



**COMMUNITY AND LEGISLATIVE AFFAIRS  
COMMITTEE MEETING  
OF THE BOARD OF DIRECTORS  
INLAND EMPIRE UTILITIES AGENCY\***

**WEDNESDAY, SEPTEMBER 9, 2020  
9:00 A.M.**

**INLAND EMPIRE UTILITIES AGENCY\*  
VIEW THE MEETING LIVE ONLINE AT IEUA.ORG  
TELEPHONE ACCESS: (415) 856-9169 / Conf Code: 670 582 351#**

PURSUANT TO THE PROVISIONS OF EXECUTIVE ORDER N-25-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 12, 2020, AND EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020 AND IN AN EFFORT TO PROTECT PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19, THERE WILL NO PUBLIC LOCATION FOR ATTENDING IN PERSON.

The public may participate and provide public comment during the meeting by dialing into the number provided above. Alternatively, you may email your public comments to the Interim Board Secretary/Office Manager Laura Mantilla at [lmantilla@ieua.org](mailto:lmantilla@ieua.org) no later than 24 hours prior to the scheduled meeting time. Your comments will then be read into the record during the meeting.

**CALL TO ORDER**

**PUBLIC COMMENT**

Members of the public may address the Board on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) of Section 54954.2 of the Government Code. Those persons wishing to address the Board on any matter, whether or not it appears on the agenda, are requested to email the Interim Board Secretary no later than 24 hours prior to the scheduled meeting time or address the Board during the public comments section of the meeting. Comments will be limited to three minutes per speaker. Thank you.

**ADDITIONS TO THE AGENDA**

In accordance with Section 54954.2 of the Government Code (Brown Act), additions to the agenda require two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

1. **PRESENTATION**

- A. **U.S. CONGRESSMAN PETE AGUILAR, REPRESENTING CALIFORNIA'S 31<sup>ST</sup> DISTRICT**

2. **ACTION ITEM**

- A. **MINUTES**

The Committee will be asked to approve the August 12, 2020 Community and Legislative Affairs Committee meeting minutes.

3. **INFORMATION ITEMS**

- A. **PUBLIC OUTREACH AND COMMUNICATION (WRITTEN)**

- B. **STATE LEGISLATIVE REPORT AND MATRIX – WEST COAST ADVISORS (WRITTEN)**

- C. **FEDERAL LEGISLATIVE REPORT AND MATRIX – INNOVATIVE FEDERAL STRATEGIES (WRITTEN)**

- D. **CALIFORNIA STRATEGIES MONTHLY REPORT (WRITTEN)**

4. **GENERAL MANAGER'S COMMENTS**


5. **COMMITTEE MEMBER COMMENTS**

6. **COMMITTEE MEMBER REQUESTED FUTURE AGENDA ITEMS**

7. **ADJOURN**

\*A Municipal Water District

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Interim Board Secretary (909-993-1944), 48 hours prior to the scheduled meeting so that the Agency can make reasonable arrangements.

Proofed by:  \_\_\_\_\_

**DECLARATION OF POSTING**

I, Laura Mantilla, Interim Board Secretary/Office Manager of the Inland Empire Utilities Agency, A Municipal Water District, hereby certify that a copy of this agenda has been posted by 5:30 p.m. in the foyer at the Agency's main office, 6075 Kimball Avenue, Building A, Chino on Thursday, September 3, 2020.



\_\_\_\_\_  
Laura Mantilla

ACTION  
ITEM  
**2A**



**MINUTES  
COMMUNITY AND LEGISLATIVE AFFAIRS  
COMMITTEE MEETING  
INLAND EMPIRE UTILITIES AGENCY\*  
AGENCY HEADQUARTERS, CHINO, CA**

**WEDNESDAY, AUGUST 12, 2020  
9:00 A.M.**

**COMMITTEE MEMBERS PRESENT via Teleconference**

Steven J. Elie, Chair  
Kati Parker

**COMMITTEE MEMBERS ABSENT**

None

**STAFF PRESENT**

Shivaji Deshmukh, General Manager  
Christiana Daisy, Executive Manager of Engineering/AGM  
Laura Mantilla, Interim Board Secretary/Office Manager  
Wilson To, Technology Specialist II

**STAFF PRESENT via Teleconference**

Kathy Besser, Executive Manager of External Affairs & Policy Development/AGM  
Randy Lee, Executive Manager of Operations/AGM  
Christina Valencia, Executive Manager of Finance & Administration/AGM  
Jerry Burke, Manager of Engineering  
Andrea Carruthers, Manager of External Affairs  
Don Hamlett, Acting Deputy Manager of Integrated System Services  
Jennifer Hy-Luk, Acting Executive Assistant  
Sally H. Lee, Executive Assistant  
Scott Oakden, Manager of Operations & Maintenance  
Cathleen Pieroni, Manager of Government Relations  
Jesse Pompa, Manager of Grants  
Daniel Solorzano, Technology Specialist I  
Teresa Velarde, Manager of Internal Audit

**OTHERS PRESENT**

None

Committee Chair Steven Elie called the meeting to order at 9:00 a.m. He stated that the meeting is being conducted virtually by video and audio conferencing. He added that there will be no public location available to attend the meeting; however, the public may participate and provide comments during the meeting by calling into the number provided on the agenda. He further

added that the public may also view the meeting live through the Agency's website. He then gave the public the opportunity to comment and gave instructions for unmuting the conference line. There were no public comments received or additions to the agenda.

### **ACTION ITEMS**

The Committee:

- ◆ Approved the Community and Legislative Affairs Committee meeting minutes of July 8, 2020.
- ◆ Recommended that the Board adopt a "Support" position for HR 7073, the Special Districts Provide Essential Services Act;  
  
as a Calendar Consent Item on the August 19, 2020 Board meeting agenda.
- ◆ Recommended that the Board:
  1. Approve a contract for Civic Publications for a total not-to-exceed contract of \$45,000 through June 30, 2021; and the amended 2020 Legislative Policy Principles; and
  2. Authorize the General Manager to execute the contract to non-substantive changes;

as a Calendar Consent Item on the August 19, 2020 Board meeting agenda.

### **INFORMATION ITEMS**

The following information items were presented or received and filed by the Committee:

- ◆ Adopt a position of "Oppose unless Amended" on AB 3030 (Kalra) Resource Conservation: land and ocean conservation goals, as amended July 21, 2020
- ◆ Public Outreach and Communication
- ◆ State Legislative Report and Matrix – West Coast Advisors
- ◆ Federal Legislative Report and Matrix – Innovative Federal Strategies
- ◆ California Strategies Monthly Report

### **GENERAL MANAGER'S COMMENTS**

General Manager Shivaji Deshmukh stated that the BIA Baldy View Chapter's Southern California Water Conference, in which the Agency is a gold sponsor, will take place on Friday, August 14, 2020. General Manager Deshmukh stated that he will be participating as a speaker on the Recycled Water panel at 10:00 a.m. General Manager Deshmukh highlighted that the keynote speaker will be California Department of Natural Resources Secretary Wade Crowfoot and MWD General Manager Jeff Kightlinger will also be speaking.

### **COMMITTEE MEMBER COMMENTS**

There were no Committee member comments.

### **COMMITTEE MEMBER REQUESTED FUTURE AGENDA ITEMS**

There were no Committee member requests for future agenda items.

With no further business, Committee Chair Elie adjourned the meeting at 9:45 a.m.

Respectfully submitted,

Laura Mantilla  
Interim Board Secretary/Office Manager

\*A Municipal Water District

**APPROVED: September 9, 2020**

DRAFT

INFORMATION  
ITEM  
3A

**Date:** September 16, 2020

**To:** The Honorable Board of Directors

**From:** Shivaji Deshmukh, General Manager

**Committee:** Community & Legislative Affairs

ADD  
09/09/20

**Executive Contact:** Kathy Besser, Executive Manager of Ext. Aff. & Policy Dev./AGM

**Subject:** Public Outreach and Communication

---

**Executive Summary:**

- September, National Preparedness Month
- September 4, National Wildlife Day
- September 15, National Online Learning Day
- September 18, World Water Monitoring Day
- September 27, World Rivers Day
- September 28, National Public Lands Day

Staff is implementing Reels into the Chino Creek Wetlands and Educational Park Instagram grid featuring 15-second fun facts about the park.

Staff is working on activity videos explaining Water Discovery-specific activities. These videos will be posted on the Agency's YouTube channel and website for reference.

---

**Staff's Recommendation:**

This is an informational item for the Board of Directors to receive and file.

---

**Budget Impact** Budgeted (Y/N): Y Amendment (Y/N): N Amount for Requested Approval:

Account/Project Name:

*Fiscal Impact (explain if not budgeted):*



---

**Prior Board Action:**

N/A

---

**Environmental Determination:**

Not Applicable

---

**Business Goal:**

IEUA is committed to providing a reliable and cost-effective water supply and promoting sustainable water use throughout the region.

IEUA is committed to enhancing and promoting environmental sustainability and the preservation of the region's heritage.

---

**Attachments:**

Attachment 1 - Background

## Background

---

Subject: Public Outreach and Communication

---

### September

- September, National Preparedness Month
- September 4, National Wildlife Day
- September 15, National Online Learning Day
- September 18, World Water Monitoring Day
- September 27, World Rivers Day
- September 28, National Public Lands Day

### October

- October (Date TBD), RP-5 Virtual Groundbreaking
- October 1, New Water Year
- October 3, Water Professionals Appreciation Week
- October 5, World Teachers' Day
- October 15, National ShakeOut Day

### Media and Outreach

- Staff was informed that GOAL Productions received a Telly Award for the Agency's Student Earth Day video. GOAL will be presenting the award to IEUA at the September 16 Board meeting.
- The Agency recognized August as National Water Quality Month and shared a series of posts about IEUA's Laboratory team, tips on how to protect our water resources, point and non-point source pollution, watershed protection, and the wastewater treatment process. These posts can be found on our blog spots, social media channels and Agency website.
- The last week of August was recognized as World Water Week. A series of posts and videos on water saving tips, IEUA's recharge basins and water-wise practices were published on the IEUA and Chino Creek Wetlands and Educational Park social media accounts.
- The Agency continues to remind the public of what can/cannot be flushed down the toilet through social media posts and videos.
- Staff is implementing Reels into the Chino Creek Wetlands and Educational Park Instagram grid featuring 15-second fun facts about the park. Reels is a function that provides tools for the creation of videos to share with page followers. It allows you to record and edit 15-second multi-clip videos with audio, effects and creative tools. Reels can be shared with your followers on Feed and can be made available to a wider Instagram community through a new space in Explore. Reels in Explore helps reach new audiences on a global stage.
- The Agency congratulated Chino Hills High School for their first-place achievement in the Solar Cup 2.0 competition through a post on social media and press release.

