

August 6, 2010

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Senate Passes FMAP Extension

On August 5, the Senate passed a \$16.1 billion six-month extension of the enhanced federal Medicaid formula (FMAP) established in the American Recovery and Reinvestment Act (ARRA), a top priority for NACo. The FMAP provision will be phased out through June 30, 2011. The measure also includes \$10 billion to state and local education agencies to prevent teacher layoffs. Speaker Nancy Pelosi called the House back into session from their summer recess after the unexpected Senate action on the bill. The House is expected to vote on the bill (H.R. 1586) August 10.

One of the revenue offsets for the bill is a rescission of \$302 million of Recovery Act funding from the Department of Commerce for Broadband grants. Originally, the proposal would also have rescinded \$300 million in Recovery Act funding for the Department of Agriculture's rural broadband program. NACo worked to oppose both of these rescissions.

The offset that received the most attention is a sunset provision to the Supplemental Nutrition Assistance Program (SNAP) \$59 monthly benefit increase established in ARRA. The increase will cease March 15, 2014.

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Senate Committee Approves Livable Communities Act

On August 3, 2010 the Senate Banking, Housing, and Urban Affairs Committee approved by voice vote the Livable Communities Act of 2009, S. 1619. The bill as amended by committee chairman and bill sponsor Chris Dodd (D-Conn.) would authorize \$2.675 billion in grant funding over four years to regions and localities for sustainable development planning and implementation around housing transportation, environmental and land use projects. The bill received no Republican support, but the senior Republican at the markup, Senator Bob Bennett (R-Utah), said that he may be able to support the bill before it comes to the floor. The original bill included \$4.15 billion in grant funding over four years but was scaled down in the amended



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version. Of the \$2.765 billion authorized in the amended bill, \$475 million is for planning grants and \$2.2 billion is for implementation grants.

Another central component of the bill is the formal establishment of the Interagency Council on Sustainable Communities, an existing partnership between the U. S. Department of Housing and Urban Development, the Department of Transportation, and the Environmental Protection Agency focused on better coordination between federal agencies on sustainability issues including research and grants.

Senator Dodd noted during his opening statement the support provided by NACo and other key local government groups and stressed the voluntary nature of the program. NACo played a key role in ensuring that all aspects of the bill are voluntary to counties interested in the program. The final bill also includes a NACo supported rural fix, which provides a 15 percent set aside for rural communities under 200,000 in population. The manager's amendment also added a new Regeneration Planning Grant Demonstration Program authorized at \$80 million over four years that is designed to help communities with a large number of vacant and abandoned lots. It also added an Infrastructure Credit Facility Program to Support Transit Oriented Development that is authorized at \$100 million over four years.

Representative Ed Perlmutter (D-Colo.) introduced a companion bill, HR 4690, in the House. NACo passed a resolution in support of the legislation at the 2010 Annual Conference. The Livable Communities Act has the support of more than 200 national and local organizations, including NACo.

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House Approves Transportation Funding

The House on July 29 approved, by a vote of 251-167, the FY 2011 Department of Transportation funding bill (H.R. 5850) that includes a large 7.4 per cent increase in highway spending. Nearly \$80 billion is provided in transportation spending and another \$46.5 billion for the Department of Housing and Urban Development.

The federal highway program is increased to \$45.182 billion, which is \$4 billion above the current year level. The transit formula program is funded at \$8.961 billion and the capital program at \$2 billion. Amtrak gets \$1.767 billion and high-speed rail an additional \$400 million. The Airport Improvement Program is funded at \$3.515 billion and Essential Air Service at \$196 million. The House action marks only the second regular appropriations bill approved by either chamber this year.

The Senate Appropriations Committee approved its bill on July 22 and it remains to be seen whether a final bill can get to the president by October 1, the beginning of fiscal year 2001.

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Senate Passes Child Nutrition Bill

On August 6, the Senate passed the Healthy, Hunger-Free Kids Act (S.3307), which reauthorizes the child nutrition programs, including school lunch,

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Women Infants and Children Supplemental Feeding Program, and the summer feeding program.

The substitute measure approved by the Senate changed the offsets from a cut in conservation subsidies to yet another rollback of the increase in the Supplemental Nutrition Assistance Program (SNAP). Under the new offsets, the SNAP increase would sunset October 31, 2013. The House version (H.R.5504) doesn't include the SNAP cut and has not been scheduled for floor action. The child nutrition programs expire September 30.

