

May 7, 2010

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Push Underway to Increase Co-Sponsorship of Child Support Restoration Bill

Supporters of the Child Support Protection Act (S. 1859) are pushing to increase the bill's co-sponsors to at least 40 by the Memorial Day recess. The bill would restore the ability of states and counties to use federal child support incentive payments as local match. This authority was eliminated in the Deficit Reduction Act of 2005, but a temporary reinstatement was included in the American Recovery and Reinvestment Act (ARRA). The ARRA provision expires September 30 of this year.

The bill, which is sponsored by Senator Jay Rockefeller (D-W.Va.), has thirty co-sponsors including three Republicans. Nineteen potential co-sponsors have been identified.

County officials who can reach out to any of the following Senators are urged to do so:

Evan Bayh (D-Ind.), Mark Begich (D-Alaska), Michael Bennet (D-Colo.), Maria Cantwell (D-Wash.), Susan Collins (R-Maine), Mike Crapo (R-Idaho), Christopher Dodd (D-Conn.), Mike Enzi (R-Wyo.), Mary Landrieu (D-La.), Patrick Leahy (D-Vt.), Joseph Lieberman (I-D-Conn.), Barbara Mikulski (D-Md.), Lisa Murkowski (R-Alaska), Bernard Sanders (Ind.-Vt.), Arlen Specter (D-Penn.), Mark Udall (D-Colo.), Tom Udall (D-N.M.), George Voinovich (R-Ohio) and Mark Warner (D-Va.).

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Coal Ash Regulation

On May 4, the U.S. Environmental Protection Agency proposed the first-ever national rules to ensure the safe disposal and management of coal ash from coal-fired power plants. Coal ash, also known as coal combustion residuals, is the byproduct of combustion at power plants. It contains various elements such as mercury and arsenic that cause contamination and serious health problems. The question, as posed by this proposal, how should the EPA regulate coal ash? The proposals range from protective controls over impoundment areas to creating federally enforceable requirements.



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At this point, the EPA plans to leave the Bevill exemption in place. However, the EPA is clarifying this determination and seeking comment on potential refinements for certain beneficial uses. The Bevill exemption refers to beneficial uses of coal combustion byproducts such as recycling the byproducts for other uses, rather than disposing the byproducts into a landfill. This is important for a number of local governments who use coal ash as a major component in road bed construction projects. Byproducts are also heavily used in cement, concrete, brick, roofing materials, agriculture applications, paints, plastics, and snow and ice control.

The public comment period is 90 days from the date the rule is published in the Federal Register.

[For more information about the proposed regulation look here:](#)
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New "Net Neutrality" Fight?

On May 6, Federal Communications Commission Chairman Julius Genachowski announced a new proposal that could resolve a heated dispute over how the agency should regulate broadband after a federal appeals court ruling on April 16 that overturned FCC authority to govern the Internet. Genachowski has been weighing the option of subjecting broadband to heavier regulation under Title II of the 1934 Communications Act to ensure the FCC's jurisdiction is clarified and strengthened.

In Genachowski's approach, only some of Title II provisions would apply to broadband and that the agency would exempt service providers from some requirements and set meaningful boundaries to guard against regulatory overreach.

In his statement Genachowski said, "I have been clear about what the FCC should not do in the area of broadband communications: For example, FCC policies should not include regulating Internet content, constraining reasonable network management practices of broadband providers, or stifling new business models or managed services that are pro-consumer and foster innovation and competition. FCC policies should also recognize and accommodate differences between management of wired networks and wireless networks, including the unique congestion issues posed by spectrum-based communications. The Internet has flourished and must continue to flourish because of innovation and investment throughout the broadband ecosystem: at the core of the network, at its edge, and in the cloud."

Public-interest groups have been urging reclassification to, in their view, better protect consumers and ensure that major network providers don't dominate the Internet in the wake of the court decision. Broadband providers have said they would respond with lawsuits that could mire the commission in litigation for years. To get to that point, the FCC will have to open the issue to public comment, and it would need three out five FCC votes to be approved. NACo currently has no position on net neutrality.

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Rail Hearings Announced

The Federal Railroad Administration (FRA) has requested county official participation in workshops as part of a participatory outreach process to develop the Nation's first-ever National Rail Plan (NRP). The workshops will

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be held in five cities across the United States so that those interested in promoting increased investment in rail and the benefits of doing so are able to contribute to the dialogue. The meetings are open to the public, but discussions will be tailored for those who are knowledgeable about freight and passenger rail planning and operations.

Section 307 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) requires the Administrator of the Federal Railroad Administration to develop a long-range NRP. This effort has major national significance. Space is limited and registration is on a first-come first-serve basis. If necessary, FRA may limit the number of participants from a single organization to ensure there is room for a diverse cross-section of interested stakeholders and others. Pre-registered participants will have priority for seating.

Date / City / Hotel

May 19, 2010 1-5 pm Kansas City, MO Hilton President
www.presidentkansascity.hilton.com

May 20, 2010 1-5 pm Atlanta, GA Sheraton Atlanta Downtown Hotel
<http://www.sheratonatlantahotel.com/>

May 26, 2010 1-5 pm New York City, NY The New Yorker Hotel
<http://newyorkerhotel.com/index.html>

June 3, 2010 1-5 pm Salt Lake City, UT Radisson Hotel Salt Lake City
Downtown http://www.radisson.com/saltlakecityut_downtown

June 4, 2010 1-5 pm Portland, OR The Benson Hotel
<http://www.bensonhotel.com/>

Please contact the hotel directly for accommodations, if you plan to stay overnight.

