Proposed Interim Policy Resolutions

National Association of Counties (NACo)

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COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT

Proposed Resolution on FY 2020 Appropriations for the U.S. Department of Housing and Urban Development

Issue: Support FY 2020 appropriations for the U.S. Department of Housing and Urban Development (HUD).

Proposed Policy: The National Association of Counties (NACo) urges Congress to support the following levels of funding for core U.S. Department of Housing and Urban Development (HUD) programs in the FY 2020 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill: no less than $3.8 billion in Community Development Block Grant (CDBG) formula funding; no less than $1.5 billion in formula funding for the HOME Investment Partnerships Program (HOME); $2.6 billion for Homeless Housing Assistance grants, including at least $270 million for the Emergency Solutions Grant program plus an amount to fully fund expiring supportive housing and Shelter Plus Care rent subsidy contracts; full funding for existing Section 8 project-based and tenant-based contracts; and $500 million in Section 108 Loan Guarantee authority.

Background: The CDBG and HOME programs are model federal block grant programs for improving the nation's crumbling infrastructure, expanding affordable housing opportunities and undertaking neighborhood revitalization. Despite the success of these programs, funding for CDBG and HOME has been on the decline since 2000. Although the programs saw modest increases in FY 2018, decreased funding over the years has severely hampered local governments' ability to foster sustainable and economically resilient communities.

Local governments use CDBG funds for critical community development activities including infrastructure improvements such as roads, water and sewer systems; expanding homeownership opportunities; eliminating slum and blight; employment training; business and job creation; transportation services; services at libraries, community centers, adult day care and child and after school care facilities; homeless housing assistance; and crime awareness programs. According to HUD, every $1 million in CDBG funding supports nearly 26 jobs. Since 2005, CDBG program resources have created over 300,000 jobs. This important infrastructure and community development program has been a catalyst for economic growth and has helped local officials leverage funds for community needs. CDBG allocation continues to decline, however, at a time when the nation's infrastructure is ailing and is in dire need of improvements. It is more important now than ever to increase CDBG funding to give communities the ability to address their infrastructure and economic development needs at the local level.

For counties across the nation, the HOME program is vital to increasing home ownership and expanding the availability of affordable rental housing. Since 1990, over one million units of housing have been produced with HOME funds. HUD indicates that each dollar of HOME funding leverages an additional $4 in other public and private funding. Every $1 billion in HOME funding creates or preserves more than 17,000 jobs. According to HUD, an estimated 12 million renter and homeowner households now pay more than 50 percent of their annual incomes for housing. A family with one full-time worker earning minimum wage cannot afford the local fair-market rent for a two-bedroom apartment anywhere in the United States. It is imperative that the HOME program is strengthened and expanded to help American families access affordable housing.

In March 2018, Congress passed the FY 2018 Consolidated Appropriations Act. It provided the CDBG program with $3.3 billion; HOME program with $1.362 billion; $2.513 billion in Homeless Assistance, including $270 million for the Emergency Solutions Grants (ESG) and full funding of Shelter Plus Care and Supportive Housing rent subsidies. At the time of the drafting of this resolution, Congress has yet to pass and the President sign into law a final appropriations bill for FY 2019. President Trump's FY 2019 budget proposed huge cuts to these critical HUD programs. His budget proposed the elimination of the HOME, CDBG and $2.383 billion for the Homeless Housing Assistance grants. The proposed House and Senate T-HUD Appropriations bills for FY 2019 including funding levels similar to those enacted in the FY 2018 Consolidated Appropriations Act.

While the housing and community development community was relieved to see programs like CDBG and HOME preserved in the House and Senate versions of the T-HUD Appropriations bills, more funding is needed to keep up with the rising costs of construction and the increased needs of communities. When adjusted for inflation, CDBG's $3.3 billion allocation in FY 2018 was only about 29 percent of the funding received during the program's first year in 1975. Today the program serves twice as many grantees as it did when the program was first introduced. Local governments are becoming more efficient and creative with these important funds, but in order to create effective public-private partnerships using these programs, more public resources are needed.

Fiscal/Urban/Rural Impact: Funding of HUD's core programs is crucial to state and local governments that provide services to communities at the grassroots level.

Sponsor: Jim McDonough, Commissioner, Ramsey County, Minn.

Proposed Resolution on Economic Development Administration Reauthorization

Issue: Support appropriations and reauthorization of the U.S. Department of Commerce's Economic Development Administration.

Proposed Policy: The National Association of Counties (NACo) urges the U.S. Congress to appropriate funding and reauthorize the U.S. Department of Commerce's Economic Development Administration (EDA) as follows:

- Provide at least $300 million in appropriations annually for EDA to support economic assistance programs.
- Focus on EDA's core infrastructure and economic adjustment programs – public works, economic adjustment assistance and partnership planning. Congress should also authorize additional funding investments for special initiatives so as not to steer funding away from EDA core programs.
- Encourage regional collaboration by rewarding and incentivizing local governments, businesses and communities to participate in the Comprehensive Economic Development Strategy (CEDS) process. The CEDS process brings together stakeholders to develop regional strategies and goals.
- Elevate EDA's role as an integrator of federal economic development planning programs and formalize EDA's role as the federal government's lead integrator for economic development and central facilitator for interagency collaboration and resource integration.
- Expand EDA Disaster and Recovery Relief Eligibility. EDA has a significant role to play in post-disaster relief and long-term recovery assistance for impacted communities. In areas where a

major disaster or emergency has been declared under the Stafford Act, EDA grant recipients should be eligible for up to 100 percent of the cost of the project.
- Strengthen EDA's National Technical Assistance program for small and distressed rural communities to allow greater access and leveraging of federal, state, local and regional economic development programs.

