of Sec. 125.0104, F.S. to modify the eligibility of counties to levy the Local Option High Impact Tourist Development Tax.

Amtrak Passenger Rail Restoration

Issue: In August 2005, Amtrak's Sunset Limited, passenger rail service for the Gulf Coast Region between New Orleans and Jacksonville through Leon County, was suspended due to the impacts of Hurricane Katrina. Shortly after, Leon County began to engage our local legislative delegation, CSX, FDOT, and others to advocate for the restoration of passenger rail service – which remains suspended today because of the cost and challenges associated with restoring service to this route. Several efforts have been made by Congress to restore rail service between New Orleans, Louisiana and Sanford, Florida (more detail provided in Amtrak federal policy priority). The Passenger Rail Reform and Investment Act of 2015 established a Gulf Coast Working Group to evaluate the restoration of intercity passenger rail service in the Gulf Coast region to provide opportunities to expand local tourism and business markets and access to healthcare and educational opportunities.

In July 2017, the working group provided its final report to Congress which included recommendations on possible track improvements, capacity cost assessment, and operational readiness. The report identified securing the necessary funds for both capital improvements and sustained financial support to cover projected operating losses as a key challenge to implementing the restored passenger rail service and provided several federal and state grant funding sources available projects. The Gulf Coast Working Group has indicated the importance of the Florida Legislature's support of these efforts to restore passenger rail service.

Action: Support the Gulf Coast Working Group's efforts to restore passenger rail service in the Gulf Coast region.

Canopy Roads Protection

Issue: Canopy Roads are recognized as a signature of the Leon County –Tallahassee community embraced by residents and cherished by visitors. As a treasured asset of the community, the County and City have a long history in preserving the canopy roads system. The County and City Commissions established a Canopy Roads Citizen Committee in 1991 to assist in protecting, maintaining, and enhancing local canopy roads and, the Leon County Code of Laws provides standards for tree preservation and re-planting throughout the community, with higher standards within a designated Canopy Road Tree Protection Zone.

In recent years, the County's longstanding canopy road protections have been threatened by attempts to further erode the home rule authority of local governments. During the 2019 Legislative Session, the Legislature passed HB 1159, which in part prohibits local governments from requiring a permit for the pruning, trimming, or removal of trees on residential property that have been certified to present a danger to persons or property. The bill prohibits a local government from requiring a property owner to replant a tree that was maintained according to these provisions. HB 1159 also removes the requirement that a property owner receive approval by the local government before requesting an electric utility to maintain vegetation in the adjacent utility right-of-way. During the 2020 session, staff will continue to closely monitor similar legislation and engage the Canopy Roads Committee through calls-to-action and by providing opportunities to advocate for the continued protection of our canopy roads.

Action: Oppose legislation that further restricts local government's ability to regulate and preserve canopy road systems.

Relocation of the State Capital

Issue: Leon County and Tallahassee have a long and proud history of being home to Florida's state government since 1824, when Tallahassee was selected as the capital of the Territory of Florida. For nearly 200 years, the Leon County-Tallahassee community and the State of Florida have enjoyed a symbiotic relationship, which has provided considerable support to the conduct of state government and development of public policy. While the concept of relocating the state capital surfaced previously in 1900 and again in 1967; however, voters and legislators have consistently rejected the idea, as it would be immensely costly and disruptive to state government while providing no appreciable benefit to the citizens of Florida. During the 2018 Legislative Session, HB 1335 sought the creation of a task force to identify and consider options for the relocation of the state capitol building; the offices of the Governor, Lieutenant Governor, and Cabinet officers; and the legislative branch of Florida's state government. Along with the deleterious impacts on state government, relocation of the capital would have an irreparable

economic impact on Leon County, Tallahassee, and surrounding communities. Accordingly, in January 2018, the Leon County Citizens Charter Review Committee sent a letter in opposition of HB 1335 to the members of Leon County's legislative delegation. Similar legislation has already been filed for the upcoming 2020 Legislative Session. In the Senate, SB 112 was filed seeking a capital relocation study to be conducted through the Office of Program Policy Analysis and Government Accountability.

Action: Oppose legislation that proposes the relocation of the state capital.

Public Safety on College and University Campuses

Issue: In light of the acts of mass violence that have recently occurred across the country, the Legislature is expected to once again devote considerable attention to gun control and mental health issues this year. Gun rights legislation has taken a prominent role during recent legislative sessions, with a broad variety of bills introduced each year addressing how and where firearms can be carried in Florida, including college and university campuses. Under current law, it is illegal for a person to carry a weapon onto a college or university campus, regardless of whether that person holds a concealed carry permit. In 2015, the Board unanimously approved a resolution supporting Florida State University, Florida A&M University, and Tallahassee Community College in their unified opposition to allowing concealed weapons on university and college campuses. This has also been a top priority of the Board during previous legislative sessions.

Gun rights legislation has already been to be filed for the upcoming 2020 Legislative Session. This includes HB 6001, which would allow concealed carry licensees to carry firearms into college or university facilities. Staff will continue to monitor this legislation as well as similar gun-related measures filed for the 2020 session.

Action: Oppose statutory changes to Section 790.06, F.S. that would allow the concealed carrying of weapons into college or university facilities.

Florida Association of Counties (FAC) Issues

Issue: FAC's mission is to help Florida's counties serve and represent Floridians by preserving county home rule through advocacy, education, and collaboration. Representing all 67 counties before the Florida Legislature, FAC addresses issues that have broad statewide appeal such as the opposition of unfunded mandates or cost shifts to counties, growth management, annexation, revenue-sharing, and water management issues.

Annually, FAC hosts the Innovation & Policy Conference and Legislative Conference to develop and finalize FAC's legislative policies for the upcoming legislative session. The Innovation & Policy Conference, which will take place September 25 through September 26, 2019, will highlight several policy issues facing counties across the state that will be debated and discussed to determine the

most critical issues facing counties during the upcoming session. Generally, these are issues of broad statewide appeal, such as the opposition of unfunded mandates or cost shifts to counties, growth management, revenue-sharing, and water management issues. FAC will finalize its 2020 legislative program during the 2019-20 Legislative Conference in Broward County, which will take place November 20 through November 22, 2019. The statewide issues identified by the FAC membership will assist staff in identifying the most critical issues facing counties during the state legislative session. Accordingly, staff recommends the Board's support of the 2020 FAC legislative program unless specific issues conflict with Leon County's interests.

Action: Support the Florida Association of Counties' 2020 legislative platform.

PROPOSED POLICY REQUESTS

116TH UNITED STATES CONGRESS, SECOND SESSION:

Each year staff evaluates the trends and issues affecting all County programs and services to identify potential policy or substantive legislative issues at the federal level. Most substantive issues affecting the County at the federal level are coordinated through the County's National Association of Counties (NACo) representation. Squire Patton Boggs, the County's federal contract lobbying firm, works closely with staff on select federal policy issues and priorities that have been identified by the Board. Staff coordinates regularly with the County's federal lobbying team by phone and e-mail to strategize on key federal budget issues and to identify new federal grant opportunities that could potentially fund County project requests. In addition, the federal lobbying team assists staff in preparing monthly updates to the Board on federal legislative activities.

On September 9, 2019, Congress reconvened from its August Recess and have begun negotiations on spending levels for FY 2020. Just prior to the recess, Congress reached a 2-year budget agreement that would suspend the debt limit and increase discretionary spending caps by \$320 billion through FY 2021. While the House passed 10 of its 12 appropriation bills prior to recess, the Senate did not advance any spending bills, opting to wait until reaching a budget agreement. A full update on federal legislative and regulatory activities since Spring 2019 is included as Attachment #2 to this Workshop item.

Following are the proposed Leon County 2020 federal legislative policy requests for the second session of the 116th Congress. Each request provides a brief overview of the issue and indicates the specific recommended legislative action.

Amtrak Passenger Rail Restoration

Issue: As described in the previous section of this workshop item, Congress approved the Passenger Rail Reform and Investment Act of 2015, establishing the Gulf Coast Rail Service Working Group (GCRSWG) to evaluate the restoration of intercity passenger rail service in the Gulf Coast region between New Orleans and Orlando. In 2016, Amtrak visited each of the suspended service station areas along the Gulf

Coast route to examine the existing conditions of the station areas and worked with the Southern Rail Commission to identify new ideas for intercity passenger rail.

In July 2017, following the tours, the GCRSWG presented a final report to Congress identifying possible track improvements, capacity cost assessments, and operational readiness of the station areas. The report identifies short-term and long-term phase projects to enhance platform safety conditions and other “state of good repairs”, cost estimates for suspended stations, and capacity assessment findings related to restoring passenger service conducted by CSX. While securing the necessary funds for both capital improvements and covering projected operating losses has been a key challenge to implementing the restored passenger rail service, the report identifies various federal funding opportunities to support restoration efforts.

More recently, on June 7, 2019, the SRC was awarded \$33 million in grant funding through the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program to support major infrastructure and capacity improvements identified in the GCRSWG’s final report. The funding, which will be matched with commitments from Amtrak, the state of Mississippi and Louisiana, and other public and private partners, will support the first segment of restoration of regular daytime passenger service through Louisiana (New Orleans) and Mississippi (Bay St. Louis, Gulfport, Biloxi, and Pascagoula). The SRC plans to have this segment of restoration completed in two years and continues to advocate for continued support and funding of the remaining restoration needs in the Gulf Coast region.

Action: Support the Gulf Coast Rail Service Working Group’s Final Report and expansion of federal funding through programs such as CRISI and REG to restore passenger rail service in the Gulf Coast region.

Foreign Trade Zone Application

Issue: In 1934, the United States created the Foreign Trade Zone Program to improve the competitiveness of U.S. companies engaging in foreign commerce. A Foreign Trade Zone (FTZ) is a designated area within a country where imported goods can be stored or processed without being subject to import duty, which in turn, levels the playing field for U.S. companies by reducing their operation costs. Additionally, FTZs help to encourage value-added activities at U.S. facilities in competition with foreign alternatives by allowing delayed or reduced duty payments on foreign merchandise, as well as other savings. The advantages of having an FTZ can be the difference a company needs to have access to global markets and keep or locate manufacturing or distribution operations in the region. The benefits associated with businesses in the FTZs will vary depending upon the type of operation involved and authority granted by the Foreign-Trade Zones Board and Customs, but generally may include duty exemptions/deferrals, reduction or inverted tariffs, merchandise processing fee reductions, and others.

In 2014, the Tallahassee City Commission authorized staff to pursue the creation of a FTZ at the Tallahassee International Airport. The City is currently in coordination with U.S. Customs and Border Protection to finalize the formal application to establish a FTZ. Final approval of the application is estimated to take up two years; however, the City is working to expedite the approval process. As this coordination continues, the City is currently beginning the design of the new International Passenger Processing Facility which is anticipated to be complete in the next year. Upon the completion of construction documents and dedication of funding, construction of the facility will begin and is anticipated to take up to 18 months to complete.

Action: Support the City of Tallahassee's application for a Foreign Trade Zone at the Tallahassee International Airport.

National Association of Counties (NACo) Issues

Issue: The National Association of Counties (NACo) advocates with a collective voice on behalf of America's 3,069 county governments. Its membership includes urban, suburban, and rural counties. NACo's advocacy efforts are guided by a policy platform and single-subject policy resolutions adopted at each annual conference by policy committees and the full membership. Each year, most of the County's substantive federal priorities align with NACo's policy platform. For the first session of the 116th Congress, Leon County has several substantive federal priorities which NACo will be advocating for or against on behalf of all counties across the nation including:

- *Waters of the U.S.*

For the past several years, the Board has prioritized a top federal legislative issue related to the United States Environmental Protection Agency's (EPA) and the United States Army Corps of Engineers' (Corps) joint administrative rule entitled, "Definition of Waters of the U.S. Under the Clean Water Act" (WOTUS). The rule, which became finalized in August 2015, amends the definition to expand the range of waters (and their conveyances) that are subject to federal permitting jurisdiction and eliminates the distinction between traditional navigable waters (such as lakes, rivers, and streams) and conveyances such as ditches and drains. The rule applies regardless of flow or hydrologic connections. While Congress has attempted to repeal or revise the rule, President Obama vetoed these efforts.

On February 28, 2017, President Trump released the executive order, "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the U.S.' Rule." Following the executive order, the EPA and Corps signed a notice initiating the first step of a two-step process to review and rewrite the rule. NACo submitted comments expressing concerns about the impact a broader interpretation of WOTUS may have on county-owned and maintained roads and roadside ditches, bridges, flood

control channels, drainage conveyances and wastewater and stormwater systems.

On September 12, 2019, the EPA and Corps issued a final rule repealing WOTUS. In December 2018, the EPA and Corps proposed a new definition – the second step of the process outlined in the 2017 Executive Order – that would clearly define where federal jurisdiction begins and ends in accordance with the Clean Water Act and Supreme Court precedent. NACo advocates for the rewriting of the WOTUS Rule in a way that recognizes counties' role as owners of key public safety and water infrastructure and as intergovernmental partners in implementing federal regulations under the Clean Water Act.

- *Long-Term Federal Funding Support of Payment in Lieu of Taxes (PILT) Program and Secure Rural Schools (SRS) Program*

Roughly 62% of counties in the United States have federal land within their boundaries. Although counties are required to provide essential services for federal land, they are unable to collect property tax on that land. For the past 40 years, the PILT program has provided funding to counties and municipalities to offset lost tax revenue from federal land within their respective boundaries. For FY 2019, Congress fully funded PILT at \$515 million.

Additionally, rural counties and schools have historically relied on a share of receipts from timber harvests on federal land. More recently, the SRS program was established to provide assistance to these localities that have been affected by a decline in revenue from timber harvests to supplement local funding for education services and roads. SRS expired at the end of FY 2018, which will create dramatic budgetary shortfalls if Congress fails to renew this long-standing federal obligation to county governments. Enactment of a sustainable long-term program to share revenues generated from the management of designated federal lands with forest counties and schools will ensure that students receive essential education services and rural communities have critical funding for roads, conservation projects, search and rescue missions and fire prevention programs.

Leon County has historically received funding from the federal government through these programs due to the portion of Apalachicola National Forest located in the County. NACo supports federal legislation that includes full mandatory funding for PILT and reauthorization of SRS in the FY 2019 appropriations package and supports a long-term sustainable strategies for both programs.

- *Collection of Sales Tax on Remote Transactions*

In 1992, a U.S. Supreme Court ruling restricted state and local governments from collecting sales tax from remote online vendors without a physical presence in the respective state, and instead required consumers who bought goods online to remit applicable sales taxes individually. As this provision has been largely unheeded and unenforced, this resulted in state and local governments relying on consumers to voluntarily remit sales taxes. An estimated \$400 million in potential revenue is lost each year the tax goes uncollected; however, congressional legislation that would allow state and localities to collect taxes on online sales has failed to gain traction pass both chambers.

In June 2018, in the absence of federal legislative action, the Supreme Court overturned the precedent ruling enabling each state to decide whether to enforce sales tax collection on remote purchases. Under this framework, a state may pass legislation requiring remote sellers to remit sales tax to the state individually, even if a vendor has no physical presence in the state. Given the state-by-state development of this legislation, however, any state's law could potentially be challenged and deemed unenforceable – which would result in a large share of uncollected tax revenue each year. In response, congressional legislation (the Remote Transactions Parity Act in the House and the Marketplace Fairness Act in the Senate) has sought to establish a national framework allowing states and localities to collect taxes on online sales and potentially recoup the billions in revenue lost every year. Staff recommends the Board's support of NACo's continued coordination with Congress to ensure codifying legislation grants counties the authority to enforce the collection of local sales taxes from remote sellers.

- *Reauthorization of the National Flood Insurance Program*

The National Flood Insurance Program (NFIP) provides affordable insurance coverage to property owners for damages and losses due to catastrophic flooding. Administered through FEMA, the NFIP is the primary source of flood insurance coverage for residential properties in the United States; however, the program is currently operating under a short-term extension that will expire on September 30, 2019. If not reauthorized, the NFIP's authority to provide new flood insurance contracts would expire and authority to borrow funds from the Treasury would be reduced from \$30.425 billion to \$1 billion, causing significant concerns due to the mandatory purchase requirement, which is generally met through NFIP coverage. The current short-term extension through September provides Congress additional time to work toward a long-term reauthorization of the program. NACo supports a long-term reauthorization ensuring the program is accessible and affordable for all county residents.

Community Legislative Dialogue Meetings:

For the past nine years, the County has hosted Community Legislative Dialogue (CLD) Meetings to engage and coordinate with community partners and local organizations in identifying shared interests to monitor throughout each legislative session. Representatives from several community organizations participate in these meetings, including representatives from the Leon County Legislative Delegation, higher education institutions, the Tallahassee Chamber of Commerce, Big Bend Minority Chamber of Commerce, the City of Tallahassee, Leon County School Board, Constitutional Officers, Tallahassee Memorial Hospital, and several others. During staff's presentation of the 2019 Florida Legislative Session Final Report at the July 9, 2019 meeting, the Board directed staff to schedule the Community Legislative Dialogue Meeting for the 2020 legislative session to be held on Friday, February 14, 2020 at 9:00 a.m.

Status of State and Federal Lobbying Contracts:

Leon County utilizes contract lobbying services at the state and federal levels to further the County's legislative goals and in pursuit of appropriations for key local projects. The County's current state lobbying contract with the Capitol Alliance Group is for \$70,000 annually and is set to expire on September 30, 2019. The contract may be extended for two additional one-year terms at the sole option of the County (Attachment #3). At the federal level, the County's current lobbying contract with Squire Patton Boggs is for \$100,000 and is set to expire on December 31, 2019, also with two additional one-year extensions at the County's option (Attachment #4). The County has enjoyed longstanding successful relationships with Capitol Alliance Group since 2008 and with Squire Patton Boggs since 2002.

The County's contract lobbying firms provide a daily presence by advocating the County's legislative priorities with the County's legislative delegation and other legislative leaders. In addition, the County's contract lobbyists participate in Community Legislative Dialogue Meetings, assist in facilitating meetings across branches of government to resolve key issues, and assist with building and maintaining multi-year relationships with state and federal agencies. The practice of retaining contract lobbyists at the state and federal levels is common among local governments and serves to ensure that the County can leverage these relationships to effectively advocate for the County's legislative interests. In recent years, Capitol Alliance Group and Squire Patton Boggs have helped to secure state funding for the Leon Works Expo and Junior Apprenticeship; advocated for congressional appropriations to support the construction of the Tallahassee National Cemetery in Leon County; and facilitated several meetings with key state and federal agency representatives to advance the County's interests, such as expediting FEMA disaster reimbursements and identifying potential grant funding for County projects. Staff recommends the Board authorize the County Administrator to extend both contracts for one additional year.

Options:

1. Approve the 2020 State and Federal Legislative Priorities, as amended by the Board.
2. Authorize the County Administrator to extend the existing contract for state lobbying services with Capitol Alliance Group, in a form approved by the County Attorney, for \$70,000 annually for an additional one-year term.
3. Authorize the County Administrator to extend the existing contract for federal lobbying services with Squire Patton Boggs, in a form approved by the County Attorney, for \$100,000 annually for an additional one-year term.
4. Do not approve the 2020 State and Federal Legislative Priorities.
5. Board direction.

Recommendation:

Options #1, #2, and #3

Attachments:

1. 2020 State and Federal Legislative Appropriation Requests
2. Squire Patton Boggs Summer 2019 Federal Update
3. State Lobbying Services Agreement with Capitol Alliance Group
4. Federal Lobbying Services Agreement with Squire Patton Boggs



Leon County Board of County Commissioners

2020 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	County Administration	Division:	Strategic Initiatives
Contact Person:	Andy Johnson	Title:	Assistant to the County Administrator
Email:	JohnsonAn@LeonCountyFL.gov	Phone:	850-606-5383

APPROPRIATION REQUEST	
Project Title:	
Program Category:	<input type="checkbox"/> Criminal & Civil Justice <input type="checkbox"/> Health & Human Services
	<input type="checkbox"/> Education <input type="checkbox"/> Transportation
	<input type="checkbox"/> Agriculture & Natural Resources <input type="checkbox"/> Tourism & Economic Development
	<input checked="" type="checkbox"/> General Government/Operations <input type="checkbox"/> Other: _____
Strategic Plan Alignment:	(Q3) - Provide essential public safety infrastructure and services. (G2) - Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value.
Project Description: <p>This project requests funding to install a backup generator at the Florida Department of Health facility located at 872 West Orange Avenue in Tallahassee. With a backup generator, this facility would be able to serve as a secondary shelter location for citizens with special medical needs following a disaster. At this time the primary special needs shelter in Leon County is located at Florida High School. This project would also allow the primary special needs shelter to demobilize more quickly after a disaster and reopen for school-related functions by providing an alternate location to accommodate special needs shelterees.</p>	
Purpose of the Project and Services/Benefits Provided: <p>This project seeks to enhance Leon County's ability to shelter citizens with special medical needs following a disaster. This project will provide an additional facility that can be utilized as a special needs shelter in the event of severe winds, flooding, and/or loss of main electrical power.</p>	
Population Served: <p>This project will benefit all residents of Leon County, as well as potential evacuees to Leon County from other areas affected by a disaster.</p>	
Project Dates for Construction/Operation: <p>If awarded funding, construction and/or installation of improvements would occur in FY2020 and FY 2021.</p>	

Leon County Board of County Commissioners

2020 Legislative Proposal

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FUNDING REQUESTS	
Funding Requested:	\$300,000

PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)			
Source:		Amount:	
Source:		Amount:	
Source:		Amount:	



Leon County Board of County Commissioners

2020 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	County Administration	Division:	Strategic Initiatives
Contact Person:	Andy Johnson	Title:	Assistant to the County Administrator
Email:	JohnsonAn@LeonCountyFL.gov	Phone:	850-606-5383

APPROPRIATION REQUEST	
Project Title:	Mitigation and Retrofitting – Branch Libraries and Community Centers
Program Category:	<input type="checkbox"/> Criminal & Civil Justice <input type="checkbox"/> Health & Human Services
	<input type="checkbox"/> Education <input type="checkbox"/> Transportation
	<input type="checkbox"/> Agriculture & Natural Resources <input type="checkbox"/> Tourism & Economic Development
	<input checked="" type="checkbox"/> General Government/Operations <input type="checkbox"/> Other: _____
Strategic Plan Alignment:	(Q3) - Provide essential public safety infrastructure and services. (G2) - Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value.
Project Description: This project requests funding support to install wind mitigation improvements and retrofitting for backup electrical service at eight Leon County facilities (branch libraries and community centers) to ensure that they can be utilized to support disaster response and recovery operations.	
Purpose of the Project and Services/Benefits Provided: This project seeks to ensure that these facilities are operable and/or can be utilized in the event of severe winds and/or loss of main electrical power. This project will ensure that these facilities, which are located all areas of the community including urbanized areas as well as outlying rural areas, can be used as comfort stations, points of distribution for water and supplies, logistical staging areas, or for other uses as described in the County's Comprehensive Emergency Management Plan.	
Population Served: This project will benefit all residents of Leon County, as well as potential evacuees to Leon County from other areas affected by a disaster.	
Project Dates for Construction/Operation: If awarded funding, construction and/or installation of improvements would occur in FY2020 and FY 2021.	

