

City of San Diego

2010 – 2011

Federal Legislative Update

July 27, 2011

Objectives

- Review of federal advocacy efforts and successes in 2010
- Federal legislative agenda for 2011

FY2010 Appropriations

- In FY2010 the City of San Diego secured \$5.675 million in Congressionally-Directed Appropriations --
 - \$200,000 for public safety technology
 - \$2.33 million for the Point Loma Naval Marine Mammal Surgical Suite
 - \$120,000 for the Four-Reservoir Intertie feasibility study

FY2010 Appropriations

- \$2 million for the San Diego Area Water Reclamation Program
- \$25,000 for the Skyline Hills Branch Library
- \$1 million for the I-5 / SR 56 Interchange

FY2010 Appropriations

- Additional projects totaling \$2.425 million were advanced by the Congressional delegation on behalf of the City, but were not included in the final committee reports.
- These totals do not include projects that were led by SANDAG and supported by the City.

American Recovery and Reinvestment Act Funding

- The City significantly benefited from the economic stimulus bill. For example –
 - \$10.5 million for the Mission Bay Channel dredging and jetty maintenance project
 - \$4 million in additional CDBG funds
 - \$20 million for transportation projects
 - \$6 million in Emergency Shelter Grants
 - \$12 million in Energy Efficiency and Conservation Block Grants

2010 Legislative / Policy Priorities

- **Pt. Loma Wastewater Treatment Plant:** Patton Boggs facilitated partnerships with the EPA and other federal agencies to secure an extension of the Clean Water Act waiver related to the Pt. Loma Wastewater Treatment plant outfall.

2010 Legislative / Policy Priorities

- **Tijuana River Valley Flood Permit:**
Patton Boggs facilitated emergency clearance from the Army Corps of Engineers, the Department of Homeland Security, Customs and Border Patrol, and other federal agencies to clear the flood channel that had filled with sediment caused by construction of the border fence.

2010 Legislative / Policy Priorities

- **Sustainable Communities Initiative:**
Patton Boggs coordinated a comprehensive effort including the Housing Authority, SANDAG, and local economic development groups and facilitated White House, HUD, and DOT meetings from which City recommendations on selection criteria were included in the final program solicitation.

2010 Legislative / Policy Priorities

- **Economic Development Assistance:** Patton Boggs worked with the City to position itself as a leader on regional innovation. The recent **Jobs & Innovation Accelerator Challenge** solicitation published by EDA addresses many of the issues put forth by the City.

2010 Legislative / Policy Priorities

- **All American Canal:** Patton Boggs facilitated a dialogue with the Congressional delegation and the Bureau of Water Reclamation to address the transfer of operation and maintenance of the All American Canal and exchange ongoing efforts for future credits for complementary water projects.

2010 Legislative / Policy Priorities

- **Border Issues and Port-of-Entry Construction:** Patton Boggs and the City continued to work with CBP and GSA with regard to adequate funding and design configuration to ensure access to transit and pedestrian mobility at the San Ysidro POE.

Water Resources and Development Act Reauthorization (WRDA)

- WRDA is intended to be a biennial bill, but only one reauthorization has been enacted since 2000.
- Legislation introduced in the House in the 111th Congress did not move.
- While a bill is unlikely this year, Barbara Boxer, Chairwoman of the Senate Committee on Environment and Public Works requested project solicitations.
- The City has resubmitted its funding request for the Tijuana River Environmental Restoration.

FY2011 Appropriations

- Early in the FY2011 appropriations process House Republicans implemented an earmark ban.
- The FY2011 spending bills were not finalized before the Republicans assumed control of the House in January 2011.
- At this point, House leadership imposed an earmark ban effective for FY2011-FY2013.

FY2011 Appropriations

- The Senate subsequently adopted its own earmark ban effective for FY2011-FY2012.
- Prior to the earmark ban, the Democratic Congressional delegation had advanced projects on behalf of the City and its partners totaling nearly \$11.5 million.
- Again, these totals do not include projects that were led by SANDAG and supported by the City.

FY2011 Appropriations

- With the elimination of earmarks, federal advocacy efforts for FY2011 appropriations focused on maintaining programmatic funding levels of relevance to the City.
- In February, House Republicans released a proposal (H.R. 1) which would have receded domestic funding to FY2008 levels.

FY2011 Appropriations

- H.R. 1 proposed to eliminate or drastically cut 70 programs important to local governments and their partners, including – Community Development Block Grants, WIA, transportation programs, high speed rail, economic development assistance, public safety funding, SAFER grants, veterans and homelessness assistance, and public housing, among others.

FY2011 Appropriations

- Fortunately, the final FY2011 Continuing Resolution agreement restored / maintained funding for many of these programs --
 - CDBG: \$3.343 billion (\$647 million less than FY2010; H.R. 1 reduced by \$2 billion)
 - New Starts: restored to \$1.6 billion (\$400 million less than FY2010; H.R. 1 eliminated)
 - TIGER grants: restored to \$527 million (\$127 million less than FY2010; H.R. 1 eliminated)

FY2011 Appropriations

- Sustainable Communities: \$100 million (H.R. 1 eliminated)
- COPS funding: \$496 million (\$296 million less than FY2010; H.R. 1 initially eliminated)
- VASH vouchers: \$50 million (\$25 million less than FY2010; H.R. 1 eliminated)
- HOPE VI: \$100 million (\$100 million less than FY2010; H.R. 1 eliminated)
- WIA: \$2.8 billion (H.R. 1 eliminated)

FY2011 Agency Outreach

- In addition to our regular grant report, Patton Boggs reached out to all federal agencies to gather information on funding, priorities, and selection criteria for upcoming FY2011 discretionary and competitive solicitations. As a result, Patton Boggs was able to provide the City with advance notice and focus of a number of FY2011 agency solicitations.

