



## NACo LEGISLATIVE BRIEF

### *Highlights of the FY 2019 Omnibus Spending Package for Counties*

Nearly five months after the start of FY 2019, congressional legislators in both chambers voted overwhelmingly to adopt a seven-bill appropriations conference report ([H.J.Res.31](#)), setting spending levels for the remaining government agencies not yet funded for FY 2019. President Trump signed the 1,165-page, \$333 billion package on Friday, February 15 shortly after U.S. House and Senate reached a final compromise. The omnibus package includes appropriations bills for the following seven agencies: U.S. Departments of Agriculture, Commerce, Housing and Urban Development, Interior, Justice, State and Transportation.

The FY 2019 spending package features major victories for county governments across dozens of federal programs. The legislation encompasses several key wins for counties, including:



**Opioid epidemic response:** H.J. Res. 31 makes continued investments in key justice and public safety programs that help counties address the nation's ongoing opioid epidemic.



**Payments in Lieu of Taxes (PILT):** The FY 2019 appropriations bill fully funds the Payments in Lieu of Taxes (PILT) program, a majority priority for NACo and a critical source of support for public lands counties.



**Rural broadband:** The FY 2019 omnibus package makes new investments in rural infrastructure and pilots a program to build out broadband systems in rural areas without broadband.



**Homeless assistance and economic development funding sustained:** Essential federal funding streams counties use for economic development and housing assistance remain robust, including funding for the Community Development Block Grant (CDBG) and homeless assistance grants.



**State Criminal Alien Assistance Program (SCAAP):** The State Criminal Alien Assistance Program (SCAAP) receives a funding increase, helping states and counties recoup costs for incarceration in local jails.

Not all programs supported by counties will see a boost in funding. Overall funding for the U.S. Department of Transportation, for example, is reduced compared to FY 2018 levels. However, FY 2018 benefited from a large, one-time investment as an initial down-payment by Congress and the administration towards comprehensive infrastructure legislation. In addition to these programs, the FY 2019 omnibus bill also provides the highest-ever funding level for the U.S. Department of Transportation. While some infrastructure programs important to counties, such as the Airport Improvement Program, will see reductions from FY 2018 spending levels, appropriations for these programs remain above the funding levels set in FY 2017 and prior fiscal years.

Notably, a reauthorization of the Temporary Assistance for Needy Families (TANF) program was not included in the omnibus package. Over the past few years, TANF, the cash assistance program for families, has received several short-term extensions tied to government funding. The current deadline to reauthorize TANF is June 30, 2019, meaning that Congress must act prior to that date to ensure that the U.S. Department of Health and Human Services is able to operate the program. TANF is county-administered in 10 states, in which counties pay substantial administrative and supplemental costs.

The president's approval of the legislation averts another partial government shutdown and follows the September 2018 passage of five other appropriations bills totaling \$991 billion in FY 2019 appropriations, including Defense; Labor, Health and Human Services and Education; Energy and Water; Military Construction-Veterans Affairs; and funding for the Legislative Branch. Combined with the spending measure signed on February 15, the \$1.324 trillion in appropriations for FY 2019 tops the massive \$1.3 trillion contained in the FY 2018 omnibus bill.

## Agriculture and Rural Affairs

Agriculture and Rural Affairs programs administered through the U.S. Department of Agriculture (USDA) help counties invest in rural infrastructure and community development and provide nutritional assistance and access to critical healthcare services to some of our nation's most underserved communities. Overall, the FY 2019 omnibus provides approximately \$152 billion in discretionary and mandatory funding for USDA, over two-thirds of which is dedicated to nutrition programs.

### Key Agriculture and Rural Affairs Highlights

- ✓ Pilots a new rural broadband program
- ✓ Increases funding for water and waste infrastructure
- ✓ Makes additional investments in distance learning & telemedicine programs

### U.S. Department of Agriculture (USDA) Rural Development

The omnibus provides over \$3 billion in total budget authority for USDA's Rural Development programs. These programs help spur economic growth by supporting basic infrastructure, providing loans to rural businesses and industries and helping strengthen housing markets in rural areas.

- **New rural broadband pilot program:** The omnibus provides \$550 million for a rural broadband pilot program targeted to areas that currently lack broadband access. Provisions are included in the bill to prevent overbuilding or duplicating existing broadband infrastructure.

### USDA Rural Utilities Service

- **Water and waste disposal programs:** The FY 2019 omnibus provides funding to support \$1.4 billion in direct loans to the Rural Water and Waste Disposal Program, \$200 million above enacted FY 2018 levels. The bill also provides \$400 million in grants for the Water and Waste Disposal Program, equal to enacted FY 2018 levels. Additionally, the bill would provide \$30 million in water and waste technical assistance grants, a \$10 million decrease from enacted FY 2018 levels. These programs help counties make critical investments in our nation's water infrastructure.
- **Distance Learning, Telemedicine and Broadband Program:** The FY 2019 omnibus provides \$690 million for the Rural Telecommunications Program, which represents a \$5 million increase from enacted FY 2018 levels. This funding includes over \$69.8 million for the Distance Learning, Telemedicine and Broadband Program, including \$34 million for Distance Learning and Telemedicine grants and over \$29 million in loan authority. \$16 million is specifically directed to help rural communities address the opioid crisis. These programs provide broadband services in rural communities to support critical health, workforce development and educational services.

