

2019 NACo  
SUMMER  
**ADVOCACY**  
TOOLKIT

NATIONAL  
ASSOCIATION  
of COUNTIES

NACo®







NACo's officers at NACo's 2019 Annual Conference in Clark County, Nev. (Left-right): Immediate Past President Greg Cox, San Diego County, Calif. supervisor; First Vice President Gary Moore, Boone County, Ky. judge/executive; President Mary Ann Borgeson, Douglas County, Neb. commissioner and Second Vice President Larry Johnson, DeKalb County, Ga. commissioner.

## ABOUT NACo

The National Association of Counties (NACo) unites America's 3,069 county governments. Founded in 1935, NACo brings county officials together to advocate with a collective voice on national policy, exchange ideas and build new leadership skills, pursue transformational county solutions, enrich the public's understanding of county government, and exercise exemplary leadership in public service.

**STRONGER COUNTIES.  
STRONGER AMERICA.**

### MISSION

Through NACo, county officials:

- Advocate with a collective voice on national policy
- Exchange ideas and build new leadership skills
- Pursue transformational, cost-effective solutions
- Enrich the public's understanding of county government, and
- Exercise exemplary leadership in public service.

### VISION

Healthy, vibrant and safe counties across the United States.

# ADVOCACY OPPORTUNITIES AND PLANNING

Through the Labor Day holiday, members of Congress will be back in their home districts for the traditional August recess. This extended break in the federal legislative calendar provides a unique opportunity for county leaders to communicate with members of Congress, demonstrate the impact of your efforts in your communities and advocate for the federal programs that help to strengthen local programs and initiatives.

These opportunities to interact with your representatives and senators are especially critical because they coincide with ongoing negotiations in Congress on major pieces of legislation that directly impact counties. A two-year, \$2.7 trillion bipartisan budget deal passed the Senate on July 31 and was signed into law by President Trump on August 2. In the limited days remaining on the federal legislative calendar, lawmakers will next turn their attention toward finalizing FY 2020 appropriations for all federal agencies and programs, develop a surface transportation reauthorization, establish broadband and 5G policies and continue to work towards a long-term reauthorization of the National Flood Insurance Program.

As these negotiations are progressing in Congress, NACo has created this Summer Advocacy Toolkit to aid county leaders in advocating for the programs that matter most to your communities while members of your delegation are in your home states and districts. This toolkit features in-depth information, talking points, media guides and other exclusive NACo materials on county priorities ranging from infrastructure and public lands to health and public safety issues. For additional legislative advocacy materials, including individual policy briefs and presentations, visit [www.naco.org/advocacy](http://www.naco.org/advocacy).



*County leaders descend on Capitol Hill during NACo's 2019 Legislative Conference.*



# COUNTIES MATTER

## FAST FACTS

**COUNTIES INVEST** over **\$554 billion** annually and employ more than **3.6 million** with more than **19,000** elected county board members & elected county executives.



### HEALTH

Counties invest **\$83 billion** for community health & hospitals annually supporting over **900 hospitals** and more than **100,000** hospital beds.



### JUSTICE AND PUBLIC SAFETY

Counties invest **\$93 billion** in justice & public safety services spending almost **\$26 billion** on correctional facilities.

Counties invest **\$35 billion** on **3,041** police and sheriff departments.

Counties operate **91%** of all local jails.



### ECONOMIC DEVELOPMENT

Counties invest **\$11 billion** for housing and community development and almost **\$18 billion** on parks and recreation facilities, libraries and community centers.



### TRANSPORTATION AND INFRASTRUCTURE

Counties build and maintain **46%** of America's road miles and more than **38%** of bridges.

Counties own or support **34%** of public airports and **78%** of public transit systems.

Counties annually invest more than **\$122 billion** total in building infrastructure and maintain and operating public works and almost **\$22 billion** in sewage and solid waste management.



# IDEAS FOR ADVOCACY

have you thought about...



Inviting your member of Congress to  
tour your county jail



Inviting your member of Congress to tour  
your county hospital



Showing your member of Congress your  
county's infrastructure projects



Inviting your member of Congress to  
attend your county commission meeting



# POLICY AND REGULATORY BRIEFS

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# INTERGOVERNMENTAL AFFAIRS

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## SUPPORT IMPROVED FEDERALISM THROUGH THE RESTORE THE PARTNERSHIP ACT

### BACKGROUND

America operates an established form of federalism with multiple layers of checks and balances, including across the three federal branches and between the federal government and state and local governments. While there is a clear distinction and separation of powers and duties among these levels of government, there is also a deep interconnectedness and interdependence. This bond is a shared purpose to achieve public policy outcomes that serve the American public, often requiring the collective efforts of federal, state, local and tribal governments working together.

From 1959-1996, the Advisory Council on Intergovernmental Relations (ACIR) served as the preeminent bipartisan, independent organization in intergovernmental relations. The ACIR produced high-quality information, data and analyses, including over 130 policy reports with action recommendations, 194 information reports and about 80 issues of a widely read magazine titled, “Intergovernmental Perspective.” The Commission also helped develop congressional legislation related to improving the administration of federal grants and it served as a valued advisor to presidents, state leaders and local elected officials. Congress, federal agencies and the White House all depended on the policy input and support of state and local governments to ensure policies were meaningful, impactful and able to be implemented.

### COUNTY INTEREST

In recent decades, we have witnessed a significant decline in a structured, intentional dialogue and partnership among federal, state and local government officials. Counties are responsible for a wide range of issues across the country, including maintaining public infrastructure, transportation and economic development assets, providing justice, law enforcement and public safety services and protecting the public's health and well-being. We also often serve as co-regulators of federal rules, standards and laws with our state and federal counterparts.

While some of these responsibilities are unique to counties, in many cases we work with our state and federal partners to achieve optimal solutions. These responsibilities are the shared, fundamental components of a broader national interest in serving our citizens. Policies and programs established by the federal government are intended to guide and coordinate efforts, but are ultimately implemented at the state and local levels.

### STATUS

In July 2019, Reps. Gerry Connolly (D-Va.) and Rob Bishop (R-Utah) introduced the bipartisan Restore the Partnership Act ([H.R. 3883](#)) to reconstitute and reform the U.S. Advisory Commission on Intergovernmental Relations (ACIR). The purpose of new commission, the Commission on Intergovernmental Relations of the United States, would be to facilitate cooperation and accountability among federal, state, tribal and local governments on both legislation and new regulatory efforts. The new commission would include four seats for county elected officials.

NACo Executive Director Matt Chase [testified](#) in support of the legislation on July 23, 2019. Counties are encouraged to urge their senators and representatives to support this important legislation.

Counties also support passage of the Unfunded Mandates Information Transparency Act (UMITA, [H.R. 300](#)), which would update the Unfunded Mandates Reform Act (UMRA). While UMRA still serves as a guiding principle for new legislation, over time Congress has found ways to circumvent the law and federal agencies unevenly apply federalism consultation protocols in the rulemaking process. Passing UMITA would address both issues and further strengthen intergovernmental collaboration and the quality of laws and regulations approved by the federal government.

## TALKING POINTS

- Federalism is an important feature of our governmental system, and it is important that all levels of government work together to solve our shared challenges. In addition to the three branches of the federal government, this includes the federal government working more closely with states and local governments. This ensures there is a system of checks and balances between levels of government, so that one level of government does not overwhelm the others.
- Reconstituting and reforming the Advisory Council on Intergovernmental Relations (ACIR) would establish a national commission focused on how governments are interacting. Governments work best when they work together, and this new commission would help shine a spotlight both on areas of potential improvement as well as examples of successful collaboration. The new commission would also help ensure the federal government does not place unfunded mandates on states and local governments.
- The bipartisan *Restore the Partnership Act* takes an important step forward in re-establishing a systematic and comprehensive approach to evaluating the impact of legislative and regulatory decisions on states and local governments. County officials stand ready with innovative approaches and solutions to work side-by-side with our federal and state partners to ensure the health, well-being and safety of our citizens.

⚠ **TAKE ACTION:** Urge your members of Congress to cosponsor the *Restore the Partnership Act* (H.R. 3883) and the *Unfunded Mandates Information Transparency Act* (H.R. 300).

