This Week

Wrapup of Legislation

County News

"The Wisdom to Know and the Courage to Defend the Public Interest"

NACo

Washington, D.C.

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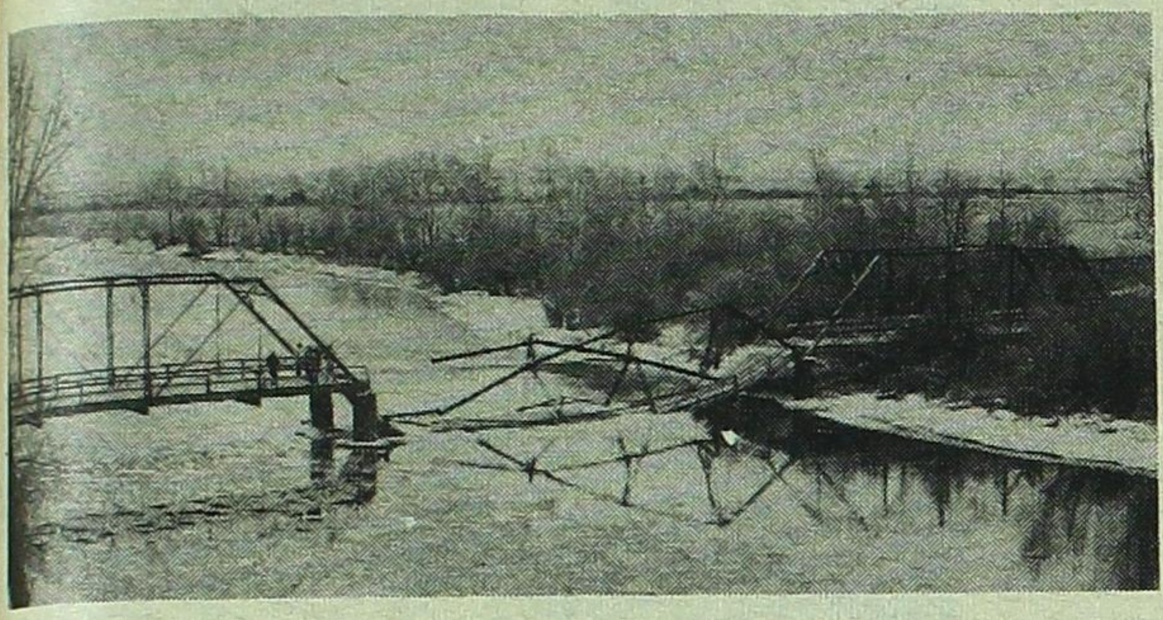
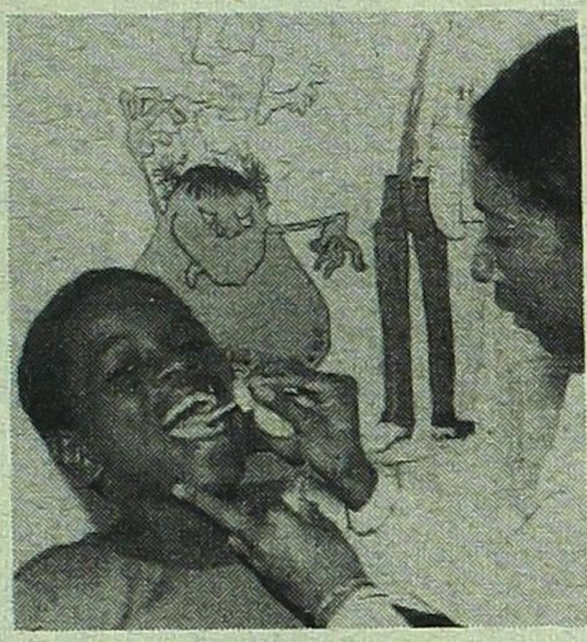
Oct. 23, 1978

95th Congress Winners

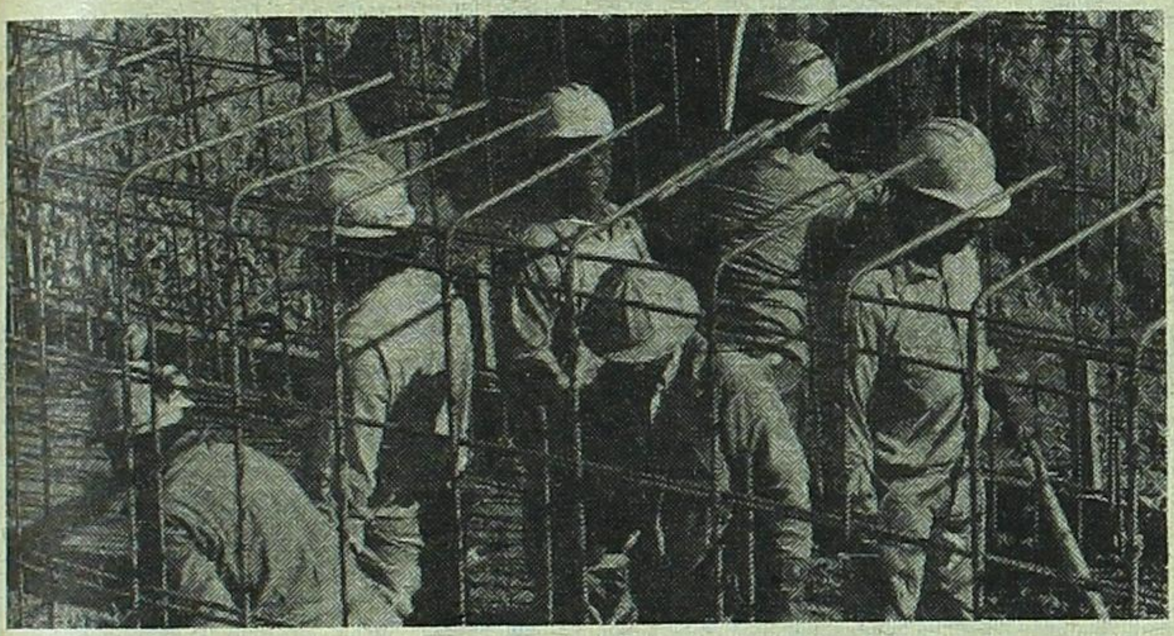


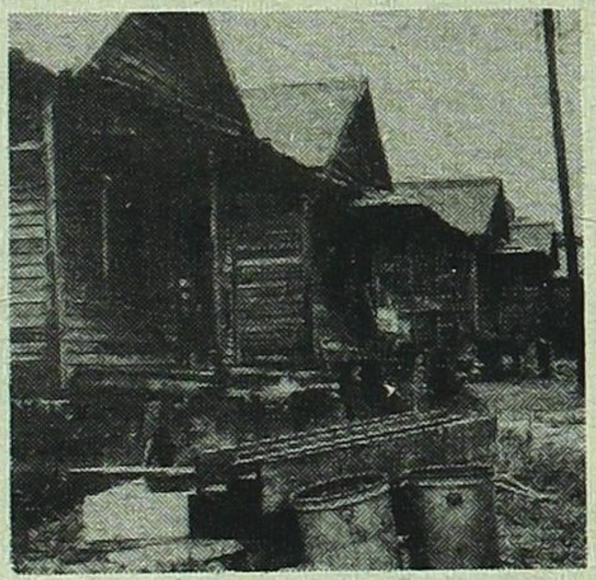
• Highway-Transit Bill with off-system bridge funds passed.



• Reauthorization of CETA passed.

• Health services passed.





• Rural development appropriations increased.

• Payments-in-lieu of taxes extended to wildlife refuges and inactive military lands.

• Title XX (social services) funds raised and Older Americans Act reauthorized.

Congress Presents Mixed Bag to Counties

Gains Made; Work Remains

With a mixture of determination, fatigue, and frustration the 95th Congress pushed on through the night to conclude its work in the early Sunday morning hours of Oct. 15.

In the final days, and even minutes, a mixture of bills—big ones as well as minor ones—were rammed through the legislative process. In the closing spasm, some were lost.

Victories for Counties

For counties, victories are found in the passage of the $51 billion transportation bill with its dollars set aside for local bridges; the continuation of the Comprehensive Employment and Training Act; the $200 million Title XX (social services) funding increase for one year; health services with a strong local role; airline deregulation with guarantees for continued service to small communities; rural development programs with record funding; amendments to the Community Development Act; new urban parks assistance, and reauthorization of the Older Americans Act.

Left behind to die were: welfare reform and welfare fiscal relief; hospital cost containment; health planning; countercyclical fiscal assistance; impact aid to "energy boomtowns"; public works in the traditional sense of the program, not the water project legislation which became known as public works, and legislation to curb aircraft noise.

First Session Gains

During its two years, the 95th Congress passed some other pieces of legislation NACo actively sought. They include reauthorization of the Community Development Act which was passed over a year age, as were the amendments to the clean air and water acts. Also within the past few weeks, the payments-in-lieu of taxes program was expanded to include wildlife refuges and inactive military land and legislation cleared providing aid for Indochinese refugees.

A final vote was never taken on the Lobbying Disclosure Act, to which NACo has successfully added amendments to exclude local government representatives; and postcard voter registration, which lacked sufficient guarantees against fraud and abuse, and which NACo opposed.

The Last Hours

The 34-hour closing session also saw the approval of the Humphrey-Hawkins full employment bill.

The centerpiece of the marathon session was the early Sunday debate over the National Energy Act, which finally made it through the House Sunday morning with discontent over the natural gas deregulation plan.

Execs Meet with Mondale

As the 95th Congress rushed to adjournment last week, the National Council of Elected County Executives, a NACo affiliate, conferred in Washington with Vice President Walter Mondale and Presidential Assistant Jack Watson. The county executives sought renewed Administration support for a number of critical pieces of legislation, both in this Congress and the next.

Led by NCECE President John Klein, Suffolk County, (N.Y.) executive, the group spent nearly two hours at the White House discussing such issues as welfare fiscal relief, countercyclical antirecession aid, farmland preservation, and the need for a formal mechanism to involve elected state, county and city officials in the activities of the Interagency Coordinating Council.

WELFARE REFORM

Westchester County(N.Y.) executive Alfred B. DelBello, who is also chairman of NACo's Urban Affairs Committee, stressed the need for federal fiscal relief to counties for skyrocketing welfare costs. He reaffirmed NACo's commitment to comprehensive welfare reform and expressed hope that the Administration would push for prompt congressional action in the 96th Congress.

"We would hope," he said, "that the Administration would support interim fiscal relief in advance of, or in the absence of, comprehensive welfare reform. Without it many counties will be out of business." (A bill to provide interim fiscal relief this year was killed on the Senate floor two weeks ago at the urging of the Administration).

The vice president renewed the Administration's desire to see comprehensive welfare reform and pledged that NACo would be fully involved in the development of the Administration's proposal for the next Congress.

COUNTERCYCLICAL AID

Mary Jornlin, New Castle County (Del.) executive, urged the direct Presidential intercession with the House leadership to secure favorable action on an extension of the $600 million countercyclical antirecession program. The bill was stalled in the House Rules Committee, after having been passed by the Senate. "Many counties and cities have included countercyclical funds in their budgets and would face service cutbacks and employee layoffs if these funds are not forthcoming," she said.

Watson reported that the President had conferred with the chairman and members of the House Rules Committee in an attempt to expedite action on the bill, one of the principal elements of the Administration's urban policy. Although subsequently cleared by the Rules Committee, the bill never was called up for debate during the closing hours of the Congress.

FARMLAND PRESERVATION

King County (Wash.) Executive and NACo Third Vice President John Spellman called upon the Vice President to move hastily to establish a commission to formulate possible solutions to the problem of losing prime agricultural land to development. He urged Administration support next year for legislation which would provide funds for demonstration farmland preservation programs.

INTERAGENCY COORDINATING COUNCIL

Klein discussed the need for formal involvement of elected state and local officials in the activities of the Federal Interagency Coordinating Council, another element of the Administration's national urban policy. The council is chaired by Jack Watson and composed of the various assistant secretaries administering key domestic programs. Its purpose is to facilitate coordinated multiagency funding of urban programs requested by individual units of state and local governments as well as to identify and resolve problems which state and local governments have with existing federal urban programs, i.e., duplicative requirements and excessive red tape.

Klein stressed the need for the perspective of elected officials to be included in the IACC deliberations when it considers problems and solutions affecting state and local governments as a whole. "One way to do this is to add representatives of state and local government to the IACC or create an advisory committee to it," he said. Watson agreed to take up the issue with the IACC at its next meeting.

Calling the meeting a useful exchange of ideas on a variety of critical issues, the vice president expressed a desire to meet again with the group.

URBAN COUNTY CONGRESS

In a separate action, NCECE agreed to recommend that the NACo Board of Directors approve an Urban County Congress next year to help educate the Congress, the Executive branch and the media on the problems and the emerging role of urban counties. If approved by the board at its December meeting, the Congress would be cosponsored by the County Executives Affiliate and the NACo Urban Affairs Committee.

Also attending the Mondale meeting were: Arthur Sypek, Mercer County (N.J.) executive; Charles Worthington, Atlantic County (N.J.) executive; Louis Heinbach, Orange County (N.J.) executive; David Bausch, Lehigh County (Pa.) executive; Donald McManus, Broome County (N.Y.) executive; William Bryant, Oneida County (N.Y.) executive; Dan Murphy, Oakland County (Mich.) executive; Jim Coyne, Albany County (N.Y.) executive; George Reinke, Dane County (Wis.) executive; Joseph Gerace, Chautauqua County (N.Y.) executive, and Morris Blostein, Chemung County (N.Y.) executive.

LOOKING AHEAD—During the final days of the 95 Congress, the National Council of Elected County Executi (NCECE) were invited to the White House to discu legislation important to counties both in the last Congress a the next. Seen with the vice president is Westchester Coun (N.Y.) executive Al Del Bello, who is chairman of NACo's U ban Affairs Committee.

MEETING AT WHITE HOUSE—NCECE President John Klein of Suffolk County, N.Y. makes a point during the county executives meeting with Vice President Walter Mondale and Presidential Assistant Jack Watson.

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Community Development

CD Programs Give Bigger Role to "Distressed" Urban Counties

Congress undertook a major rewrite of the Community Development Block Grant program in the first session of the 95th Congress, as the 1974 Housing and Community Development Act's three year authorization was set to expire.

At the urging of the Administration, Congress authorized a new dual formula system for the distribution of block grant funds to metropolitan cities and urban counties. The dual formula system permits jurisdictions to choose the higher of an amount determined under a formula including population, poverty, and overcrowded housing or one including poverty, lags in population growth and number of housing units built before 1940. The former formula tends to benefit communities in the south and west, while the latter favors older communities in the northeast and midwest.

The 1977 Housing and Community Development Amendments also established an urban development action grant (UDAG) program to encourage public and private interests to cooperate in neighborhood revitalization programs and to expand economic opportunities. As originally proposed by the Administration, the new program would have been limited exclusively to "distressed cities," those experiencing physical and economic decline. At the urging of NACo, however, Congress expanded eligibility for the program to distressed urban counties.

Congress also revamped the discretionary portion of the block grant program by enabling nonurban counties and nonmetropolitan cities to apply comprehensive, multi-year discretionary grants and earmarking funds for this purpose.

In promulgating regulations to implement the 1977 act, the Department of Housing and Urban Development (HUD) provoked a controversy by proposing to require that 75 percent of a community's block grant be spent on activities benefiting low and moderate income persons. This brought forth an immediate negative response from city and county officials and the chairman and ranking minority member of the House subcommittee on housing and community development. The stressed that a fixed percentage requirement was contradictory to the thrust of the program which permits local decision-making on how community development funds are spent.

Although HUD modified its proposal in final regulations published in March, Rep. Gary Brown (R-Mich.) used the annual housing reauthorization bill as a vehicle to overturn what he considered to be HUD's overstepping its authority. He succeeded in amending the House version of the legislation to require that HUD could not disapprove a community development application which gave greater weight to any one of three principal objectives of the community development program: benefiting low and moderate income persons, eliminating or preventing slums and blight and meeting other urgent community development needs. He also was successful in attaching an amendment to the House bill providing for a one House veto of all HUD regulations.

Controversy surrounding these House provisions stalemated a House-Senate Conference Committee for over two months. Agreement to modify them however, was reached after long hours of bargaining in the closing days of the 95th Congress, but the question of interpreting the principal objective of the community development program remains.

The 1978 housing authorization bill also directs HUD to undertake a study between now and March 31, 1979 and make recommendations as to how distressed areas (pockets of poverty) within otherwise non-distressed cities and urban counties could qualify for the UDAG program.

COMMUNITY DEVELOPMENT REAUTHORIZATION—President Carter signs the Housing and Community Development Act of 1977, extending the Community Development Block Grant program for three years and the assisted housing program for one year. County officials present Oct. 12, 1977 included Francis Francois, councilman, Prince George's County, Md., NACo second vice president, and Jim Scott, supervisor, Fairfax County, Va., chairman of NACo's Community Development Steering Committee.

Public Works is Left Hanging

County, city and state governments which had grown accustomed over the last two years to federal grants for the construction of public facilities were disappointed at the failure of Congress to approve a new round of funding this year.

At the height of the recession in 1976, Congress enacted the Local Public Works program to provide funds to meet the twin problems of high unemployment in the construction industry and the need for construction of public facilities. The Congress authorized $2 billion for public works grants over the veto of then-President Ford, with county governments receiving 12 percent of the funds nationwide.

One of the first proposals of the Carter administration was to request that Congress reauthorize the program and provide an additional $4 billion in funds. This Congress did, in what became known as Round II. County government's share increased to 13 percent nationwide.

Although economic conditions began to improve nationally this year, the Administration contended that locally many communities continued to face severe unemployment and the need to rehabilitate existing public facilities. Therefore, as part of the urban policy, the Administration proposed a three-year, $3 billion program of labor intensive public works grants to rehabilitate existing public facilities.

This proposal was seen by some members of the House as too low to meet the public works needs of local governments. The chairman of the House economic development subcommittee, Rep. Robert Roe (D-N.J.), proposed, and his subcommittee approved, a two-year, $6 billion combination of labor intensive grants as well as a Round III of the local public works program.

This measure, as well as the Administration's proposal before the Senate subcommittee on community and regional development, were left hanging when conferees on the Second Congressional Budget Resolution failed to agree on whether the resolution contained any funding for public works.

The Senate conferees, led by Budget Committee Chairman Sen. Edmund Muskie (D-Maine), called public works spending inflationary and did not provide funding in the resolution. House conferees, on the other hand, believed that the budget category from which public works funding would come contained $700 million. Unable to agree, the authorizing committees decided not to act.

Whether Congress considers public works legislation during the next session will depend on national economic conditions.

95th Congress Wrapup

Housing and Community Development Act of 1977 (H.R. 6655): Reauthorize the Community Development Block Grant program for three years and extend authorization for assisted housing programs for one year. Passed House May 11, 1977; passed Senate June 7, 1977; signed Oct. 12, 1977 (P.L. 95-128).

Fiscal '78 HUD Appropriations (H.R. 7554): Provide fiscal '78 appropriations for the Community Development Block Grant and assisted housing program. Passed House June 15, 1977; passed Senate June 24, 1977; signed Oct. 4, 1977 (P.L. 95-119).

Reauthorization of the Public Works Employment Act of 1976 (H.R. 11): Reauthorize for one year the local public works construction grant program and provide an additional $4 billion in funding. Passed House Feb. 24, 1977; passed Senate March 10, 1977; signed May 13, 1977 (P.L. 95-28).

Housing and Community Development Amendments of 1978 (S. 3084): Reauthorize for one year the assisted housing program; contains major programmatic amendments for the Community Development Block Grant program. Passed Senate July 20, 1978; passed House July 21, 1978; Senate and House approved Conference Report Oct. 15, 1978.

Fiscal '79 HUD Appropriations (H.R. 12936): Provide fiscal '79 appropriations for the Community Development Block Grant and assisted housing programs. Passed House June 19, 1978; passed Senate Aug. 7, 1978; signed Sept. 30, 1978 (P.L. 95-392).

Reauthorization of the Public Works Employment Act of 1976 (H.R. 11610): Provide $6 billion over two years for public works construction grants. Approved by House subcommittee on economic development Aug. 15, 1978. No further action taken as a result of question over whether Congressional Budget Resolution included public works funding.

Labor Intensive Public Works Act of 1978 (S. 3186): Provide $3 billion over three years for labor intensive public works grants to rehabilitate existing public facilities. Failed to be acted upon in Senate by subcommittee and full committee due to question of whether Congressional Budget Resolution contained funding for public works. Substance of this bill included in H.R. 11610.

95th Congress Wrapup

Sugar Stabilization Act (H.R. 13750): Provide for a consumer price guarantee of 15.7 cents per pound for sugar cane, sugar beets and corn sweeteners. Passed House Oct. 6, 1978; passed Senate Oct. 13, 1978; Conference Report killed by the House, Oct. 15, 1978.

Community Development

Sugar Stabilization Act Killed at Last Minute

On the last day of the 95th Congress, the House voted to kill the conference report on the Sugar Stabilization Act of 1978.

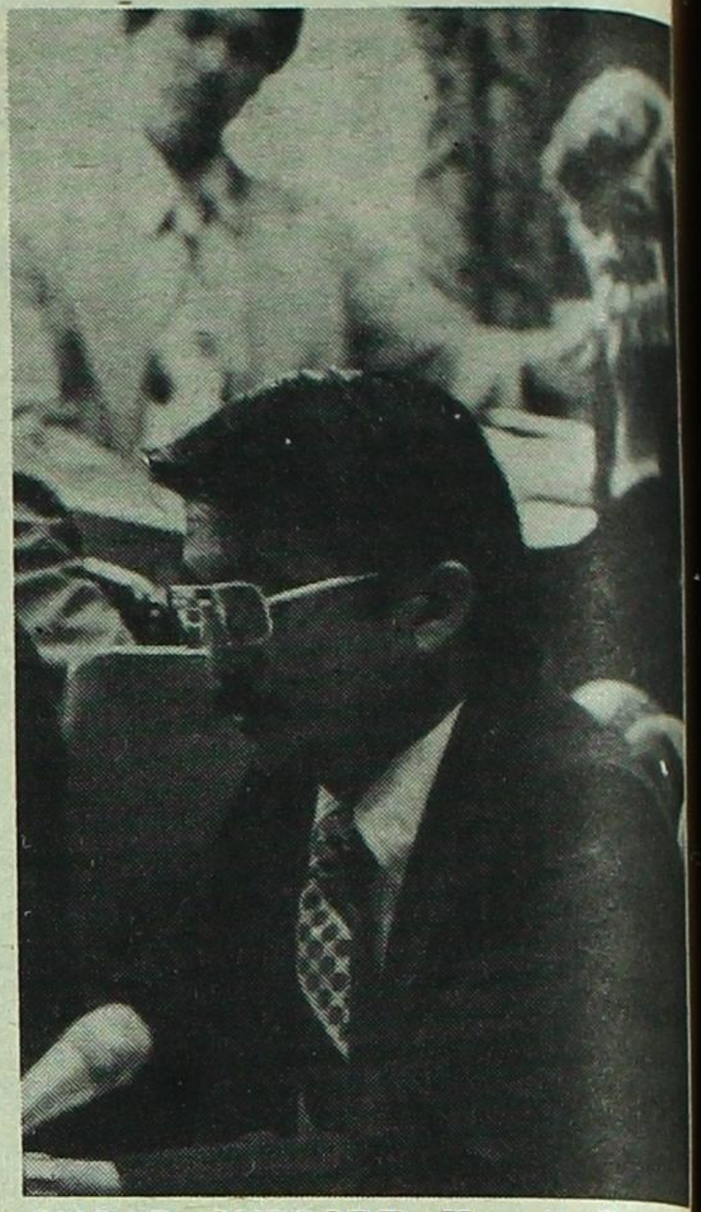
Last minute agreements apparently had been worked out in conference for a bill which would be acceptable to the White House. The agreement would have provided a consumer price guarantee of 15.7 cents per pound. This was evidently unacceptable to sugar beet producers because it was tied to a labor wage increase and House support for the legislation collapsed.

Earlier this month the House passed a 15 cents per pound bill and the Senate had passed a 16 cents per pound bill. In conference, the bill was linked to an international trade agreement provision sought by the White House. The House action also killed this provision.

Tomio Fujii, councilman, County of Hawaii and president of the Hawaii State Association of Counties, said the death of the sugar bill will be a "terrible blow to the small sugar cane growers in Hawaii." He also noted that "there will be severe unemployment in this important industry until the domestic sugar industry is protected."

According to industry sources, nearly 14,000 farm families in 18 states grow sugar beets and more than 5,300 farmers have an interest in the planting and harvesting of sugar cane in Florida, Louisiana, Texas and Hawaii.

NACo actively pushed for enactment of the Sugar Stabilization Act to provide a program both fair to sugar producers and consumers. John Carlson, president of the NACo Western Interstate Region indicated that the sugar issue will be an important consideration at the Western Interstate Region Conference in Hawaii next February. "Officials from counties with sugar production economies are urged to attend this important conference," Carlson said. For conference information write NACo Western Region Conference, 1735 New York Ave. N.W., Washington, D.C. 20006.



SUGAR SUPPORT—Hawaii County Councilman Takashi Domingo testified in June before the House Agriculture Committee.

95th Congress Wrapup

Justice System Improvement Act of 1978 (S. 3270; H.R. 13397): Restructure and extend authorization of the Law Enforcement Assistance Administration (LEAA) for four additional years. Introduced in the Senate and House July 10, 1978. Senate hearings held in August. Authorization does not expire on current LEAA program until Sept. 30, 1979. The next Congress will consider legislation.

Fire Prevention and Control Act of 1974 (S. 1794; H.R. 11291): Reauthorize the National Fire Prevention and Control Administration (NFPCA) for one year, changing the administration's name to U.S. Fire Administration; authorizes purchase of new site for National Fire Academy; appropriates money for research in arson problems. Total appropriation is $17.39 million. Passed by House and Senate; awaiting presidential signature.

Domestic Violence Assistance Act of 1978 (S. 2759; H.R. 12299): Establish a federal office on domestic violence within the Department of Health, Education and Welfare and create a federal council on domestic violence that would provide grants for programs at the local level to help victims of domestic violence. Passed Senate in August; attempt to have House consider under suspension of the rules failed. Sponsors expect to reintroduce the bill in the next session.

