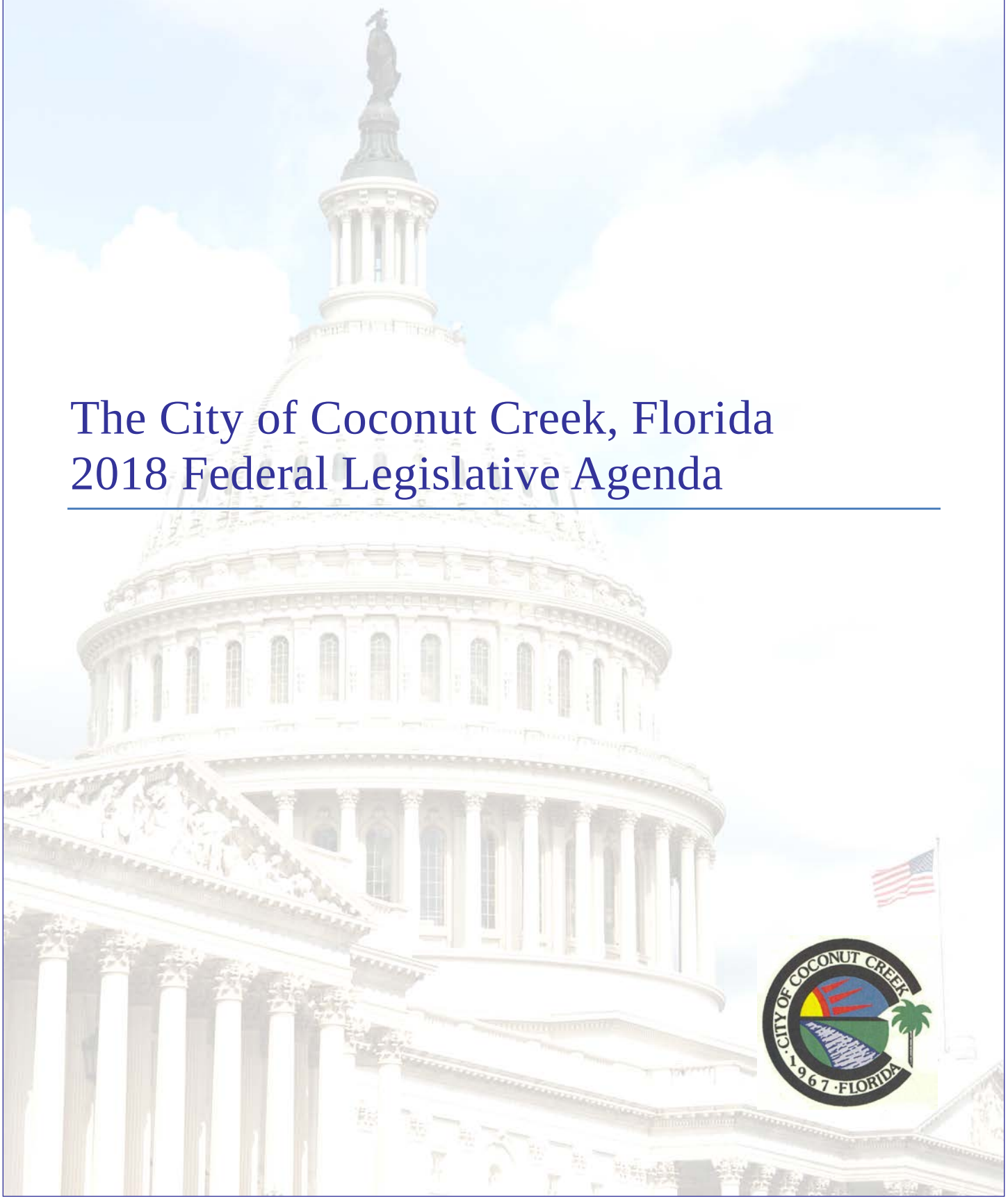
The City of Coconut Creek, Florida
2018 Federal Legislative Agenda



Prepared by Van Scoyoc Associates for the

Coconut Creek City Commission

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Updated January 2018

City of Coconut Creek, Florida
2018 Federal Legislative Agenda

Energy & Environment

Federal Landfill Regulations

Support federal regulations that create stricter environmental standards and testing for municipal solid waste landfills, and subsequently reduce landfill emissions. ***Oppose*** efforts to weaken landfill and coal ash regulations. ***Monitor*** the EPA's implementation of the coal ash provisions in the WIIN Act. ***Monitor*** Congressional and Administration action with regard to the repeal or modification of rules related to solid waste landfills. ***Oppose*** cuts to EPA recycling programs.

Energy Exploration

Oppose relaxation of the prohibition against leases on permits for drilling oil or gas wells within the boundaries of Florida's territorial seas. ***Oppose*** legislation that would prevent the Florida Department of Environmental Protection from blocking requests for offshore drilling in federal waters off Florida's coast. ***Oppose*** seismic surveying within the Everglades, surrounding critical areas, or any other federal lands. ***Oppose*** efforts to ease restrictions on hydraulic fracturing and other oil and gas extraction activities.

Florida DEP Human Health-Based Water Quality Criteria Rulemaking

Oppose the Florida DEP rulemaking to set new Human Health-Based Water Quality Criteria.

Waters of the United States and Regulatory Reform

Monitor activity related to the implementation of the EPA's rule on Waters of the U.S. ***Monitor*** activity related to regulatory reform.

Geoengineering

Monitor any proposed geoengineering bills that may impact the environment, and ensure that any negative environmental and health impacts are disclosed prior to approval.

Social Services & Economic Development

Department of Housing and Urban Development Formula Programs

Support adequate funding for the Community Development Block Grant program for future fiscal years because of its critical role in the City's efforts to support those that are least fortunate.

Healthcare Reform

Monitor efforts to repeal/replace or amend the Affordable Care Act. ***Monitor*** changes to Medicare. ***Support*** the repeal of the excise tax on high-cost health insurance plans (a.k.a. the Cadillac tax) within the Affordable Care Act.

Mental Health Care Initiatives to Reduce Gun and Other Violence

Support legislation that bans high-capacity assault weapons. ***Support*** legislation that restricts the sale of firearms and requires thorough background checks and licensing. ***Support*** legislation that responsibly expands treatment options for the mentally ill.

School Vouchers

Oppose federal efforts to expand school voucher programs.

Electronic Smoking Devices

Support the creation of federal regulations for e-cigarettes and other vapor producing devices.

Infrastructure

Infrastructure Investment

Support new federal investment in infrastructure. ***Support*** all opportunities to secure funding for Coconut Creek's infrastructure priorities.

Transportation Authorization

Support efforts to enhance federal transportation revenue streams. ***Support*** adequate funding of transportation alternatives programs, such as bicycle, pedestrian, and trails projects. ***Support*** adequate funding of federal public transit programs, including high-speed rail. ***Support*** any and all opportunities to secure funding for City of Coconut Creek priorities via the FAST Act or other means.

General Issues

Domestic Discretionary Spending Pressure

Monitor proposed cuts to non-defense discretionary programs of importance to the City of Coconut Creek.

Remote Sales-Tax Legislation

Support legislation that requires companies making catalog and internet sales to collect and remit the associated taxes. ***Support*** federal tax policies that maintain revenue streams to local governments.

Tribal Legislation and Regulation

Monitor tribal legislation and regulations that could impact the City of Coconut Creek.

Siting of Wireless Facilities

Oppose legislation that would preempt local government control and force local governments to lease publicly-owned infrastructure for the installation of "small cell" wireless towers.

International Diplomacy

Support the use of diplomacy to resolve international conflicts.

Transparency

Support efforts to increase government transparency and accessibility of public records.

National Flood Insurance Program

Support efforts to improve the National Flood Insurance Program for the benefit of all participants.

Federal Marijuana Policy

Monitor any impacts federal marijuana policy may have on Florida's medical marijuana program.

Public Safety

Sanctuary City Issue

Monitor Sanctuary City policies and potential impacts to the City of Coconut Creek.

Federal Funding of Public Safety Programs

Support continued adequate funding for the wide variety of DOJ and DHS grants, i.e., Community Oriented Policing Services, Byrne Justice Assistance Grants, Emergency Management Preparedness Grants, Assistance to Firefighters Grants, Staffing for Adequate Fire and Emergency Response Grants, Urban Areas Security Initiative grants, and other security-specific grants. ***Support*** the City of Coconut Creek's applications for these funds.

FEDERAL ISSUES: Federal Landfill Regulations

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The North Broward County Resource Recovery and Central Disposal Sanitary Landfill, also known as Monarch Hill Renewable Energy Park, is a 225-foot high landfill site owned by Waste Management located adjacent to the City of Coconut Creek. The landfill takes in an average of 3,500 tons of trash per day and has long emitted foul odors into the air of the City. Odors from the facility have been reported as far as four miles away.

In the 1990's, Waste Management was fined for violating air quality standards after several complaints from the City came forward. The company attempted to alleviate the problem by covering the garbage with extra dirt and spraying deodorizer. After those attempts proved unsuccessful, Waste Management agreed several years later to no longer place extremely odorous materials, such as food, within the landfill. Instead, processable waste would be diverted from Monarch Hill to a nearby Waste to Energy (WTE) plant known as the Wheelabrator Waste Energy Facility. Despite these actions, as well as a series of warnings from Broward County, odors continued to plague Coconut Creek.