### USDA Rural Housing Service

- **Rural Community Facilities Program:** The omnibus includes \$2.8 billion for direct community facilities loans – equal to enacted FY 2018 levels. This program helps fund rural hospitals, libraries, schools and health clinics.
- **Rural Housing Loan and Rental Assistance Programs:** The omnibus includes \$1 billion in single family housing direct loans and \$230 million in multi-family housing guarantees. Additionally, the omnibus includes over \$1.3

billion for the Rental Assistance Program, which is expected to sufficiently fund all expiring FY 2018 contracts. These programs provide home loan and rental assistance to low-income rural families.

### **USDA Business-Cooperative Service**

- **Rural Business Development Grant Program:** The omnibus includes over \$1 billion dollars for rural business development loans and grants. This program assists rural communities with creating and expand new markets and products through strategic investments.
- **Rural Cooperative Development Grants:** The omnibus also includes \$29.1 million for Rural Cooperative Development Grants, a nearly \$1.6 million increase above FY 2018 levels. This program helps rural communities create and expand new markets and products through strategic investments.

### **Food and Nutritional Assistance Programs**

The omnibus fully funds the Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps) and all other nutrition programs, which provide access to healthy food for low-income individuals and families.

- **Supplemental Nutrition Assistance Program (SNAP):** The bill provides \$73.47 billion in mandatory funding for SNAP, level with the FY 2018 enacted funding level. This total includes \$3 billion for the SNAP reserve fund, which is used to cover any unexpected participation increases.
- **Women, Infants and Children (WIC) Nutrition Program:** The bill provides \$6.1 billion in discretionary funding for the WIC program, which is \$100 million below FY 2018 enacted levels. The WIC program assists low-income pregnant, postpartum and breastfeeding women, as well as infants and children up to age five who are at risk, by providing food to supplement diets, information on healthy eating and referrals to health care. NACo supports federal initiatives, including nutrition and food support programs, that help counties develop and expand early childhood and parent education programs, including the continued expansion of WIC.
- **Child nutrition programs:** The bill provides \$23.1 billion in mandatory funding for child nutrition programs. This is a \$1.11 billion decrease from the FY 2018 enacted level. This funding provides free or reduced-price school lunches and snacks for children who qualify for the program.

## Community, Economic and Workforce Development

On behalf of our communities and citizens, counties invest \$25.6 billion annually in economic planning, housing development and collaboration with businesses to improve local economies. In response to changing economic environments, counties must work with all levels of government and partner with the private sector to meet the needs of our communities. For example, counties leverage the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grants (CDBG) with private and non-profit funding to address many local needs, such as affordable housing and bottlenecks in economic development. Counties are the fundamental platform for collaboration in building regional and state economies as well as the U.S. economy.

### Key Community, Economic and Workforce Development Highlights

- ✓ Maintains funding for Community Development Block Grant
- ✓ Funds public works projects in distressed communities
- ✓ Supports community responses to homelessness

### U.S. Department of Commerce (DoC)

The U.S. Department of Commerce (DoC) receives \$11.4 billion in discretionary funding for FY 2019, an increase of \$276.6 million above the FY 2018 enacted level.

- **Economic Development Administration (EDA):** The FY 2019 omnibus provides \$304 million for the Economic Development Administration (EDA), a \$2.5 million increase above the FY 2018 level. EDA funding supports regional strategies for long-term growth and serves as a catalyst in helping communities achieve long-term economic growth. The total includes \$117.5 million for EDA's Public Works program, which supports brick-and-mortar projects in distressed communities across the nation, and \$23.5 million for the Regional Innovation Program to help create jobs by establishing and expanding region-focused, innovative technology business endeavors.
- **U.S. Census Bureau:** As efforts continue on the 2020 Census, the omnibus package provides \$3.8 billion for the U.S. Census Bureau. This represents a \$1 billion increase over FY 2018 levels. Traditionally, census funding ramps up exponentially as the decennial census approaches. An accurate and fair census count is vital to counties, as census data directs over \$600 billion of federal funding annually.

### U.S. Department of Housing and Urban Development (HUD)

The U.S. Department of Housing and Urban Development (HUD) is funded at \$44.2 billion for FY 2019, an increase of nearly \$2 billion above enacted FY 2018 levels.

- **Community Development Block Grant (CDBG):** The Community Development Block Grant (CDBG) receives \$3.3 billion, level funding for FY 2019. NACo strongly supports CDBG, which is used to fund vital community, infrastructure and economic development programs.
- **HOME Investment Partnerships:** The HOME Investment Partnerships (HOME) program receives \$1.25 billion, an \$11 million decrease from the FY 2018 funding level. The bill also extends HOME's 24-month commitment deadline suspension through 2020. NACo strongly supports the HOME program, which helps counties design and implement affordable housing programs for low-income residents.