Leon County Board of County Commissioners

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FUNDING REQUESTS	
Funding Requested:	\$1 million

PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)			
Source:		Amount:	
Source:		Amount:	
Source:		Amount:	



Leon County Board of County Commissioners

2020 Legislative Priorities Information Form

CONTACT INFORMATION

Department:	County Administration	Division:	Strategic Initiatives
Contact Person:	Andy Johnson	Title:	Assistant to the County Administrator
Email:	JohnsonAn@LeonCountyFL.gov	Phone:	850-606-5383

APPROPRIATION REQUEST

Project Title:	Leon Works Expo and Junior Apprenticeship	
Program Category:	<input type="checkbox"/> Criminal & Civil Justice	<input type="checkbox"/> Health & Human Services
	<input type="checkbox"/> Education	<input type="checkbox"/> Transportation
	<input type="checkbox"/> Agriculture & Natural Resources	<input checked="" type="checkbox"/> Tourism & Economic Development
	<input type="checkbox"/> General Government/Operations	<input type="checkbox"/> Other: _____
Strategic Plan Alignment:	<p>(EC2) - Support programs, policies and initiatives to attract, create, and promote expansion of business, entrepreneurship, and job creation.</p> <p>(2016-4A) Based upon the projected unmet local market for middle skill jobs, continue to host Leon Works Exposition in collaboration with community and regional partners and launch Leon County's Junior Apprenticeship Program.</p>	

Project Description:

Working closely with the Florida Department of Economic Opportunity (DEO), Leon County identified that the Leon-Gadsden-Wakulla County area is projected to have significant job growth in skilled career fields in the coming years. Many of these positions will go unfilled simply because the region lacks workers with the needed skills and qualifications. The Leon Works Expo and Junior Apprenticeship Program are designed to both raise awareness about careers in the skilled workforce and to provide emerging students with entry-level skills training and work experience prior to entering the private workforce. Through this program, Leon County seeks to raise awareness about skilled careers and provides internship opportunities matching many of the academic programs currently offered by local colleges, which will allow students the ability to gain entry-level skills training on the job prior to entering the private workforce. Leon Works was funded in 2016 and was included in the Legislature's budget several times since but was vetoed each time by the Governor.

Purpose of the Project and Services/Benefits Provided:

This appropriation request is to support the Leon Works Expo and Junior Apprenticeship Program, an expansion of Leon County's internship offerings in skilled career fields. Beyond simply raising awareness about careers in the skilled workforce, it is imperative that opportunities exist in the community for early-career workers to gain hands-on experience in the workplace. For the past several years Leon County has partnered with Tallahassee Community College and North Florida Community College to establish internships in the County's EMS division for EMS Technology students. Many additional opportunities exist for the County to offer internships in support of local colleges' existing academic programs in skilled career fields such as building construction, computer technology, graphic design, public safety, and other fields that require more than a high school diploma but less than a four-year degree. This request seeks a partnership with the State of Florida to provide these opportunities for entry-level skills training for students prior to entering the workforce.

Leon County Board of County Commissioners

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Population Served:

The Junior Apprenticeship program targets local high school students and students currently enrolled in local colleges and technical centers. In addition, through the Leon Works Expo, the program also seeks to raise awareness about skilled careers among high school students and other area residents who may be unemployed, underemployed, or who may be seeking a career change.

Project Dates for Construction/Operation:

October 1, 2020 through September 30, 2021.

FUNDING REQUESTS

Funding Requested:

\$100,000

PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)

Source:	Leon County	Amount:	TBD (in-kind operational support)
Source:		Amount:	
Source:		Amount:	



Leon County Board of County Commissioners

2020 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	County Administration	Division:	Strategic Initiatives
Contact Person:	Andy Johnson	Title:	Assistant to the County Administrator
Email:	JohnsonAn@LeonCountyFL.gov	Phone:	850-606-5383

APPROPRIATION REQUEST	
Project Title:	Orchard Pond Greenway Trail, Phase II
Program Category:	<input type="checkbox"/> Criminal & Civil Justice <input type="checkbox"/> Health & Human Services
	<input type="checkbox"/> Education <input checked="" type="checkbox"/> Transportation
	<input checked="" type="checkbox"/> Agriculture & Natural Resources <input type="checkbox"/> Tourism & Economic Development
	<input type="checkbox"/> General Government/Operations <input type="checkbox"/> Other: _____
Strategic Plan Alignment:	(EC1) - Do well-designed public infrastructure which supports business, attracts private investment and has long term economic benefits. (EN4) - Reduce our carbon footprint. (Q1) - Maintain and enhance our parks and recreational offerings and green spaces. (Q6) - Promote livability, health and sense of community by enhancing mobility, encouraging human scale development, and creating public spaces for people.
Project Description: <p>This proposed legislative priority seeks legislative funding to support the design, engineering, and permitting of the Orchard Pond Greenway Trail, Phase II. This trail segment will be a twelve foot paved multi-use trail parallel to the Orchard Pond Parkway from the eastern parking area to Meridian Road, adding approximately 1.4 miles to the overall trail. The actual alignment of the trail segment has not yet been established and will require survey, design, engineering, and permitting.</p> <p>Prior to the conveyance of the property to Leon County, the previous property owner requested funding during the 2015 and 2016 legislative sessions to help fund the construction of the trail, and the County requested funding during the 2017, 2018, and 2019 sessions. The Legislature previously included funding for this project in its approved budget in 2015, 2016, 2017, and 2019 but the project was vetoed by the Governor each year. Staff recommends an appropriation request be made again during the upcoming legislative session for Phase II of the project.</p>	
Purpose of the Project and Services/Benefits Provided: <p>This project will create recreational trails to be utilized as horse, pedestrian and bike trails adjoining the recently completed Orchard Pond Parkway. Phase II is the eastern segment of the trailhead and will connect to the Phase I segment, or the western part of the trail.</p>	
Population Served: <p>This project will benefit all residents of and visitors to Leon County. The trail will be open for use to the general public.</p>	
Project Dates for Construction/Operation: <p>If funded, design, engineering, and permitting of the trail segment would occur in FY2020 and FY2021.</p>	

Leon County Board of County Commissioners

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FUNDING REQUESTS	
Funding Requested:	\$350,000

PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)			
Source:	Leon County	Amount:	TBD (in-kind)
Source:		Amount:	
Source:		Amount:	



Leon County Board of County Commissioners

2020 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	Public Works	Division:	Engineering Services
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coord.
Email:	HeikerT@LeonCountyFL.gov	Phone:	850-606-1526

APPROPRIATION REQUEST			
Project Title:	Lake Henrietta Renovation		
Program Category:	<input type="checkbox"/> Criminal & Civil Justice	<input type="checkbox"/> Health & Human Services	
	<input type="checkbox"/> Education	<input type="checkbox"/> Transportation	
	<input checked="" type="checkbox"/> Agriculture & Natural Resources	<input type="checkbox"/> Tourism & Economic Development	
	<input type="checkbox"/> General Government/Operations	<input type="checkbox"/> Other: _____	
Strategic Plan Alignment:	(EN1) - Protect the quality and supply of our water. (EN2) - Conserve and protect environmentally sensitive lands and our natural ecosystems. (Q1) - Maintain and enhance our parks and recreational offerings and green spaces.		

Project Description:

This project involves the major restoration of the Lake Henrietta stormwater facility on Springhill Road. The stormwater facility was constructed with its northern five acres excavated as a sump to capture and concentrate the sediment from the west, central and east drainage ditches and treats runoff before it enters Lake Munson downstream.

An original projection of 8,000 cubic yards of sediment removal was expected at this juncture in the ponds service life. However, during the initial design phase, the actual amount found is approximately 53,000 cubic yards. The amount of sediment captured in this sump far exceeds the estimates, which is believed to be largely due to the delay of planned implementation of restoration projects in the contributing area. Due to the much larger than expected sediment quantity, hydraulic dredging is the best long-term solution. This requires property acquisition for storage and processing of dredge material.

In addition to this project, the Board recently funded sediment sampling at Lake Munson, conducted by the Florida Geologic Survey, to look for potential contamination and to determine potential disposal of contaminated material or recommend alternatives in lake restoration activities. This will be used to develop remediation plans and associated future projects for Lake Munson.

Purpose of the Project and Services/Benefits Provided:

The project is divided into five phases. Property acquisition and design and permitting of an adjacent spoil handling site have been funded. This projects requests funds to support hydraulic dredging and the design and installation of a trash rack at Lake Henrietta. The removal of sediment and litter from the lake will improve water quality flowing to Lake Munson and ultimately to Wakulla Springs.

Leon County Board of County Commissioners

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Population Served:

This project will benefit all residents of and visitors to Leon County.

Project Dates for Construction/Operation:

If funded, design, engineering, permitting, and construction of the trail segment would occur in FY2020 and FY2021.

FUNDING REQUESTS	
Funding Requested:	\$1.5 million

PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)			
Source:	Leon County	Amount:	TBD (Sales Tax Extension)
Source:		Amount:	
Source:		Amount:	



Leon County Board of County Commissioners

2020 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	Public Works	Division:	Engineering Services
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coordinator
Email:	HeikerT@LeonCountyFl.gov	Phone:	850-606-1526

APPROPRIATION REQUEST			
Project Title:	Fords Arm Restoration		
Program Category:	<input type="checkbox"/> Criminal & Civil Justice	<input type="checkbox"/> Health & Human Services	
	<input type="checkbox"/> Education	<input type="checkbox"/> Transportation	
	<input checked="" type="checkbox"/> Agriculture & Natural Resources	<input type="checkbox"/> Tourism & Economic Development	
	<input type="checkbox"/> General Government/Operations	<input type="checkbox"/> Other: _____	
Strategic Plan Alignment:	(EN1) – Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013)		
Project Description: <p>This project will provide for the retrofit Timberlane Creek to improve water quality of stormwater into Fords Arm of Lake Jackson, a State Aquatic Preserve and an Outstanding Florida Water. Currently, Fords Arm has one of the highest pollutant loads of Phosphorous within Lake Jackson. This project was developed under the State of Florida's Surface Water Improvement and Management (SWIM) Program in order to protect Florida's highly threatened surface water bodies. This project includes a new stormwater pond, channel stabilization, and drainage improvements.</p>			
Purpose of the Project and Services/Benefits Provided: <p>The project will reduce phosphorous loads into Timberlane Creek by a combination of channel stabilization, construction of a stormwater sump and drainage enhancements under Timberlane Road and Meridian Road.</p>			
Population Served: <p>All residents of Leon County will benefit from this project. Lake Jackson is one of Leon County's most precious natural resources, and is listed as an "Outstanding Florida Water" by the State of Florida. In addition to its use for boating, swimming, and fishing by the residents of Leon County, Lake Jackson generates over \$15 million annually in tourism and associated economic activity (Lake Jackson Management Plan 1997 addendum, adjusted for inflation).</p>			
Project Dates for Construction/Operation: <p>If allocated state and/or federal funding, construction could be complete within three years of project funding.</p>			

Leon County Board of County Commissioners

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FUNDING REQUESTS	
Funding Requested:	\$1 million

PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)			
Source:	Leon County	Amount:	\$2,000,000 (in-kind match for land acquisition)
Source:	Leon County	Amount:	\$870,000 (in-kind match for design and permitting)
Source:		Amount:	



Leon County Board of County Commissioners

2020 Legislative Priorities Information Form

CONTACT INFORMATION

Department:	Public Works	Division:	Engineering Services
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coordinator
Email:	HeikerT@LeonCountyFl.gov	Phone:	850-606-1526

APPROPRIATION REQUEST

Project Title:	Centerville Trace Septic to Sewer
Program Category:	<input type="checkbox"/> Criminal & Civil Justice <input type="checkbox"/> Health & Human Services <input type="checkbox"/> Education <input type="checkbox"/> Transportation <input checked="" type="checkbox"/> Agriculture & Natural Resources <input type="checkbox"/> Tourism & Economic Development <input type="checkbox"/> General Government/Operations <input type="checkbox"/> Other: _____
Strategic Plan Alignment:	(EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. Continue to work with regional partners to develop strategies to further reduce nitrogen load to Wakulla Springs, including: (EN1) - Extend central sewer or other effective wastewater treatment solutions to the Primary Springs Protection Zone area within Leon County.
Project Description: This project is the design phase of a wastewater collection system in the Centerville Trace neighborhood, to be connected to the City of Tallahassee's central sewer system. This request is for one-time costs that will include design, engineering, and permitting fees associated with this project. Centerville Trace is a "sewer target area," as identified in the City of Tallahassee's 2030 Master Sewer Plan and is also identified in the Water and Sewer Agreement between the City and County as a target sewer service area.	
Purpose of the Project and Services/Benefits Provided: The project will reduce nitrogen and fecal coliform discharges to nearby natural systems, including the Wakulla Springshed, the Lake Lafayette Chain of Lakes, and the St. Marks River watershed. Converting wastewater treatment in the Centerville Trace subdivision to advanced wastewater treatment will reduce the total nitrogen load by 3,100 pounds per year.	
Population Served: Approximately 157 parcels with existing septic tanks will benefit from centralized sewer service. In addition, this project contributes to the reduction of nitrogen flowing to Wakulla Springs, an important local and state resource for tourism. Over 200,000 tourists visit Wakulla Springs State Park each year.	
Project Dates for Construction/Operation: If allocated state and/or federal funding, design, engineering, and permitting of the system would occur in FY2020 through FY2022.	

FUNDING REQUESTS

Leon County Board of County Commissioners

2020 Legislative Proposal

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Funding Requested:	<u>Total Funding Requested: \$1 million</u> <ul style="list-style-type: none">• Pump station site acquisition: \$275,000• Connection survey, system design, and permit applications: \$725,000
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PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)			
Source:		Amount:	
Source:		Amount:	
Source:		Amount:	



Leon County Board of County Commissioners

2020 Legislative Priorities Information Form

CONTACT INFORMATION

Department:	Public Works	Division:	Engineering Services
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coordinator
Email:	HeikerT@LeonCountyFl.gov	Phone:	850-606-1526

APPROPRIATION REQUEST

Project Title:	Harbinwood Estates Septic to Sewer	
Program Category:	<input type="checkbox"/> Criminal & Civil Justice	<input type="checkbox"/> Health & Human Services
	<input type="checkbox"/> Education	<input type="checkbox"/> Transportation
	<input checked="" type="checkbox"/> Agriculture & Natural Resources	<input type="checkbox"/> Tourism & Economic Development
	<input type="checkbox"/> General Government/Operations	<input type="checkbox"/> Other: _____
Strategic Plan Alignment:	<p>(EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013)</p> <p>Continue to work with regional partners to develop strategies to further reduce nitrogen load to Wakulla Springs, including:</p> <p>(EN1) - Extend central sewer or other effective wastewater treatment solutions to the Primary Springs Protection Zone area within Leon County (2013)</p>	

Project Description:

This project is the design phase of a wastewater collection system in the Harbinwood Estates neighborhood, to be connected to the City of Tallahassee's central sewer system. This request is for one-time costs that will include design, engineering, and permitting fees associated with this project. Harbinwood Estates is a "sewer target area," as identified in the City of Tallahassee's 2030 Master Sewer Plan and is also identified in the Water and Sewer Agreement between the City and County as a target sewer service area. Harbinwood Estates has been identified as a contributor to high nutrient concentrations in Lake Jackson, a State Aquatic Preserve and an Outstanding Florida Water.

Purpose of the Project and Services/Benefits Provided:

The project will reduce nitrogen and fecal coliform discharges to nearby natural systems, including the Lake Jackson Aquatic Preserve. Converting wastewater treatment in the Harbinwood Estates subdivision to advanced wastewater treatment will reduce the total nitrogen load by 8,000 pounds per year, contributing significantly to the protection of this important ecological resource.

Population Served:

Approximately 400 parcels with existing septic tanks will benefit from centralized sewer service. In addition, this project contributes to the reduction of nitrogen flowing to Lake Jackson, a State Aquatic Preserve and an Outstanding Florida Water. In addition to its use for boating, swimming, and fishing by the residents of Leon County, Lake Jackson generates over \$15 million annually in tourism and associated economic activity (Lake Jackson Management Plan 1997 addendum, adjusted for inflation).

Leon County Board of County Commissioners

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Project Dates for Construction/Operation:

If allocated state and/or federal funding, surveys and site acquisition would occur in FY2020. Design, engineering, and permitting would be anticipated in FY2021.

FUNDING REQUESTS

Funding Requested:

Total Funding Requested: \$2.5 million

- 400-lot connection survey: \$200,000
- Collection system and force main design survey: \$200,000
- Pump station site acquisition: \$275,000
- Design and permit applications: \$1,825,000

PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)

Source:		Amount:	
Source:		Amount:	
Source:		Amount:	



Leon County Board of County Commissioners

2020 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	Public Works	Division:	Engineering Services
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coordinator
Email:	HeikerT@LeonCountyFl.gov	Phone:	850-606-1526

APPROPRIATION REQUEST			
Project Title:	Fred George Wetland Restoration		
Program Category:	<input type="checkbox"/> Criminal & Civil Justice	<input type="checkbox"/> Health & Human Services	
	<input type="checkbox"/> Education	<input type="checkbox"/> Transportation	
	<input checked="" type="checkbox"/> Agriculture & Natural Resources	<input type="checkbox"/> Tourism & Economic Development	
	<input type="checkbox"/> General Government/Operations	<input type="checkbox"/> Other: _____	
Strategic Plan Alignment:	<p>(EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013)</p> <p>(Q1) - Maintain and enhance our recreational offerings associated with parks and greenway system for our families, visitors and residents. (rev. 2013)</p>		
Project Description: <p>This request is for one-time construction funds to re-grade the existing topography of the Fred George Wetland and intercept debris at a major inflow point to Fred George Sink, a karst feature located within the Ochlockonee River watershed and the Wakulla Springs basin area. Leon County received a \$377,000 grant from the Florida Communities Trust in 2009 for acquisition of this site.</p>			
Purpose of the Project and Services/Benefits Provided: <p>By providing enhanced water quality treatment of runoff and debris interception prior to release into sinks, this project will restore wildlife habitat, rehydrate wetlands, and improve discharge into the Floridian aquifer and will directly benefit the Wakulla Springs springshed. The need for this project has been identified in the Florida Department of Environmental Protection's draft Upper Wakulla River and Wakulla Springs Basin Management Action Plan.</p>			
Population Served: <p>All residents of Leon County will benefit from enhanced recreational opportunities and the improved discharge to the Floridan Aquifer. The Fred George Greenway was acquired in 2009 through joint funding from Florida Communities Trust, Blueprint 2000, and County funding.</p>			
Project Dates for Construction/Operation: <p>If allocated state and/or federal funding, design, permitting, and construction could be complete within two years of project funding.</p>			

Leon County Board of County Commissioners

2020 Legislative Proposal

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FUNDING REQUESTS	
Funding Requested:	\$1 million

PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)			
Source:		Amount:	
Source:		Amount:	
Source:		Amount:	



From: Squire Patton Boggs LLP
Date: September 9, 2019
Subject: Federal Legislative and Regulatory Action Relevant to Leon County, FL
Interests: Summer 2019

This report provides a comprehensive update for Leon County, FL and its partners highlighting actions on notable federal legislation, administration, and regulatory issues since our last such update in April. It is important to note that the memorandum provides only a high-level perspective; detailed reports were provided as events unfolded in Congress and the Administration.

Congress returns on September 9 with a full plate this fall, including trying to finalize the Fiscal Year 2020 appropriations before the end of the federal fiscal year on September 30.

Prior to the August recess, Congress came to a budget agreement that set topline spending levels for the next two fiscal years and suspended the debt limit through July 2021, clearing the way for the Senate to begin to move its appropriations bills in the next three weeks. The agreement prevents a 10 percent across-the-board cut in discretionary spending next year. Under the plan, total discretionary budgets would rise to \$1.37 trillion in fiscal 2020, and, within that top line, the \$738 billion defense limit would amount to 3.1 percent more than the current year, while \$632 billion for nondefense accounts would be roughly 4.5 percent higher than for Fiscal Year 2019.

The House Appropriations Committee has been busy throughout the year, having marked up all of its 12 bills and passed 10 of them earlier this year. But the challenge for the House will be needing to cut about \$15 billion in spending from non-defense accounts and increase defense spending discretionary spending by \$5 billion. And the House will presumably have to remove many of its policy riders, as the agreement does not allow for them, which could become a problem. The Senate, meanwhile, has marked up none of its bills to date, but that will change this week as it implements an aggressive agenda. While there is some hope that the Defense, Labor-HHS-Education, Energy and Water and State-Foreign Operations spending bills could be packaged together and passed before the end of September, regardless, there will have to be a short-term Continuing Resolution (CR) of some duration (late November or early December) to keep the federal government open while Congress completes the process. The House plans to take up a stopgap CR the week of September 16. And looming over the appropriations process is President Trump's desire to build a southern border wall, which could impact any final funding resolution.

On the docket for the fall, in addition to the time-consuming task of the finalizing the appropriations process, are several must-pass bills, such as the Foreign Intelligence Surveillance Act and the National Defense Authorization Act. Additionally, the National Flood Insurance Program (NFIP) expires at the end of September, although it likely that there will be a 13th short-term extension of NFIP. Also languishing are several expired bills, such as the Violence Against Women Act (February) and a slew of tax extenders

that expired at the beginning of 2018 and some that will expire at the end of this year. The Community Mental Health Services Demonstration Program, which operates in eight states, will expire on September 13. Other programs that are about to expire are Temporary Assistance for Needy Families and the Export-Import Bank. And, while there is no hard deadline for passage, the U.S.-Mexico-Canada (USMCA) trade agreement, which would replace the North American Free Trade Agreement (NAFTA), is an Administration priority for passage in 2019.

Complicating this mixture of legislative needs are several other very recent factors, such as the mass shootings that occurred while Congress was in recess, spurring gun control advocates to demand action on background checks and other measures, as well as the aftermath of Hurricane Dorian, which doubtless will require an emergency spending measure. We expect to also see the House continue various congressional investigations of the Trump Administration and the impeachment probe of President Trump.

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BUDGET/APPROPRIATIONS

FY 2020 APPROPRIATIONS AND BUDGET

Before leaving for August recess, congressional leaders and White House staff announced a compromise on a two-year budget deal that includes a suspension of the government's debt limit. Specifically, the two-year budget agreement would raise discretionary spending caps set by the Budget Control Act of 2011 by \$321 billion over the next two fiscal years and suspend the government's \$22 trillion debt limit until July 31, 2021. The agreement was signed into law in July.

For FY 2020, the deal allows \$738 billion for defense spending, which amounts to an increase of 3.1 percent, or \$22 billion, over FY 2019, and \$632 billion for discretionary spending, which is a 4.5 percent increase over FY 2019 numbers (and \$15 billion less than what the House used as its topline number in development of its FY 2020 spending bills). The budget deal also includes an extra \$2.5 billion for costs associated with the 2020 census.