## RELEVANT COMMITTEES WITH JURISDICTION (FIND YOUR MEMBER)

- [U.S. House Committee on Oversight and Reform](#)
- [U.S. Senate Committee on Homeland Security and Government Affairs](#)



*NACo Executive Director Matt Chase testifies before the U.S. House Committee on Oversight and Reform Subcommittee on Government Operations on federalism.*



# HEALTH, HUMAN SERVICES, JUSTICE AND PUBLIC SAFETY

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## SUPPORT LEGISLATION TO AMEND THE MEDICAID INMATE EXCLUSION POLICY

### BACKGROUND

Current federal law prohibits the use of federal funds and services, such as Medicaid and the Children's Health Insurance Program (CHIP), for health care provided to inmates of a public institution – a category that includes our local jails. The policy, known as the Medicaid inmate exclusion, was originally enacted under the Social Security Act of 1965 and intended to prevent state governments from shifting inmate care costs to federal programs. However, this practice has had an unintended consequence of cutting off federal health benefits to local jail inmates who are awaiting trial.

### COUNTY INTEREST

Counties nationwide invest \$176 billion annually in community health systems and justice and public safety services, including the entire cost of medical care for all arrested and detained individuals. Counties own and operate 91 percent, or 3,100, local jails that see approximately 10.6 million individuals pass through each year with an average length of stay of 25 days. Although two-thirds of those detained in jails are pre-trial and presumed innocent, current federal law prohibits Medicaid and other federal safety-net programs from paying for their medical care leaving counties responsible for the full cost of inmates' health care, rather than the traditional federal, state and local partnership for safety-net services. As a result of this federal policy and high occurrences of mental and behavioral health issues and substance use disorders among inmates, county jails are now some of the largest behavioral health care providers in our communities.

### STATUS

Congress is currently considering legislation that would amend the Social Security Act to allow pre-trial jail inmates to keep their federal health benefits while awaiting trial – and restore the federal, state and local partnership in funding and delivering health services to justice-involved individuals.

In the U.S. House of Representatives, Reps. Paul Tonko (D-N.Y.) and Michael Turner (R-Ohio) introduced bipartisan legislation, the Medicaid Reentry Act ([H.R. 1329](#)), that would restore Medicaid benefits to inmates for the 30-day period prior to their release from jail. Also in the U.S. House, Rep. Alcee Hastings (D-Fla.) introduced the Restoring the Partnership for County Health Care Costs Act ([H.R. 1345](#)), which would remove limitations on Medicaid, Medicare, Supplemental Security Income (SSI) and the Children's Health Insurance Program (CHIP) for pre-trial inmates of jails, detention centers and prisons.

In the U.S. Senate, Senator Ed Markey (D-Mass.) has introduced [proposals](#) with NACo's support in recent months that would improve care coordination for justice-involved individuals by requiring states to suspend – rather than terminate – Medicaid benefits for inmates.

As Congress considers reforms to our nation's justice system, counties should encourage federal lawmakers to pass legislation that would repeal the Medicaid inmate exclusion and require states to suspend, instead of terminate, Medicaid coverage for justice-involved individuals.

## TALKING POINTS

- Counties nationwide annually invest \$176 billion in community health systems and justice and public safety services, including the entire cost of medical care for all arrested and detained individuals.
- Approximately 10.6 million individuals pass through 3,100 local jails each year with an average length of stay of 25 days. Although two-thirds of those detained in jails are pre-trial and presumed innocent, current federal law prohibits Medicaid and other federal safety-net programs from paying for their medical care.
- Prisoners experience complex medical conditions – in fact, serious mental and behavioral health issues are three to four times more prevalent among incarcerated individuals than the general population. More than 95 percent of inmates eventually return to their communities, bringing their health conditions with them.
- Improving health services for justice-involved individuals would decrease short-term costs to local taxpayers and long-term costs for the federal government.
- Providing access to federal health benefits for those awaiting trial and verdict decisions would help counties break the cycle of recidivism caused by untreated mental illnesses and substance use disorders.

△ **TAKE ACTION:** Urge your members of Congress to cosponsor the Medicaid Reentry Act (H.R. 1329) and the Restoring the Partisanship for County Health Care Costs Act (H.R. 1345).

## RELEVANT COMMITTEES WITH JURISDICTION (FIND YOUR MEMBER)

- [U.S. House Energy & Commerce Committee](#)
- [U.S. Senate Finance Committee](#)



*Suffolk County, N.Y. Sheriff Errol Toulom, Jr. speaks at NACo's Capitol Hill briefing on health care in local justice systems.*



# SUPPORT LONG-TERM REAUTHORIZATION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM

## BACKGROUND

TANF was created in 1996 and replaced the Aid to Families with Dependent Children (AFDC) program. It is administered by the U.S. Department of Health and Human Services (HHS) and features four program goals: providing assistance to needy families so that children can be cared for in their own homes; reducing the dependency of needy parents by promoting job preparation, work and marriage; preventing and reducing unplanned pregnancies among single young adults and encouraging the formation and maintenance of two-parent families.

As an entitlement to states, TANF is not subject to the annual appropriations process. The program has been funded at \$16.5 billion annually since its inception. Last reauthorized in the Deficit Reduction Act of 2005 ([P.L. 109-171](#)), TANF expired in 2010 and has since been renewed through a series of short-term extensions.

## COUNTY INTEREST

Serving as the front-line social safety net, [counties work to ensure critical welfare services](#) reach those families most in need and help those involved in the TANF program to obtain and maintain employment. Although TANF is a partnership between the federal government and states, ten states delegate TANF administration to county agencies: California, Colorado, Minnesota, New Jersey, New York, North Carolina, North Dakota, Ohio, Virginia and Wisconsin. Additionally, Montgomery County, Maryland operates TANF. Counties in these states contribute significant local funds to the administrative costs of running the program, which cover 51 percent of all TANF recipients.

## STATUS

In June 2019, the U.S. Senate cleared bipartisan legislation to reauthorize the TANF program. The bill, ([H.R. 2940](#)), which passed the U.S. House of Representatives in June 2019, would extend the program through the end of FY 2019 on September 30, 2019 at current funding levels of \$16.5 billion in block grants to states. Consideration of the TANF reauthorization measure follows a [short-term extension](#) through June 30 that was enacted following the January 2019 government shutdown. Long-term reauthorization and adequate funding for this safety-net program are critical for counties, which invest over \$58 billion annually in human services.

## TALKING POINTS

- TANF provides funding to states to help families reduce welfare dependency and allows states to design and implement the program according to their needs. Counties that operate TANF have a direct stake in the program because we share administrative costs and may also fund part of the state MOE requirements. Additionally, sanctions imposed on a state for failure to meet program requirements are often passed down to counties.
- Long-term reauthorization of TANF will provide financial and administrative continuity for counties. Short-term extensions create uncertainty and difficulty in planning and implementing long-term program changes.
- TANF funding should be increased annually by an amount commensurate with the rate of inflation to ensure that the program's actual value does not decrease each year.

**⚠ TAKE ACTION:** Urge your members of Congress, particularly those who serve on the House Ways and Means Committee, the House Education and the Workforce Committee, the Senate Finance Committee and the Senate Health, Education, Labor and Pensions Committee, to enact a long-term reauthorization of TANF and protect funding for the TANF Contingency Fund.

## RELEVANT COMMITTEES WITH JURISDICTION (FIND YOUR MEMBER)

- [U.S. House Ways and Means Committee](#)
- [U.S. Senate Finance Committee](#)

# SUPPORT LEGISLATION PROTECTING MEDICAID DISPROPORTIONATE SHARE (DSH) HOSPITAL PAYMENTS

## BACKGROUND

Congress established the Medicaid DSH program in 1981 ([P.L. 97-35](#)) to ensure that state Medicaid programs provided adequate payments to public hospitals whose patient populations were disproportionately composed of low income Medicaid and uninsured populations. DSH funding is our nation's primary source of support for safety net hospitals that serve our most vulnerable populations, including Medicaid beneficiaries, the 27 million uninsured and the underinsured. In many states, counties are ultimately responsible for the provision of health care to these groups and rely heavily on the DSH program for support in meeting this mission.

The Affordable Care Act of 2010 ([P.L. 111-148](#)) authorized cuts to Medicaid DSH payments under the rationale that the law's provisions to expand Medicaid would create a vehicle for uninsured patients to purchase health insurance, and thus dramatically decrease the number of uninsured and underinsured. Congress reduced aggregate federal DSH allotments in Medicaid by roughly \$18 billion for the period of 2014-2020. However, these reductions have yet to take effect due to numerous pieces of legislation enacted since 2010 that have since delayed the scheduled cuts as projected increases in insurance coverage has not been fully realized.

## COUNTY INTEREST

Medicaid DSH payments are critical to local hospitals that serve our nation's most vulnerable citizens. Hospitals that care for a disproportionate amount of low-income people and uninsured patients incur tremendous uncompensated costs. Medicaid DSH payments aid in making up for those losses and allow our local hospitals to continue to provide high quality care to all patients.