Background: Since 1965, EDA has worked directly with local and regional stakeholders to address the economic needs of communities across the country. EDA is unique among federal programs in that it is focused solely on private sector job creation and economic growth in distressed areas. With a modest budget, EDA has developed a record of making strategic investments and building community and regional partnerships to grow high quality jobs in such areas as advanced manufacturing, science, technology and emerging knowledge-based industries.

EDA partners with local and state officials and the nationwide network of Economic Development Districts to address the fundamental building blocks for economic growth: infrastructure investment, business development loans and financing, regional innovation strategies and public-private partnerships. EDA is well positioned to assist communities, including counties, as they respond to sudden and severe economic dislocations such as plant closures or major natural disasters.

EDA core programs provide direct assistance to communities for planning, public works and infrastructure improvements, and economic assistance to address sudden and dramatic changes to regional economies. These core programs provide the foundation for EDA investments to foster economic growth in communities across the country.

Fiscal/Urban/Rural Impact: Funding and reauthorization of the Economic Development Administration will help ensure economic development needs are met and job creation opportunities are created in rural, suburban and urban counties across the U.S.

Sponsor(s): Martha Schrader, Commissioner, Clackamas County, Ore.

Proposed Resolution on Opportunity Zones

Issue: Support the issuance of guidance and regulations from the U.S. Department of Treasury on the newly created Opportunity Zones tax benefit.

Proposed Policy: The National Association of Counties (NACo) urges the U.S. Department of Treasury to provide guidance and regulations on the newly created Opportunity Zones tax benefit that prevent abuse, encourage developments that provide public benefits and protect local jurisdictions and stakeholders.

Background: Opportunity Zones were created by the Tax Cuts and Jobs Act of 2017. This new tool was designed to attract long-term capital to under-served communities by providing tax benefits to those who invest in Qualified Opportunity Zones developments using certified Opportunity Funds. At the beginning of 2018, the Chief Executive Officers of each state designated Qualified Opportunity Zones based on the eligible census tracts as outlined by the new law. Each state nominated the maximum number of eligible tracts, and these designations are now final. The funds for Opportunity Zones will come from the estimated $2.2 trillion in unrealized capital gains in stocks and mutual funds held by individuals and corporations. Investors will receive significant incentives for putting capital in Opportunity Funds and are rewarded for making their investments long-term.

The Opportunity Zones tax benefit holds tremendous opportunity for local governments and is the first community development tax incentive program created since the Clinton Administration. Investors will be able to receive a temporary tax deferral and other tax benefits by investing unrealized capital gains into Opportunity Funds. These benefits include: (1) Temporary Deferral on Capital Gains Taxes; (2) If investments are held for a minimum of 5 years, they will be taxed at a reduced rate - 90 percent for investments held at least 5 years and 85 percent for investments held at least 7 years; and (3) If an investor keeps their money in the Fund for 10 years, gains accrued on the investment during that 10-year period will not be taxed.

The Treasury is authorized under the Tax Cuts and Jobs Act to issue regulations and guidance regarding the use of Opportunity Funds. Through this guidance and regulation, it is important that Treasury prevent abuse and assure underserved and economically distressed communities that have received an Opportunity Zone designation see a substantial benefit for the existing residents living in the Opportunity Zone census tract. These parameters will additionally ensure Opportunity Zones investments see lasting success at the local level. Abuse of this tax benefit could be defined as any investment of Opportunity Funds that does not provide the residents of an Opportunity Zone a direct and sustained community benefit. With no measures in place to protect them, Opportunity Zone investments may unintentionally displace or harm existing residents of underserved communities.

Additional parameters to protect the residents and stakeholders of Opportunity Zones communities could include annual reporting and an explanation of the use of Opportunity Funds. Treasury should include annual reporting as a requirement for Opportunity Zones in order to provide Congress and taxpayers valuable information on how the investments are impacting local communities, residents and the economy. Without annual reporting, it will be difficult to determine if investments are providing Opportunity Zones with substantial and sustained benefits for the people who reside there. Furthermore, Treasury should require Opportunity Funds to identify their investments and outline the specific community benefits of the investments prior to gaining certification to operate as an Opportunity Fund. Treasury should additionally make this information publicly available to assist local stakeholders seeking to work with the Opportunity Funds.

There is great potential for the Opportunity Zones tax incentive to bring together public and private funds in a responsible manner to create strong neighborhoods of opportunity that welcome new residents without displacing or harming existing residents of these communities. It is important to work with Treasury to ensure that Opportunity Zones are successful in supporting healthy revitalization of distressed communities.

Fiscal/Urban/Rural Impact: Ensuring that Opportunity Zones are effective in supporting healthy revitalization of distressed communities is essential to the success of local governments coordinating economic development activities at the grassroots level.

Sponsor(s): Patricia Ward, Community Development/Housing Director, Tarrant County, Texas; National Association for County Community & Economic Development (NACCED)

Proposed Resolution to Support Legal Migration to Strengthen Local Economies and Workforce

Issue: The role legal immigration plays in our nation's workforce and local economies.

Proposed Policy: The National Association of Counties (NACo) urges Congress and the administration to enact legislative and regulatory proposals that provide legal avenues for immigrants to enter the United States and contribute to the workforce and local economies.

Background: Immigrants largely come to America seeking opportunities, and immigrant labor and expertise is vital to local economies and industries in most states across the country. Counties have an interest in ensuring that our employers and industries of all types can hire and retain a qualified and legal workforce that meets their needs and helps to strengthen local economies.

For example, the Associated Builders and Contractors estimates that the construction industry currently faces a shortage of 500,000 workers, and they estimate that number will double over the next few years. As the shortage of workers increases, projects can expect longer delays, higher costs and a slower rate of manufacturing.

Additionally, across the nation, immigration historically provided needed agricultural employees. Recently a shortage of an available workforce has caused many agricultural farms and businesses to close or become unsustainable, and in some cases to the detriment of the entire rural community and its economy.

