

July 2, 2010

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Publication of Next Legislative Bulletin

Congress will be in recess for the Fourth of July recess period from July 2-12. NACo will be in Washoe County, Nev. for NACo Annual Conference July 16-20. The next Legislative Bulletin will be published the week of July 26-30.

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President Elect Whitley Calls for a Veterans Affairs Task Force and Continues the Immigration Reform Task Force

Veterans Task Force

I am calling for the creation of a NACo task force to find the best way for counties to help our 22 million men and women veterans get the care and assistance that they need. These days, our veterans and their families face difficult times. The programs that serve them need to be improved and expanded. Veterans returning home from multiple deployments in Iraq and Afghanistan face a complex and stressful readjustment.

Some of the issues facing veterans and their families include difficulty accessing benefits, limited availability of health care and a 21.6 percent unemployment rate. Homelessness and access to mental health care are huge issues. There is a need to create special courts to allow veterans to get counseling and to take responsibility for their crimes, rather than just going to jail. There are a growing number of women veterans who have additional concerns, beyond what male veterans face. And, we must improve our capacity to support our military families, who daily face the challenge of



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holding a family together during a spouse's deployment and after their return.

There have been times in our history when it has been necessary to pay closer attention to the fate of our veterans. It should never come to that, but this is one of those times. The men and women of our Armed Forces, and their families, who give so much and sometimes make the ultimate sacrifice, deserve the best care and benefits we can give them. It is in this spirit that I am proposing a Veterans Task Force. Please let me know if you have an interest in being part of this effort.

Immigration Task Force

While the federal government holds the ultimate responsibility for setting immigration policy, the nation's counties need and deserve a seat at the table as Congress and the Administration design and establish that policy. Counties often must foot the bill for housing municipal, state and federal prisoners in our jails. Counties often cover the cost of providing medical care at public hospital emergency rooms and counties cover some of the cost of providing a human services safety net in their community.

We recognize that the immigration issue is divisive, but we must do what we can to protect counties from unfunded mandates or a policy that is not properly structured or funded. Counties must not be asked to assume additional responsibilities or to provide additional support services if funding formulas are not adjusted and compensation is not provided. As the effort to craft a policy continues to develop on the federal and state level, it is critical that county government be included in the discussion. It is in this light that I will continue the task force on immigration issues as they relate to counties. Please let me know if you have an interest in being part of this effort.

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Action Still Needed to Oppose Preemption of State and Local Taxing Authority Over Online Travel Companies

Although efforts to attach language to preempt state and local taxing authority over online travel companies to a small business bill were unsuccessful, there are still discussion and efforts to place the initiative into a Senate measure that could significantly impact state and local government taxing authority. During the July 4th recess, please take some time to contact your Senators and urge them to oppose any legislative efforts granting online travel companies the preferential tax treatment that would impair an important revenue source for many counties.

For a legislative alert click here to find out how to make your voice heard.

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House Approves Emergency Funding Including FEMA's Disaster Relief Account and other Provisions

On July 1, the House of Representatives approved an amended version of H.R.4899, the Supplemental Appropriations Act of 2010. The legislation includes \$58.8 billion for ongoing military operations in Iraq and Afghanistan, natural disaster relief and relief efforts following the earthquake in Haiti. Additionally, the legislation includes \$15 billion in educational aid that would be partially offset by \$800 million in cuts to new education programs. Significantly, the legislation would provide FEMA with \$5.1 billion to replenish the Disaster Relief Fund (DRF).

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Since May, efforts to enact the emergency supplemental legislation have stalled. While the House initially approved the legislation in March - and the Senate in May, House Appropriations Chairman David Obey (D-Ore.) insisted on adding additional funding for education. Furthermore, other lawmakers in the House had concerns about providing any funding for operations in Iraq, Afghanistan and Haiti, and sought to further amend the bill. This week, House leadership was finally able to reconcile these concerns and the bill was able to clear the House floor. The legislation will now head back to the Senate, who must approve the amended version of the bill. However, the White House has already threatened to veto the House version because of the \$800 million rescission of education aid. The Senate is not in session until July 12, so it remains unclear how it will view the additions the House has made.