Without a deal to raise spending caps, discretionary spending would have been cut by 10 percent, or \$125 billion, in FY 2020 compared to FY 2019 levels.

For FY 2021, the budget agreement allows \$740.5 billion for defense spending and \$634.5 billion for discretionary spending. Line-by-line spending decisions are left to the members of the Appropriations Committees.

Fiscal conservatives remain concerned about deepening budget deficits. The White House originally pushed for offsetting at least \$150 billion of the spending increases for the next two fiscal years, but the agreement offsets less than a quarter (\$77 billion) of the proposed spending increase. The savings comes from extending fees on cargo and passengers arriving in the U.S. and extending automatic cuts to Medicare and other mandatory programs that are currently set to expire in 2027. Notably, the agreement did not include an increase or extension of TSA security fees to cover increased spending, which is a strategy that has been utilized in the past.

Through the budget agreement, congressional leaders and the Administration are agreeing that there will be no poison pills or policy riders included in FY 2020 and FY 2021 appropriations legislation unless they are agreed upon in a bipartisan manner and approved by President Trump. It also mentions that any emergency spending levels for the next two fiscal years must be agreed to on a bipartisan basis by the majority and minority leaders of each chamber and the President. This agreement restricts members from including partisan language regarding whether certain funds can be used to fund construction of a physical border wall at the U.S.-Mexico border.

Before the recess, the House passed 10 of its 12 appropriations bills for FY 2020 (with the exception of the Homeland Security and Legislative Branch spending bills), while the Senate is currently scheduled to begin markups on its FY 2020 Defense, Labor-HHS-Education, Energy and Water, and State-Foreign Operations bills this week. Lawmakers will rush to pass appropriations bills before the start of FY 2020 to avoid another government shutdown, but have already begun work on a Continuing Resolution to get past the October 1 deadline.

EMERGENCY FUNDING MEASURE FOR SOUTHERN BORDER PASSED

After months of negotiations, Congress finally passed an emergency funding measure in June in response to the surge of migrants at the U.S. southern border. The bill would provide \$4.59 billion for food, shelter, medicine, and enforcement personnel. The bill was subsequently signed by the President.

The bipartisan measure includes several provisions Democrats insisted on during negotiations, while leaving funds intact for immigration detention and continued military presence at the border. A list of bill highlights is below:

- \$65 million for 30 new immigration judge teams and for education of migrants so they better understand the U.S. process;
- \$145 million for the Department of Defense for medical, surveillance, and maintenance activities at the border;
- \$793 million for Customs and Border Protection (CBP) to establish and operate migrant care and processing facilities to improve conditions at border stations and ports of entry;
- \$112 million for migrant medical care and consumables, including clothing, baby formula, hygiene products, and other essential items;
- \$70 million for travel, overtime costs, and pay adjustments for on-board Immigration and Customs Enforcement employees;
- \$2.9 billion for the Department of Health and Human Services (HHS) for the care of unaccompanied minors;
- \$1.3 billion for the Department of Homeland Security to provide food, shelter, and medical care for detained adult migrants; and
- \$30 million for the Federal Emergency Management Agency to reimburse local governments and nonprofits taking care of homeless migrants at the border.

The bill also contains language forbidding the Department of Homeland Security from using money dispatched for humanitarian aid for other purposes, as well as detailed provisions outlining how migrant children should be housed and cared for. The bill also seeks to curb the use of “temporary influx facilities,” like the privately run one in Homestead, Florida, that is currently holding around 2,400 minors. These facilities are typically exempt from the kind of government requirements for most child shelters. The bill will also limit the amount of time children can spend at such a facility to 30 days. The bill also requires HHS to provide publicly available information on migrant kids who have been separated from parents and also allows for unannounced visits by Members of Congress with oversight.

IMMIGRATION/HOMELAND SECURITY/PUBLIC SAFETY

FINAL PUBLIC CHARGE RULE PUBLISHED

The final public charge rule was published in the Federal Register, and will become effective on October 15, which is also the end of the 60-day comment period. The rule would affect hundreds of thousands of legal immigrants who are attempting to become permanent residents.

The new program would not apply to current green card holders, military members, asylum seekers, refugees, children, or pregnant women. Acting U.S. Citizenship and Immigration Services (USCIS) Director Ken Cuccinelli said “the benefit to taxpayers is a long-term benefit of seeking to ensure that our immigration system is bringing people to join us as American citizens, as legal permanent residents first,

who can stand on their own two feet, who will not be reliant on the welfare system, especially in the age of the modern welfare state which is so expansive and expensive.”

Self-sufficiency has been a criterion in the U.S. immigration system for many years, but under a Clinton Administration rule, acceptance of non-monetary benefits -- like housing, food stamps, or medical assistance -- did not count against an applicant. This rule vastly expands the definition and makes it much more central to the decision-making process, especially as White House officials estimate 58 percent of households led by a non-citizen use at least one welfare program. Immigrants with income greater than 250 percent of the poverty line will likely not be in danger of being designated public charges, but many immigration advocates are concerned of a “chilling effect” as eligible individuals decline public benefits to which they are entitled, leaving them further impoverished.

THIRD COUNTRY ASYLUM

In July, the Department of Homeland Security issued a rule that would make migrants from Northern Triangle countries ineligible for asylum in the U.S. if they had not already attempted to claim asylum in one of the other countries they passed through en route to the U.S.

A week after this rule was announced, two U.S. District Court judges issued conflicting rulings on this rule. Washington, D.C.-based Judge Timothy Kelly denied a motion to block the rule, allowing it to continue. Later that same day, San Francisco-based U.S. District Court Judge Jon Tigar issued an injunction blocking the rule from taking effect.

More recently, the Ninth Circuit Court of Appeals partially overturned Judge Tigar’s injunction, limiting the injunction to states within the Ninth Circuit. This means that the White House is restricted from implementing this rule in California and Arizona, but permitted to do so in New Mexico and Texas. On September 9, 2019, Judge Tigar issued an updated decision stressing that a full injunction is necessary to provide complete relief from this policy while ensuring immigration policy is applied in a uniform manner.

MILITARY FUNDS DIVERTED FOR BORDER WALL

Last week, the Department of Defense (DoD) announced plans to cancel \$3.6 billion in military construction projects, reprogramming the funds toward 11 projects associated with President Trump’s southern border wall. According to DoD, half of the \$3.6 billion will come from funds directed to upgrade military bases abroad and half will be redirected from 127 domestic projects.

REMAIN IN MEXICO

The Ninth Circuit Court of Appeals issued an opinion upholding the Trump Administration’s Migrant Protection Protocols, or Remain in Mexico policies. They did not determine the ultimate fate of the rule, but they allowed it to remain operational while the litigation proceeds.

DHS EXPANDS EXPEDITED DEPORTATION AUTHORITY

The Department of Homeland Security (DHS) published a rule that grants the Trump Administration authority to initiate expedited removal of noncitizens living in the United States for less than two years.

Under the previous policy, the government was permitted to initiate expedited removal proceedings against noncitizens only if they had been apprehended within 100 air miles of a land border, and had been in the United States for less than 14 days. Expedited proceedings were also permissible for those who had arrived by sea and met other requirements. The new rule expanded the ability to initiate expedited removal proceedings to the entire United States.

According to the published rule, the Immigration and Nationality Act grants the Secretary of DHS “sole and unreviewable discretion” to modify the discretionary limits on the scope of the expedited removal designation. It also notes that this rule is “exempt from notice-and-comment requirements, because public notice and comment and the delay attendant thereon would be impracticable, unnecessary, and contrary to the public interest.” Several advocacy groups have sued the Administration to block the rule from taking effect. The outcome of these suits is not yet clear.

ICE DEPORTATION RAIDS

In August, Immigration and Customs Enforcement (ICE) officials raided seven food-processing plants in Mississippi and arrested 680 workers. Individuals who were able to verify legal status were permitted to leave ICE detention, as were individuals with children at home.

Acting Director of ICE Matthew Albence noted that the raids were the result of a long-term investigation, and that “these are not new laws, nor is the enforcement of them new.”

ICE COMMUNITY POLICING INITIATIVE

ICE established the Warrant Service Office (WSO) program, which would allow local law enforcement the ability to enforce federal law, even if there are state and local policies limiting federal cooperation. Police forces who joined the program would receive training from ICE and would be able to make arrests under ICE authority regardless of any prevailing state or local laws.

USCIS CLOSURE OF ITS INTERNATIONAL OFFICES

U.S. Citizenship and Immigration Services (USCIS) is closing all but seven of its international field offices, including in major cities like London and Seoul. The offices in Beijing, Guangzhou, Guatemala City, Mexico City, Nairobi, New Delhi, and San Salvador will remain open.

USCIS REMOVES 30-DAY EMPLOYMENT AUTHORIZATION

USCIS proposed a new rule, eliminating the requirement that they process asylum-seekers’ employment authorization applications within 30 days. Instead, USCIS would be allowed indefinite time to process these applications.

WHITE HOUSE DISCUSSES LIMITING REFUGEE QUOTAS

According to reports, the White House has discussed halving the number of refugees permitted access to the U.S. At present, 30,000 refugees are permitted to enter the U.S. each year. These reports indicate that the adjusted amount would be more in the range of 10-15,000. The 10-15,000 would likely be drawn from specific groups, including Iraqi and Afghan citizens who have aided U.S. troops.

TRANSPORTATION/INFRASTRUCTURE

SURFACE TRANSPORTATION REAUTHORIZATION

The Fixing America's Surface Transportation (FAST) Act expires at the end of 2020; as such, this year the Senate Committee on Environment and Public Works remained focused on surface transportation reauthorization, not a separate infrastructure bill, and on July 30 approved the *America's Infrastructure Act of 2019* (ATIA), the highway title of the surface transportation reauthorization.

Broadly, ATIA: (1) continues highway formula programs from the FAST Act; (2) provides funding increases; and (3) establishes new programs dealing with climate, resiliency, and bridges. It establishes a new \$6.6 billion discretionary grant program for bridge programs over five years, and invests \$10 billion over five years for programs targeted to combat climate change and increase resiliency.

For climate change and resiliency, the bill allows states to use up to 15 percent of annual National Highway Performance Program funds to add protective and resilience features to highways; allows emergency relief funding to be used to pay for protective and resilience features; and creates a new grant program for construction activities to enable existing assets to withstand weather events and natural disasters. It also establishes a new grant program for electric vehicle, hydrogen, and natural gas charging and fueling infrastructure, as well as a grant program aimed at port electrification.

This bill is just the highway title of the surface transportation reauthorization; the transit, rail, and safety titles are the jurisdiction of the Senate Commerce and Banking Committees. Additionally, the bill does not include revenue – jurisdiction over the revenue title required to fund ATIA lies with the Senate Finance Committee. Due to the annual Highway Trust Fund (HTF) revenue shortfall, the Finance Committee must approve legislation providing sufficient additional revenue to implement ATIA. Recent surface transportation reauthorizations have relied on General Fund transfers to the HTF to cover their costs, and it is unclear if Congress has the appetite to pass revenue-raising provisions to fix the HTF revenue shortfall. While many transportation stakeholders, including the Chamber of Commerce, AASHTO, and ARTBA, have called for an increase to the federal gas tax, the most straightforward fix for the HTF shortfall, there is also significant support for converting to a vehicle-miles-traveled (VMT) fee, which more accurately raises revenue based on road usage.

Peter DeFazio (D-OR), Chairman of the House Transportation and Infrastructure Committee, has predicted that House Democrats will release their version of a surface reauthorization in early 2020. However, it is possible that they will accelerate that timeline in order to provide an alternative to ATIA.

APPROPRIATIONS

On June 25, the House passed a “minibus” funding package that included the FY 2020 appropriations for Transportation, Housing and Urban Development, and Related Agencies programs. The bill provides \$86.6 billion in total budgetary resources for DOT, a \$167 million increase from the FY 2019 enacted level and \$3.7 billion above the President's Budget Request. It includes:

- \$1 billion for National Infrastructure Investments (the BUILD grant program, formerly TIGER)
- \$17.7 billion for the Federal Aviation Administration
- \$48.85 billion for the Federal Highway Administration, which includes \$1.75 billion for discretionary Highway Infrastructure Programs

- \$13.474 billion for the Federal Transit Administration, which includes \$2.3 billion for the Capital Investment Grants (CIG) program – \$800 million more than was included in the President’s budget, but \$250 million less than FY 2019 enacted levels
- \$2.969 billion for the Federal Railroad Administration, which is \$877 million above the President’s Budget Request

Congress and the White House have reached a budget agreement on overall FY 2020 funding levels; however, that agreement does not specifically delineate increased funding for infrastructure. Transportation stakeholders are eager to maintain or increase the higher spending levels provided for infrastructure over the last two years. The Senate is expected to begin considering its appropriations bills when they return from recess this week.

BUILD GRANTS

Applications for the BUILD grant program (formerly the TIGER grant program) were due July 15. In FY 2019, DOT will award \$900 million in funding for BUILD grants. The maximum grant is \$25 million and the minimum grant is \$5 million, except for projects located in rural areas, where the minimum grant size is \$1 million.

INFRA GRANTS

In July, DOT announced the recipients for the FY 2019 Infrastructure for Rebuilding America (INFRA) grant program (formerly the FASTLANE grant program). In total, DOT awarded \$855 million in grants for 10 large projects and 10 small projects.

COMMUNITY LOW OR NO EMISSION GRANTS

On July 26, FTA announced project selections for the FY 2019 Low or No Emission grant funding. The Low-No program provides funding for the purchase or lease of zero or low emission transit buses and associated infrastructure. In total, FTA awarded \$84.95 million to 38 projects across the United States.

AUTOMATED VEHICLES

Both the Federal Motor Carrier Safety Administration (FMSCA) and the National Highway Traffic Safety Administration (NHTSA) issued notices of proposed rulemaking regarding Automated Vehicles (AVs). FMSCA sought public comment about regulations that may need to be amended, revised, or eliminated to facilitate the safe introduction of commercial motor vehicles equipped with automated driving systems. Specifically, FMSCA is focuses on human drive requirements, commercial driver’s license endorsements, Hours of Service rules, distracted driving, medical qualifications, and cybersecurity, among others.

NHTSA sought comment on any regulatory barriers to AVs currently in the Federal Motor Vehicle Safety Standards. It is also looking for recommendations on measuring compliance without conventional controls.

The House Committee on Energy and Commerce and Senate Committee on Commerce, Science, and Transportation also sought stakeholder input for policies pertaining to AVs. The Committees issued a joint letter seeking comments, which were due August 23.

HOUSING AND COMMUNITY DEVELOPMENT

NOTABLE LEGISLATIVE ACTIVITY

Homelessness/Veterans Homelessness

House Financial Services Committee Chairwoman Maxine Waters (D-CA) introduced the *Ending Homelessness Act of 2019* (H.R. 1856). The legislation aims to provide a comprehensive plan to end homelessness by appropriating \$13.27 billion in mandatory emergency relief funding over the next five years to help address critical federal housing programs and initiatives. The bill passed out of Committee on party lines, but has yet to pass out of the House.

Previously, Senators Dianne Feinstein (D-CA) and Lisa Murkowski (R-AL) introduced the *Fighting Homelessness through Services and Housing Act* (S. 923). The bill authorizes \$750 million in grants annually to help combat homelessness. In addition to providing housing, the bill would also require grant recipients to provide comprehensive services such as substance abuse treatment, job training, and mental health care. The bill has yet to be taken up by the Committee of Health, Education, Labor and Pensions.

Rep. Scott Peters (D-CA) introduced the *Veteran HOUSE Act* (H.R. 2398) and the *Homes for Heroes Act* (H.R. 2399), aimed at addressing veteran homelessness. The bills support the Department of Housing and Urban Development-Veterans Administration Supportive Housing (HUD-VASH) program by making chronically homeless veterans discharged under other-than-honorable conditions (but not dishonorable) eligible for HUD-VASH housing vouchers and supportive case management. Neither bill has advanced out of committee.

Expanding the Low-Income Housing Tax Credit

Sens. Maria Cantwell (D-WA), Todd Young (R-IN), Johnny Isakson (R-GA), and Ron Wyden (D-OR) reintroduced the *Affordable Housing Credit Improvement Act* (S. 1703). The legislation would increase the total number of affordable housing units built by:

- Increasing the amount of credits allocated to each state by 50 percent;
- Stabilizing the value of the four percent Affordable Housing Tax Credit; and
- Expanding and reforming “recycling” of multifamily housing bonds.

The bill also creates veteran-specific housing options, boosts affordable housing in Indian Country and rural communities, and works to provide more affordable housing properties to low-income students.

NOTABLE ADMINISTRATION ACTIVITY

White House Council on Establishing Regulatory Barriers to Affordable Housing

On June 25, President Trump issued an Executive Order establishing a council on eliminating regulatory barriers to affordable housing. The Council includes the Secretaries of HUD, Treasury, Interior, Agriculture, Labor, Transportation, and Energy, among others. The purpose of the Council is to: (1) solicit feedback from state and local governments; (2) identify burdensome regulatory barriers; (3) evaluate the effect of regulatory barriers; and (4) recommend federal, state, and local policies that reduce and streamline regulatory barriers.

HUD Equal Access Rule

In May, HUD issued a proposed change to the Obama-era Equal Access Rule, which required shelters to provide housing regardless of gender identity. The proposed rule would allow HUD program recipients that permit single-sex or segregated-sex facilities to establish a policy that considers an individual's sex for the purposes of determining accommodation. The rule has not been formally published in the Federal Register.

HUD Disparate Impact Rule

On August 19, HUD published a proposed rule dealing with disparate impact. The proposed rule would amend HUD's interpretation of the Fair Housing Act's disparate impact standard to shift the burden of proof to a plaintiff bringing a disparate impact claim. The plaintiff would be required to prove that a specific policy or practice caused the discriminatory effect, and that the practice was unnecessary for achieving a legitimate objective. Comments are due October 18.

HUD Mixed Housing Rule

On May 10, HUD published a proposed rule in the Federal Register. The rule would ban "mixed-status" families from living in public housing or Section 8 programs if any of the household members are undocumented or ineligible for public housing benefits due to immigration status. The rule would also require immigrations currently receiving assistance to produce proof of immigration status or citizenship. The rule received 10,793 public comments. In June, Sen. Gillibrand introduced the *Keeping Families Together Act of 2019* (S. 1904), which would block HUD from implementing the rule.

Federal Housing Administration Condo Rule

In August, the Federal Housing Administration published a final regulation and policy implementation guidance for condominium approval process. The new rule: (1) introduces a new single-unit approval process to make it easier for individual condo units to be eligible for FHA-insured financing; (2) extends the recertification requirement for approved condominium projects from two to three years; and (3) allows more mixed-use projects to be eligible for FHA insurance. The rule goes into effect October 15, 2019.

Appropriations

On June 25, the House passed a "minibus" funding package that included the FY 2020 appropriations for Transportation, Housing and Urban Development, and Related Agencies. The bill provides \$50.1 billion in total budgetary resources for HUD, a \$5.9 billion increase from the FY 2019 enacted level and \$13.4 billion above the President's Budget Request. It includes:

- \$32.7 billion for the Office of Public and Indian Housing
 - o \$40 million HUD/VA Supportive Housing for Homeless Veterans
 - o \$300 million for Choice Neighborhoods
- \$8.6 billion for the Office of Community Planning and Development
 - o \$3.6 billion for Community Development Block Grants
 - o \$2.8 billion for Homeless Assistance Grants
- \$4.1 million for the U.S. Interagency Council on Homelessness

For more specific numbers, please refer to SPB's Appropriations Tracker. Please note, with the new budget deal and when Senate marks up its THUD bill, the money will likely decrease from the House numbers.

CONGRESSMAN BLUMENAUER HOUSING/HOMELESSNESS REPORT

Congressman Earl Blumenauer (D-OR) released a report titled "Locked Out: Reversing Federal Housing Fails and Unlocking Opportunity." The report examines Congress's role in a number of housing topics, including public housing, homelessness, and housing as a public right, while also accusing Congress of failing to act. Included are a number of specific recommendations for lawmakers, including some focused on the environment. A section of the report criticizes President Trump for failing to prioritize housing as an issue. A copy of the report can be found [here](#).

TAX

COMMERCE DEPARTMENT SEEKS COMMENTS ON OPPORTUNITY ZONES

Earlier this month, the Department of Commerce issued a Request for Information (RFI) notice seeking public input on how the federal government can better align its various economic development programs and resources so as to encourage and facilitate beneficial investments in urban and economically distressed communities, including in qualified Opportunity Zones. The Department of Commerce is seeking information from stakeholders who support economic development in Opportunity Zones, including state, local, and tribal officials, institutions of higher education, nonprofits, philanthropic organizations, economic development and other experts in relevant disciplines, and affected stakeholders in the private sector. Written comments on this RFI must be submitted by October 18.

HOUSE PASSES CADILLAC TAX REPEAL BILL

On July 17, the House passed the *Middle Class Health Benefits Tax Repeal Act* (H.R. 748) in a bipartisan manner. The bill would repeal the 40 percent excise tax on high cost employer-sponsored health insurance plans that was included as a part of the Affordable Care Act (ACA). The tax was originally set to take effect in 2018, but previous Congresses have twice punted the implementation date—most recently to 2022. At that time, plans exceeding set price thresholds would be subject to the tax. These thresholds have been indexed to a rate of inflation that is far below the actual rate at which health care premiums have increased in recent years. Opponents, including the National League of Cities (NLC), have argued that over time a growing number of plans, including those offered by municipal governments to their staff, will be subject to the tax and therefore higher healthcare costs.

MUNICIPAL BOND ACT INTRODUCED IN THE HOUSE

On July 25, Congresswoman Terri Sewell (D-AL) and Congressman Tom Reed (R-NY) introduced the *Municipal Bond Market Support Act of 2019* (H.R. 3967). The bill would raise the threshold for bank qualified debt (BDQ) issuers from \$10 million to \$30 million and would index the threshold to rise with inflation.

Federal tax law typically prohibits commercial banks from deducting the interest costs incurred from holding municipal bonds in their portfolios. As a result, commercial banks traditionally do not purchase a large amount of municipal debt. The tax code does provide an exception to the rule. If an issuer (in this

case a municipal government) reasonably expects to issue less than \$10 million of debt in a year, it can elect to issue BQD, which banks can hold and still write off most of the carrying costs.

BQD is a useful tool for small communities who benefit from bypassing the traditional municipal bond underwriting process to sell their bonds directly to local banks. BQD issuers typically reduce their borrowing costs by an estimated 25-40 basis points.

CDFI FUNDS OPENS 2019 ROUND FOR NMTC PROGRAM

Earlier this week, the U.S. Department of the Treasury's Community Development Financial Institutions Fund (CDFI Fund) released the Notice of Allocation Availability (NOAA) for the calendar year (CY) 2019 round of the New Markets Tax Credit Program (NMTC Program). The NOAA makes up to \$3.5 billion in tax credit allocation authority available for the CY 2019 round.