- Champion Newspapers picked up the press release and posted a highlight article for Chino Hills High School and their Solar Cup 2.0 accomplishments.
  - Staff is in the process of sending certificates of recognition to all participating teams, including Chino Hills High School, Chino High School, Upland High School, and Los Osos High School (Rancho Cucamonga).
- The Agency continues to thank essential staff for their contributions to the Agency during the COVID-19 pandemic through posts on social media.
- IEUA's General Manager Shivaji Deshmukh served as a panelist for the BIA Baldy View Chapter's Southern California Water Conference and for the Asian American Architects/Engineers Association webinar. Staff recognized his participation through posts on social media which received approximately 2,000 impressions across all platforms.
- The Agency continues to educate the public on key terms in the water industry through the Water Word Wednesday campaign.
- The Agency started publishing content on LinkedIn and has gained 30 followers since July 2020 with 522 page views in the last 30 days.
- August: 25 posts were published to the IEUA Facebook page, 25 posts were published to IEUA's Instagram, 25 tweets were sent on the @IEUAWater Twitter handle, and 11 posts were published to the IEUA LinkedIn page.
  - The top three Facebook posts, based on reach and engagement, in the month of August were:
    - 8/18 Mechanic and Wastewater Operator Hiring
    - 8/3 Water Quality Month
    - 8/20 Asian American Architects/Engineers Association webinar
  - The top three tweets, based on reach and engagement, in the month of August were:
    - 8/14 BIA Southern CA Water Conference - Recycled Water in 2020
    - 8/24 World Water Week
    - 8/10 Thank you to IEUA onsite staff
  - The top three Instagram posts, based on reach and engagement, in the month of August were:
    - 8/11 Budget Officer Hiring
    - 8/18 Mechanic and Wastewater Operator Hiring
    - 8/14 BIA Southern CA Water Conference - Recycled Water in 2020
  - The top three LinkedIn posts, based on impressions and reactions, in the month of August were:
    - 8/18 Mechanic and Wastewater Operator Hiring
    - 8/21 Asian American Architects/Engineers Association
    - 8/14 BIA Southern CA Water Conference - Recycled Water in 2020
- A *Water Wise Education* ad ran in *La Opinion* on August 19.
- A *Water Wise Education* ad ran in the *Chino Valley Champion's Chino Connection Magazine* section on August 22.

For the month of August, there were 10,323 searches for a park in IEUA's service area on Yelp, where Chino Creek Wetlands and Educational Park was viewed 1,062 times on a mobile device.

#### Education and Outreach Updates

- Students and teachers returned to school in August utilizing a distance learning format until San Bernardino County is removed from the State's "watch list." Staff will be implementing YouTube activity videos, digital booklets, virtual tours, and Nepris programming (a free online program that gives organizations the opportunity to efficiently and effectively extend their education outreach efforts with virtual connections) for the upcoming school year under the brand "Owl's Virtual Adventures." These programs will aid in the virtual curriculum transition.
- Staff is creating a scavenger hunt activity for teachers to incorporate into their lesson plans. This will include visiting the Chino Creek Wetlands and Educational Park in search of specific plants, trees and park features while reading educational signage throughout. Staff will generate a list of items/places with complimentary explanations and educational components and educators can use this information to develop a comprehension quiz to participants. Students receiving a passing grade will receive a printable certificate and virtual stickers.
- Staff is working on finalizing the transition of the scout badge program to a virtual format.
- The Garden in Every School® program has been placed on hold until fall. Staff will be sending out a survey to program participants in October inquiring as to interests and needs. Following the analysis of responses, and school teaching environments/locations, staff will determine whether to incorporate mini grants for School Year 20/21, implement new garden grants or keep the program on hold.

INFORMATION  
ITEM  
3B



**September 1, 2020**

**To:** Inland Empire Utilities Agency

**From:** Michael Boccadoro  
Beth Olhasso  
Maddie Munson

**RE:** August Report

---

Overview:

With summer in full swing, carryover storage in California's reservoirs is starting to show signs of dry conditions after dismal precipitation and snowpack this winter. San Luis Reservoir, the main south-of-Delta storage facility for the State Water Project, is at 108 percent of average and 47 percent capacity for this time of the year. However, Oroville is at 73 percent of average and 48 percent capacity. Drought conditions are about normal for this time of the year, with about 80 percent of the state experiencing at least abnormally dry conditions.

After downsizing the Delta WaterFix Project from two tunnels to one, the Newsom administration has released the long awaited price tag for the reworked project. The preliminary cost estimate comes in at \$15.9 billion, which is not a significant savings over the \$16.7 billion cost of the prior project. Water agencies and irrigation districts that benefit from the project will have to pay for it, if they agree.

On August 4, the Los Angeles Superior Court filed a decision, in favor of Los Angeles Waterkeeper that compels the State Water Resources Control Board (SWRCB) to analyze whether ocean discharge is considered under the "waste and unreasonable use" doctrine. The ruling, which can still be appealed, also leaves open the opportunity for the SWRCB to also look at discharges from all POTWs in the state.

The Department of Fish and Wildlife has released an update on their efforts to eradicate the invasive and incredibly destructive large rodent Nutria. The two-year long battle is crucial to save the fragile levees in the Delta. The burrowing creature can cause serious damage to levees and potentially disrupt water flow through the Delta and down to Southern California.

Biologists and anglers are expecting high numbers of fall-run chinook salmon this year. Early speculation credits fewer fish caught over the summer after a delay to the salmon fishing season as a result of COVID-19. The delay in the fishing season allowed the fish more time to feed in the ocean, growing bigger and stronger for their trip up-river.

California regulators are gearing up to conduct a post-mortem into the rolling blackouts that occurred in the state for the first time in two decades, affecting hundreds of thousands of customers in the midst of a record-breaking heatwave.

The 2019-2020 Legislative session ended late into the night of August 31. The session was significantly disrupted by the pandemic and concluded with a small number of water-related bills making it to the Governor's desk. IEUA was able to help play great defense on bills that were late gut and amends that would have had some significant impacts on the agency. Unfortunately, several bills

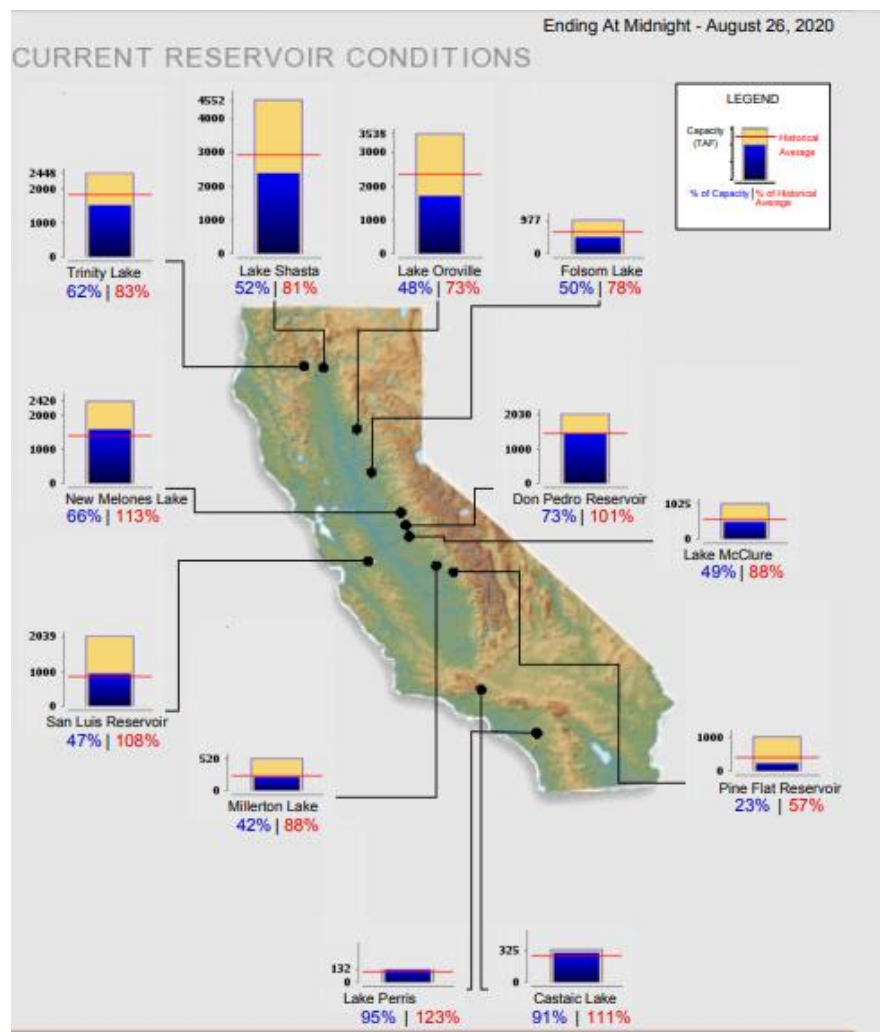
IEUA was supporting were casualties of the strange session and were held in Appropriations Committees. SB 414 (Caballero), the Small System Water Authority Act of 2020, and AB 1672 (Bloom) on disposable product labeling were held. SB 1386 (Moore) on ratepayer assessment of water from fire hydrants and AB 2560 (Quirk) on notification and response level establishment procedures at the SWRCB were both passed and are awaiting action by the Governor.

## Inland Empire Utilities Agency Status Report – August 2020

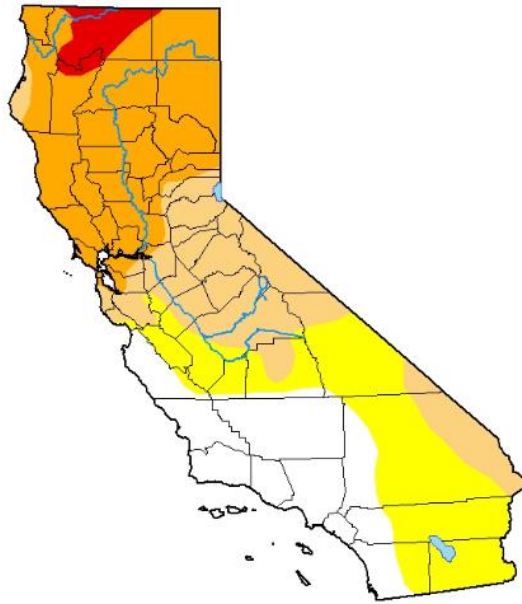
### *Water Supply Conditions*

With summer in full swing, carryover storage in California's reservoirs is showing signs of summer demand after dismal precipitation and snowpack this winter. San Luis Reservoir, the main south-of-Delta storage facility for the State Water Project, is at 108 percent of average and 47 percent capacity for this time of the year. Oroville is at 73 percent of average and 48 percent capacity.

Drought conditions are about normal for this time of the year, with about 80 percent of the state experiencing at least abnormally dry conditions. Surprisingly, it is the northern portion of the state that is struggling with more serious drought conditions, where normally Southern California is more dry.



## U.S. Drought Monitor California



**August 25, 2020**  
(Released Thursday, Aug. 27, 2020)  
Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	20.55	79.45	54.38	31.88	3.04	0.00
Last Week 08-18-2020	20.55	79.45	54.22	21.72	3.04	0.00
3 Months Ago 05-26-2020	41.80	58.20	46.67	20.84	2.97	0.00
Start of Calendar Year 12-31-2019	96.43	3.57	0.00	0.00	0.00	0.00
Start of Water Year 10-01-2019	95.29	4.71	2.06	0.00	0.00	0.00
One Year Ago 08-27-2019	90.94	9.06	1.00	0.00	0.00	0.00

### Intensity

None	D2 Severe Drought
D0 Abnormally Dry	D3 Extreme Drought
D1 Moderate Drought	D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

### Author

David Simeral  
Western Regional Climate Center



[droughtmonitor.unl.edu](https://droughtmonitor.unl.edu)

### ***Newsom Administration Releases Cost Estimate for Delta Conveyance Project***

After downsizing the Delta WaterFix Project from two tunnels to one, the Newsom administration has released the long awaited price tag of the reworked project. The preliminary cost estimate comes in at \$15.9 billion, which is not a significant savings over the \$16.7 billion cost of the prior project. Water agencies and irrigation districts that benefit from the project will have to pay for it, if they agree.