In 2014, Waste Management announced the sale of the Wheelabrator facility. The City believed this sale would permit Waste Management to dispose of additional waste in the landfill, violating their agreement and potentially exacerbating the odors. The Broward County Commission, which has jurisdiction over the landfill, voted to approve the sale. Coconut Creek, however, was able to reach an agreement with Waste Management to limit the amount of non-Class III waste that will be dumped on Monarch Hill.

Meanwhile, the Environmental Protection Agency (EPA) announced an Advanced Notice of Proposed Rulemaking (ANPRM) and public comment period in mid-2014 regarding methods to reduce emissions from existing municipal solid waste landfills. Most existing landfills are subject to control requirements in either the landfill New Source Performance Standards (NSPS) or the federal or state plans implementing the landfill emissions guidelines, which were both promulgated in 1996. The EPA believed that these guidelines merited review to determine the potential for additional reductions in emissions of landfill gas. The City submitted comments in support of this review.

In 2015, EPA released a proposed rule that will reduce landfill gas emissions by lowering the emissions threshold at which a landfill must install emissions control systems from 50 megagrams (Mg) per year to 34 Mg per year. Any landfill that exceeds those thresholds would be required to install and utilize a gas collection and control system to bring emissions levels below the threshold within 30 months of the violation. Prior to the release of this rule, the EPA indicated the changes may affect Broward County. The City submitted additional comments in support of this rule. In 2016, EPA announced final updates to its NSPS to reduce emissions of methane-rich landfill gas from new, modified and reconstructed municipal solid waste landfills. In a separate action, EPA also issued guidelines for reducing emissions from existing municipal solid waste landfills. The final rule became effective on October 28, 2016.

However, in May 2017, the EPA announced that they were reconsidering several issues in the 2016 rule and enacted a 90 day stay on the 2016 NPS rule. This stay expired in August, meaning the rule is currently in effect. The EPA still plans to move forward with reconsidering the rule however, and will develop a new path forward.

Coal Ash
In a related issue, the EPA issued a final rule in December 2014 that regulates coal combustion residuals generated from the combustion of coal at electrical utilities, power producers, and some landfills, also known as "coal ash." Many believe that coal ash is a highly toxic substance that finds its way into the air, land, and underground drinking water supplies, and can lead to cancer and other negative health conditions. While the EPA's new regulation did not designate coal ash as hazardous waste, it did take steps to establish standards and enforcement mechanisms for coal ash management and disposal.

In September 2017, the EPA granted two petitions to reconsider provisions of the final rule. These petitions request that the EPA reconsider 12 different provisions of the rule, including those prohibiting the use of alternative points of compliance for ground water contamination, regulating inactive surface impoundments, defining what activities constitute beneficial use of CCR and certain on-site storage practices. At this time, the EPA has not committed to changing any of the specific provisions and will need to go through a formal notice and comment process if they propose any changes.

During the 114th Congress in 2016, the Water Infrastructure Improvements for the Nation (WIIN) Act was signed into law. The bill includes the Water Resources Development Act (WRDA) of 2016 and provisions to address the control of coal combustion residuals, among other priorities. With regard to coal combustion residuals, the bill provides for the establishment of state and EPA permit programs for coal ash and allows flexibility for states to incorporate the EPA final rule for coal ash or develop other criteria that are at least as protective of the final rule. The EPA is required to approve state permit programs within 180 days of a state submitting a program for approval. The EPA has released interim final guidance outlining the process for states to develop and submit a program to EPA for approval.

Recycling Programs
The EPA manages two recycling programs that are vital to efforts to divert waste away from landfills: the Sustainable Materials Management Program and the Waste Reduction Model. Sustainable Materials Management outlines the best practices for local governments and industry partners to use waste materials as commodities, growing associated industries and jobs and reducing waste and impacts on our landfills. These tools are essential to help mitigate the impact of the landfill on the local community. The EPA provides technical assistance and support to communities and industry partners as it is believed that local governments are not able to compile the breadth of research and expertise that the EPA provides.

The Waste Reduction Model (WARM) assists local governments and waste management providers in calculating the greenhouse gas (GHG) emission reductions that are achieved from different waste management practices. These calculations can assist in decision making for governments and private businesses as they assess their waste management needs. Additionally, it can allow local governments to see the impact of various waste management policies on their local landfill.

In their FY 2018 budget proposal, the Trump Administration proposes eliminating funding for both programs. The City engaged with members of your delegation to advocate for the continued funding of these programs. The House Interior and Environment appropriations bill funds the Resource Conservation and Recovery Act programs, which both programs fall under, at $100 million. This is $27.7 million more than was proposed in the Trump administration's budget and $4 million under the Fiscal Year 2017 enacted level. Additionally, the bill report includes language that states, "*Further, the Committee does not support the proposed modification of cleanups under the RCRA Waste Management program nor the proposed elimination of the RCRA Waste Minimization and Recycling program.*" The Senate has proposed level funding with FY 2017 and stipulates that "*the Committee continues the Waste Minimization and Recycling program.*"

POSITION: ***Support*** federal regulations that create stricter environmental standards and testing for municipal solid waste landfills, and subsequently reduce landfill emissions. ***Oppose*** efforts to weaken landfill and coal ash regulations. ***Monitor*** the EPA's implementation of the coal ash provisions in the WIIN Act. ***Monitor*** Congressional and Administration action with regard to the repeal or modification of rules related to solid waste landfills. ***Oppose*** cuts to EPA recycling programs.

FEDERAL ISSUE: Energy Exploration

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:

Offshore Energy Development
Active energy drilling does not currently occur off the Atlantic coast of Florida. State waters in the Atlantic extend three miles from shore, with the federal government controlling waters beyond that point.

For many years, the federal government has developed five-year Outer Continental Shelf (OCS) Oil and Gas Leasing programs to guide energy exploration activities in federal waters. The most recent plan, developed for 2012-2017, did not propose to lease any areas in the Atlantic OCS for oil and gas drilling. However, that plan did indicate that it would allow seismic analyses to determine energy resource potential in areas of the Atlantic OCS from Delaware to parts of Florida (approximately north of Brevard County). The City submitted comments to Bureau of Ocean Energy Management (BOEM) regarding its concerns over the negative effects seismic air-gun testing could have on the ecosystem, and consequently on the region's economy that is so dependent on unique ecotourism activities, such as whale watching and commercial and recreational fishing. The City also stated its general opposition to oil and gas exploration off the Atlantic Coast of Florida due to the devastating effects that accidents like the Deepwater Horizon oil spill have on the ecosystem and economies of coastal communities.

Although typically a new five-year plan would not be developed for several years, in April, President Trump signed the America First Offshore Energy Strategy Executive Order. The Executive Order aims to increase domestic energy production and reduce the use of foreign oil by, in part, expanding offshore drilling. As a part of implementing that order, BOEM is in the process of developing a new 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program. BOEM will consider all 26 OCS planning areas, including the Atlantic Coast of Florida. The City submitted comments to BOEM in opposition to the expansion of offshore drilling in August.

In January 2017, BOEM released a draft proposed program (DPP) for the National Outer Continental Shelf Oil and Gas Leasing Program for 2019-2024. The DPP includes 47 potential lease sales in 25 of the 26 planning areas, which is the largest number of lease sales ever proposed for a 5-year lease schedule. The DPP includes 3 sales in the South Atlantic and one in the Straits of Florida. The City will comment on the DPP. BOEM will also host a public meeting on the matter on February 8 in Tallahassee, among other places.

After accepting comments on the DPP, BOEM will then need to draft and release a Proposed Program, which will be made available for an additional public comment period, so there will be several opportunities to weigh in before the program is finalized.

Governor Scott has released a statement in reaction to the release stating his opposition to offshore drilling on Florida's coast and has stated that he has requested a meeting with Interior Secretary Zinke to discuss the proposal. Additionally, Senator Nelson and other members of the Florida delegation have already released statements criticizing the DPP. Shortly after the release of the DPP, Governor Scott met with Secretary Zinke to discuss the issue. After the meeting, Secretary Zinke stated that Florida was being removed from consideration for any new oil and gas platforms. This exemption most likely does not extend to seismic testing, which could be used to prepare Florida's waters for offshore drilling in the future.

Meanwhile, Representative Steve Scalise (R-LA), the third-ranking Republican in the House has filed the Strengthening the Economy with Critical Untapped Resources to Expand American Energy Act (SECURE American Energy Act), that reinforces the call for increased offshore energy exploration first proposed in President Trump's Executive Order. If the Florida Atlantic Coast is included in the plan developed by BOEM, this bill would require that the approved lease sales be executed and remove the ability of any Administration to cancel them. Additionally, the bill would require that any future moratoriums on offshore drilling be designated by an act of Congress, and areas could not be withdrawn from exploration by the President alone. The City has sent letters to your delegation members expressing opposition to the bill. The bill and BOEM's current development of a new plan both point to an increased risk of offshore drilling off the coast of Florida.

Onshore Energy Development (Hydraulic Fracturing)
The rapid expansion of oil and gas extraction using hydraulic fracturing — both in rural and more densely populated areas — has raised concerns about its potential environmental and health impacts. These concerns have focused primarily on impacts to groundwater and surface water quality, public and private water supplies, and air quality.