## STATUS

While Medicaid DSH cuts have yet to go into effect since implementation of the *Affordable Care Act*, under current law, if there is no action taken by **October 1** of this year, DSH cuts will begin with a \$4 billion cut in FY 2020 and increase to \$8 billion in FY 2021.

U.S. Representatives Elliot Engel (D-N.Y.) and Pete Olson (R-Texas), have both introduced separate bills aimed at protecting Medicaid Disproportionate Share Hospital (DSH) payments. [H.R. 3022](#) would completely repeal cuts to Medicaid DSH payments and [H.R. 3054](#) would delay impending cuts by two years, as Congress continues to work on a sustainable solution for maintaining the program that enables hospitals that care for a disproportionate amount of low-income and uninsured patients to make up for large uncompensated costs with federal Medicaid dollars.

As Congress works through the FY 2020 appropriations process, counties ask the administration and members of Congress to stop or delay cuts to the Medicaid Disproportionate Share Hospital (DSH) program until a sustainable solution for the preservation of this program is reached.



## TALKING POINTS

- The DSH program provides payments to local hospitals that offset uncompensated care costs to improve health care access for Medicaid and uninsured patients and ensure the financial stability of safety-net hospitals.
- The financial assistance provided to these hospitals through the DSH program enables them to provide critical health care services such as trauma and burn care, high-risk neonatal care and disaster preparedness resources, for our nation's most vulnerable populations- children, the poor, the disabled and the elderly.
- Congress cut Medicaid DSH payments in the Affordable Care Act (ACA), under the rationale that hospitals would care for fewer uninsured patients as health coverage expanded. However, the projected increase in coverage has not been fully realized due to some states not expanding Medicaid, as well as lower-than-anticipated enrollment in coverage through the Health Insurance Marketplaces.
- If Congress fails to act on this issue before the October 1 deadline, large funding cuts could create dramatic budgetary shortfalls for the over 900 county supported hospitals and even force some of them to close, severely limiting access to care and leaving constituents in these communities without key health safety-net services.

**⚠ TAKE ACTION: Urge your members of Congress to pass legislation ahead of the October 1 deadline to prevent Medicaid DHS payment cuts and allow local hospitals to continue to have the resources necessary to provide quality care to our nation's most vulnerable.**

## RELEVANT COMMITTEES WITH JURISDICTION (FIND YOUR MEMBER)

- [U.S. House Committee on Energy and Commerce](#)
- [U.S. Senate Committee on Finance](#)

# PUBLIC LANDS

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## SUPPORT FULL FUNDING FOR PAYMENTS IN LIEU OF TAXES (PILT)

### BACKGROUND

The PILT program was created in 1976 to offset costs incurred by counties for services provided to federal employees and their families, the public and to the users of public lands. Such services include education, solid waste disposal, law enforcement, search and rescue, health care, environmental compliance, firefighting, parks and recreation and other important community services.

Annual PILT funding levels remained static for many years. For nearly two decades, counties have watched the value of our PILT receipts drop due to inflation. In 1995, NACo was successful in securing an amendment to the PILT formula, ([P.L. 103-397](#)), which adjusted annual authorization levels for inflation.

The FY 2019 Omnibus Appropriations package ([P.L. 116-6](#)), signed by the president on February 15, 2019, funded PILT at \$514.7 million for the remainder of FY 2019.

In prior fiscal years, the FY 2018 Omnibus Appropriations package ([P.L. 115-141](#)), signed by the president on March 23, 2018, funded PILT at \$553 million for the remainder of FY 2018. The Consolidated Appropriations Act of 2017 ([P.L. 115-31](#)) fully funded PILT at \$465 million for FY 2017 and in FY 2016, Congress fully funded PILT at \$452 million. In FY 2015, PILT was funded with \$70 million in appropriations provided by the FY 2015 National Defense Authorization Act ([P.L. 113-291](#)) and \$372 million in appropriations provided by the FY 2015 Consolidated and Further Continuing Appropriations Act ([P.L. 113-235](#)). Together the two bills provided full discretionary funding of \$442 million for PILT in FY 2015. Although full funding was provided in FY 2015, this piecemeal approach subjected a portion of PILT funds to sequestration and required NACo to advocate successfully for a “technical fix” to ensure the distribution of nearly 10 percent of total FY 2015 PILT funds was not delayed into 2016.

In FY 2014, PILT was extended through the farm bill ([P.L. 113-79](#)) as a fully funded, mandatory entitlement program at \$425 million. Mandatory funding for FY 2013 was achieved through the Moving Ahead for Progress in the 21st Century Act (MAP-21) ([P.L. 112-141](#)), which provided \$399 million in PILT funding. Previously, the enactment of the Emergency Economic Stabilization Act ([P.L. 110-343](#)) provided full funding for PILT from FY 2008 through FY 2012. From its enactment in 1976 through 2007, PILT was subject to annual appropriations and as a result was underfunded year after year.

### COUNTY INTEREST

PILT provides payments to over 1,900 counties in 49 states, the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands to offset lost property tax revenues for counties due to the presence of non-taxable federal lands within their jurisdictions. 62 percent of counties have federal lands within their boundaries. Because local governments are unable to tax the property values or products derived from federal lands, PILT payments are necessary to support essential government services (mandated by law) such as education, emergency services, transportation infrastructure, law enforcement and health care.

### STATUS

While PILT has been fully funded for the remainder of FY 2019, without predictable mandatory funding, PILT will remain a discretionary program subject to the annual appropriations process. As Congress works through the FY 2020 appropriations process, counties ask the administration and members of Congress to support long term, predictable full funding for PILT in FY 2020 and beyond.



## TALKING POINTS

- The PILT program provides payments to counties and other local governments to offset losses in tax revenues due to the presence of substantial federal land acreage within their jurisdictions.
- Because local governments are unable to tax the property values or products derived from federal lands, PILT payments are necessary to support essential local government services (mandated by law) such as education, emergency services, transportation infrastructure, law enforcement and health care in over 1,900 counties in 49 states, the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands.
- Without predictable mandatory funding, PILT will remain a discretionary program subject to the annual appropriations process. Counties urge the administration and members of Congress to support long-term predictable full funding for PILT in FY 2020 and beyond.
- While the Senate and House continue to discuss long-term legislative solutions for funding the PILT program, counties will continue to urge leadership in both chambers and on both sides of the aisle to work together to fully fund the program.

**⚠ TAKE ACTION:** Urge your members of Congress to support mandatory full funding for the PILT program. Without mandatory full funding, PILT will remain a discretionary program (subject to the annual appropriations process) and could fall back to pre-2008 funding levels, which would devastate local government service delivery in areas with significant federal land ownership.

## RELEVANT COMMITTEES WITH JURISDICTION (FIND YOUR MEMBER)

- [U.S. House Committee on Natural Resources](#)
- [U.S. House Appropriations Subcommittee on Interior and Environment](#)
- [U.S. Senate Committee on Energy and Natural Resources](#)
- [U.S. Senate Appropriations Subcommittee on Interior and Environment](#)



Sen. Jeff Merkley speaking at NACo's press conference in support of SRS & PILT.

# VISIT NACo's **COUNTY EXPLORER** TO DOWNLOAD YOUR SPECIFIC **COUNTY PROFILE**

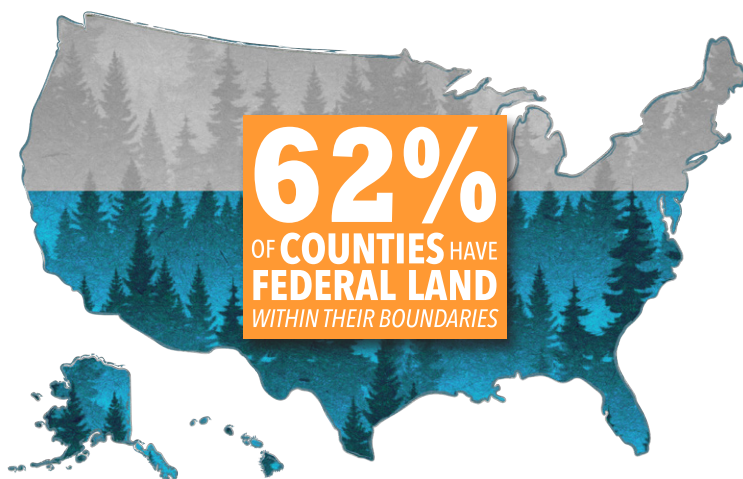


## 2019 PAYMENTS IN LIEU OF TAXES (PILT)

### U.S. COUNTIES AND PILT

PILT RECEIVED, FY 2019:	PERCENT OF PILT ENTITLEMENT LAND:	PILT ENTITLEMENT ACRES:	PILT AMOUNT PER ENTITLEMENT ACRE:
<b>\$514,700,000</b>	<b>61.6%</b>	<b>606,688,452</b>	<b>\$2.71</b>

### FEDERAL LANDS, LOCAL COMMUNITIES



- **61.6% of counties have federal land within their boundaries.** Even though they are not able to collect property taxes on federal land, county governments must still provide essential services for their residents and those who visit these public lands each year. Such services include road and bridge maintenance, law enforcement, search and rescue, emergency medical, fire protection, solid waste disposal and environmental compliance.
- Our ask: **Counties urge Congress to provide full funding for PILT in FY 2020 and to support a sustainable long-term approach to financing essential local services in America's public lands counties.**

NOTES: NACo analysis of U.S. Department of the Interior data. PILT received, FY 2018 represents the total PILT appropriations for fiscal year 2018. The total number of PILT entitlement acres reflects the number of acres eligible for PILT payments.