DWR officials note that when comparing the two project costs in 2017 dollars and including required mitigation efforts, the two tunnel option actually would have cost \$22 billion. They also clarified that this new information did not indicate that they are signing off on the final project and are still studying alternatives. The final decision will not be made until after the state completes environmental review required by the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), discussed below.

The next steps for the project are environmental review. The U.S. Army Corps of Engineers recently issued the Notice of Intent to begin the Environmental Impact Statement for the project, required by NEPA. The process allows members of the public and other agencies to comment on the project.

Project projects permitting is expected to be completed in mid-2024.

### ***Court Decision Could Lead to Elimination of Ocean Discharge***

On August 4, the Los Angeles Superior Court filed a decision, in favor of Los Angeles Waterkeeper that compels the State Water Resources Control Board (SWRCB) to analyze whether ocean discharge should be considered under the “waste and unreasonable use” doctrine and, if so, how. The ruling, which can still be appealed, also leaves open the opportunity for the SWRCB to also look at discharges from all POTWs in the state.

In their decision, the court questioned whether money spent on water conservation efforts would have been better spent on recycling wastewater discharge.



“For decades, Californians have been warned of drought or the threat of drought. They have been asked to reduce water usage and many have taken that to heart by, for example, shortening their shower time, using low flow toilets, and reducing lawn sprinkler time...Not long ago, the court had a case in which Los Angeles’ Department of Water and Power spent \$500 million in rebates for homeowners to plant desert plants in lieu of grass in their yards. The benefits of this expenditure were dubious,” the court wrote in the decision. “Could these monies have been better spent recycling the POTWs’ [publicly owned treatment works] wastewater discharge? We cannot know until the State Board conducts an evaluation of the reasonableness/waste of the discharges.”

According to the ruling, the court will not dictate the precise nature of this evaluation, except that the State Board must consider all relevant factors, develop a factual record and “explain how its discretion was exercised by demonstrating a rational connection between the factors considered” and choices made.

There are still a lot of questions about what this court case means, and the SWRCB still has time to decide if it is going to appeal the decision. Clarification is still needed on many aspects of the ruling, but it is clear that the ruling will require the SWRCB to evaluate discharges from all POTWs to determine if the discharges are a waste and unreasonable use. Recycled water has always fallen under the waste and unreasonable use doctrine, but POTW discharges have not. The goal of the lawsuit was on four plants in LA County that discharge to the ocean, not inland agencies. But with the broad authority given to the SWRCB, it remains to be seen if inland agencies will be included in the analysis.

It is still early in understanding what this means for POTWs, but careful attention will need to be paid to what happens next. WCA will work with CASA and WateReuse on next steps.

### ***Department of Fish and Wildlife Continues Battle with Destructive Nutria***

An invasive and extremely destructive rodent called a Nutria invaded the Delta at least two-and-a-half years ago. The Department of Fish and Wildlife (DFW) has since mounted efforts to eradicate the prolific beaver-like animal before it destroys important levees and flood control infrastructure in the region. Both the state and federal government have provided funding to support efforts.

The DFW has been successful in removing more than 1,600 of the pests through the Nutria Eradication Program, with nearly 40% of those over the last four months. Their efforts have not been stifled by the COVID-19 pandemic, as it is considered an essential activity. The main population hotspots continue to be the San Joaquin River Corridor in Stanislaus County along with Merced County’s Grassland Ecological area.

The DFW program is also trying a new approach, called the “Judas Nutria.” Staff capture and sterilize Nutria and release them with tracking devices that lead the team to other Nutria, but do not risk further reproduction by the Judases.

The effort remains a critical component of Delta management and operations to keep water flowing to Southern California.

### ***Chinook Salmon Predicted to Have Healthy Returns this Fall***

Biologists and anglers are expecting high numbers of fall-run chinook salmon this year. Early speculation credits fewer fish caught over the summer after a delay to the salmon fishing season as a

result of COVID-19. The delay in the fishing season allowed the fish more time to feed in the ocean, growing bigger and stronger for their trip up-river.

State and federal fish biologists are predicting that as many as 470,000 salmon will return to the Sacramento River in the coming months, compared to 380,000 fish last year. Fall-run are the most abundant of the four distinct runs of chinook in the Sacramento-San Joaquin River system, however they are still designated as a Species of Concern under the federal Endangered Species Act. The ESA has significant influence over the operation of the State Water Project and the Central Valley Project.

### ***Rolling Blackouts to be Studied***

California regulators are gearing up to conduct a post-mortem into the rolling blackouts that occurred in the state for the first time in two decades last week, affecting hundreds of thousands of customers in the midst of a record-breaking heatwave.

The blackouts were the result of a series of events, including high demand due to the heatwave, the unexpected loss of generation resources, and the lack of available imports, officials from California Independent System Operator (CAISO), the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC) told Gov. Gavin Newsom in a letter recently.

The agencies still have to figure out exactly why those events occurred — although peak demands were high, they were not above similarly hot days in the past, according to the letter. The regulators intend to perform a root cause analysis after the heatwave passes, with an eye to prevent similar blackouts from happening in the future.

In their letter, the regulators pointed to two factors that they think played a role: capacity shortfalls, as well as the state's heavy reliance on importing resources to meet its energy demand during late afternoons and early evenings in the summer.

But one factor that they said did not cause the rotating outages is California's broader transition to renewable energy, noting that their organizations understand the impacts of wind and solar on the grid and have taken steps to integrate the resources — although there's clearly a need to do more.

All three agencies plan to take a closer look at the issue, with the CEC refining its demand forecast to account for broader scenarios of extreme weather events, CAISO reviewing its assumptions around solar power and other resources, and the CPUC reviewing its resource adequacy rules.

The complexities surrounding the blackouts are affecting the discussion in California around the rate at which existing natural gas facilities are retired. The CPUC recently authorized additional procurement, it also sought extensions for nearly 4,800 MW of gas generation that was scheduled to retire this year. The State Water Resources Control Board is set to decide on extending four once-through-cooling facilities in the coming weeks.

### ***Legislative Update***

The Legislature concluded the 2019-2020 Legislative Session late into the night on August 31. The COVID-19 pandemic drastically altered business in the Capitol with members asked to shelve any bills not related to the pandemic, homelessness, economic recovery or wildfire. Members also had to grapple with the estimated \$54 billion budget shortfall facing the state due to the COVID-19 crisis. The Legislature ultimately passed a budget that assumes significant funding from the federal government, but has “trigger cuts” included should the funding not materialize. Even with the trigger cuts, should federal funding fail to appear, the Legislature and the Governor will have to make some

significant cuts either in a special session or in January when they return. The Governor has not indicated he is going to call a special session.

Ultimately, members were unable to craft an economic stimulus package before the end of session and no climate resilience bond was passed for the November ballot. The next opportunity for a bond will be on the March of 2022 ballot.

With the focus of legislation somewhat narrowed, there were only a handful of water bills left at the end of the year. While a few IEUA was supporting did not survive the Appropriations Suspense Files, IEUA and its coalition partners were able to help keep several bills from moving forward this year.

#### *Final Bill Results:*

AB 1672 (Bloom): CASA worked on their flushable products labeling measure for several years. They reached an agreement with the industry that not just removed the opposition to the bill, but brought the flushable products manufactures on as a co-sponsor of the legislation to require specific “DO NOT FLUSH” labeling on wipes. The measure was surprisingly held on the Senate Appropriations Suspense File. CASA has not yet said if they will try again in 2021.

AB 2560 (Quirk) is CMUA and OCWD’s bill on procedures for establishing notification and response levels at the SWRCB. The measure has easily moved through the Assembly and Senate committee and full house processes and is on the Governor’s desk for signature. The SWRCB has voiced some concerns over the bill, so it may face some challenges securing a signature.

SB 1386 (Moorlach) is the bill addressing the class action lawsuit on the how water from fire hydrants is treated under Prop. 218. IEUA has joined a very long list of supporters of this legislation and the bill moved easily through the Assembly and the Senate and is now on the Governor’s desk for approval, which with no opposition, should be secured.

AB 3030 (Kalra) would have required the state to conserve 30 percent of the state’s land, ocean and waters by 2030. The bill was incredibly vague on how the state was to implement these conservation goals and didn’t even identify the agency that would be responsible for implementing these measures. IEUA joined a broad coalition of opposition to the measure and the bill was held in Senate Appropriations Committee. It is very likely the author will try again next year with a similar measure.

AB 1659 (Bloom) was a very late “gut and amend.” The bill would extend the ½ cent per kilowatt hour fee (tax) on all Investor Owned Utility (IOU) customers until 2051 to raise \$3 billion for wildfire mitigation measures. Total cost of the revenue bonds that would be sold could exceed \$7-10 billion, since repayment will be delayed until 2035. IEUA estimated it would cost the agency anywhere between \$160,000 and \$400,000 per year. Other concerns with the bill revolve around what the funding would be spent on. There was some significant “pork” funding on pet projects included in the bill to entice specific legislators to support the measure. A strong coalition, including IEUA worked together on the bill and were able to prevent its passage.

Barring no special session, members will return to their districts for the fall campaign season and return to Sacramento in December for a swearing in ceremony and in January to begin the 2021-2022 Legislative Session.

**IEUA BILL POSITIONS—July 30, 2020**

Bill Number	Author/Sponsor	Title and/or Summary	Summary	IEUA Position
AB 1672	Bloom  CASA	Product labeling: flushable products	Current law regulates the labeling requirements on various consumer products. This bill would express the intent of the Legislature to enact legislation to prohibit the sale or advertisement of any nonwoven disposable product labeled as “flushable” or “sewer and septic safe” if that product fails to meet specified performance standards.	SUPPORT  FAILED in Senate Appropriations Committee
AB 2093	Gloria	Public records: writing transmitted by electronic mail: retention	Would, unless a longer retention period is required by statute or regulation, or established by the Secretary of State pursuant to the State Records Management Act, require a public agency, for purposes of the California Public Records Act, to retain and preserve for at least 2 years every public record, as defined, that is transmitted by electronic mail.	OPPOSE  FAILED Assembly Appropriations Committee
AB 2182	Rubio  ACWA Sponsored	Emergency backup generators: water and wastewater facilities: exemption	Would exempt the operation of an alternative power source, as defined, to provide power to a critical facility, as defined, from any local, regional, or state regulation regarding the operation of that source. The bill would authorize providers of essential public services, in lieu of compliance with applicable legal requirements, to comply with the maintenance and testing procedure set forth in the National Fire Protection Association Standard for Emergency and Standby Power System, NFPA 110, for alternative power sources designated by the providers for the support of critical facilities.	SUPPORT  Assembly Utilities and Energy Committee  DROPPED BY AUTHOR
AB 2560	Quirk  OCWD/CMUA Sponsored	Water quality: notification and response levels: procedures	The California Safe Drinking Water Act requires the State Water Resources Control Board to adopt drinking water standards for contaminants in drinking water based upon specified criteria and requires any person who owns a public water system to ensure that the system, among other things, complies with those drinking water standards. The act requires a public water system to provide prescribed notices within 30 days after it is first informed of a confirmed detection of a contaminant found in drinking water delivered by the public water system for human consumption that is in excess of a maximum contaminant level, a notification level, or a response level established	SUPPORT  On Governor’s Desk awaiting signature

			by the state board. This bill would require the state board to comply with specified public notice and comment and peer review procedures, as prescribed, when establishing or revising notification or response levels.	
<i>ACA 1</i>	<i>Aguiar-Curry</i>	<i>Local government financing: affordable housing and public infrastructure: voter approval</i>	<i>The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters.</i>	<i>SUPPORT</i>  <i>Failed Passage on Assembly Floor</i>
<i>SB 414</i>	<i>Caballero</i>  <i>Eastern MWD/ CMUA</i>	<i>Small System Water Authority Act of 2019</i>	<i>Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.</i>	<i>SUPPORT</i>  <i>2- year bill</i>  <i>FAILED passage in Assembly Approps</i>
<i>SB 667</i>	<i>Hueso</i>	<i>Greenhouse Gasses: Recycling Infrastructure and Facilities</i>	<i>Would require the Department of Resources Recycling and Recovery to develop, on or before January 1, 2021, and would authorize the department to amend, a 5-year needs assessment to support innovation and technological and infrastructure development, in order to meet specified organic waste reduction and recycling targets, as</i>	<i>SUPPORT IF AMENDED</i>