Jail Construction /Renovation (S. 1245; S. 3348; H.R. 8714; H.R. 10402; H.R. 10489): Provide assistance to states and local governments for construction/renovation of their correctional facilities. No floor action taken during this session.

Victims of Crime Act of 1977 (H.R. 7010); Victims of Crime Act of 1978 (S. 551): Establish an advisory committee to the Attorney General for administration of the program and the compensation of victims of crime. Annual grants (25 percent federal match) would be made to states who qualify for the program. Senate passed the conference report by voice vote but the House defeated the report. Expected to be reintroduced in the next session.

Criminal Justice and Public Safety

A New Look for LEAA?

The Administration and congressional leaders have reached a compromise agreement on restructuring the controversial Law Enforcement Assistance Administration (LEAA) program. Sen. Edward Kennedy (D-Mass.) and Rep. Peter Rodino (D-N.J.) have introduced major bills that coincide with the Administration's reorganization plan for LEAA. According to Administration spokesmen, the new program will:

- Cut red tape and paperwork by eliminating many comprehensive planning requirements;
- Recognize local priorities by providing a formula distribution, or entitlement, of funds to major counties (over 250,000 in population) and large cities (over 100,000 in population);
- Eliminate waste in the use of federal funds by limiting expenditures for equipment and administrative costs, and by eliminating expenditures for construction and salary increases;
- Increase citizen participation in the formulation of local priorities for expenditures of funds.

NACo testified in the Senate Aug. 16 and generally supported the above objectives of the legislation. NACo questioned, however, some of the procedures for achieving them. For example, NACo requested that more autonomy for local governments, in the form of entitlements, should be extended to counties of 100,000 as well as cities of 100,000.

NACo will be working next year to ensure that county concerns are addressed in the restructuring of new law enforcement programs.

JUVENILE JUSTICE HEARINGS—James E. Girzone, commissioner, Rensselaer County (N.Y.) Department of Youth testifies before oversight committee investigating juvenile deliquency and the implementation of the Juvenile Justice and Delinquency Prevention Act of 1977.

Hearings Due on Jail Funds

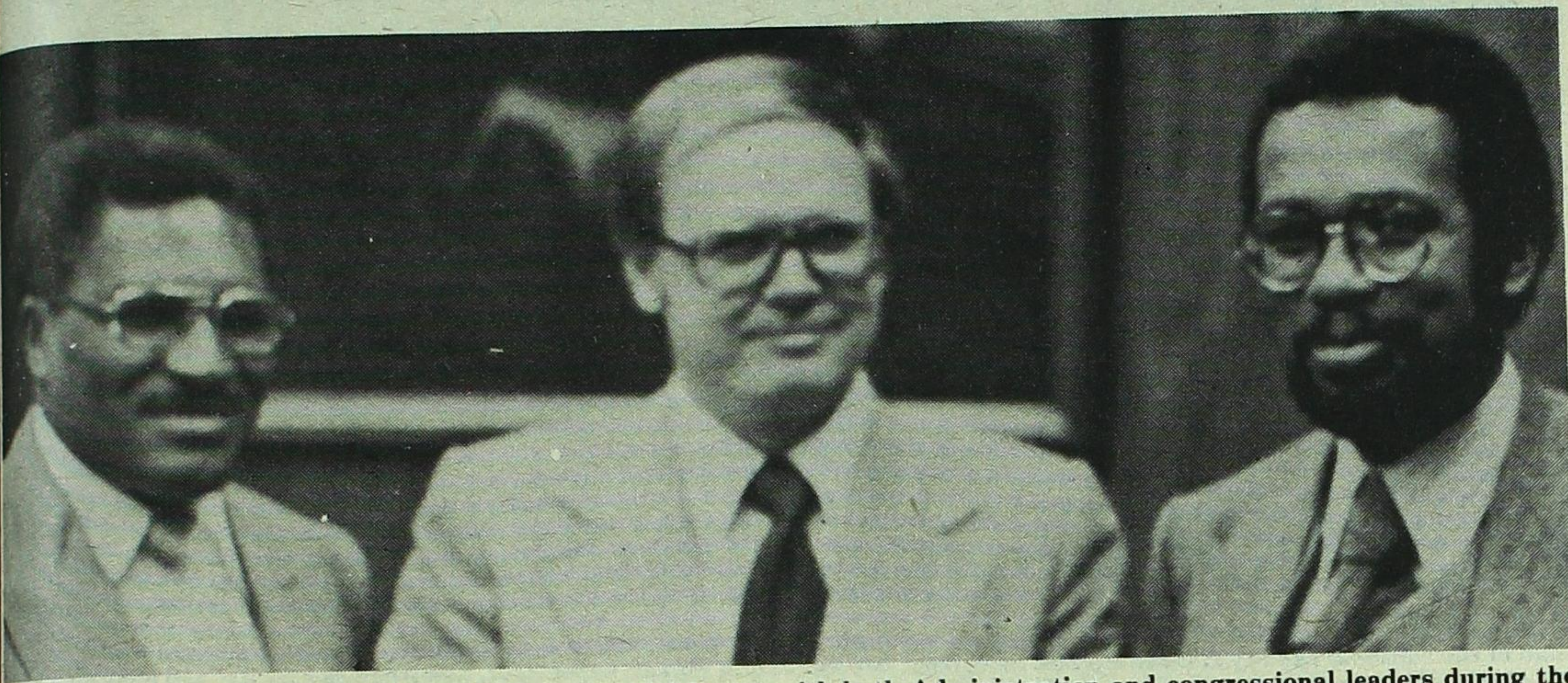
Although no action was taken on any of the bills filed to assist state, county and other local governments in upgrading their jail facilities, hearings have been scheduled for later this month or early November before the Senate Judiciary subcommittee on penitentiaries and corrections.

Congressional observers expect that the issue will surface next year as part of the overall LEAA reauthorization level. Attorney General Griffin Bell, in testimony before the Senate Judiciary Committee on LEAA authorization in August, affirmed his support for such a program.

NACo, at its annual conference, adopted a resolution calling for a program of federal assistance to local governments on a 50-50 matching basis. Along with other groups, NACo will support legislation next year for construction/renovation funds.

Employment

CETA Reauthorized



TALKING WITH ADMINISTRATION—County officials met with both Administration and congressional leaders during the 95th Congress to discuss CETA reauthorizaton legislation and funding levels. Here Herman Ivory, Muskegon County (Mich.) commissioner and vice chairman of NACo's Employment Steering Committee talks with Ray Marshall, Secretary of Labor, center, and Ernest Green, assistant secretary of labor for employment and training.

The shape of the nation's massive jobs and training program—CETA—was decided in the closing days of the 95th Congress. Both the House and Senate passed their versions of the four-year reauthorization bill Oct. 15.

Speculation over funding levels finally ended when the Senate passed the continuing resolution, H.J. Res. 1139, just prior to acting on CETA. The House passed its continuing resolution Sept. 26 but had to pass the revised Senate version.

In debate over the resolution, the Senate rejected, 44 to 22, an amendment by Sen. Lawton Chiles (D-Fla.) that would have further reduced the funding for public service jobs by 68,000 in Title VI.

Both H. J. Res. 1139 and the CETA conference report await signature by the President.

Under the new CETA program, about 100,000 public service jobs will be phased out. In order to reach this cut by Sept. 30, 1979, the public service jobs program will be funded at 660,000 jobs for fiscal '79 with an approximate split of 400,000 in Title VI and 260,000 in the new Title II of CETA.

The Department of Labor has approached the Office of Management and Budget (OMB) with this request. It is likely that funds will be made available via the new formula within the next two or three weeks. The terms of the continuing resolution prohibit initiating any new programs that have not been funded through fiscal '78. Thus, both the new private sector initiatives program, Title VII, and the welfare demonstration programs under Title III cannot be initiated unless funds are provided later in the year via a supplemental.

Congressional watchers feel that a spring supplemental is extremely likely because of the vagueness of the continuing resolution. The Administration has already indicated that it will ask for a supplemental appropriations bill in March of 1979.

CETA SUPPORTERS—Strong supporters of the CETA program in the House were Rep. Carl Perkins (D-Ky.), chairman of the House Education and Labor Committee and Rep. Augustus Hawkins (D-Calif.), chairman of the House subcommittee on employment opportunities.

NACMO CONFERENCE—Briefing members of the National Association of County Manpower Officials last year in San Francisco were James O'Connell, Senate subcommittee on employment, poverty and migratory labor, and Susan Grayson, House subcommittee on employment opportunities. Next to O'Connell is John Klein, Suffolk County (N.Y.) executive and chairman of the NACo Employment Steering Committee and Jon Weintraub, NACo associate director for employment.

95th Congress Wrapup

Third Budget Resolution for Fiscal '77 (H. Con. Res. 110; S. Con. Res. 10): Provide increases necessary in budget authority and outlays over the levels in the Second Budget Resolution for President Carter's Economic Stimulus Package. Conference report approved.

Economic Stimulus Supplemental (H.R. 4876): Provide forward funding of $4 billion for public works; $6.85 billion for CETA Title VI; $1.14 billion for CETA Title II; $1.55 billion for CETA Titles III and IV; $632.5 million for countercyclical assistance; $59.4 million for Older Americans Act Title IX; and $10.5 million for Economic Development Administration Title X as reported in House bill. Signed May 13, 1977 (P.L. 95-29).

Emergency Unemployment Compensation Extension Act (H.R. 4800): Extend federal supplemental benefits through Oct. 31, with a phase-out through Jan. 31, 1978, using general funds for the extension. Signed April 12, 1977 (P.L. 95-19).

CETA Extension (H.R. 2992): Extend CETA and Title VI maintenance levels for fiscal '78. Signed June 15, 1977 (P.L. 95-44).

Further Continuing Appropriations for Fiscal '77 (H. J. Res. 351): Ensure continuation of programs in H.R. 4876 and supplemental, as well as extending P.L. 94-473 from March 31 to April 30, 1977. Ensure funding for general revenue sharing and continuation of CETA Title VI. Signed March 31, 1977 (P.L. 95-16).

Labor-HEW Appropriations for Fiscal '78 (H.R. 7555): Provide for CETA for fiscal '78. Passed House and Senate. Conferees unable to resolve abortion issue.

Further Continuing Appropriations for Fiscal '78 (H. J. Res. 662): Provide funds under H.R. 7555 through Sept. 30, 1978. Signed Dec. 9, 1977 (P.L. 95-205).

Youth Employment and Demonstration Projects (H.R. 6138; S. 1242): Include new Title VIII of CETA, the Young Adult Conservation Corps. Create a new three-part Part C of Title III which includes youth incentive entitlement pilot projects; youth community conservation and improvements projects; and youth employment and training programs. Signed Aug. 5, 1977 (P.L. 95-93).

Commerce, Small Business and Disaster Relief Supplemental (H.J. Res. 873): Add funds for the summer youth employment program (SYEP) to meet the minimum wage increase. (P.L. 95-284).

Labor-HEW Appropriations for Fiscal '79 (H.R. 12929): Fund a variety of health programs, CETA not included. Passed House and Senate; signed Oct. 18, 1978 (P.L.95-480).

Comprehensive Employment and Training Act Amendments of 1978 (H.R. 12452; S. 2570): Reauthorize CETA for four years. Passed House and Senate and awaits President's signature.

Further Continuing Appropriations for Fiscal '79 (H.J. Res. 1139): Fund CETA for fiscal '79 with a cut of 100,000 public service employment (PSE) jobs in Title VI. Passed House and Senate; signed Oct. 18, 1978 (P.L. (P.L. 95-482)

Full Employment (H.R. 50; S. 50): Provide for national economic planning with unemployment and inflation goals. Passed House and Senate and awaits President's signature.

95th Congress Wrapup

Clean Air Act Amendments of 1977 (H.R. 6161): Extend authorizations for the 1970 Clean Air Act and auto emission deadlines. Passed House May 26, 1977; passed Senate June 10, 1977; signed Aug. 7, 1977 (P.L. 95-95).

Clean Water Act Amendments of 1977 (H.R. 3199): Extend authorizations for the 1972 Clean Water Act and encourage innovation. Passed House March 5, 1977; passed Senate Aug. 4, 1977; signed Dec. 28, 1977 (P.L. 95-217).

Outer Continental Shelf Oil and Gas Act (S.9): Establish guidelines for the exploration of and exploitation of the Outer Continental Shelf. Passed House Aug. 17, 1978; passed Senate Aug. 22, 1978; signed Sept. 18, 1978 (P.L. 95-372).

Noise Pollution Control (H.R. 12647): Extend authorization of 1972 Noise Control Act and establish the Quiet Communities program. Passed House and Senate in October; to be signed this month.

National Energy Act (H.R. 8444): Establish a national policy to deal with energy problems. Passed Senate Oct. 9, 1978; passed House Oct. 13, 1978; to be signed this month.

Energy Impact Assistance (S. 1493): Provide aid to communities facing skyrocketing costs because of new energy development. Passed Senate Environment and Public Works Committee June 27, 1978; passed Senate Governmental Affairs Committee Sept. 28, 1978. No action taken by full Senate or House.

State Energy Management and Planning Act (S. 3263): Provide aid to states to develop energy management capacity. Hearings before Senate Energy and Natural Resources Committee Sept. 11, 1978. No action by full Senate or House.

Nuclear Waste Management Act of 1977 (S. 2189): Set guidelines for managing wastes and siting waste repositories. Hearings before Senate subcommittee on energy, nuclear proliferation and federal services July 27, 1978. No action by full Senate or House.

Nuclear Siting and Licensing Act (S. 2775, H.R. 11704): Reform current procedures for licensing and siting nuclear power facilities. Hearings held in both House and Senate. No action taken by either chamber.

Fiscal '79 Appropriations for Clean Water Clean Air, and Solid Waste: Congress approved the following appropriations for the Environmental Protection Agency for fiscal fiscal '79: $4.2 billion for wastewater construction grants; $32 million for Section 208 water quality management planning; $25 million for Section 175 local clean air planning; $11.2 million for state and local solid waste planning; $15 million for resource recovery and solid waste management implementation; and $29 million to be shared between the clean air and solid waste programs.

Water Resources Policy. President Carter's proposed water resources policy did not receive a full hearing during the 95th Congress. Congress did approve $1.8 billion in water projects as part of the public works authorization which the President vetoed. The House sustained the veto and Congress then approved legislation which authorized a total of $800 million for new projects, including full funding, and retained the Water Resources Council. Stricken from the bill were six water projects opposed by the Administration.

Environment and Energy

DISCUSSING NATIONAL ENERGY ACT—County representatives meet with Rep. Harley Staggers (D-W.Va.) who was chairman of the National Energy Act conference. Seen from left are: James Hayes, supervisor, Los Angeles County, and chairman of the NACo Environment and Energy Steering Committee; Staggers; Harvey Ruvin, supervisor, Dade County, Fla., NACo chairman for energy policy and Norm Gustaveson, commissioner, Orange County, N.C., NACo vice chairman for energy policy.

Environmental Programs Funded

In appropriating funds for environmental programs, the 95th Congress essentially took a middle ground between the expectations of county, city and other local officials on the one hand, and the Administration on the other. The funding levels for fiscal '79 (see box) will be the base against which both the Administration and Congress will judge fiscal '80 appropriation requests in efforts to balance the federal budget.

SOLID WASTE

The Administration's requests for environmental programs this year were a product of the zero base budgeting process. Water quality and clean air control rated high, while solid waste programs were rated less important. The Administration recommended essentially no funding for local solid waste planning under Section 4008(a)(1), expecting that most of the $11.2 million requested would be spent by states on open dump inventorying and the development of a dump closing strategy. The Administration did request $15 million for resource recovery implementation grants under Section 4008(a)(2) which was approved, and the Environmental Protection Agency (EPA) is likely to allocate no more than $4 million out of $29 million appropriated for local solid waste and clean air planning over the President's request.

WATER QUALITY

The Administration had originally requested $4.5 billion for the wastewater construction grant program in the hope of establishing a consistent level of funding for the next 10 years. It later approved a two-year advance appropriation at that level for both fiscal '79 and '80. Neither the funding level nor the advance appropriation was approved and it is likely that Congress will continue to consider the construction request as funds for meeting other needs. The end result will be an inconsistent level of funding from year to year and a limit on the ability of both the federal program managers and local governments to adequately plan for future construction.

The Section 208 water quality management planning program suffered a funding reduction from the Administration's request for two reasons. First, there is some skepticism as to whether 208 plans now being submitted for approval can and will be implemented and, if they are implemented, whether the federal government needs to continue to fund planning assistance. In a related matter, Congress refused to fund the rural clean water program adopted last year.

Second, EPA had approved the transfer of $11 million to fund an agreement between it and the Corps of Engineers on wastewater construction inspections and to subsidize the clean air program. Appropriations Committee members were not convinced that replacing the $11 million, plus adding the Administration's requested $50 million was necessary, given the apparent slow pace at which EPA was committing the funds.

All of this means that the 208 program is likely to receive a serious reevaluation by the Senate Environment and Public Works Committee and the House Public Works Committee as part of the 96th Congress's oversight activities.

CLEAN AIR

The Clean Air Act Amendments of 1977 provided the first local role for developing revised State Implementation Plans in areas which have not attained national air quality standards. Section 175 authorized $75 million for local grants and the 95th Congress appropriated a total of $25 million, plus part of an additional $29 million to be split with solid waste planning at EPA's discretion. Assuming that at least $50 million is allocated to Section 175 planning, $25 million remains to be appropriated in subsequent years, beginning with fiscal '80.

Support for funding local clean air planning within the Administration is questionable. While EPA may request such funds for 1980, the Office of Management and Budget and the White House appear less convinced of the need to support a continued role for county and other local officials. It should be noted that EPA's original request for $25 million for this program for fiscal '79 was vetoed by OMB budget examiners. It was only because President Carter proposed it as part of his urban policy program, that the Administration agreed to any funding of Section 175.

A CHALLENGE

The year ahead presents a major challenge for local public interest groups. The Carter administration is less supportive of a strong local participation in environmental programs, as reflected in appropriations requests, than Congress envisioned in authorizing legislation. It appears likely that it will continue or expand its support for state programs even though states have broader and more certain sources of revenue to support enforcement and administrative costs. Yet without the participation of local elected policy makers, implementation of federal programs will be difficult and there will probably be little integration or reconciliation of pollution abatement with the local management of growth and economic development.

Noise Control Act Amended

Congress has amended the Noise Control Act of 1972 to strengthen state and local noise control programs. The resulting legislation, called the Quiet Communities Act of 1978, is now awaiting the President's signature.

The 1978 act is based on findings from an oversight hearing held last spring by Sen. John Culver (D-Iowa). It includes increased federal support for noise research, education programs and state and local noise control programs.

The act directs the Environmental Protection Agency (EPA) to shift emphasis from setting standards for new products to assisting state and local government.

Demonstration grants will be available for local programs with special emphasis on noise control around airports, highways and rail yards. EPA is authorized to provide funds to county and city governments to purchase noise monitoring equipment and to hire senior citizens as personnel in noise control programs.

EPA began two programs more than a year ago to assist local government. One, the Quiet Communities Program, was begun on a demonstration basis in Allentown, Pa. EPA offered technical assistance to the city council and neighborhood and senior citizen organizations. Results were a community noise survey, noise control ordinance, and an overall increase in community awareness and support for noise control.

EPA has also begun a peer-matching program called Each Community Helps Others (ECHO). State, county and city officials who have developed successful programs are encouraged to help other interested communities. Currently 10 communities are receiving assistance and EPA estimates that another 20 will be involved by the end of the year.

Congress authorized $15 million for fiscal '79 for the Noise Control Act, including the quiet communities amendments. In addition, $4 million is set aside for noise in the EPA research budget and $10.6 million was approved for the EPA noise office—close to last year's funding level. A supplemental appropriation request may be made in January to reflect the new authorization.

Environment and Energy

Carter Plans, Final Measure Differ Widely

The Administration is claiming a major victory in the passage of the National Energy Act despite the fact that in a number of important respects it bears little resemblance to the proposal originally submitted by the President. He called it "an important beginning" in the effort to reduce reliance on foreign oil.

The only section which did not undergo significant change is in the conservation section, the portion of most concern to counties since it contains grant programs for schools, hospitals and local government buildings.

The National Energy Act was a cliff-hanger until the very end of the 95th Congress. Before a final vote could be taken, the bill had to overcome a last minute filibuster in the Senate and a close vote (207-206) in the House on the rule. The trouble in the House centered on whether the members would be able to vote on each of the conference reports separately, as was done in the Senate, or would vote on them all at one time. The close vote was a victory for supporters of the natural gas pricing compromise who opposed a separate vote on each of the reports.

Since much has changed since the bill was introduced, there is uncertainty over exactly what is contained in the act. An analysis of the five sections of the bill and what each will mean to counties will be reported in next week's *County News*.

Community Aid Package Falters

One of the disappointments of the 95th Congress was its failure to pass an energy impact assistance bill. However, time rather than lack of effort caused the bill to die. Up until the end attempts were made to resolve the differences between the versions of the bill sponsored by Sen. Gary Hart (D-Colo.) and Sen. John Glenn (D-Ohio). The bill would have provided assistance to communities adversely affected by skyrocketing energy development.

The issues dividing the negotiating staffs concerned the ratio of loans to grants and the criteria for awarding a grant. The Hart version of the bill was entirely a grant program designed to establish revolving funds at the state level. The Glenn version was primarily a loan program with grants available only under specific circumstances.

Initially the staffs were unable to reach a compromise. However, after prolonged negotiations a reasonable compromise appeared possible. It is anticipated that negotiations will resume next session when the parties will probably be talking about a combined program of grants and loans with a higher percentage going for grants and the remaining loans being available at low interest rates.

Next Round for Energy Management

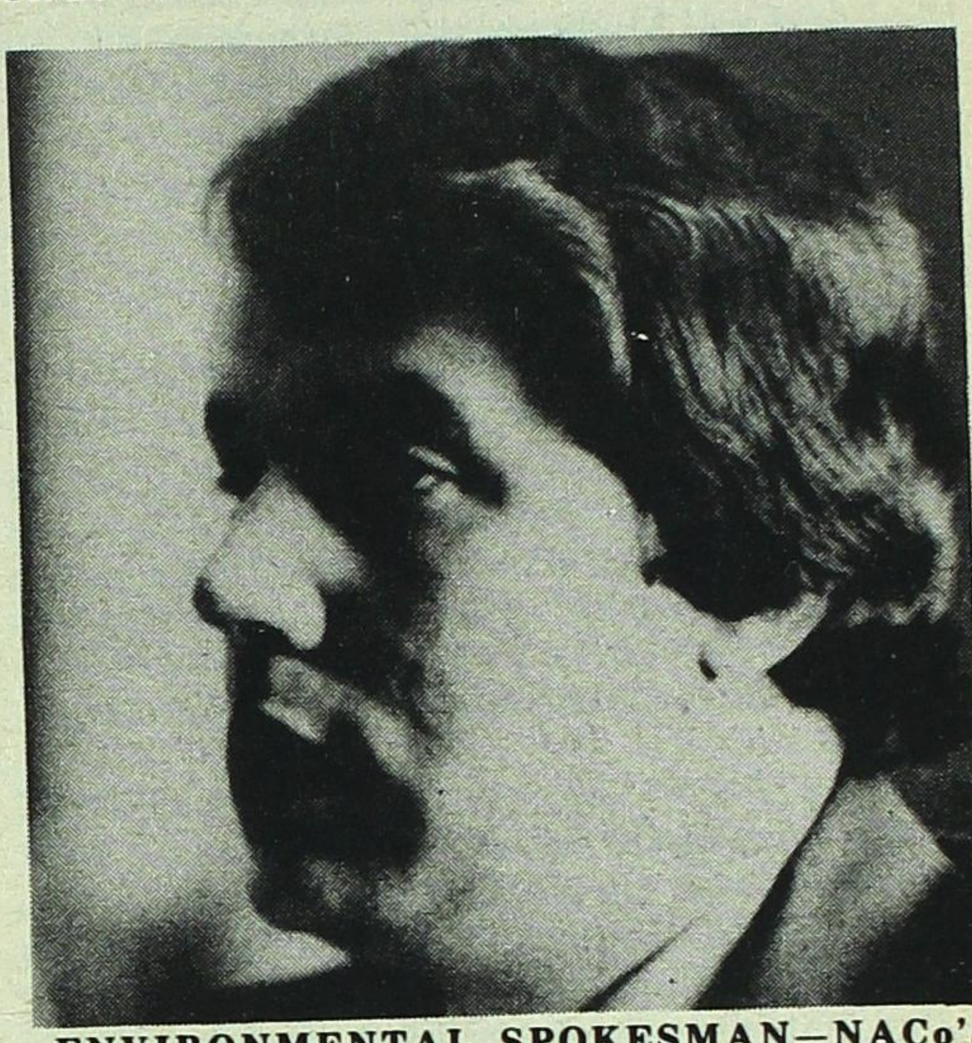
One of the significant pieces of legislation introduced during the 95th Congress and not acted upon was the State Energy Management and Planning Act. Preliminary hearings, at which Dade County (Fla.) Commissioner Harvey Ruvin testified, were held before the Senate Committee on Energy and Natural Resources. Similar hearings were scheduled before the House subcommittee on energy and power but because of time constraints were postponed until Congress returns. Consequently, this bill should be one of the first items of business in the energy area considered by the new Congress.

This bill is the first indication that the federal government recognizes that to have any significance a National Energy Plan must be based on plans developed at the state level. However, it does not recognize that the development of state plans is dependent on local planning efforts. The bill would also provide a framework for the future delivery of federal assistance for implementing new energy programs. As currently drafted, though, this bill does not offer much of a role for counties.

In Ruvin's committee appearance, he offered a series of amendments which would have provided for a significant local role. NACo will be working next session for these specific points advocated by Ruvin: that a percentage of the planning funds be passed directly to local governments for the development of local energy plans; that local planning efforts be incorporated in the development of the state plan; and that local representatives serve on an equal basis with state officials in the development of the state plan.

95th Congress Wrapup

Reduced Electrical Rates for the Elderly (S. 1364): Require utility companies to provide a minimum amount of electricity to the elderly at the low rates generally charged to large companies. Introduced in Senate in April 1977. Passed Senate in October 1977. House-Senate conferees dropped the measure from consideration in December 1977. However, the National Energy Act, which was passed last week, requires utility companies to review and justify their rate structure in the next two years.