### PILT FUNDING CRITICAL FOR SERVICES INCLUDING:



ROAD AND BRIDGE  
MAINTENANCE



LAW  
ENFORCEMENT



SEARCH AND  
RESCUE



EMERGENCY  
MEDICAL



FIRE  
PROTECTION



SOLID WASTE  
DISPOSAL



ENVIRONMENTAL  
COMPLIANCE

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# SUPPORT REAUTHORIZATION OF THE SECURE RURAL SCHOOLS (SRS) PROGRAM

## BACKGROUND

The SRS program provides assistance to rural counties and school districts affected by the decline in revenue from timber harvests on federal lands. Historically, rural communities and schools have relied on a share of receipts from timber harvests to supplement local funding for education services and roads. During the 1980s, national policies substantially diminished the revenue-generating activity permitted in these forests. The resulting steep decline in timber sales decreased the revenues that rural counties and school districts received from forest management activities.

In response to this decline, SRS was enacted in 2000 ([P.L. 106-393](#)) to stabilize payments to counties and to compensate for lost revenues. In October 2008, SRS was reauthorized ([P.L. 110-343](#)) and amended to continue on a sliding payment scale. Most recently, SRS was reauthorized retroactively on March 23, 2018 for FY 2017 and FY 2018. In FY 2017, SRS provided \$256 million to over 700 rural counties, parishes and boroughs across the nation. SRS expires at the end of FY 2018, with FY 2018 payments to be made in spring 2019.

## COUNTY INTEREST

The SRS program was enacted in 2000 to provide funding for counties and schools to compensate for steep reductions in revenues from timber harvests caused by federal policies. The expiration of SRS will create dramatic budgetary shortfalls if Congress fails to renew this long-standing federal obligation to county governments. Enactment of a sustainable long-term program to share revenues generated from the management of designated federal lands with forest counties and schools will ensure that students receive essential education services and rural communities have critical funding for roads, conservation projects, search and rescue missions and fire prevention programs.



Commissioner Gordon Cruickshank (Valley County, Idaho) speaks on SRS reauthorization.



## STATUS

SRS expired at the end of FY 2018 on September 30, 2018. National forest counties received their final SRS payments in spring 2019, and now the availability of future SRS payments is in jeopardy. As Congress works through the FY 2020 appropriations process, counties ask the administration and members of Congress to support long term, predictable funding for SRS for FY 2019 and beyond.

Congress should also reform forest management practices to improve forest health, increase production and ensure all forest counties receive their fair share of the regenerated from forest management on designated federal lands. If Congress fails to renew the long-standing federal obligation to forest counties and the lands managed by the federal government by not improving forest management and reauthorizing the SRS program, counties across the country could face dramatic budgetary shortfalls.

## TALKING POINTS

- If not reauthorized for FY 2020 and beyond, the expiration of the Secure Rural Schools and Community Self-Determination (SRS) Act at the end of FY 2018 will create budgetary shortfalls for over 700 rural counties across the United States. When the authorization for SRS lapsed in FY 2016, federal forest payments to counties decreased by over 80 percent on average.
- New legislation should be enacted that provides forest revenue sharing payments to counties and promotes active natural resource management for the stability and well-being of forest counties and communities. NACo encourages Congress to act quickly to reauthorize the SRS program, a critical safety-net for forest counties, and improve federal forest management practices.
- While the Senate and House of Representatives continue to discuss options for funding the SRS program, NACo will continue to urge leadership in both chambers and on both sides of the aisle to work together to enact a long-term, sustainable solution.

### **TAKE ACTION: Urge your members of Congress to cosponsor the following bills:**

- » [H.R. 3048](#) and [S. 430](#) would authorize SRS for an additional two-year period (FY 2019 and 2020).
- » [S. 1643](#), the Forest Management for Rural Stability Act, would create an endowment fund to ensure national forest counties receive SRS payments in perpetuity.
- » [H.R. 2607](#), the Resilient Federal Forests Act, would expedite environmental analyses on forest management projects, including after wildfires, in order to restore landscapes and spur economic growth in national forest communities.

## RELEVANT COMMITTEES WITH JURISDICTION (FIND YOUR MEMBER)

- [U.S. House Committee on Natural Resources](#)
- [U.S. Senate Committee on Energy and Natural Resources](#)

# VISIT NACo's **COUNTY EXPLORER** TO DOWNLOAD YOUR SPECIFIC **COUNTY PROFILE**



## U.S. COUNTIES AND SECURE RURAL SCHOOLS (SRS)

SRS PAYMENT,  
FY 2018 RECEIPTS YEAR:

**\$237.7 M**

PROJECTED 25% FUND PAYMENT,  
FY 2018 RECEIPTS YEAR:

**\$57.5 M**

FY 2018 SRS vs. PROJECTED  
FY 2018 25% FUND PAYMENT:

**-63.9%**

PERCENT OF COUNTIES WITH  
U.S. FOREST SERVICE LAND:

**26%**

## SECURE RURAL SCHOOLS

The Secure Rural Schools and Community Self-Determination (SRS) Act was enacted in 2000 to compensate for steep reductions in revenues from timber harvests, which resulted from national policies that substantially diminished revenue-generating activities within federal forests. For FY 2018, the SRS program provided \$237.7 million for roads and schools and other critical services in 659 mostly rural counties, parishes and boroughs across the United States. The latest authorization for SRS expired on September 30, 2018.

## OUR ASK

Without SRS, forest counties nationwide face dramatic budgetary shortfalls. Counties urge Congress to renew its long-standing commitment to forest counties by increasing revenue sharing through active forest management and extending SRS as critical transitional funding.

*Note: The receipts year reflects when the U.S. Forest Service (USFS) collects revenue from national forest lands. Without the SRS Act reauthorization, states revert to the Payments to States Act of 1908 as amended, receiving a 25 percent payment from national forest receipts. USFS estimates FY2018 25 percent payments to counties based on county shares of the national forest receipts. The estimates do not reflect the application of a 6.6 percent sequester to the state payments as the amount was paid back to counties after the passing of the omnibus bill. Eighteen Oregon counties receive SRS payments for O&C Lands administered by the Bureau of Land Management (BLM). Additionally, two of the eighteen counties receive SRS payments for Coos Bay Wagon Road lands administered by BLM.*

*Sources: NACo analysis of data from the U.S. Forest Service and Bureau of Land Management and Headwaters Economics analysis of the U.S. Geological Survey, Protected Areas Database.*

### SRS PAYMENTS ARE CRITICAL FOR SERVICES INCLUDING:



TRANSPORTATION  
INFRASTRUCTURE



SCHOOLS



FOREST  
MANAGEMENT



ECOSYSTEM  
PROTECTION



PROTECTION  
FROM WILDFIRE



SEARCH AND  
RESCUE



EMERGENCY  
SERVICES

FB.COM/NACoDC | TWITTER.COM/NACoTWEETS | YOUTUBE.COM/NACoVIDEO | LINKEDIN.COM/IN/NACoDC | WWW.NACo.ORG  
660 NORTH CAPITOL STREET, NW SUITE 400 | WASHINGTON, DC 20001 | 202.393.6226 | FAX 202.393.2630

# RESILIENCY, TRANSPORTATION AND INFRASTRUCTURE

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## **SUPPORT COUNTY PRIORITIES IN ANY NEW FEDERAL INFRASTRUCTURE PACKAGE OR SURFACE TRANSPORTATION REAUTHORIZATION**

### **BACKGROUND**

Counties play a critical role in the nation's transportation system, owning 45 percent of all public roads and building and maintaining 38 percent of the National Bridge Inventory. Counties operate 78 percent of all public transit agencies and 34 percent of public airports that connect residents, communities and businesses with the global economy.

