Adopted Interim Policy Resolutions

National Association of Counties (NACo)

2022 Legislative Conference
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AGRICULTURE AND RURAL AFFAIRS

Interim Resolution to Define WOTUS Regulations with Agricultural Considerations

**Issue:** Redefining the “Waters of the United States” (WOTUS) is the Biden Administration’s goal of outlining the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers’ authority in regulating water. The proposed definition aims to put back into place the pre-2015 definition of WOTUS.

Under the Clean Water Section 101(b), the U.S. Congress explicitly sets policy to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution of land and water resources. Counties interpret this to mean that all surface, underground, flood, and atmospheric waters within the boundaries of a state are the property of the state for the use of its people.

**Adopted Policy:** The National Association of Counties (NACo) urges the administration and the U.S. Congress to fully adopt the initial intent of the Clean Water Act recognizing state and local authority working together with federal regulatory agencies to protect rural, disadvantaged frontier communities, from regulations gravely affecting the nation’s agricultural supply chain.

Counties support the following for the definition of WOTUS under Clean Water Act regulations:

- Counties oppose broadening the definition of WOTUS to expand federal jurisdiction. Maintain a definition consistent with traditionally navigable waters, territorial seas, their regularly flowing tributaries, and abutting wetlands.
- Maintain the exclusion related to agriculture and provide clear exclusions for agricultural-specific features, including prior converted croplands and stock ponds. Clarity and consistency are imperative for all segments of the agricultural supply chain.
- Ephemeral features with water flowing less than 120 days; intermittent streams; isolated water features; agricultural stock ponds; ditches and culverts; previously converted cropland; and groundwater are intrastate resources and should be excluded from federal jurisdiction.
- Ensure clear, concise language that is easy for counties to interpret without the need to hire experts or legal counsel and so that a reasonable person would be able to identify that a body of water is either regulated by the federal government or by their state government.

Approved | February 14, 2022

Interim Resolution to Define Conservation under the America the Beautiful Initiative

**Issue:** The “America the Beautiful” initiative is the Biden Administration’s goal of conserving 30 percent of our nation’s lands and waters by 2030, also known as 30x30. The initiative lacks a clear definition of conservation and setting a land use policy is uniquely a county authority. Agricultural lands in production should not be at risk of having restrictive land use designations placed on them to achieve a 30% conservation goal.

**Adopted Policy:** The National Association of Counties (NACo) urges the administration and the U.S. Congress to fully adopt the principles of conservation under the U.S. Senate and Congressional Western
Caucuses’ Western Conservation Principles issued in September 2021 when considering the definition of conservation under the “America the Beautiful” Initiative.

Approved | February 14, 2022

Interim Resolution on H-2A Administrative Rules Reform

Issue: The U.S. Department of Labor should consider reforms to existing H-2A administrative rules by addressing the following items: 1) Streamlining housing, transportation, and worker certification approvals; 2) Re-evaluating housing program components to include a discussion of vouchers, wage offsets, and a pre-employment housing needs survey; 3) Clarifying the term *seasonality* and providing flexibility for farm worker movement to respond to production needs; 4) Creating a simplified application processing system with a central portal housed under the U.S. Department of Agriculture; and 5) Modernizing farm worker recruitment methods to ensure timely certification and arrival of farm workers.

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Department of Labor (DOL) to reform existing H-2A administrative rules to modernize and simplify the H-2A application and certification processes and expand farm worker flexibility to ensure that a reliable and capable workforce is available for the nation’s farmers and ranchers.

Approved | February 14, 2022

Interim Resolution to Financially Support the Agriculture Industry

Issue: A lack of legislative and financial support can have detrimental effects on the agriculture industry in the United States.

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Congress to pass legislation in support of the livestock, ranching, and other farming industries commensurate with an acknowledgement that agriculture is one of the bedrocks of the United States economy.

Approved | February 14, 2022
COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT

Interim Resolution on Increasing African American Homeownership

Issue: Federal support to increase African American Homeownership rates in the United States.