ENVIRONMENTAL SPOKESMAN—NACo's Chairman for Water Quality Floyd Linton, legislator, Suffolk County, N.Y.

Land Use

Urban County Parks to Benefit

A program to aid deteriorating urban parks was passed in the closing days of the 95th Congress as part of the Omnibus Parks bill. Of special significance is the removal of separate criteria for county participation in the Urban Park and Recreation Recovery Act (S. 791).

Congress thus recognized that counties are major providers of services, including parks, to residents of distressed urban areas.

The legislation provides 70 percent matching grants to rehabilitate and refurbish urban park and recreation facilities and services in distressed areas. A total of $725 million is authorized over five years. Local governments are encouraged to conduct rehabilitation planning on a system-wide basis and to coordinate planning and implementation applications and rehabilitation efforts with surrounding governments. Both the indoor and outdoor facilities are eligible for assistance, but the purchase and development of new park and recreation facilities is not. A set-aside of 15 percent is authorized to assist those local governments which do not meet the eligibility criteria for economic and physical distress established by the Secretary of the Interior.

By making indoor facilities eligible, and by adopting an urban park bill the Congress also lessened pressure on the federal Land and Water Conservation Fund to meet these needs. The fund is the principal source of federal assistance in the acquisition and development of park and recreation facilities.

The Interior Department and the Administration are expected to request a fiscal '79 supplemental appropriation of $150 million (the amount contained in the urban policy initiatives) when Congress returns in January. The act is to be administered by Interior's Heritage Conservation and Recreation Service. A draft proposal of Sen. Howard Metzenbaum (D-Ohio), listed a series of factors including rate of unemployment, cost of living, population and age of housing for eligibility in the parks program. Earlier drafts would probably have required counties to exclude data for cities within them over 50,000 population. NACo protested this approach and worked out an agreement with Senate bill drafters to treat counties equally with other general purpose local governments by permitting them to count all such factors within their borders. The practical effect of this approach would be to encourage counties to submit coordinated applications.

The next task for counties and NACo is to make sure that the Interior Department fully executes the intent of Congress by promulgating equitable eligibility criteria and by allowing interlocal agreements made by county, city and other local officials.

Farmland Bill Focuses Attention on Problem

Agricultural land retention legislation took the first steps towards passage in the 95th Congress. The bill, sponsored by Reps. James Jeffords (R-Vt.), Richard Nolan (D-Minn.) and more than 60 other House members, would have provided an opportunity to evaluate the conversion of prime farmland to other uses. Similar legislation was proposed by Sens. Dick Clark (D-Iowa) and Warren Magnuson (D-Wash.).

The Jeffords bill, H.R. 11122, would have established a national commission to study factors contributing to the loss of agricultural land, the impact of federal agency programs on agricultural land, methods for retaining prime farmland for future use.

H.R. 11122 would also have authorized $50 million per year for four years to assist counties, states, and other local governments to develop and implement their own methods for preserving such land.

Under H.R. 11122 the federal government was prohibited from controlling land use, specifying the method for retaining agricultural land, or interfering in the rights of states, local governments or property owners.

The House Agriculture Committee approved the national commission study, but deleted the demonstration grant program before reporting it to the full House. The Administration proposed legislation which would have established a commission but opposed the demonstration grant program on budgetary and fiscal grounds.

Sponsors in both Houses are expected to propose new legislation during the 96th Congress.

Agriculture Secretary Bob Bergland and Charles Warren, chairman of the President's Council on Environmental Quality (CEQ) have expressed strong interest in addressing the problem of disappearing farm land. It is estimated that over 1 million acres of agricultural land are irretrievably lost to other land use each year. CEQ is preparing now to study the impact of federal projects on agricultural land and the Administration may launch an informal study of the larger issue later this fall.

95th Congress Wrapup

Urban Park and Recreation Rehabilitation Act: Provide $725 million over five years to rehabilitate and refurbish urban park and recreation facilities and service in distressed urban areas. Passed both Houses Oct. 13, 1978 as part of Omnibus Parks bill.

Agricultural Land Retention Act: Establish a national commission to evaluate impact of loss of prime cropland; provide for demonstration grant programs to states and local governments. House Agriculture Committee approved commission but deleted the demonstration program. Full House action delayed for lack of action in Senate.

Foreign Purchase of Land Registration: Require foreign interests to register the ownership of interests in land in the United States. Passed both Houses Oct. 13, 1978.

Appropriations for Land and Water Conservation Fund: Congress approved $369 million for the local and state portion of the land and water conservation fund for fiscal '79. Grants are available under this program to purchase and develop new park and recreation facilities. In other Interior Appropriation action, a restriction on the use of historic preservation funds was imposed which would not permit the use of federal grant assistance for rehabilitating any state or local government structure still in use for government purposes.

Appropriations for Coastal Zone Management: Congress essentially approved the Administration's requests for the coastal zone management program. Section 305 state program development grants were funded at $4.5 million and Section 306 program implementation grants at $18.2 million. This reflects the shift in emphasis from program development to administration of approved state coastal zone management programs. In a related program, $27.8 million was approved for Section 308(b) formula grants under the Coastal Energy Impact Program.

95th Congress Wrapup

Health Services and Health Planning Extention (H.R. 4975); Passed both Houses; signed Aug. 1, 1977 (P.L. 95-83).

Medicare/Medicaid Fraud and Abuse (H.R. 3): Strengthen ability of federal government and states to control Medicare/Medicaid costs through monitoring and sanctions against fraudulent practices. Passed House Sept. 23, 1977; passed Senate Sept. 30, 1977; signed Oct. 25, 1977 (P.L. 95-142).

Rural Health Clinics (H.R. 8422): Permit Medicaid and Medicare reimbursement for services of certain non-physician personnel in rural health clinics. Passed House Oct. 17, 1977; passed Senate Sept. 16, 1977; signed Dec. 13, 1977 (P.L. 95-210).

Health Services (H.R. 12370; S. 3116; S. 2474): Establish health incentive grants for comprehensive public health services and new formula grants to states for preventive health services. Reauthorize categorical public health programs and create new demonstration grants for hospital-affiliated primary care centers. Passed House Oct. 13, 1978; passed Senate Sept. 29, 1977; signature expected.

Health Centers (H.R. 12460; S. 2474): Reauthorize for three years community health, mental health and migrant health centers. Up to 5 percent of appropriated community health center funds may go to public agencies for which restrictive governing board requirements are waived. Passed House Oct. 15, 1978; passed Senate Sept. 29, 1978; signature expected.

Health Planning (H.R. 11488; S. 2410): Reauthorize and amend Health Planning and Resources Development program; require local government representation on planning boards. House passed continuing resolution to continue authorization of present program Oct. 15, 1978; passed Senate July 27, 1978; bill died; program reauthorized without amendment.

Health Maintenance Organizations (H.R. 13655; S. 2534): Amend program of federal support for Health Maintenance Organizations (HMOs) (prepaid health plans), permitting local government sponsorship of HMOs . Passed House Sept. 25, 1978; passed Senate Aug. 9, 1978; signature expected.

Hospital Cost Containment (H.R. 6575; S. 1391): Establish measures to contain hospital costs by capping revenues under certain circumstances. Proposal of Sen. Gaylord Nelson (D-Wis.) passed Senate Oct. 13, 1978; no action in House.

Developmental Disabilities (H.R. 12326; S. 2600): Expand definition of "developmental disability" and authorize grants to states for services to disabled persons, emphasizing continuity and coordination of services and alternative community living arrangements for such persons. Passed House Sept. 18, 1978; passed Senate Sept. 26, 1978; signature expected.

HEW/Labor Appropriations for fiscal '79 (H.R. 12929): Set funding levels for all HEW programs. Passed House June 13, 1978; passed Senate Sept. 27, 1978; conference report accepted Oct. 12, 1978; Senate abortion language accepted Oct. 14, 1978. Funds all programs except those which lacked authorizations and are funded through Sept. 30, 1979 by a continuing budget resolution. Signature expected.

Health and Education

Local Services Boosted

Although the 95th Congress was unresponsive to major health and education proposals of the Administration, it took a major step in public health which counties have long argued was overdue.

Passage of H.R. 12370, creating a new health incentive grants program, marks the beginning of solid support for state and local public health programs. The preamble to the legislation, which is part of the Health Services Extension Act of 1978, states that existing federal categorical programs should be supplemented by a national program of support for such activities as prevention and control of diseases, environmental health hazards, and problems of particularly vulnerable population groups. Major principles embodied in the act, according to the preamble, are that states and localities should have responsibility for allocating resources in public health as they see fit, and that federal funds should serve as an incentive to the sharing of costs by states and localities.

HEALTH MOVERS—From left are seen Reps. Paul Rogers (D-Fla.) and Tim Lee Carter (R-Ky.), ranking majority and minority members of the House subcommittee on health. These congressmen cooperated to win new health incentive grants for counties in the 95th Congress.

New Support for Public Health

Under the new program, federal formula grants will be disbursed to state health authorities, which will then distribute funds to local public health units. The amounts received by county and other public health departments will be proportionate to the amount of local funds which are spent on public health, but may not exceed the product of $1.50 and the population of the area served.

The grants to the states will be determined by a formula taking into account the amount contributed by the state and its localities and the proportion of its population living below the poverty level. No state may receive less than it does now under Section 314(d) of the Public Health Services Act, and current levels of state and local expenditures on public health must be maintained.

The program is authorized initially for two years beginning in fiscal '80, at $150 million in that year, and $170 million in fiscal '81.

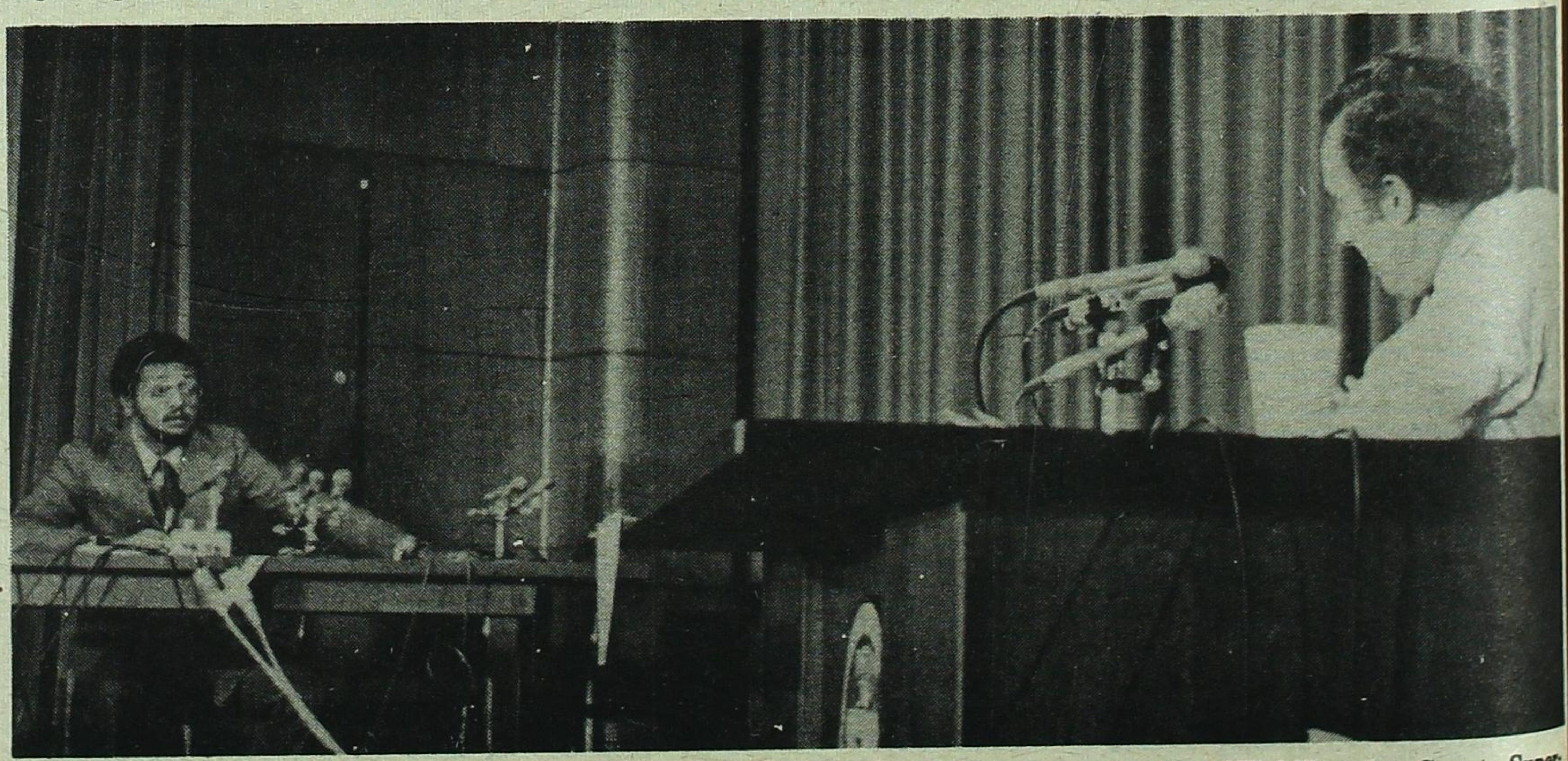
In addition to this program, the legislation creates a second formula grant program to states for preventive health services designed to reduce the rates of one or more of the five leading causes of illness and death in each state. States may then provide grants or contracts to local public health departments, or other public or private agencies, to deliver the services. The formula for distribution of funds will depend on the state population and, in future years, on previous levels of state and local expenditures on preventive health. This program is authorized for three years beginning in fiscal '80, with annual appropriations of $20 million, $60 million and $75 million in fiscal '80, '81 and '82 respectively.

The two new programs of formula grants resulted from a House-Senate compromise, in which the health incentives grants program proposed by Rep. Paul Rogers (D-Fla.) and the preventive health services grants proposed by Sen. Edward Kennedy (D-Mass.) were both adopted, each at a lower authorization level than in the original bills. The act also contains reauthorization for three years of the following categorical health programs: hypertension control; lead-based paint poisoning prevention; immunization; rodent control; venereal disease control; genetic disease and hemophilia programs; home health services training and demonstrations.

Community Health Centers

Counties are newly eligible to sponsor and develop new comprehensive health services programs. NACo-sponsored amendments to the community health centers, health maintenance organizations (HMOs) and community mental health centers programs were passed in the closing days of the Congress. They modify governing board requirements which previously prevented public agencies from becoming grantees under these programs. Counties may now develop HMOs if they choose, because the new legislation waives the requirement that one-third of the HMO governing board members be enrolled in the HMO. Similarly, counties may now receive funds for community health and mental health centers. Amendments to these programs waive the requirement for a consumer majority on center governing boards in the case of public agencies, replacing it with consumer advisory bodies. No more than 5 percent of appropriated funds under each program may be used to fund centers which take advantage of these provisions.

Many counties operate general hospitals whose emergency rooms are overwhelmed with nonemergency patients who have nowhere else to go for basic health care. Congress has recognized the need of such hospitals for help in meeting these needs more appropriately. The Primary Health Care Act of 1978, passed as part of the final health services and health centers bill (S. 2474) begins a program of hospital-affiliated primary care centers. Public or private nonprofit hospitals serving populations which have no other source of primary health care may apply for funds to develop units which can provide these services. The program begins on a demonstration basis, with a three-year authorization for a total of $60 million. In fiscal '79, $5 million is authorized for planning and development grants only. Planning, development and operational funds may be appropriated in the amount of $25 million and $30 million in fiscal '80 and '81, respectively.



CONTROL OF HEALTH COSTS—At a special hearing on national health insurance in October 1977, Milwaukee County Supervisor Terrance Pitts, left, told HEW Secretary Joseph Califano that the main issue is control over rising medical and health costs.

Health and Education

Cost Containment and Child Health

Early in the 95th Congress the Administration offered two major proposals in health, one to contain hospital costs, the other to improve child health. The outcome of the former already has made the front pages of daily newspapers, due to a last-minute personal appeal by President Carter for cost containment legislation. The subsequent adoption by the Senate of the NACo-supported Nelson amendment, a compromise version of the original proposal, was a surprise victory but it failed to generate sufficient momentum to reach the floor of the House during the final marathon session.

The proposal for a child health assessment program, building on the current early and periodic screening, diagnosis and treatment program under Medicaid, was the second early Administration initiative in health. It, too, died in the end, more a victim of neglect than of strong opposition.

Early this year, the Administration appealed to Congress to consider legislation creating programs to prevent problems created by adolescent pregnancy. The final version of the health services bill contains authorization for a program very similar to that proposed by the Administration. Federal funds will be granted to public or private agencies which demonstrate the ability to provide comprehensive health, educational and social services to adolescents at risk for unwanted pregnancy, to pregnant adolescents, and to adolescent parents. The authorized funding levels are $50 million for fiscal '79, $65 million for fiscal '80 and $75 million for fiscal '81.

Education

In education, the thrust of the Administration this Congress was not to build programs, but to reorganize. Its proposal for a cabinet-level Department of Education went halfway to enactment, breezing through the Senate, but not making it to the floor of the House due to delaying tactics of opponents. The lengthy revision and five-year reauthorization of the Elementary and Secondary Education Act, including the impact aid program, was begun last year and we won the final House approval needed for enactment during the concluding session last week.

95th Congress Wrapup

Child Health (H.R. 13611; S. 1392): Expand eligibility, benefits and level of federal reimbursement for child health assessment and treatment under Medicaid. House committee reported Aug. 11, 1978; Senate committee reported Oct. 6, 1978; no final action in either House.

Education (H.R. 15): Extend for five years the Elementary and Secondary Education Act, supporting a wide variety of state and local education programs. Includes NACo amendment promoting county board-school board cooperation. Passed House July 13, 1978; passed Senate Aug. 24, 1978; signature expected.

Home Rule and Regional Affairs

Lobby Disclosure Dies

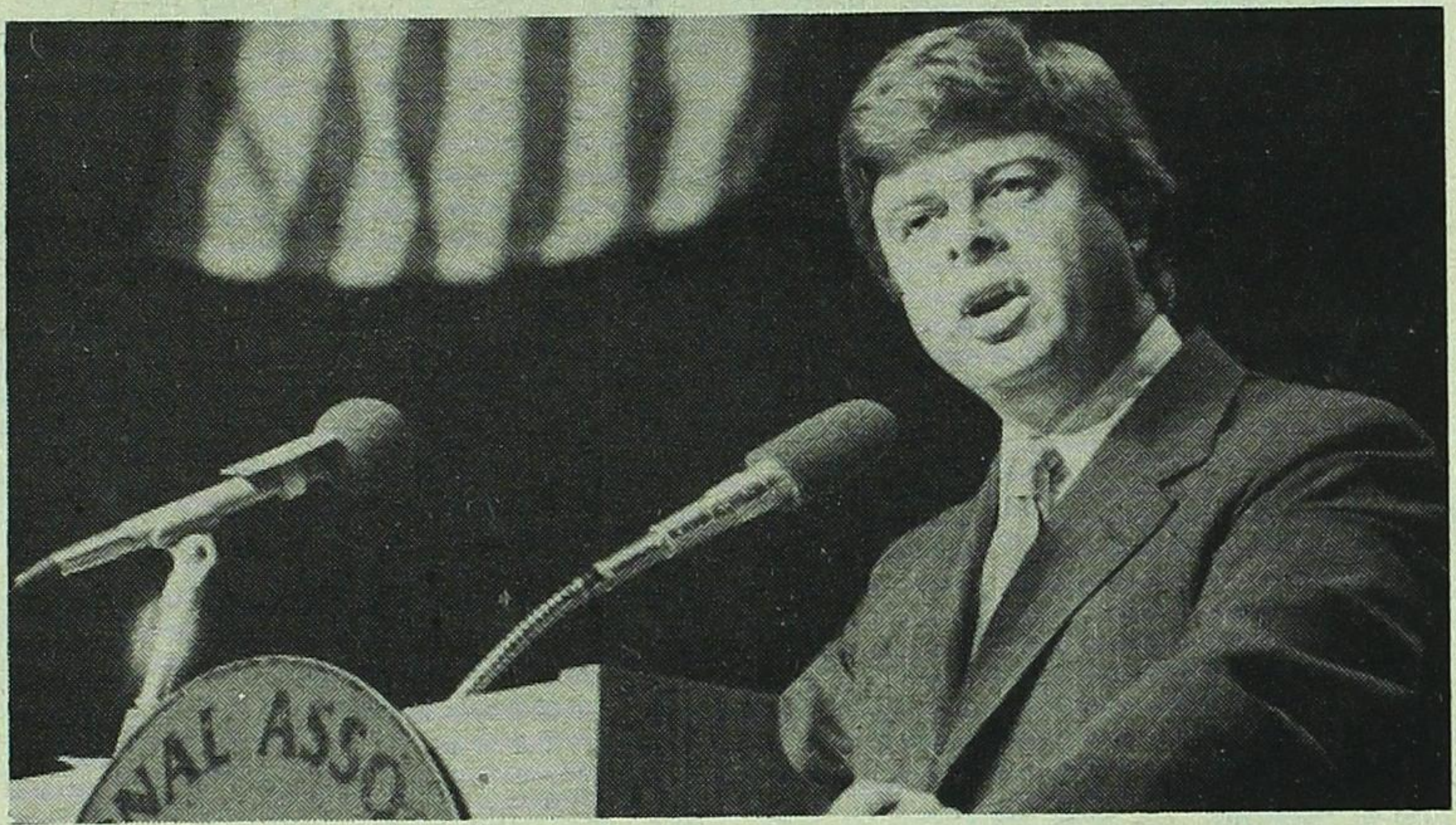
Under a bill (H.R. 8494) passed by the House April 26, 1978, associations of state, county and city elected officials—including NACo—would have had to register in the same manner as private sector lobbyists. The bill, known as lobby disclosure, repealed the present Federal Lobby Regulation Act.

An amendment offered by Rep. James Santini (D-Nev.) on the House floor, to exempt associations of elected officials, was defeated 211 to 197.

The Senate Governmental Affairs Committee had its own version of a lobby bill (S. 2971) which also required NACo and other elected officials' associations to register as lobbyists.

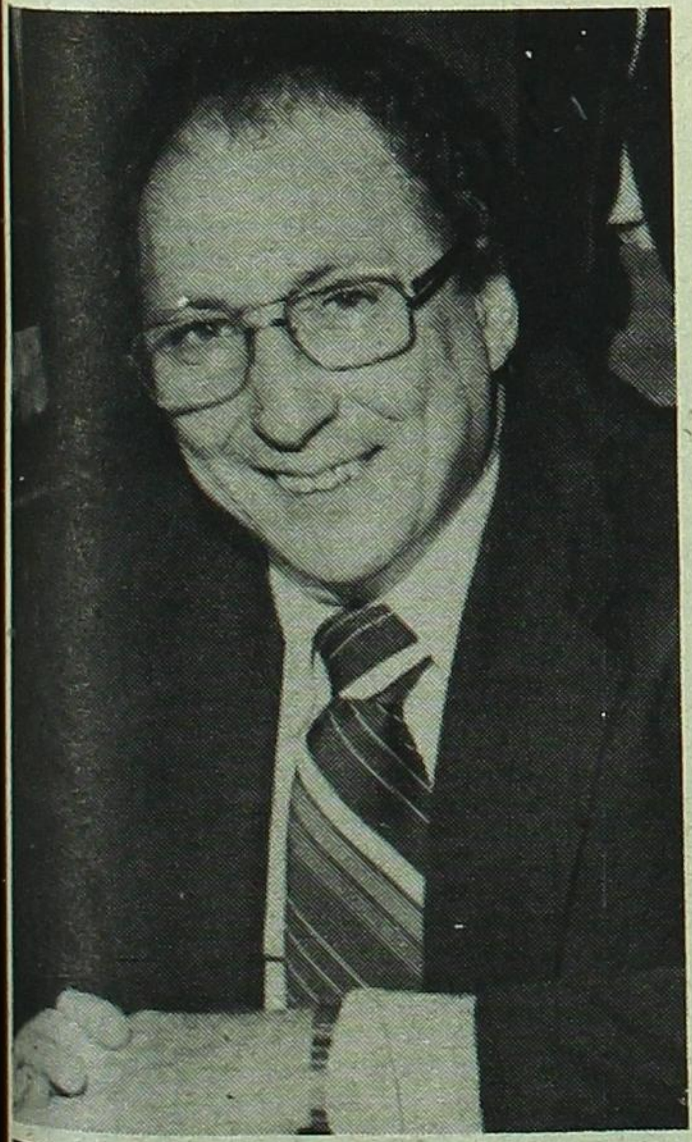
Sen. James Sasser (D-Tenn.) offered an amendment, which passed 11-0 in committee, to exempt these groups. He noted, "In our federal system all elected officials are part of the governing process." Members, however, could not agree on the major provisions of the bill and it died in committee.

NACo took the lead in opposing registration under the act for employees of public officials, arguing that the organization is an extension of county governments and these governments are part of the federal system, separate and distinct from private lobbying groups. It is possible that the legislation will be reintroduced next year, so county officials will have to continue to press for equal treatment of all elected officials and their employees in federal lobbying regulation law.



SASSER AMENDMENT APPROVED—A Senate committee adopted an amendment of Sen. James Sasser (D-Tenn.) to exempt NACo from the Lobbying Disclosure Act.

SANTINI AMENDMENT—An amendment offered by Rep. James Santini (D-Nev.) to exempt NACo from registering as lobbyists the same as private groups was narrowly defeated by the House. (A Senate committee did exempt.) Seated with him is NACo Executive Director Bernard F. Hillenbrand and Aliceann Fritschler, staff contact for the bill.



TESTIFIES—Howard Pachman, county attorney, Suffolk County, N.Y. tells a Senate committee in May that counties oppose elimination of local government immunity.

STATE INCENTIVE AID CONCEPT BACKED—Cliff Tuck, intergovernmental coordinator for Shelby County, Tenn., urges a House panel in August to include a strong role for counties in the proposed State and Community Conservation and Development Act.

95th Congress Wrapup

Universal Voter Registration (H.R. 5400; S. 1072): Give states the option of allowing potential voters to register at the polls on election day for federal elections. Senate reported a rule on July 15, 1977 but no action was taken by either House.