In recent months, President Trump and congressional leaders have engaged in a series of meetings to develop a path forward for comprehensive infrastructure legislation. Following a series of meetings where the President and congressional leaders decided on a \$2 trillion spending package, the issue of how to pay for this investment continues to be a sticking point on both sides of the aisle. Both the White House and Congress remain hopeful that negotiations can continue, and a package can be realized; however, lawmakers will soon need to turn their attention to a surface transportation reauthorization that will address the upcoming expiration of the current legislation.

The current authorization, Fixing America's Surface Transportation (FAST) Act ([P.L. 114-94](#)), is set to expire in September 2020, leading the U.S. Senate Committee on Environment and Public Works (EPW) to develop and pass favorably out of committee on Tuesday, August 1 the most recent iteration of a bipartisan reauthorization, the [America's Transportation Infrastructure Act](#) (ATIA). ATIA is a five-year, \$287 billion spending package that, in its current form, outlines the highway title of the legislation. This number represents a roughly 27 percent increase over funding for highway programs from the FAST Act. The timing remains unclear on when the remaining three U.S. Senate committees of jurisdiction over surface transportation will act. Rail and transit titles will need to be added to the legislation by the U.S. Senate Committee on Commerce and the U.S. Senate Committee on Banking, respectively. The U.S. Senate Committee on Finance will also have to produce a "pay for" to cover the bill's transfers from the general fund, in addition to addressing the impending insolvency of the Highway Trust Fund that is predicted to be bankrupt by 2021.

The administration has expressed its intent to work with Congress as members introduce infrastructure-related legislation, and it may become more likely that piecemeal legislation dealing with infrastructure investments, such as unlocking the Harbor Maintenance Trust Fund, uncapping airport passenger facility charges and the increasing and indexing to inflation of the federal motor fuel user fee, is considered instead of a larger, more comprehensive infrastructure package.



## COUNTY INTEREST

As the 116th Congress considers proposals to update the nation's transportation infrastructure systems, it is vital that federal policy makers recognize counties as major owners of infrastructure. Reliable federal investments through a new, long-term infrastructure package or surface transportation authorization, developed in consultation with federal, state and local partners, would allow counties to pursue much-needed infrastructure improvements and transformative surface transportation projects. Counties believe that a user-pay approach should continue to be the cornerstone of federal transportation funding and that federal policy should provide counties the flexibility to use additional financing tools. Such policies include:

- A strong federal-state-local partnership that enshrines local decision-making authority will be critical to delivering a bipartisan infrastructure package or surface transportation reauthorization that invests in every community across the country.
- While counties support public-private partnerships (P3s) for project development, it is important that any future infrastructure package provide funding to those parts of the country where private investment is not appropriate. Any new federal infrastructure package should include a robust rural infrastructure component and a sufficient funding match.
- Tax-exempt municipal bonds are a critical tool for counties to facilitate the budgeting and financing of long-range investments in infrastructure. Without the tax exemption, counties would pay more to raise capital, resulting in reduced spending on roads and bridges, decreased economic development, higher taxes or higher user fees. The Tax Cuts and Jobs Act ([P.L. 115-97](#)), signed into law in 2017, fully retained the tax-exempt status of all municipal bonds, and counties support the continued preservation of the tax-exempt status.
- To maintain a robust infrastructure network, the Highway Trust Fund must remain solvent. NACo advocates for an “all tools in the toolbox” approach that considers revenue sources that will better capture all users of the nation's roads and account for all vehicles, including the increase and index to inflation of the federal motor fuel user fee.
- Counties support innovative financing mechanisms including, but not limited to: qualified tax credit bonds; infrastructure banks; the Transportation Infrastructure Finance and Innovation Act (TIFIA); and public-private partnerships that would allow local governments and transportation authorities, such as counties, to leverage federal financing for capital projects.
- Counties support a streamlining of the federal permitting process, in order to reduce project delays and associated costs that result from duplicative reviews and procedures, while still ensuring strong environmental stewardship.



*Commissioner Cindy Bobbitt (Grant County, Okla.) examines county bridge damage.*

## STATUS

Federal lawmakers continue to express interest in working together to improve the state of our nation's infrastructure. While funding continues to impede progress on a comprehensive infrastructure package, both sides of the aisle agree that increase investment in our nation's infrastructure system is necessary. To this end, U.S. House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-Ore.) has expressed interest in continuing talks with the White House. In May, Congressman Earl Blumenauer (D-Ore.) introduced legislation that would increase the federal motor fuel user fee and index it to inflation, a policy that counties strongly support. The legislation faces an uphill battle in the Republican-controlled Senate, however, where the majority is wary of raising taxes. Neither chamber has considered the bill to date.

Fiscal year (FY) 2020 appropriations for the U.S. Department of Transportation are currently being considered by the U.S. Senate following its passage in the U.S. House in late June. Should the Senate amend the House's version, the two chambers will need to work out their differences in conference prior to sending it to the President for his signature.

The FAST Act is set to expire in September 2020, necessitating lawmakers turn their attention to the reauthorization and potentially away from pursuing a grander deal on infrastructure. Legislation from the Senate EPW Committee that would reauthorize funding for surface transportation programs is working its way to the Senate floor; however, it is expected that the chamber will take up spending bills prior to any action on ATIA upon returning from August recess. While EPW Chairman John Barrasso (R-Wyo.) is adamant that the current authorization should not be extended, it is likely that a short-term extension will be necessary due in large part to next year's presidential election.

## TALKING POINTS

- Any new infrastructure legislation or administrative action should accomplish the following goals:
  - » Establish a strong federal-state-local intergovernmental partnership that maintains local decision-making.
  - » Allocate direct funding for locally owned infrastructure.
  - » Preserve the tax-exempt status of municipal bonds.
  - » Streamline the federal permitting process.
  - » Implement policies to promote innovative financing.
  - » Ensure the long-term certainty and solvency of the federal Highway Trust Fund.

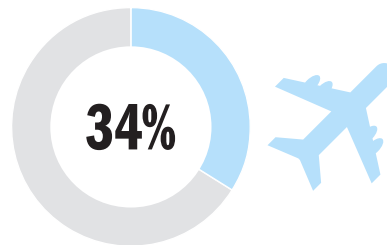
**△ TAKE ACTION:** Urge your members of Congress to support county priorities in any new infrastructure package, particularly while Congress works on a long-term surface transportation infrastructure reauthorization bill.

## RELEVANT COMMITTEES WITH JURISDICTION (FIND YOUR MEMBER)

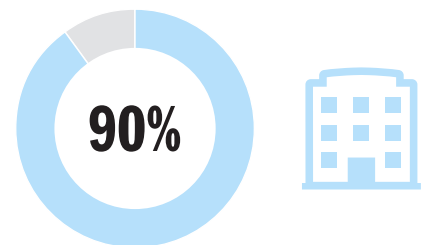
- [U.S. House Committee on Transportation and Infrastructure](#)
- [U.S. House Committee on Ways and Means](#)
- [U.S. Senate Committee on Environment and Public Works](#)
- [U.S. Senate Committee on Commerce, Science and Transportation](#)
- [U.S. Senate Committee on Banking, Housing and Urban Affairs](#)
- [U.S. Senate Committee on Finance](#)

# THE COUNTY ROLE IN INFRASTRUCTURE

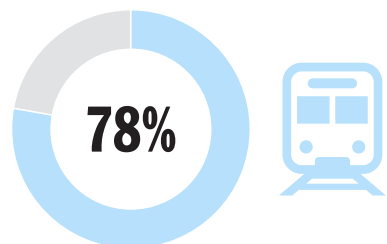
**C**ounties are leaders in the nation's infrastructure system. Transportation and infrastructure are core public sector responsibilities that impact everything from our daily commutes to shipping goods around the globe. **From building and maintaining roads and bridges to providing efficient transit options, counties are a driving force connecting communities and strengthening our economy.** Counties also play a major role in other essential community infrastructure, such as schools, hospitals, jails, courthouses, parks, broadband deployment, and water purification and sewage systems.