SB 1099	Dodd  CMUA/Las Virgenes Sponsored	Emergency backup generators: critical facilities: exemption	Would, consistent with federal law, require air districts to adopt a rule, or revise its existing rules, to allow critical facilities with a permitted emergency backup generator to use that emergency backup generator during a deenergization event or other loss of power, and to test and maintain that emergency backup generator, as specified, without having that usage, testing, or maintenance count toward that emergency backup generator's time limitation on actual usage and routine testing and maintenance. The bill would prohibit air districts from imposing a fee on the issuance or renewal of a permit issued for those critical facility emergency backup generators	SUPPORT  Bill dropped-Administrative solution with SCAQMD under discussion  Assembly Natural Resources Committee
SB 1386	Moorlach  Irvine Ranch Water District and others	Local government: assessments, fees, and charges: water.	The Proposition 218 Omnibus Implementation Act prescribes specific procedures and parameters for local jurisdictions to comply with these requirements and, among other things, authorizes an agency providing water, wastewater, sewer, or refuse collection services to adopt a schedule of fees or charges authorizing automatic adjustments that pass through increases in wholesale charges for water, sewage treatment, or wastewater treatment or adjustments for inflation under certain circumstances. Current law defines, among other terms, the term "water" for these purposes to mean any system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water from any source. This bill would specify that "water" for purposes of the Proposition 218 Omnibus Implementation Act also includes the public fixtures, appliances, and appurtenances connected to an above-described system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water from any source.	SUPPORT          On Governor's desk awaiting signature
AB 1659	Bloom	Large electrical corporations: wildfire mitigation: securitization	Would enact the Wildfire Prevention and Community Resilience Act of 2020 and would require the Natural Resources Agency, in consultation with the Public Utilities Commission, to adopt an interim expenditure plan and an expenditure plan that are focused on reducing wildfire risk on the ground and in communities through activities such	OPPOSE

			<i>as defensible space implementation, home hardening, improved public safety, including expenditures to add trained emergency medical technicians to the workforce, and other authorized activities, as well as to prepare residents for wildfires through public education and outreach, as provided. The bill would establish the Wildfire Prevention and Community Resilience Fund and, upon appropriation by the Legislature, would require moneys in the fund be used for the implementation of those plans.</i>	<i>FAILED passage on Senate Floor</i>
--	--	--	--	---------------------------------------

Note: Bills in *ITALICAS* are no longer active.



INFORMATION  
ITEM  
3C

# INNOVATIVE FEDERAL STRATEGIES, LLC

*Comprehensive Government Relations*

## MEMORANDUM

**To:** IEUA Community and Legislative Affairs Committee

**From:** Letitia White, Jean Denton, and Drew Tatum

**Date:** August 31, 2020

**Re:** August Monthly Legislative Update

---

### *Lawmakers and White House Fail to Reach COVID Relief Bill Deal*

White House officials and Democratic leaders ended negotiations on Friday, August 7 without a coronavirus relief deal or even a clear path forward, with both sides remaining far apart on critical issues. Treasury Secretary Steven Mnuchin said that he and White House Chief of Staff Mark Meadows would recommend that President Trump take executive action to address the economic fallout from the crisis, which the President later did over the same weekend.

The political standoff came as more than 30 million Americans were set to miss their second enhanced jobless benefits check and millions of others would no longer be protected by an eviction moratorium.

Democrats had sought \$3.4 trillion through their HEROES Act to provide more economic relief, while Republicans have sought a much narrower package – releasing eight individual bills late July which together constitute their HEALS Act.

While conversations between the White House and Congressional Democrats have not produced a final agreement, negotiations may have produced consensus on additional nutrition assistance, US Postal Service funding, an additional round of Paycheck Protection Program funding and extending eligibility to those who have already received loans, additional stimulus payments to American households, testing and tracing funding, and a short term change in the tax law related to the deductibility of meals.

Senate Majority Leader Mitch McConnell (R-KY) has repeatedly acknowledged the divisions in his own conference, with some 20 GOP senators reluctant to spend any more money at all after Congress already approved four bipartisan bills in March and April totaling around \$3 trillion. McConnell has not taken an active part in the talks and has said he'll support any deal the administration officials and Democrats are able to reach.

During the last week in August, House Speaker Nancy Pelosi (D-CA) said she talked with White House Chief of Staff Mark Meadows for 25 minutes on Thursday, August 27 but that they remain at a “tragic impasse” over another round of coronavirus relief.

Pelosi had maintained that she will restart negotiations when the administration is willing to raise its price tag cap by \$1 trillion to \$2 trillion. Democrats have indicated a willingness to drop the

total price tag for their coronavirus response bill by more than \$1 trillion, first offering a ceiling of \$2.4 trillion. The last week of August Democrats proposed to bring the price tag even lower, noting that they would consider bringing the total cost closer to \$2.2 trillion.

### ***White House Takes Executive Actions on Coronavirus Response***

In response to the failed negotiations between the White House and Congressional Democrats, President Donald Trump held a press conference on Saturday, August 8 and announced that he would take executive actions to address the economic fallout caused by the coronavirus.

President Trump signed three Executive Memorandums and one Executive Order that look to address unemployment aid, student loan payment relief, eviction assistance, and a temporary deferment of some payroll taxes. At least some of the administration's actions are expected to face legal scrutiny, which President Trump acknowledged at his press conference.

Regarding unemployment aid, the administration outlined \$400 in weekly unemployment aid for those who have recently experienced the expiration of the enhanced additional \$600 in federal unemployment included in the CARES Act. In a Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019, the administration calls on states to use amounts allocated to them under the \$150 billion Coronavirus Relief Fund or other state funds to provide enhanced financial support to those on unemployment. It also addressed the use of up to \$44 billion of Disaster Relief Funds at the Department of Homeland Security to be made available for state expenditures providing enhanced unemployment benefits. It also called on states to identify additional funding that could be used if the Disaster Relief Fund is depleted to \$25 billion, an amount that will be set aside to support ongoing disaster response and recovery and potential 2020 major disaster costs.

In rolling out the plan, FEMA has allowed states to either offer \$300 or \$400 in additional funding for individual states. If a state offers \$300, there is not a 25% matching requirement provided that states can show that existing unemployment benefits constitute at least 25% of the unemployment insurance payment to individuals. States that opt to provide \$400 per week in supplemental benefits must provide \$100 from existing state funds, including the Coronavirus Relief Fund provided in the CARES Act. To date, 40 states, including California, have entered into agreements with FEMA to provide additional unemployment assistance to individuals.

For student loan payment relief, the administration called for the suspension of loan payments and a temporary interest rate of 0% for federal student loans through December 31, 2020. The CARES Act included a provision that expired on September 30, 2020. The Memorandum on Continued Student Loan Payment Relief During the COVID-19 Pandemic called on the Secretary of Education to continue providing “deferments to borrowers as necessary to continue the temporary cessation of payments and the waiver of all interest on student loans held by the Department of Education until December 31, 2020.”

The Executive Order on Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners called for the Secretary of the Treasury and the Secretary of Housing and Urban Development to “identify any and all available Federal funds to provide temporary

financial assistance to renters and homeowners who, as a result of the financial hardships caused by COVID-19, are struggling to meet their monthly rental or mortgage obligations.” This comes after the CARES Act moratorium on evictions ended on July 24 for most federally subsidized housing, which covered between 12.3 million and 19.9 million households.

Finally, the White House included a payroll tax deferment through executive action after the idea did not gain much traction during negotiations on Capitol Hill. The Memorandum on Deferring Payroll Tax Obligations in Light of the Ongoing COVID-19 Disaster calls for the Secretary of the Treasury to use his authority pursuant to 26 U.S.C. 7508A for the purposes of deferring the withholding, deposit, and payment of the taxes. It also called for the Secretary of the Treasury to “explore avenues, including legislation, to eliminate the obligation to pay the taxes deferred pursuant to the implementation of this memorandum.”

The period of the deferment would be from September 1 through December for people who earn less than \$100,000. Note that this is simply a deferral which seeks to use similar authorities that allowed the Department of Treasury to delay the payment of certain federal taxes earlier this year. Trump noted in his press conference that if he wins reelection, he would seek to extend the deferral and “terminate” the tax. Trump later clarified that he would seek a transfer from the general fund to cover the reduction in income to the Social Security and Medicare Trust funds.

Many employers are opting not to provide the payroll deferment, as it is unclear who would be liable in the event that an employee left before the collection of deferred taxes were recouped by the employer.

### ***Democrats Not Leading Court Fight Over Trump COVID Relief Executive Orders***

Democratic lawmakers are not rushing to court to fight executive actions taken by President Trump on using Homeland Security Funds for enhanced unemployment benefits after the federal enhanced unemployment insurance benefit expired in July. Democrats will likely let state officials or private parties spearhead the legal challenges that could take months to resolve.

Democrats are concerned the optics of challenging much-needed aid to unemployed workers and households struggling to pay their bills during a recession would be unfavorable, even though they fiercely disagree with Trump going around Congress with executive actions or question the legality of such moves.

Congressional Democrats are also increasingly confident that two of Trump’s most controversial orders issued following collapsed negotiations— his instruction to defer payroll taxes and to spend \$44 billion in disaster relief funds to supplement weekly unemployment benefits — will be unworkable, making a lawsuit unnecessary.

Optics aside, it’s unclear whether the Democratic-controlled House would be recognized as having the legal standing needed to move forward with a lawsuit challenging Trump’s orders.

## *Innovative Federal Strategies LLC*

The Senate, which is controlled by Republicans, has no plans to file a lawsuit either, despite some Republicans like Senator Ben Sasse (R-NE) calling Trump's orders "unconstitutional slop."

In response to the uncertainty of House Democrats planning to file a lawsuit, Senate Minority Leader Charles Schumer (D-NY) highlighted the Democrats' view that the executive orders are flawed to the point of being nearly unworkable.

"The bottom line is the executive orders — I agree with Sasse that they're unconstitutional slop — but the bottom line is even if they're here, they're not going to do what's needed or come even close," Schumer said.

While Democrats have questioned whether or not the executive actions are unworkable, Trump administration officials insist they're on solid legal ground. The Federal Emergency Management Agency (FEMA) has announced agreements with 40 states thus far to provide additional unemployment assistance.

The Trump Administration has not issued substantive guidance on how employers should look to implement a payroll tax deferral period, meaning many payroll providers have not updated their systems to accommodate. Further, employers have expressed concerns about the possible liability they may create for themselves in the event an employee were to leave before the deferred taxes that were withheld are repaid by the employee.

### ***Senate Introduces Draft 'Skinny' Covid-19 Stimulus Bill***

On August 18, Senate Republicans released a "skinny" version of a stimulus bill. The measure, called the "Delivering Immediate Relief to America's Families, Schools and Small Businesses Act," would protect businesses, schools, and other establishments from liability related to coronavirus exposure and provide emergency funding for health and education programs.