In Florida, the Burnett Oil Company submitted a proposal to the National Park Service (NPS) to conduct a seismic survey of 110 square miles within Big Cypress Preserve. Similar to offshore seismic testing, a seismic survey is a preliminary research technique used to determine the presence of oil and gas below the surface of the ground, which may lead to future harvesting in those areas found to be rich with resources. Senator Nelson sent a letter to the Department of Interior on July 31, 2015, in strong opposition to seismic testing within the Preserve. The NPS completed an Environmental Assessment (EA) for the proposal and the City submitted comments in opposition to the seismic surveys. In May 2016, the NPS issued a finding of no significant impact following their environmental review. The finding of no significant impact is based on information and conclusions outlined in an environmental assessment completed for the proposed survey. Burnett Oil is required to implement a variety of measures to prevent lasting impacts and minimize short-term impacts to the preserve's resources during survey activities. The environmental assessment only covers the seismic survey. Should Burnett Oil wish to pursue production of resources, they must submit a new plan of operations which would undergo additional environmental review and public comment periods. However, in July 2016, six environmental groups filed suit to stop Burnett Oil's seismic survey. The court subsequently ruled that the drilling posed minimal risk to the Everglades and regional water supplies and recommended the Florida Department of Environmental Protection (DEP) issue the permit.

In terms of non-federal land, states broadly regulate oil and gas exploration. In Florida, oil and gas extraction activities are managed by the Department of Environmental Protection. State laws and regulations governing unconventional oil and natural gas development have evolved in response to changes in production practices, largely due to the use of high-volume hydraulic fracturing in combination with directional drilling. However, state regulations vary considerably, leading to calls for more federal regulation of unconventional oil and natural gas extraction activities.

In March 2015, DOI finalized regulations for hydraulic fracturing on public lands, which will allow government workers to inspect and validate the safety and integrity of barriers lining the fracking wells, require companies to publicly disclose the chemicals used in fracturing, and set safety standards for how companies can store and dispose of used fracking chemicals. The rule would have only applied to federal lands. In June of 2016, a federal judge in Wyoming struck down the rule, citing that DOI had overstepped its authority and would need Congressional approval to implement the rule. In December of 2017, the Trump Administration published a final rule repealing the previous regulation. The SECURE American Energy Act would prohibit DOI from enforcing federal regulation regarding hydraulic

fracturing on federal lands in states that already have rules in place and would delegate some regulatory responsibilities to states and prohibit DOI from requiring certain permits and environmental reviews on federal lands.

The City of Coconut Creek has strongly and formally opposed fracking throughout the state via resolution as well as passed an ordinance to outlaw energy exploration or fracking within City limits.

POSITION: ***Oppose*** relaxation of the prohibition against leases on permits for drilling oil or gas wells within the boundaries of Florida's territorial seas. ***Oppose*** legislation that would prevent the Florida Department of Environmental Protection from blocking requests for offshore drilling in federal waters off Florida's coast. ***Oppose*** seismic surveying within the Everglades, surrounding critical areas, or any other federal lands. ***Oppose*** efforts to ease restrictions on hydraulic fracturing and other oil and gas extraction activities.

FEDERAL ISSUE: Florida DEP Human Health-Based Water Quality Criteria Rulemaking

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: In May, the Florida Department of Environmental Protection (DEP) initiated a rulemaking to set new Human Health-Based Water Quality Criteria for 39 chemicals and to adjust the standards for 43 chemicals currently regulated by the state. The Florida Environmental Regulation Commission approved these standards in July by a 3-2 vote.

Many groups made their opposition clear. The Florida chapter of Physicians for Social Responsibility, a national health association, opposed any rulemaking that would increase the allowable limits of toxic compounds discharged into the state's waters. The compounds proposed for regulation include known human carcinogens and endocrine disruptors. Allowing higher carcinogen levels in Florida's water could also hurt Florida's fish and seafood industry as well as the tourism industry.

In September and November 2016, the City of Coconut Creek Council passed two resolutions in opposition to efforts to weaken the human health-based water quality criteria. Also in November, the City sent a letter directly to the Environmental Protection Agency (EPA) expressing opposition to this rulemaking and asking the EPA to slow the development of this rulemaking. Concerns expressed by the City include public health, economic (tourism and seafood industries), inadequate public comment period, and the vacancies on the Florida Environmental Commission when this rulemaking was considered.

Before Florida DEP submitted the rule to the EPA, multiple groups (including the Seminole Tribe) sued over the new criteria. The case is currently moving through the judicial process and is still ongoing with the Third District Court of Appeals ruling in October that the challenge to the rule can move forward, reversing the opinion of a lower court. It is expected that Florida DEP will hold off on submitting the rule to the EPA until the appeals process is complete.

POSITION: ***Oppose*** the Florida DEP rulemaking to set new Human Health-Based Water Quality Criteria.

FEDERAL ISSUE: Waters of the United States and Regulatory Reform

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:

Waters of the United States
A series of decisions by the U.S. Supreme Court over the past decade imposed restrictions on the scope of wetland regulation governed by Section 404 of the Clean Water Act (CWA), which regulates "dredge and fill" activities in navigable waters and their adjacent wetlands. Opponents of these restrictions have urged Congress to redefine Waters of the U.S. (WOTUS), and apply that definition to all aspects of the CWA.

As legislation along those lines failed to pass previous Congresses, the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (ACOE) over the past several years developed guidance and a final rule to redefine WOTUS. There is concern that this effort significantly expanded the definition of WOTUS to include tributaries, ditches, canals, and other water bodies that can potentially drain into navigable waters, interstate waters, or the territorial seas. These water bodies are likely to be subject to new requirements, and some waters currently covered by a permit could be subject to additional monitoring and regulation when those permits are renewed.

As a result of this expanded definition, 31 states sued to stop implementation of the rule. The courts blocked the implementation of the rule while the various lawsuits proceeded. Once President Trump took office this year, he issued an executive order directing the EPA and ACOE to reevaluate the Obama Administration's rule. The definitions of WOTUS directly impacts how local governments maintain stormwater infrastructure such as detention ponds, ditches, flood control structures and drinking water facilities.

The EPA and ACOE announced in late June that they would begin a two-step process to rewrite the WOTUS rule as a part of implementing President Trump's February executive order. The first step in the process rescinds the rule finalized under the Obama Administration in 2015 and reverts to the previous definition. The second step of the process includes a review and redefinition of WOTUS which will consider "Supreme Court decisions, agency guidance, and longstanding practice." It is anticipated that the new definition will signal a significant change in the government's legal strategy for deciding which wetlands and streams are protected under the Clean Water Act. For more than a decade, federal agencies have relied on Justice Anthony Kennedy's opinion in the 2006 wetland-permitting case, Rapanos v. United States, in determining where the federal reach over waterways begins. The court ruled in favor of Rapanos, but in a 4-1-4 vote, the majority split on what approach to use to define government jurisdiction. President Trump's executive order specifically asked the agencies to consider the opinion the late Supreme Court Justice Antonin Scalia wrote in the 2006 case, saying the Clean Water Act ought only to cover navigable waters and waterways "with a continuous surface connection" to them — a far more restrictive definition than what the Obama EPA put into its rule. Relying on Scalia's opinion would likely restrict federal jurisdiction.

The EPA and ACOE closed the commenting period on the recodification of the pre-2015 rule in September of 2017. Over the next several months they will work to develop a new proposed rule which will then be available for public comment.

Regulatory Reform
The repeal or rolling back of federal agency regulations and executive orders and actions has long been a topic of legislative debate. Congressional Republicans are exploring ways to reverse numerous

regulations and executive orders enacted by the Obama Administration. The Congressional Review Act (CRA), which allows Congress to cast simple majority votes of disapproval for regulations within 60 legislative days of their adoption, is often cited as a way to block executive actions. Prior to 2017, it had only been used once since its passage 21 years ago. In the 115th Congress, it was used to roll back 15 rules issued by the Obama Administration. Those rules included regulations on teacher training, coal mining runoff, and bear hunting in Alaska.

While Congress has debated regulatory reform, and has made some strides towards enactment of these reforms, we can expect much more to come from the remainder of the 115th Congress. The conservative House Freedom Caucus has compiled a list of over 200 regulations it wants to subject to a disapproval vote. These include rules and regulations governing things such as school lunch standards, tobacco regulations, climate change, financial/corporate oversight, and labor laws and practices.

Additionally, on January 5, 2017, the House passed the Regulations from the Executive In Need of Scrutiny (REINS) Act, which was introduced by Congressman Doug Collins (R-GA-9). A companion measure, introduced by Senator Rand Paul (R-KY) has passed the Homeland Security and Governmental Affairs Committee, but has yet to be heard on the floor of the Senate.

The bill revises provisions relating to congressional review of agency rulemaking by requiring any executive branch rule or regulation designated as a “major rule” to come before Congress for an up-or-down vote before being enacted. A "major rule" is any rule that the Office of Information and Regulatory Affairs of the Office of Management and Budget finds results in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

A joint resolution of approval must be enacted within 70 legislative days after the agency proposing a major rule submits its report on the rule to Congress in order for the rule to take effect. A major rule may take effect for 90 days without such approval if the President determines it is necessary because of an imminent threat to health or safety or other emergency, for the enforcement of criminal laws, for national security, or to implement an international trade agreement.

POSITION: ***Monitor*** activity related to the Waters of the U.S. rule. ***Monitor*** activity related to regulatory reform.

FEDERAL ISSUE: Geoengineering

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Congressman Jerry McNerney (D-CA) has introduced the Geoengineering Research Evaluation Act of 2017. Geoengineering seeks to use technology to counteract the effects of climate change. The legislation introduced by Congressman McNerney seeks to commit the federal government to creating a geoengineering research agenda as well as assessing the potential risks of any geoengineering practices. Specifically, the legislation would direct the National Academies of Science (NAS) to produce two reports recommending a geoengineering research strategy and oversight principles for such research, building upon two previously published NAS reports. The two previous reports noted that there is insufficient information to deploy any sort of large-scale geoengineering.