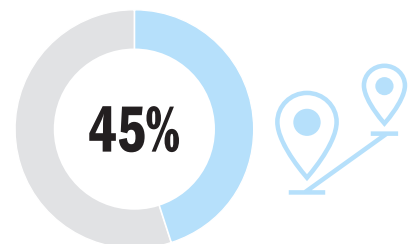
Counties are involved in the operation of **34% OF PUBLIC AIRPORTS.**



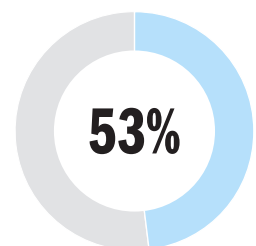
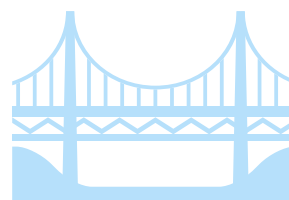
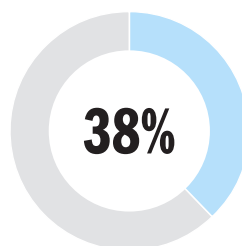
Counties support over **900 HOSPITALS** and invest in **90% OF JAILS.**



**78% OF PUBLIC TRANSIT AGENCIES** are county supported, including buses, trains, light rail and subway systems.



Counties own and maintain **45% OF AMERICA'S ROADS.** In total, **3.1 MILLION MILES** are locally-owned roads, where the majority of trips both start and end.



Counties own and maintain **38% OF BRIDGES**—in 2018, 45,700 bridges were **structurally deficient, OF WHICH 53% WERE OWNED BY COUNTIES.**



# SUPPORT FEDERAL EFFORTS TO IMPROVE THE ACCURACY OF THE FEDERAL COMMUNICATIONS COMMISSION (FCC) BROADBAND MAPPING DATA

## BACKGROUND

The accuracy of the Federal Communications Commission's (FCC) National Broadband Map has become the target of bipartisan concern within Congress. Currently, the FCC requires Internet Service Providers (ISPs) to submit data indicating broadband availability and speed twice a year to determine network coverage and service levels. However, there is no mechanism to verify the accuracy of the data provided, leaving the potential for speed and availability to be significantly overstated.

The lack of competition also means customers fortunate enough to have service often pay some of the highest prices for broadband in the developed world. Anecdotal evidence suggests an entire ZIP code is oftentimes marked as “served” with broadband if just one home in the census block has coverage. As a result, the FCC routinely declares these markets connected and competitive when reality tells a very different story.

## COUNTY INTEREST

Access to affordable high-speed internet has been widely recognized as essential to one's ability to compete in today's economy. Accurate connectivity data is the foundation for investments in broadband infrastructure. Unfortunately, connectivity data provided to the FCC by internet service providers is often inaccurate and inflated – leaving many rural communities overlooked and disconnected.

Connectivity issues continue to plague counties across the United States. According to the FCC, approximately 19 million Americans – 6 percent of the population – lack access to even basic broadband services. Connectivity is imperative for economic competitiveness in the 21st century. From e-commerce and the gig economy to distance learning and tele-health facilities – county residents' daily lives are increasingly reliant on a certain level of connectivity. As demand for access to affordable high-speed internet grows, economic opportunities for the unconnected continue to slip away. Counties lacking access to even basic broadband infrastructure are at a competitive disadvantage, exacerbating the economic divide between rural and urban areas.

## STATUS

Several bipartisan bills have been introduced in the 116th Congress specifically addressing the failures of the FCC maps:

- **Broadband Deployment Accuracy and Technological Availability ([Broadband DATA](#)) Act:** Introduced by Senate Commerce Committee Chairman Roger Wicker (R-Miss), Senator John Thune (R-S.D.), Senator Amy Klobuchar (D-Minn.) and Senator Gary Peters (D-Mich.), this bill is aimed at improving the FCC's broadband map by requiring more granular service availability data from wired, fixed wireless and satellite broadband providers. Additionally, the bill would instruct the FCC to consider collecting verified coverage data from state, local and tribal governments.
- **Improving Broadband Mapping Accuracy Act ([S. 842](#)):** Introduced by Senators Amy Klobuchar (D-Minn.), Shelley Moore Capito (R-W.V.), Joe Manchin (D-W.Va.) and John Hoeven (R-N.D.), this bill would direct the FCC to initiate a rulemaking to establish a process for using data reported by consumers and state, local and tribal government entities verifying coverage data reported by service providers.
- **Broadband Data Improvement Act of 2019 ([S. 1522](#)):** Introduced by Senators Shelley Moore Capito (R-W.Va.), Brian Schatz (D-Hawai'i), Jerry Moran (R-Kan.) and Jon Tester (D-Mont.), this bill would require broadband providers to report service availability through GIS shapefiles, rather than larger census block level data. The GIS shapefiles would replace the current Form 477 process and provide a more accurate picture of connectivity at ground level. Additionally, this bill would establish a streamlined data validation process.

- **Save the Internet Act of 2019 (H.R. 1644):** The Save the Internet Act of 2019 recently passed the U.S. House of Representatives (232-190). Included in this package is an amendment written by Rep. Abigail Spanberger (D-Va.) that would require the Government Accountability Office (GAO) to examine the accuracy of the FCC's broadband mapping. Additionally, the GAO report would provide recommendations on how the FCC could produce more accurate maps.
- **Broadband Mapping After Public Scrutiny (MAPS) Act (H.R. 2643):** Introduced by Representatives Bob Latta (R-Ohio) and Peter Welch (D-Vt.), this bill would require the FCC to establish rules for data submitted to the FCC by private entities and state, local and tribal government entities to verify fixed and mobile broadband service coverage data reported to the FCC by fixed and mobile broadband service providers.

In October 2018, NACo began work on an initiative aimed at addressing the FCC's data disparities through a crowdsourcing platform. Partnering with the Local Initiatives Support Corporation, the Rural Community Assistance Partnership, the National Association of Development Organizations and Farm Credit, NACo released "TestIT" — a mobile app designed to identify areas with little or no connectivity. With TestIT, users can report their broadband speeds from anywhere with a simple click of a button. The data collected through this app will help identify areas where broadband service is overstated and underfunded by comparing the data to the FCC's National Broadband Map.

## TALKING POINTS

- Counties rely on providing access to affordable high-speed internet as an essential element to substantive and long-term economic development.
- Congress should prioritize improvements to the FCC's broadband data collection process including efforts to broaden acceptable data sources and streamline the process for disputing data reported by the industry.

**⚠ TAKE ACTION:** Urge your members of Congress to support legislation aimed at improving the accuracy of the FCC's broadband coverage maps, and encourage residents to download NACo's TestIT app to help identify areas with little or no connectivity.

## RELEVANT COMMITTEES WITH JURISDICTION (FIND YOUR MEMBER)

- [U.S. House Committee on Energy & Commerce](#)
- [U.S. Senate Commerce, Science and Transportation Committee](#)

# TEST YOUR BROADBAND SPEED TODAY

NACo has partnered with the Local Initiatives Support Corporation, the Rural Community Assistance Partnership, the National Association of Development Organizations and Farm Credit to develop a free mobile app designed to identify areas with low or no connectivity to help ensure adequate funding for broadband infrastructure is provided across the country.

## Get Started!

- Locate the iOS/Android App Store on your phone



- Search for "TestIT" in your mobile app store

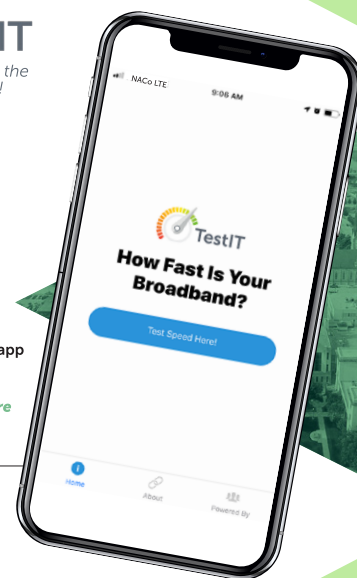


- Download TestIT mobile app

- Open TestIT mobile app and click: **Test Speed Here**

[www.naco.org/TestIt](http://www.naco.org/TestIt)

*No personal information is collected through the app.*



# **PRESERVE LOCAL ZONING AUTHORITY IN THE DEPLOYMENT ON NEXT GENERATION TELECOMMUNICATIONS**

## **BACKGROUND**

On September 26, 2018, the FCC approved a new rule on 5G wireless network deployment that significantly restricts local authority. The FCC decision not only limits fees local governments can assess telecommunications companies for the placement of wireless service facilities, but it also constrains local governments to 60 days to evaluate applications from wireless companies to attach 5G small cells to existing structures and 90 days to review applications for equipment on entirely new structures.

## **COUNTY INTEREST**

By narrowing the window for evaluating 5G deployment applications, the FCC rule would prevent local governments from properly assessing and mitigating the impact broadcasting facilities may have on the public health, safety and welfare of the community.

5G deployment will require telecommunications providers to install hundreds of thousands of small cells across the country to construct 5G networks. Most of these sites are located on locally-owned, public rights-of-way, which requires providers to submit applications for local government review. The local review process is essential to ensuring small cell sites do not put public health and safety at risk during the construction and modification of broadcasting. Due to the significant number of small cell sites needed to fully deploy 5G, close coordination between wireless service providers and local governments is critical during the siting process.