Lobbying Disclosure Act (H.R. 8494; S. 2971): Repeal the present lobby regulation law and require extensive reporting and disclosure by all organizations that lobby, including associations of elected officials like NACo. House version passed April 26, 1978. Senate Governmental Affairs Committee exempted NACo from law on Aug. 17; bill died in committee.

Intergovernmental Coordination Act (S. 892; H.R. 4406): Require each areawide planning agency to develop comprehensive areawide development guides and prohibit federal assistance to local governments where projects are not consistent with areawide development guides after fourth year of enactment. Hearings held Feb. 7, 1978. No House or Senate action taken.

State Community Conservation and Development Act of 1978 (S. 3209; H.R. 12859): Provide project grants on a competitive basis to the states to assist distressed and declining communities. Hearings held this summer in House and Senate. No action taken. Expected to be reintroduced next Congress.

Federal System Reform Act (S. 3266): Provide project grants to states to assist distressed and declining communities, provide money to states to develop state plans for distressed communities, and authorize a White House office to coordinate federal assistance programs. Hearings held in the Senate. No action taken.

Civil Rights Improvement Act of 1977 (S. 35) (public liability): Amend Section 1983 of the Civil Rights Act of 1871 to establish liability for violation of civil rights on local and state governments. Hearings held by Senate Judiciary subcommittee on the Constitution May 18, 1978. No House or Senate final action. A recent Supreme Court decision extends liability of local governments for monetary damage.

Establish Office of Inspector General within the Federal Departments (H.R. 8588): Passed House April 18, 1978; passed Senate Sept. 22, 1978; signed into law (P.L. 95-452).

Livable Cities (H.R. 12859; S. 3210; S. 3084): Provide grants to community and neighborhood artistic and cultural activities which contribute to conservation and/or revitalization of urban areas. Passed House July 21, 1978; passed Senate July 20, 1978.

95th Congress Wrapup

Civil Service Reform (H.R. 11280; S. 2640): Establish stringent new job performance standards, create a senior executive service for top level federal managers under a new merit pay system, limit automatic pay comparability increases for upper level managers to 50 percent of increases received by lower level government employees and provide that federal employee unions will have access to an independent federal labor relations authority patterned after the National Labor Relations Board. Passed both Houses; signed into law Oct. 13, 1978.

Intergovernmental Personnel Act (IPA) (H.R. 12930): Include $20 million for fiscal '79 for IPA programs operated by counties, cities and states. Passed both Houses and signed by the President (P.L. 95-429).

Deferred Compensation Programs (H.R. 13511): Several provisions in the tax reform bill, passed by both Houses, have the effect of preserving public employee deferred compensation plans. These provisions essentially reiterate the continuing and consistent treatment of public employee deferred compensation plans by the Internal Revenue Service prior to 1978 and, in effect, overturn a proposed Treasury regulation which would have required plan participants to pay current income taxes on portions of salaries which are deferred under the plans. The president is expected to sign the bill this month.

Social Security Deposit Payments (H.R. 11976): Retain the present quarterly Social Security deposit and reporting requirements for state and local governments and, in effect, nullify a proposed Social Security Administration regulation that would require monthly deposit payments beginning in January 1980. No action taken.

Public Employee Collective Bargaining (H.R. 777): Provide for extension of National Labor Relations Act to public employees. No action taken.

Public Employee Collective Bargaining (H.R. 1987): Establish a National Public Employees Relations Commission to regulate state and local government labor relations. Provide for mediation and fact finding in impasses. No action taken.

Reporting and Tax Liabilities for Public Pension Plans (S. 1587): Amend the Internal Revenue Code to exempt certain state and local government pension systems for annual reporting and taxation requirements. Hearings held March 15, 1978. No action taken.

Public Pension Regulation Legislation (H.R. 14138): Amend the Employee Retirement Income Security Act to establish comprehensive federal regulation of state and local government pension systems. No action taken.

Reorganization Plan No. 1—Civil Rights Consolidation: Provide for consolidation of major enforcement activities of the U.S. Equal Employment Opportunity Commission. Now in effect.

Labor-Management Relations

Carter Signs Civil Service Reform Bill

In photo at left, Alfred Del Bello, Westchester County (N.Y.) executive, offers a statement on behalf of NACo and the major national public interest groups at the recent signing of the Civil Service Reform Bill.

Held Oct. 13 at the White House, the bill signing marks the fulfillment of a Carter campaign promise to reform the civil service system and improve the quality of the work force.

The new law sets performance standards for federal employees; removes automatic pay raises based on longevity and ties raises to performance; establishes labor relations based on law for federal employee unions rather than on presidential order; and establishes a senior executive service for top career managers.

Long Awaited Uniform Employee Selection Guidelines Are Issued

Certainly one of the most important developments affecting county government operations during the past year is the issuance in late August of the Uniform Guidelines on Employee Selection Procedures by the Equal Employment Opportunity Commission (EEOC), the Civil Service Commission and the Justice and Labor Departments. The guidelines will also be used by the Treasury Department's Office of Revenue Sharing and by any other federal agency which adopts them.

The new regulations which apply to counties pursuant to the Equal Employment Opportunity Amendments of 1972 are intended to protect the rights of workers to be hired and promoted on the basis of job-related standards and without regard to race, sex or national origin. They govern the use of tests and other selection procedures by employers. Under the guidelines, any selection procedure which adversely affects members of a particular race, sex or ethnic group must normally be validated by demonstrating the relation between the selection procedure and performance on the job.

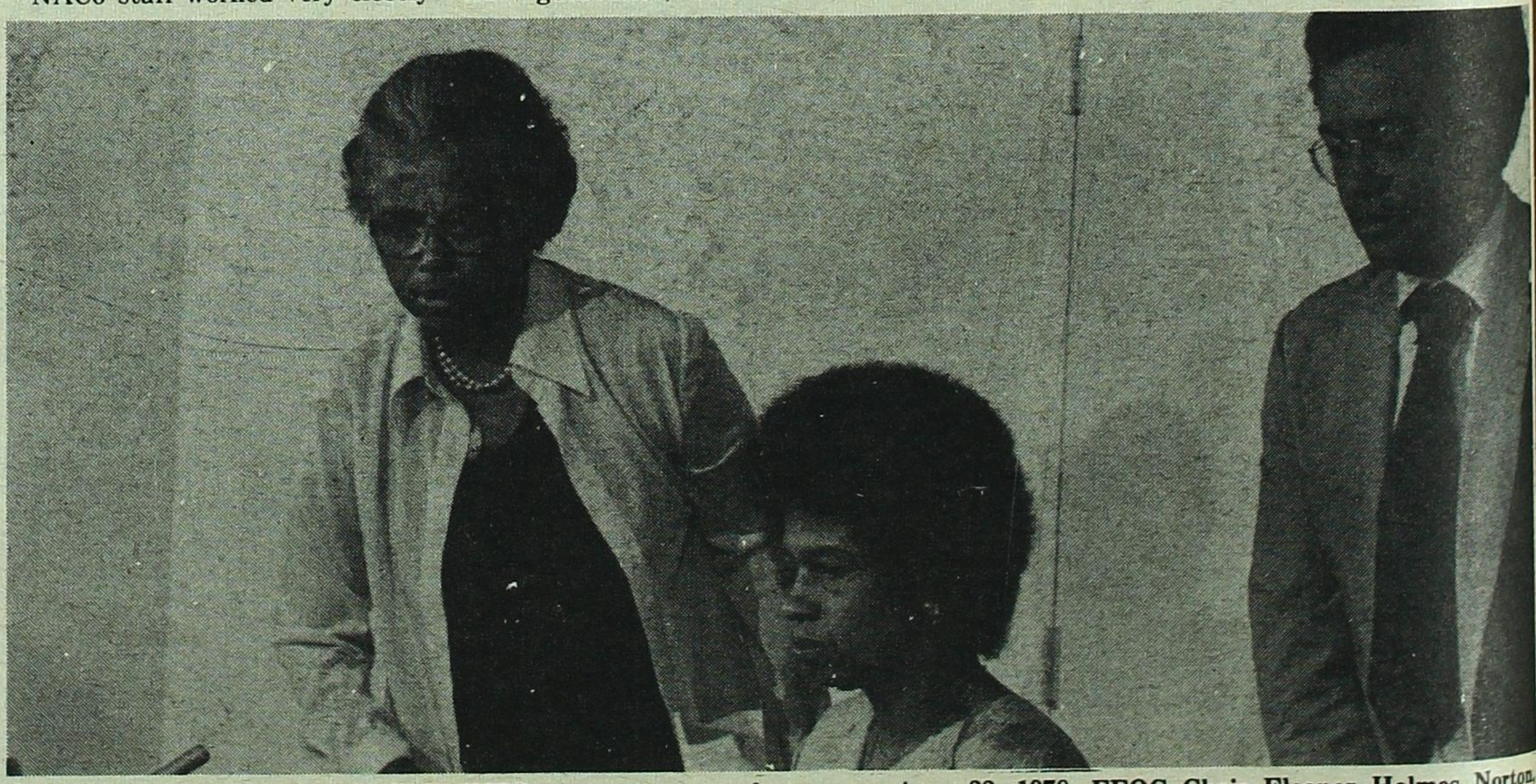
NACo staff worked very closely with the guidelines staff in an attempt to ensure that the concerns of county officials were taken into consideration. A previous draft version of the regulations was sharply criticized by NACo's Labor-Management Steering Committee Chairman John Franke as "unacceptable technically and professionally." Consequently, NACo Executive Director Bernard Hillenbrand and the executive directors of the other major public interest groups persuaded EEOC Chair Eleanor Holmes Norton and the other principal architects of the guidelines to delay issuance of this draft as the final version of the regulations until public employers were afforded the opportunity to informally comment.

A series of extensive negotiations was then held with the guidelines staff to present the views of public employers. While supporting the overall concept of developing a set of uniform federal employee selection procedures, NACo took the position that the draft placed onerous new technical, documentation and record-keeping requirements on county governments.

Commenting on the final version of the guidelines, Franke said that "while several significant problems remain, there have been substantial changes from the previous draft which are responsive to some of our major concerns. There is no question that NACo and other representatives of public employers have had some positive impact on the new regulations." As areas of improvement, Franke cited a simplified record-keeping option for employers with fewer than 100 employees and a section which provides that determinations of adverse impact need not be made for groups which constitute less than 2 percent of the relevant labor force.

NACo has now shifted its efforts from lobbying on the guidelines to assisting county governments in complying with the new regulations. A general introductory workshop on the guidelines will be sponsored by NACo on Tuesday, Oct. 24 in Washington, D.C. in conjunction with the annual NACo/CIC Federal Aid Conference, and several additional workshops on the guidelines are being planned for early next year.

For further information, contact Chuck Loveless at NACo.



UNIFORM SELECTION GUIDELINES—At a press conference on Aug. 22, 1978, EEOC Chair Eleanor Holmes Norton, center, announced new uniform employee selection guidelines. NACo will be working in the next year to help counties comply with the new regulation.

Transportation

Highways Funded

Counties have been watching the highway-transit bills during the 95th Congress with a special eye to funding for bridge repair and replacement. Highway and transit conferees agreed to $4.2 billion over four years for the bridge program with a portion set aside, for the first time, for off-system bridges.

In addition to this victory, the Surface Transportation Assistance Act of 1978, passed on Oct. 15, authorizes funding for a wealth of other programs vital to county government. The bill extends the Highway Trust Fund until 1984 and deals with highways, highway safety and public transportation.

Key provisions of Title I (highways) and Title II (highway safety) are outlined below, based on the conference report (H. Rep. 95-1797). Information on Title III (public transportation) funding, will appear in later issues of *County News*.

TITLE I: FEDERAL-AID HIGHWAY ACT OF 1978

General Provisions:

- The federal share for most programs funded by the Highway Trust Fund has been increased from 70 percent to 75 percent.
- The authority of states to transfer funds between programs is increased. The amount that can be transferred between primary and secondary systems has been raised from 40 percent to 50 percent and up to 50 percent of the funds may be transferred between the primary system and the urban system.
- The definition of highway safety improvement project now reads, "A project which corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement markings, or installs traffic control or warning devices at high accident potential locations."
- The definition of construction now includes "capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses."

Bridges. The special bridge replacement program has been expanded to include funding for rehabilitation as well as replacement of on and off federal-aid highway system bridges. The following amounts have been authorized: $900 million for fiscal '79; $1.1 billion for fiscal '80; $1.3 billion for fiscal '81; $900 million for fiscal '82, and the federal share has been expanded from 75 percent to 80 percent.

Within each state a minimum of 15 percent to a maximum of 35 percent of funds must be spent on bridges off the federal-aid system and made available for obligation throughout the state in a fair and equitable manner.

The law requires off-system bridges to be inventoried, classified and assigned a priority for replacement or rehabilitation.

Interstate System. Authorizations for the Interstate System increase from $3.25 billion in fiscal '80 to $3.625 billion in fiscal '90.

Environmental impact statements for Interstate System projects must be submitted to the Secretary of Transportation by Sept. 30, 1983 and the projects must be under construction or under contract for construction by Sept. 30, 1986.

Federal-Aid Primary (FAP) System. The following amounts are authorized for FAP projects: $1.55 billion in fiscal '79; $1.7 billion in fiscal '80; $1.8 billion in fiscal '81; $1.5 billion in fiscal '82.

Federal-Aid Secondary (FAS) System. The following amounts are authorized for FAS projects: $500 million in fiscal '79; $550 million in fiscal '80; $600 million in fiscal '81; $400 million in fiscal '82.

Of each state's FAS apportionment for each fiscal year, 20 percent must be obligated for resurfacing, restoration and rehabilitation (3R) projects.

Federal-Aid Urban (FAU) System. FAU projects are authorized to receive $800 million each year for fiscal '79 to '82.

Safer Off-System (SOS) Program. The SOS program is authorized to receive $200 million each year for fiscal '79 to '82.

Carpool and Vanpool Program. FAP, FAS and FAU funds may be used for carpool and vanpool projects.

Not more than $1 million each year for fiscal '79 to '81 can be spent for public and private employers and employees to establish carpooling and vanpooling programs; to assist state and local governments in removing legal and regulatory barriers to carpool and vanpool programs, and to help support existing programs and provide technical assistance to increase participation.

Grants and loans to state and local governments for carpool and vanpool programs, at a 75 percent federal share, are authorized in the amount of $3 million for fiscal '79 and $9 million for fiscal '80.

Railroad Highway Crossings Demonstration Project. The federal share for this program is 95 percent. The following amounts are authorized: $70 million for fiscal '79; $90 million for fiscal '80; $100 million for fiscal '81 and '82.

Bicycle Program. The Secretary of Transportation, by regulation, will establish design and construction standards for federally funded bikeway construction projects. For each year, fiscal '79 to '82, $10 million, at a 75 percent federal share, is authorized for grants for the construction of bikeways and nonconstruction programs or projects to enhance the safety and use of bicycles.

In addition, $10 million "out of any other money in the Treasury not otherwise appropriated" is available for the bicycle program. These grants are in addition to funds that may be used for bikeways under FAP, FAS and FAU programs.

Planning. The bill allows redesignation of metropolitan planning organizations (MPOs) by "units of general purpose local government within an urbanized area or contiguous urbanized areas ... by agreement of at least 75 percent of the ... local governments representing at least 90 percent of the population ... in cooperation with the governor." Designations of new MPOs must also be by agreement among the units of general purpose local government and the governor.

TITLE II: HIGHWAY SAFETY ACT OF 1978

Major Provisions

- Authorizes $175 million each year for fiscal '79 and '80 and $200 million each year for fiscal '81 and '82 for highway safety programs (Section 402) administered by the National Highway Traffic Safety Administration (NHTSA).
- Authorizes $50 million each year for fiscal '79 to '82 for highway safety research and development (Section 403) carried out by NHTSA.
- Authorizes $25 million each year for fiscal '79 to '82 for highway safety programs (Section 402) administered by the Federal Highway Administration (FHWA).
- Authorizes $10 million each year for fiscal '79 to '82 for highway safety research and development carried out by FHWA.

Pavement Marking Demonstration Program. The amount of $65 million is authorized each year for fiscal '79 to '81.

Projects for High Hazard Locations. The following are authorizations for this program: $125 million for fiscal '79; $150 million for fiscal '80 and '81; $200 million for fiscal '82.

School Bus Driver Training. The authorization is $2.5 million each year for fiscal '79 to '82.

Railway-Highway Crossing. the authorization is $190 million each year for fiscal '79 to '82, at a 90 percent federal share; at least half of the funds must be available for installation of protective devices at railway-highway crossings.

Innovative Project Grants. This is a new program to be funded starting in 1980. Grants will be available to state and local governments to develop innovative approaches to highway safety problems. The following amounts are authorized: $5 million for fiscal '80; $10 million for fiscal '81; $15 million for fiscal '82.

Federal Involvement in Airlines to Phase Out

The 95th Congress overwhelmingly approved the airline deregulation legislation which was actively supported by President Carter. This means that more competition will be generated among the nation's airlines as many of the current regulations are phased out.

The legislation, heavily supported by NACo, focused on protecting and encouraging airline service to small communities. The measure now goes to the President for his signature.

House and Senate Conferees worked out a compromise which protects air service to small communities for the next 10 years. The Civil Aeronautics Board (CAB) is required to periodically review air service to each community now receiving services and determine what degree of air service is essential. Based on this review, after consultation with any interested community and state agency, the CAB can adjust the amount of air transportation to each community.

Air carriers to small communites will not be allowed to decrease flights below the level deemed to be essential but the CAB will be able to compensate eligible carriers to ensure such service.

The CAB can, for the first time, select new carriers to provide service by considering:

- The desirability of an integrated linear system of air transportation whenever such a system most adequately meets the air transportation needs of the communities involved;
- The experience of the applicant in providing scheduled air service in the vicinity of the communities for which essential air transportation is proposed.

The legislation also calls for a schedule for the gradual elimination, by 1985, of the CAB which has had jurisdiction over airline rates, routes and mergers.

CAB authority over routes would be eliminated by the end of 1981, leaving the airlines free to start new routes. The formation of new airlines, extremely important to small town service, would be streamlined.

95th Congress Wrapup

Highway/Highway Safety Authorization (H.R. 11733; S. 3073): Provide approximately $46 billion over four years for highway programs. Final passage by Congress Oct. 15, 1978; awaits President's signature.

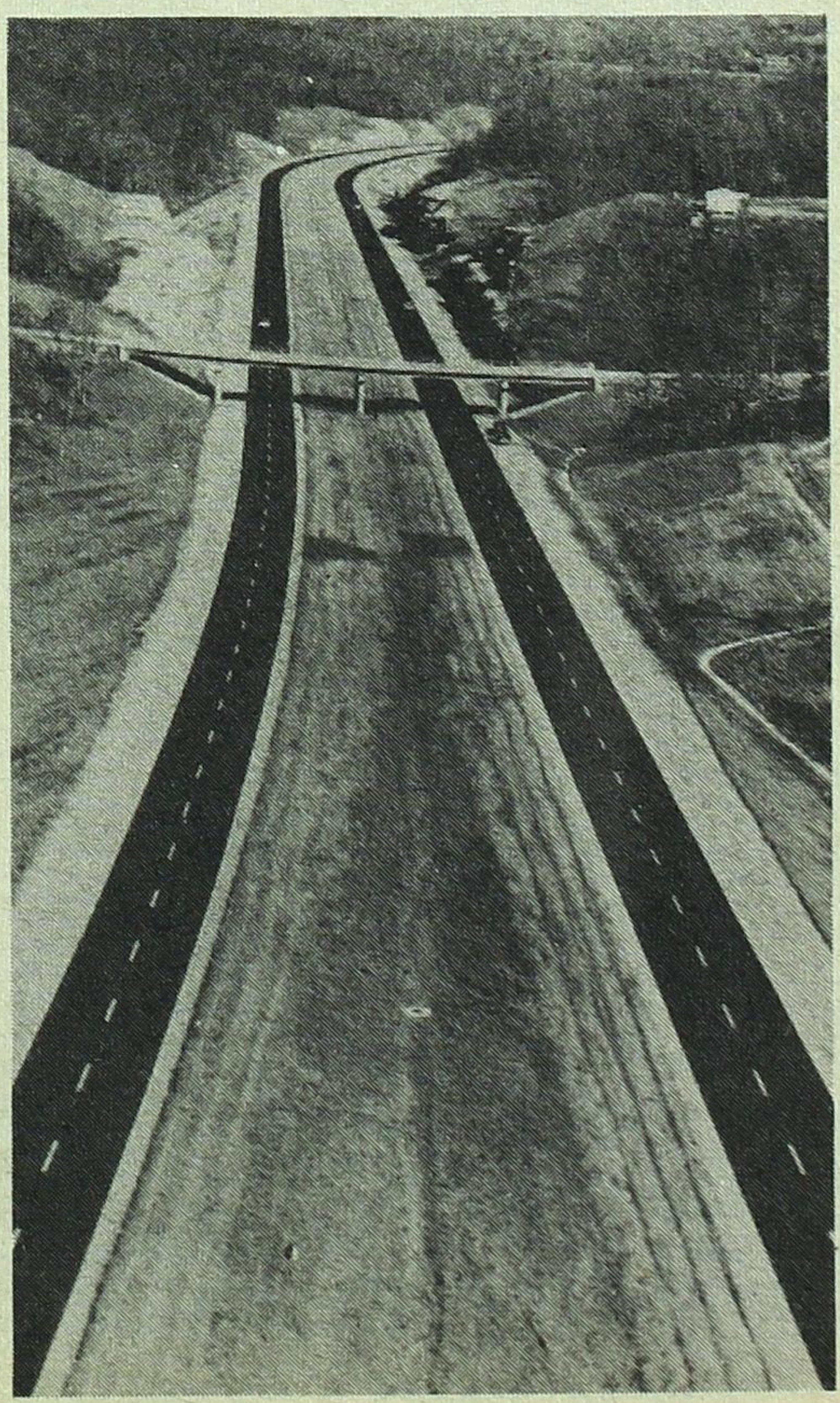
Bridges (H.R. 11733; S. 3073): Provide $4.2 billion over four years for bridge repair and replacement both on and off the federal-aid highway system. The program is part of the highway legislation noted above. Final congressional passage Oct. 15, 1978; awaits President's signature.

Public Transportation (H.R. 11733; S. 2441): Provide $15.06 billion over four years, plus one year of capital funding at $1.58 billion for new and/or existing public transportation programs. Final congressional approval Oct. 15, 1978; awaits President's signature.

Airline Deregulation (H.R. 12611; S. 2493): Provide for the airlines to compete more freely by lowering fares and providing better service. Includes a small community air transportation program which, for the first time, ensures small community service for 10 years and a major new role for affected local governments. Final congressional approval Oct. 15, 1978; awaits President's signature.

Aircraft Noise (H.R. 8729; S. 3064): Require the airlines to meet 1983 and 1985 federal noise standards by funneling approximately $4 billion to the airlines to help quiet noisy engines. Would also have provided a beginning local planning and grant program for local governments. The measure had been approved by the House and passed the Senate Oct. 12, 1978; bill died for lack of final action.

Asphalt H.R. 1099): Provide $250 million for potholes created by last winter's freeze and thaw conditions. Passed House Feb. 17, 1978. In the last days of Congress, the never-say-die "pothole bill" came to life in the House, this time associated with the recently vetoed public works dam projects. In its last ditch attempt for congressional approval, the pothole bill died in the final hour of the 95th Congress.



95th Congress Wrapup

Payments-in-Lieu Fiscal '78 Appropriations (H.R. 7636): Provide $100 million appropriation for fiscal '78 payments to counties. Passed House June 8, 1977; passed Senate June 17, 1977; signed July 26, 1977 (P.L. 95-74).

Strip Mining Standards (H.R. 2; S. 7): Set reclamation standards for strip mining on federal and nonfederal lands. Passed House April 29 1977; passed Senate May 20, 1977; signed Aug. 3, 1977 (P.L. 95-87).

Payments-in-Lieu Fiscal '79 Appropriations (H.R. 12932): Provide $105 million appropriation for fiscal '79 payments to counties. Passed House June 21, 1978; passed Senate Aug. 10, 1978; signed Oct. 16, 1978 (P.L. 95-465).

Payments-in-Lieu Amendments (H.R. 8394; S. 74): Authorize approximately $16 million in annual payments-in-lieu for fish and wildlife refuges, certain national parks, and inactive Army Reserve bases. Passed House June 6, 1978; passed Senate Sept. 25, 1978; signed Oct. 17, 1978 (P.L. 95-469).

Payments-in-Lieu Four-Year Authorization (H.R. 10787; S. 2234): Set authorization level for payments-in-lieu at $105 million for fiscal '79, $108 million for fiscal '80, $111 million for fiscal '81 and $114 million for fiscal '82. Passed House July 11, 1978; passed Senate July 27, 1978; signed Aug. 20, 1978 (P.L. 95-352).

Mineral Lease/Energy Impact Loans (S. 2913): Authorize $40 million annual energy impact loan "advances" from mineral lease funds. Passed House July 11, 1978; passed Senate July 27, 1978; signed Aug. 20, 1978 (P.L. 95-352).

Instant Wilderness (H.R. 3454; S. 1180): Designate 1.2 million acres of instant wilderness in western national forests. Passed House Sep. 12, 1977; passed Senate Oct. 20, 1977; signed Feb. 24, 1978 (P.L. 95-237).

Timber Sale Bidding Procedures (H.R. 6362; S. 1360): Allow oral timber sale bidding in counties with communities dependent upon timber sales from national forests. Passed House Feb. 6, 1978; passed Senate Sept. 14, 1977; signed Feb. 20, 1978 (P.L. 95-233).

Range Management (H.R. 10587; S. 2475): Provide public land range improvement measures, including mandatory Bureau of Land Management advisory councils with local government representation. Passed House June 29, 1978; passed Senate Oct. 13, 1978; President has until Oct. 25 to sign. Signature uncertain.