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Senate Approves Extension of National Flood Insurance Program

On June, 30, the Senate cleared by voice vote a measure to authorize the NFIP until the end of the fiscal year. This action comes a week after the House of Representatives approved by voice vote H.R. 5569, the National Flood Insurance Program (NFIP) Extension Act of 2010. Under both measures, the program will be authorized until September 30, 2010, but is yet another short term extension for the NFIP.

The Senate had hoped to include the short term extension of the NFIP program in H.R. 4213, the American Jobs and Closing Tax Loopholes Act of 2010 (also known as the "Tax and Benefits Extension" legislation). However, the extension legislation has been unable to get the necessary votes to be enacted by the full Senate. Additionally, Senator David Vitter (R-La.) introduced legislation (S. 3347) which would have reauthorized the NFIP until December 31, 2010, but Senators objected to enacting this stand alone legislation because similar provisions were contained in H.R. 4213.

The legislation will now go to the President's desk for quick passage; however, after September 30, a new authorization for the NFIP must be approved. Congress has attempted to overhaul the program since 2005, but has been unable to reach consensus. While a long term authorization for the program has been included in all bills to reform the program since 2005, provisions concerning whether or not to add wind damage coverage, raising the maximum coverage limits and forgiving the programs debt are just some of the varied reasons final passage of a multiyear NFIP authorization bill have stalled.

Regardless, lapses in the program, as well as frequent short-term reauthorizations have restricted the programs ability to write and renew flood insurance coverage and adversely impacted or delayed thousands of real estate closings. NACo will continue to strongly urge Congress to enact a multiyear reauthorization of the NFIP program.

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Federal Railroad Administration Announces \$2.3 billion for High-Speed Rail

On June 28, the Federal Railroad Administration stated that it is accepting applications for \$2.3 billion in funding for high-speed passenger rail. This is the second round of funding for high-speed rail -- \$8 billion was awarded

earlier this year as part of the stimulus funds and this new money comes from a 2010 appropriations bill. Applications are due August 6, 2010 and announcements of grants are scheduled to be made September 30, 2010.

The Notices of Funds Availability (NOFA) are available at:
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Housing and Urban Development

The House Appropriations Committee marked up the FY2011 Housing and Urban Development (HUD) Appropriations bill. It includes \$4.35 billion for the Community Development Block Grant (CDBG) program, slightly below the Obama Administration's \$4.38 billion request. It includes \$150 million for the Sustainable Communities Initiative, for regional planning efforts around housing, transportation, land use and environmental factors, the same as FY2010, and the Administration request. The mark does not include \$150 million for the new Catalytic Investment Competition Grants that the Administration proposed for FY2011.

The HOME Investment Partnership Program would receive \$1.825 billion, \$175 million above the Administration's request. It also includes \$17.5 million for Brownfields Redevelopment, and \$10 million for the Section 108 Loan Guarantee program, both which were zeroed out in the HUD FY2011 budget request. The "Chairman's Mark" does not include funding for the Choice Neighborhoods Initiative, which the Administration provided \$250 million, to replace the HOPE VI public housing revitalization program. Instead, the House mark includes \$200 million for the HOPE VI program.

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House Agriculture Appropriations Subcommittee Approves FY2011 Agriculture Bill: Includes NACo Supported Rural Innovation Initiative

On June 30, the House Appropriations Subcommittee on Agriculture, Rural Development, FDA and Related Agencies approved the FY2011 Agriculture Appropriations Bill. The spending legislation proposes \$23 billion in total discretionary spending, \$210 million below the FY2010 enacted level and \$27 million below the President's request.

NACo's top rural development priority, the Rural Innovation Initiative, was included in the bill. This new initiative was included in the President's budget and is funded at \$176 million. NACo led the national effort to secure support for this initiative because it will reorient a portion of existing USDA Rural Development programs towards a focus on innovative regional economic development projects tailored to local needs and priorities. NACo appreciates the efforts of Subcommittee Chair Rosa DeLauro (D-Conn.) and Representative Marcy Kaptur (D-Ohio), who worked with NACo to include the locally flexible initiative.