Enabling temporary status for workers not only helps the construction and agriculture industries, but also many other industries to meet job shortage demands.

Fiscal/Urban/Rural Impact: Sufficient levels of legal migration strengthen local economies and workforce.

Sponsor(s): Bill Truex, Commissioner, Charlotte County, Fla.; Jim Zwetzig, Commissioner, Morgan County, Colo.; Marion Greene, Commissioner, Hennepin County, Minn.; Bob Thomas, Commissioner, Franklin County, Pa.

Proposed Resolution on Streamlining State Licensing Procedures for Military Spouses

Issue: The men and women who serve in uniform, and their families, experience hardships following a move when seeking employment due to licensing procedures.

Proposed Policy: The National Association of Counties (NACo) encourages the U.S. Department of Defense to implement the provisions of Public Law 115-91 to fully reimburse military spouses for costs they incur in transferring professional licenses and certifications from state to state. Further, counties should do all that they can to support the U.S. Departments of Defense, Homeland Security, Labor and the Military Spouse Employment Partnership in encouraging states to streamline the process for granting reciprocity for military spouses who must relocate from state to state in support of our men and women in uniform as they provide for the security of our nation.

Background: The men and women who serve in uniform, and their families, must move from state to state and overseas frequently; resulting in undue hardships on spouses seeking employment or to continue their working careers, especially in positions that require state licensure and certification in fields such as teaching, health care, law, child care, cosmetology, massage therapy, real estate and social work. These hardships on spouses include lengthy delays in licensure and certification, causing gaps in employment and costly fees for new licenses and certifications.

The U.S. Department of Defense offices on Defense-State Liaison and Education Opportunities have worked to streamline the transfer of professional licenses and certifications from state to state for military spouses. The National Defense Authorization Act of 2018 (Public Law 115-91) authorizes the Department of Defense to reimburse military spouses for state licensure and certification costs resulting from relocation to another state. Public Law 115-91 also requires the Department of Defense and the Department of Homeland Security to consult with states to identify barriers to the portability between states of a license, certification, or other grants of permission held by military spouses and for the Departments to develop recommendations for federal and state agencies to develop policies and procedures to streamline and simplify these processes. The Department of Defense, in implementing Public Law 115-91, has undertaken a Military Spouse License Portability Initiative to encourage states to issue endorsements for existing state licenses, provide temporary licenses for spouses who do not qualify for endorsements, and to expedite the process for securing licenses in their new state of residence. Also, the U.S. Department of Labor Veterans Employment and Training Service (VETS) has entered into an agreement with the Military Spouse Employment Partnership to work with individual states to ease the process of transferring licenses and certifications from state to state.

Fiscal/Urban/Rural Impact: Would relieve military personnel and their families from undue hardship by providing a more streamlined and affordable process to obtain required documents to continue their professional careers when being transferred from state to state.

Sponsor(s): Kathryn Starkey, Commissioner, Pasco County, Fla.

ENVIRONMENT, ENERGY AND LAND USE

Proposed Resolution to Improve the Cost-Benefit Analysis for Federal Flood Control Projects

Issue: The process for conducting cost-benefit analyses for flood control projects does not properly acknowledge the value of agricultural land or socio-economic factors.

Proposed Policy: The National Association of Counties (NACo) urges the U.S. Army Corps of Engineers (Army Corps) and White House Office of Management and Budget (OMB) to use a more holistic approach in determining the benefits of federal investments for protection for areas at risk for flooding. This approach should include updated metrics to effectively assess and measure the impacts of flooding on low-income residents and communities where the cost of replacing structures is lower than national and state averages. In addition, the agencies should recognize value of agricultural land and the impacts of crop flooding on local economies when calculating cost-benefit analyses.

Background: The Army Corps and OMB rely heavily on a cost-benefit analysis to determine which flood control projects receive federal funding each year. Since Congress traditionally provides the Army Corps with far fewer resources than are necessary to fund the significant backlog of projects under their jurisdiction, the cost-benefit analysis has become a de facto filter for the Corps and OMB. As a result, projects that have a cost-benefit ratio below a certain level are often not considered for funding at all.

For example, the Pajaro River Flood Risk Reduction Project in Santa Cruz and Monterey counties, California was originally constructed by the federal government in 1949. Since its construction, the population of the impacted area has grown from approximately 16,000 to 55,000 and has experienced increased flooding risk. But, since the river corridor is comprised of low-income communities and agricultural land on both sides of the river, the Army Corps cost-benefit analysis has actually prevented the area from receiving federal funding to shore up its flood defenses. As a result, residents and businesses in the flood zone have virtually no resources to replace damaged structures, yet the low cost of those structures hurts the project's cost-benefit ratio.

In addition, the Army Corps and OMB policies do not recognize damages to some of the most valuable – and unsubsidized – agricultural land in the world. Flooding has the potential to wipe out two to three growing seasons which would permanently alter the local economy and community structure.

Other examples of areas with low cost-benefit ratios for their federally authorized flood control projects include the Cedar Rapids area in Linn County, Iowa, which only received federal funds for flood control in 2018 after experiencing devastating floods in 2008. The Princeville area in Edgecombe County, North Carolina, is a historic African American community that has considered moving the town because a low benefit cost ratio makes their project a poor candidate for funding.

Fiscal/urban/rural impact: This proposal would not have any fiscal impact on the Army Corps budget, but it would potentially benefit counties with federal flood control projects with low benefit-cost ratios that have been a barrier to funding.

Sponsor(s): Zach Friend, Supervisor, Santa Cruz County, Calif.; John Phillips, Supervisor, Monterey County, Calif.

Proposed Resolution on Compensatory Mitigation In-Lieu Fee Programs

Issue: Ensuring that mitigation programs occur in the watershed or region where the impact occurred.