The NMTC Program spurs investment of private sector capital into distressed communities by providing a tax credit to corporate or individual taxpayers who make Qualified Equity Investments (QEIs) in designated Community Development Entities (CDEs). The CDEs, in turn, invest the capital raised into businesses in low-income communities. The credit provided to the investor totals 39 percent of the investment in a CDE and is claimed over a seven-year credit allowance period.

The CDE certification application is due September 23, the NMTC electronic application submission is due October 28, and the QEI issuance and QLICI requirements deadline is January 31, 2020.

TRADE

President Trump met with his G7 counterparts in August to discuss the global economy and trade. His policy of "America First" and tariff actions continue to be a concern, especially to G7 members and other U.S. allies. The U.S.-China trade talks stalled in July and again in August, leading to escalation of trade tensions between the two largest global economies and raising concerns of a global or domestic recession. In addition to a new across-the-board increase of U.S. tariffs on Chinese goods, the U.S. Department of the Treasury also labeled China as a "currency manipulator" in August, further exacerbating bilateral relations. It remains unclear whether U.S. and Chinese negotiators will move forward with continued talks this month. The business community remains concerned with the Administration's trade tactics, especially as it propagates uncertainty and adds to their overall operating costs through increased tariffs that are typically passed on to consumers.

Momentum for the U.S. Congress to consider the U.S. -Mexico-Canada Trade Agreement (USMCA) waned in July, especially as Congress recessed for its weeks-long summer break. There is, however, sustained pressure for Congress to move forward with approving the deal by the end of the year. U.S. lawmakers will have returned to Washington and, amid other legislative priorities, will likely continue to focus on the USMCA, trade tensions with China, the impacts of the Section 232 national security tariffs, the new preliminary trade deal with Japan (announced in August), and the United Kingdom's upcoming European Union exit ("Brexit") deadline (October 31). Separately, the U.S. International Trade Commission (USITC) plans to start accepting Miscellaneous Tariff Bill (MTB) petitions in October. On August 27, USITC published a Federal Register notice amending its Rules of Practice and Procedure governing the submission and consideration of petitions for duty suspensions and reductions under the *American Manufacturing and Competitiveness Act of 2016*.

U.S.-MEXICO-CANADA AGREEMENT (USMCA)

While Congressional hearings held in May, June, and July focused on the USMCA, the White House continues to await Speaker of the House Nancy Pelosi's (D-CA) signal before submitting its final Statement of Administrative Action (SAA) and implementing a bill for Congressional approval. In accordance with Trade Promotion Authority (TPA), President Trump must provide Congress with a SAA, which describes administrative actions to be taken to implement the deal, along with the agreement's final legal text, at least 30 days before formally submitting a final implementing bill. Congress will then convene mock mark-ups to refine the SAA and legislative text before the final implementing bill is submitted. With the return of Congress from its summer recess in early September, pressure remains on Congress to approve the USMCA before the end of the year; consequently, the Administration may be moving to submit its SAA and legislative text soon. (Trade deals typically do not advance in Congress during election years.)

U.S. Trade Representative Robert Lighthizer has received praise from Democrats in his efforts to work with them these past few months on addressing their concerns with the USMCA. Democratic concerns center around four main issues: (1) enforcement of the deal's labor commitments (especially vis-à-vis Mexico); (2) environmental provisions; (3) enforcement; and (4) data exclusivity for biologic drugs (and the impact on U.S. prescription drug prices). In June, Speaker Pelosi formed working groups made up of House Democrats to work with the Administration in addressing these concerns.

While most Republicans support the USMCA, and Senate Finance Committee Chairman Charles Grassley (R-IA) opposes re-opening the deal, Republican Senator Patrick Toomey (PA) announced his opposition to the deal in July. He argued the six-year sunset provision and changes to investment provisions would result in more uncertainty in the North American market.

In accordance with TPA deadlines, the U.S. International Trade Commission (USITC) released its [analysis](#) of the economic impact of the USMCA in April. In May, Canadian Foreign Minister Chrystia Freeland filed a Notice of Ways and Means Motion that lays out changes needed to Canadian law to implement the USMCA, kickstarting Canada's consideration of the deal. However, Canada continues to await U.S. congressional action before it will conclude its ratification of the USMCA. On June 19, the Mexican Senate ratified the USMCA deal by a vote of 114-4, with three abstentions – becoming the first North American trade partner to approve the agreement. While President Trump indicated in June that the Administration could make some changes to the USMCA, it remains unclear whether the changes Democrats are seeking will impact the text of USMCA as negotiated. If changes are made to the negotiated text, Mexico will have to reconsider its ratification of the deal. On August 1, Canada and Mexico launched a bilateral labor working group that will meet quarterly to assist Mexico in implementing labor reforms – an outstanding issue of concern to Democrats.

June also saw the resolution of President Trump's threat to impose tariffs on Mexican goods as leverage to deter Central American migrants seeking access to the U.S. southwest border. In a joint agreement, Mexico agreed to increase domestic enforcement, deploying additional troops to its southern border to curb northbound migrant flows. The United States expanded implementation of the existing Migrant Protection Protocols across its southwest border, returning to Mexico those awaiting adjudication of their asylum claims. To address the border crisis, the U.S. Department of Homeland Security shifted Customs & Border Protection (CBP) personnel from ports of entry to assist the U.S. Border Patrol in processing and housing the historic number of asylee claimants. CBP personnel began returning to their assigned duty stations in August, as Mexico's domestic enforcement increased and migrant numbers at the border began to decrease.

U.S.-CHINA TRADE WAR

U.S. officials – led by U.S. Trade Representative Robert Lighthizer – resurrected talks with China in early July aimed at possibly securing a long-term trade deal. By early August, negotiations stalled again. On August 1, President Trump tweeted that the United States would impose a 10 percent tariff on \$300 billion worth of Chinese goods, effective September 1. He cited China's failure to increase purchases of U.S. agricultural products and deter fentanyl shipments to the United States. The tweet came as Ambassador Lighthizer and Treasury Secretary Mnuchin returned from their end-of-July trip to Shanghai. By the end of August, President Trump stated duties would increase across the board on goods from China and talks stalled again. It remains unclear whether the two sides will meet in Washington this month for another round of face-to-face talks. The ongoing U.S.-China trade war was a topic of discussion at the August G7 Summit in France, given its impact on the global economy and recession concerns.

SECTION 232 NATIONAL SECURITY TARIFFS

Section 232 tariffs remain a concern for U.S. lawmakers. Senate Finance Committee Chairman Charles Grassley (R-Iowa) has indicated he expects to convene committee meeting later this month to consider a bipartisan mark of a compromise measure intended to rein in presidential powers under Section 232 of the *Trade Expansion Act of 1962*.

ENERGY AND ENVIRONMENT

EPA ROLLS BACK REQUIREMENTS TO CONTROL METHANE

On August 29, The Environmental Protection Agency (EPA) proposed a rule to roll back the Obama Administration's rule to control methane emissions from the oil and gas industry. Methane emissions from the oil and gas industry are equivalent to the emissions of one-quarter of all cars in the U.S., according to EPA data. Methane emissions are also known to be 25 times more potent than carbon dioxide in contributing to climate change. Overall, methane is responsible for 10 percent of all U.S. greenhouse gas emissions. EPA has decided to lift the rules that would have controlled for methane emissions, which would have required monitoring, limiting leaks, and regular leak inspections for new wells, storage tanks, pipelines, and other transmission infrastructure.

The oil and gas industry is reportedly split on the decision. Some argue that "a lack of government backed minimum requirements to curb emissions could undermine the argument that natural gas is a cleaner fuel."

Last month's proposal is the result of EPA's review of the 2016 New Source Performance Standards (NSPS) for the oil and natural gas industry, which was conducted in response to President Trump's Executive Order 13783 - Promoting Energy Independence and Economic Growth. EPA's regulatory impact analysis estimates that the proposed amendments would save the oil and natural gas industry \$17-\$19 million a year.

EPA is proposing two actions – "primary" and "alternative" proposals. Both proposals have the same result of essentially removing methane emission controls on the industry. In its primary proposal, the agency would remove sources in the transmission and storage segment of the oil and gas industry from the

existing regulation. These sources include transmission compressor stations, pneumatic controllers, and underground storage vessels. The primary proposal also would rescind emissions limits for methane from the production and processing segments of the industry. These sources include well completions, pneumatic pumps, pneumatic controllers, gathering and boosting compressors, natural gas processing plants, and storage tanks. In the alternative proposal, EPA would rescind all of the methane emissions limitations without removing from regulation any sources from the transmission and storage segment of the industry.

The agency is also seeking comment on alternative interpretations of EPA's legal authority to regulate pollutants under section 111(b)(1)(A) of the Clean Air Act. EPA will take comment on the proposal for 60 days after it is published in the Federal Register and will hold a public hearing in Texas. EPA notes that "details of the hearing will be announced shortly."

EPA ISSUES PROPOSED RULE LIMITING STATES' OBJECTIONS UNDER CLEAN WATER ACT SECTION 401

On August 8, EPA issued a proposed rule for public comment that is largely expected to restrict states' ability to block pipelines, coal terminals, and other projects that may pose environmental concerns. The proposed rule would essentially limit states' usage of Section 401 of the Clean Water Act (CWA) in objecting to such projects within their borders. There is concern that the proposed rule will allow EPA to grant these projects over states' objections. Section 401 of the CWA gives states and authorized tribes the authority to assess potential water quality impacts of discharges from federally permitted or licensed infrastructure projects that may affect navigable waters within their borders.

In April, President Trump issued an executive order and directed the Administration to take action to accelerate and promote the construction of pipelines and other energy infrastructure. EPA is proposing this rule in response to President Trump's [Executive Order 13868](#), "Promoting Energy Infrastructure and Economic Growth." EPA was directed to first [revise guidance](#) on the CWA Section 401 certification process and then to propose new rules to implement CWA Section 401 by August 8. Under the executive order, the EPA is scheduled to finalize this rule in May 2020.

U.S. DEPARTMENT OF THE INTERIOR ROLLS BACK ENDANGERED SPECIES ACT PROTECTIONS

On August 12, the U.S. Department of the Interior issued changes to the Endangered Species Act via three final rules. The changes apply to ESA Sections 4 and 7. Section 4 changes address adding or removing species from the Act's protections and designating critical habitat; Section 7 addresses consultations with other federal agencies. There is reported concern that these changes will weaken environmental protections for endangered species and allow more fossil fuel development and other potentially invasive activities on public lands, with some critics going as far as to say the changes will effectively gut the ESA. Critics are concerned with the changes, noting that the ESA has been one of the most popular and most effective environmental legislations in the U.S., saving 99 percent of the species it protects.

Notable Actions:

- DOI is altering the existing definitions for:
 - "destruction or adverse modification"
 - "effects of the action"
 - "environmental baseline"
 - "foreseeable future"

- DOI is removing the blanket rule under Section 4(d) of the ESA that automatically conveys the same protections for threatened species as for endangered species. There is concern that this removes protections for species that are on the brink of becoming endangered.
- DOI is making changes to the standards for listing, delisting, and reclassification of a species
- DOI notes that “While this administration recognizes the value of critical habitat as a conservation tool, in some cases, designation of critical habitat is not prudent.” Critics note that habitat loss is considered one of the greatest drivers of extinction, and therefore critical habitat designation is crucial. The concern is that critical habitat is not being protected at the levels needed for species survival.
- DOI notes that the regulations now impose a higher bar to designate unoccupied areas as critical habitat.
- Deadlines are established for ESA decisions.
- In the past, to prevent economic interests from infringing on conservation goals, ESA specified that species would be listed “without reference to possible economic or other impacts of such determination.” The new regulations remove this sentence.

The three final rules can be accessed here:

View the [revised regulations for listing species and designating critical habitat](#).

View the [revised regulations for prohibitions to threatened wildlife and plants](#).

View the [revised regulations for interagency cooperation](#).

EPA ISSUES FINAL RULE TO REPEAL OBAMA’S CLEAN POWER PLAN

On June 19, Administrator of the EPA Andrew Wheeler announced and signed the Affordable Clean Energy (ACE) final rule.

The Affordable Clean Energy (ACE) final rule repeals the former Obama Administration’s Clean Power Plan (CPP). The CPP is a set of standards, established in August 2015, intended to reduce carbon emissions from coal-fired power plants. Prior to the issuance of the CPP, coal-fired power plants were allowed to emit unlimited amounts of carbon pollution into the air. The CPP was expected to provide a 32 percent cut in power plant carbon-dioxide emissions by 2030 from 2005 levels. The CPP, which took a regional and national approach to gaining greenhouse gas (GHG) reductions, sometimes called “beyond the fence-line of the power plant,” encouraged states to consider the use of renewable energy such as solar and wind in order to attain goals set by the plan. The CPP was also intended to enable the U.S. to deliver on its commitments to the Paris climate agreement.

Differences Between Affordable Clean Energy Rule and Clean Power Plan Rule

The ACE rule is estimated to reduce 2030 CO₂ emissions only by 0.7 percent to 1.5 percent, as compared to the former Administration’s CPP’s anticipated 32 percent reductions in greenhouse gases. ACE also contains no overarching goal for the U.S. to reduce emissions, which environmentalists and various business leaders are concerned will further derail the country from making good on the Paris climate agreement. While the former CPP would have allowed for greater flexibility for states to reach goals by using regional plans, trading arrangements, and renewable energies, the ACE plan eliminates those as

reduction strategies, but states can still pursue those tactics to meet other regulations and goals. There is wide speculation that there will be relatively small emission reductions in the ACE plan.

Shortly following the signing of the ACE rule, New York Attorney General Letitia James issued a statement saying that the ACE rule will undercut clean and sustainable electricity, violating the Clean Air Act. She stated that she intends to sue the EPA "over this 'Dirty Power' rule."

The ACE Final Rule

The ACE final rule is largely composed of three final actions:

1. ACE repeals the CPP.
2. ACE changes the rules that are in place for the Clean Air Act under Section 111D. EPA reasons that the former administration "got it wrong" with respect to states' rights. Ironically, the agency is ascribing changes to the law to avoid an emissions reductions goal while enabling EPA to pick what is deemed the best system of reduction (BSER), and is forcing states to work within that narrow list of technologies to come up with standards to comply. EPA will then review states' plans to be certain they are consistent with the federal ACE rule.
3. EPA defines BSER at existing coal-fired power plants as heat-rate efficiency improvements based on a range of "candidate technologies" - an "inside the fence-line" determination - and does not attempt to balance the emissions burden with any sort of encouragement of renewables at the grid-wide level. EPA instead expects states to apply the BSER technologies to come up with an appropriate emission reduction.

There is no final action on the proposed changes to the New Source Review Program. EPA will address this separately in the near future.

In the ACE final rule announcement last month, Administrator Wheeler noted that the ACE rule would help individual coal-fired power plants and facilities identify heat-rate improvements as the best measure of emission performance standards. He emphasized that ACE will maintain the efficiency and flexibility of both coal-fired power plants and the states in which they are located. Below are the anticipated next steps:

1. For each candidate technology, EPA has provided information regarding the degree of emission limitation achievable through application of the BSER as ranges of expected improvement and costs.
2. States will evaluate applicability to their existing sources of the six candidate technologies and improved operating and maintenance practices and take into consideration source-specific factors in establishing a standard of performance at the unit level.
3. States will submit plans to EPA that establish standards of performance and include measures that provide for the implementation and enforcement of such standards.
4. The plan submissions must explain how the state applied the BSER to each source – and how the state took other factors into consideration – in setting unit-specific standards. **These plans are due in three years.**
5. Once a state plan is submitted, EPA has 12 months to determine its approvability. In the event a state does not submit a plan or fails to submit an approvable plan, EPA has two years to develop a federal plan.

CLIMATE CHANGE, RENEWABLE ENERGY, CARBON REDUCTION, INVESTMENT TAX CREDITS, AND ENERGY STORAGE

Congress has been active on climate change, with numerous bills being introduced before the August recess. Below, we highlight five major bills that impact local municipalities.

1. LIFT America Act of 2019. In May, House Energy and Commerce Chairman Frank Pallone (D-NJ), along with all 31 Democrat committee members, introduced a long-awaited infrastructure bill, The LIFT America Act of 2019. There was a hearing on the bill on May 22. The bill tracks closely with the draft titles we have been following for energy, water, and brownfields and also includes titles for Access To Broadband and Access To Healthcare. A section summary is available [here](#), and the text of the 256-page bill is available [here](#).

2. America's Transportation Infrastructure Act of 2019. The Senate Environment and Public Works Committee unanimously approved a \$287 billion infrastructure plan that includes an entire subtitle devoted to "Climate Change." The bill proposes significant funding for the deployment of electric vehicles (EVs), hydrogen, and natural gas charging infrastructure. The bill also proposes carbon reduction and energy storage programs and holds potential for solar energy development and use. See below for highlights in these areas.

3. The Renewable Energy Extension Act (S. 2289/H.R. 3961). House and Senate Democrats, with some Republican support in both chambers, favor extending the Investment Tax Credit (ITC) for solar, wind, fuel cells, and other forms of renewable energy. The bill was introduced by Sen. Catherine Cortez Masto (D-NV), and has 15 other Democratic cosponsors. H.R. 3961, the House companion, is sponsored by Reps. Mike Thompson (D-CA) and Paul Cook (R-CA), with 32 bipartisan cosponsors.

The current House Ways and Means Committee tax extenders legislation currently focuses only on those investment tax credits that expire in 2019. As such, the Production Tax Credit (PCT) for wind is currently included, but not the ITC for solar. Many hope that the H.R. 3961 bill will be added to the existing tax extenders legislation that is expected to be considered this fall.

4. Energy Storage Tax Incentive and Deployment Act of 2019. This bipartisan legislation was introduced by Senator Martin Heinrich (D-NM) and Senator Cory Gardner (R-CO), both members of the Senate Energy and Natural Resources Committee. The bill would to establish an investment tax credit (ITC) for business and home use of energy storage. Residential and commercial energy storage increases the ability to manage grid supply and demand. The bill intends to make it easier and more affordable for individuals to utilize energy storage technologies. Energy storage complements renewable resources, such as wind and solar to enable full-time availability, provide backup power in case of emergencies and power outages, and helps reduce the need for high-cost power during periods of peak demand--such as during the coldest mornings or hottest afternoons.

5. Public Land Renewable Energy Development Act (PLREDA) of 2019. Numerous House members introduced the bipartisan bill, which aims to improve and expand renewable energy projects on public lands. The bill is being touted as a broadly bipartisan with nearly 25 co-sponsors on the day it was introduced. Rep. Paul Gosar (R-AZ) and Rep. Mike Levin (D-CA) are the lead co-sponsors.

The "Dear Colleague" letter that was circulated to Members noted that: "While approximately 40% of total geothermal electric generating capacity comes from federal lands, only about 5% of total utility-scale

wind energy capacity and utility-scale solar energy capacity comes from public lands.” The bill also directs agencies to provide staffing resources to help with faster permitting.

Similar to the Payment in Lieu of Taxes (PILT) program that helps many counties, as federal lands are not taxable, state and local governments would receive a share of the revenues from the sales of energy production on the public lands within their borders.

PFAS

There has been growing concern in the U.S over per- and polyfluoroalkyl substances (PFAS). PFAS are the nonstick, toxic chemicals found in Teflon and fire retardants that have increasingly been detected in drinking water. While EPA has set a health advisory level of 70 parts per trillion for lifetime exposure to PFAS in drinking water, the Centers for Disease Control and Prevention (CDC) has indicated that some of these contaminants can pose health dangers at significantly lower levels than EPA considers safe.

In February, EPA released a PFAS Action Plan, which outlined steps the agency is taking to address PFAS contamination. The plan indicated that the agency is moving forward with the Maximum Contaminant Level (MCL) process for PFOA and PFOS, classifying PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), and considering the addition of PFAS chemicals to the Toxics Release Inventory (TRI). EPA received bipartisan criticism over failing to set forcible Safe Drinking Water Act standards for PFAS.

Recently, FDA released a study that showed levels of PFAS in certain U.S. foods. PFAS contamination has been linked to groundwater, drinking water, and feed at farms and ranches, particularly those near military bases. Despite these findings, FDA indicates that PFAS was not detected in the “vast majority” of the foods tested and it “does not have any indication that these substances are a human health concern.”

Lack of action by the EPA and growing concern over potential adverse health effects of these chemicals has pressed Congress to introduce legislation concerning the use and contamination of PFAS. Lawmakers have introduced several pieces of legislation and amendments in a bipartisan fashion. Republicans — who are in the majority in the Senate — have overwhelmingly acknowledged the need to prevent and address the contamination of PFOA and PFOS, but have expressed great opposition to grouping all 5,000 PFAS chemicals into a single policy action, as their health and environmental effects are largely currently unknown. Additional partisan controversy has surrounded whether to classify PFAS as hazardous substances under CERCLA, which is mostly favored by Democrats — who are in the majority in the House of Representatives.

The Senate Committee on Environment and Public Works (EPW) held hearings on PFAS in March and April 2019 and the House Committee on Energy and Commerce held hearings on the issue in September 2018 and May 2019. During this congressional session, many members have introduced standalone bills that would address and mitigate PFAS contamination. Most recently, varying PFAS-related amendments have been adopted into both chambers’ FY 2020 *National Defense Authorization Act* (NDAA), but the differing language will have to be negotiated in conference.

WATER

WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (WIFIA)

In response to the U.S. Environmental Protection Agency's (EPA) third Notice of Funding Availability, the agency received 51 letters of interest, collectively requesting \$6.6 billion in Water Infrastructure Finance and Innovation Act (WIFIA) funding. This exceeds the \$6 billion that EPA is offering, demonstrating the critical need for investment in our nation's water infrastructure and strong interest in the WIFIA program.

The agency received letters from prospective borrowers located in 21 states, including 6 states for which no borrower had previously sought WIFIA loans. This brings the total number of states where WIFIA loans have been requested to 35, plus the District of Columbia and Guam.

For the first time, EPA announced water reuse and recycling as a WIFIA priority and several prospective borrowers submitted letters of interest to implement such projects. The funding requests also cover a wide variety of other topics, including wastewater, drinking water, desalination, stormwater management, and combined approaches.

The majority of prospective borrowers are municipal government agencies, while other prospective borrowers include small communities, public-private partnerships, and corporations. As the next step in this competitive process, EPA will evaluate the letters for project eligibility, credit worthiness, engineering feasibility, and alignment with WIFIA's statutory and regulatory criteria. The agency will then identify projects it intends to finance and invite those selected entities to submit formal applications this fall. [See the full list of letters of interest submitted.](#)

WATERS OF THE U.S. (WOTUS) RULE

As previously reported, in December 2018, the Environmental Protection Agency (EPA) and the Army Corps of Engineers (USACE) proposed a revised definition of "Waters of the United States" (WOTUS) that clarifies federal authority under the Clean Water Act (CWA). The proposed rule was published in the *Federal Register* in February and public comment closed on April 15.