- **Section 232** prohibits HUD from directing a grantee to undertake a zoning law change as part of the Affirmatively Furthering Fair Housing Rule.

### **Homeless Assistance Grants/Section 8 Vouchers**

- **Homeless Assistance Grants:** Homeless Assistance Grants are funded at \$2.64 billion, a \$12.3 million increase over FY 2018 levels. The bill allocates \$80 million to programs addressing youth homelessness.
- **Housing Choice Vouchers:** The bill provides \$22.6 billion for Housing Choice Vouchers, consistent with the FY 2018 funding level.
- **Choice Neighborhoods Initiative:** The omnibus provides \$150 million for HUD's Choice Neighborhoods Initiative, consistent with FY 2018 funding.
- **HUD-VASH Program:** The omnibus fully funds the U.S. Department of Housing and Urban Development – Veterans Affairs Supportive Housing (HUD-VASH) Program at \$40 million, consistent with FY 2018 funding, and includes \$4 million specifically for a HUD-VASH program in tribal communities. The HUD-VASH Program combines rental assistance through HUD with wraparound case management services from the VA to reduce homelessness among our nation's veterans.

## Energy, Environment and Land Use

Counties are tasked with ensuring environmental protection while maintaining the economic vitality of the region. The county role in environmental protection and energy is varied, ranging from air and water quality protection, solid waste disposal and energy resource allocation. In many cases, counties serve as co-regulators with states and the federal government at the local level.

### Key Energy, Environment and Land Use Highlights

- ✓Increases funding for the Brownfields Project Grant Program
- ✓Enhances investments in water infrastructure
- ✓Supports additional funding and research on Harmful Algae Blooms (HABs)

### U.S. Environmental Protection Agency (EPA)

Under the omnibus bill, the U.S. Environmental Protection Agency (EPA) is allotted \$8.06 billion for FY 2019, consistent with FY 2018. EPA is the federal agency tasked with protecting human health and the environment.

- **Brownfields Project Grant Program:** For FY 2019, the Environmental Protection Agency's (EPA) Brownfields Project Grant Program receives \$87 million. This represents a \$7 million increase above the FY 2018 level. Brownfield sites are abandoned or under-utilized industrial and commercial properties that have been contaminated (or are perceived to be contaminated) due to past practices. EPA's brownfields program provides technical assistance and grants for communities to undertake brownfields redevelopment projects at old manufacturing and industrial facilities, abandoned mills and mines and areas with leaking underground storage tanks.
- **Clean Water and Drinking Water State Revolving Funds:** The Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) receive \$2.85 billion combined in the omnibus, which is level funding with FY 2018. SRF programs help finance state and local drinking water and wastewater infrastructure projects. NACo supports CWSRF and DWSRF as supplements to, not a substitute for, other federal grants.
  - **CWSRF:** The CWSRF receives \$1.69 billion for Clean Water Act (CWA) municipal wastewater infrastructure construction or upgrade projects.
  - **DWSRF:** The DWSRF receives \$1.16 billion in the omnibus to support Safe Drinking Water Act infrastructure projects
- **Water Infrastructure Finance and Innovation (WIFIA) program:** The omnibus includes \$68 million for the Water Infrastructure Finance and Innovation (WIFIA) program, a \$5 million increase over the FY 2018 funding level. Created in 2014, WIFIA provides long-term, low-cost loans for large water and wastewater projects.
- **Regional Water Grants:** The bill provides \$457 million overall for regional water grants, \$9 million above FY 2018 levels. The Great Lakes Restoration Initiative received \$300 million, the Chesapeake Bay program received \$73 million, the Gulf of Mexico was allotted \$14.5 million, the Lake Champlain program received \$11 million, Puget Sound received \$28 million, the Columbia River Basin Restoration Program received \$1million and the South Florida Program received \$3.2 million.