Proposed Policy: The National Association of Counties (NACo) urges the U.S. Army Corps of Engineers to use in-lieu fees for compensatory mitigation in the watershed where the fee was collected.

Background: Counties own and manage 46 percent of the nation's road miles and compensatory mitigation programs directly impact local governments who are charged with protecting public safety. But, in recent years, it has become more and more difficult for local and state governments and their citizens to mitigate environmental impacts to road and other infrastructure projects. That's where payment in-lieu fees come into play.

Under the Clean Water Act's Section 404 dredge and fill program, steps must be taken to avoid and minimize impacts to aquatic resources. For projects with unavoidable wetlands loss, compensatory mitigation is required to replace the loss of a wetland, stream and/or other aquatic resource. The U.S. Army Corps of Engineers or the state permitting authority is responsible for determining the amount of water resources lost and the extent of compensatory mitigation required. There are several types of compensatory mitigation: permittee-responsible mitigation, mitigation banks and in-lieu fee mitigation.

However, while in-lieu fees have promise, the fees collected are often not used in the same watershed where the project occurred. Many in-lieu fees are collected in rapidly growing areas and it does not make sense to use the fees in areas outside the impacted watershed.

Entities that are recipients of the in-lieu fees could be better stewards of the environment if the improvement projects funded were within the same watershed as the impacted area. If the mitigation cannot occur within the same watershed, the project should occur in an adjoining watershed or within the same county or region.

Fiscal Urban/Rural Impact: Funds are being assessed to mitigate the impact of a project upon the environment when the impacts cannot be accomplished on-site. These funds should not leave the impacted watershed, county, or region. Dollar amounts greatly vary from project to project, so an estimated dollar amount is difficult to predict.

Sponsor(s): Gary Moore, Judge/Executive, Boone County, Ky.

Proposed Resolution on Non-Competitive Rural Water Projects

Issue: The U.S. Army Corps of Engineers uses principles and guidelines that prioritize urban/suburban populations for water resource development projects, leaving out rural areas.

Proposed Policy: The National Association of Counties (NACo) urges Congress to authorize the U.S. Army Corps of Engineers (Army Corps) to implement Principles, Requirements and Guidelines (PR&G) so that rural counties may fairly compete for construction funding by considering non-population-based criteria to measure the federal interest in and funding of water projects.

Background: The Water Resources Planning Act of 1965 (P.L. 89-80) created the Water Resources Council (WRC) and charged it with establishing principles, standards and procedures for evaluations of federal water resource projects (42 U.S.C. 1962a-2). Since 1985, the WRC's Principles and Guidelines (P&G) have provided the framework for developing federal water resource studies.

The P&G heavily emphasizes the national economic development benefits (NED) of a project to assess federal interest in its construction and the NED is primarily determined by population numbers.

The Water Resources Development Act (WRDA) of 2007 (P.L. 110-114) directed an update of the P&G that required advancements in economic and analytic techniques and consideration of such issues as public safety needs; low-income community resources and resilience; and non-structural environmental solutions.

The updated PR&G guidance became a Final Rule in March 2013 but Congress prohibited the Army Corps from implementing PR&G through language included in the Joint Explanatory Statement for the Energy and Water Development Appropriations title of the Consolidated Appropriations Act, 2016.

The Army Corp's use of P&G, and its nearly singular use of NED over all other considerations to determine federal interest in local water projects, disadvantages rural counties and communities of exceptional vulnerability whose low populations will never result in NED assessment of sufficient federal interest.

Fiscal/Urban/Rural Impact: The requested congressional directive would be consistent with the language and intent of WRDA 2007, and would allow for competitive rural/tribal water projects with a realistic chance of funding.

Sponsor(s): Jesse Thompson, Supervisor, Navajo County Ariz.

Proposed Resolution Supporting the Development of New U.S. Natural Resource Export Facilities

Issue: Natural resources are an economic driver in many communities and new export facilities would deliver an economic boost.

Proposed Policy: The National Association of Counties (NACo) supports the development of new natural resource export facilities in the United States.

Background: Natural resources are the economic lifeblood of many counties. Counties with natural resources rely on the ability to not only extract these precious resources, but also to transport them to market. Having the infrastructure necessary to transport and export these resources is essential. The extraction of natural resources in counties provide jobs that are essential in keeping their communities intact and provides critical tax revenue for county governments.

According to the U.S. Energy Information Administration, Montana has approximately 118 billion tons of coal in its reserve base. The ability to export a state's coal to foreign markets is key in a very competitive energy market. The Interstate Commerce Clause of the U.S. Constitution reserves the right to regulate the conduct of business across state lines to the federal government, not individual states. Certain states deem permitting a new coal export facility as an individual state's decision.

Fiscal/Urban/Rural Impact: Many states' coal resources are an essential driver of their economy and tax base. Many communities rely on their facilities, given that main source of employment originates from said facilities. If these resources were no longer available, state tax revenue would lessen and several cities/towns would decrease in population, further impacting tax revenue to both the counties and the state.

Sponsor(s): Richard Dunbar, Commissioner, Phillips County, Mont.; Montana Association of Counties

FINANCE, PENSIONS AND INTERGOVERNMENTAL AFFAIRS

Proposed Resolution on Restoring Tax Incentives for Automatic Fire Sprinkler Systems

Issue: A portion of the Tax Cuts and Jobs Act of 2017 (TCJA) prevents fire sprinkler systems and other interior building improvements from qualifying for a limited period of full expensing as well as an accelerated depreciation schedule.

Proposed Policy: The National Association of Counties (NACo) urges Congress to allow qualified improvement properties (QIPs) to be eligible for bonus and accelerated depreciation as intended by the Tax Cuts and Jobs Act of 2017.