5G's reliance on a large network of small cell sites will place a considerable administrative strain on local governments' ability to process the exponential increase in applications for small cells from service providers.

## **STATUS**

On June 2, 2019, Sen. John Thune (R-S.D.) and Sen. Brian Schatz (D-Hawaii) introduced legislation that would place limits on the authority of local governments to regulate the deployment of wireless communications infrastructure within our jurisdictions. The new legislation, titled the Streamlining the Rapid Evolution and Modernization of Leading-edge Infrastructure Necessary to Enhance Small Cell Deployment Act, or STREAMLINE Small Cell Deployment Act for short, would essentially codify the FCC's recent ruling which is currently embattled in the 10th Circuit Court.

The bill goes one step further than the FCC ruling by enacting a "deemed granted" provision which would allow service providers to place small cells on public property without approval if local governments are unable to process applications within the 60 or 90 day windows.

Simultaneously, Senator Diane Feinstein (D-Calif.) and Congresswoman Anna Eshoo (D-CA18) have introduced companion legislation ([S.2012](#) and [H.R. 530](#) respectively) aimed at reversing the FCC's recent ruling.



## TALKING POINTS

- As stewards of substantial amounts of public rights-of-way, counties play an important role in the deployment of the 5G mobile network. The FCC's order significantly impedes county governments' ability to serve as trustees of public property, safety and well-being.
- Counties are strongly committed to the timely and successful deployment of 5G broadband and support federal policies that maintain local authority over public rights-of-way

**⚠ TAKE ACTION:** Urge your members of Congress to support and cosponsor the **Accelerating Broadband Development by Empowering Local Communities Act of 2019 (H.R. 530)** and the **Restoring Local Control Over Public Infrastructure Act of 2019 (S. 2012)** that would effectively rescind the FCC's 5G order.

## RELEVANT COMMITTEES WITH JURISDICTION (FIND YOUR MEMBER)

- [U.S. House Committee on Energy and Commerce](#)
- [U.S. Senate Commerce, Science and Transportation Committee](#)

# RESTORE ADVANCE REFUNDING BONDS TO SUPPORT INFRASTRUCTURE DEVELOPMENT

## BACKGROUND

Tax-exempt bonds are a well-established financing tool written into the first tax code in 1913. They are predominantly issued by state and local governments for governmental infrastructure and capital needs purposes, such as the construction or improvement of schools, streets, highways, hospitals, bridges, water and sewer systems, ports, airports and other public works.

Prior to 2017, advance refunding bonds were also tax-exempt. However, on December 23, 2017, President Trump signed the Tax Cuts and Jobs Act ([P.L. 115-97](#)), the first major rewrite of the tax code since 1986. While the final bill retained tax-exempt status for municipal bonds, it eliminated the tax-exempt status of advance refunding bonds.

## COUNTY INTEREST

Advance refunding bonds, when tax exempt, allow counties to refinance municipal bonds once over the lifetime of the bond. By using advance refunding bonds, counties can lower borrowing costs and take advantage of more favorable interest rates. This saves county and taxpayer dollars on infrastructure development and frees up additional resources to be used for other important capital projects. Advance refunding bonds also allow localities to address problematic bond terms and conditions or to restructure debt service payments for budget flexibility.

Prior to their elimination, advance refunding bonds made up about a third of the municipal bond marketplace, with over \$475 billion in advance refunding bonds issued between 2012 and 2017. Over that time frame, municipalities saved more than \$14 billion of taxpayer money through this financing tool.

## STATUS

In May 2019, a bipartisan group of legislators introduced the Investing in Our Communities Act ([H.R. 2772](#)) to restore the tax-exempt status of advance refunding bonds, allowing state and local governments to better respond to market conditions and reduce taxpayer burden. As Congress continues to work towards a comprehensive infrastructure package, restoring this important financial management tool is critical to future capital investments.

## TALKING POINTS

- A fundamental feature of the first federal tax code from 1913, tax-exempt financing is used by state and local governments to raise capital to finance public capital improvements and other projects, including infrastructure facilities that are vitally important to sustained economic growth. Between 2008 and 2018, counties, localities, states and state/local authorities financed \$3.6 trillion in infrastructure investment through tax-exempt municipal bonds.
- Advance refunding bonds should also be tax-exempt and allow local governments to be good stewards of taxpayer dollars. Advance refunding bonds accounted for roughly one third of the municipal bond marketplace from 2012-2016.
- Advance refunding bonds save counties and taxpayers money. States and municipalities issued \$475 billion in advance refunding bonds from 2012 to 2017, saving more than \$14 billion.

**△ TAKE ACTION:** Urge your members of Congress to support H.R. 2772 to restore advance refunding bonds.

## RELEVANT COMMITTEES WITH JURISDICTION (FIND YOUR MEMBER)

- [U.S. House Committee on Ways and Means](#)
- [U.S. Senate Committee on Finance](#)

# SUPPORT REAUTHORIZATION OF THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

## BACKGROUND

The National Flood Insurance Program (NFIP) was created by Congress under the National Flood Insurance Act of 1968 (P.L. 90-448) to provide insurance coverage to property owners for damages and losses due to catastrophic flooding.

Today, NFIP is administered by the U.S. Department of Homeland Security (DHS) through the Federal Emergency Management Agency (FEMA). The program aims to reduce the impact of flooding on private and public structures by providing affordable insurance to property owners and encouraging communities to adopt and enforce floodplain management regulations.

NFIP was last reauthorized in 2012 when President Obama signed the Biggert-Waters Flood Insurance Reform Act of 2012 ([P.L. 112-141](#)). The purpose of the Biggert-Waters Act was to make the National Flood Insurance Program (NFIP), which faced a deficit of \$24 billion, solvent. However, the Biggert-Waters Act resulted in some unintended consequences for local governments, residents and businesses.

Following the Biggert-Waters Act – several counties both coastal and inland – have reported that their homeowners and businesses faced drastic increases in annual NFIP flood insurance premiums due to phase-outs of subsidized premium rates. Additionally, because of the Biggert-Waters Act, FEMA began to update Flood Insurance Rate Maps (FIRMs), which included new low-lying areas that also began to face drastic rate increases.

In 2014, with NACo's support, Congress passed the Homeowner Flood Insurance Affordability Act ([P.L. 113-89](#)), which included several key reforms to the Biggert-Waters Act that were favorable to counties, including grandfathering of premiums for properties built to code prior to the release of Flood Insurance Rate Maps (FIRMs), retroactive refunds to NFIP policyholders if they paid a higher premium under Biggert-Waters and the removal of a sales trigger that fully actualized premium rates at the point of sale for properties that were added to new flood zones.

The 2012 NFIP reauthorization ended on September 30, 2017, and since then the program has been funded by a series of short-term funding measures. The current extension expires September 30, 2019.



*NACo's Gulf State Counties and Parishes Caucus meeting in Gulf Shores, AL.*

## COUNTY INTEREST

Local governments play a key role in NFIP. While making land use and development decisions, counties must recognize and incorporate flood hazards during the decision-making process. For residents to be eligible to participate in NFIP, local governments must comply with NFIP policies when setting and enforcing building codes, approving building permits, regulating water quality and building and maintaining public infrastructure.

Additionally, counties are responsible for addressing public health and safety issues when disasters strike. When a hurricane hits or flooding occurs, county emergency managers are often first on the scene, coordinating emergency management efforts and working to mitigate damage before and after disasters. Along with providing a flood insurance, NFIP aids local governments as they prepare for natural disasters by allocating funds to develop emergency management and mitigation plans for future flooding events.

## STATUS

Currently the U.S. House of Representatives is considering [H.R. 3167](#), which has cleared the House Financial Services Committee on a bipartisan 59-0 vote. Along with reauthorizing the program for five-years, the legislation would make key reforms to enhance and modernize NFIP. Provisions within the bill supported by NACo include:

- Creating a five-year pilot program to provide means-tested assistance for low-income policy holders
- Providing \$500 million annually for updates to mapping technology to better predict future flood risk
- Allocating \$200 million annually for the flood mitigation assistance grant program
- Authorizing monthly premium payments to ensure low-income policy holders can afford flood insurance
- Providing continuous coverage for policy holders who wish to explore flood insurance in the private market

The committee also approved [H.R. 3111](#), which would make reforms to the NFIPs program management and address consumer protection concerns.