- **Diesel Emission Reductions Grants (DERA):** The omnibus funds the Diesel Emission Reductions Grant (DERA) program at \$87 million for FY 2019, a \$12 million increase above the FY 2018 level. DERA helps local governments and other entities install modern pollution control equipment on trucks, buses and heavy equipment, which assists counties in meeting federal air quality standards. The omnibus directs the EPA to use at least 70 percent of DERA grants in areas that do not meet federal standards.
- **Coal Ash:** The FY 2019 omnibus contains \$8 million to develop and implement a federal program for the regulation of coal combustion residuals in non-participating states, \$2 million over FY 2018 levels. Coal ash is a byproduct of combustion at power plants. In recent years, concerns have been raised about disposal and reuse of coal ash. In 2015, Congress delegated responsibility to the states who can choose to opt-in or out for oversight. In those states that opt-out, EPA will regulate coal ash within the jurisdiction's borders.
- **National Estuary Program (NEP):** The bill funds the National Estuary Program (NEP) at \$26.7 million, which will provide each of the 28 national estuaries a grant of at least \$600,000. These grants are used to develop comprehensive management plans to restore and protect estuaries.
- **Superfund Cleanup:** The FY 2019 omnibus provides \$721.7 million for Superfund Cleanup, consistent with FY 2018.
- **Drinking Water-Related Grant Programs:** The omnibus includes funding for three grant programs to address drinking water quality. This includes \$15 million to reduce lead in drinking water, \$25 million for a voluntary school lead-testing grant program and \$15 million for qualified non-profit organizations to provide technical assistance for improved water quality or safe drinking water and adequate waste water to small systems or individual private well owners.
- **Targeted Airshed Grants:** The bill provides \$52 million for Targeted Airshed Grants in areas that do not meet federal standards.
- **Harmful Algal Bloom (HABS):** The FY 2019 omnibus encourages the EPA to fund research grants that help promote scientific progress towards preventing and controlling HABS. Additionally, the bill provides \$5 million to investigate health effects from exposure to HABS.
- **Leaking Underground Storage Tank (LUST) program:** The Leaking Underground Storage Tank (TANK) program receives \$92 million for FY 2019, a \$1 million increase above FY 2018 levels. Many counties provide oversight and cleanup of fuel from underground storage tanks. NACo supports full funding for the LUST program, which should only be used for its intended purpose of remediating and preventing further contamination caused by underground storage tanks.



## Justice and Public Safety

Maintaining safe communities is one of the most important functions of county governments. Counties invest over \$70 billion annually in providing justice and public safety services to our residents, working together with all levels of government to improve public safety, safely reduce jail populations, fight recidivism and combat criminal activity such as drug trafficking. Most counties are involved in almost every aspect of law enforcement and crime prevention, including policing, corrections and judicial and legal services. Further, counties own and support the operation, construction and maintenance of 91 percent of America's local jails, which admit 10.6 million individuals annually.

### Key Justice and Public Safety Highlights

- ✓ Enhanced support for the opioid epidemic response
- ✓ Funds programs recently reauthorized under the *Second Chance Act*
- ✓ Boosts funding for the State Criminal Alien Assistance Program (SCAAP)
- ✓ Continued investments in emergency management for counties

### U.S. Department of Justice (DOJ)

Overall, the U.S. Department of Justice (DOJ) is funded at \$30.9 billion in the FY 2019 omnibus, an increase of \$638 million above FY 2018 funding levels. This increase includes several modest boosts to priority programs for counties.

- **Supporting State and Local Response to the Opioid Epidemic:** With a continued emphasis placed on addressing the ongoing opioid epidemic, funding for addiction-focused programs under the U.S. Department of Justice (DOJ) saw an additional infusion of funding in the FY 2019 omnibus. In total, \$347 million has been allocated for opioid abuse reduction activities. Funding for drug courts increased by \$2 million from \$75 million in FY 2018 to \$77 million in FY 2019. Veterans treatment court funding increased also by \$2 million from \$20 million in FY 2018 to \$22 million in FY 2019. Funding for Prescription Drug Monitoring Programs (PDMPs) remained level at \$30 million. Finally, the Comprehensive Opioid Abuse Program (COAP) saw an additional \$12 million appropriated for FY 2019, increasing to \$157 million.
- **Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA):** The FY 2019 omnibus provides \$31 million in funding for the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), a \$1 million increase above the FY 2018 level. MIOTCRA grants assist counties in reducing the number of individuals with mental illness in jails by providing funding for services such as jail diversion programs, in-jail treatment and mental health courts.
- **State Criminal Alien Assistance Program (SCAAP):** The State Criminal Alien Assistance Program (SCAAP) saw an increase in funding under the omnibus, increasing from \$240 million in FY 2018 to \$243.5 million in FY 2019. SCAAP has seen an increase in funding each of the last two years and is used to reimburse state and local governments for the cost of incarcerating undocumented immigrants who have been convicted of certain crimes.
- **Byrne Memorial Justice Assistance Grants (JAG):** The omnibus allocates \$423.5 million for the Byrne JAG program, an increase of \$8 million over the FY 2018 funding level. Counties utilize funding from the Byrne JAG program to finance emerging and evidence-based approaches to the public safety challenges facing their communities.



- **Second Chance Act Grants:** The Second Chance Act was recently reauthorized through 2023 as part of the criminal justice reform measure, the *First Step Act*. However, funding for the program in the omnibus package decreased by \$1.5 million to \$87.5 million in FY 2019. Second Chance Act grants provide counties with the resources to help individuals successfully reintegrate into their communities following their release from incarceration.

## U.S. Department of Homeland Security (DHS)

Several key grant programs and funds under the U.S. Department of Homeland Security (DHS) and its Federal Emergency Management Agency (FEMA) received sizable increases and injections of new funding under the FY 2019 omnibus. These programs help counties prepare for, respond to and recover from both man-made and natural threats and disasters, ranging from terrorism to hurricanes and floods. These programs are of critical importance to the safety and security of counties across the country, especially as natural disasters strike with more frequency and result in greater damage.