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Another FAA Extension

Last week Congress passed a two-month extension of the federal aviation and airport programs. President Obama signed the bill on August 1 extending the program through September 30. This includes authority to continue collecting the various taxes that fund the programs and the authority to spend the money. The bill also includes safety language that increases the number of hours required for a commercial pilot's license and other safety provisions stemming from a September 2009 crash of a commuter plane in Buffalo, NY. Passage of this extension also raises the issue of whether Congress can complete the FAA reauthorization when it returns from recess in September.

While many of the issues separating the House and Senate-passed bills have been resolved, at least two are outstanding—whether there will be an increase in the Passenger Facility Charge (PFC) above the current \$4.50 ceiling and whether more long distance flights will be permitted from Washington Reagan National Airport. NACo supports an increase in the PFC.

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D-Block Legislation Introduced

On August 5, Senator Jay Rockefeller (D-W.V.) (Chairman of the Senate Commerce, Science and Transportation committee) introduced S. 3756, which would reallocate D- Block spectrum to public safety – a position supported by NACo policy.

The bill would:

- Establish a framework for the deployment of a nationwide, interoperable, wireless broadband network for public safety;
- Allocate 10 megahertz of spectrum, known as the "D-block," to public safety;
- Direct the Federal Communications Commission (FCC) to develop technical and operational standards to ensure nationwide interoperability and build-out (including in rural areas);
- Direct the FCC to establish standards that allow public safety officials, when not using the network, to lease capacity on a secondary, but preemptible basis to non-public safety entities, including other governmental users and commercial users; and
- Provide the FCC with incentive auction authority, which allows existing spectrum licensees to voluntarily relinquish their airwaves in exchange for a

portion of the proceeds of the commercial auction of their spectrum. This provides new incentives for efficient use of spectrum. In addition, the funds from these incentive auctions, in conjunction with funds from the auction of other specified spectrum bands, and funds earned from leasing the public safety network on a secondary basis, will be used to fund the construction and maintenance of the nationwide, interoperable, wireless broadband public safety network.

The "Big Seven" organizations all support reallocation and have been working with the Public Safety Alliance to get Congress to visit the D-Block reallocation issue.

The FCC has stated their intention to auction the D-Block to commercial interests.

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Rural Microentrepreneur Assistance Program Deadline Extended

On July 29, USDA revised the Notice of Funding Availability (NOFA) Inviting Applications for the Rural Microentrepreneur Assistance Program. The application deadline has been extended from July 16 to August 16. As a result, the award notification deadline has been changed from August 31, 2010, to September 15, 2010.

To read the notice, click here:

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EPA Extends Public Comment Period for Boiler and CISWI Proposed Rules

The U.S. Environmental Protection Agency (EPA) extended the public comment period for the proposed standards for industrial, commercial and institutional boilers located at major sources and area sources and for commercial and industrial solid waste incineration units (the CISWI rule), which were proposed on April 29, 2010 and published in the Federal Register on June 4, 2010. The new comment deadline is August 23, 2010, extended from August 3, 2010. The extension does not apply to the comment period for the definition of non-hazardous solid waste that EPA proposed along with the boiler and CISWI rules.

For CISWI rules, click here:

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Senate Energy Bill Debate Punted to Fall

Originally, the Senate energy and oil spill debate was scheduled to occur the first week of August. However, after weeks of content talks, Senate Majority Leader Harry Reid (D-Nev.) postponed the debate on a spill bill or a broader measure until September. At issue is, how big should the package be? Should it be a narrow bill and only address stricter regulations? Or should the package be broader in scope, encompassing a number of Democratic priorities, such as renewable energy standards (RES) and other energy conservancy standards. As of now, at least in the Senate, it appears that a

carbon cap is off the table. The likelihood of movement on an energy bill this fall is questionable as Congress races to the end of the 111th Congress. They face an overloaded legislative calendar with the looming election cycle in November.

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About NACo

National Association of Counties (NACo) is the only national organization that represents county governments in the U.S. NACo provides essential services to the nation's 3,068 counties. NACo advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research and provides value-added services to save counties and taxpayers money.

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