The proposed rule is being coined the biggest rollback of CWA protections since shortly after the statute became law, proposing to remove federal pollution safeguards for tens of thousands of miles of streams and millions of acres of wetlands.

In the new proposed rule, EPA and USACE took a fundamentally different approach from the previous Administration, creating six categories of waterways that would fall under CWA jurisdiction and excluding all others. The six categories are:

- Traditional navigable waters;
- Tributaries to those navigable waters, meaning perennial or intermittent rivers and streams that contribute flow to a traditional navigable water in a typical year;
- Certain ditches, such as those used for navigation or those affected by the tide;
- Certain lakes and ponds that are similar to traditional navigable waters or that provide perennial or intermittent flow in a typical year to a traditional navigable water;
- Impoundments such as check dams and perennial rivers that form lakes or ponds behind them; and
- Wetlands that abut or have a direct hydrologic surface connection to another water in the U.S.

Excluded from the rule are: ephemeral waters such as dry washes or streams that only flow in direct response to precipitation; groundwater; artificial depressions like gravel pits and sand; roadside ditches; agricultural ditches; quarries that fill up with water; and artificially irrigated areas like fields flooded for rice or cranberry groundings, among other waterways.

In March, the Trump Administration dropped its bid to delay the implementation of the Obama Administration's 2015 WOTUS rule, making the 2015 rule effective across the country until the Trump Administration finalizes its new rule.

HEALTHCARE

DRUG PRICING REFORM

The issue of high drug prices remains a priority of Republicans and Democrats in Congress and the Administration. Each legislative chamber has taken different approaches to drug pricing legislation. In the House, Speaker Pelosi is leading the charge and is set to release a plan in early September. The most critical provision of the proposal will be direct price negotiations between Medicare and pharmaceutical companies. The plan is also expected to include an arbitration clause that will encourage settlements between the government and drug companies should they be unable to agree on a price.

Meanwhile, there was a great deal of activity surrounding drug pricing in the Senate this quarter. On July 23, Senate Finance Committee Chairman Chuck Grassley (R-IA) and Ranking Member Ron Wyden (D-WA) introduced the *Prescription Drug Pricing Reduction Act (PDPRA) of 2019*. This legislation is intended to control price increases for drugs in both Medicare Part B and Part D by requiring manufacturers to pay additional rebates to Medicare if they increase their relevant prices more rapidly than the inflation rate. Patients' costs would be capped starting at \$3,100 in 2022. The catastrophic phase of the Part D benefit would shift to one in which the plan is responsible for 60 percent of the costs, while Medicare picks up 20 percent. Additionally, the package contains a number of provisions designed to promote better information disclosure, which are intended to enable more accurate reimbursement.

Notably, according to reports, the bill received tacit endorsement from the Administration, as Department of Health and Human Services (HHS) Secretary Azar contacted Republican committee members asking that they vote for the bill. A Senate Finance Committee markup of the legislation was held on July 25, during which the bill passed out of committee by a vote of 19-9. The fate of the *Prescription Drug Pricing Reduction Act (PDPRA) of 2019* is unclear. The legislation could be packaged with the *Lower Health Care Costs Act*, which has broad bipartisan support. In order for the bill to receive a "stand-alone" vote, Senate Majority Leader Mitch McConnell (R-KY) would need to ensure he has clinched enough Republican votes, as many in his caucus remain opposed to inflation caps. Additionally, although the bill passed with the support of committee Democrats, Senate Minority Leader Chuck Schumer (D-NY) has signaled that his caucus would not agree to a floor debate on drug pricing until Senate Majority Leader Mitch McConnell (R-KY) agrees to allow a vote on preexisting conditions legislation. Should the legislation come to the floor, Democratic Senators would almost certainly use the opportunity to force a vote on letting Medicare negotiate drug prices.

SURPRISE MEDICAL BILLS

The issue of patients receiving out of network charges for hospital costs remains a bipartisan priority. H.R. 3630, the *No Surprises Act*, was introduced by House Committee on Energy and Commerce Chairman Frank Pallone (D-NJ) and Ranking Member Greg Walden (R-OR) on July 9. The bill requires insurers offering plans that cover emergency services to bill plan holders no more than the median in-network rate for a particular emergency service, even if the service provider is out of network. The bill further prohibits insurers from billing plan holders more than the median in-network rate for nonemergency services provided by out-of-network providers at in-network facilities.

Finally, out-of-network providers may not bill plan holders for the difference between the in-network and out-of-network rates for emergency services.

A markup of the legislation was held on July 17. The bill was engrossed (as an amendment in the nature of a substitute) into the *Reauthorizing and Extending America's Community Health Act* (H.R. 2328) and favorably forwarded to the House. Most significantly, the committee adopted an amendment offered by Reps. Raul Ruiz (D-CA) and Phil Roe (R-TN) that would add an appeals process in the form of an independent dispute resolution in cases where the in network median rate may not be the correct amount for specific procedures. This provision is key to securing support from the hospital industry.

Since its passage out of the Energy and Commerce Committee, other committee Chairmen and Ranking Members have indicated that they believe this issue falls under their jurisdiction. These include both the House Committee on Education and Labor and the House Committee on Ways and Means. This “turf battle” may stall progress on H.R. 3630.

In the Senate, popular bipartisan legislation has passed out of committee and could receive a floor vote before the end of the year. On June 19, the *Lower Health Care Costs Act* (S. 1895) was introduced by Senate Health, Education, Labor, and Pensions (HELP) Committee Chairman Lamar Alexander (R-TN) and HELP Ranking Member Patty Murray (D-WA). On July 8, a committee markup was held and the bill passed out of committee by a vote of 20-3. Title I of the bill is dedicated to the elimination of surprise medical billing, focusing on protecting individuals from out-of-network deductibles in emergencies, and from being billed for out-of-network ancillary services unexpectedly. Title II establishes cost-saving measures by reducing prescription drug pricing – providing timely access to generic drugs and directs manufacturers to submit a report justifying planned price increases. Title III aims to improve healthcare transparency processes through clearer expectations for healthcare industry participants. Title IV aims to improve US public health through innovative prevention programs and, in Title V, improving the exchange of health information. Notably, Section 414 would follow the lead of 16 states to increase the federal minimum age to purchase tobacco from 18 to 21. Section 401 instructs the CDC to award grants to outside organizations to conduct national, evidence-based campaigns on the importance of vaccines, targeting communities with low vaccination rates. Section 407 establishes grant programs to facilitate health care provider training programs focused on reducing and preventing discrimination in the provision of health care services related to prenatal, labor and postpartum care.

The issue of the median “benchmark rate” payment without an independent resolution process remains an issue for hospitals and medical providers. Representatives for these organizations have descended upon the Hill in recent months and argued that this provision benefits insurers and “holds hostage” the providers. Senators Bill Cassidy (R-LA) and Maggie Hassan (D-NH) have supported a “backstop” provision in which there is an arbitration mechanism should there be disagreement with the benchmark rate. It is

possible such a provision is included in the bill before it receives a floor vote, or that it is offered as an amendment.

MEDICARE FOR ALL

House Speaker Nancy Pelosi continues to try to keep differing opinions on “Medicare for All” proposals within her caucus. On September 5, House Democratic Caucus Chair Hakeem Jeffries (D-N.Y.) endorsed Medicare for All. Rep. Jeffries is the fifth ranking Democrat in the House, and the second-highest ranking co-sponsor of the *Medicare for All Act of 2019* (H.R. 1384), which was introduced by Rep. Pramila Jayapal (D-WA) on April 30. His co-sponsorship of H.R. 1384 is also significant, as the bill now has 118 Democrats, which is a majority of House Democrats.

In the Senate, Sen. Bernie Sanders (I-VT) introduced an updated version of his *Medicare for All Act of 2019* (S. 1129) in early April. The legislation calls for a single-payer, government-run system with no premiums or deductibles. The bill currently has 14 Democratic cosponsors, but is not likely to receive any committee or floor action with the Republican majority in the chamber. However, Medicare for All proposals continue to be highlighted by 2020 Democratic Presidential candidates - seven of whom are current U.S. Senators - as a way to fix what they view as a fragmented health care system.

OPIOID CRISIS

The opioid crisis continues to torment communities all over the United States, hitting rural communities especially hard. According to the Department of Health and Human Services (HHS), more than 130 people per day die from opioid-related drug overdoses.

In the 116th Congress, more than 100 bills, amendments, or resolutions relating to opioids have been introduced, though most have not had committee or floor consideration. Although the House has passed most Fiscal Year 2020 appropriations bills, many of which include opioid-specific language, the Senate has not followed suit. A continuing resolution prior to September 30 is likely, punting the appropriations debates until later in the fall.

President Trump and his Administration have also made the opioid crisis a major priority over the past several years. In his FY 2020 Budget, President Trump requested billions in federal research, program initiatives, grants, and enforcement to combat the opioid epidemic.

Since the beginning of the year, HHS has announced approximately \$3.97 billion in funding to tackle the epidemic. On March 20, 2019, HHS announced \$487 million to supplement the \$933 million in 2019 State Opioid Response grants. On April 18, 2019, HHS announced \$350 million in grants for a pilot program in Kentucky, Massachusetts, New York, and Ohio. The program is part of the National Institutes of Health’s (NIH) Helping to End Addiction Long-term (HEAL) initiative, intended to reduce overdose deaths.

On August 8, 2019, HHS announced nearly \$400 million in awards. Of the total amount awarded, more than \$200 million was awarded to more than 1,200 health centers across the United States to increase access to behavioral health services; \$111 million to nearly 100 rural organizations across 37 states to support prevention, treatment, and recovery services; \$70 million to Opioid Workforce Expansion Programs; and \$17 million to the Graduate Psychology Education Program.

Most recently, on September 4, HHS announced more than \$1.8 billion in funding to states to expand access to treatment, advance prevention and response activities, and support near real-time data on the opioid crisis.

NUTRITION

The current farm bill, authorized through 2023, provides nutrition assistance for low-income households through the Supplemental Nutrition Assistance Program (SNAP), and through the Emergency Food Assistance Program (TEFAP), which provides food products and federal support to emergency feeding organizations, such as food banks and food pantries. The farm bill includes mandatory funding for several nutrition incentives, including \$45 million in mandatory funding for the Gus Schumacher Food Insecurity Nutrition Incentive program for FY 2019, \$48 million a year for FY 2020 and FY 2021, \$53 million for FY 2022, and \$56 million for FY 2023 and each subsequent year, and \$273 million for the emergency food assistance program for FY 2019 and \$285 million for each of subsequent years through FY 2023.

The Child Nutrition Reauthorization (CNR) is federal legislation that authorizes nearly all child nutrition programs, including the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the Special Milk Program (SMP), and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). The CNR was last reauthorized in 2010 as the *Healthy Hunger-Free Kids Act*. Because Congress failed to reauthorize the legislation in 2015, the programs have continued to operate with no legislative changes. Senators Pat Roberts (R-KS) and Debbie Stabenow (D-MI), Chairman and Ranking Member of the Senate Agriculture Committee, respectively, have both committed to enacting a CNR this Congress. Although legislation has yet to be introduced, both the House and Senate committees of jurisdiction have held hearings related to CNR legislation.

TELECOMMUNICATIONS

5G BROADBAND DEPLOYMENT – SMALL CELL SITING AND LOCAL AUTHORITY

The Federal Communications Commission's (FCC) *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment* rule continues to be tied up in litigation, with several cases pending in the Ninth Circuit Court of Appeals. Multiple cities have joined the aforementioned lawsuits challenging federal ability to override local authority about the deployment of new 5G technologies.

CABLE RATE REGULATIONS

Cable companies pay franchise fees to state and local governments in exchange for operating on public property. Congress has limited the amount of these fees to 5 percent of gross revenue generated by cable services. On August 1, the FCC passed a report and order along party lines, requiring local governments to include non-financial, or in-kind, contributions made by cable companies as part of the cable provider's franchise fees. This means that any contributions for public, educational, and government access channels, institutional networks, and services, including free cable for municipal buildings. Currently, cable operators pay about \$3 billion in franchise fees to state and local governments. Among the concerns are that cable operators will self-determine the fair market value of their in-kind contributions and simply reduce their franchise fees by that amount, leaving the onus on state and local governments to pursue litigation to settle any disputes.

Prior to the FCC's passage of this report and order, a group of Democratic Senators sent a [letter](#) to the FCC commissioners expressing their objection to the proposed measures. Impacted parties have taken the first steps in pursuing litigation, including circuit selection. Once that process is complete, local governments will have a deadline of October 28 to determine whether to join the existing litigation. The City of Eugene, Oregon filed to have the case litigated in the Ninth Circuit Court of Appeals.

MIXED-USE AUTHORITY

The FCC passed a rule that prevents franchising authorities from imposing any type of regulation or fee on a cable operator that is unrelated to cable services, which includes services like broadband or telecommunications if carried out over cable. The main concern is that while cable providers may not see any revenue drops as consumers "cut the cord," the cable franchise fees will be applicable to an ever-smaller pool of money.

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AGRICULTURE

DEPARTMENT OF AGRICULTURE

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Supplemental Nutrition Assistance Program (SNAP)	\$73.5 billion	\$69.1 billion	\$71.1 billion		
The Emergency Food Assistance Program (TEFAP)	\$79.6 million	\$54 million	Not itemized.		
Child Nutrition Programs	\$23.14 billion	\$23.9 billion	\$23.956 billion		
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	\$6.1 billion	\$5.8 billion	\$6 billion		
Commodity Assistance Program	\$322 million	\$321 million	\$344 million		
Healthy Food Financing Initiative	\$2 million	Eliminated	\$10 million		

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Food and Drug Administration (FDA)	\$3.07 billion	\$3.3 billion	\$3.26 billion		
Ebola/Zika Funding	\$0	\$0	\$0		
Food Safety and Inspection Service (FSIS)	\$1.049 billion	\$1.05 billion	\$1.05 billion		

COMMERCE-JUSTICE-SCIENCE (CJS)

DEPARTMENT OF COMMERCE

	FY2019	President's FY2020	House FY2020 ¹	Senate FY2020	FY2020 FINAL
Economic Development Assistance Programs	\$265 million	Eliminated	\$540 million		
Public Works Program	\$117.5 million	Eliminated	\$250 million		
Economic Adjustment Assistance	\$37 million	Eliminated	\$97 million		
Regional Innovation Program	\$23.5 million	Eliminated	\$30 million		
National Institute of Standards and Technology	\$985.5 million	\$688 million	\$1.04 billion		
National Network for Manufacturing Innovation (NNMI)	\$15 million	\$15 million	\$15.1 million		
Hollings Manufacturing Extension Partnership (MEP)	\$140 million	Eliminated	\$154 million		

DEPARTMENT OF JUSTICE (DOJ)

¹ Within the Department of Commerce, the House Committee bars funding from being utilized to include a citizenship question on the 2020 Census: "None of the funds made available in this Act or any other Act may be used by the Department of Commerce to incorporate into the 2020 Decennial Census any question that was not included in the 2018 End-to-End Census Test in Providence County, Rhode Island."

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Department of Justice	\$30.9 billion	\$29.2 billion	32 billion		
State and Local Law Enforcement Grants	\$1.72 billion	\$1.48 billion	\$1.93 billion		
Byrne Memorial JAG <ul style="list-style-type: none"> • Body-worn Camera Acquisition • Bulletproof Vest Program • VALOR Initiative 	\$423.5 million <ul style="list-style-type: none"> • \$22.5 million • \$25 million • \$12 million 	\$405 million <ul style="list-style-type: none"> • \$22.5 million • \$22.5 million • \$15 million 	\$530.3 million <ul style="list-style-type: none"> • \$25 million • \$25 million • \$15 million 		
State Criminal Alien Assistance Program	\$243.5 million	Eliminated	\$260 million		
Victims of Trafficking	\$85 million	\$77 million	\$100 million		
Second Chance/Offender Reentry	\$87.5 million	\$85 million	\$106.5 million		
STOP School Violence Act	\$75 million	\$100 million	\$31.25 million		
Community Teams to Reduce the Sexual Assault Kit Backlog	\$48 million	\$47.5 million	\$49 million		
Cyber Crime Prevention	\$14 million	\$11 million	\$14 million		
Community Trust Initiative <ul style="list-style-type: none"> • Body Worn Camera Partnership Program • Justice Reinvestment Initiative • Byrne Criminal Justice Innovation program 	\$66.5 million <ul style="list-style-type: none"> • \$22.5 million • \$27 million • \$17 million 	Eliminated	\$80 million <ul style="list-style-type: none"> • \$25 million • \$35 million • \$20 million 		
Opioid Initiative (CARA Implementation) <ul style="list-style-type: none"> • Comprehensive Opioid Abuse Grants • Drug Court Program • Mental Health Collaborations • Veterans Treatment Courts • Residential Substance Abuse Treatment • Prescription Drug Monitoring 	\$347 million <ul style="list-style-type: none"> • \$157 million • \$77 million • \$31 million • \$22 million • \$30 million • \$30 million 	\$330 million <ul style="list-style-type: none"> • \$145 million • \$75 million • \$30 million • \$20 million • \$30 million • \$30 million 	\$375 million <ul style="list-style-type: none"> • \$159 million • \$83 million • \$35 million • \$25 million • \$33 million • \$30 million 		

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Violent Gang and Gun Crime Reduction/Project Safe Neighborhoods	\$20 million	\$100 million	Not itemized		
Community Oriented Policing Services (COPS)	\$303.5 million	Eliminated	\$323 million		
COPS Hiring <ul style="list-style-type: none"> • Tribal Resources Grant Program • Collaborative Reform • Community Policing Development • Regional Information Sharing Systems • Strategies for Policing Innovation (formerly Smart Policing) 	\$228.5 million <ul style="list-style-type: none"> • \$27 million • Not itemized • Not itemized • \$6.5 million • \$37 million 	\$99 million <ul style="list-style-type: none"> • Eliminated • Eliminated • \$8 million • \$10 million • Eliminated 	\$239 million <ul style="list-style-type: none"> • Not itemized • Not itemized • Not itemized • \$6.5 million • \$38 million 		
COPS Anti-Heroin Task Force grants	\$32 million	Eliminated	\$32 million		
COPS Anti-Methamphetamine Task Force grants	\$8 million	Eliminated	\$8 million		
Office of Violence Against Women Prevention and Prosecution Programs	\$497.5 million	\$492.5 million	\$582.5 million		
STOP Grants	\$215 million	\$215 million	\$222 million		
Transitional Housing Assistance	\$36 million	\$35.5 million	\$41 million		
Improving Criminal Justice Responses (Arrest Policies) <ul style="list-style-type: none"> • Homicide Reduction Initiative • Domestic Violence Firearms Lethality Reduction 	\$53 million <ul style="list-style-type: none"> • \$4 million • Not itemized 	\$53 million <ul style="list-style-type: none"> • \$4 million • Not itemized 	\$62 million <ul style="list-style-type: none"> • \$4 million • Not itemized 		
Grants to Reduce Violence on College Campuses	\$20 million	\$20 million	\$26 million		
Sexual Assault Services	\$37.5 million	\$35 million	\$50 million		
Juvenile Justice Programs	\$287 million	\$238.5 million	\$341.5 million		
Part B: Formula Grants	\$60 million	\$58 million	\$65 million		
Youth Mentoring	\$95 million	\$58 million	\$100 million		
Delinquency Prevention Program	\$34.5 million	\$17 million	\$49.5 million		

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
<ul style="list-style-type: none"> Children of Incarcerated Parents Youth Violence Prevention and Intervention Competitive Grant for Girls in the Justice System Community-Based Violence Prevention Initiatives 	<ul style="list-style-type: none"> \$500,000 \$2 million \$8 million Not itemized 	<ul style="list-style-type: none"> \$500,000 \$5 million \$2 million \$5 million Not itemized 	<ul style="list-style-type: none"> \$500,000 \$2 million \$8 million Not itemized 		
Assets Forfeiture Fund	\$20.5 million	\$20.5 million	\$20.5 million		

SCIENCE

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
National Science Foundation	\$8.1 billion	Not itemized	\$8.64 billion		

ENERGY & WATER

ARMY CORPS OF ENGINEERS

	FY2018	President's FY2019	House FY2019	Senate FY2019	FY2019 FINAL
Army Corps of Engineers	\$6.9 billion	\$4.8 billion	\$7.36 billion		
Investigations	\$125 million	\$82 billion	\$135 million		
Construction	\$2.2 billion	\$1.3 billion	\$2.34 billion		
Operations and Maintenance	\$3.74 billion	\$ 3 billion	\$3.92 billion		
Harbor Maintenance Trust Fund	\$1.54 billion	\$965 million	\$1.7 billion		
Inland Waterway Trust Fund O&M	\$110. 8 million	\$55.5 million	Not itemized ²		

² The bill makes full use of the estimated receipts for the Inland Waterways Trust Fund.

BUREAU OF RECLAMATION

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Water and Related Resources	\$1.54 billion	\$1.2 billion	\$1.63 billion ³		
Water Conservation and Delivery	\$244 million	Not itemized	Not itemized		
WaterSMART	\$34 million	\$10 million	\$60 million		
Title XVI Water Reclamation & Reuse Program	\$58.6 million	\$3 million	\$63.6 million ⁴		
Western Drought Response	\$4 million	\$2.9 million	Not itemized		

DEPARTMENT OF ENERGY

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Department of Energy	\$35.7 billion	\$31.3 billion	\$37.09 billion		
Energy Efficiency and Renewable Energy	\$2.4 billion	\$2.29 billion	\$2.65 billion		
Hydrogen and Fuel Cell Technologies	\$120 million	\$44 million	\$144 million		
Bioenergy Technologies	\$226 million	\$40 million	\$256 million		
Solar Energy	\$246.5 million	\$67 million	\$270 million		
Wind Energy	\$92 million	\$24 million	\$103.7 million		
Geothermal Technology	\$84 million	\$28 million	\$90 million		
Water Power	\$105 million	\$45 million	\$125 million		
Vehicle Technologies	\$344 million	\$73 million	\$370 million		
Building Technologies	\$226 million	\$57 million	\$248 million		
Advanced Manufacturing	\$320 million	\$81 million	\$360 million		

³ Additional Funding for Water and Related Resources Work.—The recommendation includes funds in addition to the budget request for Water and Related Resources studies, projects, and activities. Priority in allocating these funds should be given to advance and complete ongoing work, including preconstruction activities and where environmental compliance has been completed; improve water supply reliability; improve water deliveries; enhance national, regional, or local economic development; promote job growth; advance tribal and nontribal water settlement studies and activities; or address critical backlog maintenance and rehabilitation activities.

⁴ Of the funding provided for this program, \$10,000,000 shall be for water recycling and reuse projects as authorized in section 4009(c) of P.L. 114–322.