Specifically, the U.S. Postal Service could receive as much as \$10 billion in aid under a draft stimulus bill circulated by Senate Republicans as an amendment to an unrelated bill that has passed the House and Senate in different forms. The CARES Act (Public Law 116-136) allowed the U.S. Postal Service to borrow as much as \$10 billion in additional funds from the Treasury Department to cover operating expenses during the Covid-19 emergency. On July 29, the Postal Service announced it reached an "agreement in principle" with the Treasury Department on the terms of the loan, which have not been released.

Under the new bill, the Postal Service would no longer have to repay any money it borrows, though it would limit the use of CARES Act funds to periods when the Postal Service has less than \$8 billion in cash on hand.

USPS had \$12.9 billion in cash and cash equivalents as of June 30, up from \$8.8 billion at the end of fiscal 2019, according to its most recent financial report.

## *Innovative Federal Strategies LLC*

While the House passed separate legislation prohibiting the U.S. Postal Service from making any changes to its operations amid the coronavirus pandemic - the Trump administration has threatened to veto the bill. In addition, Majority Leader Mitch McConnell doubts the Senate would pass a stand-alone Postal Service bill.

The “skinny” proposal would also revive the Federal Pandemic Unemployment Compensation program through December 27, with payments of \$300 per week, down from \$600 when the program lapsed at the end of July.

The measure would authorize a second round of loans under the Paycheck Protection Program, which offered low-interest, forgivable loans guaranteed by the Small Business Administration for small businesses and other entities to keep workers on the payroll during the Covid-19 crisis.

It would increase the program’s combined lending authority to \$816.7 billion, from \$659 billion, and extend it to December 31, from August 8. The measure also would rescind \$100 billion in unobligated PPP funds and appropriate \$257.7 billion in new funds for the SBA to guarantee first and second loans.

The program had previously been open to businesses and 501(c)(3) nonprofits with 500 or fewer employees, as well as self-employed workers and some companies that are part of food or hotel chains, among others.

To qualify for a second loan, entities would have to employ 300 or fewer workers, instead of the current 500-employee threshold and demonstrate that they had at least a 35% reduction in gross revenue in the first or second quarter of 2020 compared with the same period in 2019, with some exceptions.

The measure includes criteria for ineligible entities, specific entities unable to qualify include publicly traded companies, companies that received their first PPP loan under the industry code for finance and insurance businesses, entities primarily engaged in political or lobbying activities, including think tanks, and businesses that are partially owned by Chinese entities or that have a Chinese resident on their board.

Eligible borrowers could receive second loans for as much as 250% of their average monthly payroll costs or \$2 million, whichever is less. Businesses with multiple locations could not receive more than \$2 million in total.

The measure also would reduce the maximum amount for first PPP loans following the bill’s enactment to \$2 million, from \$10 million.

At least \$25 billion of loans in the second round would be set aside for entities with 10 or fewer employees as of February 15, 2020. At least \$10 billion would have to be issued by community financial institutions, and by insured depository institutions, credit unions, and Farm Credit System institutions with less than \$10 billion in assets.

## *Innovative Federal Strategies LLC*

The Small Business Administration and its lending partners had approved \$525 billion in PPP loans when the application period expired on August 8, with \$134 billion remaining, according to SBA data.

The bill would allow small business debtors to receive PPP loans if approved by a bankruptcy court. Any PPP loan would be given a superiority claim in a bankruptcy proceeding, meaning it would be repaid before other creditors.

The provision would expire two years following the bill's enactment.

Overall, the provisions are largely similar to those in the "HEALS Act," a package of bills Senate Republicans released the week of July 27; although, neither package includes any aid for states and local governments sought by Democrats.

In addition, it provides \$16 billion for testing, contact tracing, mitigation and surveillance of COVID-19 in states, a \$29 billion for vaccine, therapeutics, and diagnostic development, as well as vaccine distribution.

The measure would also address liability and would create exclusive federal causes of action for claims related to virus exposure or related medical care, meaning lawsuits could not be brought under common law or another medical malpractice statute.

Defendants could be found liable only if they did not make reasonable efforts to comply with relevant public health guidelines and were either grossly negligent or engaged in willful misconduct. The proposal also would require stricter pleading requirements and evidentiary thresholds for plaintiffs.

The measure would limit compensatory damages to the plaintiff's economic losses. Punitive damages could be awarded only if the defendant's willful misconduct caused the injury and would be capped at an amount equal to compensatory damages. The bill would preempt less stringent state and federal limits.

The measure would allow lawsuits against anyone who sends a demand for payment in exchange for settling or otherwise not pursuing a coronavirus-related lawsuit. The Justice Department could also bring civil suits against anyone engaged in a pattern or practice of making such demands in relation to "meritless" claims.

The liability provisions would apply to virus exposure on or after December 1, 2019, and until at least October 1, 2024. They would apply to any cases pending on the date of enactment.

The bill would block any coronavirus-related liability or proceeding to enforce federal labor and employment laws if the employer "was relying on and generally following" relevant health and safety standards and guidance and made an attempt to satisfy the laws' requirements consistent with that guidance.



## *Innovative Federal Strategies LLC*

No employer could be held liable for injuries resulting from employee coronavirus testing except in cases of gross negligence or intentional misconduct.

The measure would stipulate that creating policies and providing personal protective equipment or other assistance related to Covid-19 would not constitute evidence of an employment or joint employment relationship.

The measure would provide emergency funding for the Health and Human Services Department and Education Department to respond to the coronavirus pandemic.

The measure would provide \$20 billion for the Biomedical Advanced Research and Development Authority to purchase vaccines, as well as \$6 billion for distribution.

It also would provide \$16 billion for testing and contact tracing.

The measure would provide \$105 billion for the Education Stabilization Fund created by the CARES Act.

It would include \$70 billion for elementary and secondary schools, which would be distributed to local educational agencies based on their Title I grant funding allocations and to private schools based on their portion of enrolled students in the state. Two-thirds of funding would go to schools that provide in-person instruction for the upcoming school year.

The fund would also include \$29 billion for higher education institutions. Grants would be awarded to schools largely based on their number of Pell Grant recipients, and wealthier schools subject to an endowment tax for 2019 would have their allocations reduced by 50%.

The higher education funding would include \$2.9 billion for Historically Black Colleges and Universities and Minority Serving Institutions.

### ***House Passes Postal Legislation***

The House approved legislation in a rare Saturday session that would reverse recent changes in U.S. Postal Service operations and send \$25 billion to shore up the agency ahead of the November election.

Speaker Nancy Pelosi recalled lawmakers to Washington to vote on legislation on Saturday, August 22.

The bill passed largely along party lines, 257-150, with 26 Republicans joining Democrats in support of the legislation. Roughly 30% of Democrats did not return to Washington for the vote—utilizing proxy voting to cast their votes.

The vote came after Postmaster General Louis DeJoy announced he would suspend cost-cutting measures until after the November elections.



## *Innovative Federal Strategies LLC*

The proposal would prevent the Postal Service from making any operational changes that would result in reduced service — such as removing mail-sorting machines, restricting overtime pay or handling election mail as anything other than first-class for prioritized delivery — until the COVID-19 pandemic is over.

It would also provide \$25 billion for Postal Service operations, which is an amount originally recommended by the agency's board of governors. House Democrats also included the funding in the \$3.4 trillion coronavirus relief package that they passed in May.

The bill is poised to stall in the Senate, where Majority Leader Mitch McConnell has signaled the chamber is unlikely to take it up.

The White House has also issued a veto threat.

Funding for the Postal Service has also been part of negotiations over a coronavirus relief package. However, as stated above the bipartisan talks have been stalled for weeks, primarily over funding for state and local governments and extending a \$600-per-week federal unemployment insurance supplement that expired at the end of July.

### ***Lawmakers Eye Extending Highway Law as Deadline Looms***

Bipartisan support is growing to extend temporarily the nation's highway law as Congress stalls on negotiating a new authorization ahead of the September deadline.

Senate Appropriations Chairman Richard Shelby (R-AL) backs extending the FAST Act (Public Law 114-94) that funds highways, public transportation, and rail, known together as surface transportation. House Ways and Means Chairman Richard Neal (D-MA), whose committee oversees the bill's funding portion, also supports an extension if House Democrats and the administration fail to reach a deal on the package the House passed earlier this summer (H.R. 2).

Neal has indicated he “hopes to avoid kicking the can down the road and passing an extension” but notes that if there is no agreement, he will support the necessary measures to avoid a lapse.

Congress and President Donald Trump so far have fallen short on campaign promises to invest heavily in infrastructure. It is not unusual for lawmakers to miss their deadlines for agreement on highway bills: Congress extended the previous highway law (Public Law 112-141) five times before enacting a permanent replacement.

Both the House and Senate bills under discussion face a long road to enactment, with both sides failing to come up with a plan to finance them. Negotiations between Neal and Treasury Secretary Steven Mnuchin are on hold until at least after the next coronavirus relief package passes.

The House passed its almost \$500 billion highway proposal in July, though lawmakers did not include a firm way to pay for it. The bill would transfer about \$145 billion from the general fund into the Highway Trust Fund, which covers most highway and transit programs. It would not

increase the gasoline and diesel fuel tax, the main money source for the Highway Trust Fund, or propose a way to raise new revenue. The fund will run out by fiscal 2022 without an infusion of new dollars, the Congressional Budget Office predicts. Neal's office at the time said the proposal was intended to serve as a starting point for bipartisan negotiations, not a final fix.

The White House said soon after the House passed its bill that Trump would veto it, and Majority Leader Mitch McConnell said it was "not going anywhere in the Senate."

Meanwhile, the Senate has slow walked drafting a competing proposal. The Environment and Public Works Committee approved one section (S. 2302) of the chamber's proposal last summer, though the committees with jurisdiction over the transit, safety, and finance portions have yet to introduce legislation.

The current authorization, the FAST Act, is set to expire on September 30, 2020. An extension of authorities could come along with a continuing resolution or coronavirus relief package if considered in September. An initial extension will likely extend current authorities through the elections, giving lawmakers another opportunity to address the legislation later this fall.

### ***Senate Democrats Reconsider Filibuster Use***

A growing number of Senate Democrats have appeared supportive, or at least open, to nixing the 60-vote legislative filibuster if they win control of the Senate in November's elections. Democrats, in 2013, got rid of the 60-vote filibuster for most nominations, and Republicans, in 2017, eliminated the same hurdle for Supreme Court nominees.

Supporters of getting rid of the procedure — which would likely be lowered to a simple majority — argue that without the change, major parts of the Democratic agenda from health care to combating climate change and structural reforms would hit a buzz saw in the Senate because Republicans could filibuster any piece of legislation, requiring that it overcome the 60-vote hurdle to move forward.

Both Senate Minority Leader Charles Schumer (D-NY) and Senate Minority Whip Dick Durbin (D-IL), indicated last year that they were open to the idea, though Schumer — expected to be the majority leader if Democrats get control in November — has said the focus should first be on winning back the Senate.

Republicans currently hold a 53-47 majority in the Senate. If Democrats take back the chamber — which would require a net pick up of three seats and the White House or a net gain of four seats for an outright majority — they are still expected to have a relatively slim margin. That means under the current filibuster rules, they would need the support of several GOP senators to get legislation passed.

### ***NEPA Rule Faces Another Challenge***

In August, a coalition of environmental groups filed suit against the Trump administration, challenging its rollback of a bedrock environmental law.

The suit, spearheaded by the Natural Resources Defense Council on behalf of eight other groups, is the third to contest the July rollback of the National Environmental Policy Act (NEPA), which for 50 years has required thorough environmental reviews before major projects like pipelines and highways could be approved.