Adopted Policy: The National Association of Counties (NACo) supports increased federal support to address the decreasing rates of African American Homeownership. To increase the rates of African American Homeownership requires intentional actions by the U.S. Department of Housing and Urban Development to increase access to resources that support and facilitate the home-buying process for African Americans.

Approved | February 14, 2022

Interim Resolution Encouraging the U.S. Congress to Enact the Creative Economy Revitalization Act

Issue: Creative workers have been some of the most severely impacted by the COVID-19 pandemic. At the height of the pandemic, two-thirds of all creative workers (2.7 million people) were completely unemployed, and even now the unemployment rate of the sector remains 3-4 times the national rate. Since the start of the pandemic, the U.S. has lost an estimated $15.2 billion in the arts and culture sector alone. Just as important as these livelihoods is the culture and well-being of communities they contribute to. The creative economy is essential to the U.S. economy. Our country exports art, music, and film to the entire globe. In addition to being an economic driver of 4.3 percent of the country’s GDP, arts and culture have a significant economic, social, and individual impact. The presence of arts and culture drives additional spending on local businesses, restaurants, and hotels, increases property values and improves education outcomes for students, boosts community pride and social cohesion, and inspires political and social activation.

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Congress to enact the Creative Economy Revitalization Act (CERA) to require the U.S. Department of Labor (DOL), in consultation with the National Endowment of the Arts (NEA), to award competitive grants to government and nonprofit agencies, which will assist eligible entities to carry out arts and creative workforce programs that result in publicly accessible art and arts programming and employ individuals.

Approved | February 14, 2022

Interim Resolution in Support of Demonstration State Status

Issue: Maintaining Wagner-Peyser Demonstration State Status

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Department of Labor (DOL) to retain the current regulations within the Wagner-Peyser program status as a Demonstration State and allow local workforce areas to continue setting the standard for innovation and excellence in workforce delivery. NACo urges the U.S. Congress to support maintaining this status through standalone
Interim Resolution on FY 2023 Appropriations for the U.S. Department of Housing and Urban Development

**Issue:** Support Fiscal Year 2023 appropriations for the U.S. Department of Housing and Urban Development (HUD).

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Congress to support the following levels of funding for core U.S. Department of Housing and Urban Development (HUD) programs in the Fiscal Year (FY) 2023 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill: no less than $4.2 billion in Community Development Block Grant (CDBG) formula funding; no less than $1.9 billion in formula funding for the HOME Investment Partnerships Program (HOME); $3.5 billion for Homeless Housing Assistance grants, including at least 20% of funds directed to ESG as allowed by statute, plus an amount to fully fund expiring supportive housing and Shelter Plus Care rent subsidy contracts; expansion of the Section 8 voucher program in addition to full funding for existing Section 8 project-based and tenant-based contracts; $40 million for HUD-Veterans Affairs Supportive Housing (VASH) and $500 million in Section 108 Loan Guarantee authority.

**Approved | February 14, 2022**
FINANCE, PENSIONS AND INTERGOVERNMENTAL AFFAIRS

Interim Resolution in Support of the Passage of H.R. 5735

Issue: The American Rescue Plan Act (ARPA) has been very helpful to counties in allowing us to continue our response, resiliency, and recovery efforts from the COVID-19 pandemic. House Resolution 5735, which has been introduced, and its companion bill, S.3011, which passed out of the U.S. Senate, provides an additional opportunity to further augment recovery efforts, but has not yet been taken up for a vote in the U.S. House of Representatives.


Approved | February 14, 2022
HEALTH

Interim Resolution Supporting the Role of Direct Support Professionals

**Issue:** Direct support professionals (DSPs) play a critical role in the care provided to people with intellectual and developmental disabilities. There is an inaccurate representation of the number and turnover rates of DSPs due to miscategorization in the Standard Occupational Classification System.

**Adopted Policy:** The National Association of Counties (NACo) supports federal efforts to develop a discrete occupational category for direct support professionals (DSPs) to help states and the federal government better interpret the shortage of these professionals in the labor market and collect data on the high turnover rate of DSPs.