## TALKING POINTS

- Congress should enact a long-term reauthorization of the NFIP. When the federal government uses short-term funding extensions, counties are often unable to effectively plan and implement a workable budget. The NFIP is currently operating under a short-term extension that will expire November 30, 2018.
- Counties support policies that restore premium subsidies for low-income and high-risk residents, as well as funding for state and local governments to invest in infrastructure improvements that will help to mitigate potential property loss due to a catastrophic flood.

**⚠ TAKE ACTION: Urge your members of Congress to support legislation that will reauthorize NFIP and develop policies that will allow participation from the most vulnerable county residents. This includes improving premiums rate affordability for low income and high risk residents, and funding for state and local governments to invest in mitigation measures that will help to protect lives and property.**

## RELEVANT COMMITTEES WITH JURISDICTION (FIND YOUR MEMBER)

- [U.S. House Committee on Financial Services](#)
- [U.S. Senate Committee on Housing, Banking and Urban Affairs](#)



# REGULATORY ACTIONS

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## **PRESERVE COUNTY INTERESTS IN WATERS OF THE U.S. (WOTUS) REGULATIONS**

### **BACKGROUND**

Waters of the U.S. (WOTUS) is a term used in the Clean Water Act (CWA) to determine what waters and their conveyances fall under federal versus state permitting authority. In 2014, under the Obama Administration, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) undertook an effort to rewrite and expand the WOTUS definition, which had not been altered since 1986. The Obama Administration finalized a controversial new definition in 2015.

NACo expressed concerns about how the broader 2015 rule would impact construction and maintenance on county-owned and maintained roads and roadside ditches, bridges, flood control channels, drainage conveyances and wastewater and stormwater systems. Ultimately, the rule was challenged in the courts. As a result, the 2015 rule is valid in 22 states and the 1986 regulations are the rule of law in 28 states.

In February 2019, the EPA and the Army Corps officially released a new proposed WOTUS definition, which is expected to be finalized in December 2019.



*County leaders tour the Grand Coulee Dam at the 2019 Western Interstate Region Conference.*

## COUNTY INTEREST

As owners, users and regulators of water resources and infrastructure, counties are directly impacted by the definition of WOTUS. Counties expressed concerns with the 2015 rule, highlighting the impact a broader interpretation of WOTUS could have on county-owned infrastructure. Counties own and maintain roads and roadside ditches, bridges, flood control channels, drainage conveyances and wastewater and storm water systems, and act as both regulators and regulated entities under the CWA. A more expansive WOTUS definition could prove too costly and burdensome for counties to comply.

## STATUS

On February 14, 2019, EPA and the Army Corps proposed a new definition for WOTUS. The public comment period closed on April 15. NACo submitted two sets of comment letters. The [first letter](#), with the National League of Cities and the U.S. Conference of Mayors, highlighted the opportunities and challenges that counties, cities and mayors potentially face. The [second letter](#) was exclusively focused on counties and went into greater detail on how the rule could potentially impact county-owned infrastructure. In its comments, NACo stressed the following:

In addition, NACo offered the following recommendations to the agencies:

- Draw a clear distinction between natural streams and manmade ditches intended for public safety;
- Clarify the status of the current ditch maintenance exemption in the pending WOTUS rule;
- Further define the term “intermittent,” including how the agencies would interact with state and local governments to develop regional definitions
- Clarify exemptions for stormwater features and wastewater recycling structures constructed in uplands and
- Develop a nationwide WOTUS map.

## TALKING POINTS

- As co-regulators under provisions of the Clean Water Act (CWA), counties are not just another stakeholder in this discussion. Counties own and maintain roadside ditches and other water infrastructure, and act as both regulators and regulated entities under the CWA.
- Congress, the EPA and the Army Corps should work with state and local governments as they finalize the new proposed WOTUS rule.

## RELEVANT COMMITTEES WITH JURISDICTION (FIND YOUR MEMBER)

- [U.S. House Committee on Transportation and Infrastructure](#)
- [U.S. Senate Committee on Environment and Public Works](#)

# NACo's ADDITIONAL RESOURCES

## INTERGOVERNMENTAL AFFAIRS

- [Click here to view NACo's written testimony for the U.S. House Committee on Oversight and Reform Subcommittee on Government Operations' July 23 hearing on federalism](#)

## HEALTH AND HUMAN SERVICES

- [Click here to view NACo's Report on Medicaid Coverage and County Jails](#)
- [Click here to view NACo's and the National Sheriffs Association \(NSA\) Inmate Health Care and Recidivism one-pager](#)
- [Click here to view NACo's report on Medicaid and Counties](#)
- [Click here to view NACo's Policy Brief on protecting the federal-state- local partnership for Medicaid](#)
- [Click here to view NACo's TANF 101: Counties and the Temporary Assistance for Needy Families Program](#)
- [Click here to view NACo's Policy Brief on TANF](#)

## PUBLIC LANDS

- [Click here to view NACo's PILT Advocacy Toolkit](#)
- [Click here to view NACo's Policy Brief on PILT](#)
- [Click here to view NACo's Presentation on PILT](#)
- [Click here to view NACo's Policy Brief on SRS](#)

## RESILIENCY, TRANSPORTATION & INFRASTRUCTURE PACKAGE

- [Click here to view NACo's Policy Brief on a comprehensive infrastructure package](#)
- [Click here to view NACo's Policy Brief on surface transportation reauthorization](#)
- [Click here to view NACo's Policy Brief on advance refunding bonds](#)
- [Click here to view NACo's Infrastructure one-pager](#)
- [Click here to view NACo's National Bridge Inventory one-pager](#)
- [Click here to view NACo's Presentation: Next Generation Local Zoning Authority: 5G Wireless Broadband 101](#)
- [Click here to view NACo's Policy Brief on the Accelerating Broadband Development By Empowering Local Communities Act of 2019](#)
- [Click here to view NACo's TestIT App flyer](#)
- [Click here to view NACo's Policy Brief on NFIP](#)

## REGULATORY ACTIONS

- [Click here to view NACo's Policy Brief on WOTUS](#)
- [Click here to view NACo's Policy Brief on pending EPA regulations](#)

# MEDIA TOOLKIT

While members of Congress are in their states and districts during the summer and fall district work periods, county officials have a great opportunity to draw attention to key federal policy issues that impact your county. In addition to inviting your members of Congress for an in-person tour or meeting, your local media outlets are another key advocacy tool. They provide a useful way to keep your residents informed about what you are doing on their behalf.

There are many ways to work with your local media, including issuing a press release to inform your community about a congressional visit to your county projects and facilities. Submitting an op-ed or a guest commentary to local papers is also an excellent way to express your views in a highly visible way. To assist you, NACo has developed a [Media Relations Guide for Counties](#) that provides tools and tips on how to best work with local media outlets.



## NEWS RELEASE EXAMPLE



### NEWS RELEASE

FOR IMMEDIATE RELEASE: Dec. 2, 2015  
CONTACT: Brian Namey, [bnamey@naco.org](mailto:bnamey@naco.org), 724.989.3470

#### Clark hosts national Safe and Secure Counties Symposium

*Event aims to help counties nationwide strengthen safety for residents*

Colorado Springs, Colo. – National Association of Counties (NACo) President Sallie Clark this week in El Paso County, Colo. hosted a [national symposium](#) focusing on the county role in strengthening safety and security in communities across the country. Approximately 200 officials from counties nationwide attended the event Dec. 2-4 as part of Pres. Clark's NACo initiative, [Safe and Secure Counties](#).

"In communities nationwide, there are countless examples of how counties deliver programs that keep our residents safe, mitigate damage and prepare for future disasters," said Clark. "We are working with public and private partners to strengthen safety and improve the quality of life for millions of people across the country."

Highlights of the symposium included three mobile workshops demonstrating best practices in water treatment, military partnerships and county justice systems. The workshops provided vivid examples of local leadership in ensuring safe and secure counties.

County leaders also participated in educational sessions and presentations featuring:

- Kathleen Koch, founder and director of LeadersLink and an award-winning journalist who covered for CNN the White House, Pentagon and Capitol Hill as well as several disasters including 9/11 and Hurricane Katrina
- Roy E. Wright, deputy associate administrator for insurance and mitigation at FEMA
- Matthew Travis, senior facilitator and program manager at FEMA's National Exercise Division, and
- Dr. Randall Hyer, assistant director of the Center for Risk Communication.

The symposium's educational sessions focused on emergency management, natural disaster response and preparedness, cybersecurity and criminal justice reform, mental health and public safety, risk management and crisis communications.

Clark added, "Counties play an essential role in keeping America's communities safe and secure. We provide vital services that touch every aspect of daily life – the safety net, maintaining roads and bridges, protecting public safety, supporting public health and human services, building resilient local economies and much more."

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