

April 23, 2010

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FMAP Extension in Legislative Limbo

A six month extension of ARRA's enhanced Medicaid federal medical assistance percentage (FMAP) is currently in legislative limbo. The extension, which would carry the FMAP through June 2011, was included in a package of tax extenders (H.R. 4213) which has passed both chambers of Congress, but in different form. The measure now is before the House but it is not clear how House leaders intend to proceed.

Action Needed: Please contact your House and Senate members, even if you have on this subject before, and urge them to speak to their respective leaders about the urgency of passing the FMAP extension before state and county budgets must be finalized.

For your House and Senate members, click here

Contact: Paul Beddoe 202/942-4234

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Rep. Kennedy Introduces Bill to Give Behavioral Health Providers Access to Health IT

Last week Representative Patrick Kennedy (D-R.I.) introduced the Health Information Technology Extension for Behavioral Health Services Act of 2010 (H.R. 5040). The bill extends eligibility for assistance under ARRA's health IT program (called the HITECH Act) to behavioral health, mental health, and substance abuse professionals and facilities – including county behavioral health agencies.

ARRA's definition of health care provider had excluded these behavioral health providers and facilities which would leave a significant hole in the electronic health records (EHRs) network from its outset. H.R. 5040 also authorizes grants for those mental health treatment facilities not eligible for meaningful use incentives through the HITECH Act. The grants would allow for the purchase of certified EHRs, training of medical staff in the use of EHRs, and improvement in the exchange of health information between mental health providers and other health care providers.

Kennedy was joined in introducing the bill by Reps. Tim Murphy (R-Penn.), Christopher Murphy (D-Conn.), Gene Green (D-Texas), and Hastings (D-



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Action needed: Ask your Representative to co-sponsor H.R. 5040.

[To contact your House Representative, click here](#)

Contact: [Paul Beddoe 202/942-4234](#)

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Waters of the U.S. Bill Introduced in the House

The “waters of the U.S.” issue is back and ready to muddy the waters. On April 21, H. R. 5088, American’s Commitment to Clean Water (ACCWA), was introduced by House Committee of Transportation Chairman Jim Oberstar.

According to Oberstar, ACCWA is a better version of Oberstar’s previous bill, the Clean Water Restoration Act (CWRA). The bill takes out reference to “activities affecting” those waters and clarifies the “waters of the U.S.” definition by using current agency regulatory definitions. But, as did CWRA, H.R. 5088 eliminates the term “navigable” from all sections of the Clean Water Act (CWA).

Supporters of the bill believe it clarifies Clean Water Act (CWA) jurisdictional authorities over wetlands that existed prior to the 2001 Supreme Court decision in the case Solid Waste Agency of Northern Cook County (SWANCC) vs. the U.S. Army Corps of Engineers (Corps). In SWANCC, the local government agency had purchased land that was the site of an abandoned gravel mining operation. The agency planned to use the land for a solid waste facility. However, because the land had some wet areas of varying sizes, the Corps claimed federal jurisdiction under its 404 permit program using the Migratory Bird Rule. The Migratory Bird Rule basically stated that wherever a bird might land, that land was considered a “water of the U.S.” The Supreme Court struck down the Migratory Bird Rule stating that it went beyond the reach of the CWA.

NACo opposes any efforts to remove the word “navigable” from the definition of “waters of the U.S.” within the CWA.

[To view the bill, click here.](#)

Contact: [Julie Ufner 202/942-4269](#)

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Broadband for First Responders Act of 2010

Representative Peter King (R-N.Y.) introduced the “Broadband for First Responders Act” (H.R. 5081). Rep. Yvette Clarke (D-N.Y.), Candice Miller (R-Mich.), Mike Rogers (R-Ala.), and Joseph Cao (R-La.) were original cosponsors. It was referred to the House Energy and Commerce Committee.

The “Broadband for First Responders Act of 2010,” would to allocate the D-Block 700 MHz spectrum to public safety for the development of a national interoperable public safety broadband network for the public’s immediate safety and security during large-scale emergency response situations. It also calls for priority access, and extended resiliency. The bill also asks FCC to set the standards for the interoperability systems through National Institute of Standards and Technology, Department of Homeland Security, Department of Justice, and state and local agencies.

Rep. King is the Ranking Member of the House Homeland Security Committee. “The nation’s counties thank Congressman King for his leadership on this important issue,” said Larry E. Naake, Executive Director, National Association of Counties (NACo). “When life, property, infrastructure, and natural resources are at risk, it’s critical that counties and all public safety agencies have maximum communications flexibility to respond effectively to emergencies and disasters.”