“Countless unnecessary environmental harms—including deadly air pollution in residential communities already overburdened by environmental hazards; the individually small but cumulatively devastating climate change impacts of dirty fuels; and the piecemeal destruction of the habitat of species on the brink of extinction—have been identified, disclosed, and often avoided, simply because NEPA requires federal agencies to think before they act,” the groups wrote in their suit.

They added that the Trump rewrite of the rule “will eliminate environmental reviews for entire classes of projects that may have devastating cumulative or indirect impacts on people and the environment,” they write.

The suit argues the rewrite of the rule also opens the door for more industry involvement in reviewing the environmental effects of their projects or nixing reviews entirely for some projects that receive little federal funding.

In response, the White House argues that the new rule is needed to ease bureaucratic delays that can stall infrastructure projects.

The suit follows similar legal grounds as the two filed before it, arguing the Trump administration violated the Administrative Procedures Act in its rollout of the rule while undermining the legal basis of NEPA itself.

### ***The Administration Faces Scrutiny About Expedited Projects***

More than 50 Democratic lawmakers are asking the Trump administration to turn over documents after the White House directed agencies to create a shortlist of construction projects that could be fast tracked to boost the economy amid the coronavirus pandemic.

A June executive order from President Trump expedites the permitting of construction projects and energy projects overseen by several federal agencies, using emergency authorities to skirt environmental regulations with little public notice.

Agencies had 30 days to report which projects would be expedited under the order, but there was no requirement for that list to be publicized.

“By keeping these reports from the public, this administration is concealing its own response to the economic crisis brought on by the COVID pandemic. If the administration is confident that this Executive Order can legally and legitimately provide economic relief, it should disclose which projects and decisions it is advancing under the auspices of the order,” the lawmakers wrote in a letter to the White House spearheaded by Senate Environment and Public Works

Committee Ranking Member Tom Carper (D-DE), House Transportation Committee Chair Peter DeFazio (D-OR), and House Natural Resources Committee Chair Raúl M. Grijalva (D-AZ).

The order would slash the requirements in a number of landmark environmental laws, including the Endangered Species Act, the Clean Water Act and the National Environmental Policy Act (NEPA), which requires rigorous environmental review before building new infrastructure like highways or pipelines.

“These reports contain information on how billions of taxpayer dollars will be spent on projects impacting the health and safety of their communities. How these taxpayer dollars are spent should be subject to taxpayer scrutiny,” they wrote.

### ***Judge Dismisses House Lawsuit Over Proxy Voting***

A federal judge on Thursday, August 6 threw out a House GOP lawsuit alleging that the proxy voting system approved by House Democrats is unconstitutional.

District Court Judge Rudolph Contreras ruled that the constitution's Speech or Debate Clause prohibited lawsuits over Congress' legislative efforts.

“The Court can conceive of few other actions, besides actually debating, speaking, or voting, that could more accurately be described as 'legislative' than the regulation of how votes may be cast,” wrote Contreras, who was appointed to the federal district court in Washington, D.C., by former President Obama.

Amid the coronavirus health crisis, House Democrats pushed through a rule change in May that allowed each member to cast proxy votes on behalf of up to ten of their colleagues. It was the first time in U.S. history that either chamber of Congress had allowed members to vote by proxy.

House Republicans, led by House Minority Leader Kevin McCarthy (R-CA), sued the same month, arguing that the new system of voting violated the Constitution.

“A majority of the House may have voted to ignore what the Constitution demands of it, but this Court may not do the same,” the GOP's lawsuit reads.

In his ruling, Contreras did not weigh the merits of the Republicans' constitutional claims, finding only that the case lacked legal standing.

Republicans, with the exception of Representative Francis Rooney (R-FL), have avoided using proxy voting on the floor of the House in the wake of their lawsuit. Rooney became the first GOP lawmaker to vote by proxy on Wednesday, July 29. He selected Representative Don Beyer (D-VA) to serve as his proxy. Rooney, who had been a proponent of the change since earlier this year said of his decision to cast a vote via proxy, “As I have said before, Congress should utilize modern technology to permit remote voting. While I wanted to proxy vote as soon as the Speaker set it up, I agreed to wait until the lawsuit challenging its legality had been heard, which has now happened.”

### ***President Trump Takes Issue with California Wildfire Prevention Practices***

President Trump on Thursday, August 20 again criticized California officials as wildfires burned in the Bay Area, accusing leaders of improperly managing flammable debris in state forests leading to fires.

During a speech in Pennsylvania, the president blamed the wildfires on "years" of poor forest management in California.

"And I see again, the forest fires are starting," Trump said. "They're starting again in California. And I said, you've got to clean your floors. You've got to clean your floors."

"I've been telling them this now for three years, but they don't want to listen," he added. President Trump made similar critiques last year and threatened to cut federal funding for the wildfires sweeping California. He expressed comparable concerns in 2018 as well. Of the 33 million acres of forest in the state, 57% is controlled by the federal government and even the timber industry — which Trump appears to be trying to support — has slammed the U.S. for doing too little to manage those vast holdings.

Trump also made similar comments last year, prompting California Gov. Gavin Newsom (D) to respond, saying the president was unqualified to weigh in on fire safety due to his past remarks calling climate change a hoax. California's leaders have acknowledged the need to reduce the fuel buildup in the forest the state does control. Gov. Jerry Brown (D) signed a series of bills towards the end of his tenure to streamline regulations for thinning forests in fire zones, allow limited removal of some larger trees and force cities and counties to plan better defenses for homes and communities. Newsom has continued fire threat-reduction initiatives.

California Gov. Gavin Newsom took issue with President Trump's most recent response to the California wildfires in a quick appearance during the Democratic National Convention in August. In addition to defending the state's response to the wildfires, the Governor also cited the more than 90 lawsuits the state is involved in with the Trump administration, including suits over clean air, clean water, endangered species, and pesticides.

### ***Newsom Could Need to Select Senate Replacement***

Democratic presidential nominee Joe Biden's selection of Senator Kamala Harris (D-CA) as his running mate means that a number of current and former members of California's congressional delegation could be in line for promotions if Democrats win the White House.

If Harris were elected vice president and left her Senate seat, California Gov. Gavin Newsom would appoint a successor to serve the rest of the term, which lasts through 2022.

Harris is currently the only Black female senator, which could put pressure on Newsom to ensure that diversity is represented in a potential replacement.

## *Innovative Federal Strategies LLC*

Newsom would have a deep bench to choose from, with many California lawmakers and statewide officials already boasting national profiles.

Likely on the short list is Representative Karen Bass (D-CA) who was on Biden's shortlist for vice president, a slot that ultimately went to Harris. Bass shot to national prominence this summer for her efforts leading a police reform bill as the chairwoman of the Congressional Black Caucus. Before serving in the House, Bass was a community organizer who co-founded an organization to fight poverty and crime in Los Angeles and went on to become the first African American woman to serve as Speaker of a state legislature.

Representative Adam Schiff (D-CA), the House Intelligence Committee Chairman, is a household name thanks to his starring role leading the impeachment inquiry into President Trump's dealings with Ukraine. Colleagues in California and elsewhere have said Schiff would be in a strong position for a Senate seat if a vacancy opens up.

Representative Katie Porter (D-CA) while in her first term, has already gone viral numerous times for her pointed questioning of Trump administration officials during committee hearings. Her proclivity for lighting up social media — and subsequent fundraising ability.

On the stateside, California Lt. Governor Eleni Kounalakis, California Secretary of State Alex Padilla, California Attorney General Xavier Becerra, Los Angeles Mayor Eric Garcetti, California State Controller Betty Yee, and California Treasurer Fiona Ma have also been floated as potential selections should the Biden-Harris ticket be elected in November.

Bill Number	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R. 7608	Rep. Nita Lowey (D-NY)	First House Minibus Appropriations Package: State, Foreign Operations, Agriculture, Rural Development, Interior, Environment, Military Construction, and Veterans Affairs Appropriations Act, 2021	<p>The \$259.5 billion four appropriation bill package included \$36.76 billion for the Interior, Environment spending bill in which the Environmental Protection Agency would receive a near-record \$9.38 billion and Interior would get \$13.83 billion in discretionary appropriations under the legislation.</p> <p>The measure includes \$15 billion for a new emergency critical infrastructure fund, \$2.35 billion for the wildfire suppression cap adjustment, and \$12.9 million in additional funds for research on PFAS, “forever chemicals” found in nonstick consumer goods and firefighting foam.</p>	<p>Representative Lowey, Chair of the House Appropriations Committee, introduced the first minibus on July 13, 2020.</p> <p>Amendments from members were due to the Committee on July 20, and the legislation passed in the House on July 24 by a vote on 224-189. Republicans voted against the measure unanimously, objecting to the "emergency" spending titles, which they say violates the Bipartisan Budget Act agreed to last year.</p> <p>The spending bills face an unlikely path to the president’s desk before the new fiscal year begins on October 1. Without funding bills or a continuing resolution — a stopgap measure that extends current funding levels — the government would shut down.</p> <p>Moreover, the Senate has yet to introduce their versions of the fiscal year 2021 appropriations bills, and are not expected to do so until after August recess.</p>

H.R. 7617	Rep. Pete Visclosky (D-IN)	Second House Minibus Appropriations Package: Defense, Commerce, Justice, Science, Energy and Water Development, Financial Services and General Government, Homeland Security, Labor, Health and Human Services, Education, Transportation, Housing, and Urban Development Appropriations Act, 2021	<p>The measure totals over \$1.3 trillion and included \$60 million for WaterSMART Grants; \$2.1 million for Water Conservation Field Services Program; \$4.179 million for Cooperative Watershed Management; \$2 million for Basin Studies; \$5 millions Drought Responses &amp; Comprehensive Drought Plans; \$5 million for Basin Studies and \$63.665 million for Title XVI Water Reclamation and Reuse Program and an additional \$300 million in emergency appropriations for WaterSMART grants and \$50 million for the Title XVI program.</p> <p>?</p>	<p>The legislation was introduced in the House on July 16, 2020</p> <p>The measure passed the House by a vote of 217 to 197, with no Republicans supporting the bill and 12 Democrats joining them in opposition.</p> <p>The Senate has yet to introduce their versions of the fiscal year 2021 appropriations bill, and are not expected to do so until after August recess.</p>
-----------	----------------------------	--	--	---



H.R. 7575	Rep. DeFazio (D-OR)	Water Resources Development Act of 2020	<p>The legislation would help build, repair, and maintain a wide variety of water infrastructure projects.</p> <p>In addition, the U.S. Army Corps of Engineers would be authorized to start several navigation, flood control, storm damage, and other water-related infrastructure projects. The bill also directs the Corps to undertake an inventory of water resources development projects and associated properties that are or may be contaminated with PFAS, and to develop a plan to remediate and limit potential human exposure to the contamination. In Southern California, the Corps would be required to expedite a study on the Seven Oaks Dam related to adding additional authorized purposes.</p>	<p>The bill was introduced July 13, 2020.</p> <p>The measure was favorably approved out of committee on July 24, 2020 and passed the House on July 31, 2020 by voice vote.</p> <p>After passing the House the bill is now awaiting consideration in the Senate. Senate EPW Committee Chairman John Barasso (R-WY) has indicated a willingness to consider the House-passed bill.</p>
H.R. 6084	Rep. Suzanne Bonamici (D-OR)	Water Power Research and Development Act	<p>To provide for a program of hydropower, pumped storage, and marine energy research, development, demonstration, and commercial application, and for other purposes.</p>	<p>The legislation was introduced on March 4, 2020 and referred to the Subcommittee on Energy of the House Committee on Science, Space, and Technology.</p> <p>On March 12, 2020, the Subcommittee on Energy held a Mark-up Session, and the legislation forwarded by the Subcommittee to Full Committee for Voice Vote.</p> <p>No actions on the bill have been taken since March.</p>