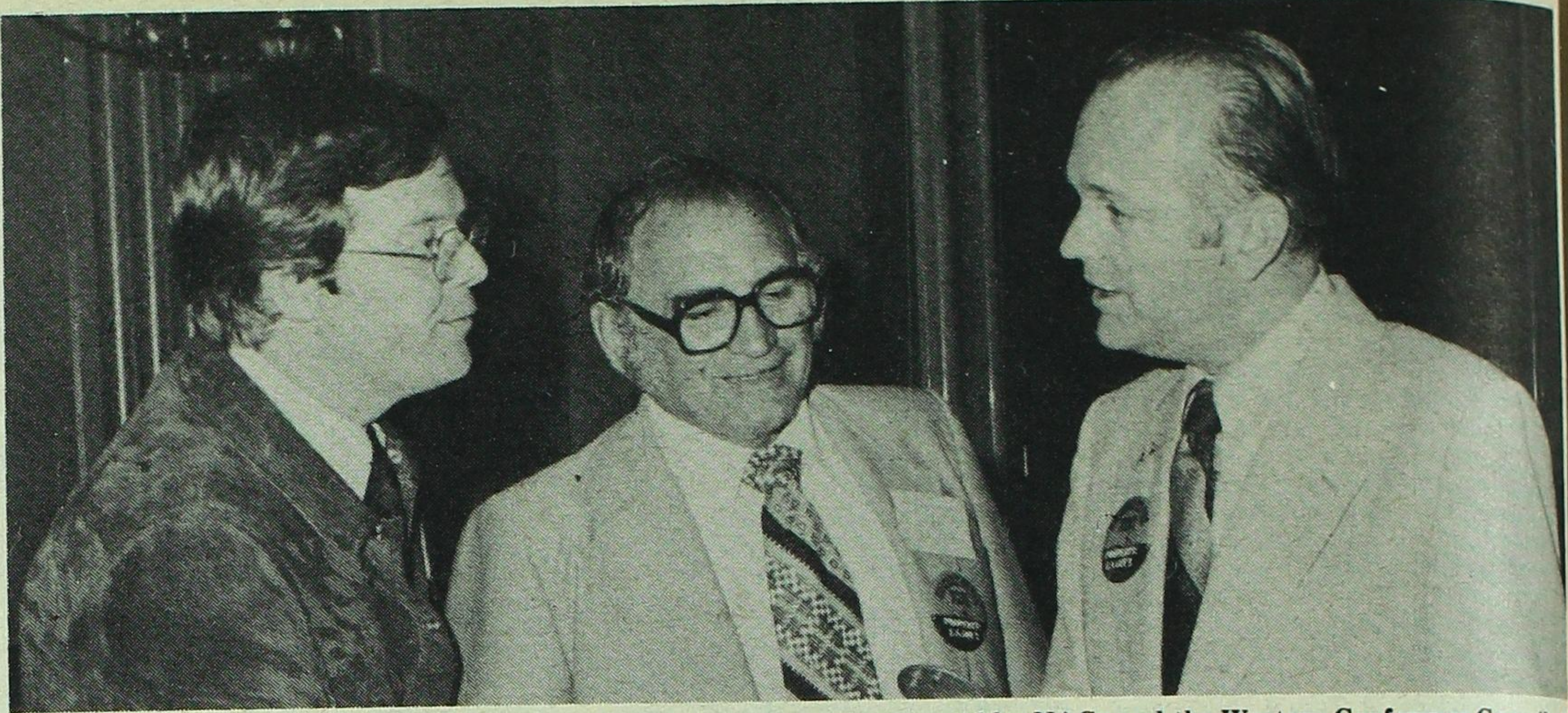
Boundary Waters Canoe Area Restrictions (H.R. 12250): Limit timber production and motorized recreation in the Boundary Water Canoe Area in Minnesota. Passed House June 5, 1978; passed Senate Oct. 15, 1978; President expected to sign this month.

Alaska D-2 Lands (H.R. 39): Provide for wilderness, state and native claims designations for Alaskan lands. Passed House May 19, 1978; died in Senate.

1872 Mining Law Reform (H.R. 5831; S. 2210): Provide for reform of the mining patent/royalty system on public lands. Died in committee, both Houses.

Natural Resources Reorganization (S. 2519): Propose transfer of many Interior Department functions to Agriculture Department. Died in committee.

Public Lands



WESTERN ISSUES RAISED—At a Western Coalition meeting, co-sponsored by NACo and the Western Conference Council of State Governments, Sen. Dennis DeConcini (D-Ariz.) chats with George Buzianis, center, chairman of the NACo Public Lands Committee and Jim Evans, left, NACo associate director for public lands. Sen. DeConcini is the co-chairman of the Western Senators' Coalition.

Payments are Mailed

Payments totaling $96.6 million for the fiscal year ending Sept. 30, 1978 have been mailed by the Bureau of Land Management to approximately 1600 county governments.

These annual payments are authorized by the NACo-sponsored Payments-in-lieu of Taxes Act of 1976. The law specifies that payments are to be made for federal lands classified in the act as "entitlement lands." Approximately 436 million acres administered by the Bureau of Land Management (BLM), Bureau of Reclamation, National Park Service, Forest Service and the Army Corps of Engineers qualified for fiscal '78 payments.

In-lieu payments are handled by the Bureau of Land Management because it is the administrator of the largest number of federal public lands. BLM administers the program with a remarkably low .2 percent overhead.

Highest payments for fiscal '78 will go to counties in New Mexico ($9.68 million), California ($7.95 million), Arizona ($7.7 million), Idaho ($7.55 million), Wyoming ($7.32 million) and Colorado ($7.04 million).

Secretary of Interior Cecil Andrus also announced that additional payments totaling $990,000 have been made to 29 local governments in Colorado and Alaska which were underpaid in fiscal '77. The underpayments resulted from the use of incorrect data in computing the in-lieu payments.

More good news is expected for some counties when BLM implements a recent decision from the General Accounting Office and Interior's Board of Land Appeals on another issue raised after distribution of last year's PILT money. This issue involved the inclusion of public land revenues (mineral leasing) returned to the states by the federal government and passed through to the school districts.

States which NACo believes will be affected are California, Colorado, Montana, Oklahoma, Nevada, North Dakota, South Dakota and Utah. Counties in these states could be eligible for additional payments totaling as much as $5 or $6 million and should contact their state association of counties for more specific information.

Payments-in-lieu legislation has been a high NACo priority since April 13, 1940 when NACo's first payments-in-lieu resolution was adopted. Payments under the program can be used for any general government purpose. No application is necessary and there are no federal restrictions or guidelines on the use of the funds. Payment decisions must be made by the county governing board. Following is a table of payments summarized by state.

INDIANS ISSUES DISCUSSED—Linda Bennett, NACo public lands specialist, and Forrest Gerard, assistant secretary of interior for Indian affairs, discuss NACo's recently established policy on Indian issues.

IN LIEU OF TAXES PAYMENTS

State	Fiscal '78	Fiscal '77
Ala.	127,411	322,955
Alaska	4,157,967	3,844,016
Ariz.	7,706,923	8,402,702
Ark.	776,500	1,289,837
Calif.*	7,958,794	10,518,044
Colo.*	7,049,612	7,483,637
Conn.	4,921	4,921
Del.	4,627	8,807
D.C.	5,114	5,114
Fla.	1,540,029	1,094,587
Ga.	857,779	764,740
Hawaii	23,098	23,098
Idaho	7,557,847	7,214,759
Ill.	288,445	315,748
Ind.	244,814	270,401
Iowa	127,506	103,221
Kan.	327,370	361,725
Ky.	737,160	672,399
La.	128,591	117,095
Maine	61,157	53,634
Md.	133,735	102,862
Mass.	151,368	122,743
Mich.	1,623,397	1,544,782
Minn.	1,721,141	1,320,533
Miss.	489,690	456,478
Mo.	1,120,558	608,479
Mont.	6,455,133	8,838,854
Neb.	300,046	303,851
Nev.	4,253,250	4,482,697
N.H.	403,395	301,166
N.J.	138,791	133,203
N.M.	9,686,314	10,246,388
N.Y.	22,026	22,495
N.C.	965,979	800,923
N.D.	437,710	621,650
Ohio	285,973	195,118
Okla.*	676,526	786,791
Ore.	3,884,423	3,538,060
Pa.	253,462	227,817
R.I.	1,497	1,497
S.C.	374,354	96,496
S.D.*	1,580,369	1,747,504
Tenn.	502,015	558,059
Tex.	1,078,463	757,681
Utah*	6,435,508	7,471,599
Vt.	165,915	149,244
Va.	1,331,560	1,261,745
Wash.	3,321,303	2,357,816
W. Va.	774,081	709,152
Wis.	963,793	805,699
Wyo.	7,327,304	6,419,619
P.R.	16,798	9,491
V.I.	15,619	13,552
	$96,577,161	$99,885,486

***Counties in these states may be eligible for additional payments for fiscal '78.**

Public Lands

PUBLIC LANDS SPECIALIST—As part of a NACo Western Interstate Region (WIR) public lands program, several western states have hired specialists on public land issues to provide technical assistance to counties and advise federal agencies on the implementation of federal public land laws. From left: J.K. Smith, Colorado; Kess Cannon, Oregon; Mark Walsh, Utah; Chuck Holden, Idaho.

Payments-in-Lieu Program Gets Appropriations; Lands Are Added

The action and momentum triggered by the 94th Congress when it enacted landmark public lands legislation continued during the 95th Congress. With some major unfinished business concerning Aslaskan lands and wilderness proposals the next Congress could be just as active.

According to George Buzianis, NACo's Public Lands Steering Committee chairman, and chairman of the board, Tooele County, Utah, the Payments-in-Lieu of Taxes Act, the Federal Land Planning and Management Act (FLPMA), and the Resources Planning Act, all enacted in the 94th Congress, paved the way for much of the legislation the past two years.

"NACo was instrumental in a series of bills enacted this year that grew out of those three acts", Buzianis said in evaluating the 95th Congress.

"Two payment-in-lieu appropriations were approved, $100 million for fiscal '78 and $105 million for fiscal '79, which were our number one public land priority" Buzianis said.

The future for the payments-in-lieu program, which NACo has been pushing for since 1940, looks bright. Congress enacted and the President signed a four-year authorization bill (H.R. 10787) which sets spending levels for the payments-in-lieu program of $105 million in fiscal '79, $108 million in fiscal '80, $111 million in fiscal '81, and $114 million in fiscal '82.

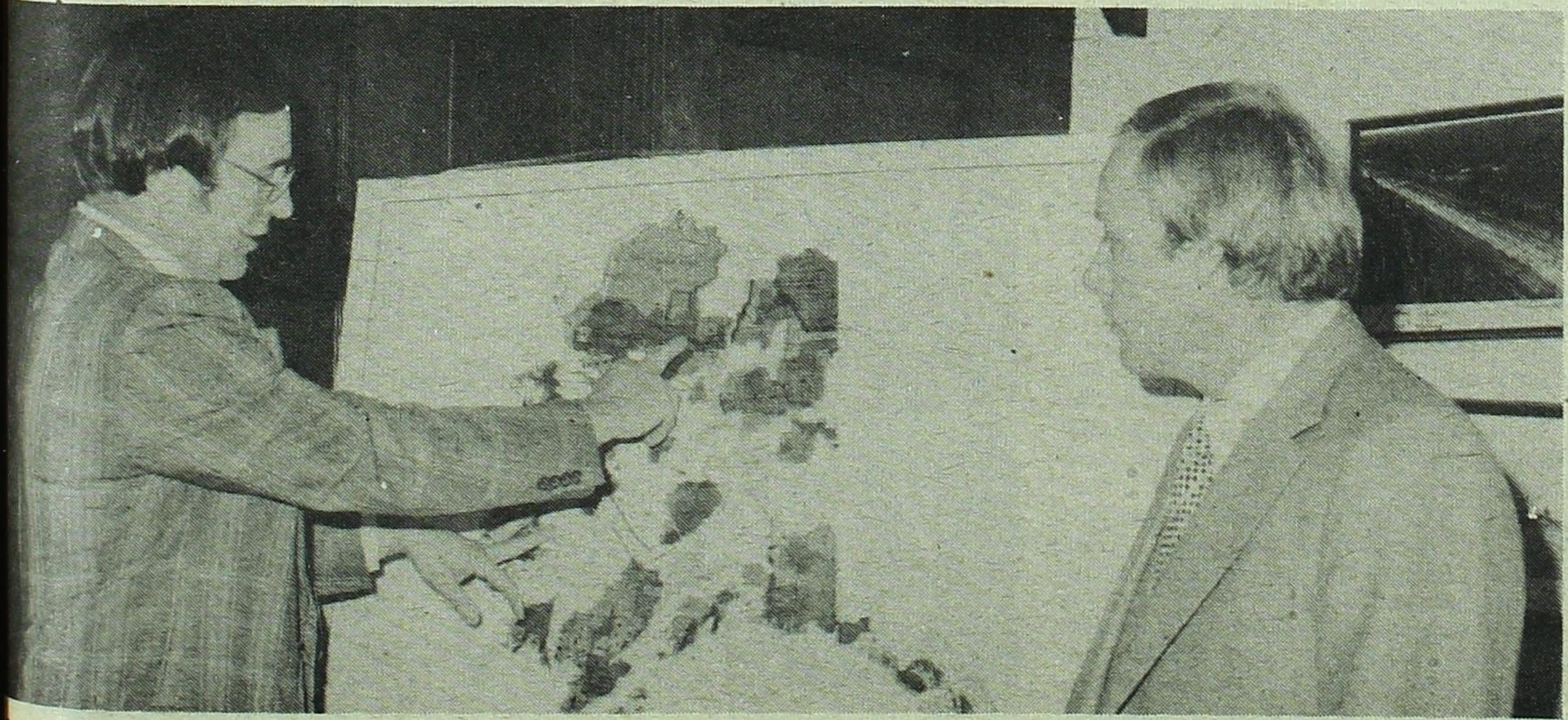
In addition, amendments were enacted to add fish and wildlife refuges, certain national parks, and inactive army reserve bases as entitlement lands under the program. This legislation sponsored by Reps. Bo Ginn (D-Ga.) and Bill Stieger (R-Wis.) and Sen. Dale Bumpers (D-Ark.) just made it in the closing weeks of Congress. A NACo rally, chaired by John Carlson NACo's Western Interstate Region president, and mayor, Fairbanks North Star Borough, Alaska, was held to gather support for the amendments, which were stalled in the House Interior Committee.

Not all public land issues involved legislation, however. NACo and the NACo Western Interstate Region initiated a public lands program this year to provide county input and information concerning implementation and regulations of all public land laws. One of the most important programs being implemented is the Resources Planning Act. Under this law, the Forest Service is busy reviewing more than 60 million acres of roadless areas under RARE II (Roadless Area Review and Evaluation). It will make recommendations to Congress concerning how much of the land should be declared wilderness, returned to multiple use, or consigned to further study.

Another issue is the enactment of the Federal Land Policy and Management Act (FLPMA) in 1976 which launched a new era for public land management. FLPMA represents a codification of much of what the Bureau of Land Management (BLM) has been doing for years and provides a congressional mandate for the multiple-use philosophy which has been a part of BLM policy for many years.

Of the provisions within FLPMA, the section which might have the greatest effect on public land users within the western states is Section 603, the comprehensive wilderness review section. This section requires the Secretary of Interior to review roadless areas of 5,000 acres or more within 15 years after the enactment of FLPMA (Oct. 21, 1976), and then report to the President his recommendations as to the suitability of each area for wilderness.

BLM has commenced this review process. The survey does not involve all 450 acres presently under BLM jurisdiction. As with RARE II, an initial determination must be made, which will define the so-called roadless "universe". This survey will involve an estimated 120 million acres, a good deal of which is in Alaska (discussed during the "D-2" legislation which did not pass this Congress).



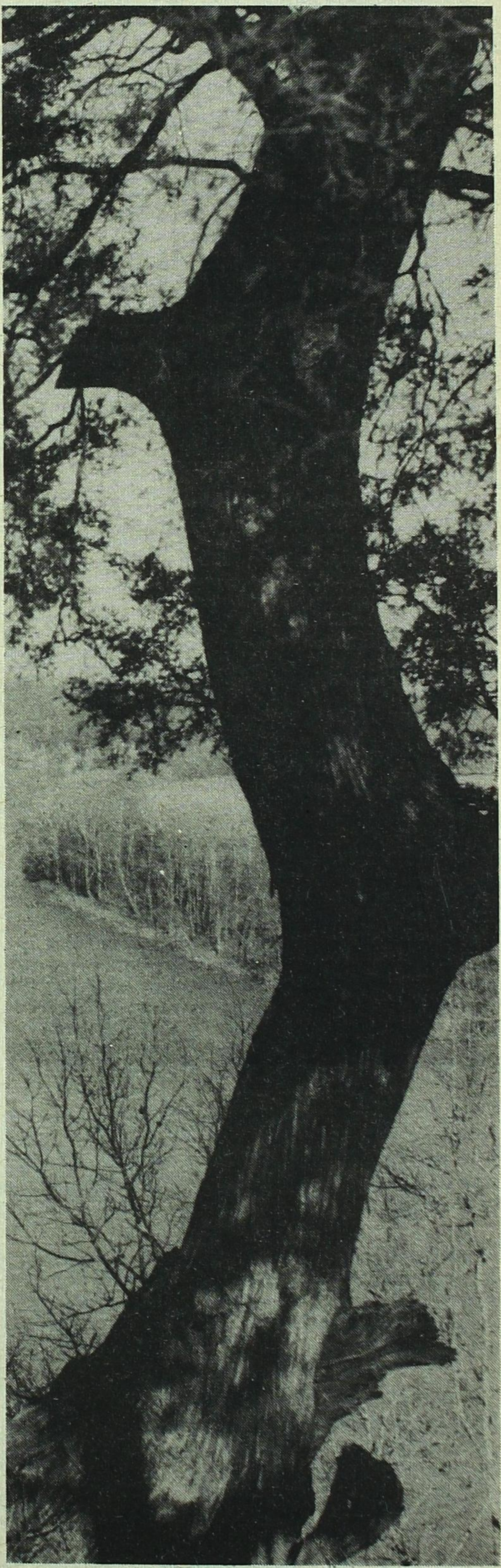
ALASKAN LEGISLATION—Alaska State Association Director Jim Rolle discusses the Alaskan D-2 land legislation with Rep. n Young (R-Alaska), right.

95th Congress Wrapup

Omnibus Indian Jurisdiction Act (H.R. 9950): Extend civil aspects of P.L. 83-280 to all states, provide a waiver of sovereign immunity to suit against the tribes, and restrict tribal jurisdiction within the reservation. Died in committee.

Quantification of Water Rights (H.R. 9951): Limit tribal claims to water by quantifying Indian rights based on the highest usage by the tribes over the past five years. Gives authority to states to regulate water. Died in committee.

Tribal-State Compact Act (S. 2502; H.R. 11489): Authorize states and Indian tribes to enter into compacts on matters involving jurisdiction and governmental operations on reservations. Reported out of committee; no action by House or Senate.



95th Congress Wrapup

Federal Program Information Act (S. 904): Establish a computerized information system on federal domestic assistance programs using the Catalog of Domestic Assistance and the Federal Assistance Programs Retrieval System (FAPRS) as the data base. Passed Senate May 17, 1977; passed House Sept. 27, 1977; signed as P.L. 95-220.

Cooperative Grant Agreement Act (S. 431; H.R. 7691): Distinguish among grants, contracts and cooperative agreements; specify when federal agencies may use these instruments for assistance programs; mandate a two-year study of federal assistance relationships. Passed House Sept. 27, 1977; passed Senate Oct. 1, 1977; signed as P.L. 95-224.

Small Communities Act of 1978 (S. 3277): Address federal paperwork, reporting and policy requirements for small communities; streamline the grants-in-aid system for communities under 50,000 population. Senate held hearings Aug. 2, 1978; no House companion legislation; no House or Senate action.

Federal Assistance Paperwork Reduction Act (S. 3267): Provide for standardization of national policy requirements, advanced funding of one-year and five-year projection of budget outlays. Senate held hearings July 12, 13, 1978; no House companion legislation; no House or Senate final action. Expected to be reintroduced next Congress.

Program Reauthorization and Evaluation Act of 1978 (S.2): Require regular review of federal programs every 10 years and establish a citizen commission to make recommendations to promote efficiency and improve service delivery of the federal agencies. Passed Senate Oct. 11, 1978; no House action.

Fiscal Assistance Intergovernmental Antirecession Act of 1977: Reauthorize the countercyclical assistance program from July 1977 through September 1978. Provide $2.25 billion to state and local governments to combat the effects of unemployment when the national unemployment rate exceeded 6 percent.

Antirecession and Supplementary Fiscal Assistance Amendment of 1978 (H.R. 2852): Reauthorize the countercyclical assistance program for two years to aid state and local governments in combatting unemployment. Tabled in House Governmental Operations subcommittee Aug. 2, 1978; reported out of Senate Finance Committee Aug. 10, and attached to a House-passed bill. Passed Senate Sept. 23, 1978. No action by House.

New York City Financial Assistance: Reauthorize federal guarantees of New York City bonds to avert municipal bankruptcy and enable city to attain balanced budget by 1981. Signed into law Aug. 12, 1978.

Municipal Securities Disclosure Act: Require local governments to prepare annual reports and distribution documents at increased cost when issuing municipal securities. No hearing scheduled.

Taxable Bond Option (TBO): Offer state and local governments the option of issuing tax exempt bonds or taxable municipal bonds. Deleted from consideration of the Tax Reform Act of 1978 (tax bill).

Taxation and Finance

Red Tape Unwinding

Although the 95th Congress failed to produce a new law to streamline and simplify the federal grant system, it is significant that the Senate drafted two major grant reform measures and the President issued a major memorandum last year toward this end. In addition, Congress passed two important pieces of legislation in the first session: the Federal Program Information Act and the Cooperative Grant Agreement Act. The Senate passed but the House failed to act on sunset legislation and the President ordered the Office of Management and Budget (OMB) to end the proliferation and confusion of federal planning requirements for grant recipients.

These initiatives have one common goal: to bring efficiency, better management and some sense of order to a complex grant-in-aid system which will disburse an estimated $85 billion in fiscal '79. The framework has been laid and it is hoped that the next Congress will build on the great amount of work that has been done.

MEASURES PASSED

To expand access to grant information, the Federal Program Information Act establishes a computer system on domestic assistance programs in the Office of Management and Budget (OMB). Missing from the data base of the computer, however, is the amount of unobligated balances. OMB is concluding a study on implementation of this act and has surveyed local governments to determine their needs. NACo has participated with OMB in this study and is encouraged by the Administration's commitment to produce a system that can meet local government's needs. It is hoped that OMB will find a way to include unobligated balances in the data base. Sens. Edward Kennedy (D-Mass.) and William Roth (R-Del.) led efforts to enact this legislation.

The Cooperative Grant Agreement Act, introduced and championed by Sen. Lawton Chiles (D-Fla.) distinguishes for the first time between grants, contracts, and cooperative agreements and specifies when federal agencies may use these instruments to transfer federal assistance. Recipients know at the outset their funding relationship with the grantor agency. The act also calls for a study of alternatives and better ways of providing assistance.

Another bill will lead to the establishment of Office of Inspector General in each major federal agency. The offices will work to promote more efficiency in business and to detect fraud and abuse in program operation.

PRESIDENTIAL MEMORANDUM

The Sept. 9 Grant Reform Memorandum of the President focused on five areas to improve the grants-in-aid system. The memorandum required all agencies to use standard application and financial reporting forms; required grant modifications to include only the additional information and not repeat information called for in the original application; expanded the use of letters of credit; and called for an increased reliance on state audits, with agencies being required to make their audit schedules systematically available to grant recipients.

An Advisory Commission on Intergovernmental Relations (ACIR) interim report on the success of the President's efforts commended the President for his reform measures but noted that the agencies have not incorporated all of the President's proposals. The ACIR recommends that the President reissue his memorandum as an executive order.

The President also requested a federal planning requirement study which was completed by OMB last fall. The study proposed 11 projects to coordinate and eliminate duplication of federal planning requirements on recipients. NACo will be working with OMB in the coming year to ensure county government input.

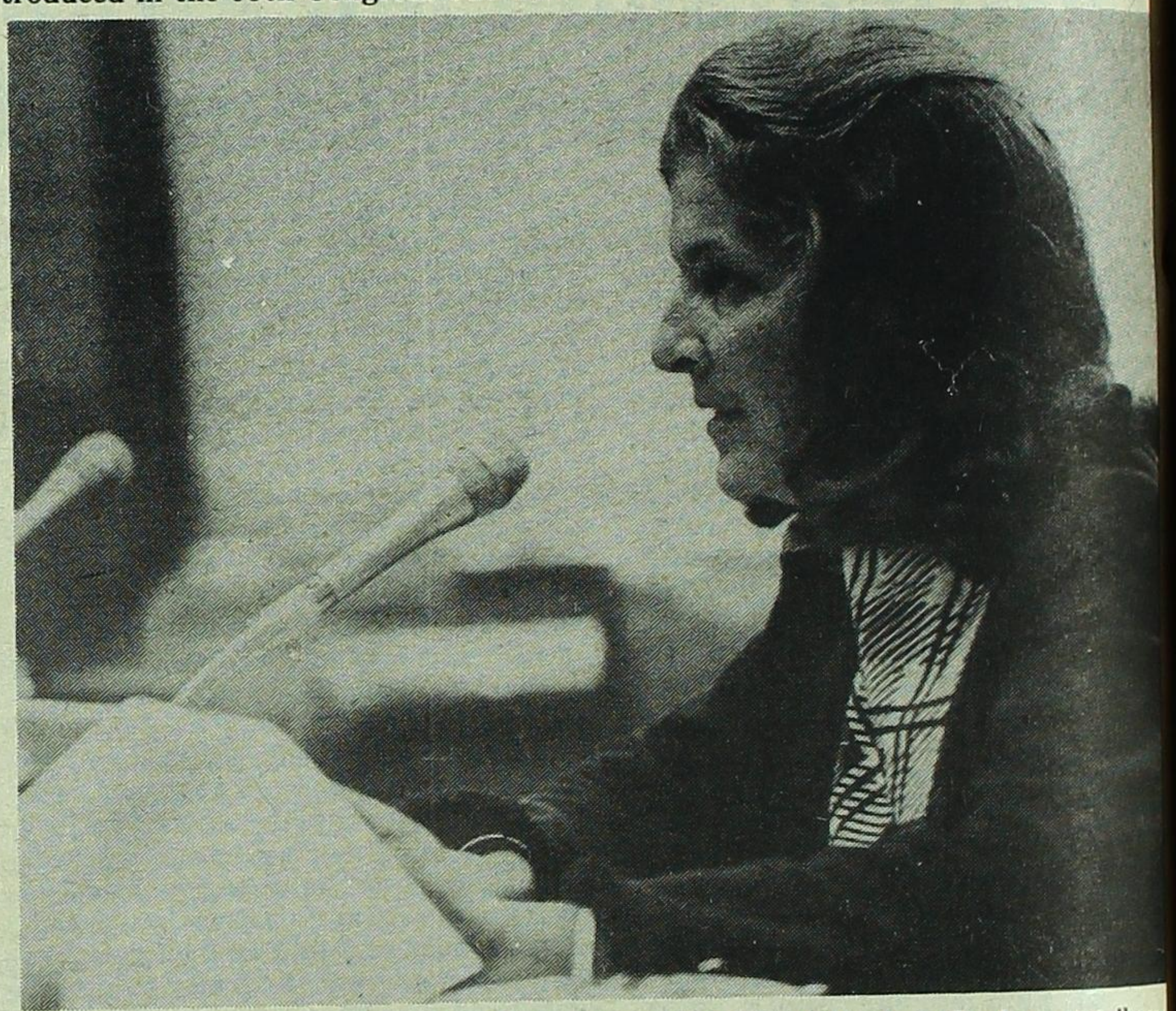
GRANT REFORM—Suzanne Muncy, Montgomery County, Md., president of NACo's Council of Intergovernmental Coordinators, testified on federal aid reform this year.