The bill has one cosponsor, Congresswoman Eddie Bernice Johnson (D-TX), has not been scheduled for any committee hearings, and does not have any companion legislation in the Senate.

POSITION: ***Monitor*** any proposed geoengineering bills that may impact the environment, and ensure that any negative environmental and health impacts are disclosed prior to approval.

FEDERAL ISSUE: Department of Housing and Urban Development Formula Programs

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The City of Coconut Creek receives direct allocations of funding from the Department of Housing and Urban Development Community Development Block Grant (CDBG) formula program.

CDBG is a flexible grant program that provides communities with federal funding to address a wide range of unique community development needs. The CDBG program provides annual grants on a formula basis to states and local governments.

Since Fiscal Year (FY) 2010, nationwide funding for the CDBG program has been significantly reduced with varying changes to individual recipients. The FY 2017 omnibus appropriations bill provided $3 billion for the CDBG program, which was level with FY 2016 funding. This resulted in an allocation to Coconut Creek of $270,429

In its FY 2018 budget, the Administration defunded the CDBG program. Meanwhile, the House has provided $2.9 billion and Senate provided $3 billion to CDBG in their respective versions of the FY 2018 Transportation, Housing, and Urban Development Appropriations bills. However, the federal government is currently operating under a Continuing Resolution through January 19, 2018.

POSITION: ***Support*** adequate funding for the Community Development Block Grant program for future fiscal years because of its critical role in the City's efforts to support those that are least fortunate.

FEDERAL ISSUE: Healthcare Reform

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The Patient Protection and Affordable Care Act (PPACA), often referred to simply as the Affordable Care Act (ACA) or "Obamacare," was passed by Congress and signed into law in 2010. The primary goal of the ACA was to increase the quality and affordability of health insurance, as well as lower the uninsured rate by expanding public and private insurance coverage. The law included a number of mechanisms, including individual and employer mandates, insurance exchanges, minimum standards of care, and new taxes/fees to accomplish these goals.

Since its passage in 2010, Republicans have unsuccessfully worked to repeal all, or parts, of the law many times. The 2016 election, which resulted in unified government under Republican control, provided an opportunity to successfully do so, however repeated legislative efforts during the 115th Congress have, thus far, failed. Congress was able to repeal the individual mandate as a part of the recently passed tax reform legislation.

Furthermore, many in Congress, including Speaker Paul Ryan (R-WI), have long supported the idea of privatizing Medicare and, following the election, suggested that any ACA reform should also include Medicare. Specifically, Speaker Ryan supports changing Medicare from a single payer system in which the federal government pays directly for healthcare, to one where beneficiaries would use government benefits (i.e. a voucher) to purchase private insurance. According to Ryan, this would inject competition into the market, thereby reducing prices. However, critics point out this would effectively end the program, and force seniors to navigate the often-confusing private insurance market. There are also concerns that this would, in fact, increase costs, as Medicare tends to be less expensive than private insurance.

With legislative efforts to fully repeal and replace the ACA failing earlier this year, several smaller efforts have now emerged to undermine or modify the ACA. These efforts include the Trump Administration's decision in October to cut off subsidies to insurers selling coverage through the ACA, an earlier decision to reduce the advertising budget for the ACA's open enrollment period by 90 percent, and cutting back on grants to navigators, who assist citizens in enrolling by approximately 40 percent. Additionally, some members of Congress have sought to address other parts the ACA through legislative means. Potential legislative action has ranged from a bipartisan plan in the Senate to restore ACA subsidies for two years in exchange for additional state flexibility.

Future ACA repeal or reform could provide an opportunity to address the issue of the Cadillac tax. Under the ACA, a Cadillac health plan is defined as a plan with annual premiums exceeding $10,200 for individuals or $27,500 for families. Under current law, and beginning in 2020, a 40 percent excise tax will be assessed on any dollar amount paid in premiums exceeding the aforementioned values, which, after 2020, will adjust to inflation annually. However, the rate of growth in healthcare costs often outpaces the rate of inflation, meaning employers are likely to pay significantly more each year. Originally envisioned as a tool to reduce healthcare costs, the tax in practice looks increasingly like an increase in out-of-pocket costs for workers. The tax, which is estimated to generate $87 billion over the next ten years, is an offset to pay for the ACA.

The excise tax was originally slated to begin in 2013. However, due to strong concerns expressed by labor groups and others, the ACA was amended twice by Congress to delay the tax until 2020. Recently, legislation has been filed in the House to further delay the tax an additional year until 2021. Additionally,

a House bill to repeal the Cadillac tax completely now has 224 cosponsors, which is over half of the members. The companion legislation in the Senate currently has 20 cosponsors.

POSITION: ***Monitor*** efforts to repeal/replace or amend the Affordable Care Act. ***Monitor*** changes to Medicare. ***Support*** the repeal of the excise tax on high-cost health insurance plans (a.k.a. the Cadillac tax) within the Affordable Care Act.

FEDERAL ISSUE: Mental Health Care Initiatives to Reduce Gun and Other Violence

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The incidences of gun violence that take place all too frequently throughout America have helped to renew attention on the issues of gun control and mental health, with many calling for legislation in an attempt to prevent future tragedies. The City of Coconut Creek strongly supports legislation that would ban assault weapons, automatic weapons, and large external magazine weapons and ammunition; require the purchase and ownership of a gun to be registered and licensed; and prohibit any person, other than law enforcement, to carry a weapon or firearms into a government facility or park.

In the 113th Congress, several Members of Congress and Senators, backed by the Administration, attempted to push forward similar gun control measures. Despite the attention paid to the issue, however, none of the efforts were successful.

Then, in December 2015, the Supreme Court declined to review a case on whether cities and states can prohibit semiautomatic and other high-capacity assault weapons. Through the Court's inaction, lower court rulings that allow states and communities to restrict firearms have been left in place.

In Florida, however, the State Legislature passed an amendment in 2011 that eliminated a local government's ability to regulate firearms, including local regulations on the ability to carry a handgun or concealed weapon into a government facility or park. The City is opposed to this amendment and believes it should be repealed to allow for the local regulation of firearms.

In the aftermath of the shooting in Las Vegas, a movement to ban so-called "bump stocks" that use the recoil of a semiautomatic firearm to rapidly pull the trigger. This modification essentially mimics the fully automatic firing of a machine gun. The sale and manufacture of machine guns was banned by Congress in 1986, with strict regulations imposed on machine guns that were already in circulation prior to the ban. The National Rifle Association (NRA) has requested the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) review bump stocks. ATF and the Department of Justice announced in early December that they were reviewing whether they can reclassify bump stocks as firearms to regulate them under existing law, however, they may not have the authority to regulate bump stocks without further Congressional action. The review is anticipated to take several months.

While gun control legislation remains unlikely, one aspect of the gun violence debate that has endured are efforts to improve mental health care as a way to prevent tragedies and respond to other systemic challenges. This requires recognizing the significant mental health concerns of the nation, all of which pose significant and unique, yet often unaddressed, challenges. It is estimated that more than 50 million Americans experience some form of mental illness each year, with 11 million considered severely mentally ill. Millions of those who suffer (approximately 40 percent), however, are not able to access the treatment they need. Even when care is delivered, it is often delayed for more than two years after the illness first appears.

The Patient Protection and Affordable Care Act (ACA, also known as "Obamacare") included significant reforms to mental health coverage. Specifically, the legislation named mental health treatment as an essential health benefit that insurance plans are required to cover. While most large-group plans previously offered some kind of mental health benefits, only 18 percent of small-group and individual plans covered mental health. During efforts to repeal the ACA this year, there was discussion of allowing states to opt out of requiring essential health benefits, however these efforts were not successful.

Furthermore, it is estimated that the Medicaid expansion under the ACA has provided as many as 2.8 million people who suffer from a serious mental illness with coverage. In addition to these provisions, the 2008 Mental Health Parity and Addiction Equity Act, which requires insurers to cover mental health at a level that is comparable to their physical health coverage, has now been implemented.

Then, in January 2016, President Obama issued several executive actions related to gun control and mental health. Among several other initiatives, the actions will broaden the definition of a gun dealer and expand background checks on private sales, particularly sales at gun shows, flea markets, and online (referred to as the "gun show loophole"). The actions will also expand the Federal Bureau of Investigation's background check system and hire additional employees at the Bureau of Alcohol, Tobacco, Arms and Explosives to enforce these new rules. In addition, these actions will require a patient's mental health records be shared through the background check database. In February of 2017, President Trump signed a Joint Resolution reversing the rule requiring the Social Security Administration to release information about mentally ill recipients of Social Security benefits which would then be included in background checks, essentially prohibiting those individuals from buying guns.

In December 2016, President Obama signed into law the 21st Century Cures Act, which includes a number of provisions related to healthcare, mental health, and addiction. Among other things, the bill reauthorizes several key mental health and substance abuse programs, such as the Community and Mental Health Services block grant, the Substance Abuse Prevention and Treatment block grant, and the Mentally Ill Offender Treatment and Crime Reduction Act. It also includes a provision to strengthen the Mental Health Parity and Addiction Equity Act, which was passed in 2008 and bans health insurance providers from imposing greater restrictions on mental health and substance abuse care than on physical care.

Lastly, the Helping Families in Mental Health Crisis Act, which was passed by the House in July and includes a number of positive mental health reforms, has been rolled into the 21st Century Cures Act. This legislation proposed reorienting the mental health system from its focus on serving the largest number of highest functioning patients towards providing treatment for the most seriously mentally ill instead. Specific initiatives within the legislation include: lifting a 16-bed cap on inpatient psychiatric hospital beds under Medicaid, advancing tele-psychiatry to link primary care doctors with mental health providers in areas where patients do not have access to such services, increasing funding for brain research to better understand the underlying causes of mental illness, extending health IT so mental health providers can better coordinate with primary care physicians, and implementing criminal justice reforms so patients are treated within the healthcare system and not through the justice system, among several other provisions.