H.R. 2	Rep. DeFazio (D-OR)	Moving Forward Act	<p>The bill combines multiple pieces of legislation to authorize funds for Federal-aid highways, highway safety programs, and transit program.</p> <p>The measure includes \$25 billion for drinking water, \$100 billion for broadband, \$70 billion for clean energy projects, \$100 billion for low income schools, \$30 billion to upgrade hospitals, \$100 billion in funding for public housing and \$25 billion for the postal service and allocates approximately \$500 billion to further green efforts.</p>	<p>The legislation was introduced in the House on June 11, 2020.</p> <p>On June 17, 2020 the Subcommittee on Highways and Transit discharged the measure and the bill for consideration by the Committee on Transportation and Infrastructure.</p> <p>Following the mark up the bill was ordered to be reported out of committee. On Monday, June 29, 2020 the Rules Committee met to discuss the procedure and rules for the bill's consideration on the House floor.</p> <p>The House voted on the measure on Wednesday, July 1 and passed the legislation by a vote of 233 – 188. The Administration opposes the legislation and the President will likely veto the bill in its current form.</p>
H.R. 6622	Rep. David McKinley (R-WV)	Assuring Quality Water Infrastructure Act	<p>The bill amends the Safe Water Drinking Act to establish a grant program for improving operational sustainability by small public water systems.</p> <p>The bill would authorize \$5 million to execute this program for each of the fiscal years 2021 - 2025.</p>	<p>The legislation was introduced on April 24, 2020, and referred to the House Committee on Energy and Commerce.</p>

H.R.6800	Rep. Nita Lowey (D-NY)	The HEROES Act	<p>The bill provides over \$3 trillion to federal agencies, state and local governments, small businesses, and individuals.</p> <p>The measure also would authorize and provide \$5 billion for the Housing and Urban Development Department's Community Development Block Grant program. The grant funds would have to be allocated to state and local recipients within 30 days of the bill's enactment according to an existing formula. Emergency grants could be made over 121 consecutive months, instead of three months, for entities that provide families with food, clothing, housing, and more.</p> <p>In addition, outlined within the legislation, and some would say key to successfully reopening, the measure would authorize and appropriate \$75 billion for a Covid-19 National Testing and Contact Tracing initiative.</p>	<p>The legislation was introduced on May 12, 2020.</p> <p>On May 15, 2020 the measure passed the House by a vote of 208 - 199.</p> <p>The bill has not been well received in the Senate. Majority Leader Mitch McConnell(R-KY) has indicated that a Senate version will likely be notably different than the House passed version.</p> <p>The Senate Committee on Small Business held hearings on the legislation on July 23.</p>
----------	------------------------	----------------	---	---

<p>S.3752 / H.R.6954</p>	<p>Sen. Robert Menendez (D-NJ) / Sen. Bill Cassidy (R-LA)</p> <p>Reps. Mikie Sherril (D- NJ) / Rep. Peter King (R-NY)</p>	<p>SMART Act</p>	<p>The State and Municipal Assistance for Recovery and Transition (SMART) Act targets \$500 billion in emergency funding to every state, county and community in the country, while prioritizing assistance to the areas with the greatest need.</p> <p>These funds could be used to help state and local governments meet the current demand, expand testing capacity and contact tracing, provide further assistance to residents, local hospitals, small businesses and schools, in addition to maintaining critical services residents depend upon. The funding would be divided into equal thirds to provide funding based on population size, infection rates, and revenue losses.</p>	<p>The legislation was introduced on May 18 in the Senate and on May 19 in the House.</p> <p>Either a substitute amendment or new legislation negotiated by the bipartisan group of Members is expected to be introduced reflecting updated provisions agreed to by the coalition.</p> <p>The legislation has been referred to the respective committees of jurisdiction in the House and Senate.</p> <p>The Senate Committee on Banking, Housing, and Urban Affairs held a hearing on the legislation on June 2.</p>
------------------------------	---	------------------	--	---

H.R.7073/ S.4308	Rep. John Garamendi (D-CA)/ Sen. Krysten Sinema (D-AZ)	Special Districts Provide Essential Services Act	<p>The legislation would provide special districts access to the Coronavirus Relief Fund established in the CARES Act (H.R.748). The Coronavirus Relief Fund, as enacted, provided \$150 billion for the remainder of fiscal year 2020, which ends on September 30, 2020, for State and Tribal governments and units of local governments.</p> <p>Special districts would also be determined “eligible issuers” for the Federal Reserve’s Municipal Liquidity Facilities Program.</p>	<p>The House legislation was introduced on June 1, 2020 and referred to the House Committee on Oversight and Reform and Committee on Financial Services.</p> <p>Companion legislation was introduced in the Senate on July 23, 2020 and referred to the Senate Committee on Finance.</p> <p>The Senate version of the legislation also has bipartisan cosponsorship.</p>
S.3591	Sen. John Barrasso (R-WY) / Tom Carper (D-DE)	America’s Water Infrastructure Act of 2020	<p>Provides roughly \$17 billion in new federal authorizations to invest in infrastructure projects across the country, sets a 2-year goal for completing feasibility studies for potential projects by the Corps, and reauthorizes the WIFIA program administered by the EPA.</p>	<p>The legislation was introduced on May 4, 2020, and referred to the Committee on Environment and Public Works.</p> <p>On May 11, 2020, the legislation was reported by Senator Barrasso with an amendment in the nature of a substitute, and placed on the Senate Legislative Calendar under General Orders.</p> <p>The legislation has bipartisan cosponsorship.</p>

S.3590	Sen. John Barrasso (R-WY) / Tom Carper (D-DE)	Drinking Water Infrastructure Act of 2020	<p>The measure would provide roughly \$2.5 billion in authorizations, including reauthorizing a Safe Drinking Water Act emergency fund, and \$300 million in grants for cleaning drinking water of emerging contaminants, particularly toxic PFAS.</p>	<p>The legislation was introduced on May 4, 2020, and referred to the Committee on Environment and Public Works.</p> <p>On May 11, 2020, the legislation was reported by Senator Barrasso with an amendment in the nature of a substitute, and placed on the Senate Legislative Calendar under General Orders.</p> <p>The legislation has bipartisan cosponsorship.</p>
S.1932	Sen. Cory Gardner (R-CO) / Sen. Dianne Feinstein( D-CA)	Drought Resiliency and Water Supply Infrastructure Act	<p>This legislation would authorize and/or reauthorize surface and groundwater storage and supporting projects, water recycling and reuse projects, and desalination projects. It would also establish an infrastructure finance and innovation pilot program at the Bureau of Reclamation. The legislation would also establish a process to deauthorize Bureau of Reclamation projects that have failed to receive a minimum federal investment or initiate construction.</p> <p>The bill would increase support for water infrastructure projects that are likely to provide a more-reliable water supply and increase the water management flexibility and water reliability.</p>	<p>The legislation was introduced on June 20, 2019. The Water and Power Subcommittee of the Energy and Natural Resources Committee held hearings on July 18, 2019.</p> <p>A markup has not been scheduled due to disagreements between the Ranking Member and Sponsors of the legislation.</p> <p>Senator Dianne Feinstein is expected to release an updated version of the bill.</p>

Draft Legislation	Rep. Jared Huffman (D-CA)	FUTURE Drought Act	Representative Huffman's draft legislation includes three titles on: Infrastructure Development, Improved Technology and Data, and Ecosystem Protection and Restoration. The draft legislation would create a water storage program, includes authorization of funding for desalination projects, created an water infrastructure fund, and extends and expands the WaterSMART program.	Much of this legislation was incorporated into H.R.2 (information above).
S. 2356	Sen. Mike Braun (R-IN)	Define WOTUS Act of 2019	The measure would create a new WOTUS definition the void the previous Obama era definition that is currently tied up in litigation.	The legislation was introduced on July 31, 2019 and referred to the Committee on Environment and Public Works.
S. 1087	Sen. John Barrasso (R-WY)	Water Quality Certification Improvement Act of 2019	The measure would amend the Federal Water Pollution Control Act to make changes with respect to water quality certification.	The measure was introduced in the Senate on April 19, 2019 and was referred to Committee on Environment and Public Works.  On November 19, 2019 the committee held a hearing to discuss impacts of the act if implemented.
H.R. 1764	Rep. John Garamendi (D-CA)	The bill to amend the Federal Water Pollution Act	The legislation would amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.	Introduced on March 15, 2019 and then referred to the Subcommittee on Water Resources and Environment.  This legislation has bipartisan cosponsor ship and hearings were held on the measure in November 2019.

H.R.1497	Rep. Peter DeFazio (D-OR)	Water Quality Protection and Job Creation Act of 2019	<p>Requires a report to Congress on the current and future workforce needs for publicly owned treatment works and information on steps taken to meet those needs.</p> <p>Reauthorizes sections of the Federal Water Pollution Control Act that provide grants to States and interstate agencies, including:  State Management Assistance: Section 106(a);  Watershed Pilot Projects: Section 122(c);  Alternative Water Source Projects Pilot Program: Section 220(d);  Sewer Overflow and Stormwater Reuse Municipal Grants: Section 221(f)(1); and  State Water Pollution Control Revolving Funds.</p> <p>Changes the length of permits for NPDES permits to not exceeding 10 years in certain circumstances.</p>	<p>Introduced on March 6, 2019 and referred to the Subcommittee on Water Resources and Environment of the House Transportation Committee.</p> <p>The Committee marked up the legislation and reported it with an amendment in the nature of a substitute--expanding the scope of the legislation.</p>
----------	---------------------------	---	---	---



H.R. 1508 / S. 146	Rep. Blumenauer (D-OR) / Sen. John Hoeven (R-ND)	Move America Act of 2019	<p>The measure would amend the Internal Revenue Code of 1986 to provide for Move America bonds and Move America credits which would be applicable to projects relating to flood diversions, inland waterways, sewage facilities.</p>	<p>The House bill was introduced on March 5, 2019 and then referred to the House Committee on Ways and Means.</p> <p>Note: All tax issues are likely to be addressed as part of a larger tax package. The Ways and Means Committee is considering forming a tax extenders package, which would be the most likely venue for this legislation.</p> <p>The Senate bill was introduced in the Senate on January 16, 2019 and referred to the Senate Committee on Finance.</p>
H.R.1162	Rep. Grace Napolitano (D-CA)	Water Recycling Investment and Improvement Act	<p>This legislation would create a competitive grant program for the funding of water recycling and reuse projects by raising the authorization cap for the Title XVI program from \$50 million to \$500 million. The legislation would also raise the authorization cap from \$20 million to \$30 million for the Reclamation Wastewater and Groundwater Study and Facilities Act.</p>	<p>Introduced in the House on February 13, 2019.</p> <p>The House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a hearing on the legislation on June 13, 2019.</p> <p>On March 11, 2020, the House Natural Resources Committee held a mark-up on the legislation and it was ordered to be reported out of Committee by a vote of 19-12.</p> <p>Elements of the bill were incorporated into H.R.2 (above).</p>
S. 361/H.R. 807	Sen. Cory Gardner (R-CO) / Rep. Ken Buck (R-CO)	Water and Agriculture Tax Reform Act of 2019	<p>The measure would work to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.</p>	<p>Introduced and referred to the Committee on Finance (Senate) and Ways and Means Committee (House). Neither chamber has recently engaged on the measures.</p>