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NACo recently joined the Public Safety Consensus Group and the “Big 7” governmental groups – including the National Governors Association (NGA) and U.S. Conference of Mayors (USCM) – in calling for the D Block allocation and pledged to work with the Congress and the Administration to see the legislation passed.

To read the [Big 7 letter](#), [click here](#):
[Contact: Jeff Arnold 202/942-4286](#)

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Administration Emphasizes Rural Communities in First Farm Bill Hearing

Secretary of Agriculture Tom Vilsack unveiled the Administration’s Farm Bill strategy at the first hearing on the topic before the House Agriculture Committee on April 21. In his testimony, Secretary Vilsack stressed that the Obama administration will create a Farm Bill outline or framework, but leave the writing of the 2012 farm bill largely up to the Congressional Agriculture committees, provided the bill contains a safety net for farmers and provisions to help create better off-farm jobs in rural America. The 2008 farm bill does not expire until 2012, but House Agriculture Committee Chairman, Collin Peterson (D-MN), wants to start hearings now because he believes farm programs may need change and he wants a full airing of views on farm policy.

Secretary Vilsack emphasized the importance of a strong safety net for farmers and the need for more well-paying farm jobs in rural communities. He added that he hopes to create conditions so that young people are encouraged to stay in rural America. To accomplish those goals, Vilsack asked for more flexibility in rural development programs in order to encourage regional innovation. NACo strongly supports all of these goals and is a national leader in advocating for an enhanced commitment to rural development programs.

NACo is already working to ensure inclusion of county rural development priorities in the 2012 Farm Bill. NACo provided testimony in late March regarding the status of USDA rural water infrastructure programs at a hearing convened by the House Agriculture Committee’s Subcommittee on Rural Development. The testimony provided evidence of the need to bolster funding for USDA Rural Development programs in the next Farm Bill. NACo also expressed strong support for the Administration’s newly proposed Rural Innovation Initiative, which will make USDA’s infrastructure investments more efficient and effective by rewarding regional strategic approaches to rural development. NACo will work to expand this funding model in the next Farm Bill because it will provide greater local flexibility and control of USDA investments in rural counties.

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Assistant Attorney General Calls Byrne JAG the ‘Flagship Program’ to Assist Local and State Governments

Assistant Attorney General Laurie O. Robinson who directs the Office of Justice Programs at the U.S. Department of Justice called the Byrne JAG program the ‘Flagship Program’ of Federal Assistance to local and state governments.

Robinson, testifying April 22 on the President’s FY2011 budget request before the House Appropriations Subcommittee on Commerce, Judiciary, Science and Related Agencies noted that the Department of Justice had the fastest rate of Recovery Act Awards from FY2009 funds—awarding 99

percent of Recovery Act funds in seven months. OJP made almost 3,900 grants under the Recovery Act Awards.

Between the Recovery Act and regular appropriations in 2009, OJP awarded \$2.5 billion in Byrne JAG funding. Robinson expressed her commitment to Evidence Based programs and transmitting the scientific evidence in technical language that elected policymakers can understand. Robinson announced that BJA is contemplating a major reform to Byrne JAG by creating a new title in the Act devoted to planning (similar to the Part B planning program under the Law Enforcement Assistance Administration (LEAA). One advantage of such a change is to encourage a systematic focus in criminal justice.

The Assistant Attorney General who held the same position in the Clinton Administration emphasized the importance of "Smart on Crime" approaches and the role of science and robust research in distilling a data driven approach. Prior to returning to the Justice Department, Robinson was a Distinguished Senior Scholar at the Jerry Lee Center of Criminology at the University of Pennsylvania.

Robinson noted in her prepared statement that the Administration is requesting \$330 million for the State Criminal Alien Assistance Program (SCAAP) the first time in years that the Administration had requested any funds for the program.

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House Agriculture Committee to Begin Field Hearings on 2012 Farm Bill

House Agriculture Committee Chairman Collin Peterson (D-Minn.) released a schedule this week of the first four 2012 Farm Bill field hearings. The first public hearing will be held April 30 at the Iowa State Fair Grounds in Des Moines. That will be followed by hearings May 1 in Nampa, ID; May 3 in Fresno, CA; and May 4 in Laramie, WY. NACo members are encouraged to participate in these public hearings.

For more information about these hearings visit,

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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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