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Advanced Research Projects Agency-Energy (ARPA-E)	\$366 million	Eliminated	\$425 million		
Electricity Delivery and Energy Reliability	\$156 million	\$156 million	\$200 million		
Clean Energy Transmission and Reliability	Not specified	Eliminated	Not specified		
Resilient Distribution Systems (formerly Smart Grid Research and Development)	\$12 million	\$5 million	\$50 million		
Energy Storage	\$0	\$158 million	\$62 million		
Cybersecurity for Energy Delivery Systems	\$89.5 million	\$0	\$95 million		
Office of Science	\$6.6 billion	\$6.6 billion	\$6.87 billion		
Nuclear Energy	\$1.33 billion	\$1.35 billion	\$1.32 billion		
Fossil Energy Research and Development	\$740 million	\$740 million	\$740 million		
Advanced Technology Vehicles Manufacturing Loan Program	\$5 million	Eliminated	\$5 million		
Weatherization and Intergovernmental Activities	\$312 million	Eliminated	\$290 million		

HOMELAND SECURITY (DHS)⁵

TRANSPORTATION SECURITY ADMINISTRATION (TSA)

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
TSA	\$8.1 billion	\$7.8 billion	\$7.9 billion		
Law Enforcement Officer Reimbursement Program	\$46.3 million	Eliminated	\$45 million		

⁵ The President again proposes to make changes to 8 USC 1373, which covers state and local jurisdiction communications with federal immigration officials, to withhold DOJ and DHS funding from "sanctuary cities."

U.S. CUSTOMS AND BORDER PROTECTION (CBP)

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
CBP	\$12.2 billion	\$12.5 billion	\$13.9 billion		

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
ICE	\$7.5 billion	\$8.7 billion	\$8 billion		

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Disaster Relief	\$12.5 billion	\$19.9 billion	\$ 14.5 billion		
Urban Search and Rescue Response	\$45.3 million	Not itemized	Not itemized		
State and Local Programs					
State Homeland Security Grant Program	\$525 million	\$332 million	\$625 million		
Urban Area Security Initiative (UASI)	\$640 million	\$426.5 million	\$700 million		
Public Transportation Security Assistance	\$100 million	\$36.4 million	\$110 million		
Port Security Grants	\$100 million	\$36.4 million	\$110 million		
Regional Catastrophic Preparedness Grants	\$10 million	Eliminated	Not itemized		
High Risk Dam Safety	\$10 million	Eliminated	Not itemized		
Firefighter Assistance Grants					
Assistance to Firefighters Grants	\$350 million	\$344 million	\$375 million		
SAFER Grants	\$350 million	\$344 million	\$375 million		
Emergency Management Performance Grants	\$350 million	\$279.3 million	\$375 million		
Flood Mapping and Risk Analysis	\$263 million	\$100 million	\$263 million		

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
National Predisaster Mitigation Fund	\$250 million ⁶	Eliminated	Eliminated		
Emergency Food and Shelter	\$120 million	Eliminated	\$130 million		

INTERIOR-ENVIRONMENT

DEPARTMENT OF THE INTERIOR

	FY2019	President's FY2020	House FY2020 ⁷	Senate FY2020	FY2020 FINAL
National Park Service	\$3.2 billion	\$2.7 billion	\$3.39 billion		
Historic Preservation Fund	\$102.7 million	\$32.7 million	\$122 million		
Save America's Treasures	\$13 million	Eliminated	\$16 million		
Land and Water Conservation Fund	\$435 million	\$0	\$523.9 million		
Payment in Lieu of Taxes (PILT)	\$500 million	\$465 million	Not itemized		
Wildland Fire Management	\$941.2 million	\$194 million	\$5.21 billion		

ENVIRONMENTAL PROTECTION AGENCY

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Environmental Protection Agency	\$8.06 billion	\$6.1 billion	\$9.52 billion		
Clean Water State Revolving Fund	\$1.7 billion	\$1.12 billion	\$1.8 billion		
Drinking Water State Revolving Fund	\$1.2 billion	\$863 billion	\$1.3 billion		
WIFIA	\$68 million	\$25 million	\$50 million		
Brownfields Project	\$87 million	\$62 million	\$105 million		

⁶ Section 1234 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115–254) changed the National Predisaster Mitigation Fund from a specific line item to a set-aside from the Disaster Relief Fund.

⁷ Within the Department of Interior/Bureau of Ocean Energy Management/Ocean Energy Management, the House Committee "limits funding for the Bureau's pre-leasing and leasing activities concerning Outer Continental Shelf (OCS) lease sales to only those sales contained in the current and officially approved 2017-2022 OCS plan" (and not the proposed new 2019-2024 plan).

U.S.-Mexico Border Water Infrastructure Grant Program	\$10 million	Eliminated	\$30 million		
Reducing Lead in Drinking Water	\$15 million	Eliminated	\$20 million		
Lead Testing	\$25 million	Eliminated	\$25 million		

NEA/NEH

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
National Endowment of the Arts	\$155 million	Eliminated	\$167.5 million		
National Endowment of Humanities	\$155 million	Eliminated	\$167.5 million		

LABOR-HHS-EDUCATION

DEPARTMENT OF LABOR

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Department of Labor	\$12.1 billion	10.9 billion	\$13.3 billion		
Employment and Training Services	\$9.9 billion	\$3.2 billion	\$10.6 billion		
<ul style="list-style-type: none"> Adult Employment and Training Youth Activities Dislocated Workers Native American Programs Migrant and Seasonal Farmworker Programs Youthbuild 	\$845.6 million \$903.4 million \$1.04 billion \$54.5 million \$88.9 million \$89.5 million	\$845.6 million \$903.4 million \$1.18 billion Eliminated Eliminated \$84.5 million	\$900 million \$964 million \$1.1 billion \$55 million \$99 million \$128 million		
Veterans Employment and Training	\$300 million	\$306 million	\$316 million		
<ul style="list-style-type: none"> Transition Assistance Program Homeless Veterans Reintegration Program 	\$23.4 million \$50 million	\$29.4 million \$50 million	\$29 million \$60 million		
Job Corps	\$1.7 billion	\$1 billion	\$1.9 billion		

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Reintegration of Ex-Offenders (RExO)	\$93.1 million		\$100 million		

DEPARTMENT OF HEALTH AND HUMAN SERVICES

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Department of Health and Human Services	\$90.5 billion ⁸	\$87.1 billion	\$99 billion		
Agency for Healthcare Research and Quality (AHRQ)	\$338 million	Eliminated (engrossed in NIRSQ)	\$358 million		
Health Services, Research, Data, and Dissemination	Not itemized	\$56 million (in new NIRSQ)	Not itemized		
U.S. Preventative Services Task Force	Not itemized	Not itemized	Not itemized		
Centers for Disease Control and Prevention (CDC)	\$7.95 billion ⁹	\$5.3 billion	\$8.3 billion		
Injury Prevention and Control	\$648.5 million	\$629 million	\$698 million		
Public Health Preparedness and Response	\$1.46 billion	\$825 million	\$880 million		
National Center for Emerging and Zoonotic Infectious Diseases	\$620 million	\$509 million	\$593 million		
Chronic Disease and Health Promotion					
Prevention and Public Health Fund	\$1.19 billion	\$804.5 million	\$1.1 billion		
Firearm Injury and Mortality Prevention	N/a	N/a	\$25 million		
Research			(new)		

⁸ The conference report directs the Secretary of HHS to submit a family reunification plan to Congress for children separated from a parent or legal guardian at the southern border and provides \$4 million for trauma counseling services for separated children.

⁹ The agreement provides \$50 million for a new Infectious Diseases Rapid Response Reserve Fund to help CDC respond to an infectious disease emergency, either at home or abroad. The fund will allow the agency to deploy quickly in case of a public health emergency, such as Zika.

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Centers for Medicare and Medicaid Services (CMS)¹⁰	\$3.66 billion ¹¹	\$3.6 billion	\$4 billion		
Healthcare Fraud and Abuse Control	\$765 million	\$792 million	\$786 million		
Healthcare Insurance Marketplace	Not itemized	Not itemized	Not itemized		
Children's Health Insurance Program (CHIP) ¹²	Not itemized	Not itemized	Not itemized		
Food and Drug Administration (FDA)					
Health Resources and Services Administration (HRSA)	\$7.16 billion	\$10.7 billion	\$7.6 billion		
Community Health Centers Program	\$1.51 billion	\$1.6 billion	\$1.7 billion		
Health Workforce	\$1.1 billion	\$760 million	\$1.2 billion		
Office of Pharmacy Affairs (340B Drug Discount Program)	\$10.2 million	\$10 million (discretionary); \$19 million (user fee)	Not itemized		
Children's Hospitals Graduate Medical Education	\$325 million	Eliminated	Not itemized		
Ryan White HIV/AIDS Program	\$2.3 billion	\$2.39 billion	\$2.4 billion		
Rural Hospital Flexibility Grant	\$53.6 million	Eliminated	\$59 million		
National Institutes of Health (NIH)	\$39.1 billion	\$34.4 billion	\$41 billion		
National Center for Advancing Translational Sciences	\$806.4 million	\$694 million	\$846 million		
National Cancer Institute	\$6.14 billion	\$5.25 billion	\$6.25 billion		
National Institute of Allergy and Infectious Disease	\$5.5 billion	\$4.76 billion	\$5.81 billion		
National Institute on Drug Abuse	\$1.42 billion	\$1.3 billion	\$1.5 billion		

¹⁰ CMS program management, which includes funding for research, program operations, survey and certification programs, and Federal administration

¹¹ Does not include language restricting HHS' authority to administer or enforce the *Affordable Care Act*

¹² *Bipartisan Budget Act of 2018* (H.R. 1892) funds CHIP through FY 2027

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Office of the Secretary, Office of the National Coordinator for Health Information Technology (ONC)	\$60.3 million	\$43 million	\$60.4 million		
Office of the Secretary, Protection Against Cyber Threats	Not itemized	Not itemized	Not itemized		
Public Health and Social Services Emergency Fund	\$2.63 billion	\$2.67 billion	\$2.7 billion		
Substance Abuse and Mental Health Services Administration (SAMHSA)	\$5.74 billion	\$4 billion	\$5.9 billion		
State Targeted Response to the Opioid Crisis Grants	\$1.5 billion	\$1.5 billion	\$1.5 billion		
Substance Abuse Block Grant	\$1.77 billion	\$1.77 billion			
Administration for Children and Families (ACF)	\$38.4 billion	\$18.3 billion	\$27.9 billion		
Low-Income Heating and Energy Assistance Program	\$3.7 billion	Eliminated	\$3.8 billion		
Unaccompanied Alien Children (UAC)	\$1.3 billion ¹³	\$1.3 billion	X		
Community Services Block Grant	\$754 million	Eliminated	\$760 million		
Social Services Block Grant	\$1.7 billion	\$1.7 billion	\$1.7 billion		

DEPARTMENT OF EDUCATION

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Early Learning					

¹³ Prohibits HHS from indefinitely holding migrant children in unlicensed family detention centers

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Head Start	\$10.1 billion		\$11.56 billion		
Preschool Development Grants	\$250 million		X		
Elementary and Secondary Education					
Title I Grants to Local Educational Agencies (LEA's)	Not itemized	\$15.9 billion	\$16.9 billion		
• State Assessments	\$378 million	\$369 million	X		
Supporting Effective Instruction State Grant program (Title II, Part A)	\$2.06 billion	\$0, proposed eliminated	\$2.6 billion		
Supporting Effective Educator Development	\$75 million		\$25 million		
Education Innovation and Research Program	\$130 million	\$300 million	\$170 million		
Promise Neighborhoods	\$78.25 million	\$0, proposed eliminated	X		
English Language Acquisition	\$737.4 million	\$737.4 million	\$980 million		
Individuals with Disabilities Education Act (IDEA) Grants to States	\$12.4 billion	\$13.2 billion	\$14.5 billion		
Impact Aid	\$1.4 billion	Eliminated	\$1.5 billion		
Student Support and Academic Enrichment Grants	\$1.17 billion	Eliminated	\$1.3 billion		
Office of Academic Improvement					
Innovative Approaches to Literacy	\$27 million	Eliminated	X		
Teachers and School Leaders					
Teacher and School Leader Incentive Program	\$200 million	\$200 million	X		
School Leader Recruitment and Support	itemized		X		
Higher Education Funding					
Student Financial Assistance	\$24.4 billion		\$24.9 billion		
• Pell Grant	\$22.5 billion	\$22.5 billion			

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
<ul style="list-style-type: none"> Federal Supplemental Educational Opportunity Grant Federal Work Study Federal Perkins Loans 	\$840 million	\$0, Proposed elimination	\$1 billion		
	\$1.13 billion	\$500 million	\$1.4 billion		
Career and Technical Education (CTE)	\$1.9 billion	\$1.3 billion	\$1.9 billion		
TRIO Programs	\$1.06 billion	\$950 million	\$1.1 billion		
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	\$360 million	Combined with GEAR UP	\$395 million		
Strengthening Institutions	\$99.9 million	Eliminated	X		
Strengthening Alaska Native and Native Hawaiian-Serving Institutions	\$15.9 million	\$9.3 million	X		
Strengthening Historically Black Colleges and Universities (HBCUs)	\$282.4 million	\$282.4 million	\$375 million		
Aid for Hispanic-Serving Institutions (HSIs)	\$124.4 million	\$72.1 million	\$150 million		
Historically Black Colleges and Universities (HBCUs) Capital Financing Program	\$40.5 million		\$20.2 million		
Other Items of Interest, Consolidations, and Transferals					
Office of Civil Rights	\$125 million		\$130 million		

CORPORATION FOR NATIONAL AND COMMUNITY SERVICES

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Corporation for National and Community Services	\$1.08 billion	\$93.67 million	\$1.14 billion		
AmeriCorps State and National Grants	\$425 million	-	\$450 million		
Volunteers in Service to America (VISTA)	\$92.4 million	-	\$95 million		
National Senior Volunteer Corps	\$208 million	-	\$221.5 million		

INSTITUTE FOR MUSEUM AND LIBRARY SERVICES

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Institute of Museum and Library Services	\$242 million	\$23 million	\$257 million		

TRANSPORTATION-HOUSING

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Department of Housing	\$44.2 billion	\$44.1 billion	\$50.1 billion ¹⁴		
Community Development Block Grant	\$3.3 billion	Eliminated	\$3.6 billion		
Veterans Affairs Supportive Housing (VASH)	\$40 million ¹⁵	Not itemized	\$40 million		
HOME Investment Program	\$1.3 billion	Eliminated	\$1.75 billion		
Homeless Assistance Grants	\$2.6 billion	\$2.6 billion	\$2.8 billion		
• Continuum of Care	\$2.2 billion	\$2.3 billion	\$2.3 billion		
• Emergency Solutions Grants (ESG)	\$280 million	\$270 million	\$290 million		
• Youth Homeless	\$80 million ¹⁶	Not itemized	\$100 million		
Housing Opportunity for Persons with AIDS	\$393 million	\$330 million	\$410 million		
Housing for the Elderly (Section 202)	\$678 million	\$644 million	\$803 million		
Housing for Persons with Disabilities (Section 811)	\$184 million	\$157 million	\$259 million		

¹⁴ Blocks the administration's public housing rule change on undocumented immigrants in affordable housing, which would threaten the housing tenure of 55,000 children who are citizens or legal residents.

Requires all HUD grantees to develop a resiliency plan as part of the consolidated planning process.

¹⁵ Committee recommendation includes \$4 million for Native American veteran populations

¹⁶ Funding for projects in up to 25 communities, including at least eight communities with substantial rural populations

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Public Housing Operating Fund	\$4.65 billion	\$2.9 billion	\$4.8 billion		
Public Housing Capital Fund	\$2.78 billion	Eliminated	\$2.9 billion		
Choice Neighborhoods	\$150 million	Eliminated	\$300 million		
Project Based Rental Assistance (PBRA)	\$11.75 billion	\$12 billion	\$12.6 billion		
Office of Lead Hazard Control and Healthy Homes	\$279 million	\$240 million	\$290 million		
Housing Counseling Assistance	\$50 million	\$45 million	\$60 million		
Tenant Based Rental Assistance	\$22.6 billion ¹⁷	\$22.2 billion	\$23.81 billion		
• Voucher Renewals	\$20.3 billion	Not itemized	\$21.4 billion		
• Tenant Protection	\$85 million	Not itemized	\$150 million		
U.S. Interagency Council on Homelessness	\$3.6 million ¹⁸	Eliminated	\$4.1 million		
Supportive Services for Veteran Families (SSVF) (Department of Veteran Affairs program)	\$380 million		Not itemized.		

DEPARTMENT OF TRANSPORTATION (DOT)

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Department of Transportation	\$86.4 billion	\$82.9 billion	\$86.6 billion		
Office of the Secretary	\$1.24 billion	\$2.491 billion	\$1.518 billion		
Salaries & Expenses	\$113.9 million	\$118.0 million	\$113.9 million		
Research and Technology	\$8.47 million	\$22 million	\$42.9 million		

¹⁷ Includes \$25 million to implement a family mobility demonstration designed to empower families to successfully move to, and remain in, lower-poverty areas, and up to \$5 million for incremental housing vouchers for families and children who participate in the program

¹⁸ Agreement extends authorization for USICH until October 1, 2028

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
National Infrastructure Investments (BUILD Grants – formerly TIGER grants)	\$900 million	\$1 billion	\$1 billion		
National Surface Transportation & Innovative Finance Bureau (new program)	\$5 million	\$4.0 million	\$5 million		
Financial Management Capital Program	\$2 million	\$2.0 million	\$2 million		
Cyber Security Initiatives	\$15 million	\$15 million	\$15 million		
Office of Civil Rights	\$9.47 million	\$9.0 million	\$9.47 million		
Transportation Planning, Research, & Development	\$7.88 million	\$8.0 million	\$15.87 million		
Working Capital Fund	\$319.8 million	\$724 million	\$424.9 million		
Minority Business Resource Center Program	\$500,000	Eliminated	Reclassified under the Small and Disadvantaged Business Program		
Office of Small and Disadvantaged Business Utilization & Outreach	\$3.49 million	\$3.0 million	\$4.6 million		
Federal Aviation Administration	\$17.45 billion		\$17.718 billion		
Essential Air Service	\$175 million	\$125 million	\$175 million		
Grants-in-Aid for Airports	\$3.5 billion ¹⁹	\$3.35 billion	\$3 billion ²⁰		
Facilities and Equipment	\$3 billion	\$3.3 billion	\$3 billion		
• NextGen	\$913.3 million	\$1.22 billion			
Operations	\$10.4 billion	\$10.34 billion	\$10.67 billion		
• NextGen	\$112.5 million	\$122.7 million	\$61.25 million		
Research, Engineering, and Development	\$191 million	\$120 million	\$191 million		
• NextGen					
Total NextGen Programs (from above)	\$1.10 billion	\$1.374 billion	\$61.25 million		
Contract Tower Program	\$168 million	Not Itemized	\$169 million		

¹⁹ Includes \$500 million from the General Fund.

²⁰ Includes \$500 million from the General Fund.

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Remote Towers	-	Not Itemized	-		
Federal Highway Administration	\$49.25 billion	\$47.4 billion	\$48.85 billion ²¹		
Federal Transit Administration	\$13.4 billion	\$12.4 billion	\$13.474 billion		
Administrative Expenses	\$113 million	\$110.6 million	\$117 million		
Formula Grants	\$10.6 billion	\$10.15 billion	\$10.8 billion ²²		
Technical Assistance and Training	\$5 million	Eliminated	\$5 million		
Capital Investment Grants (New Starts/Small Starts)	\$2.55 billion	\$1.5 billion	\$2.3 billion		
Washington Metropolitan Area Transit Authority (WMATA)	\$150 million	\$150 million	\$150 million		
Federal Motor Carrier Safety Administration	\$666.8 million	\$675.8 million	\$676.8 million		
Motor Carrier Safety Operations & Programs	\$284 million	\$228.0 million	\$288 million		
Motor Carrier Safety Grants	\$382.8 million	\$387.7 million	\$388.8 million		
National Highway Traffic Safety Administration	\$966.3 million	\$929.3 million	\$1.009 billion		
Operations and Research	\$342.1 million	\$306.3 million	\$369.3 million		
Highway Traffic Safety Grants	\$610 million	\$623 million	\$623 million		
Federal Railroad Administration	\$2.89 billion	\$1.998 billion	\$2.969 billion		
Amtrak	\$1.94 billion	\$936 million	\$1.99 billion		
Safety and Operations	\$221.6 million	\$213.1 million	\$226.69 million		
Research and Development	\$40.6 million	\$19 million	\$41.6 million		
Consolidated Rail Infrastructure & Safety Improvements Grants	\$255 million	\$330 million	\$350 million		

²¹ Includes \$1.75 billion from the General Fund.

²² Includes \$750 million from the General Fund.

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Federal-State Partnership for State of Good Repair Grants	\$400 million	\$500 million	\$350 million		
Restoration and Enhancement Grants	\$5 million	\$550 million	\$0		
Railroad Rehabilitation and Improvement Financing (RRIF)	\$0	\$0	\$0		
Maritime Administration	\$1.1 billion	\$682.5 million	\$1.052 billion		
Maritime Security Program	\$300 million	\$300 million	\$300 million		
Operations & Training	\$149.4 million	\$377.5 million	\$154.4 million		
Assistance to Small Shipyards	\$20 million	Eliminated	\$20 million		
Ship Disposal	\$5 million	\$5 million	\$5 million		
Maritime Guaranteed Loan Program	\$3 million	Eliminated	\$3 million		
Pipeline and Hazardous Materials Safety Administration	\$275 million	\$254.5 million	\$281.0 million		
Operational Expenses (Pipeline Safety Fund)	\$23.7 million	\$24.2 million	\$23.7 million		
Hazardous Materials Safety	\$58 million	\$53.0 million	\$61 million		
Pipeline Safety	\$165 million	\$149 million	\$168 million		
Emergency Preparedness Grants	\$28.3 million	\$28.3 million	\$28.3 million		

FINANCIAL SERVICES

DEPARTMENT OF THE TREASURY (TREASURY)

Department of the Treasury	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Departmental Expenses	\$214.6 million	\$12.7 billion			
Office of Terrorism and Financial Intelligence	\$159 million	\$167 million			
Treasury Inspector General for Tax Administration	\$170 million				

Financial Crimes Enforcement Network (FinCEN)	\$117.8 million	\$125 million			
Community Development Financial Institutions Fund Program Account	\$250 million	Eliminated			

INTERNAL REVENUE SERVICE (IRS)

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Internal Revenue Service	\$11.3 billion	\$11.5 billion			
Taxpayer Services	\$2.5 billion				

SECURITIES AND EXCHANGE COMMISSION (SEC)

	FY2019	President's FY2020	House FY2020	Senate FY2020	FY2020 FINAL
Securities and Exchange Commission	\$1.7 billion	Eliminated			

COMMODITY FUTURES TRADING COMMISSION (CFTC)

	FY2018	President's FY2019	House FY2019	Senate FY2019	FY2019 FINAL
COMMODITY FUTURES TRADING COMMISSION	\$268 million				

LOBBYING SERVICES AGREEMENT

THIS LOBBYING SERVICES AGREEMENT dated this 1st day of October, 2016, is by and between Leon County, Florida, a political subdivision of the State of Florida (hereinafter the "County") and Capitol Alliance Group, Inc. (hereinafter the "Contractor"), collectively, the "Parties".