### Border Security Funding

- The FY 2019 omnibus provides \$1.375 billion for 55 miles of physical barrier along the U.S.-Mexico border.

### Federal Emergency Management Agency (FEMA)

The Federal Emergency Management Agency (FEMA) received \$16.6 billion in funding for FY 2018, an increase of \$4.2 billion over FY 2017 levels.

- **Disaster Relief Fund:** The omnibus provides \$12.6 billion for the Federal Emergency Management Agency's (FEMA) Disaster Relief Fund, which is the primary funding source for federal disaster response and recovery. Given the intensity and impact of natural disasters in 2017 and 2018, \$12 billion of this allocation is designated for disaster relief related to ongoing recovery efforts, a boost of over \$4.5 billion from FY 2017 appropriations. The Disaster Relief fund is unique in that it is a "no-year" account, meaning funds left over from previous years are still accessible by states and localities in the next fiscal year.
- **State Homeland Security Grant Program:** The FY 2019 omnibus funds the State Homeland Security Grant Program at \$525 million, an \$18 million increase above FY 2018 levels. This program supports state, local and tribal efforts to prevent terrorism and prepare the nation for threats and hazards that pose serious risk to the security of the U.S. Roughly \$90 million of this funding will support Operation Stonegarden, which enhances cooperation and coordination among the Customs and Border Protection (CBP), U.S. Border Patrol (USBP) and local, state and federal agencies.
- **Urban Area Security Initiative (UASI):** The omnibus provides \$640 million for the Urban Area Security Initiative (UASI), which represents a \$10 million increase over FY 2018 funding levels. UASI assists high-density metropolitan areas in efforts to build and maintain the capabilities necessary to mitigate, respond to and recover from acts of terrorism.
- **Emergency Management Performance Grants (EMPG):** Under the FY 2019 omnibus, Emergency Management Performance Grants (EMPG), a long-standing county priority, receive \$350 million in funding. This represents level funding for EMPG allocated under the FY 2018 omnibus. EMPG funds local programs to build and maintain core infrastructure needed to protect, mitigate and recover from disasters. Local governments also utilize

funding from EMPG for emergency management training and purchasing of necessary equipment for first responders.

- **Flood Hazard Mapping and Risk Analysis:** The omnibus provides \$262.5 million for the Flood Hazard Mapping and Risk Analysis Program, consistent with FY 2018 funding. This program is utilized by FEMA to assist local communities in providing accurate flood hazard and risk data to guide mitigation efforts.
- **National Flood Insurance Fund:** Under the FY 2019 omnibus, FEMA's National Flood Insurance Fund receives \$202 million, a decrease of \$1 million from the FY 2018 level. The fund operates as a premium revenue and fee-generated fund that supports the National Flood Insurance Program (NFIP). NFIP provides more than a trillion dollars in insurance coverage throughout the country.

## Public Lands

Federal land management decisions are critically important to elected officials and the local community because of the close relationship between our public lands and the well-being of the local economy. County officials must be full and active partners in ongoing discussions at the federal level about how to develop, manage and conserve nearby public lands so that they benefit the county, the local economy and a diverse set of users for generations to come.

Additionally, as county governments are unable to collect property taxes from the public land in their jurisdictions, they rely heavily on funds from the Payments in Lieu of Taxes (PILT) program, as well as other revenue sharing programs including the Secure Rural Schools (SRS) program, mineral leasing, geothermal energy development and wildlife refuge revenue sharing, which share revenues from economic activity on public lands with counties and schools.

### Key Public Lands Highlights

- ✓ Fully funds the Payments-in-Lieu-of-Taxes program at \$500 million
- ✓ Provides new tools for active forest management & wildfire prevention

### U.S. Department of Interior (DOI)

The U.S. Department of the Interior (DOI) is funded at \$13 billion, less than \$1 million below the FY 2018 level.

- **Payments in Lieu of Taxes:** The Payments in Lieu of Taxes (PILT) program is fully funded at \$500 million, a \$53 million decrease from FY 2018. This lower number represents full-funding because the SRS payments that went out in FY 2018 are deducted from a county's PILT payment as "prior-year deductions." Counties are not able to collect property taxes on federal land but must still provide essential services for residents and those who visit public lands each year. PILT helps offset the cost of these services, which include road and bridge maintenance, law enforcement, search and rescue, emergency medical and fire protection, solid waste disposal and environmental compliance.

### Wildfire Fighting and Prevention

- **DOI Wildland Fire Management:** Within the U.S. Department of the Interior, the omnibus bill appropriates \$941.2 million in funding for Wildland Fire Management, a decrease of \$6.8 million below the FY 2018 level. The bulk of the cuts are in preparedness and suppression (\$11.8 million cut compared to FY 2018), but the bill includes a \$5 million increase for hazardous fuels management above the FY 2018 level.