Also of note, the Cures Act includes provisions designed to speed up the Food and Drug Administration's (FDA) drug and medical device approval process, partly by requiring the FDA to utilize things such as patient experiences and third-party certifications during the approval process, rather than relying on clinical trials alone. Public health groups have raised concerns, however, that loosening the FDA's drug approval process could promote speed over accountability and result in the approval of unsafe drugs and medical devices.

The legislation has an estimated $6.3 billion price tag. Roughly half of the bill would be offset by future cuts of $3.5 billion to the Prevention and Public Health Fund, which was created by the ACA and helps fund public health departments around the country. It is important to note that this fund continues to be a target of Congress, with additional cuts proposed to help pay for the Children's Health Insurance Program and to fund community health centers.

POSITION: ***Support*** legislation that bans high-capacity assault weapons. ***Support*** legislation that restricts the sale of firearms and requires thorough background checks and licensing. ***Support*** legislation that responsibly expands treatment options for the mentally ill.

FEDERAL ISSUE: School Vouchers

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Generally speaking, school vouchers allow parents to use public funds to pay for some or all of their child's private school tuition, in some cases, even religiously affiliated schools. Most often, vouchers are created and distributed by state governments.

The first voucher program, created in 1991 in Milwaukee, WI, was designed to give low-income families more school options. Roughly 300 students were served in the first year. Today, 14 states, including Florida, have some form of voucher programs. A number of states also have tax credit programs that partially subsidize private schooling.

Voucher programs are politically contentious. Opponents argue that shifting a handful of students from a public school into private schools will not decrease what the public school must pay for teachers and facilities, but funding for those costs will decrease as students leave. Some also see government incentives to attend private religious schools as violating the separation of church and state. Others believe the positive effects of school competition on student achievement are overstated by proponents.

President Trump's 2018 budget proposed $400 million for voucher initiatives and an additional $1 billion to encourage schools to adopt school choice friendly policies. Neither of these priorities have been funded by Congress, however the government is currently operating under a continuing resolution until January 19, 2018 and the appropriations process is not likely to be finalized until that time.

Education Secretary Betsy DeVos is a strong supporter of school choice. In October of 2017, the Department of Education proposed eleven new priorities for discretionary grants that they administer. Of particular interest to the City is the first priority: "Empowering Families to Choose a High-Quality Education that Meets Their Child's Unique Needs" Essentially, this priority will give preference to applicants who increase access to school choice, which includes the use of private and faith-based schools. The increased access to these private and faith-based schools may be provided through a voucher program. Both the President and Secretary of Education have repeatedly emphasized their support for increasing the availability of school choice for students. The President emphasized his commitment to school choice in his first address to a joint session of Congress at the end of February, stating that "families should be free to choose the school that is right for their children."

POSITION: ***Oppose*** federal efforts to expand school voucher programs.

FEDERAL ISSUE: Electronic Smoking Devices

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The use of electronic smoking devices (also known as e-cigarettes) has risen rapidly in recent years. However, e-cigarettes are currently unregulated by the U.S. Food and Drug Administration (FDA), despite the growing warnings about their long-term effects on individual and public health. Because of this, there are no safety requirements for what goes into an e-cigarette. In addition, while e-cigarettes do not produce smoke like traditional cigarettes, they do expose others to secondhand emissions and little is known about these emissions or the potential harm they may cause.

The City of Coconut Creek is committed to protecting the health and safety of its residents and took action to locally regulate the use of e-cigarettes. In July 2014, the City approved a zoning in progress for businesses that sell e-cigarettes in order to warn potential investors that changes to current law would be coming. Then, in February of 2015, the City passed an ordinance prohibiting the use of e-cigarettes in traditionally smoke-free locations, such as schools, libraries, indoor workplaces, and city-controlled buildings, among others.

Meanwhile, the FDA released a proposed rule in April 2014 to extend its authority to cover additional items that meet the definition of a tobacco product, including e-cigarettes. Under the proposed rule, these "newly deemed tobacco products" would be subject to the following requirements:

- Minimum age and identification restrictions to prevent sales to underage youth;
- Mandatory health warnings on the package;
- Prohibition on vending machines sales;
- Registration with the FDA and the reporting of ingredient lists;
- Only marketing new tobacco products after FDA review; and
- No distribution of free samples.

The rule would apply to all products that hit stores after February 15, 2007, meaning the makers of those products would have to retroactively apply for FDA approval. Opponents of the rule say these requirements will put small companies out of business. The rule was finalized and took effect on August 8, 2016.

Meanwhile, there were efforts by some in Congress to include a policy rider on the FY 2016 omnibus appropriations bill that would have shielded e-cigarette manufacturers from the FDA approval process. This provision was ultimately not included within the bill due to concerns that it would undermine efforts to keep children and teenagers from smoking.

In July of 2017, the FDA announced that they were delaying the rule finalized in 2016, extending the deadline to submit applications to market non-combustible products, such as e-cigarettes, to August 8, 2022. The revised timeline will allow the FDA to develop product standards, particularly regarding battery issues and the exposure of children to liquid nicotine. The FDA also stated they were focusing on regulating nicotine and directed the Center for Tobacco Products to develop a comprehensive nicotine regulatory plan premised on the need to confront and alter cigarette addiction.

POSITION: ***Support*** the creation of federal regulations for e-cigarettes and other vapor producing devices.

FEDERAL ISSUE: Infrastructure Investment

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Traditionally, Congress has invested in infrastructure via a number of methods, primarily through legislation or programs like transportation authorizations, Federal Aviation Administration authorizations, revolving loan funds, through the tax code via bond programs, or earmarks prior to 2009. The last big influx of new and unexpected investment in infrastructure occurred via the 2009 Stimulus bill, which, among other things provided $105.3 billion for infrastructure, including $48.1 billion on transportation, $18 billion on water, environment, and public lands, and the remainder on government buildings, telecommunications and broadband, and energy infrastructure.

Recently however, federal funding for infrastructure still fell to a 30-year low as a share of Gross Domestic Product. The American Society of Civil Engineers said in its latest report that $3.6 trillion was needed to bring all segments of U.S. infrastructure up to a state of good repair.

In response, the Trump Administration has made bold promises to invest $1 trillion in infrastructure over ten years. The President's 2018 budget proposal provides an outline of the Administration's proposed infrastructure investment. It includes a 10-year distribution of a proposed $200 billion in direct federal spending, but does not specify where that money would be spent or what projects will be eligible for funding. For FY 2018, the budget calls for $5 billion, increasing to $50 billion in FY 2021 and then decreasing through FY 2026 when it is phased out. Congress on the other hand, continues to discuss a desire to provide more funding for infrastructure, but has not offered a formal proposal or a specific timeline as to when they may be able to tackle the issue, given other priorities nor a plan for how to fund new infrastructure investment.

The Administration is expected to release guiding principles for infrastructure in early 2018. Recently, the Administration indicated that one of the main factors for project selection will be a local commitment creating new taxes or other revenue to fund infrastructure improvements. As a result of this focus, little to no emphasis is expected to be placed on leveraging private investment. The other expected key elements of the plan are: block grants for rural areas, money for transformational projects, and infrastructure financing programs (think the water state revolving loan funds, WIFIA, or TIFIA for example), along with permit reforms and streamlining.

An essential element that has not yet been addressed is how to pay for any new federal investment. There is some concern that existing infrastructure spending could simply be rerouted to this new plan, thereby reducing the overall new investment and likely creating additional needs due to the elimination of traditional funding sources. Congress may also look to cut other domestic or entitlement spending to fill the gap, which could have unintended consequences on other programs of importance. The oft-mentioned corporate repatriation that had been targeted as a funding mechanism for infrastructure spending in the past was used to in part pay for the tax bill and is no longer an option.

Any infrastructure legislation will need to be a bi-partisan effort as they will need 60 votes in the Senate (Republicans currently control 51 seats with the election of Doug Jones in Alabama).

While it is unclear how this discussion will progress during the remainder of the 115th Congress, it is possible that new infrastructure investment opportunities could be created and used to fund projects of importance to the City.

POSITION: ***Support*** new federal investment in infrastructure. ***Support*** all opportunities to secure funding for Coconut Creek's infrastructure priorities.

FEDERAL ISSUE: Transportation Authorization

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: After the passage of several short-term authorizations following the expiration of MAP-21 in 2014, Congress finally passed, and the President signed, a five-year surface transportation authorization called the Fixing America's Surface Transportation (FAST) Act. The FAST Act generally maintains many of MAP-21's reforms, but makes a few changes to existing surface transportation programs, as well as slightly increases funding for those programs.

One of the most significant changes within the FAST Act is the rolling of the Transportation Alternatives Program (TAP) into the newly created Surface Transportation Block Grant Program, which replaces the old Surface Transportation Program (STP). TAP projects include a variety of bicycle, pedestrian, and environmental activities, but this change to the program could allow up to 50 percent of TAP funds to be diverted to more traditional STP-eligible projects, mainly highway initiatives. The FAST Act also caps annual funding for TAP at $850 million and does not allow it to grow with inflation like most other programs in the bill.

Recreational trails and other motorized and non-motorized transportation programs are important to the City of Coconut Creek in helping to create a more cohesive community and for the general improvement of its multi-modal transportation network. While the FAST Act gradually increases the amount of STP funding that will be sub-allocated to local communities - in this case, the Broward MPO – there are concerns about a further decrease in funding for alternative transportation initiatives under this change to TAP.