For additional information, please contact mark.patterson@dot.gov, or phone 202/493-1346.

You are welcome to provide comments regarding the National Rail Plan through our FRA docket.

Please register by May 14 at

To provide Comments regarding the National Rail Plan through the FRA docket click here:

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NACo Signs Letters on Airport Reauthorization Bill

As House and Senate negotiators seek to work out their differences and agree to a final airport and aviation bill, NACo has joined with a number of other associations in communicating on two specific issues. Letters went to leaders of the Congressional committees with jurisdiction over this legislation. The first letter NACo signed addressed raising the ceiling for the Passenger Facility Charge (PFC) from \$4.50 to \$7.00. This is an optional fee that local commercial airports can decide to charge to help pay to modernize and repair airport infrastructure. The House version of the bill raises the PFC to \$7.00 while the Senate is silent on the issue. The second letter opposes any provision that would require changes to the current aircraft rescues and fire fighting standards.

The House version of the airport and aviation reauthorization, but not the Senate bill, includes a provision that could require airports of all sizes to dramatically increase the number of fire fighters and facilities.

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FEMA Announces the End of the Appointment of Principal Federal Officials

On May 6, FEMA Administrator Craig Fugate in testimony before the House Transportation and Infrastructure Subcommittee on Economic Development and Public Buildings and Emergency Management publicly announced that the Obama Administration has endorsed a position that NACo members have worked to limit or abolish for several years – the appointment of a Principal Federal Officials (PFO) in major disasters and emergencies.

Included in the revised National Response Plan (National Response Framework), the PFO position was created and designated by the Secretary of Department of Homeland Security (DHS) as the lead federal official and primary point of contact for state and local officials during major disasters and emergencies. However, an incident chain of command system already existed, and the position of a Federal Coordinating Officer (FCO) played the exact same role as a PFO. Many observers - including the DHS Inspector General and Congress recognized that this arrangement led to confusion in the field and severely hampered state and local response and disaster recovery efforts.

Congress worked annually with NACo and the International Association of Emergency Managers (IAEM), a NACo affiliate to either limit or abolish funding for the PFO position. But, the PFO and FCO arrangement remained in the Department of Homeland Security's National Response Framework.

Administrator Fugate's announcement that DHS/FEMA will follow existing law and no longer appoint PFOs will reduce any ambiguity about which federal official is in charge during the response and recovery of major disaster events. Both House Transportation Chair James Oberstar and Delegate Eleanor Holmes Norton (D.C.), Chairwoman of the Subcommittee indicated that they were "particularly pleased" by the unexpected announcement.

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Seminars on TIGER Program Applications

The US Department of Transportation is sponsoring two seminars pertaining to the TIGER Discretionary Grant Program. Both workshops will be webcast through DOT's homepage (DOT.gov).

The first, entitled "Benefit/Cost Analysis for Transportation Infrastructure: A Practitioner's Workshop," will be held on May 17 in the Oklahoma Room at US DOT on 1200 New Jersey Avenue, SE. This all-day seminar provides an introduction to benefit/cost analysis for transportation infrastructure.

The second seminar, entitled "Lessons on How to Compete for a DOT Discretionary Grant" will be held on May 18, 2010 at 1:00 pm in the US DOT's West Building Atrium. The purpose of this seminar is to identify the key elements of competitive applications, provide information on developing benefit/cost analyses, and present information on the program's processes. This seminar will also discuss information outlining the next round of discretionary grant awards for the \$600 million US DOT received in the FY2011 Appropriations process.

There is no registration fee for either seminar; however, online registration for in-person attendance is required by May 12.

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Additional Field Hearings for 2012 Farm Bill Announced

House Agriculture Committee Chairman Collin Peterson (D-Minn.) announced additional 2012 Farm Bill field hearing locations this week. The next public hearing will be held May 14 in Morrow, Ga. That will be followed by hearings May 15 in Troy, Ala.; May 17 in Lubbock, Texas; and May 18 in Sioux Falls, S.D. NACo members are encouraged to participate in these public hearings.

For more information about the hearing locations visit:

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Obama Administration Announces National Rural Summit

The Obama Administration announced on May 4 that Agriculture Secretary Tom Vilsack will host a National Summit of Rural America: A Dialogue for Renewing Promise. The day-long event will take place in Hillsboro, Missouri, on June 3, 2010 on the campus of Jefferson College, near St. Louis, Missouri. Interested participants may register by visiting <http://www.usda.gov/ruralsummit>. Early registration is recommended as attendance will be limited to capacity constraints of the venue and breakout sessions. This National Summit culminates the Rural Tour that Secretary Vilsack led last year. He and other Administration officials visited 22 states to begin a conversation with farmers, ranchers, community leaders and people who live in rural communities. NACo's Rural Action Caucus members were active participants in many of these listening sessions.

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Tax Extenders Bill Talks Continue, FMAP Still in the Mix

According to sources on Capitol Hill, talks continue at the leadership level over the final tax extenders package, including a six month extension of the Medicaid federal medical assistance percentage (FMAP), currently set to run out December 31. Though the measure, H.R. 4213, has passed both the House and the Senate, some of the revenue raising provisions intended to offset the additional spending were used to pay for health reform.

Action Needed:

If your representative was one of the 195 who signed the letter to Speaker Pelosi and Minority Leader Boehner supporting the FMAP extension, please send them a note of thanks.

If your senator voted for H.R. 4213, thank them, and encourage them to support sending a final package to the President's desk as soon as possible.

For the list of representatives, please click here:

For the Dear Colleague support letter, click here.

For the senators, click here

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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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