### Land and Water Conservation Fund

- **The Land and Water Conservation Fund (LWCF)** is funded at \$435 million, a \$10 million increase compared to FY 2018. \$247 million of the LWCF appropriation is under the State, Local and Forest Legacy Programs, a \$23 million increase, while the Federal Land Acquisition account is reduced by \$13 million to \$187.7 million.

## Bureau of Land Management (BLM)

The Bureau of Land Management (BLM) is funded at \$1.35 billion under the omnibus, \$14.3 million above the FY 2018 level.

- **BLM Land Acquisition:** The omnibus includes \$28.3 million for BLM Land Acquisition, representing a \$3.4 million increase compared to FY 2018, while \$1.8 million in existing, unspent BLM Acquisition funds are rescinded. Federal land acquisition impacts county tax bases because counties cannot levy property taxes on federal land. Counties should have a greater say in federal land acquisitions. The funding in this account is earmarked for an itemized list of land acquisitions.
- **Energy and Mineral Development:** The bill would increase funding for oil, gas, coal and other minerals management by \$9 million to expedite natural resource development on federal lands.
- **Administration Report on Wild Horses and Burros:** The omnibus contains a provision directing the administration to provide Congress with a more detailed analysis of and policy recommendations for the Wild Horse and Burro Program to be included with the FY 2020 budget request from the BLM.

## U.S. Fish and Wildlife Service (USFWS)

The U.S. Fish and Wildlife Service (USFWS) is funded at \$1.58 billion, a \$17 million decrease compared to FY 2018. \$40 million is directed toward decreasing the National Wildlife Refuge System deferred maintenance backlog.

- **USFWS Land Acquisition:** The USFWS Land Acquisition account is funded at \$65 million. This is the same amount as the FY 2018 appropriation level.
- **Sage-Grouse Endangered Species Rider:** The omnibus bill delays any reviews or rulemakings regarding a potential endangered species listing of the Greater Sage-Grouse. This ensures that locally-led conservation efforts for the greater sage grouse are given a chance to produce results so that decisions are based on sound science.

## National Park Service (NPS)

Overall National Park Service (NPS) funding increased under the bill by \$20.5 million to \$3.22 billion for FY 2019. The rise in NPS funding is primarily targeted toward reducing the deferred maintenance backlog in our national parks, including a \$5 million increase in funding to address the NPS deferred maintenance backlog. Counties depend on a National Park System with first-rate infrastructure to attract federal lands tourists who contribute billions of dollars to local economies each year.

## U.S. Forest Service (USFS)

The FY 2019 omnibus provides \$6.1 billion for the U.S. Forest Service, an increase of \$152 million compared to the FY 2018 level, which includes increases in funding for wildfire fighting and management.

- **USFS Wildfire Fire Management:** FY 2019 funding for wildland fire suppression and preparedness is increased by \$124 million to \$3 billion.

- **Hazardous fuel treatments:** The bill provides \$435 million for hazardous fuel treatments, an increase of \$5 million compared to FY 2018. Hazardous fuel removal and increased fire suppression improve the landscape, reduce the threat of wildfire, protect watersheds and lessen the need for emergency services.
- **USFS Land Acquisition:** The FY 2019 bill allocates \$58 million for National Forest System land acquisition, an increase of \$8 million compared to FY 2018.
- **Grazing Management:** The grazing management line-item remains level at \$57 million. Additionally, both USFS and BLM are required to make vacant grazing allotments available to current permittees or lessees when current allotments become unusable due to drought or wildfire. These provisions will keep the federal grazing system consistent and predictable for ranchers.

## Transportation and Infrastructure

Counties are an essential part of the nation’s infrastructure system. The nation’s counties annually invest more than \$122 billion in building infrastructure and maintaining and operating public works. Counties own and maintain 46 percent of America’s roads, 38 percent of all bridges, 78 percent of America’s public transit systems and are involved in the operation of one-third of the nation’s airports. By providing efficient transportation and transit options such as buses, trains, light rail and subway systems, counties connect residents, businesses and communities and strengthen local economies.