Overall USDA Rural Development Programs, which provide critical infrastructure funding to local governments, are funded at \$2.85 billion, which is a decrease of \$127 million from the 2010 enacted level, but \$65 million more than the President's budget request. Details on specific programs are not available, but most programs utilized by counties should stay the same as the FY2010 enacted level, because \$120 million of the cuts will come from a shift to higher borrowing costs for low income rural home owners in the 502 guaranteed home loan program.

The First Lady's new Healthy Food Financing Initiative, which aims to reduce the number of "food deserts" in urban and rural areas and increase the supply of healthy foods available to people living in those areas, is included at \$40 million. The funding will be distributed by USDA as loans and grants to provide financial and technical assistance to build or improve supermarkets, farmers markets, small stores and fresh food outlets. The bill also includes \$2 million for Farm-to-School Tactical Teams, a new initiative that will assist school administrators interested in purchasing more locally grown foods.

The full bill has not yet been released. The legislation may now move to the full House Appropriation Committee or it may never come before the full committee, but instead be wrapped into an omnibus bill this fall. The Senate Agriculture Appropriations Subcommittee has not yet scheduled a markup or previewed their version of the bill. NACo will keep members posted on future developments as they become available.

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Transportation Appropriations Bill Approved by House Subcommittee

The House Subcommittee on Transportation and Housing approved its FY2011 bill on July 1. The biggest change was a 10 percent increase in highway funding, increasing the program to \$45.218 billion, which is \$4.1 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. \$400 million is provided for another round of the TIGER discretionary grants. The full Appropriations Committee must act next and then the bill needs to be passed by the House. The same process must be repeated by the Senate.

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Senate Holds First Farm Bill Hearing

On June 30, Senator Blanche Lincoln (D-Ark.), Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, convened the first Senate Farm Bill hearing. The hearing focused on the future of farm safety net provisions and maintaining a strong U.S. farm policy. Agriculture Secretary Tom Vilsack, American Farm Bureau Federation President Bob Stallman, National Farmers Union President Roger Johnson and a panel of farmers focused their remarks on the importance of maintaining funding for a strong safety net for farmers.

As Chairman, Lincoln is charged with leading the Committee through the multi-year process of writing and passing the nation's next Farm Bill. Lincoln plans to hold multiple hearings over the next few months, including a hearing focused on rural development policy, which is a NACo priority.

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Congress Passes One-Month Extension of Federal Aviation Programs

This week the Senate and House passed and sent to President Obama the

11th extension of the federal aviation and airport programs. The one-month extension goes through August 1. The House and Senate have both passed multi-year reauthorization bills and staff and Members are working on a compromise final bill.

Final enactment of an aviation and airport bill is a NACo priority and it is possible that this could occur prior to the August recess.

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TIGER 2 Pre-Application Deadline Extended

The deadline for submitting the pre-application for TIGER 2 grant program has been extended from July 16 to July 26. Counties, MPOs, transit agencies, tribal governments, cities and states are eligible for highway, bridge, transit, rail, port and intermodal projects.

For more information on this \$600 million discretionary grant, click here
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Pre-Disaster Mitigation Measure Passes Senate

On June 28, the Senate approved by unanimous consent the Pre-Disaster Hazard Mitigation Act of 2010 (S.3249). The measure would authorize FEMA's Pre-Disaster Mitigation Grant (PDM) program and directs FEMA to award grants to communities on a competitive basis. The legislation recommends to congressional appropriators (or authorizes) that the PDM program be funded at \$180 million in FY2011, \$190 in FY2012, and \$200 million in FY2013 through FY2015.

On May 27, 2010, the House approved their version of a long term authorization for the PDM program. Sponsored by Transportation Chairman James Oberstar (D-Minn.), H.R. 1746, the Pre-Disaster Mitigation Act of 2009 would also award PDM grants on a competitive basis, but recommends to congressional appropriators that the program be funded at \$250 million in FY2010 through FY2012.

House and Senate Conferees are expected to meet soon to reconcile differences between the two bills. The differing authorization amounts and language ridding the program of earmarks may delay final passage. NACo has no policy on the matters above, but funding and authorizing pre-disaster mitigation planning and the importance of supporting mitigation projects and initiatives will remain a key public safety legislative priority for the organization.

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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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