Positively, the FAST Act also includes a provision related to Complete Streets, which requires state Departments of Transportation and local MPOs to consider all users of the roadways, such as bicyclists and pedestrians, when designing and constructing projects. The Broward County MPO is pursuing a Greenways and Complete Streets initiative throughout the County, including in Coconut Creek, and the City is strongly supportive of efforts to make the roads effective and safe for all users.

Lastly, the City of Coconut Creek is strongly supportive of mass transit initiatives, including high-speed rail. While the FAST Act does not specifically include high-speed rail, it does increase formula funding for federal public transit programs by approximately 10 percent in FY 2016, and increasing slightly each year after that to adjust for inflation. Funding for many new mass transit improvements is provided through the Capital Investment Grants Program. In FY 2018, the Trump Administration proposed only $1.2 billion for Capital Investment Grants, which includes New Starts, Small Starts, and Core Capacity projects. This is a decrease from the FY 2017 level of $2.4 billion. The budget request only funds projects that currently have a full funding grant agreement (FFGA) and proposes to phase out the program stating that "future investments in new transit projects would be funded by the localities that use and benefit from these localized projects." In addition, the Administration opted not to identify any new CIG projects for funding.

In July, the Senate THUD Subcommittee approved a bill which included $2.133 for the CIG program. In September, the House passed the FY 2018 THUD appropriations bill which included $1.75 billion for the CIG program, lower than the $2.4 billion appropriated in FY 2017. Both bills also include language which require the FTA to continue to advance projects through the CIG project pipeline.

It is expected that the Administration will continue to try to wind down the program consistent with their budget proposal without intervention from Congress. It is anticipated that the Administration will request in FY 2019 only those funds needed to fulfill current FFGAs.

In developing the FAST Act, however, Congress did not address the need for a long-term, sustainable plan to finance our nation's transportation infrastructure. Fuel taxes, which provide most of the money for surface transportation, do not provide a solid long-term foundation for generally desired transportation funding growth, even if Congress were to raise them modestly. Instead, the FAST Act relies on various budget gimmicks to fund surface transportation programs over the next five years, such as surplus money from the Federal Reserve, reducing the amount of interest the Fed pays to banks, and selling off part of the Strategic Petroleum Reserve.

Without the creation of a long-term, sustainable funding source, the Highway Trust Fund's deficit will continue to grow over, making future authorizations increasingly difficult. The choice then becomes finding new sources of income for an expanded program, or alternately, to settle for a smaller program that might look very different than the one currently in place. Less federal funding via a future transportation reauthorization bill would mean significantly less funding available to FDOT, the Broward MPO, and ultimately the City of Coconut Creek, to support both surface transportation and transit projects and programs.

POSITION: ***Support*** efforts to enhance federal transportation revenue streams. ***Support*** adequate funding of transportation alternatives programs, such as bicycle, pedestrian, and trails projects. ***Support*** adequate funding of federal public transit programs, including high-speed rail. ***Support*** any and all opportunities to secure funding for City of Coconut Creek priorities via the FAST Act or other means.

FEDERAL ISSUE: Domestic Discretionary Spending Pressure

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: In late May, the Trump Administration released their Fiscal Year (FY) 2018 budget proposal for the next fiscal year. Among those agencies that fare best include the departments of Defense (10% increase), Homeland Security (6.8% increase), Veterans Affairs (5.9% increase), and the National Nuclear Security Administration (an 11% increase - imbedded in the Energy Department budget, which gets an overall decrease of 5.6%). Meanwhile, those agencies that face the most significant budget reductions include the following: EPA (31.4%), HHS (16.2%), State/U.S. AID (28%), Labor (20+%), Agriculture (21%), Transportation (12%), Commerce (16%), Education (13%), HUD (13.2%), Interior (12%). The budget proposal included cuts to or the elimination of several programs of importance to the City.

Specifically, the Administration's budget proposals:

- Eliminates/Reduces FEMA state and local grant funding by $667 million including Pre-Disaster Mitigation Grants and the Homeland Security Grant Program, including the Urban Area Security Initiative program (UASI). The budget also calls for a 25% non-Federal match for FEMA preparedness grants that currently do not require any match.
- Eliminates the Community Development Block Grant program (CDBG)
- Eliminates HOME, Choice Neighborhoods and the Self-help Homeownership Opportunity Program
- Eliminates an additional $490 million in Department of Justice programs.
- Eliminates funding for the EPA's Sustainable Materials Management Program and Waste Reduction Model.

After the release of the Administration's budget, the City engaged with members of your delegation to advocate for these programs. Congress ultimately funds the government and can ignore much of what the President has recommended, but the FY 2018 budget proposes so many reductions or whole elimination of programs while significantly boosting spending in other areas (defense, a southern wall, for instance) that many members of Congress support and it will therefore be difficult to restore all funding to domestic agencies or programs of importance. If a piece of the pie gets bigger, the entire pie is not likely to grow – instead other pieces will get smaller.

Another threat to discretionary spending is sequestration. The Budget Control Act (passed in 2011) established budgetary caps in law for discretionary spending – one cap for defense accounts and another for non-defense accounts – through FY 2021. The penalty for spending over the caps is a sequestration of funds to ensure spending is in line with the budgetary caps established in law. Sequestration would result in a percentage-based cut to every account, program and project funded by discretionary spending.

For FY 2018, many Members of Congress are concerned about the discretionary spending caps being too restrictive. Since the budget caps are established by law, Congress does have the power to change the law to allow for higher spending levels. They did this in October 2015 when they reached a budget deal for FY 2016 and FY 2017 for new top-line spending levels.

POSITION: ***Monitor*** proposed cuts to non-defense discretionary programs of importance to the City of Coconut Creek.

FEDERAL ISSUE: Remote Sales-Tax Legislation

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Currently, retailers are only required to collect sales tax in states where they have brick-and-mortar stores. The burden then falls to consumers to report to state tax departments any sales taxes they owe for online purchases. Often, due to complex reporting requirements, consumers do not report those purchases when completing their tax returns. As a result, local retailers are at a competitive disadvantage because they must collect sales taxes while out-of-state retailers, including many large online and catalog retailers, essentially give their customers a discount by collecting no state or local sales taxes.

Therefore, the current sales tax system is perceived as being unfair to brick-and-mortar retailers that employ local residents, including local stores as well as national chains like Best Buy or Home Depot. The lost revenue is also a drain on local governments. In 2014, uncollected sales tax was estimated to have cost local governments $23 billion nationwide.

To correct this inequity across the country, Congress introduced the Marketplace Fairness Act in both the House and Senate during the 113th Congress. The bill would have created two systems from which states could choose to facilitate the process of collecting these taxes. The first would have been the already established Streamlined Sales and Use Tax Agreement (SSUTA), which would have simplified state and local sales and use tax laws. Twenty-four states have already signed this agreement, which is also supported by the National League of Cities and the U.S. Conference of Mayors. The second alternative would have allowed for states to meet minimum requirements for their state tax laws and administration thereof. To protect small, online retailers, this legislation would have also exempted sellers who make less than $1,000,000 in total remote sales from the requirement to collect taxes. In 2013, the Senate passed the Marketplace Fairness Act with bipartisan support by a vote of 70-24, with Senator Nelson voting for the measure and Senator Rubio against it. In the House, companion legislation was not considered, although it had 67 cosponsors, including Florida Representatives Deutch, Ross, Wilson, and Diaz-Balart, and former Rep. Crenshaw.

The issue reemerged in the 114th Congress. Most recently, in August 2016, House Judiciary Committee Chairman Bob Goodlatte (R-VA) released a discussion draft known as the Online Sales Simplification Act (OSSA), which would implement a hybrid-approach to taxing purchases made remotely. Under the draft, states would be able to impose sales tax on remote sales if the state first participates in a clearinghouse established under the OSSA. Then, remote sales would be taxable if the origin state collects sales taxes, yet at a rate adopted by the destination state. The sales tax rate would be a single statewide rate determined by each participating state. This is significant as it would eliminate the option for many communities to add additional sales taxes for various local needs.

The increasing pressure to pass remote sales tax legislation may have something to do with court cases in South Dakota and Alabama that are challenging a 1992 Supreme Court decision holding that states cannot require retailers with no in-state presence to collect sales tax. Both states have recently enacted rules requiring all retailers who sell more than a certain dollar amount of goods annually in the state to collect sales tax, regardless of physical presence. The South Dakota case was heard by the State Supreme Court in September 2017, which affirmed the decision of a lower court that the state does not have the authority to enact the rule. The State of South Dakota is now appealing the ruling to the Supreme Court. Overturning the 1992 decision would require the Supreme Court to take up at least one of the cases (and rule in favor of the state) or an act of Congress.

Given this, and the reluctance of many Republicans to pass such a law, the issue may remain in the courts for the next several years. Remote sales tax was not addressed in the recently passed tax reform bill.

POSITION: ***Monitor*** legislation that requires companies making catalog and internet sales to collect and remit the associated taxes. ***Support*** federal tax policies that maintain revenue streams to local governments.

FEDERAL ISSUE: Tribal Legislation and Regulation

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The Seminole Tribe of Florida opened a 30,000 square foot casino in Coconut Creek in 2000, the fifth Seminole gaming center in the state. The casino is located on five acres of tribal land on Northwest 54th Street, just east of State Road 7. The casino's plan is to create a destination area offering a full-service hotel, extensive gaming space, and several restaurants. Over the years, the Tribe has sought to add more land to trust in the City, most recently seeking an additional 40 acres.