AGENDA FOR 96TH CONGRESS

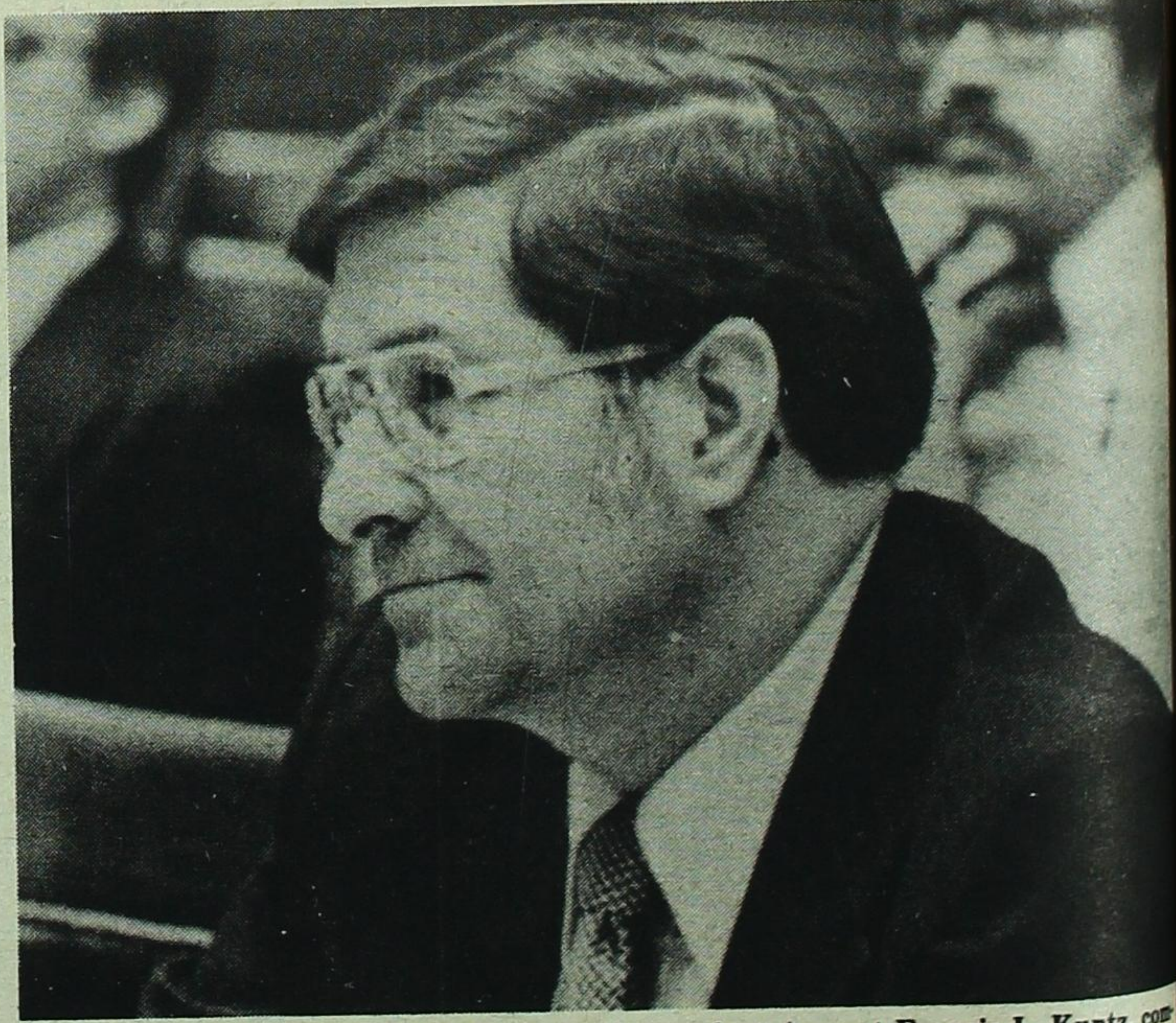
Three pieces of legislation were introduced in the 95th Congress but were not enacted. The Federal Assistance Paperwork Reduction Act, an omnibus grant reform measure, called for the standardization of national policy requirements such as citizen participation and labor practices, advanced funding of one year and five-year projection of budget outlays. The legislation, introduced by Sens. Edmund Muskie (D-Maine), William Roth (R-Del.) and John Danforth (R-Mo.), was well supported in the Senate but failure of a House companion measure led to its final death. It is anticipated that the Senate will focus on this legislation early in the 96th Congress.

Sen. Danforth also introduced a similar grant reform measure designed for small communities. The bill, The Small Community Act of 1978, called for standardization of national policy requirements and advanced funding and contained a strong financial management title designed to decrease and improve audit and program reporting.

Finally, the Senate passed a bill to require regular reevaluation of federal programs every 10 years. The House failed to pass the measure but it is expected that the 96th Congress will introduce similar legislation.



COUNTERCYCLICAL REAUTHORIZATION NEEDED—Lois Parke, councilman, New Castle County, Del. tells a Senate subcommittee in May that unemployment levels remain high in many counties despite the drop in national unemployment.



SMALL COMMUNITIES BILL—In testimony last August Francis L. Kuntz, commissioner, Elk County, Pa. reminds congressmen that rural areas are especially burdened by proliferation of red tape and federal regulations.

axation and Finance

Time Runs Out on Countercyclical

Left behind to die in the final hours of he 95th Congress was the Antirecession nd Fiscal Assistance Act, commonly nown as countercyclical. Approximately 1,700 counties were issued heir last checks in July

The countercyclical assistance rogram was originally authorized by itle II of the Public Works Employment ct of 1976 to help states and local governments recover from the effects of the ationwide recession. The program was xtended by the Intergovernmental ssistance Act of 1977 through Sept. 30, 978.

Early this year, the Administration ent a somewhat changed proposal to ongress and asked that the program be xtended two additional years.

During four days of congressional earings in May, county, city and state fficials testified about the need for coninuing countercyclical assistance, citing the effects of high local unemployment in many jurisdictions.

However, the House Government Operations subcommittee on intergovernmental relations and human resources tabled consideration of the bill "indefinitely." Members cited the general nationwide recovery from the recession, evidenced by continued reductions in national unemployment rates, and increased pressure to reduce federal spending as the reason for their action.

The Senate then took the lead by drafting a proposal to extend the current program for two years. The bill, sponsored by Sens. William Hathaway (D-Maine), Edmund Muskie (D-Maine) and Daniel Patrick Moynihan (D-N.Y.), was approved by the Senate Finance Committee, chaired by Sen. Russell Long (D-La.). The committee amended the bill and attached it to H.R. 2852. The two-title measure, known as the Intergovernmental Antirecession Act of 1978, was reported out of committee Aug. 10, 1978.

The Senate overwhelmingly approved the measure on Sept. 23 by a 44-8 vote. In so doing, the senators increased the local eligibility level from 4.5 percent to 6 percent and made other adjustments to Title II of the bill. It would have provided between $500 million and $600 million per year to those governmental units eligible.

In the House, a request was made of the Rules Committee to allow the bill to go directly to the House floor for a vote. The late date in the legislative session left little time to refer the measure to a conference committee where the outcome was uncertain, given the prior subcommittee decision to table the bill.

The House Rules Committee voted the required rule shortly before midnight on Oct. 14. The measure then went to the House floor during the marathon session extending through Sunday, Oct. 15. It was never voted on.

95th Congress Wrapup

Consumer Antitrust Act of 1977 (H.R. 11942; S. 1874): Enable local and state governments to recover damages for overcharges incurred from price fixing and other private sector antitrust violations. Would overturn Supreme Court decision restricting ability of local governments to recover damages. Reported out of Senate and House Judiciary Committees in late June. No floor action.

Glass-Steagull Act Amendments (H.R. 7485; S. 2674): Enable national banks to underwrite issuance of municipal securities. No committee hearing.

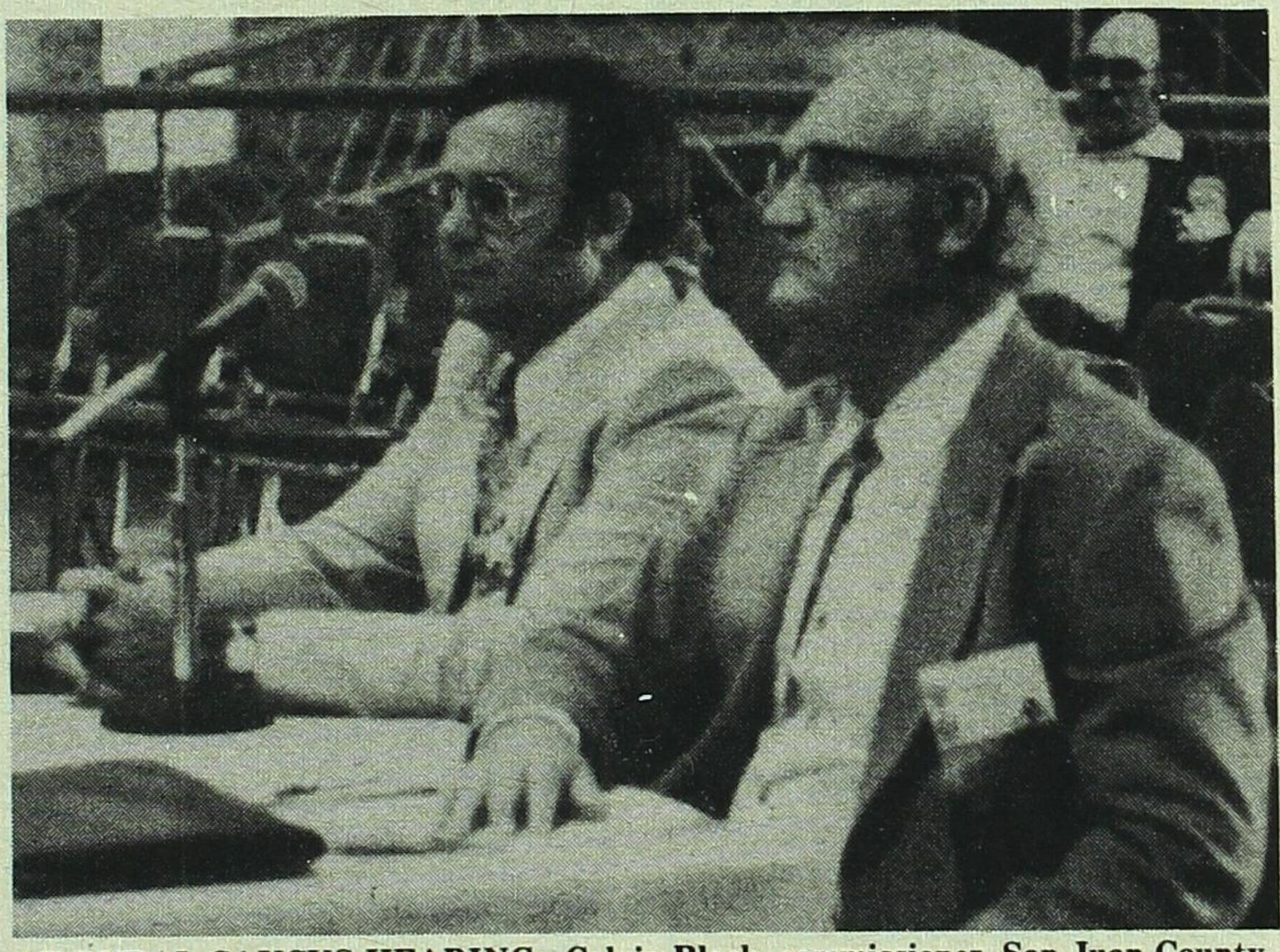
ural Development

Major Gains Scored

The needs of rural counties, storically overlooked when funds were nded out, have at last been recognized measures passed by the 95th ngress. Major improvements in the ount and type of programs available r rural development can be expected as esult of the Agricultural Credit Act of 78, appropriations contained in the cal '79 Agriculture Appropriations, d rural housing provisions incorpored within the Housing and Community evelopment Amendments of 1978.

• **Funding.** The 95th Congress rovided increased funding for rural evelopment programs in its first and econd session. For the first time ever, ll funding was achieved for rural water d waste disposal grants, and the rural lanning grant program was funded. The llowing appropriation levels, by rogram, were approved for fiscal '79:

Program Grants	Fiscal '79 Funding (in millions)
ater and Sewer	$282.5
ural Development Planning	5
ommunity Facility	10
ousing Rehabilitation	19
arm Labor Housing	33
echnical Assistance Housing	2.5
utual and Self Help Housing	13.5
ural Community Fire Protection	3.5



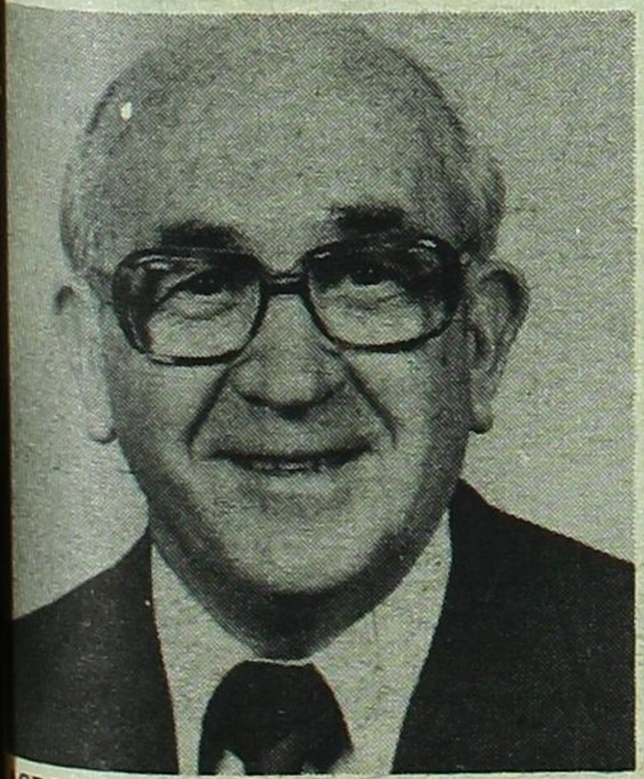
AT RURAL CAUCUS HEARING—Calvin Black, commissioner, San Juan County, Utah, left, and Ray Nelson, commissioner, Republic County, Kan. testified before the Congressional Rural Caucus during the NACo Western Interstate Regional meeting last year. Black is chairman of the Rural Affairs Committee and Nelson is vice chairman.

In addition, the development and housing loan programs financed through the Rural Development and Housing Insurance Funds will receive increases.

• **Housing.** A major new rural low and moderate income housing program will be instituted in 1979. This program, originally contained in the Rural Housing Act of 1977, was subsequently incorporated into the Housing and Community Development Act Amendments of 1978. The program will enable greater numbers of rural families to attain adequate housing. It will be administered by the Farmers Home Administration (FmHA) and will include mechanisms to defray costs of major home maintenance items, to pay utility costs, and to discourage speculation.

• **Water and Waste Disposal Program.** Rural counties can now receive grants covering up to 75 percent of project costs for these systems. Under the Rural Development Act of 1972, there was a 50 percent ceiling on grants which forced rural communities to seek loans and issue bonds to cover the remaining 50 percent of costs. This change, coupled with the freezing of interest rates on FmHA loans at 5 percent, will result in major savings to rural counties.

The authorized funding level on water and waste disposal grants has also been increased to $500 million. This will enable Congress to provide increased appropriations for this program in the future.



GRICULTURAL CREDIT SPONSORS—From left, Rep. Ed Jones, (D-Tenn.) and . Herman Talmage (D-Ga.) were sponsors of the Agricultural Credit Act of 1978, hich provides record funding for rural development programs.

95th Congress Wrapup

Agricultural Credit Act of 1978 (H.R. 11504): Make major changes in administration of rural development act grant and loan program, including increasing the authorization for waste and water disposal grants, raising the ceiling on grants from 50 percent to 75 percent of project cost, and maintaining the interest rate on rural development loans at 5 percent. Passed House July 19, 1978; passed Senate July 20, 1978; signed by President Aug. 4, 1978. (P.L. 95-334).

Rural Development Appropriations Contained in Fiscal '79 Agriculture Appropriation (H.R. 13125): Provide highest funding level to date for water and waste disposal, other rural development grant programs, continue the rural planning program. Conference Report passed House Sept. 26, 1978; passed Senate on Sept. 27, 1978; signed by the President Oct. 11, 1978. (P.L. 95-448).

Supplemental Appropriations for Rural Development Fiscal '78 (H.R. 13467): Provide additional $50 million for water and waste disposal grants to attain full funding of program. House agreed to Conference Report on Aug. 17, 1977, the Senate on Aug. 7; signed Aug. 25, 1977.

Rural Housing Act of 1977: Provide significant increases in rural housing programs as well as major new homeowner subsidy program for low and moderate income families. Legislation was incorporated, with key provisions intact, into Housing and Community Development Amendments of 1978 (S. 3084). Passed Senate July 20, 1978; passed House July 21, 1978; Conference Report approved by both Houses Oct. 15, 1978; awaiting President's signature.

Rural Development Policy Act of 1978 (H.R. 10885): Strengthen role and responsibilities of the Department of Agriculture and increase authorizations for rural development planning grants. House Agriculture Committee referred bill back to subcommittee on family farms, rural development, and special studies. No action taken in House or Senate.

Rural Development Appropriations for Fiscal '78: Provide record funding levels for grant and loan programs of the Rural Development Act including initial funding for rural planning programs.

Welfare and Social Services

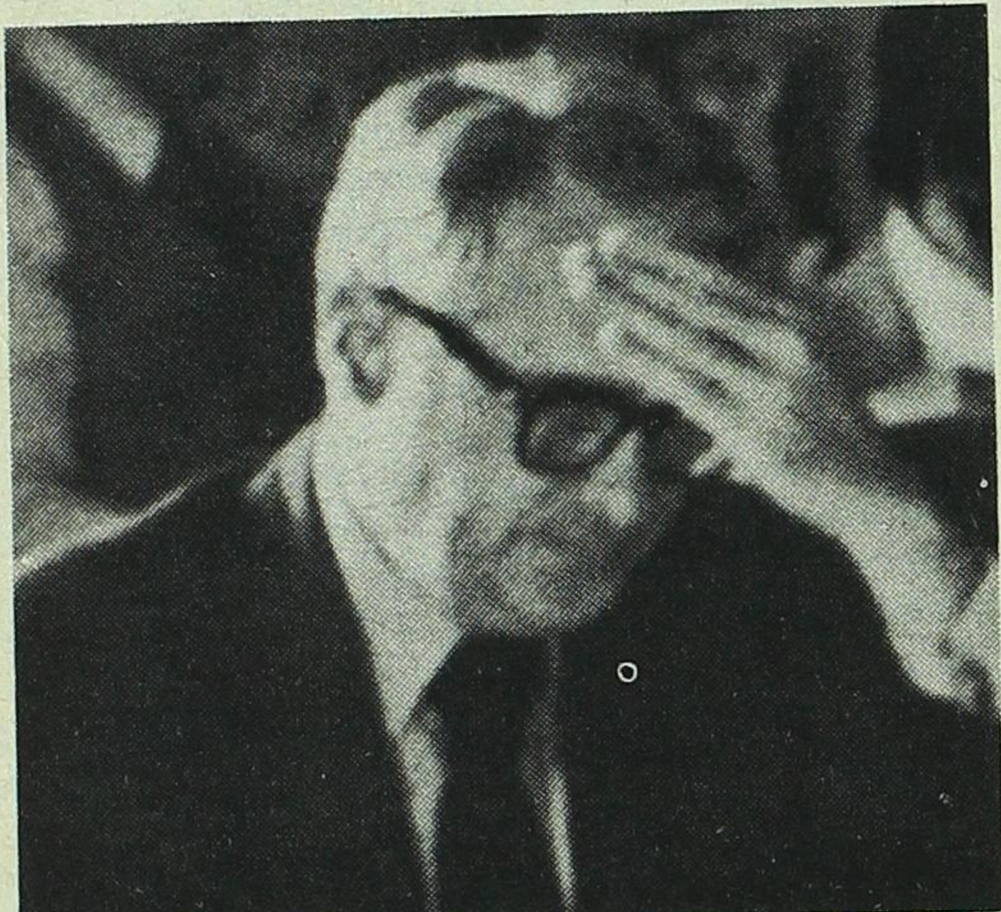
95th Congress Wrapup

Fiscal Relief for Welfare Costs: In December 1977 Congress amended the Social Security Act (P.L. 95-216) to provide $187 million of fiscal relief for Aid to Families with Dependent Children (AFDC). In states where counties contribute to AFDC, 100 percent of the funds were passed through to counties.

Public Assistance Amendments (H.R. 7200): Provide a number of improvements in the child welfare program, foster care, adoption services and supplemental income for the elderly. Passed House June 14, 1977; Senate Finance Committee reported bill Nov. 1, 1977; no Senate vote.

Fiscal Relief for Welfare Costs: Provide up to $400 million to states and counties for welfare costs. House bill (H.R. 13335) did not reach House floor. A Senate amendment to this year's tax bill (H.R. 13511) would have provided relief but was deleted on Senate floor Oct. 6, 1978.

Social Service Amendments (H.R. 12973): Provide an increase in the federal ceiling for social services under Title XX of the Social Security Act. Passed House July 25, 1978; became an amendment to this year's tax bill and passed Senate Oct. 10, 1978; awaits President's signature.



SUPPORT FOR ELDERLY—Sen. Thomas Eagleton (D-Mo.) championed passage of the Older Americans Act as chairman of the Senate Human Resources Subcommittee on aging.

Amendments to the Older Americans Act (H.R. 12255 and S. 2850): Reauthorize for three years this act, which was first enacted in 1965. Services are consolidated; the role of local elected officials is strengthened. Conference Report (H. Report No. 95-1618) was passed on Oct. 4, 1978 by the House and on Oct. 6, 1978 by the Senate; signed Oct. 18, 1978.

Food Stamp Act of 1977 (H.R. 7940; S. 275): Reauthorize the food stamp program through 1981; includes elimination of the purchase requirement (EPR); simplifies eligibility determinations. Passed House July 28, 1977; passed Senate May 24, 1977; signed by President Sept. 29, 1977. First set of final regs published Oct. 13, 1978. EPR to be implemented Jan. 1, 1979; the remaining regs must be fully operational by March 1, 1979.

IRAP (Indochinese Refugee Assistance Program) (H.R. 12509): Extend 100 percent federal funding of welfare costs for refugees of the Vietnam war admitted to the United States. Passed Senate Oct. 10, 1978 and House Oct. 13, 1978. Senate bill (S. 3309) to phase down program after Sept. 30, 1979 was dropped in favor of a simple one-year authorization to continue present program until Sept. 30, 1979 under existing rules at federal cost of $36 million.

Older Americans Act Consolidates Services, Increases Local Role

Last month the House and Senate approved the conference report extending the Older Americans Act for three years. The bill was signed by President Carter Oct. 18.

The bill authorizes $730 million in fiscal '79, $835 million in '80 and $1 billion in '81 for congregate and home-delivered meals, senior centers and other community services.

Major changes in the act reflect concerns of county officials across the country which NACo presented to Congress. In the new bill:

- The presence of local elected officials on area agency advisory board is recommended;
- The service titles —Title III (social services), Title V (senior centers), Title VII (nutrition)—are consolidated into a new expanded Title III;
- State plans are required to be based upon local agency plans;
- A three-year planning cycle replaces annual planning.

These changes will alleviate some of the problems noted by Doris Dealaman, Somerset County (N.J.) freeholder, in testimony earlier this year.

Dealaman, NACo's chairperson for aging, pointed out that the lack of coordination among the various titles created "confusion for elderly persons, unnecessary paperwork for staff, and a duplication of effort on the part of counties and other sponsoring agencies."

"Moreover," Dealaman added, "unless elected officials have some part in the **decision-making and planning process, they really have little incentive to become more involved and expand services for the elderly.**"

Other changes, which were not supported by NACo, were adopted, but with language that strongly protects county-level decision-making and county finances:

- Although the nonfederal match is increased for the new Title III (from the current 10 percent to 15 percent in 1981), the increase must be met by states and cannot be passed on to counties.
- Although there is a separate authorization for meals-on-wheels, funds can be transferred between congregate and home-delivered meals to respond to the types of meal services actually needed at the local level.

RURAL ELDERLY

Strong concern for the rural elderly appears in the new amendments.

Each state will be required to increase its present allocation of service funds to rural areas by 5 percent with two exceptions: an insufficient number of older Americans live in the rural areas of a state to warrant this increase, or the needs of a state's rural elderly are being adequately met.

Most rural counties, in other words, can probably expect to receive at least 5 percent more of the service dollars they currently receive through the old Title III (community services), Title V (senior centers) and Title VII (nutrition).

In the new consolidated Title III, special emphasis is placed on outreach activities in rural areas.