Background: Automatic fire sprinkler systems are a proven way to reduce the chances of being killed or injured in a fire as well as significantly limit damage to a building. Data from the U.S. Fire Administration and National Fire Protection Association show that fire sprinklers can decrease civilian death rates in a fire by 87 percent and decrease firefighter injury rates by 67 percent. In December 2017, Congress recognized the effectiveness of fire sprinkler systems by including a provision in the TCJA allowing small business owners to deduct the cost of a fire sprinkler retrofit installation from their business' taxes.

In addition to making fire sprinkler systems eligible for treatment under Section 179 of the tax code, Congress also intended to allow fire sprinkler systems and other eligible QIPs to receive bonus depreciation rates until 2027 and a 15-year depreciation schedule afterwards. This accelerated depreciation schedule would be a vast improvement from the current 39-year depreciation schedule for fire sprinkler systems installed in non-residential buildings. However, an unintentional drafting error in the TCJA prevents fire sprinklers and other QIPs from benefiting from this intended incentive. The Conference Report which accompanied the TCJA clearly indicates Congress' intention to allow QIPs to qualify for this preferential treatment despite the unintentional omission of QIPs from this portion of the TCJA.

Several House and Senate members currently are developing bipartisan, bicameral legislation to address this drafting error. National fire service organizations are collaborating with other retail and construction-related organizations to encourage Congress to correct this drafting error at the first opportunity.

Fiscal/Urban/Rural Impact: Congress' correction of this unintentional drafting error will allow more property owners to install fire sprinkler systems to protect the occupants of their buildings. This improved fire safety will allow fire departments to respond to fires more effectively and safely. Additionally, correction of this omission may spur additional construction and economic activities in counties. Due to the way the TCJA was scored, this change would be at no cost to the federal government.

Sponsor(s): Steven Singer, Fire and Rescue Chief, Powhatan County, Va.; International Association of Fire Chiefs

Proposed Resolution on Including Questions Related to Gender, Gender Identity and Sexual Orientation on the 2020 Decennial Census

Issue: Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Americans are undercounted in the U.S. Census and the American Community Survey.

Proposed Policy: The National Association of Counties (NACo) urges the Congress and the administration, including the U.S. Census Bureau, the U.S. Office of Management and Budget and the U.S. Department of Commerce Office of Chief Counsel, to modify the 2020 Decennial Census and subsequent American Community Surveys to fully count LGBTQ Americans by asking questions related to gender, gender identity and sexual orientation that are inclusive and respectful of individual self-identification.

Just as the Census and ACS have multiple options for race, these surveys should allow respondents to select options for sexual orientation (straight/heterosexual, gay/lesbian/homosexual, bisexual, other), gender (female, male, non-binary, other) and transgender (yes/no) identification. Further, the question of "sex" should be designated as "gender," and same-gender couples identifying as spouses or unmarried partners should be tabulated.

Background: No decennial census or American Community Survey (ACS) – a yearly effort that tracks population demographics – has ever included questions about sexual orientation or gender identity. Same-gender unmarried partners were first tallied by the Census in 1990 but there has never been a question to identify unmarried or unpartnered LGBTQ individuals, even though they make up 4.5 percent of Americans, according to a 2018 Gallup survey. This percentage represents a greater portion of the population than many other populations tracked by the decennial census and the ACS, including more than Jewish Americans (2.2 percent), Muslim Americans (1.0 percent), Mormon Americans (1.7 percent), American Indians and Alaskan Natives (1.3 percent), Hawaiians and Pacific Islanders (0.2 percent), and Americans of two or more races (2.7 percent).

Information from these surveys helps the government to enforce federal laws and to determine how to allocate resources such as housing supports and food assistance. If the government does not know how many LGBTQ people live in a community, it cannot ensure fair and adequate access to rights, protections, and services.

Fiscal/Urban/Rural Impact: Data from the decennial census is used to direct over $600 billion in spending from the federal government on an annual basis. These changes would provide for a more accurate and equitable count of all Americans, including LGBTQ Americans, and would provide more inclusive allocation of funding and support for the Violence Against Women Act, the Fair Housing Act and other legislation. There would be no fiscal impact to counties or states and only minimal fiscal impact to the federal government to ask and tally three additional questions.

Sponsor(s): National Association of County LGBT Leaders and Allies, Inc.; Eric Peterson, Public Affairs Director, Coconino County, Ariz.

HEALTH

Proposed Resolution on Reducing Disparities in African American Child Deaths

Issue: African American children die at disproportionate rates across the United States, impacting families and communities.

Proposed Policy: The National Association of Counties supports federal efforts to fund and implement initiatives to reduce African American child deaths through collective impact models and targeted, community-based programs to reduce risks.

Background: Nationally, African American children die at twice the rate of children of other races. In some states and counties, the rate is even higher. Issues such as higher rates of low birth weight, prematurity, and infant sleep related deaths have contributed to increased infant death rates for African Americans. Many of the factors that lead to infant and child death are preventable. Efforts to reduce African American child deaths through a collective impact model and through targeted, community-based programs to reduce risks are showing promising outcomes.

Sacramento County, California has engaged in this work for the past six years with promising results. When comparing 2013 to 2016, there was a 45 percent decrease in the African American infant death rate and a 76 percent decrease in disparity. The African American infant sleep related death rate decreased 54 percent and the disparity decreased 62 percent. The percent of African American babies born preterm decreased 18 percent and the disparity decreased 37 percent.

Fiscal/Urban/Rural Impact: Research indicates that every dollar invested in early childhood delivers a 13 percent annual return. Children represent the future thinkers, innovators, leaders, workforce, and structure for a community, its economy, and its viability. The issue of disproportionate child deaths affects the potential and trajectory of a community. If left unaddressed, families and communities must contend with the consequences and the significant medical and social costs.