Approved | February 14, 2022

Interim Resolution on Improving Maternal Health Outcomes

**Issue:** Lack of health care access for postpartum women and children, and workforce shortages including lack of diversity are key contributors to poor maternal health outcomes. Policy changes are needed to improve maternal health outcomes through improved access to postpartum healthcare coverage under Medicaid and growing and diversifying the perinatal workforce.

**Adopted Policy:** The National Association of Counties (NACo) urges the federal government to enact policies that will assist counties in improving maternal health outcomes by (1) making investments in the perinatal workforce and (2) removing the 5-year sunset on the American Rescue Plan Act of 2021 provision that would give states the option to extend Medicaid postpartum coverage from 60 days to 12 months.

Approved | February 14, 2022

Interim Resolution Supporting 988 Implementation and Comprehensive Behavioral Health Crisis Care

**Issue:** Federal support is needed for implementing nationwide local crisis support systems for people experiencing a behavioral health crisis and calling the new 988 call centers.

**Adopted Policy:** The National Association of Counties (NACo) supports federal legislation to ensure that all people have access to comprehensive crisis care services to stabilize patients in crisis and direct them to the most appropriate treatment options. Such legislation should direct the U.S. Department of Health and Human Services (HHS) to ensure a standard set of behavioral health crisis services are universally available, including: 24/7 crisis hotlines and call center; mobile crisis services; behavioral health urgent care facilities; 23-hour crisis stabilization and observation beds; and short-term crisis residential options. Legislation should also provide coverage of behavioral health crisis services for all patients no matter the source of their health insurance. The U.S. Congress should authorize and appropriate adequate funding for the development of these services in counties, including technical assistance from HHS and a platform for communities to share successful ideas and services. The legislation should establish a panel of experts to
improve coordination among 911 dispatchers and 988 crisis hotline call centers, so that those in need are quickly connected to the appropriate service.

NACo further supports legislative and regulatory action that provides flexibility and direct funding to counties for the launch, infrastructure, and modernization of the new hotline through establishing a Behavioral Health Crisis Coordinating Office; supporting the 250+ existing regional and local National Suicide Prevention Lifeline call centers; permanently authorizing $2.23 billion in Mental Health Block Grant (MHBG) funding with a 10 percent crisis services set-aside; forming a new pilot program for mobile crisis response, peer teams, and in-home crisis stabilization; and providing resources for specialized services, including language services, for underserved populations.

NACo supports amending Medicaid by authorizing Medicaid financing for regional and local NSPL call center operations, and crisis programs; excluding psychiatric acute care crisis beds from the institutions for mental disease (IMD) payment prohibition; and expanding the existing 10 state Medicaid Certified Community Behavioral Health Centers (CCBHC) demonstration to permit any state to participate.

NACo supports legislation to support behavioral health crisis response on the ground with Health Resources Services Administration (HRSA) Capital Development Grants that include crisis receiving and stabilization programs, and call centers; behavioral health workforce training program expansions; and access to and oversight of mental health and substance use disorder crisis response services.

Approved | February 14, 2022

Interim Resolution Supporting Legislation and Administrative Waivers to Lift the Medicaid Inmate Exclusion Prior to Reentry

Issue: Support for federal legislation and Medicaid Section 1115 waivers to lift the statutory Medicaid inmate exclusion for services provided to persons in custody for a certain period prior to their reentry into their communities.

Adopted Policy: The National Association of Counties (NACo) supports legislation which would allow Medicaid payment for medical services furnished to an incarcerated or detained individual in local or state custody during a specified period preceding the individual's release. NACo also supports advancing such provisions via the earliest available legislative vehicle.

NACo also urges the U.S. Department of Health and Human Services’ (HHS) Centers for Medicare and Medicaid Services (CMS) to approve, with maximum flexibility, states’ requests for Section 1115 waivers to test delivering and paying for Medicaid services to an incarcerated or detained individual in local or state custody during a specified period preceding the individual's release.