### Key Transportation and Infrastructure Highlights

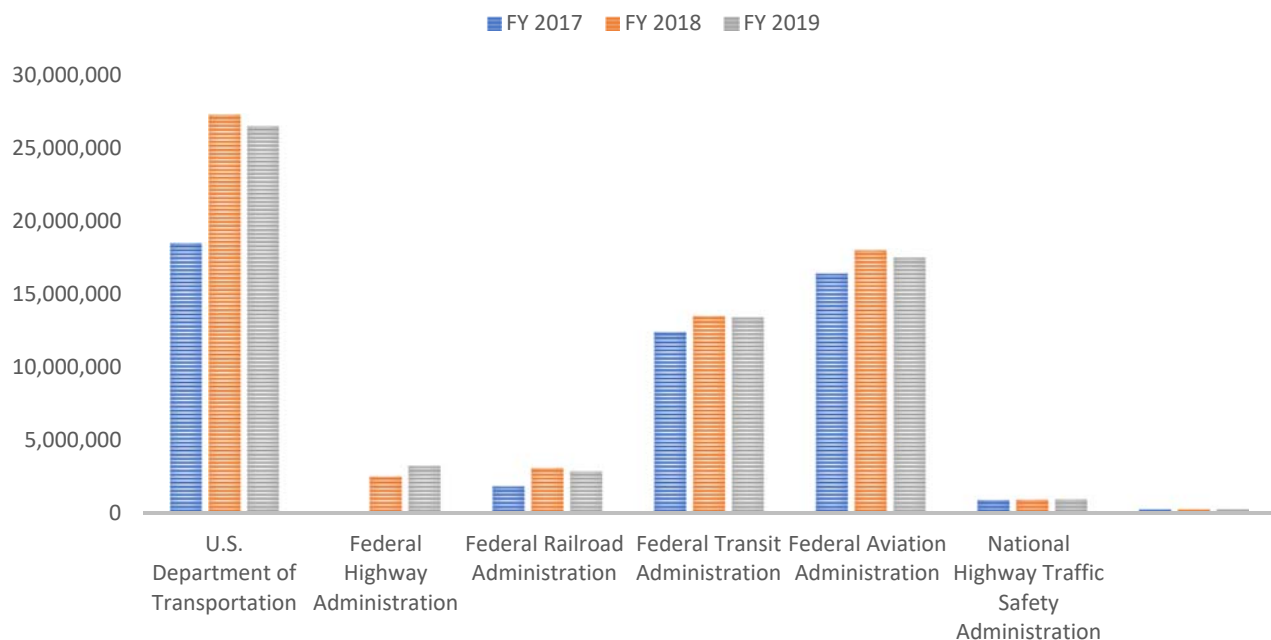
- ✓ Provides significant funding from the Highway Trust Fund for transportation infrastructure improvements
- ✓ Includes \$475 million for rural bridge repair and replacement
- ✓ Sustains rail, air and ground transportation funding levels above FY 2017 allotments

### U.S. Department of Transportation (DOT)

The FY 2019 omnibus provides \$71.1 billion in appropriations for programs under the U.S. Departments of Transportation (DOT), Housing and Urban Development (HUD) (combined as T-HUD). Of this, the legislation provides \$26.5 billion to DOT, a decrease of almost \$800 million from FY 2018 levels.

Although several transportation programs important to counties received decreased funding compared to FY 2018, this was largely the result of the extra funds congressional legislators secured for FY 2018 in the *Bipartisan Budget Act of 2018* (P.L. 115-123), which saw one of the biggest increases to federal spending in recent years. When compared to the more typical funding levels found in FY 2017 and years prior, many programs received an increase for FY 2019. For instance, in FY 2019, total DOT spending received an increase of almost \$7 billion when compared to the FY 2017 appropriation level, as evidenced in the chart below.

## TRANSPORTATION INFRASTRUCTURE TOP LINE FUNDING LEVELS



## Highway Funding

The omnibus bill allocates \$46 billion from the Highway Trust Fund to be spent on the Federal-Aid Highways Program, which is roughly \$1 billion higher than FY 2018 levels. This funding matches the levels authorized in the *Fixing America's Surface Transportation (FAST) Act of 2015* ([P.L. 114-94](#)). Counties rely on this funding to maintain a strong federal-state-local partnership for the building and maintenance of American's infrastructure.

- **Federal Highway Administration:** The legislation provides \$3.25 billion in FY 2019 funding for highway infrastructure programs through the Federal Highway Administration (FHWA), with \$2.73 billion directed to state road and bridge projects and \$475 million for bridge replacement and rehabilitation program in qualifying states with a disproportionate percentage of bridge surfaces in poor condition. This is an increase of \$725 million over FY 2018 levels.
- **BUILD Grant program:** The FY 2019 omnibus provides \$900 million for National Infrastructure Investment Grants, also known as BUILD grants. The omnibus strictly prohibits these funds from being "obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations." FY 2019 funding for BUILD Grants represents an increase of \$400 million above FY 2017 levels and a decrease of \$600 million from FY 2018 appropriations.
- **Transportation, Planning, Research, and Development:** The omnibus provides \$7.88 million for planning, research and development activities, including \$1 million for expenses of the Interagency Infrastructure Permitting Improvement Center (IIPIC). The IIPIC builds upon a major priority of both the administration and counties: streamlining the federal permitting process, which would save time and money for counties obtaining necessary federal permits to begin infrastructure projects. FY 2019 funding was cut by almost half from FY 2018, seeing a reduction of roughly \$6 million.

## Rail and Transit Funding

The Federal Railroad Administration (FRA) is funded at \$2.87 billion. This funding level represents an increase by \$1 billion over FY 2017 levels and a decrease of \$217 million from FY 2018. The Federal Transit Administration (FTA) received \$13.4 billion for FY 2019, consistent with FY 2018 spending levels and an increase of \$1 billion over FY 2017.