Counties can and should take the lead in efforts to reduce disparities, particularly for African American children. While dedicated funding for targeted efforts may result, the benefits considerably outweigh the costs and positively influence how at-risk children are supported and served in a community. Counties have an opportunity to work with their communities to reduce known and preventable risks for illness and death. A collective impact model could shape the way systems interact with at-risk families, increase efficiencies and coordination across systems, impact policies, and reduce death rates. Investments of human and financial capital now can have long lasting impacts, providing families and communities with the opportunity to further develop and thrive.

Sponsor: Phil Serna, First District Supervisor, Sacramento County, Calif.

Proposed Resolution Supporting Funding for and Improvements to Rural EMS Needs Grants

Issue: Rural fire and emergency medical services (EMS) agencies currently struggle to fund their EMS operations.

Proposed Policy: The National Association of Counties (NACo) urges Congress to fund the SIREN grants at $20 million for Fiscal Year (FY) 2020. The SIREN grants will provide funding for rural fire and EMS agencies to recruit personnel, procure emergency medical supplies and provide EMS training classes. Only public and nonprofit agencies are eligible to receive these funds.

Background: Rural fire and emergency medical services (EMS) agencies currently struggle to fund their EMS operations. In December 2018, Congress passed the Supporting and Improving Rural EMS Needs Act (SIREN Act), as part of the Agriculture Improvement Act of 2018 (P.L. 115-334), which restored and revised a grant program for rural EMS agencies. While the SIREN grants have been authorized, Congress must provide strong appropriations for this program.

Fire departments and other EMS agencies play an important role in the provision of healthcare in rural communities. Fire/EMS agencies routinely respond to a wide variety of emergency calls for assistance for critically ill and injured patients. Given the long transport time for patients in rural communities, firefighters and EMS personnel may be the first and only healthcare provider a patient sees in the first hour or two of their medical emergency. The costs associated with providing EMS care in a community can be significant. The cost of medical supplies, vehicles, training programs and personnel recruitment campaigns can be formidable challenges for rural communities. The lack of consistent and complete reimbursements from the Centers for Medicare and Medicaid Services further exacerbates the cost of providing EMS care, unfairly forcing fire/EMS agencies to absorb a significant share of the costs.

A strong appropriations level for the SIREN Act, such as $20 million for FY 2020, would help rural fire/EMS agencies in continuing to provide this valuable service to their communities. Once funded, the SIREN grants will be able to help these budget-challenged public and nonprofit agencies. These funds could be used to procure emergency medical supplies, recruit personnel and provide important EMS training and licensure classes.

Fiscal/Urban/Rural Impact: Properly funding the SIREN grants would strengthen rural fire/EMS agencies by providing new funding for these agencies. These funds will be essential in supporting, and potentially expanding, the emergency medical services which are available in rural communities.

Sponsor(s): Steven Singer, Fire and Rescue Chief, Powhatan County, Va.; International Association of Fire Chiefs

Proposed Resolution Supporting Better Regulation, Better Staffing in Nursing Homes

Issue: Better regulation is needed to circumvent unnecessary compliance measures that take precedence over care and treatment, and staffing shortages must be addressed.

Proposed Policy: The National Association of Counties (NACo) urges Congress to 1) amend federal law to allow disapproval for nurse aide training programs to be discretionary rather than mandatory and 2) encourage and strengthen efforts by the Centers for Medicare and Medicaid Services (CMS) to reduce administrative burden and put patients/residents first through the new Patients Over Paperwork Initiative.

Background: Regulation is necessary and nursing home providers should be held to the highest quality standards through better regulation. Doctors and nurses are finding that more and more time is being devoted to unnecessary regulatory requirements and paperwork and away from direct patient/resident care. Frustration is growing that paper compliance not directly related to safety, quality outcomes or quality of life is taking precedence over care and treatment. Provider frustration can often be manifested by employees leaving long-term care, making existing staffing shortages worse and compounding the negative effect on direct resident care.

CMS Administrator Seema Verma recently noted during a 2017 stakeholder meeting that CMS had issued about 58 rules per year over the last five years. That is approximately 290 rules in total. According to an October 2017 American Hospital Association report, the health care industry spends roughly $39 billion each year on regulatory compliance efforts, with post-acute care providers bearing the brunt of such costs. Additionally, the average post-acute care provider has been forced to add 8.1 full-time equivalents (FTE) per facility to keep up with the onerous regulations. Despite provider efforts to add significant resources to comply with new regulatory requirements, providers continue to struggle to balance direct care needs with regulatory-driven administrative activities, which often appear disconnected from what is important to residents. Furthermore, the inability to meet strict requirements, irrespective of any negative outcomes, too often results in significant fines, which divert even more resources away from the bedside, and increased staff turnover.

Necessary regulations should be clear, concise and consistently applied. Person-centered care should prevail over complex and burdensome regulatory compliance that takes health care providers away from their residents/patients, with no measurable benefit to anyone. CMS needs to be held accountable for the consistent application of regulations nationally. The complexity of the guidance that accompanies many rules is such that CMS often appears to have difficulty interpreting what it issued. The complexity and inconsistency are magnified at the regional, state and surveyor team levels, where the application to the provider occurs. Better regulation can be achieved by addressing unnecessary requirements and staffing shortages can be helped by maintaining the nurse aide training programs at facilities when appropriate.

Fiscal/Urban/Rural Impact: The fiscal impact is significant. Staffing shortages may have a greater impact in rural areas over urban due to further distances from colleges, universities, and training centers which effects the supply of available licensed and certified nursing personnel.

Sponsor(s): Renee Beniak, Executive Director, Michigan County Medical Care Facilities Council, Michigan; Chester Pintarelli, Administrator, Iron County Medical Care Facility, Iron County, Mich.; National Association of County Health Facilities (NACHFa)

HUMAN SERVICES AND EDUCATION

Proposed Resolution to Minimize the Negative Impact of Immigration Enforcement on Families and Children

Issue: The need to carry out enforcement of immigration law in a matter that does not increase reliance on local social safety-net services or increase administrative costs for counties.