RECITALS

WHEREAS, the County is in need of professional lobbying services; and

WHEREAS, the County has determined that it would be better to contract for these services than to hire the necessary personnel to satisfy the needs of the County in this regard.

NOW, THEREFORE, for and in consideration of the forging recitals, the sum of ten dollars (\$10.00) each to the other paid, the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which being acknowledged, the Parties do hereby covenant and agree as follows:

1. EFFECTIVE DATE; TERM; RENEWAL

- a. This Agreement shall be effective commencing October 1, 2016 and shall continue until September 30, 2019, hereinafter "Initial Term".
- b. After the Initial Term, this Agreement may be extended for two (2) additional one (1) year Term(s) upon the same terms and conditions as herein set forth, at the sole option of the County.

2. SCOPE OF SERVICES

The Contractor hereby agrees to assist the Board of County Commissioners in enhancing the County's state legislative program as approved by the Board each year and provide the services as delineated in Attachment #1, attached hereto and incorporated herein.

3. WORK

Any work to be performed under this Agreement shall be upon the request of the County Administrator or his representative, which request shall set forth the commencing date of such work and the time within which such work shall be completed. The Contractor shall perform lobbying services to the best of its ability, dealing honestly and fairly, accounting for all funds, and using necessary skill, care and diligence in any transaction related thereto. No amount of work is provided for or guaranteed to the Contractor under this Agreement.

4. CONTRACT SUM

The Contractor agrees that for the performance of the Services as outlined above, it shall be remunerated by the County, in an amount not to exceed \$70,000.00 annually, to be paid in twelve (12) monthly installment payments of \$5,833.33.

5. PAYMENTS AND PAYMENT DISPUTE RESOLUTION

Payment shall be made and payment disputes resolved in accordance with section 14, Leon County Policy 96-1, as amended. The performance of the County of any of its obligations under this Agreement shall be subject to and contingent upon the availability of funds lawfully expendable for the purposes of this Agreement for the Initial Term and any future Term(s).

6. TERMINATION

The County may terminate this Agreement without cause, by giving the Contractor not less than thirty (30) days prior written notice of its intent to terminate. Either Party may terminate this Agreement for cause by giving the other Party hereto not less than thirty (30) days prior written notice of its intent to terminate. The County shall not be required to give Contractor such thirty (30) days written notice if, in the opinion of the County, the Contractor is unable to perform its obligations hereunder, or if in the opinion of the County, the services being provided are not satisfactory. In such case, the County may immediately terminate the Agreement by providing a notice of termination to the Contractor.

Termination of this Agreement for any reason under this Section will not affect (i) any liabilities or obligations of either Party arising before such termination or as a result of the events causing such termination, or (ii) any damages or other remedies to which a Party may be entitled to under this Agreement, at law or in equity, arising out of a breach of this Agreement.

7. INDEMNIFICATION

The Contractor agrees to indemnify, defend and hold harmless the County, its officials, officers, employees and agents, from and against any and all claims, damages, liabilities, losses, costs, or suits, of any nature whatsoever arising out of, because of, or due to any acts or omissions of the Contractor, its delegates, employees and agents, arising out of or under this Agreement, including reasonable attorney's fees and costs. The County may, at its sole option, defend itself or require the Contractor to provide the defense. The Contractor acknowledges that ten dollars (\$10.00) of the amount paid to the Contractor is sufficient consideration of the Contractor's indemnification of the County.

8. AUDITS, RECORDS, AND RECORDS RETENTION

The Contractor agrees:

- a. To establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices which sufficiently and properly reflect all revenues and expenditures of funds reflected herein.
- b. To retain all client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this Agreement for a period of five (5) years after termination of the Agreement, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records

shall be retained until resolution of the audit findings or any litigation which may be based on the terms of this Agreement.

- c. Upon completion or termination of the Agreement and at the request of the County, the Contractor will cooperate with the County to facilitate the duplication and transfer of any said records or documents during the required retention period as specified in paragraph b above. The County may reproduce any written materials generated as a result of the Contractor's work.
- d. To assure that all records required to be maintained by the Contractor hereby shall be subject at all reasonable times to inspection, review, or audit by County, Federal, state, or other personnel duly authorized by the County.
- e. To permit persons duly authorized by the County and Federal auditors, pursuant to 45 CFR, Part 92.36(I)(10), to have full access to and the right to examine any of the Contractor's records and documents related to this Agreement, regardless of the form in which kept, at all reasonable times for as long as those records are retained.
- f. To include these aforementioned audit and record keeping requirements in all approved subcontracts and assignments.
- g. Comply with public records access requirements set forth in section 119.0701(2), Florida Statutes, including the obligation to:
 - 1. Keep and maintain public records required by the County to perform the Services required under this Agreement.
 - 2. Upon request from the County's custodian of public records, provide the County with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
 - 3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Term of this Agreement and following termination of the Agreement if the Contractor does not transfer the records to the County.
 - 4. Upon termination of the Agreement, transfer, at no cost, to the County all public records in possession of the Contractor or keep and maintain public records required by the County to perform the Services required hereunder. If the Contractor transfers all public records to the County upon termination of the Agreement, the Contractor shall destroy any duplicate public records that are

exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon termination of the Agreement, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the County, upon request from the County's custodian of public records, in a format that is compatible with the information technology systems of the County.

5. IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 850-606-5383, Andy Johnson, Assistant to the County Administrator for Legislative and Strategic Initiatives, johnsonan@leoncountyfl.gov, 301 S. Monroe St., 5th Floor, Tallahassee, FL 32301.

9. NOTICE

- a. Upon execution of the Agreement, the Contractor shall provide in writing, the name of the Contractor's staff member who will be responsible for the submission of all Contractor's records, reports, invoices or documents to the County necessary for the administration of this Agreement.
- b. All invoices must be submitted electronically to Andy Johnson, MPA/MSP, Assistant to the County Administrator for Legislative and Strategic Initiatives, johnsonan@leoncountyfl.gov. All other related correspondence, documents, records or reports shall be submitted to:

Name: Andy Johnson
Address 301 S. Monroe Street
5th Floor
Tallahassee, FL 32301

if not otherwise provided electronically.

- c. All notices required hereunder shall be in writing sent by United States certified mail, postage prepaid, return receipt requested, overnight courier or by hand delivery. All notices required under this Agreement shall be given to the Parties at the addresses below or at such other place as the Parties may designate in writing.

Notice to Contractor: Name: Dr. Jeffrey Sharkey
 Address: The Capitol Alliance Group
 106 E. College Ave., Ste. 640
 Tallahassee, FL 32301

Notice to the County: Name: Andy Johnson
 Address: 301 S. Monroe Street
 5th Floor
 Tallahassee, FL 32301

10. CONTRACT MANAGEMENT:

- a. The Assistant to the County Administrator for Legislative and Strategic Initiatives, shall be and is hereby authorized as the representative of the County, responsible for the day to day operational management of the provisions of the Agreement, including all matters related to the payment for lobbying services rendered by the Contractor hereunder, unless or until a written notice is provided to the Contractor stating otherwise.
- b. No officer, employee, agent or representative of the Contractor shall communicate, in any form or manner, with any County Commissioner or Commissioner's staff, regarding any particular matter related to the Parties performance under this Agreement.

For the purpose of this section, a Contractor's representative shall include, but not be limited to, the Contractor, if an individual or its employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the Contractor.

The provisions of this section shall not apply to oral communications or written materials presented at any public proceeding, including any public meetings of the Board of County Commissioners.

11. INSURANCE

The Contractor shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees, or subcontractors. The cost of such insurance shall be the sole responsibility of the Contractor.

12. MINORITY BUSINESS ENTERPRISE (M/WBE) PARTICIPATION

The Contractor shall meet or exceed the M/WBE participation levels stated in the M/WBE Participation Statement attached hereto as Attachment #2 and incorporated herein, except when the County Good Faith Committee approves an exception.

Any "Good Faith Statement" provided by a Contractor shall follow the requirements of the Florida Statutes, and must demonstrate through documentation that every reasonable effort has been made to achieve the requested percentage.

For those M/WBE firms listed in their bid, Contractors shall be responsible for securing proof of their M/WBE certification and providing copies to the County M/WBE Office.

Also required is a monthly reporting system of the work done by and payments made to certified minority business enterprises as a part of this project. The reports shall detail each invoice submitted to the County and a break down of payments to all subcontractors therein by M/WBE classification.

13. MISCELLANEOUS PROVISIONS

a. Status

The Contractor at all times relevant to this Agreement shall be an independent contractor and in no event shall the Contractor nor any employees or subcontractors under it be considered to be employees of the County.

b. Conflicting Employment

For the duration of this Agreement, the Contractor shall not enter into any other agreements that would ethically conflict with its obligations under this Agreement.

c. Licenses

The Contractor shall be responsible for obtaining and maintaining its city occupational license and any licenses required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida. Should the Contractor, by reason of revocation, failure to renew, or any other reason, fail to maintain its license to operate, the Contractor shall be in default of this Agreement as of the date such license is lost.

d. Assignments

This Agreement shall not be assigned as a whole or in part without the prior written consent of the County nor shall the Contractor assign any monies due or to become due to him hereunder without the prior written consent of the County.

e. Monitoring

The Contractor shall permit persons duly authorized by the County to inspect any records, papers, documents, facilities, goods, and services of the Contractor which are relevant to this Agreement, and interview any clients and employees of the Contractor to assure the County of the Contractor's satisfactory performance of the terms and conditions of this Agreement.

f. Public Entity Crimes Statement

In accordance with section 287.133, Florida Statutes, Contractor hereby certifies that to the best of his knowledge and belief neither Contractor nor its affiliates have been convicted of a public entity crime. Contractor and his affiliates shall provide the County with a completed public entity crime statement form no later than January 15 of each year this Agreement is in effect. Violation of this section by the Contractor shall be cause for termination of this Agreement by the County.

g. Unauthorized Alien(s) And E-Verify

The Contractor agrees that unauthorized aliens shall not be employed nor utilized in the performance of the requirements of this Agreement. The County shall consider the employment or utilization of unauthorized aliens a violation of Section 274A(e) of the Immigration and Naturalization Act (8 U.S.C. 1324a). Such violation shall be cause for termination of this Agreement by the County.

1. Contractor agrees that it will enroll and participate in the federal E-Verify Program for Employment Verification. Contractor further agrees to provide to the County, within thirty days of the effective date of this contract/amendment/extension, documentation of such enrollment in the form of a copy of the E-Verify “‘Edit Company Profile’ screen”, which contains proof of enrollment in the E-Verify Program (this page can be accessed from the “Edit Company Profile” link on the left navigation menu of the E-Verify employer’s homepage).
2. Contractor further agrees that it will require each subcontractor that performs work under this contract to enroll and participate in the E-Verify Program within sixty days of the effective date of this contract/amendment/extension or within sixty days of the effective date of the contract between the Contractor and the subcontractor, whichever is later. The Contractor shall obtain from the subcontractor(s) a copy of the “Edit Company Profile” screen indicating enrollment in the E-Verify Program and make such record(s) available to the County upon request.
3. Contractor will utilize the U.S. Department of Homeland Security’s E-Verify system to verify the employment eligibility of: (a) all persons employed during the term of the Agreement by Contractor to perform employment duties within Florida; and (b) all persons (including subcontractors) assigned by Contractor to perform work pursuant to the Agreement.
 - a. Contractor must use E-Verify to initiate verification of employment eligibility for all persons employed during the term of the Agreement by Contractor to perform

employment duties within Florida within 3 business days after the date of hire.

- b. Contractor must initiate verification of each person (including subcontractors) assigned by Contractor to perform work pursuant to the Agreement within 60 calendar days after the date of execution of this contract or within 30 days after assignment to perform work pursuant to the Agreement, whichever is later.
- 4. Contractor further agrees to maintain records of its participation and compliance with the provisions of the E-Verify program, including participation by its subcontractors as provided above, and to make such records available to the County or any other authorized state agency consistent herewith.
- 5. Compliance with the terms of this Employment Eligibility Verification provision is made an express condition of this Agreement and the County may treat a failure to comply as a material breach of this Agreement.
- h. Non-Waiver

Failure by the County to enforce or insist upon compliance with any of the terms or conditions of this Agreement or failure to give notice or declare this Agreement terminated shall not constitute a general waiver or relinquishment of the same, or of any other terms, conditions or acts but the same shall be and remain at all times, in full force and effect.
- i. Modifications

This Agreement constitutes the entire understanding of the Parties. Any modifications to this Agreement must be in writing.
- j. Venue

Venue for all actions arising out of this Agreement shall lie in Leon County, Florida.
- k. Construction

The validity, construction, and effect of this Agreement shall be governed by the laws of the State of Florida.
- l. Compliance With Anti-Discrimination Legislation

In providing, or contracting to provide services, programs or activities, maintaining facilities, and otherwise performing obligations under this

Agreement, the Contractor shall comply with the Americans with Disabilities Act, the Civil Rights Act of 1964, as amended, the Florida Civil Rights Act of 1992, and any other federal or state law or County ordinance that prohibits discrimination on the basis of race, color, national origin, religion, sex, age, marital status, disability, sexual orientation or gender identity.

m. Headings In This Agreement

The headings in this Agreement are for convenience only, confirm no rights or obligations in either Party, and do not alter any terms of this Agreement.

n. Severability

If any term of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this Agreement, including all of the remaining terms, shall remain in full force and effect as if such invalid or unenforceable term had never been included.

o. Force Majeure

If either Party is prevented from or delayed from performing any obligations under this Agreement (except payment or financial obligations) by circumstances beyond its control, including but not limited to fires, hurricanes, severe weather, floods, pandemics, quarantines, war, civil disturbances, acts of terrorism, acts of God, or significant threats of such circumstances, or any future laws, rules, regulations, orders, or acts of any local, state, or federal government ("Force Majeure"), then the affected party shall be excused from performance hereunder during the period of disability. The party claiming Force Majeure shall promptly notify the other party in writing when upon learning of the existence of a Force Majeure condition, and when the Force Majeure condition has terminated. Notwithstanding anything in this Agreement to the contrary, the term "Force Majeure" does not include or excuse performance under this Agreement for events relating to increased costs associated with fuel, labor, labor disputes, insurance, or other expenses of performing the obligations hereunder.

p. Survival of Obligations

Cancellation, expiration, or earlier termination of this Agreement shall not relieve the Parties of obligations that by their nature should survive such cancellation, expiration, or termination.

q. Counterparts

This Agreement may be executed in any number of counterparts, and each executed counterpart shall have the same force and effect as an original instrument.

r. Sovereign Immunity

Nothing herein shall be construed as a waiver of any rights and privileges afforded the County, as a political subdivision of the State of Florida, under section 768.28, Florida Statutes, as amended.

s. Dispute Resolution

1. All disputes arising under or relating to this Agreement shall be resolved in accordance with this Section, except for disputes related to payments, which shall be addressed and resolved in accordance with Section 5.
2. The Parties shall attempt to resolve all disputes that arise under this Agreement in good faith and in accordance with the following procedure:
 - a. The aggrieved Party shall give written notice to the other Party setting forth the nature of the dispute, date of occurrence (if known), and proposed equitable resolution.
 - b. Representatives of both Parties shall meet at the earliest opportunity to discuss and resolve the dispute. If the dispute is resolved to the mutual satisfaction of both, they shall report their decision to the Parties in writing.
 - c. If those representatives are unable to reconcile the dispute, they shall report their impasse to the appropriate County Director and the Contractor's designee, who, at their earliest opportunity, shall meet and attempt to reconcile the dispute.
 - d. Should the Director and the Contractor's designee fail to resolve the dispute, they shall report their impasse to the County Administrator, or authorized representative, and the Contractor's designee, who, at their earliest opportunity, shall review and attempt to resolve the dispute.
 - e. If the County Administrator and the Contractor's designee are not able to amicably resolve the dispute within fifteen (15) business days after the impasse is reported to them, then either Party can pursue whatever forms of relief that

may be available to it under this Agreement, at law, or in equity.

t. Attorneys' Fees and Costs.

In the event of a dispute arising under this Agreement, whether or not a lawsuit or other proceeding is filed, the prevailing Party shall be entitled to recover its reasonable attorneys' fees and costs, including attorneys' fees and costs incurred in litigating entitlement to attorneys' fees and costs, as well as in determining or quantifying the amount of recoverable attorneys' fees and costs. The reasonable costs to which the prevailing Party is entitled shall include costs that are taxable under any applicable statute, rule or guideline, as well as non-taxable costs, including, but not limited to, costs of investigation, copying costs, electronic discovery costs, telephone charges, mailing and delivery charges, information technology support charges, consultant and expert witness fees, travel expenses, court reporter fees, and mediator fees, regardless of whether such costs are otherwise taxable.

[THE REMAINDER OF THIS PAGE IS LEFT BLANK INTENTIONALLY]

[SIGNATURE PAGE FOLLOWS THIS PAGE]

WHERETO, the Parties have set their hands and seals and executed this Agreement the date set forth below.

LEON COUNTY, FLORIDA

BY: 

Vincent S. Long, County Administrator

Date: 8-22-16



CAPITOL ALLIANCE GROUP, INC.

BY: 

Dr. Jeffrey Sharkey, Managing Partner

Date: 8/22/16

ATTEST:

Bob Inzer, Clerk of the Court & Comptroller,
Leon County, Florida

BY: 

John Stott, Deputy Clerk

Approved as to Form:

Leon County Attorney's Office

BY: 

Herbert W. A. Thiele, Esq.
County Attorney

AGREEMENT BETWEEN LEON COUNTY AND CAPITOL ALLIANCE GROUP, INC.
BC-08-27-08-60

ATTACHMENT # 1

Leon County Legislative Program -The Consultants will assist in enhancing the Board of County Commissioner's state legislative program. The Consultant will assist the County in identifying legislative opportunities and assist in the development of the County's annual list of goals, priorities and specific proposals to seek appropriation and/or legislative and administrative remedies to strengthen county programs and services. The consultant will work closely with the County's liaison, designee(s), and other County contract lobbyists (as applicable) in the development and ongoing implementation of the program and will provide, at a minimum, the following services:

Meet with County staff and elected officials to assist in the development of the County's annual list of goals, priorities and specific proposals. Identify which of the goals, priorities, and specific proposals could be addressed through the legislative process and assist in developing written material on each request.

Lobby legislators, as well as work with their staff and state government officials to gain support for passage of Leon County projects through the legislative process.

Advocate with the Leon County Legislative Delegation as well as other key members of the Legislature and state agencies in support of the County's goals, priorities, and proposals.

Advocate state agency officials to include applicable County appropriation requests as part of the agency budget.

Lobby the Executive Branch to ensure that Leon County projects receive the Governor's approval.

Regularly provide County staff and the Board of County Commissioners with any new information and actively seek opportunities to enhance the County's state legislative program and provide options as to legislative strategy when necessary.

Revise the County's state legislative program as needed, and as requested by the Board of County Commissioners through County staff.

Monitor and analyze current state legislation and the budget process and report to the County, both orally and in writing, any legislative events that may directly or indirectly impact the County. Attend meetings as necessary.

At the end of each week during session by Friday, 5 PM, provide the County liaison with a report of the past week's activities affecting the County's substantive and appropriations issues and any other issues that could positively or negatively impact the County.

Monitor various state agency actions for potential impact on Leon County and, in the event that action is needed, advise the County.

Testify before legislative committees as appropriate.

At the conclusion of the session, prepare a final report, including the final status of the County's priorities and a summary of the impact of major legislative changes to Leon County.

ATTACHMENT #2**MINORITY AND WOMEN BUSINESS ENTERPRISE (MWBE) PARTICIPATION PLAN**Respondent: Capitol Alliance Group, Inc.

All respondents, including Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs), shall complete and submit this M/WBE Participation Plan with their proposal. **This submitted MWBE Participation Plan shall include completion of Tables 2, 3, 4, certification signature and submittal of a Good Faith Effort Statement if necessary (See Section 5).**

"Certified Minority Business Enterprise (MBE) and Women Business Enterprise (WBE)" are firms certified by Leon County or the City of Tallahassee. State of Florida certification of MBE's and WBE's are not accepted by Leon County.

Section 1:

Aspirational Targets for M/WBE Participation. The aspirational targets for this project are identified in Table 1.

Table 1

Aspirational Targets (as a percentage of the anticipated contract value)

M/WBE Classification	Aspirational Targets	Vendor Proposed Targets
Certified Minority Business Enterprises (MBE)	18%	9%
Certified Woman Business Enterprises (WBE)	9%	4.5%

Table 2

(Professional Services Sub-consultant)

	Please check the appropriate box to designate the level of participation that will be a contractual commitment.	Points
<input type="checkbox"/>	The Respondent is a joint venture of two or more firms/individuals with a minimum participation in the joint venture of at least 10% by certified MBE or WBE firms and will meet or exceed both aspirational targets.	10
<input type="checkbox"/>	The Respondent certifies that they will meet or exceed aspirational targets through subcontracting to certified MBE and WBE firms.	8
<input checked="" type="checkbox"/>	The Respondent certifies that they will meet at least 50% of both aspirational targets through subcontracting to certified MBE and WBE firms and a Good Faith Effort Statement is submitted based on the guidelines referenced in Section 5 of this Participation Plan.	6
<input type="checkbox"/>	The Respondent certifies that they will meet at least 20%, but less than 50%, of both aspirational targets through subcontracting to certified MBE and WBE firms and a Good Faith Effort Statement is submitted based on the guidelines referenced in Section 5 of this Participation Plan.	4
<input type="checkbox"/>	The Respondent will not meet the aspirational targets in any form and has submitted a Good Faith Effort Statement based on the guidelines referenced in Section 5 of this Participation Plan to be considered a responsive bidder, but shall receive zero points.	0

Section 2 - Respondent's Proposed MBE and WBE Participation. Respondent shall complete Table 3, identifying each certified MBE and/or WBE firm they intend to use on this project. Attach additional sheets as necessary.

Table 3

MBE and WBE Intended Utilization

Firm's Name (Requires Leon County or City of Tallahassee MWBE certification) ¹	Firm's Location Address (Must be in Leon, Gadsden, Jefferson or Wakulla Counties, FL to be certified)	Firm's Telephone Number	Ethnic Group² (B, A, H, N, F)	Type of Service to Provide
Minority Business Enterprise(s)				
a. JEJ Associates, Inc.	Box 10390 Tallahassee FL, 3230	850-212-8330	H	Lobbying
b.				
c.				
d.				
e.				
Women Business Enterprise(s)				
a. JEJ Associates, Inc.	Box 10390 Tallahassee FL, 3230	850-212-8330	F	Lobbying
b.			F	
c.			F	
d.			F	
e.			F	
¹ Certification – Attach and submit a copy of each MBE and WBE certification with the proposal. ² Ethnic Group – Use of the following abbreviations: (a) MBE's include: African American (B), Asian American (A), Hispanic American (H) and Native American (N) owned firms; (b) WBEs include Non-Minority Female (F) owned firms.				