- **Amtrak:** The bill provides \$1.94 billion for Amtrak, consistent with FY 2018 spending levels. Counties believe Congress should continue to provide subsidies to Amtrak at levels consistent with maintaining reasonable levels of service and to provide necessary capital improvements with appropriate accountability controls.
- **Restoration and Enhancement Grants:** The FY 2019 omnibus provides \$5 million for Restoration and Enhancement Grants to improve railway systems. This represents a \$15 million decrease below the FY 2018 level; however, it is consistent with the FY 2017 appropriation.
- **Transit Formula Grants:** Transit Formula Grants total \$9.9 billion for FY 2019, an increase of approximately \$200 million above the FY 2018 level. These grants help local communities build, maintain and ensure the safety of their mass transit systems. In addition to the \$9.9 billion, an additional \$700 million is provided for these grants from the general fund, of which approximately \$40 million in formula grants is available for rural areas.
- **Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Program:** The bill provides \$255 million for the CRISI Grant Program, an increase of \$187 million over FY 2017 and a decrease of \$338 million



below the FY 2018 level. These grants leverage local, state and private investments to boost a wide range of rail projects, including for implementing positive train control, improving highway-rail grade crossings, mitigating congestion, repairing or replacing railroad assets and enhancing intercity passenger rail transportation.

### **Federal Aviation Administration (FAA)**

The legislation includes \$17.5 billion in total budgetary authority for the Federal Aviation Administration (FAA), an increase of \$1 billion from FY 2017 and a decrease of roughly \$500 million below the FY 2018 level. This will provide funding for all air traffic control personnel, including over 14,000 air traffic controllers, 7,000 safety inspectors and operational support personnel. Counties play a central role in the nation's air transportation system and are directly involved with 33 percent of publicly-owned airports in the U.S.

- **Next Generation Air Transportation Systems (NextGen):** The FY 2019 bill provides \$1 billion for Nextgen programs, which is consistent with funding levels from FY 2018 and FY 2017. These investments help ease future congestion and reduce delays for travelers in U.S. airspace.
- **Essential Air Service (EAS) program:** The omnibus includes \$175 million for the Essential Air Service (EAS) program, an increase of \$20 million above the FY 2018 level. The EAS program assists airlines in serving rural counties.
- **Small Community Air Service Development Program (SCASDP):** The omnibus includes \$10 million for the Small Community Air Service Development Program (SCASDP), consistent with FY 2018 and FY 2017 program funding levels. SCASDP provides communities the opportunity to self-identify their air service needs and propose solutions. Participation in the program is limited to those communities where the airport is not larger than a primary small hub, the service is insufficient and the air fares to the community are unreasonably high.
- **Airport Improvement Program (AIP):** The Airport Improvement Program (AIP) is funded in total at \$3.85 billion for FY 2019, an increase of about \$500 million from FY 2017 and a decrease of \$500 million from FY 2018. The Airport Improvement Program (AIP) funds airport infrastructure projects such as runways, taxiways, airport signage, airport lighting and airport markings. Airports are entitled to a certain amount of AIP funding each year based on passenger volume.
- **Unmanned Aerial Systems (UAS):** FY 2019 T-HUD appropriations contain \$24 million for UAS research and \$56 million for UAS integration activities. Combined, these funding levels represent a roughly \$20 million decrease from the FY 2018 omnibus.

Report language also directs the FAA "to enter into additional UAS Integration Pilot Program (IPP) agreements with state, local and tribal governments," but directs the FAA to undertake IPP activities "without incurring additional costs through grants or cooperative agreements." The bill also asks the FAA to submit a report to Congress on the potential costs of IPP agreements and on a potential plan to develop an Unmanned Traffic Management system. Counties support maintaining the ability of local governments to govern UAS capabilities, including certain lower levels of altitude, to ensure the safety of the national airspace as this emerging technology is further integrated.

## Maritime Infrastructure

- **Port Infrastructure Development Program:** The omnibus legislation provides \$292.7 million for the Port Infrastructure Development Program, which was not appropriated in FY 2018 or FY 2017. Eligible projects include, but are not limited to, highway or rail infrastructure that develops or extends intermodal connectivity, intermodal facilities, marine terminal equipment, wharf construction or redevelopment, vessel alternative fueling access and distribution, fuel efficient cargo handling equipment, freight intelligent transportation systems and digital infrastructure systems.

## Transportation Safety Programs

The legislation contains funding for various transportation safety programs and agencies within the U.S. Department of Transportation.

- **National Highway Traffic Safety Administration (NHTSA):** The omnibus provides \$1.3 billion in total appropriations for the National Highway Traffic Safety Administration (NHTSA), an increase of just over \$360 million from FY 2018 levels.
- **Pipeline and Hazardous Materials Safety Administration (PHMSA):** Also included in the omnibus is \$165 million for the Pipeline and Hazardous Materials Safety Administration's (PHMSA) pipeline safety program, an increase of \$3 million above the FY 2018 level and almost \$10 million above FY 2017.