Van Scoyoc Associates monitors tribal legislation and regulations to determine if they could impact the City of Coconut Creek. As an example, in 2015, we identified legislation that was introduced that could have impacted the City's relationship with the Seminole Tribe. H.R. 538, the Native American Energy Act introduced by Rep. Don Young (R-AK), is ostensibly meant to "facilitate the development of energy on Indian lands by reducing Federal regulations that impede tribal development of Indian lands."

However, we raised a concern about Section 4 of the original bill that said:

> *"For any major Federal action on Indian lands of an Indian tribe requiring the preparation of a[n environmental impact] statement…, the statement shall only be available for review and comment by the members of the Indian tribe and by any other individual residing within the affected area.*
>
> *""(2) REGULATIONS.—The Chairman of the Council on Environmental Quality shall develop regulations to implement this section, including descriptions of affected areas for specific major Federal actions, in consultation with Indian tribes."*

Many tribal actions require environmental surveys be completed prior to implementing various actions. These environmental assessments or impact statements offer local government and others the opportunity to comment on proposed tribal actions prior to implementation. In the legislation, there was no clear understanding of what "other individual residing within the area" was. This could have limited the opportunity for the City (and others) to comment on a wide variety of actions that could otherwise impact the community.

Prior to passage in the House, an amendment was passed on the floor to do away with this objectionable provision. The bill's sponsors did not realize they could unintentionally be limiting the opportunity of communities to comment on a broad number of significant actions nearby, not just those related to energy development (which was the underlying purpose of the bill).

We will continue to monitor legislative activity in the Indian Affairs Committees during the 115th Congress. In the Senate, the committee is led by Chairman Hoeven (R-ND) and Ranking Member Udall (D-NM). In the House, tribal issues are under the jurisdiction of the Natural Resource Committee's Subcommittee on Indian and Alaska Native Affairs. Leadership posts have not yet been announced for this subcommittee.

POSITION: ***Monitor*** tribal legislation and regulations that could impact the City of Coconut Creek.

FEDERAL ISSUE: Siting of Wireless Facilities

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: As telecommunications technology advances, companies have developed new wireless equipment to support 5G networks. These new small cell towers can range in size from approximately the size of a briefcase to something closer to the size of a refrigerator. The telecommunications industry has indicated that these small cell towers are needed to support increased use, faster internet speeds, and other uses such as driverless vehicles. Legislation has been introduced in many state legislatures, including in Florida, to limit local control over the siting and leases on publicly-owned infrastructure or in rights-of-way. Most recently, Florida passed a preemption bill during the 2017 legislative session.

The issue has arisen at the federal level as well, with the Senate Commerce Committee currently discussing draft legislation pertaining to the issue which would potentially expand the preemption beyond the legislation passed by the state legislature in Florida. The bill pending introduction is problematic in its current form because:

- It would impose sharply reduced "shot clock" time limits for local governments to process potentially unlimited wireless facility applications for all sizes;
- "Deem granted" applications for facilities when local governments are unable to meet the stringent time limits;
- Potentially result in applications being approved regardless of their safety, health or environmental impacts;
- Interfere with local governments' management of their own property and their ability to receive appropriate compensation for its use.
- Adds municipal electric utility poles to the federal pole attachment statute and does not preserve any of the carve outs that are included in Florida law, such as those for municipal electric utility poles and those for certain rights-of-ways.
- The draft is silent on the installation of wireless facilities when state or local regulations do not permit above-ground utilities, which may result in federal law preempting those local regulations.

While the legislation has yet to be introduced, it is anticipated that it would be strongly opposed by local governments. Previous efforts to pass similar language in the past have failed, however the telecommunications industry has continued to push for the changes. Although many cities share the goal of ensuring access to affordable, reliable high-speed broadband and welcome new wireless infrastructure, it should be installed in collaboration with local governments and not preempt local control.

POSITION: ***Oppose*** legislation that would preempt local government control and force local governments to lease publicly-owned infrastructure for the installation of "small cell" wireless towers.

FEDERAL ISSUE: International Diplomacy

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The City of Coconut Creek supports the use of diplomacy to resolve conflicts between nations. The Bulletin of the Atomic Scientists has moved the hands of its "Doomsday Clock" to 2.5 minutes to midnight – the closest it's been since 1953, stating, "Over the course of 2016, the global security landscape darkened as the international community failed to come effectively to grips with humanity's most pressing existential threats, nuclear weapons and climate change," and warning that, "Wise public officials should act immediately, guiding humanity away from the brink."

To address these tensions, increase the use of diplomacy and prevent any loss of life that would result from future conflict, Senator Todd Young (R-IN) introduced the National Diplomacy and Development Strategy Act in 2017. The bill would require the Secretary of State to submit to Congress a comprehensive report on the nation's diplomacy and development strategy (NDDS). This report would be submitted to Congress within 90 days of the enactment of the law and then subsequently in any year when a new President is inaugurated or within 90 days of the development of a new National Security Strategy Report. The NDDS would set forth the national diplomacy strategy of the United States including identifying national objectives, leading threats, challenges and opportunities, provide an overview of diplomatic tools and a plan to leverage them. The NDDS would be submitted to the appropriate Congressional committees in a classified form along with an unclassified summary. The bill has two cosponsors and has not been scheduled for a hearing since its introduction.

RECOMMENDED POSITION: ***Support*** the use of diplomacy to resolve international conflicts.

FEDERAL ISSUE: Transparency

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Government transparency is vital to providing accountability and improving trust in government by citizens. Each year, over $3.7 trillion is spent by the federal government. It can be difficult to track that spending due to disparate and incomplete sources of data. To address this concern in 2014, the Digital Accountability and Transparency (DATA) Act of 2014 was signed into law. The DATA Act requires the federal government to set data standards across departments, to regularly report on more federal funds than in the past, and to regularly review data quality. The process of agreeing upon and implementing those policies and procedures, led by the Treasury Department and the Office of Management and Budget (OMB) took several years. In May of 2017, federal agencies began officially reporting data in compliance with the DATA Act. In November of 2017, the Government Accountability Office (GAO) completed their first review of that data and found several gaps, inaccuracies and varied interpretations of how data was reported. GAO has since made recommendations that OMB and Treasury clarify their guidance, work with agencies to produce more consistent data and disclose any known data quality issues. These recommendations are currently being reviewed and implemented by OMB and Treasury.

Meanwhile, in 2016 Congress passed and President Obama signed, the Freedom of Information Act (FOIA) Improvement Act which aims to improve public access to federal records. The law requires increased online disclosure of records and limits the ability to withhold or delay the release of records. The law is still being implemented by the 115 federal agencies that are subject to FOIA. In Fiscal Year 2017, federal agencies received over 788,000 FOIA requests, which set a new record for the second year in a row.

In addition to the issues of access to records and financial details, there have been concerns for citizens and members of Congress about the transparency of other governments programs. Recently, these concerns have centered around the use of the Foreign Intelligence Surveillance Act (FISA) to monitor the activities of American citizens, rather than solely to intercept calls and emails from suspected foreign terrorists without a warrant. A bill to extend the program to 2023 recently passed the House and is expected to pass the Senate prior to the program's expiration on January 19th. Bipartisan amendments offered in both the House and Senate to place further restrictions on the FISA, such as a requirement that a warrant be obtained prior to any search for or review of communications by American citizens, failed during the recent consideration of the bill.

RECOMMENDED POSITION: ***Support*** efforts to increase government transparency and accessibility of public records.

FEDERAL ISSUE: National Flood Insurance Program

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Congress established the National Flood Insurance Program (NFIP) in 1968 to address the nation's flood exposure. Private insurance companies at the time claimed that the flood peril was uninsurable and, therefore, could not be underwritten in the private insurance market. A three-prong floodplain management and insurance program was created to (1) identify areas across the nation most at risk of flooding; (2) minimize the economic impact of flooding events through floodplain management ordinances; and (3) provide flood insurance to individuals and businesses.

Until 2005, the NFIP was self-supporting, as policy premiums and fees covered expenses and claim payments. Today, the program is roughly $25 billion in debt due to a number of large storms.

In mid-2012, Congress passed, and the President signed, the Biggert-Waters Flood Insurance Act (BW12), a 5-year reauthorization of the NFIP that attempted to restore the program to firmer financial footing by making a number of changes to the program that impact the County's residents. Then, in early 2014, the Homeowner Flood Insurance Affordability Act (HFIAA), was enacted in an attempt to address some of the so-called unintended consequences of BW12. While HFIAA delayed many of the premium increases implemented by BW12, in the long run, the only real difference between rate increases envisioned by the two bills is that HFIAA reinstated grandfathering. This provision originally ended by BW12 allows property owners to pay flood insurance rates based on original risk, not that which is determined by new community flood maps.

Authorization of the NFIP expired September 30, 2017, and has been continued along with funding for the government several times through continuing resolutions. The 115th Congress still needs to address a longer-term reauthorization this year. Reauthorization may include reforms to the NFIP.

In the City of Coconut Creek, there are 2,065 NFIP policies for both homes and commercial properties.