H.R.579	Rep. Scott Tipton (R-CO)	Water Rights Protection Act of 2019	This bill would prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture, and for other purposes.	<p>Introduced in the House on January 15th. Referred to the Conservation and Forestry Subcommittee of the Agriculture Committee on 2/7 and to the Water, Oceans, and Wildlife Subcommittee of the House Natural Resources Committee on 2/4.</p> <p>A similar amendment was submitted to the House Rules Committee for consideration in the Interior-Environment Appropriations bill, but was not made in order by the Committee for floor consideration.</p>
H.R.34	Rep. Eddie Bernice Johnson (D-TX)	Energy and Water Research Integration Act of 2019	The legislation would ensure consideration of water intensity in the Department of Energy's energy research, development, and demonstration programs to help guarantee efficient, reliable, and sustainable delivery of energy and clean water resources.	The bill was introduced in the House on January 3, 2019. It was marked up and ordered to be reported by the House Science and Technology Committee on May 1, 2019 and was passed by the House on July 23, 2019 by voice vote. On July 24, 2019 the bill was referred to the Senate Committee on Energy and Natural Resources.
H.R. 2313	Rep. Jared Huffman (D-CA)	Water Conservation Rebate Tax Parity Act	The measure would amend the Internal Revenue Code of 1986 to expand the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures and storm water management measures.	<p>The bill was introduced in the House on April 12, 2019 and then referred to the Committee on Ways and Means.</p> <p>Note: All tax issues are likely to be addressed as part of a larger tax package. The Ways and Means Committee is considering forming a tax extenders package, which would be the most likely venue for this legislation.</p>

H.R.1747	Rep. Rob Wittman (R-VA)	National Fish Habitat Conservation Through Partnerships Act	The measure aims to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities, establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships, broaden the community of support for fish habitat conservation, fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment, and communicate to the public and conservation partners.	A hearing has been held in the House Natural Resources Committee on the legislation and the legislation was ordered to be reported out of committee on September 25, 2019.
----------	-------------------------	---	---	--

S.1419	Sen. James Lankford (R-OK)	Early Participation in Regulations Act	<p>The legislation would direct agencies to issue advanced notices for rules costing more than \$100 million annually. The bill would require agencies must outline the problem the rule intends to solve and listen to the public's input on the subject.</p>	<p>On May 13, 2019 the bill was introduced into the Senate. It was then referred to the Committee on Homeland Security and Governmental Affairs. Hearings on the bill were held in both the Committee on Homeland Security and the Committee on Small Business. On July 19 the Committee on Homeland Security and Governmental Affairs ordered the measure to be reported favorably with an amendment in the nature of a substitute.</p> <p>On September 10, 2019 the bill was placed on the Senate Legislative Calendar under General Orders. However the bill has yet to be considered on the Senate floor.</p> <p>The legislation has bipartisan cosponsor ship.</p>
S. 1087	Sen. John Barrasso (R-WY)	Water Quality Certification Improvement Act of 2019	<p>The measure would amend the Federal Water Pollution Control Act to make changes with respect to water quality certification.</p>	<p>The measure was introduced in the Senate on April 19, 2019 and was referred to Committee on Environment and Public Works.</p> <p>On November 19, 2019 the committee held a hearing to discuss impacts of the act if implemented.</p>
H.R. 1695	Rep. Betty McCollum (D-MN)	Community Services Block Grant Reauthorization Act of 2019	<p>The legislation would amend the Community Services Block Grant Act to reauthorize and modernize the Act.</p>	<p>The measure was introduced in the House on March 12, 2019 to the House Committee on Education and Labor.</p> <p>The legislation has bipartisan cosponsor ship.</p>

H.R. 1744	Rep. Mark Takano (D-CA)	S.T.O.R.A.G.E. Act (Storage Technology for Operational Readiness And Generating Energy Act) Energy Storage Systems by Electric Utilities	The bill would provide for the consideration of energy storage systems by electric utilities as part of a supply side resource process, and for other purposes.	The bill was introduced on March 13, 2019 and the referred to the Committee on Energy and Commerce, and in addition to the Subcommittee on Energy of the Committee on Science, Space, and Technology.
H.R.579	Rep. Scott Tipton (R-CO)	Water Rights Protection Act of 2019	This bill would prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture, and for other purposes.	Introduced in the House on January 15th. Referred to the Conservation and Forestry Subcommittee of the Agriculture Committee on February 7, 2019 and to the Water, Oceans, and Wildlife Subcommittee of the House Natural Resources Committee on February 4, 2019.
H. R. 855	Rep. Scott Peters (D-CA)	STRONG (Strengthening the Resiliency of our Nation on the Ground Act) Act	The bill would work to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purpose	Introduced in the House and referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the House Transportation Committee on February 7, 2019.
H.R. 420	Rep. Earl Blumenauer (D-OR)	Regulate Marijuana Like Alcohol Act	The bill would decriminalize marijuana and sets up legal framework to regulate marijuana.	Introduced in the House on January 9, 2019 and referred to the Committees on Energy and Commerce, Ways and Means, Natural Resources, and Agriculture.

S.420 /H.R. 1120	Sen. Ron Wyden (D-OR) / Rep. Earl Blumenauer (D-OR)	Marijuana Revenue and Regulation Act	A bill to amend the Internal Revenue Code of 1986 to provide for the taxation and regulation of marijuana products, and for other purposes.	<p>The bill was introduced in the Senate on February 7, 2019 and was referred to the Finance Committee.</p> <p>Introduced in the House on February 8, 2019 and was referred to the Committees on Judiciary, Agriculture, and Natural Resources.</p>
H.R. 3794	Rep. Paul A. Gosar (R-AZ)	Public Land Renewable Energy Development Act of 2019	The bill would work to promote the development of renewable energy on public lands	<p>The measure was introduced in the House on July 17, 2019 and was then referred to both the Committee on Natural Resources and the Committee on Agriculture. A hearing on the bill was held on July 25 by the Subcommittee on Energy and Mineral Resources. On August 9th, the bill was referred to the Subcommittee on Conservation and Energy of the House Agriculture Committee.</p> <p>The measure was later referred to the Subcommittee on Energy and Mineral Resources where a hearing was held on the legislation. On November 20, 2019, a Mark-up session was held and the bill was ordered to be Reported by Voice Vote.</p> <p>The legislation has bipartisan cosponsorship.</p>

S. 1344	Sen. Cory Booker (D-NJ) and Tim Scott (R-SC)	Reinstate Opportunity Zone Data Mandates	<p>The bill would require the Secretary of the Treasury to collect data and issue a report on the opportunity zone tax incentives enacted by the 2017 tax reform legislation.</p> <p>The reporting requirements were part of the original legislation as introduced, but they were not incorporated in H.R.1 (the tax package) when it was advanced in the House and Senate.</p>	<p>The legislation was introduced in the Senate on May 7, 2019 and referred to the Finance Committee.</p> <p>The legislation has bipartisan cosponsor ship.</p>
H.R.535	Rep. Debbie Dingell (D-MI)	PFAS Action Act of 2019	<p>The legislation combines 12 different bills that had previously been introduced into one legislative package that would change the way the federal government regulates “forever chemicals” known as PFAS.</p> <p>The consolidated version of H.R. 535 would place these chemicals on the Superfund hazards substances list from the Environmental Protection Agency, force the agency to set nationwide drinking water standards for PFAS, and block companies from producing new chemicals in this class.</p>	<p>The legislation was reported out of the House Energy and Commerce Committee on November 20, 2019 by a vote of 31 to 19, largely along party lines. The bill passed the House on January 10, 2020 by a vote of 247 - 159. The bill was received in the Senate on January 13, 2020 and referred to the Senate Committee on Environment and Public Works. The legislation is not expected to be considered in the Senate in its current form.</p>

H.R.4236	Rep. Quigley, Mike (D-IL)	Reducing Waste in National Parks Act	The legislation would encourage recycling and reduction of disposable plastic bottles in units of the National Park System,	<p>The bill was introduced on September 6, 2019 and was referred to the House Subcommittee on National Parks, Forests, and Public Lands.</p> <p>The House Natural Resources Subcommittee on National Parks, Forests, and Public Lands held hearings on the legislation on February 27, 2020.</p>
S.3263 / H.R.5845	Sen. Tom Udall (D-N.M.) and Rep. Alan Lowenthal (D-CA)	Break Free from Plastic Pollution Act of 2020	This legislation would require plastic producers to take responsibility for collecting and recycling materials, require nationwide container deposits, ban certain pollutant products, impose a fee on the distribution of non-reusable carryout bags, create a new minimum recycled content requirement, protect state and local governments by allowing them to enact more stringent standards, requirements, and additional product bans, and give environmental agencies the valuable time needed to investigate the cumulative impacts of new plastic-producing facilities on the air, water, and climate.	<p>The bills were introduced in the House on 2/12/2020 and in the Senate on 2/11/2020. In the House, the legislation has been referred to the following committees: Energy and Commerce, Ways and Means, Transportation and Infrastructure, and Foreign Affairs.</p> <p>In the Senate, the legislation has been referred to the Finance Committee.</p>
Enacted Legislation (removed from report after 2 months)				



<p>H.R. 1957 (previously S.3422)</p>	<p>Sen. Cory Gardner (R-CO)</p>	<p>Great American Outdoors Act</p>	<p>The legislation would create a National Parks and Public Lands Legacy Restoration Fund with income from 50% of the energy development revenues from oil, gas, coal, or alternative renewable energy from Federal land from fiscal years 2021 to 2025 for deferred maintenance projects in the National Park System, National Wildlife Refuge System, on BLM Public Lands, BIA Schools, or the National Forest.</p> <p>The legislation would also establish permanent funding for the Land and Water Conservation Fund that would not require further appropriations from Congress.</p>	<p>The legislation was introduced on 3/9/2020 in the Senate. The legislation has 59 cosponsors, including Senate Majority Leader Mitch McConnell (R-KY) who has indicated he plans to fast track the legislation in the Senate. While there were initially plans to consider the legislation in March, the Senate's schedule was changed to consider the third coronavirus response bill.</p> <p>The legislation passed the Senate by a vote of 73-25 on June 17.</p> <p>The House agreed to the Senate amendments on July 22 by a vote of 310 - 107. The legislation was sent to the President on July 24 and signed into law by the President on August 4, 2020</p>
--	---------------------------------	------------------------------------	---	---

INFORMATION  
ITEM  
3D



CALIFORNIA STRATEGIES, LLC

Date: August 31, 2020  
To: Inland Empire Utilities Agency  
From: John Withers, Jim Brulte  
Re: California Strategies, LLC August 2020 Activity Report

1. This month Jim Brulte and John Withers participated in the monthly senior staff meeting August 3rd via Microsoft Teams due to the Coronavirus.
2. California Strategies is providing the General Manager and senior staff daily updates on the Governors' press conferences through Kathy Besser. California Strategies is also providing information from other leading agencies related to the COVID-19 response.
3. California Strategies is also providing current information on the State Budget and activities of the Governor and Legislature related to it.
4. Regional Contract
  - There was brief discussion regarding the Regional Contract and issues raised by the City of Ontario Utility Department (reclaimed water and SARRCUP)
5. Chino Basin Program
  - The Board will conduct a workshop Weds. 8/5 as requested by Director Elie to review program options and explore various project offramps
  - A future Board workshop will be scheduled in Sept/Oct.
6. Rate Study
  - Letter responding to WFA issues drafted by general counsel
  - Discussed letter received from Monte Vista Water District
  - IEUA staff responding to member agency issues
7. Jim Brulte participated with the General Manager in a conference call.