Proposed Policy: The National Association of Counties (NACo) urges the federal government to carry out its enforcement of immigration law in a manner that minimizes negative impacts on families and children and does not increase reliance on local social safety-net services or create new demands and administrative costs for counties.

Background: Collectively, counties invest over $140 billion annually in health and human services, playing a major role in providing health care and public assistance to individuals regardless of immigration status. Across the nation, counties fund and administer federal, state and local programs that support the health and successful development of all residents, including immigrant populations. Federal immigration policies that impact families or children can unintentionally affect the ability of counties to provide supportive services to residents, often resulting in additional strain to local budgets.

Fiscal/Urban/Rural Impact: Federal immigration policies may unintentionally affect the ability of counties to provide supportive services, often resulting in additional strain on level budgets.

Sponsor(s): Marion Greene, Commissioner, Hennepin County, Minn.

Proposed Resolution to Oppose the Proposed Rule Further Restricting the Ability of States to Request Waivers to Modify Supplemental Nutrition Assistance Program (SNAP) Work Requirements for Single Individuals

Issue: The U.S. Department of Agriculture (USDA) has issued a notice of proposed rulemaking (NPRM) that would change the criteria and calculations state waivers for the Supplemental Nutrition Assistance Program (SNAP) program.

Proposed Policy: The National Association of County (NACo) urges USDA to modify substantially the proposed rule on SNAP waivers. NACo supports the continued ability of states to request statewide waivers, as well as the current flexibility states have when grouping counties subject to a waiver. NACo supports greater flexibility to allow able-bodied adults without dependents (ABAWDs) to receive SNAP benefits as they find jobs, including increasing federal support and administrative flexibility in administering SNAP Employment and Training (E&T) programs. Finally, NACo supports a change in the waiver process to allow counties to apply for an ABAWD waiver if a state does not apply for a state-wide or partial waiver.

Background: The U.S. Department of Agriculture (USDA) has issued a notice of proposed rulemaking (NPRM) which, if implemented as drafted, would make a number of changes to the criteria and calculations for determining whether a state would qualify for a waiver to provide Supplemental Nutrition Assistance Program (SNAP) benefits to single individuals for more than three months in a three-year span. Most states have used the waiver process in order to continue to provide benefits to Able Bodied Adults Without Dependents (ABAWDs) in counties with relatively high unemployment rates. As noted in the NPRM, the proposal would reduce the percentage of ABWADs who live in waiver-qualifying areas from 44 percent to 11 percent. It further estimates that about two-thirds (755,000 individuals in 2020) of ABAWDs would fail to meet the more stringent work and training requirements. The proposed rule's proposal to lower the unemployment floor to seven percent would disqualify 90 percent of current ABAWDs from receiving nutrition supports after 90 days.

SNAP is the foundational national program to reduce food insecurity. As individuals and families enter the program, county staff work to transition them back into the workforce. Given the current eligibility restrictions, counties are well-aware of the importance of moving ABAWD clients who are able to do so into gainful employment as soon as possible. As they work with those individuals, the assistance provided under SNAP is essential to reducing food insecurity. Without that assistance, it becomes more difficult for individuals to pursue employment.

SNAP works as intended. During the Great Recession in the late 2000's, enrollment in the program increased as more families became eligible. With the economy recovering, millions found work and have left SNAP, no longer needing the support. The federal budget for SNAP has decreased accordingly. The ABAWD program is no different. Fewer individuals qualify, given the economic recovery.

NACo data indicates that in 2016, sixty counties had unemployment rates over 10 percent, the qualifying rate at a state level for a current ABAWD waiver. In fact, 515 counties in 37 states had unemployment rates above the highest state unemployment rate of 6.7 percent in 2016. These county-level data demonstrate that unemployment remains a local issue best addressed when federal and state governments partner with counties to address their residents' needs.

NACo provided comments to the USDA in April 2018 when the department announced that it was drafting a rule and wanted input. USDA received nearly 39,000 comments, most of which are not reflected in the NPRM.

Fiscal/Urban/Rural Impact: USDA estimates federal savings under the proposal at $7.9 billion over the first five years. The proposal will shift billions of dollars in costs to state and county governments and/or will reduce benefits to SNAP recipients.

Sponsor(s): Claudia Tuck, Director of Community Services, Alachua County, Fla.; National Association of County Human Services Administrators (NACHSA)

Proposed Resolution to Maintain Current Levels of Legal Migration

Issue: The health of our economy and communities and our economic growth as counties depends on a robust legal immigration system.

Proposed Policy: The National Association of Counties (NACo) supports legislative or regulatory proposals that at least maintain current statutory legal immigration levels and opposes any efforts that would significantly reduce legal immigration to the United States.

Background: Immigrant labor and expertise is vital to local economies, industries and agriculture in most states across the country. Counties have an interest in ensuring that our employers and industries of all types can reliably hire and retain a qualified and legal workforce that meets their needs, boosts their competitive advantages and strengthens local economies. Population growth and economic growth are inextricably linked, and strategies to promote immigration, the integration of immigrants and citizenship make our communities stronger. The United States has a unique history of absorbing immigrants and refugees into the fabric of our society to the benefit of all Americans. The best strategy to reduce illegal immigration is to create a robust legal immigration system that welcomes and harnesses the human and economic potential of immigrants.