Approved | February 14, 2022

Interim Resolution on Advancing the Implementation of National Standards and Accreditation Requirements for Coroners/Medical Examiners Workers
Issue: For countless decades, Coroner and Medical Examiner Offices have struggled with common challenges; funding, staffing, training opportunities, and lack of resources. Currently, medicolegal death investigations are highly varied and inconsistent. This mixed system hinders public safety with a lack of qualifications and any professional development requirements. The poor understanding of disease and underlying mechanisms of death ultimately results in inaccurate conclusions and skewed death statistics. These miscalculations affect the development and implementation of needed policies and practices, thereby directly affecting members of the community. Also, of great concern, is that without best practice guidelines, both criminal and civil litigation may suffer egregiously negative consequences.

Adopted Policy: The National Association of Counties (NACo) supports federal legislative and regulatory changes that do the following: 1) Advances research and provides technical assistance for data collection and analysis that chart a pathway for enhancing statewide training and standards for coroners and medical examiners; 2) Assists in the obtainment of coroner and medical examiner accreditation(s) through the International Association of Coroners and Medical Examiners (IACME) and/or the National Association of Medical Examiners (NAME) through direct federal resources to counties; and/or 3) Assists in the obtainment of certification of non-forensic pathologists, coroners, and medicolegal death investigators through the American Board of Medicolegal Death Investigators (ABMDI) through direct federal resources to counties to enhance the proficiency of medicolegal death investigations.

Approved | February 14, 2022
HUMAN SERVICES AND EDUCATION

Interim Resolution to Support Increased Federal Funding for Social and Emotional Learning

Issue: Decades of research have demonstrated the effectiveness of Social Emotional Learning (SEL) for supporting students’ academics, behaviors, mental health, and long-term success. COVID relief legislation has offered temporary federal resources for school districts to invest in SEL in order to help students recover from the impacts of the pandemic on their social and emotional wellbeing. However, because of limited resources, few school districts are able to budget dedicated funds towards long-term SEL interventions.

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Congress and the administration to provide funding, guidance and technical assistance to school districts and early childhood educators, in collaboration with other community partners, to implement comprehensive SEL programming for infants, toddlers, children and youth.

Approved | February 14, 2022

Interim Resolution to Support Continued Administrative Flexibilities for Federal Human Services Programs

Issue: Administrative flexibilities for federal health, human services and nutrition benefit programs during the COVID-19 pandemic have streamlined and eased paperwork burdens for both families and county eligibility workers without jeopardizing program integrity.

Adopted Policy: The National Association of Counties (NACo) supports legislative and/or federal administrative actions to continue federal flexibilities in administering federal health human services and nutrition benefit programs after the COVID-19 Public Health Emergency ends.

Approved | February 14, 2022

Interim Resolution to Support County Health and Human Services Agencies to Prepare for and Respond to Disasters

Issue: Given the populations they serve, federal, state and local coordination and support of county health and human services (HHS) agencies is integral to disaster/emergency planning, preparation, response, and recovery.

Adopted Policy: The National Association of Counties (NACo) supports continued close coordination with emergency management agencies (EMA), increased federal funding, and more flexible eligibility for county health and human services costs incurred during emergencies under Public Assistance and other programs, so that EMAs may ensure that county health and human services agencies are supported financially and integrally involved in emergency response planning, training for staff and volunteers, supporting disaster response, mass care and shelter services, continuing the provision of human service benefits, and supporting recovery efforts. Such funding would improve disaster response for older
individuals and persons with disabilities, persons living in poverty, as well as those experiencing pre- and/or post-disaster homelessness.

Approved | February 14, 2022

Interim Resolution Incentivizing Careers in County Government by Enhancing the Public Service Loan Forgiveness Program

Issue: Student loan debt is hindering the ability of millions of Americans to achieve financial security, with student loan debt now growing at a faster rate than the nation’s GDP. The Public Service Loan Forgiveness (PSLF) program is a potential remedy to this problem by providing student debt relief for public sector employees, including those in county government. However, current structural flaws prevent the PSLF from working as fully intended.