AGE DISCRIMINATION

The Age Discrimination Act of 1975 has been strengthened: first, conceptually, by outlawing "discrimination" (as opposed to "unreasonable discrimination") based on age; by granting individuals the right to private action after administrative remedies have been exhausted; by requiring the Secretary of Health, Education and Welfare to approve related regulations from other departments and agencies; and by establishing a reporting system for all agencies and departments through HEW. However, the latter requirement may prove a large administrative burden requiring counties to collect data on the ages of all individuals served with all federal funds.

Also added was an amendment opposed by NACo which permits, not only the withholding of funds from county agencies in violation of the act, but also bypass of the funds to another, even a private, agency.

OTHER PROVISIONS

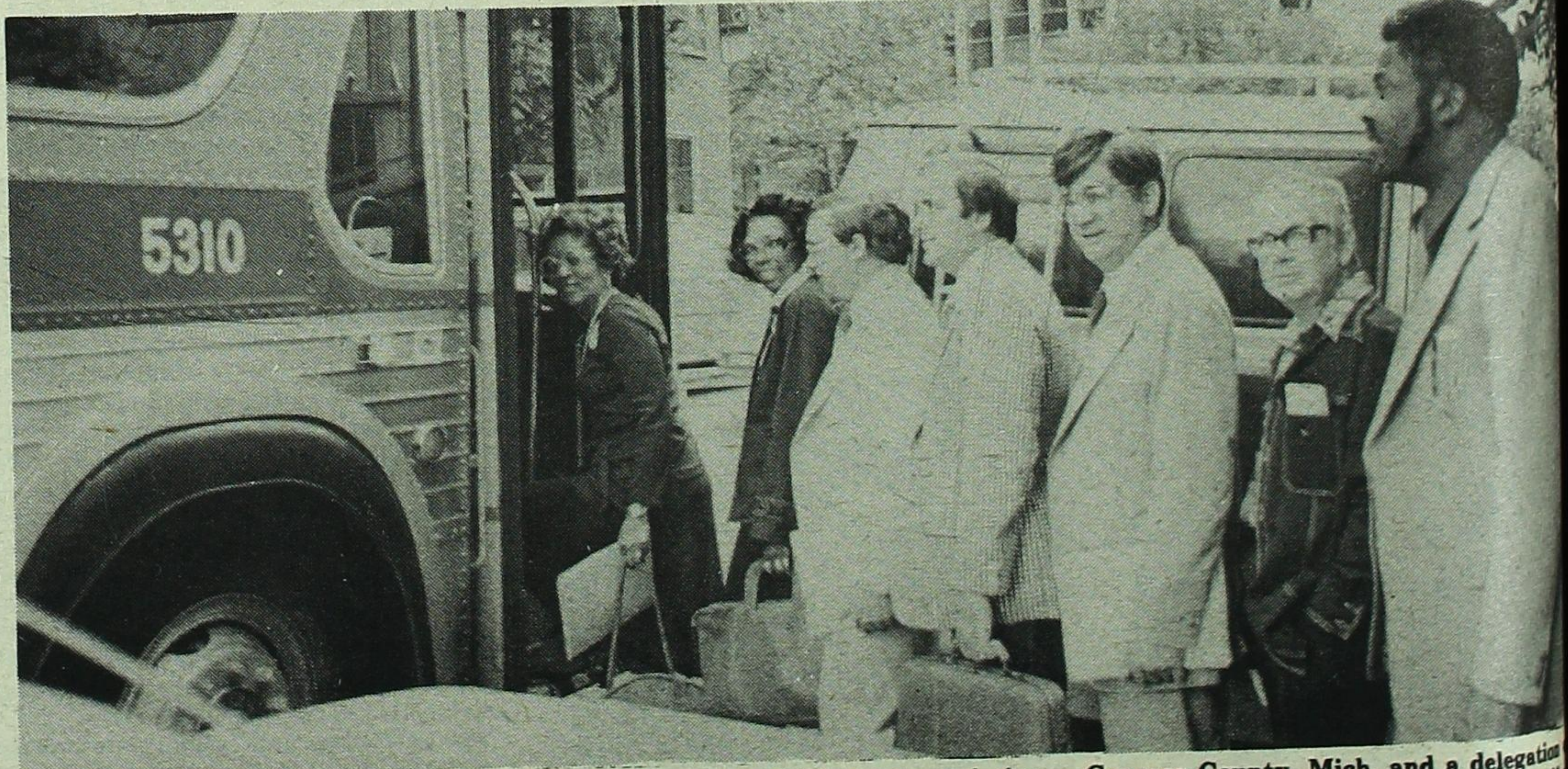
A statewide long-term care ombudsman program, begun as a demonstration program under the act in the past, is now required in each state.

Jobs in senior community service employment (former Title IX, now Title V) are extended to a greater number of individuals because those seniors 55 and older with incomes up to 125 percent of the poverty index will be made eligible. Authorizations for this title are $35[illegible] million for fiscal '79, $400 million for '80 and $450 million for '81.

The Retired Senior Volunteer Program, Foster Grandparents and Senior Companions, which are operated through ACTION, are extended for three years. Elderly individuals with incomes up to 125 percent of the poverty index can be foster grandparents or senior companions.

A 1981 White House Conference on Aging is authorized.

OLDER AMERICANS ACT—Doris Dealaman. freeholder, Somerset County, N.J. and NACo's chairman for aging, shown here with Frank Jungas, pressed the case for more attention to the needs of the elderly in testimony before Congress last February.



WELFARE REFORM NOW—NACo President Charlotte Williams, commissioner, Genesee County, Mich. and a delegation of county officials are off to Capitol Hill to tell their congressmen about the welfare burden borne by counties during the welfare reform rally in September 1977.

Welfare and Social Services

ALLOCATION OF 1979 TITLE XX FUNDS

State	Allocation of $2.9 billion (in millions)	Earmarked for child care (in millions)
la.	49.524	3.415
laska	5.162	.356
riz.	30.674	2.115
rk.	28.498	1.965
alif.	290.790	20.054
olo.	34.903	2.407
onn.	42.119	2.905
el.	7.864	.542
.C.	9.486	.654
la.	113.789	7.848
a.	67.158	4.632
awaii	11.986	.827
daho	11.229	.774
l.	151.733	10.464
nd.	71.644	4.941
owa	38.781	2.675
an.	31.214	2.153
y.	46.321	3.195
a.	51.902	3.579
aine	14.458	.997
d.	55.996	3.862
ass.	78.494	5.413
ich.	123.018	8.484
inn.	53.577	3.695
iss.	31.809	2.194
o.	64.563	4.453
ont.	10.175	.702
eb.	20.985	1.447
ev.	8.243	.569
.H.	11.107	.766
.J.	99.128	6.836
.M.	15.783	1.089
.Y.	244.361	16.852
.C.	73.900	5.097
.D.	8.689	.599
hio	143.869	9.922
kla.	37.376	2.578
re.	31.471	2.17
a.	160.286	11.054
.I.	12.526	.864
.C.	38.484	2.654
.D.	9.270	.639
enn.	56.942	3.927
ex.	168.731	11.637
tah	16.593	1.144
t.	6.432	.444
a.	67.995	4.689
ash.	48.807	3.366
. Va.	24.606	1.697
is.	62.279	4.295
yo.	5.270	.364

Increase for Title XX Limited to One Year

House and Senate conferees rejected all social service and welfare amendments except a one-year, $200 million increase in the federal ceiling for Title XX of the Social Security Act. (See chart for allocation to states.)

This increase will raise the federal funding level to $2.9 billion for fiscal '79, but the level will drop to$2.5 billion in fiscal '80 if no additional legislation is passed in the next Congress.

Congress' final action was a somewhat disappointing conclusion to extensive efforts in both houses of Congress to increase Title XX funding.

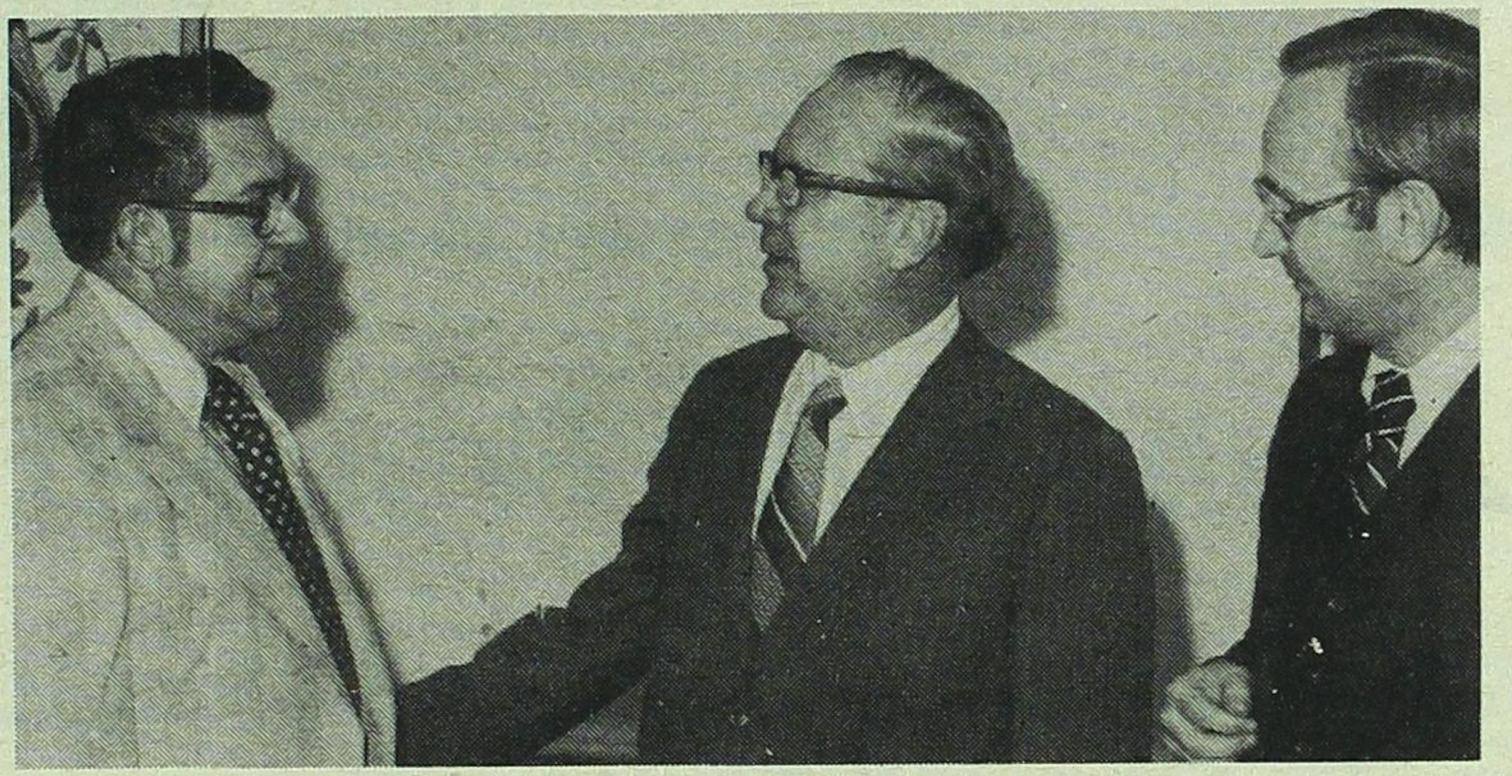
On July 25, 1978, these efforts seemed to be proving successful when the House passed H.R. 12973, which would have increased the Title XX ceiling to $2.9 billion in fiscal '79, $3.15 billion in fiscal '80, and $3.45 billion in fiscal '81. The House bill would also have provided: a two-year state Title XX plan; funding for emergency shelters for adults, mandated consultation with local elected officials by the state during the planning process, and numerous other small amendments favorable to counties.

However, when the bill went to the Senate Finance Committee the bright prospects dimmed considerably. When the committee reported the bill to the Senate floor on Oct. 9 the three-year increase in funding had been removed and only the technical amendments remained.

The Finance Committee then attached an amendment to this year's tax bill (H.R.13511) to provide a one-year, $200 million increase in the Title XX ceiling. The amendment was later adopted by the House duing conference on the tax bill.

The original bill (H.R.12973), however, was never scheduled for a vote on the Senate floor.

Therefore, a one-year increase in Title XX funding was all that was salvaged from the 95th Congress.



FISCAL RELIEF URGED—Sen. Russell B. Long (D-La.), center, listens to the views of Frank Jungas, left, commissioner, Cottonwood County, Minn. and chairman of NACo's Welfare and Social Services Steering Committee, and Keith Comrie, director, Los Angeles County Department of Public Social Services.

T EVERY NAME BE COUNTED—Over 350,00 signatures urging welfare reform re received at NACo in connection with the Welfare Reform Rally in September 77. Here Larry Lockhart, human resources director, Union County, N.J. examines cards which were sent to President Carter.

Child Welfare Left for Next Congress

Although H.R. 7200 was not passed by the 95th Congress, the bill contains a number of improvements to child welfare, foster care and adoption programs that will probably be submitted again to the 96th Congress.

The bill passed the House and the Senate Finance Committee during the first session of Congress, but the full Senate never voted on it.

The two versions of the bill differed considerably.

The House-passed version would have provided a $210 million increase in Title IV-B (child welfare) of the Social Security Act. It also would have allowed voluntary placement of children in foster care in addition to the current court ordered foster care placement.

The Senate version of H.R. 7200 would not have increased Title IV-B funding and would have imposed a cap on federal participation in foster care. It also would have established a new Title IV-E to provide adoption subsidies.

Both versions would have tightened up foster care. Yet each version reflected different views of how this should be done. Because the legislation never received final Senate action, a House-Senate conference was not able to resolve these differences.

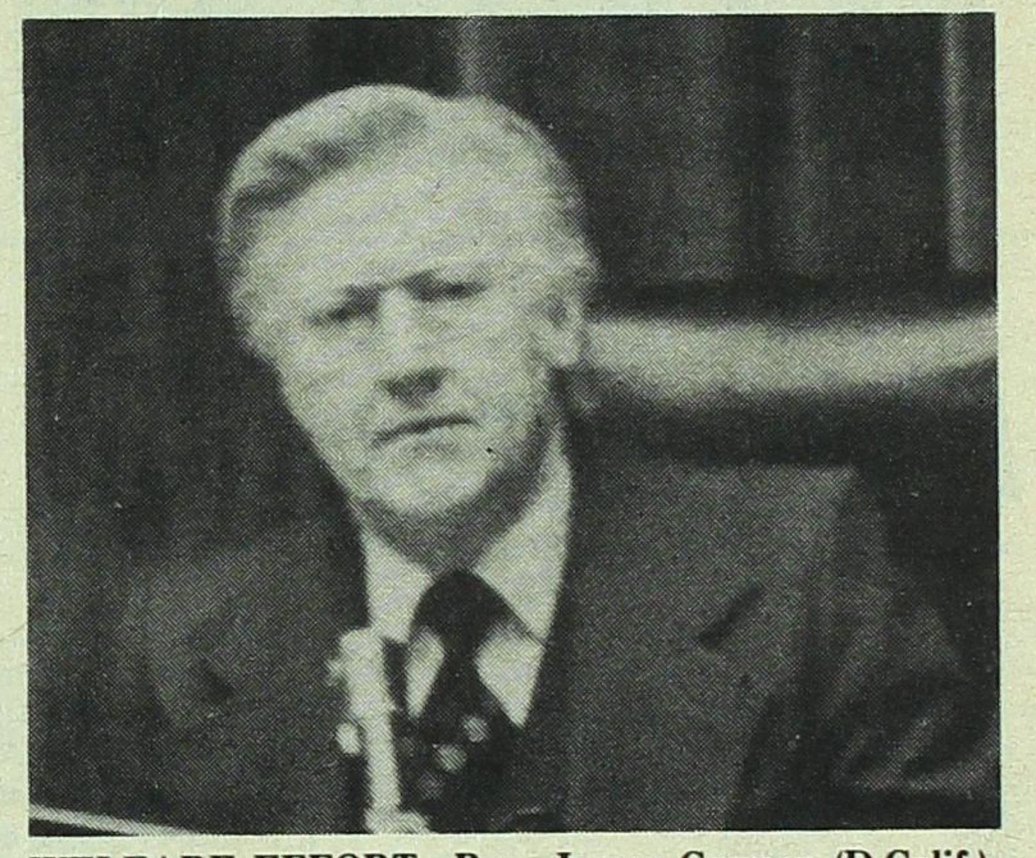
In a last-minute effort, the Senate attached to this year's tax bill the provisions capping foster care, creating Title IV-E, and standardizing the income disregard for AFDC working poor. But none of these three amendments were adopted by the House.

95th Congress Wrapup

Economic Opportunity and Community Services Amendments of 1978 (H.R. 7577); (S. 2090): Extend Community Service Agency programs through fiscal '81. House passed July 26, 1978; Senate passed Aug. 2, 1978; Conference Report approved Oct. 15, 1978, awaits President's signature.

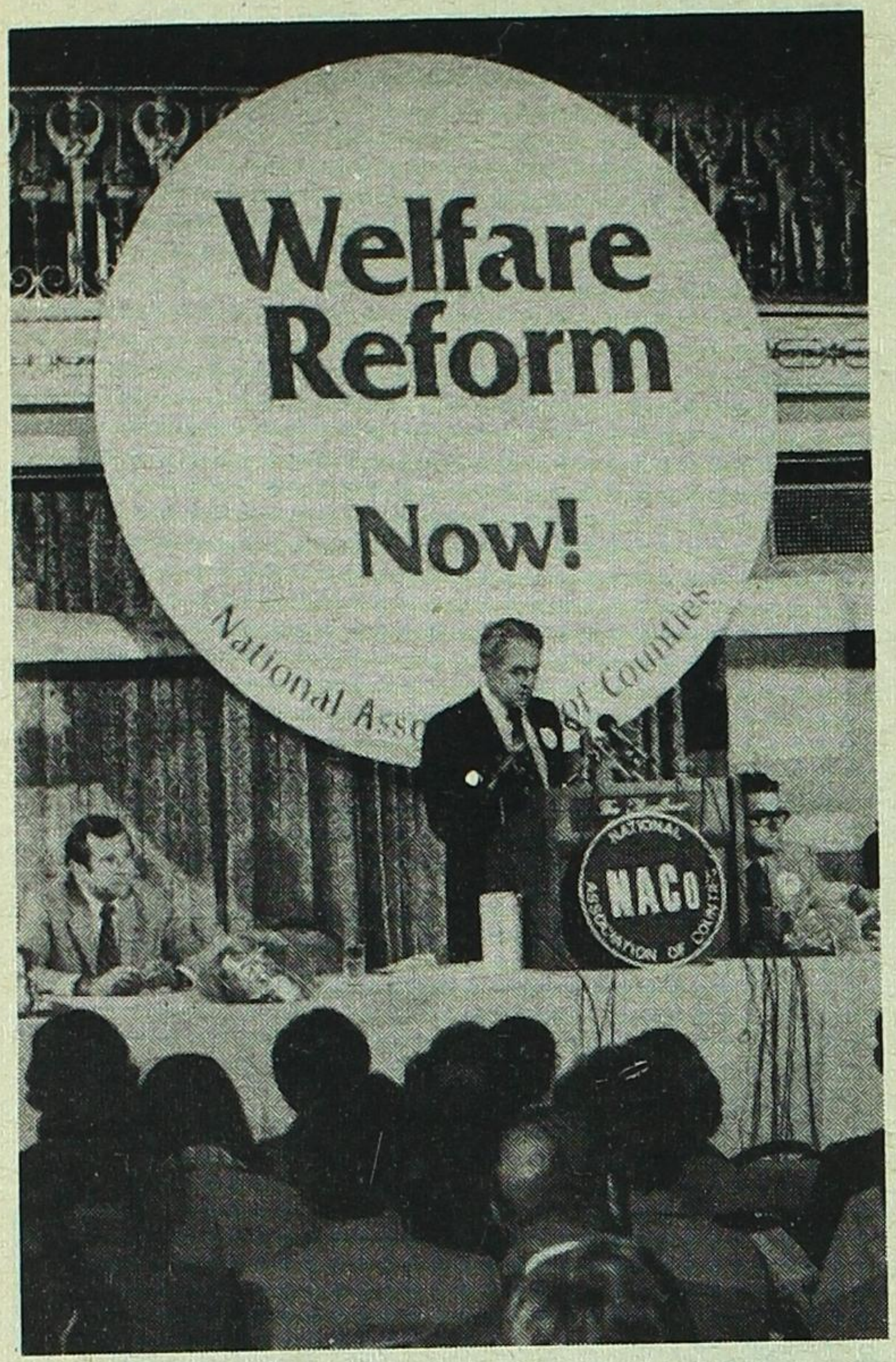
Domestic Violence Assistance Act of 1978 S. 2759; H.R. 12299): Establish a federal office on domestic violence within the Department of Health, Education, and Welfare and create a federal council on domestic violence that would provide grants for programs at the local level to help victims of domestic violence. Senate passed version in August 1978. House version failed to come before the full House for a vote. Sponsors in the House intend to reintroduce the bill in the next session.

Comprehensive Welfare Reform: In August 1977 the Administration introduced H.R. 9030. House appointed special subcommittee which reported out H.R. 10950, Feb. 8, 1978. No final vote by House Ways and Means Committee.



WELFARE EFFORT—Rep. James Corman (D-Calif.), chairman, House Ways and Means subcommittee on public assistance, led the fight for congressional approval of comprehensive welfare reform.

95th Congress Wrapup



Welfare and Social Services

Reform: Try Again

On Sept. 21, 1977 hundreds of county officials rallied in support of "Welfare Reform—Now!"

NACo's Steering Committee Chairman Frank Jungas, commissioner, Cottonwood County, Minn., reminded the assembled cabinet officers and congressional leaders that county officials, through NACo, had long been in the forefront of those urging a comprehensive change in the present welfare system.

Two years earlier, in June 1975, NACo's president had appointed a special Welfare Reform Task Force headed by Jungas to develop a comprehensive welfare reform plan. Los Angeles County (Calif.) Board of Supervisors assigned Patricia J. Johnson to staff the task force full time. The resulting plan was adopted as part of the *American County Platform* at NACo's annual conference in 1976.

After President Carter's election, NACo members and staff worked with a Health, Education and Welfare Task Force to develop the Administration's welfare reform plan which was released in August 1977.

This plan was introduced in Congress as H.R. 9030. Because NACo's positions were reflected in the President's plan, NACo undertook a major effort to have Congress approve it.

The House of Representatives appointed a special subcommittee chaired by Rep. James C. Corman (D-Calif.) which met through Christmas recess to produce a comprehensive bill (H.R.10950). The House bill was estimated to cost $15 to $20 billion. Because there was resistance to the cost and some provisions of the bill, negotiators began to iron out a compromise bill.

On June 22, 1978, despite near agreement on a county-city-state compromise Speaker of the House Thomas "Tip O'Neill (D-Mass.) announced that there would be no welfare reform bill in this Congress.

Following this collapse of support for comprehensive reform, county officials urged that interim fiscal relief for welfare costs be provided. Near the end of the session, Sens. Daniel Pl Moynihan (D-N.Y.), Russell B. Long (D-La.), and Alan D. Cranston (D-Calif.) attempted to include $400 million of fiscal relief as part of the tax reduction bill. However, in the last two weeks of the session, funds were deleted on the Senate floor by an amendment introduced by Sen. John C. Danforth (R-Mo.).

In the House a similar bill (H.R. 13335) was introduced by Reps. Charles B. Rangel (D-N.Y.) and Corman. This bill never reached the House floor for final vote.

Thus, the only fiscal relief provided to counties by the 95th Congress was $18[illegible] million which had been made part of the Social Security Act of 1977.

Throughout the final weeks of the session, the Carter administration opposed all efforts to get fiscal relief without comprehensive reform. Administration officials claimed counties and states would be "bought off" from seeking reform in the next Congress.

Secretary of Health, Education and Welfare Joseph Califano and others in the Administration said that the President will propose a more modest reform package to the next Congress. They have pledged to work closely with NACo to see it enacted.

Major Parts of Urban Policy Brushed Aside

The Administration's urban policy, **announced amid much fanfare last March as a "New Partnership to** Conserve America's Communities," ran into rough sledding on Capitol Hill.

As part of an urban policy package, Congress was asked to act on 15 legislative initiatives. These included a combination of authorization increases in existing programs as well as a number of new programs. Congress decided favorably on many of these, but the four major initiatives were never approved.

Congress failed to deliver supplemental fiscal assistance in the final hours of the session. The program, also known as the countercyclical antirecession program and originally enacted in 1976, expired Sept. 30. Although a bill to extend it for two years passed the Senate, the bill was never acted upon in the House where it was caught up in a jurisdictional controversy.

Congress also failed to give the Administration a public works grant program. The Administration **proposed a three-year, $3 billion** program of labor intensive grants to rehabilitate existing public facilities. However, improving economic conditions and the question of whether grants should be made exclusively for rehabilitation or for new construction (such as were provided in 1976 and 1977 under the local public works program) contributed to its demise during congressional deliberations.

Two other bills central to the urban policy, a National Development Bank and a state incentives grant program which would have targeted funds to distressed communities, were brushed aside with only brief hearings.

These four major bills may again be proposed by the Administration when the 96th Congress convenes in January.

On the plus side, Congress passed a $150 million increase in the Section 312 housing rehabilitation loan program; a $200 million increase in **Title XX social services ceiling; investment tax credits; $50 million for community health centers; and a $20** million intermodal transportation program.

Among the new programs, the most noteworthy was approval of an urban parks and recreation program which would provide $725 million over five **years**. Also passed were a $20 million "livable cities" program and $15 million for neighborhood self-help grants.

Included in the urban policy were actions not requiring congressional approval. President Carter directed federal agencies to undertake Com**munity impact analyses** of new legis**lation; established** an Interagency Coordinating Council; targeted federal procurement to areas of high unemployment; and located new federal facilities, on a priority basis in central cities.