If you do not list MBE's and WBE's to meet the listed total aspirational targets, you must complete and submit a **Good Faith Effort** statement. Failure to submit a **Good Faith Effort** statement will result in a non-responsive determination of your submittal, resulting in no consideration of your submittal.

Section 3 - Non-MWBE Subcontractors. Respondent shall complete Table 4 to identify non-MBE's or WBE's subcontractors it anticipates utilizing on the project.

Table 4

Non-MBE and WBE Intended Utilization			
Firm's Name	Firm's Address	Firm's Phone #	Type of Service to Provide
a.			
b.			
c.			
d.			
e.			

Section 4 – Certification - The respondent certifies, acknowledges and agrees that: (1) it has read the M/WBE Participation Plan form; (2) the information the respondent has provided in its submitted Participation Plan and attachments thereto are true and correct; and (3) the undersigned is authorized on behalf of the respondent to make such certification.

Signature  Title Managing Partner Date 8-20-16

Section 5 - General Good Faith Effort Guidelines - A **Good Faith Effort statement** is required if the Plan does not meet the aspirational target(s) for M/WBE utilization. All respondents, including MBEs and WBEs, shall either meet the aspirational targets or demonstrate in their bid response that a good faith effort was made to meet the aspirational targets. **Failure to submit such Good Faith Effort statement will result in the RFP being non-responsive.** Policy examples of good faith efforts that respondents can use to demonstrate the good faith efforts they have made follow:

- 1) Advertising for participation by M/WBEs in non-minority and minority publications within the Market Area, including a copy of the advertisement and proof of the date(s) it appeared – or by sending correspondence, no less than ten (10) days prior to the submission deadline, to all M/WBEs referred to the respondent by the MWSBE Division for the goods and services to be Subcontracted and/or Supplied.
- 2) Documenting that the bidding Prime Contractor provided ample time for potential MBE and WBE Subcontractors to respond to bid opportunities, including a chart outlining the schedule/time frame used to obtain bids from MBE and WBE Vendors as applicable to the Aspirational Target.
- 3) Contacting the MWSBE Division for a listing of available M/WBEs who provide the services needed for the bid or proposal.
- 4) Contacting MBEs and WBEs who provide the services needed for the bid or proposal, including a list of all M/WBEs that were contacted and the method of contact.
- 5) Documenting follow-up telephone calls with potential M/WBE Subcontractors encouraging their participation.
- 6) Allowing potential M/WBE Subcontractors to review bid specifications, blueprints and all other Bid/RFP related items at no charge to the M/WBEs.
- 7) Contacting the MWSBE Division, no less than five (5) business days prior to the Bid/RFP deadline, regarding problems the respondent is having in reaching the Aspirational Targets.
- 8) Other documentation indicating their Good Faith Efforts to meet the aspirational targets.

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

TO: Dione Gavin, Supervisor
Finance Administration Division, Clerk's Office

FROM: Patrick T. Kinni, Deputy County Attorney

DATE: September 7, 2016

SUBJECT: Lobbying Services Agreement

RECEIVED
16 SEP - 9 AM 9:31
FINANCE DIVISION
BOB INZER
CLERK & CONTROLLER

Attached hereto for inclusion in the County's contract database as contract number **B-16-133** please find the Lobbying Services Agreement by and between Leon County, Florida, and Capitol Alliance Group, Inc.

Our office has retained an original of the above-referenced document for our file, please retain this original Agreement for safekeeping along with other original County documents.

Please contact me with any questions or concerns you may have.

PTK/et

Attachment

cc: Vincent S. Long, County Administrator
Andy Johnson, Assistant to the County Administrator for Legislative and Strategic Initiatives

FEDERAL LOBBYING SERVICES AGREEMENT

THIS FEDERAL LOBBYING SERVICES AGREEMENT dated this 1st day of March, 2017, is by and between Leon County, Florida, a political subdivision of the State of Florida (hereinafter the "County") and Squire Patton Boggs, LLP (hereinafter the "Contractor"), collectively, the "Parties".

RECITALS

WHEREAS, the County is in need of professional lobbying and grant writing services; and

WHEREAS, the County has determined that it would be better to contract for these services than to hire the necessary personnel to satisfy the needs of the County in this regard.

WHEREAS, in order to secure these services, the County has sought and received competitive bids proposals from Contractor for such services

NOW, THEREFORE, for and in consideration of the forging recitals, the sum of ten dollars (\$10.00) each to the other paid, the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which being acknowledged, the Parties do hereby covenant and agree as follows:

1. EFFECTIVE DATE; TERM; RENEWAL

- a. This Agreement shall be effective commencing February 14, 2017 and shall continue until December 31, 2019, hereinafter "Initial Term".
- b. After the Initial Term, this Agreement may be extended for two (2) additional one (1) year Term(s) upon the same terms and conditions as herein set forth, at the sole option of the County.

2. SCOPE OF SERVICES

The Contractor hereby agrees to assist the Board of County Commissioners in enhancing the County's federal legislative program as approved by the Board each year and provide the federal lobbying and grant writing services as delineated in Attachment #1, attached hereto and incorporated herein.

3. WORK

Any work to be performed under this Agreement shall be upon the request of the County Administrator or his representative, which request shall set forth the commencing date of such work and the time within which such work shall be completed. The Contractor shall perform lobbying services to the best of its ability, dealing honestly and fairly, accounting for all funds, and using necessary skill, care and diligence in any transaction related thereto. No amount of work is provided for or guaranteed to the Contractor under this Agreement.

4. CONTRACT SUM

The Contractor agrees that for the performance of the Services as outlined above, it shall be remunerated by the County, in an amount not to exceed \$100,000.00 annually, to be paid in twelve (12) monthly installment payments of \$8,333.33. The period commencing February 10, 2017 through December 31, 2017, shall be paid on an annual pro-rata basis, in the amount of \$87,500.01. Payment for the month of February, 2017 shall be in the amount of \$4,166.66, thereafter payment shall be \$8,333.33 per month for the remainder of 2017.

5. PAYMENTS AND PAYMENT DISPUTE RESOLUTION

Payment shall be made and payment disputes resolved in accordance with section 14, Leon County Policy 96-1, as amended. The performance of the County of any of its obligations under this Agreement shall be subject to and contingent upon the availability of funds lawfully expendable for the purposes of this Agreement for the Initial Term and any future Term(s).

6. TERMINATION

The County may terminate this Agreement without cause, by giving the Contractor not less than thirty (30) days prior written notice of its intent to terminate. Either Party may terminate this Agreement for cause by giving the other Party hereto not less than thirty (30) days prior written notice of its intent to terminate. The County shall not be required to give Contractor such thirty (30) days written notice if, in the opinion of the County, the Contractor is unable to perform its obligations hereunder, or if in the opinion of the County, the services being provided are not satisfactory. In such case, the County may immediately terminate the Agreement by providing a notice of termination to the Contractor.

Termination of this Agreement for any reason under this Section will not affect (i) any liabilities or obligations of either Party arising before such termination or as a result of the events causing such termination, or (ii) any damages or other remedies to which a Party may be entitled to under this Agreement, at law or in equity, arising out of a breach of this Agreement.

7. INDEMNIFICATION

The Contractor agrees to indemnify, defend and hold harmless the County, its officials, officers, employees and agents, from and against any and all claims, damages, liabilities, losses, costs, or suits, of any nature whatsoever arising out of, because of, or due to any acts or omissions of the Contractor, its delegates, employees and agents, arising out of or under this Agreement, including reasonable attorney's fees and costs. The County may, at its sole option, defend itself or require the Contractor to provide the defense. The Contractor acknowledges that ten dollars (\$10.00) of the amount paid to the Contractor is sufficient consideration of the Contractor's indemnification of the County.

8. AUDITS, RECORDS, AND RECORDS RETENTION

The Contractor agrees:

- a. To establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices which sufficiently and properly reflect all revenues and expenditures of funds reflected herein.
- b. To retain all client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this Agreement for a period of five (5) years after termination of the Agreement, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings or any litigation which may be based on the terms of this Agreement.
- c. Upon completion or termination of the Agreement and at the request of the County, the Contractor will cooperate with the County to facilitate the duplication and transfer of any said records or documents during the required retention period as specified in paragraph b above. The County may reproduce any written materials generated as a result of the Contractor's work.
- d. To assure that all records required to be maintained by the Contractor hereby shall be subject at all reasonable times to inspection, review, or audit by County, Federal, state, or other personnel duly authorized by the County.
- e. To permit persons duly authorized by the County and Federal auditors, pursuant to 45 CFR, Part 92.36(I)(10), to have full access to and the right to examine any of the Contractor's records and documents related to this Agreement, regardless of the form in which kept, at all reasonable times for as long as those records are retained.
- f. To include these aforementioned audit and record keeping requirements in all approved subcontracts and assignments.
- g. Comply with public records access requirements set forth in section 119.0701(2), Florida Statutes, including the obligation to:
 1. Keep and maintain public records required by the County to perform the Services required under this Agreement.
 2. Upon request from the County's custodian of public records, provide the County with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a

cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.

3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Term of this Agreement and following termination of the Agreement if the Contractor does not transfer the records to the County.
4. Upon termination of the Agreement, transfer, at no cost, to the County all public records in possession of the Contractor or keep and maintain public records required by the County to perform the Services required hereunder. If the Contractor transfers all public records to the County upon termination of the Agreement, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon termination of the Agreement, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the County, upon request from the County's custodian of public records, in a format that is compatible with the information technology systems of the County.
5. **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 850-606-5383, Andy Johnson, Assistant to the County Administrator for Legislative and Strategic Initiatives, johnsonan@leoncountyfl.gov, 301 S. Monroe St., 5th Floor, Tallahassee, FL 32301.**

9. NOTICE

- a. Upon execution of the Agreement, the Contractor shall provide in writing, the name of the Contractor's staff member who will be responsible for the submission of all Contractor's records, reports, invoices or documents to the County necessary for the administration of this Agreement.
- b. All invoices must be submitted electronically to Andy Johnson, MPA/MSP, Assistant to the County Administrator for Legislative and

Strategic Initiatives, johnsonan@leoncountyfl.gov. All other related correspondence, documents, records or reports shall be submitted to:

Name: Andy Johnson
Address 301 S. Monroe Street
5th Floor
Tallahassee, FL 32301

if not otherwise provided electronically.

- c. All notices required hereunder shall be in writing sent by United States certified mail, postage prepaid, return receipt requested, overnight courier or by hand delivery. All notices required under this Agreement shall be given to the Parties at the addresses below or at such other place as the Parties may designate in writing.

Notice to Contractor: Name: M. Victoria Cram
Address: Squire Patton Boggs, LLP
2550 M Street, NW
Washington, DC 20037

Notice to the County: Name: Andy Johnson
Address: 301 S. Monroe Street
5th Floor
Tallahassee, FL 32301

10. CONTRACT MANAGEMENT:

- a. The Assistant to the County Administrator for Legislative and Strategic Initiatives, shall be and is hereby authorized as the representative of the County, responsible for the day to day operational management of the provisions of the Agreement, including all matters related to the payment for lobbying services rendered by the Contractor hereunder, unless or until a written notice is provided to the Contractor stating otherwise.
- b. No officer, employee, agent or representative of the Contractor shall communicate, in any form or manner, with any County Commissioner or Commissioner's staff, regarding any particular matter related to the Parties performance under this Agreement.

For the purpose of this section, a Contractor's representative shall include, but not be limited to, the Contractor, if an individual or its employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the Contractor.

The provisions of this section shall not apply to oral communications or written materials presented at any public proceeding, including any public meetings of the Board of County Commissioners.

11. INSURANCE

The Contractor shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees, or subcontractors. The cost of such insurance shall be the sole responsibility of the Contractor.

12. MISCELLANEOUS PROVISIONS

a. Status

The Contractor at all times relevant to this Agreement shall be an independent contractor and in no event shall the Contractor nor any employees or subcontractors under it be considered to be employees of the County.

b. Conflicting Employment

For the duration of this Agreement, the Contractor shall not enter into any other agreements that would ethically conflict with its obligations under this Agreement.

c. Licenses

The Contractor shall be responsible for obtaining and maintaining its city occupational license and any licenses required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida. Should the Contractor, by reason of revocation, failure to renew, or any other reason, fail to maintain its license to operate, the Contractor shall be in default of this Agreement as of the date such license is lost.

d. Assignments

This Agreement shall not be assigned as a whole or in part without the prior written consent of the County nor shall the Contractor assign any monies due or to become due to him hereunder without the prior written consent of the County.

e. Monitoring

The Contractor shall permit persons duly authorized by the County to inspect any records, papers, documents, facilities, goods, and services of the Contractor which are relevant to this Agreement, and interview any clients and employees of the Contractor to assure the County of the Contractor's satisfactory performance of the terms and conditions of this Agreement.

f. Public Entity Crimes Statement

In accordance with section 287.133, Florida Statutes, Contractor hereby certifies that to the best of his knowledge and belief neither Contractor nor its affiliates have been convicted of a public entity crime. Contractor and his affiliates shall provide the County with a completed public entity crime statement form no later than January 15 of each year this Agreement is in effect. Violation of this section by the Contractor shall be cause for termination of this Agreement by the County.

g. Unauthorized Alien(s) And E-Verify

The Contractor agrees that unauthorized aliens shall not be employed nor utilized in the performance of the requirements of this Agreement. The County shall consider the employment or utilization of unauthorized aliens a violation of Section 274A(e) of the Immigration and Naturalization Act (8 U.S.C. 1324a). Such violation shall be cause for termination of this Agreement by the County.

1. Contractor agrees that it will enroll and participate in the federal E-Verify Program for Employment Verification. Contractor further agrees to provide to the County, within thirty days of the effective date of this contract/amendment/extension, documentation of such enrollment in the form of a copy of the E-Verify “‘Edit Company Profile’ screen”, which contains proof of enrollment in the E-Verify Program (this page can be accessed from the “Edit Company Profile” link on the left navigation menu of the E-Verify employer’s homepage).
2. Contractor further agrees that it will require each subcontractor that performs work under this contract to enroll and participate in the E-Verify Program within sixty days of the effective date of this contract/amendment/extension or within sixty days of the effective date of the contract between the Contractor and the subcontractor, whichever is later. The Contractor shall obtain from the subcontractor(s) a copy of the “Edit Company Profile” screen indicating enrollment in the E-Verify Program and make such record(s) available to the County upon request.
3. Contractor will utilize the U.S. Department of Homeland Security’s E-Verify system to verify the employment eligibility of: (a) all persons employed during the term of the Agreement by Contractor to perform employment duties within Florida; and (b) all persons (including subcontractors) assigned by Contractor to perform work pursuant to the Agreement.
 - a. Contractor must use E-Verify to initiate verification of employment eligibility for all persons employed during the term of the Agreement by Contractor to perform

employment duties within Florida within 3 business days after the date of hire.

- b. Contractor must initiate verification of each person (including subcontractors) assigned by Contractor to perform work pursuant to the Agreement within 60 calendar days after the date of execution of this contract or within 30 days after assignment to perform work pursuant to the Agreement, whichever is later.
- 4. Contractor further agrees to maintain records of its participation and compliance with the provisions of the E-Verify program, including participation by its subcontractors as provided above, and to make such records available to the County or any other authorized state agency consistent herewith.
- 5. Compliance with the terms of this Employment Eligibility Verification provision is made an express condition of this Agreement and the County may treat a failure to comply as a material breach of this Agreement.
- h. Non-Waiver

Failure by the County to enforce or insist upon compliance with any of the terms or conditions of this Agreement or failure to give notice or declare this Agreement terminated shall not constitute a general waiver or relinquishment of the same, or of any other terms, conditions or acts but the same shall be and remain at all times, in full force and effect.
- i. Modifications

This Agreement constitutes the entire understanding of the Parties. Any modifications to this Agreement must be in writing.
- j. Venue

Venue for all actions arising out of this Agreement shall lie in Leon County, Florida.
- k. Construction

The validity, construction, and effect of this Agreement shall be governed by the laws of the State of Florida.
- l. Compliance With Anti-Discrimination Legislation

In providing, or contracting to provide services, programs or activities, maintaining facilities, and otherwise performing obligations under this

Agreement, the Contractor shall comply with the Americans with Disabilities Act, the Civil Rights Act of 1964, as amended, the Florida Civil Rights Act of 1992, and any other federal or state law or County ordinance that prohibits discrimination on the basis of race, color, national origin, religion, sex, age, marital status, disability, sexual orientation or gender identity.

m. Headings In This Agreement

The headings in this Agreement are for convenience only, confirm no rights or obligations in either Party, and do not alter any terms of this Agreement.

n. Severability

If any term of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this Agreement, including all of the remaining terms, shall remain in full force and effect as if such invalid or unenforceable term had never been included.

o. Force Majeure

If either Party is prevented from or delayed from performing any obligations under this Agreement (except payment or financial obligations) by circumstances beyond its control, including but not limited to fires, hurricanes, severe weather, floods, pandemics, quarantines; war, civil disturbances, acts of terrorism, acts of God, or significant threats of such circumstances, or any future laws, rules, regulations, orders, or acts of any local, state, or federal government ("Force Majeure"), then the affected party shall be excused from performance hereunder during the period of disability. The party claiming Force Majeure shall promptly notify the other party in writing when upon learning of the existence of a Force Majeure condition, and when the Force Majeure condition has terminated. Notwithstanding anything in this Agreement to the contrary, the term "Force Majeure" does not include or excuse performance under this Agreement for events relating to increased costs associated with fuel, labor, labor disputes, insurance, or other expenses of performing the obligations hereunder.

p. Survival of Obligations

Cancellation, expiration, or earlier termination of this Agreement shall not relieve the Parties of obligations that by their nature should survive such cancellation, expiration, or termination.

q. Counterparts

This Agreement may be executed in any number of counterparts, and each executed counterpart shall have the same force and effect as an original instrument.

r. Sovereign Immunity

Nothing herein shall be construed as a waiver of any rights and privileges afforded the County, as a political subdivision of the State of Florida, under section 768.28, Florida Statutes, as amended.

s. Dispute Resolution

1. All disputes arising under or relating to this Agreement shall be resolved in accordance with this Section, except for disputes related to payments, which shall be addressed and resolved in accordance with Section 5.
2. The Parties shall attempt to resolve all disputes that arise under this Agreement in good faith and in accordance with the following procedure:
 - a. The aggrieved Party shall give written notice to the other Party setting forth the nature of the dispute, date of occurrence (if known), and proposed equitable resolution.
 - b. Representatives of both Parties shall meet at the earliest opportunity to discuss and resolve the dispute. If the dispute is resolved to the mutual satisfaction of both, they shall report their decision to the Parties in writing.
 - c. If those representatives are unable to reconcile the dispute, they shall report their impasse to the appropriate County Director and the Contractor's designee, who, at their earliest opportunity, shall meet and attempt to reconcile the dispute.
 - d. Should the Director and the Contractor's designee fail to resolve the dispute, they shall report their impasse to the County Administrator, or authorized representative, and the Contractor's designee, who, at their earliest opportunity, shall review and attempt to resolve the dispute.
 - e. If the County Administrator and the Contractor's designee are not able to amicably resolve the dispute within fifteen (15) business days after the impasse is reported to them, then either Party can pursue whatever forms of relief that

may be available to it under this Agreement, at law, or in equity.

t. Attorneys' Fees and Costs.

In the event of a dispute arising under this Agreement, whether or not a lawsuit or other proceeding is filed, the prevailing Party shall be entitled to recover its reasonable attorneys' fees and costs, including attorneys' fees and costs incurred in litigating entitlement to attorneys' fees and costs, as well as in determining or quantifying the amount of recoverable attorneys' fees and costs. The reasonable costs to which the prevailing Party is entitled shall include costs that are taxable under any applicable statute, rule or guideline, as well as non-taxable costs, including, but not limited to, costs of investigation, copying costs, electronic discovery costs, telephone charges, mailing and delivery charges, information technology support charges, consultant and expert witness fees, travel expenses, court reporter fees, and mediator fees, regardless of whether such costs are otherwise taxable.

[THE REMAINDER OF THIS PAGE IS LEFT BLANK INTENTIONALLY]

[SIGNATURE PAGE FOLLOWS THIS PAGE]

WHERETO, the Parties have set their hands and seals and executed this Agreement the date set forth below.

LEON COUNTY, FLORIDA



SQUIRE PATTON BOGGS, LLP

BY: Vincent S. Long

Vincent S. Long, County Administrator

BY: M. Victoria Cram

M. Victoria Cram, Principal

Date: 3-6-17

Date: 3/2/2017

ATTEST:

Gwen Marshall, Clerk of the Court &
Comptroller, Leon County, Florida

BY: Gwen Marshall

Approved as to Form:

Leon County Attorney's Office

BY: Herbert W. A. Thiele

Herbert W. A. Thiele, Esq.
County Attorney

ATTACHMENT #1

FEDERAL LOBBYING AND GRANT WRITINGS SERVICES

The Contractor shall assist in the development, proposal and sponsorship of federal bills/amendments and seek federal appropriations to further the County's policy goals and priorities, as needed. In addition, the Contractor shall assist Leon County Government in researching and identifying potential federal grants to support the County's priority programs, projects, and initiatives. The Contractor shall provide general grant writing and management services associated with the completion and submission of grant applications. Working closely with the County's legislative affairs liaison, the Contractor shall provide, at a minimum, the following services:

- A. Work with County staff to assess the County's funding priority areas as established by the Board of County Commissioners and identify viable federal funding sources to support these priorities.
- B. Provide general grant proposal writing services associated with completion of limited, strategic grant applications on behalf of the County, including the preparation of funding abstracts, production, and timely submittal of applications to funding sources. The Contractor shall provide a copy of each grant application package submitted for funding, in its entirety, to the County's legislative affairs liaison.
- C. Advocate with Congress, congressional committees and federal agencies in support of the County's goals, priorities and projects. Attend meetings as necessary.
- D. Monitor current federal legislation and the federal budget process and report to the County, both orally and in writing, any legislative events that may directly or indirectly impact the County.
- E. Provide advice and interpretation on legislative and regulatory matters as they apply to County programs, projects, or operations. Such information may involve federal laws as well as state and local statutes and ordinances insofar as they may be affected by federal actions.
- F. Provide options regarding legislative strategy when necessary.
- G. Provide the County with monthly written reports on legislative, administrative, and budgetary priorities as established by the Board of County Commissioners and other legislative or administrative actions that may impact the County.
- H. Coordinate meetings for elected officials and staff with appropriate federal agencies, legislative staff and elected officials to communicate the County's interests, concerns, needs, etc. as needed.
- I. Testify before legislative committees and/or regulatory bodies on behalf of the County as needed.

J. At the Contractor's expense, attend a meeting of the Leon County Board of County Commissioners at least once a year to update the Board on federal issues that are affecting the County.