Adopted Policy: The National Association of Counties (NACo) urges the federal government to enhance the PSLF program in order to help attract college graduates to government service and to more effectively reduce the burden associated with student loan debt. Due to its 10-year required commitment, many college graduates might not view the program as a true incentive to begin their careers in government. NACo supports legislation to retain aspects of PSLF, including full debt forgiveness after 10 years, while phasing in more significant relief over a shorter time frame to better incentivize college graduates to choose public service careers. The PSLF program should freeze student loan repayment over three years of continuous service for a qualified employer, after which time, the loan balance would be forgiven up to $35,000, which is approximately 90 percent of the current average debt among all borrowers. After three years, employees would have an incentive to stay in their government or non-profit jobs with their loans refinanced at a 0 percent interest rate for the next seven years, at which point the balance of the debt would be forgiven in full. The debt relief provisions of the PSLF program would apply to Direct PLUS Loans, whether the public service employee secured the loan on behalf of their child or whether the public service employee had the loan secured on their behalf.

Approved | February 14, 2022

Interim Resolution for Improved Intergovernmental Coordination to Connect Transitioning Service Members with CVSOs

Issue: Lack of information-sharing between intergovernmental partners inhibits outreach by County Veteran Service Officers (CVSOs) to new veterans, exacerbating risk of suicide and other challenges associated with the transition to civilian life.

Adopted Policy: The National Association of Counties (NACo) supports action by the U.S. Department of Defense (DOD) and the U.S. Department of Veterans Affairs (VA) to increase coordination and information at the federal level and with their state and local partners. DOD and VA should work collaboratively to identify and connect transitioning service members with the State Departments of Veterans Affairs (SDVAs) and CVSOs prior to their departure from active duty.

Efforts to improve information sharing must prioritize service members’ privacy and confidentiality while also creating a more streamlined process for new veterans to connect with their CVSOs or TVSOs (Tribal
Veterans Service Officers). Additionally, while service members may currently opt in to sharing their DD form 214 with SDVAs and State Departments of Labor, since the digitization of these records, service branches have not been proactively disseminating the information. Counties call on DOD to ensure all service branches are preemptively providing DD form 214 records to intergovernmental partners in a uniform fashion.

Approved | February 14, 2022

Interim Resolution on Stabilizing the Child Care Industry

Issue: The COVID-19 pandemic has sent the child care industry, which was already strained, into crisis. Lack of child care is damaging to the workforce as it prevents parents from going to work and prevents our children from vital development opportunities.

Adopted Policy: The National Association of Counties (NACo) urges the federal government to pass robust legislation to stabilize the child care industry and workforce. In this turbulent time, there must be a historic investment in child care capacity, assistance with workforce recruitment and adequate resources for providers to sustainably serve low-income families. NACo urges the U.S. Congress to pursue a comprehensive strategy to support and sustain an increased living wage for child care workers while also ensuring all families have access to affordable, high-quality early care and education for children under age five. Federal investments in expanded access to preschool should emphasize a mixed-delivery system and incentivize and support the provision of high-quality care and education for infants, toddlers and preschoolers.

Approved | February 14, 2022
PUBLIC LANDS

Interim Resolution Supporting Long-Term Federal Funding for Shared Stewardship to Collaboratively Manage Unwanted Wildfire

**Issue:** For decades across the United States, the practice of wildfire suppression has led to an excess of large unwanted wildfires. These large fires have deleterious effects on the entire ecosystem by jeopardizing communities, watersheds, and sensitive habitats.

**Adopted Policy:** The National Association of Counties (NACo) supports long-term federal funding of Shared Stewardship agreements and work because of the imminent need to address the issue of unwanted fires threatening critical watersheds and vulnerable communities.

Approved | February 14, 2022

Interim Resolution Supporting the Reconciliation in Place Names Act and Secretarial Orders 3404 and 3405

**Issue:** On federal public lands, there are geographic features and/or units of land named with derogatory terms that include racial and sexual slurs and stereotypes targeting Native Americans, African Americans, and others. The extent of inappropriate or offensive place names in the United States requires a systematic, public process in which offensive and inappropriate place names are reviewed and revised.