SAFETEA-LU Reauthorization

- The current transportation reauthorization has been extended numerous times, currently through September 30, 2011.
- The President has identified his proposed policy changes, including the creation of a National Infrastructure Bank, the consolidation of several existing programs and the suggested change of the Highway Trust Fund to the Transportation Trust Fund.

SAFETEA-LU Reauthorization

- On July 7th the House Transportation and Infrastructure Committee, presented an outline of a \$230 billion, six-year surface transportation reauthorization. This would be a 30% reduction from current levels. In part, the proposal --
 - Consolidates a number of FHWA programs, but expands the TIFIA loan program from \$122 million to \$1 billion.

SAFETEA-LU Reauthorization

- Maintains the Surface Transportation Program (STP) and directs over half of federal aid highway funding to National Highway and Interstate system projects.
- Increases formula funding States can use to capitalize State Infrastructure Banks.
- Streamlines New Starts / Small Starts and eliminates large discretionary programs, such as Bus and Bus Facilities.
- Proposes changes to transit formula funds to incorporate performance factors.
- Limits direct federal grants for High Speed Rail.
- Encourages public / private partnerships.

SAFETEA-LU Reauthorization

- On July 20th the Senate Environment and Public Works Committee unveiled its outline for a two-year surface transportation reauthorization. The proposal maintains current funding levels, which would require \$12 billion per year in transfers from the general fund. The plan also –
 - Directs the majority of Federal resources through State pass-throughs.

SAFETEA-LU Reauthorization

- Consolidates 87 SAFETEA-LU programs into fewer than 30 programs.
- Also increases TIFIA funding to \$1 billion, and proposes several program modifications.
- Neither the House nor the Senate released legislative text and neither plan addresses the possibility of increasing the federal gas tax to raise Highway Trust Fund revenues.

FY2012 Appropriations

- The House began its FY2012 appropriations work in May and has since passed six of its twelve spending bills.
- The overall spending cap established by the House for FY2012 is \$1.019 trillion (\$30.4 billion below FY2011 and \$70 billion below FY2010 levels).
- The Senate has passed just one bill.
- Many of the program reductions and terminations proposed by House Republicans earlier this year in the debate over FY2011 appropriations are resurfacing in the FY2012 spending bills.

FY2012 Appropriations

A few highlight of the FY2012 process thus far --

- As approved by the committee, the House FY2012 Homeland Security appropriations bill included language to limit the number of designated UASI areas to ten (San Diego is currently ranked 11th).
 - Patton Boggs led an effort among impacted localities and facilitated the delivery of a letter signed by 25 elected officials to House appropriators.

FY2012 Appropriations

- We worked with Congressional Members to draft and secure bi-partisan support for an amendment to strike the limitation language. These efforts were successful and the amendment passed by a vote of 273 – 150.
- A similar letter to encourage sustained funding for the program was signed by over 45 elected officials and sent to Senate appropriators.
- The House funds FEMA State and Local Programs at approximately \$1 billion (\$1.2 billion decrease from FY2011), attributed to \$13 billion in unobligated balances.

FY2012 Appropriations

- The House FY2012 Energy and Water Appropriations bill includes \$1 billion in emergency aid to areas impacted by recent flooding. This is offset by a rescission of \$1 billion in unobligated High Speed Rail funds. House Democrats strongly opposed this and it's likely Senate Democrats will as well.

FY2012 Appropriations

- As reported out of the committee, the House FY2012 Commerce-Justice-Science bill significantly reduces funding for state and local law enforcement programs by 38% . Of particular note, the Community Oriented Policing Services (COPS) office and program were eliminated as well as the State Criminal Alien Assistance Program (SCAAP). Republicans have promised to work with Democrats to restore funding to these programs during floor consideration.

2011 Legislative / Policy Priorities

- In addition to our work on San Diego-specific initiatives, Patton Boggs works with other urban metropolitan representatives to advocate for issues of relevance to a broad range of urban areas.
- Many legislative efforts initiated in the last Congress were not finalized and will be reintroduced this year.
- Congressional and regulatory action has already begun on several, such as the D Block spectrum transfer, infrastructure bank legislation, and FCC rights-of-way.

2011 Legislative / Policy Priorities

- The City's 2011 federal priorities include –
 - Storm water pollution prevention
 - Trash cleanup at border facilities
 - Tijuana River Valley improvements
 - The Four Reservoir Intertie
 - Transportation funding: rail, transit, TIGER
 - SAFETEA-LU Reauthorization
 - WRDA Reauthorization

2011 Legislative / Policy Priorities

- Border facility and Port-of-Entry construction
- Brush management funding
- Public safety / law enforcement funding
- Infrastructure financing mechanisms
- Pension reform
- Reinstatement of renewal community
- Regional economic development funding
- Clean energy initiatives

2011 Legislative / Policy Priorities

- Property Assessed Clean Energy Programs (PACE)
- Youth employment programs
- Recovery Zone Facility Bond Reallocation Pool
- Sustainable Communities Grants
- CDBG
- Foreclosure assistance, homeless services, veterans housing, affordable housing
- Federal poverty criteria – San Diego as a high cost / high income area

2011 Legislative / Policy Priorities

- UASI
- Gang prevention and intervention
- Local hotel occupancy taxes