115th Congressional Approach

The House Financial Services Committee drafted and passed several bills to address the reauthorization of NFIP. The proposals have many areas of concern for consumers and local governments. Specifically, the package of bills would:

- Raise the minimum average premium increase to 8% from 5%. FEMA has reported that a majority of risk classifications had increases of less than 8%, thereby this provision would mean higher premiums for the majority of policyholders.
- Increase a variety of surcharges for all policyholders in the NFIP while not holding the private insurance market to the same standards
- Changes the definition of a multiple loss property and places additional restrictions on policyholders that fall into this category, increasing their expenses and limiting their choices for coverage
- Increases the regulatory burden on local governments by requiring communities with more than 50 repetitive loss structures (defined as properties that have had two or more claims totaling $1,000 in the past ten years) to map the properties and surrounding infrastructure and then enact a FEMA approved mitigation plan. The communities would then be subject to potential sanctions from FEMA if sufficient progress was not made on the plan. These sanctions are not clearly defined in the bill, but references to removal from the NFIP was taken out of the bill by amendment in committee.

The package of bills was then merged into a single bill, entitled the 21st Century Flood Insurance Reform Act, which ultimately passed the House last fall. This bill is unlikely to gain traction in the Senate.

In the Senate, several Senators, including both Senators Nelson and Rubio, have introduced their own version of flood insurance reauthorization, entitled The Sustainable, Affordable, Fair and Efficient National Flood Insurance Program Reauthorization Act (SAFE NFIP Act), that includes beneficial provisions from a significantly more consumer-friendly perspective. Among them include efforts to further limit premium rate increases, create new means-tested mitigation and affordability provisions, expand the Increased Cost of Compliance program, focus on existing pre-disaster mitigation programs and developing accurate flood maps, cap Write-Your-Own compensation, and offer a policyholder credit if they secure an elevation certificate. Additionally, Senators Kirsten Gillibrand (D-NY) Bill Cassidy (R-LA) have introduced the Flood Insurance Affordability and Sustainability Act of 2017. The Senate Banking Committee has drafted their own reauthorization bill, which will ultimately serve as the vehicle for reauthorization in the Senate, however the Committee has indicated that this bill is a "base text" that will be amended as it moves forward.

POSITION: ***Support*** efforts to improve the National Flood Insurance Program for the benefit of all participants.

FEDERAL ISSUE: Federal Marijuana Policy

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: In 2016, the voters of Florida passed a state constitutional amendment to allow the use of medical marijuana. Subsequently, the Office of Compassionate Use under the Florida Department of Health has begun implementing a state-managed medical marijuana program. Additionally, the state legislature has passed limitations on the zoning of dispensaries and local governments have taken action to either allow or ban dispensaries within their boundaries. The City of Coconut Creek is one of the few jurisdictions within Broward County that allows dispensaries.

In January of 2017, the Department of Justice (DOJ) issued a new memo on federal marijuana enforcement. Essentially, this memo rescinds the so-called "Cole Memo" issued by the Obama Administration in 2013 that provided guidance to prosecutors and law enforcement to direct their focus away from enforcement in states where marijuana had been legalized. The new memo directs all U.S. Attorneys to enforce federal law and follow DOJ's principles in determining which cases to prosecute, rather than taking into account state law. Attorney General Sessions has made it clear that he opposes the legalization of marijuana for both medical and recreational use, and has sent a letter to Congress asking that currently existing federal medical marijuana protections be reversed.

The DOJ is currently prohibited from using resources to interfere with state run medical marijuana programs, such as the one in Florida, as a result of a provision in the Fiscal Year 2017 omnibus appropriations bill (which was also included in the FY 2015 and 2016 bills) that has been extended along with each of the recent continuing resolutions. The provision is included in the Senate Commerce, Justice and Science 2018 appropriations bill. This memo does not impact that prohibition, but may become relevant if the provision is not included in an FY 2018 omnibus bill. This policy change has been criticized by many members of both parties in Congress as an infringement of state's rights.

Several bills have been filed in the 115th Congress to address marijuana policy, however none of them have gained significant tractions to date. A group of bipartisan Senators have introduced the CARERS Act (Compassionate Access, Research Expansion and Respect States Act) that would enable states to set their own medical marijuana policies. The bill is led by Senators Booker (D-NJ) and Gillibrand (D-NY). Co-sponsors include Senators Paul (R-KY), Lee (R-UT), and Murkowski (R-AK). Representatives Cohen (D-TN) and Don Young (R-AK) introduced a House companion bill.

The goal of the bill is to recognize that marijuana has an accepted medical use and that it is the states' responsibility to set medical marijuana policy. The bill would not legalize medical marijuana in all 50 states, but would ensure that people in states where medical marijuana is legal, can use it without violating federal law. Specifically, the bill:

1) Amends the Controlled Substances Act so that states can set their own medical marijuana policies – patients, providers and businesses participating in state medical marijuana programs will no longer be in violation of federal law and vulnerable to prosecution;
2) Amends the Controlled Substances Act to remove specific strains of CBD oil from the federal definition of marijuana to allow youth suffering from epilepsy to gain access to control seizures;
3) Allows VA doctors to recommend medical marijuana to military veterans; and
4) Removes bureaucratic hurdles for researchers to gain government approval to undertake research on marijuana.

Senator Booker (D-NJ) has introduced legislation to remove marijuana from the list of controlled substances, making it legal at the federal level. The bill would also incentivize states through federal funds to change their marijuana laws if those laws were shown to have a disproportionate effect on low-income individuals and/or people of color.

Finally, Senator Orrin Hatch (R-UT) has introduced the Marijuana Effective Drug Study Act (MEDS Act) to improve the process for conducting scientific research on marijuana as a safe and effective medical treatment. Companion legislation has been introduced by Representative Rob Bishop (R-UT) in the House.

POSITION: ***Monitor*** any impacts federal marijuana policy may have on Florida's medical marijuana program

FEDERAL ISSUE: Sanctuary City Issue

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The Trump administration has issued several executive orders since taking office. Among these orders is one that, in part, seeks to restrict funding to "sanctuary cities." Although the City of Coconut Creek is not a sanctuary city, there is some concern that the City may be negatively impacted if other jurisdictions meet the definition of a sanctuary jurisdiction.

On January 25, 2017, President Trump issued an executive order stating that the Attorney General and the Secretary of Homeland Security shall ensure that jurisdictions that are not willfully complying with 8 U.S.C. 1373 are not eligible to receive Federal grants, except as deemed necessary for law enforcement. Noncompliance with 8 U.S.C. 1373 is used as the definition of a sanctuary city in the executive order. On March 27, 2017, Attorney General Sessions announced at a press conference that the Department of Justice would apply this standard to their grants and would retroactively apply it to jurisdictions that were previously awarded funds and that willfully violate section 1373.

Legal challenges have been filed regarding the constitutionality of the executive order and its applicability to grants that have already been awarded. Several jurisdictions have also reaffirmed their support of sanctuary policies. These legal challenges are currently preventing the release of the Department of Justice's FY 2017 Byrne JAG awards and there is some concern that this will impact the release of funds through the COPS program as well. The Attorney General has recently requested additional documents from 23 jurisdictions regarding their compliance with section 1373 under the threat of a subpoena.

POSITION: ***Monitor*** Sanctuary City policies and potential impacts to the City of Coconut Creek.

FEDERAL ISSUE: Public Safety Programs

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Federal grant funding for many Department of Justice (DOJ) and Department of Homeland Security (DHS) programs are provided as block grants with each state receiving a certain amount of funding, generally linked to population. That funding is then passed through to local jurisdictions to help support police, fire, emergency management, and homeland security functions. Examples of these formula programs include the Emergency Management Performance Grant (EMPG) and the Byrne Justice Assistance Grant (JAG).

In other instances, funding from federal programs is made available to local governments via competitive grant solicitations. Competitive program funds can be used to hire police officers through Community Oriented Policing Services (COPS) or firefighters through Staffing for Adequate Fire & Emergency Response Grants (SAFER), and purchase equipment through the Assistance to Firefighters Grant (AFG). There is also another category of grants that are distributed to certain recipients based on specific criteria, such as the Urban Area Security Initiative (UASI), which provides funds to eligible regions to help communities prepare for, prevent, respond to, and recover from potential attacks and other hazards.

The City of Coconut Creek has benefited from several of these federal programs in the past, while other programs offer competitive grant opportunities from which the City may seek funds. Most recently, the City applied for an FY 2014 AFG grant for much needed vehicles for its two new fire stations that are slated to be built over the next two years, as well as funding for improvements to its existing fire station. That application was ultimately unsuccessful, but the City successfully partnered on an FY 2014 application with the City of Margate to purchase automatic stretchers and may submit future applications for funding. In other areas, the City annually receives JAG funding, which has totaled almost $30,000 over the last three years to purchase a variety of equipment to support the police department.

For FY 2017, Congress provided $345 million each for AFG and SAFER, $605 million for UASI, and $350 million for EMPG. COPS and JAG, meanwhile, were provided with $221.5 million and $376 million, respectively.

For FY 2018, the House included $500 million for the JAG program and the COPS program combined, while the Senate included $404.5 million for the JAG program and $207.5 for the COPS program. With regard to the homeland security programs, the House and Senate included $345 million for each of the SAFER and AFG programs, $350 million for EMPG in their respective versions of the FY 2018 Homeland Security Appropriations bill. The House has included $630 million for UASI, with the Senate proposing $600 million. The federal government is currently operating under a Continuing Resolution through January 19, 2018. The FY 2018 appropriations process is not expected to be completed until that time.

POSITION: ***Support*** continued adequate funding for the wide variety of DOJ and DHS grants, i.e., Community Oriented Policing Services, Byrne Justice Assistance Grants, Emergency Management Preparedness Grants, Assistance to Firefighters Grants, Staffing for Adequate Fire and Emergency Response Grants, Urban Areas Security Initiative grants, and other security-specific grants. ***Support*** the City of Coconut Creek's applications for these funds.