**Adopted Policy:** The National Association of Counties (NACo) supports the Reconciliation in Place Names Act, which would streamline the U.S. Board of Geographic Names (USBGN) process of flagging, reviewing, and revising offensive names. NACo also supports Secretarial Orders 3404 and 3405, issued by U.S. Department of the Interior Secretary Haaland in November 2021.

Approved | February 14, 2022

Interim Resolution Supporting Wildfire Mitigation Efforts on U.S. Forest Service Land Under the Infrastructure Investment and Jobs Act

**Issue:** On January 18, the U.S. Secretary of Agriculture and U.S. Forest Service Chief announced a new strategy, Confronting the Wildfire Crisis, to treat an additional 20 million acres of national forest lands and 30 million state, private, tribal, and other forest lands over the next ten years as part of the Infrastructure Investment and Jobs Act (IIJA). The IIJA provides nearly $3 billion to reduce hazardous fuels and restore America’s forests and grasslands, along with investments in fire-adapted communities and post fire reforestation. These funds are critical for wildfire mitigation efforts and need to be made available to impacted communities as soon as possible.

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Forest Service (USFS) to partner with counties to implement the Confronting the Wildfire Crisis ten-year strategy by ensuring funding is available for forest health projects most impacting community health and safety. Due to the high risk that exists for communities located in the wildland-urban interface (WUI), NACo asks that at least 10% of the funds allocated in the IIJA be used in direct coordination with counties that border or

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have USFS land in their jurisdiction.

The USFS should more effectively implement this strategy by speeding up timelines for restoration treatments to the following dates:

- High density/high risk communities by September 30, 2023
- Low density/high risk communities by September 30, 2024
- High density/low risk communities by September 30, 2025
- Low density/low risk communities by September 30, 2026

NACo further urges the U.S. Congress to fully appropriate the funding for wildfire mitigation goals outlined in the IIJA and the new strategy in FY 2022 and to make forest health funding directly available to national forest counties.

Approved | February 14, 2022
TELECOMMUNICATIONS AND TECHNOLOGY

Interim Resolution on High-Speed Internet Parity

Issue: Technologies that are capable of delivering high speed internet are excluded from various Federal grant opportunities.

Adopted Policy: The National Association of Counties (NACo) urges the adaption of grant language that allows for the utilization of any and all technologies that meet then-current guidelines for high-speed internet speeds. NACo further urges the U.S. Congress to authorize grant funding based on high-speed internet access and reliability rather than utilizing a restrictive one-technology-fits-all approach for providing that service. The general term “High Speed Internet” should replace the technology-specific “Broadband” in legislation promoting ubiquitous internet access.

Approved | February 14, 2022
TRANSPORTATION

Interim Resolution Urging the U.S. Department of Transportation to Robustly Engage Counties in Implementation of the Bipartisan Infrastructure Law

Issue: Counties play an extremely significant role in the national transportation and infrastructure network, owning more roads and bridges than any other level of government and directly supporting public transit and airports that keep Americans connected throughout the country and across the globe. To ensure successful implementation of the Infrastructure Investment and Jobs Act (IIJA/P.L. 117-58), county officials must be meaningfully engaged as intergovernmental partners throughout the implementation process.

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Department of Transportation (USDOT) to coordinate, consult and provide support to counties as the Infrastructure Investment and Jobs Act is implemented and new resources are deployed.

Approved | February 14, 2022

Interim Resolution Urging the U.S Congress to Fully Enact FY 2022 Appropriations

Issue: Counties are directly impacted by the recently-enacted bipartisan infrastructure law, the Infrastructure Investment and Jobs Act (IIJA/P.L. 117-58). Most vital for counties are the law's competitive resources, which have been significantly increased through new and existing grant programs; however, without the enactment of a full-year FY 2022 appropriations bill, federal agencies are unable to stand up many of the roughly 40 new programs created by the law that rely on federal appropriations.

Additionally, without appropriations legislation to establish obligation limits for federal-aid highway funding, state and local governments will be unable to access the 20 percent increase in this funding that is provided by the IIJA in FY 2022.

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Congress to enact a FY 2022 appropriations bill upon expiration of the current Continuing Resolution on March 11, 2022.

Approved | February 14, 2022