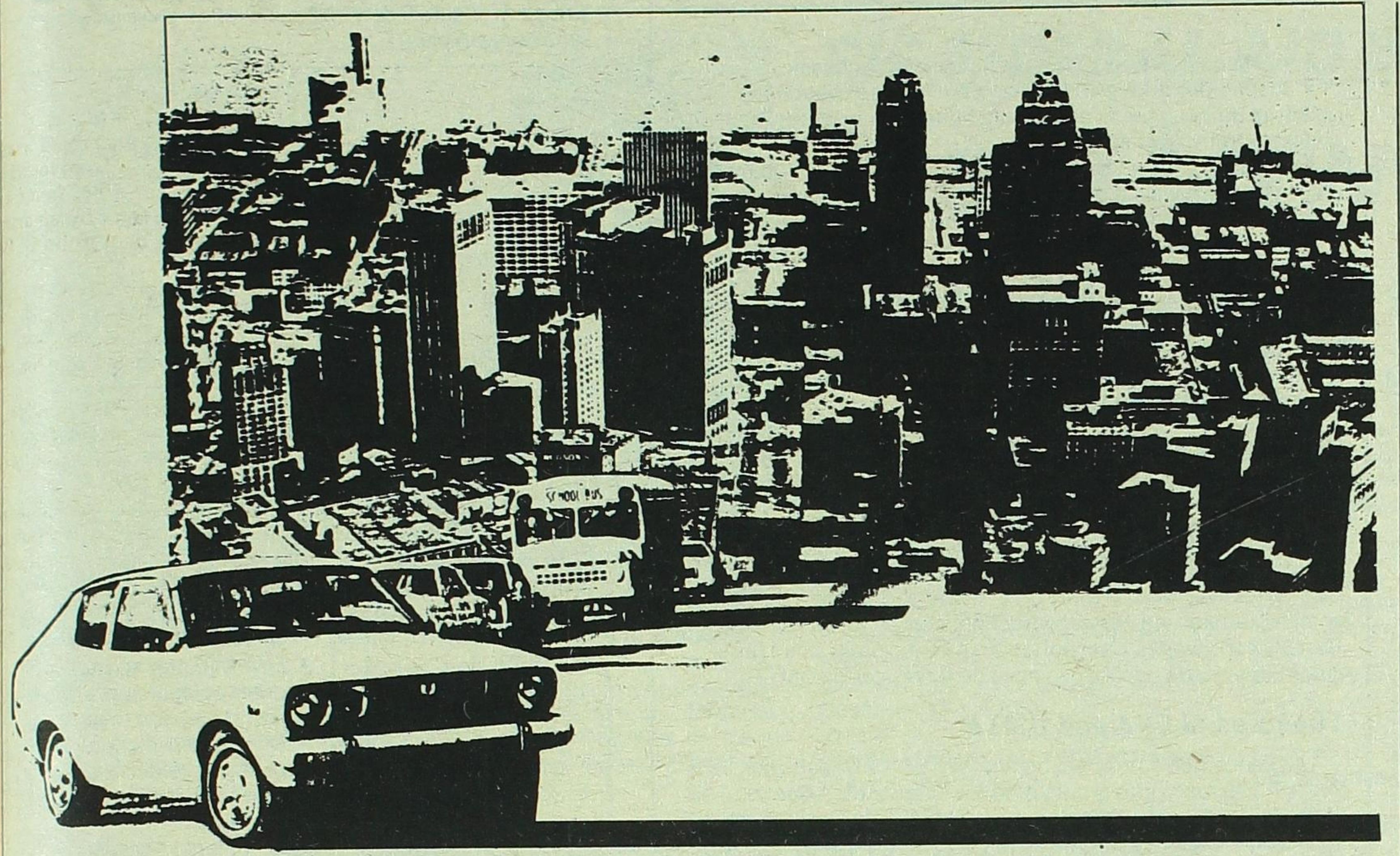
Status Report as the 95th Congress Adjourned
Administration's Urban Policy Initiatives

Initiatives Sent to Capitol Hill	Implementing Agency	Status
• $1 billion Supplemental Fiscal Assistance Program (2 years); H.R. 12293, S. 2975	Treasury	Senate passed a modified version of H.R. 2852 Sept. 23, 1978. Bill failed to reach House floor.
• $200 million Intermodal Transportation Program; H.R. 11733, S. 2441	DOT	Passed as part of H.R. 11733, the Surface Transportation Act.
• $150 million increase in Section 312 Rehabilitation Loan Program; H.R. 12433, S. 3084	HUD	Passed as part of S. 3084, the Housing and Community Development Amendments of 1978.
• $50 million increase for Community Health Center Program; H.R. 12460, S. 2474	HEW	Passed.
• $40 million Urban Volunteer Corps Program; H.R. 11922, S. 2617	ACTION	Died in committee.
• $150 million Urban Parks and Recreation Program (5 years); H.R. 12536	Interior	Passed as part of S. 971, The Omnibus Parks bill.
• $150 million increase in Title XX social service program; H.R. 12817, S. 3148	HEW	Modified version passed as part of H.R. 13511, the Tax Reduction Act.
• $20 million "Livable Cities" Arts Program; H.R. 12859	HUD with National Endowment for Arts	Passed as part of S. 3084, the Housing and Community Development Amendments of 1978.
• $15 million Neighborhood Self-Help Program; H.R. 12858	HUD	Passed as part of S. 3084, the Housing and Community Development Amendments of 1978.
• $10 million Community Crime Control Program	LEAA/ACTION	Needed an appropriation; failed to get it.

Initiatives Sent to Capitol Hill	Implementing Agency	Status
• Differential Investment Tax Credit for Business	Treasury	Passed as part of H.R. 13511, the Tax Reduction Act.
• $1.5 billion Employment Tax Credit for Business	Treasury	Passed as part of H.R. 13511, the Tax Reduction Act.
• $200 million State Incentive Grant Program (2 years); H.R. 12893	HUD	Hearings held in House and Senate Committees. No further action.
• $3 billion Labor Intensive Public Works Program (3 years); S. 3186	Economic Development Administration	Bills died in House and Senate Public Works Committees.
• National Development Bank (Includes $275 million for Urban Development Action Grants and $275 million for EDA's Title IX)	Interagency (HUD, Commerce, Treasury)	Hearings held in House subcommittee; no further action.
Initiatives Not Requiring Congressional Action (done through Executive Order)		
• Location of Federal Facilities in Central Cities	General Services Administration	Order signed Aug. 16, 1978.
• Targeting of Federal Procurement in Labor Surplus Areas	General Services Administration	Order signed Aug. 16, 1978.
• Community Impact Analysis for New Legislation	Office of Management and Budget	Order signed Aug. 16, 1978.
• Establishment of Interagency Coordinating Council	White House	Order signed Aug. 16, 1978.

Counties and Clean Air

Planning funds now available



The 95th Congress has appropriated up to $54 million to be used exclusively for transportation/air quality planning by organizations of local elected officials. Of this amount, $25 million is to be spent specifically for transportation/air quality planning; the other $29 million will be split between this planning and solid waste programs, at the discretion of the Environmental Protection Agency. Counties that participate in this planning, either as lead planning agencies or as "subcontractors" to the lead agencies, are eligible for funding. Grants will be 100 percent federal, requiring no local match.

What is transportation/air quality planning?

Transportation/air quality planning is planning directed toward meeting the federal clean air standards for carbon monoxide and/or photochemical oxidants (smog). Of the 105 major urban areas (over 200,000 residents) in this country, only Honolulu meets both of these standards. Motor vehicle exhaust is a major source of these two air pollutants; other contributors include petroleum refineries and evaporation from gasoline service stations.

Cleaning up transportation-related air pollution can involve restricting the use of automobiles and that can generate controversy. One way to minimize opposition is to give local governments the power and responsibility to develop cleanup approaches that are best suited to their areas. Congress has done this in the Clean Air Act Amendments of 1977 by requiring that a lead agency be designated to develop a cleanup (transportation/air quality) plan for each area, and by strongly suggesting that the lead agency be an organization of local elected officials.

Local governments in areas that have not attained the carbon monoxide and/or smog standards have the freedom to develop cleanup strategies that best suit their areas. They must develop these strategies on a tight schedule, however, with the first plan due by Jan. 1. Plans must demonstrate ability to meet the air standards by Dec. 31, 1982 (Dec. 31, 1987 for areas with acute pollution problems). If plans are not approved by EPA in July of 1979, or if plans are not adequately updated on an annual basis, or if plans are not carried out, federal sanctions may be imposed. Sanctions could include cutoffs of federal transportation and/or clean air funding and restrictions on growth in the area.

(The transportation/air quality planning process was detailed in a supplement to the June 19 issue of *County News*. Reprints are available from NACoR's Clean Air Project.)

Who is eligible for funding?

In the coordinated funding process between EPA and the Urban Mass Transportation Administration (UMTA), EPA is responsible for determining eligible recipients of transportation/air quality planning grants. EPA will issue a list of eligible recipients within the next few weeks.

Essentially, the lead planning agencies are eligible for grants. Section 174 of the Clean Air Act requires that lead agencies be designated by agreement of the local governments in an affected area and then certified by the governor of the state. Lead planning agencies have by now been designated and certified for virtually all areas. Questions remain for certain areas, however, such as where state agencies have assumed major planning roles to the exclusion of local governments.

EPA's draft grant regulations require that recipients be organizations of local elected officials. A number of issues and questions are important to counties and other local governments seeking funding:

- What degree of control and involvement by local elected officials is adequate to make a lead agency eligible for a grant?
- How can local governments obtain funding if they are not the lead agency?
- Will local governments in urban areas of less than 200,000 receive funding?

What degree of local control?

EPA's grants division has prepared a legal memorandum which states that local elected officials must play a controlling role in the transportation/air quality planning process of a lead agency in order for that agency to be eligible for a grant. *Control* of the agency, rather than its composition, is the key. A lead agency need not be wholly composed of elected local officials to be eligible for a grant. The agency must, however, be controlled by local elected officials, at least with regard to its transportation/air quality planning.

NACoR's Clean Air Project has communicated its concern to EPA that local elected control be viewed a tangible indicator of grant eligibility. We have tried to assure that this control include active participation of local elected officials at every stage of the planning process. EPA must recognize that after-the-fact ratification of the lead agency's actions or a mere advisory role is not sufficient to guarantee that the plan will reflect local needs. County and other local officials should insist on an active role in planning.

Getting funds if you are not the lead agency

Grants will be made directly to lead planning agencies. This article's section on "Applying for a Grant" discusses the grant application process for lead agencies. In most cases, however, these are regional agencies such as metropolitan planning organizations (MPOs).

How can counties obtain planning funds if they do not have the lead role? These counties must seek a delegation of planning tasks and must demonstrate that they are in the best position to perform these tasks in order to be considered for funding.

Counties are not without leverage, however, because lead agencies are required to *consult with* all local governments in these areas under Section 121 of the Clean Air Act. Consultation must include informing local elected officials about every stage of planning, seeking their involvement and allowing them joint determination on key issues in plan development. Consultation is a factor to be considered by EPA in deciding whether to approve a plan. Obviously, actual performance of some of the planning tasks by a county or other local government is a good indicator of consultation by the lead agency with that government.

Funding for smaller areas?

Preliminary information from EPA suggests that all urban areas of over 200,000 that have not attained the carbon monoxide and/or smog standards will receive grants.

Areas less than 200,000 population will have to demonstrate that they can develop an effective cleanup program for one or both of the transportation-related pollutants. If this involves a major planning effort, smaller areas may find it even harder to obtain a grant.

Whereas EPA headquarters will probably develop a target funding level (based on population and pollution severity) for urban areas over 200,000, smaller areas may have to look to EPA's regional offices for a share of a limited pot of funding (perhaps $200,000 per federal region). Smaller urban areas that can document their needs should comment immediately to EPA headquarters on this proposed funding arrangement.

What tasks are eligible?

Grants are for 100 percent of the *additional* costs of developing a transportation/air quality plan. Grants may not be used for construction. Tasks that are eligible for funding must be in addition to the ongoing air quality planning funded (primarily to states) either under Section 105 of the Clean Air Act or by the Department of Transportation.

Eligible tasks break down into four broad categories:

- Process
- Problem definition
- Strategy development
- Plan implementation

Process. The Clean Air Act and EPA both emphasize that transportation/air quality planning is not a "one-shot deal." A continuing process, coordinated among all affected governments and integrated with other planning programs is necessary. Accordingly, grants may be used for:

- Developing a working arrangement among affected agencies and groups (who does what in coordination with whom);
- Informing, involving and consulting with local elected officials, the public and interest groups;
- Obtaining political support for and legal commitment to the plan.

Problem definition. The early planning questions are: Is there a problem? How bad is it? Will strategies or programs already proposed be adequate to clean up the problem?—by 1982? or not later than 1987? (In addition to their own programs and strategies, areas can look to the projected progress of the federal new car emissions standards for help in cleaning up smog and carbon monoxide.) Steps taken to answer or to refine the answers to these questions will be eligible for funding.

Strategy development. Developing "reasonably available control measures" to reduce smog and carbon monoxide pollution for an area is the core of the planning process. Federal funds may be applied to development and analysis of strategies. The suggested date for completing a full analysis of alternatives is July 1980. EPA requires that all areas analyze, at minimum, the following 18 transportation strategies listed in the Clean Air Act:

- Motor vehicle emission inspection and maintenance programs.
- Improved public transit.
- Bus lanes, carpool lanes, and areawide carpool systems.
- Programs to limit portions of road surfaces of metropolitan areas to the use of common carriers, both as to time and place.
- Programs for long-range transit improvement.
- Programs to control on-street parking.
- Construction of "park and ride lots," i.e. fringe parking.
- Use of nonmotorized vehicles for pedestrian use.
- Employer participation in programs to encourage carpoling, vanpooling, mass transit, bicycling and walking.
- Programs for secure bicycle storage facilities, bicycle lanes.
- Staggered work hours.
- Road user charges, tolls, rates to discourage single occupancy automobile trips.
- Programs to control extended idling of vehicles.
- Programs to reduce emissions by improvements in traffic flow.
- Cleaner engines or fuels.
- Retrofit of emission devices on other than light duty vehicles.
- Programs to reduce motor vehicle emissions which are caused by cold start conditions.

Strategies must be analyzed in terms of their air quality, travel, energy, economic and social effects. In addition to analysis of the listed strategies, the following tasks will probably be eligible for funding:

- Planning for motor vehicle inspection and maintenance programs;
- Developing long-range transportation and growth management policies where necessary;
- Developing means of providing for continued economic growth and of allocated growth opportunities among competing industries;
- Developing means of identifying and analyzing alternative sites of construction of major polluting industries;
- Developing the means of integrating the decision-making process surrounding the construction of a major polluting facility with local zoning and capital improvement programs.

From this list, it is clear that funding is not limited to transportation-related planning.

Plan Implementation. Eligible tasks here fall mainly into the "process" category. They include parceling out implementation and enforcement roles among affected governments, developing budgets, monitoring progress and maintaining political support.

THE UPWP:

Applying for a grant

The Environmental Protection Agency (EPA) and the Urban Mass Transportation Administration (UMTA) are developing grant regulations and a memorandum of understanding. Both are expected to be issued wiithin several weeks. This article is intended to alert county officials of what to expect, but this information is not the final word. NACoR's Clean Air Project will publish an update as soon as the final regulations and memorandum of understanding are issued.

Under a memorandum of understanding required by the Office of Management and Budget (OMB), UMTA will disburse grants for transportation/air quality planning. OMB's decision to shift fund disbursement from EPA to UMTA is an effort to coordinate air quality and transportation planning and to stimulate the Department of Transportation (DOT) to commit transportation funds to air quality planning. DOT is expected to commit at least $10 million to local transportation/air quality planning. It has been suggested that procedures under the Joint Funding Simplification Act would provide an effective means of coordinating disbursement of both clean air and transportation funds for planning. This proposal is being researched by federal agencies involved in the transportation/air quality planning grants program.

Grant applications will be directed to the Planning Assistance Division of the UMTA regional office. The form of the application is governed by UMTA Circular C 8100.1, "Application Procedures for Technical Studies Grants" (available from UMTA or NACoR).

The UPWP

The UPWP—Unified Planning Work Program—is the foundation of the grant application. The UPWP is the basic urban transportation planning document, first developed under the Urban Mass Transportation Act of 1964. It is prepared by the metropolitan planning organization for each urban area and describes all urban transportation-related planning activities for the area during the next one or two years. To assure effective coordination of air quality planning with transportation and other planning programs, each transportation/air quality plan must be incorporated into the Unified Planning Work Program for the area. The UPWP may include both transportation and nontransportation activities. For example, some UPWPs contain planning activities for areawide waste treatment management under Section 208 of the Clean Water Act.

EPA and UMTA will review the Unified Planning Work Program in deciding whether to make a grant. Either the UPWP or a separate detailed work program to accompany the UPWP must include:

- A description of tasks, interim and final products, and deadlines;
- A description of periodic reporting of progress (at minimum, quarterly reports are required by UMTA's Guideline for Project Administration);
- A list of agencies or firms to which funded planning tasks will be delegated (delegation subject to EPA approval);
- Itemized costs and funding sources for each task;
- A demonstration that Section 175 ("transportation/air quality planning") funds do not substitute for funds previously available from other sources;
- A description of how work to be funded relates to other planning activities in the UPWP, to other state and local air quality planning and to attainment of the air quality standards.

If developing a full air quality planning work program and incorporating it into the UPWP will result in substantial delay, EPA and UMTA will consider two-step funding. In this case, the UPWP should be modified to include a general description and cost estimate of the entire program and a detailed description of only those activities to be performed before the end of the fiscal year or the UPWP regular update deadline.

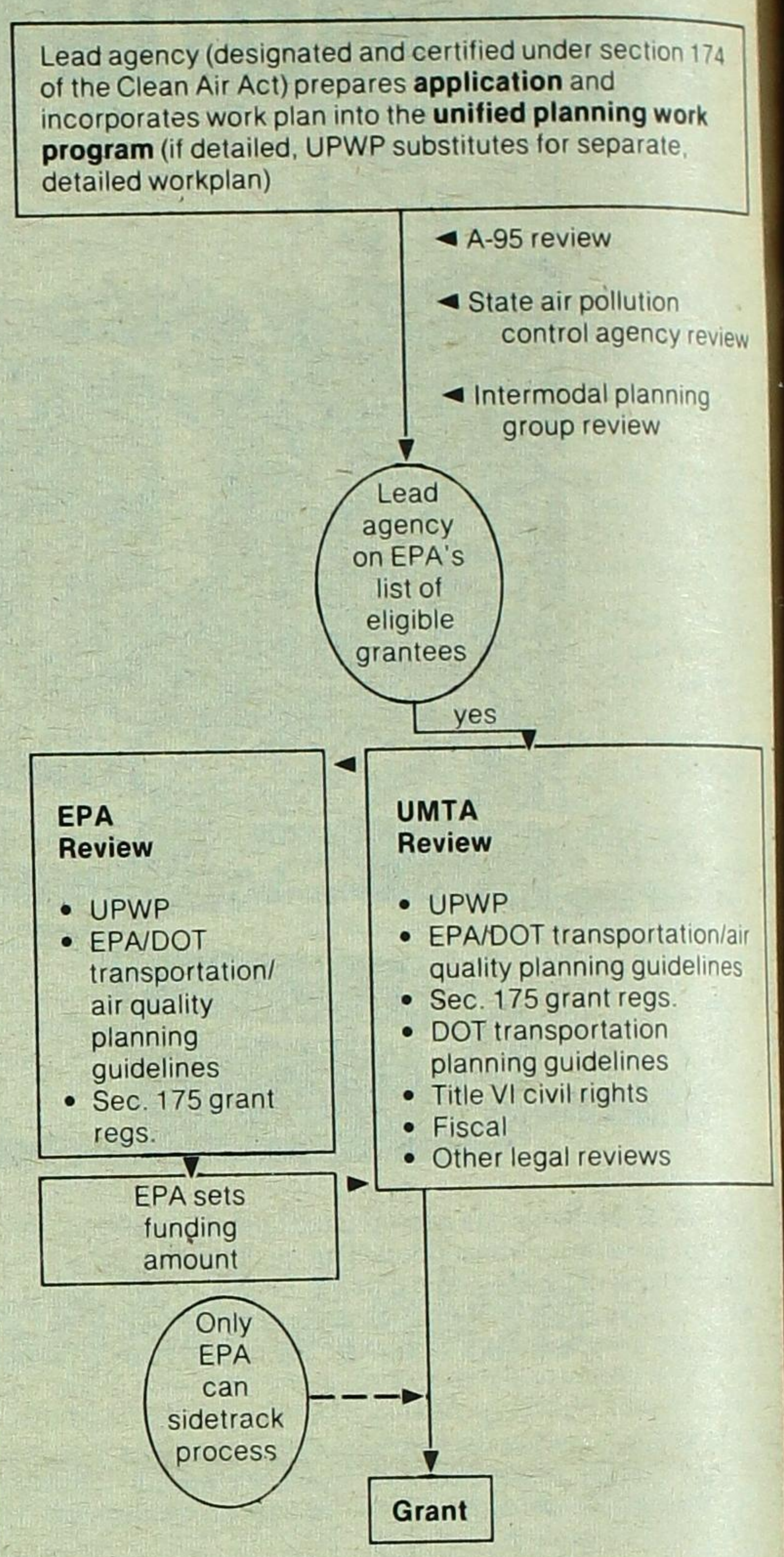
The grants application review process

Prior to submittal to UMTA, the grant application must be reviewed through OMB's A-95 process and must be reviewed by the state air pollution control agency and other members of the Intermodal Planning Group (IPG). (The IPG includes representatives of all Department of Transportation administrations and certain other agencies on an ad hoc basis. The IPG coordinates transportation planning programs.) State comments on the application must be forwarded to UMTA.

The roles of EPA and UMTA

The joint funding program begins with EPA's transferring its Section 175 funds (the grants program originates in Section 175 of the Clean Air Act, as amended) to UMTA. EPA will prepare a list of eligible applicants. UMTA will receive the application and forward a copy to EPA. EPA will check to see if the application conforms with the Unified Planning Work Program, the EPA/DOT Transportation/Air Quality Planning Guidelines, and the EPA/DOT Regulations for Urban Air Quality Planning Grants. UMTA will check the application against the same documents, as well as the DOT Transportation Planning Guidelines. UMTA will further perform review for compliance with Title VI civil rights requirements, fiscal review, and any legal reviews that come up during the approval process. EPA will set the amount that the grantee is to receive. Upon receiving written notice of the favorable outcome of EPA's reviews, UMTA will proceed to make the grant. Funding will proceed unless EPA directs otherwise.

The Funding Process: From Application to Grant



Clean air funding: What to remember

Rapid and adequate federal funding of local transportation/air quality planning efforts will serve both the environmental and financial interests of counties and other local governments. The information in this article is tentative because the EPA/DOT grant regulations and memorandum of understanding on funding are not yet final. An update will be published as soon as these documents are finalized. In the meantime, affected agencies should focus on amending the Unified Planning Work Program. Required amendment of the UPWP has been a constant throughout shifting signals on the grants program.

The following table sketches the major actions that counties in different situations should take to seek funding.

Lead Agency	Others
Over 200,000 population: • Check EPA's list of eligible grantees (Discuss with EPA headquarters if not included) • Submit application promptly **Under 200,000 population:** • Focus efforts on EPA regional offices • Emphasize tasks that funding would be applied to and effectiveness of these tasks in curbing pollution	• Develop rationale for use of funds • Emphasize: —Opportunities to build political support —Intergovernmental consultation

PROGRESS OR PROBLEMS

Let us know about your county

NACoR's Clean Air Project is seeking county contacts in areas developing transportation/air quality plans. We want to identify both problems and successes. Our suggestions to the Environmental Protection Agency and other federal organizations about how to improve the process are more effective if we can back them up with concrete examples.

If you are involved in this planning and have either good or bad news, please let us know (contact: Ivan Tether). We are particularly interested in intergovernmental consultation, delegation of planning tasks to government agencies other than the lead agency, pass-through of federal funding by the lead agency to other affected governments, and what federal funding will be used for.

Initial efforts

From the standpoint of establishing a working relationship among affected agencies and groups, the initial experiences of counties in New Jersey and in the Portland, Ore. area are worth reporting.

New Jersey

All of New Jersey is in violation of the national air quality standard for smog; some areas are in violation of the carbon monoxide standard. New Jersey has many major highways, as well as oil refineries, and the smog (derived from hydrocarbons) is produced by both.

Except for the area around Philadelphia, with the Delaware Valley Regional Planning Commission as lead agency, New Jersey has a dual designation for transportation/air quality planning. The state departments of transportation and environmental protection will take the lead in planning strategies to clean up the smog, while counties with carbon monoxide problems will be responsible for efforts to reduce concentrations of this pollutant. In addition, both state and county agencies must coordinate with the Tri-State Regional Planning Commission, responsible for coordinating efforts among New York City and metropolitan New Jersey and Connecticut.

This dual designation has caused EPA to take a second look. While state planning to meet the statewide smog problem is fine from a technical viewpoint, it may not be wise politically. The transportation aspects of smog cleanup may have controversial effects on local transportation patterns and the use of private vehicles. Direct involvement of local governments in smog cleanup planning, involvement strongly urged by the Clean Air Act, is critical to the political acceptance of the cleanup plan. If New Jersey can reduce its hydrocarbons (which produce smog) solely by controlling refineries and other stationary sources, local controversy may be avoided. If not, a highly effective intergovernmental consultation process will be essential to the plan's success.

Portland

Metropolitan Portland area—including Clackamas, Multnomah and Washington counties in Oregon and Clark County, Wash.—has the Columbia Region Association of Governments as lead planning agency. Planning is going well, with a generally acceptable level of intergovernmental consultation, but a problem lies ahead.

The Oregon part of the Portland region recently elected a metropolitan service district—notable because it is the first regional agency composed of elected regional officials. The new regional government takes effect on Jan. 1, and the Columbia Region Association (CRAG) goes out of business. This leaves Clark County, Wash. to fend for itself, and it has responded by seeking certification as a lead planning agency in its own right.

If Clark County is certified as a lead agency, it will emphasize control of stationary sources of hydrocarbons and will probably try to avoid a motor vehicle inspection and maintenance (I/M) program. CRAG, and presumably the metropolitan service district, on the other hand, sees an I/M program as an important part of the region's cleanup plan. Part of the success of the Oregon side of the river's plan is dependent on cleaner exhaust from vehicles commuting into Portland from the Washington side of the river. Coordination between the two potential lead agencies for the Portland region will be required to resolve these divergent approaches.

This supplement was prepared by Ivan J. Tether, NACoR Clean Air Project, in cooperation with the U.S. Environmental Protection Agency.