The current administration, however, is implementing numerous administrative changes that would have the net effect of dramatically and harmfully reducing the number of legal immigrants entering our country:

- Administrative policies that have drastically reduced asylum and refugee resettlement in the United States have created heartache and hardship for existing residents.
- Regulatory proposals that have raised bars to entry for immigrants with desirable skills, including entrepreneurs, students and leaders in research and technology fields, are harming our economic competitiveness in an increasingly global marketplace of ideas and industries.
- Administrative actions that have led to historic backlogs and delays in the naturalization process, in visa applications, in our immigration courts, and in other immigration benefits are leaving immigrants and their employers in limbo as they await resolution on immigration cases.
- Expanded immigration enforcement initiatives, including increased deportation proceedings of unauthorized immigrants, de-naturalization investigations of U.S. Citizens and ramped up worksite enforcement is creating significant uncertainty and fear for immigrants, their families and their employers.
- Regulatory proposals to eliminate eligibility for fee waivers in the naturalization process and to expand utilization of public charge policy to render more lower-income immigrants ineligible for immigration benefits are driving families eligible for services away from programs for which they are eligible, harming the overall health of our communities.

At the administration's direction, Congress has introduced, but not passed, legislation that would institute a so called "merit based" system of immigration that would hinder the unification of families and reduce levels of legal immigration by roughly 50 percent. Family unification has been one of the primary objectives of our immigration policies, in part because keeping families together helps promote a stable workforce and communities. This proposal fails to acknowledge the advantages of families as vital social units to support entrepreneurship, growth in small businesses, and the proposal reverses a bedrock principal of the American dream by discriminating against immigrants who may arrive with little but can rise through hard work in our society.

Fiscal/Urban/Rural Impact: According to the Center for American Progress, immigrants added an estimated $2 trillion to the U.S. GDP in 2016. Over the long run, the net fiscal impact of immigration is positive for state and local governments. From 2011 to 2013, children of immigrants contributed $1,700 per person to state and local budgets, and immigrants' grandchildren contributed another $1,300. Across three generations, immigrants' net contribution, per person, was $900.[64] The impact of immigration on the wages of U.S.-born individuals is small but positive over the long run.

Sponsor(s): John Wilson, Assessor, King County, Wash.

JUSTICE AND PUBLIC SAFETY

Proposed Resolution on Pretrial Bail Reform

Issue: Reforming bail to reduce disparities in the pretrial justice system.

Proposed Policy: The National Association of Counties (NACo) urges support for a nationwide effort to make communities safer and ensure better outcomes for all by applying common sense solutions to widespread pretrial justice challenges. The goals are to: 1) help counties reduce unnecessary arrests by expanding the use of alternatives such as citations or summons, 2) replace money bail with non-financial, less restrictive conditions, and restrict detention to only the most serious offenses in which, after a rigorous process, a court determines that no condition or combination of condition can reasonably assure appearance in court and public safety, and 3) reduce disparity within the pretrial justice system. NACo urges the federal government to support county efforts to explore disparity reduction in the pre-trial justice system through funding and technical assistance, including data collection and studies to identify successful reform solutions.

Background: Annually, nearly 12 million people are booked into county jails, mostly for nonviolent misdemeanors; more than 60 percent of jail inmates are un-convicted, largely because they are too poor to post even a small money bail amount. This costs county governments nationwide nearly $14 billion annually in incarceration expenses. Money bail, sometimes called *cash bail* or *secured bond*, requires an accused individual, not yet found guilty of a crime to pay to be released from custody prior to additional proceedings or trial. Pretrial detention is a deeply disruptive life event and can have serious consequences, from interrupted education and medical treatment to lost jobs, housing and even custody of children.

An individual's inability to afford money bail is not an indicator of that person's guilt or innocence, or an accurate predictor of the risk that individual poses to others. Nor is it an indicator of whether the individual will show up for scheduled court proceedings. Recent court decisions have ruled that incarceration of individuals who cannot afford money bail without meaningful consideration of other alternatives is a violation of due process and equal protection.

Research shows that when people who are most likely to appear in court and stay out of trouble are detained for even three days, they become more likely to be arrested for new criminal activity during and for long after the pretrial period compared to similar individuals released within just 24 hours. Evidence-based pretrial assessment of a defendant's likelihood to appear in court and remain arrest-free while awaiting trial can increase successful pretrial release outcomes and diminish racial and economic disparities without imposing unnecessary financial conditions, impairing the judicial process or jeopardizing public safety

Fiscal/Urban/Rural Impact: People who successfully await trial in the community are more likely to receive shorter sentences and sentences of probation (instead of jail) if convicted. By keeping as many people as possible out of the criminogenic maze, we can improve their outcomes and society's outcomes. This is a more commonsense approach to justice, producing better public safety and saving money for counties and defendants.

Sponsor(s): Rodney Ellis, Commissioner, Harris County, Texas

Proposed Resolution Urging the Federal Emergency Management Agency (FEMA) to Conduct an Assessment and Develop an Improvement Plan on FEMA Individual Assistance Programs

Issue: Citizens, businesses and governments impacted by disasters should be afforded a simple process, clear guidelines and timely assistance to recover from a disaster.

Proposed Policy: The National Association of Counties (NACo) urges Congress to direct the Federal Emergency Management Agency (FEMA) to conduct a study on FEMA's Individual Assistance programs to measure the simplicity, clarity and expediency of applying for assistance and take appropriate actions to refine the programs based on results.

Background: Brunswick County was impacted by two hurricanes within a 30-day period. Like many counties across the nation that have experienced recent natural disasters, communities suffered millions of dollars of damage to homes, businesses and government infrastructure. Many homes and businesses continue to be in disrepair and citizens displaced many months after the storms. The amount of reimbursement available is unclear and guidelines that must be followed are technical and often change.

Fiscal/Urban/Rural/Impact: A study and refinement of FEMA Individual Assistance programs to simplify and expedite the process would benefit all communities impacted by a disaster.

Sponsor(s): Ann Hardy, County Manager, Brunswick County, N.C.

Proposed Resolution Urging the Federal Emergency Management Agency (FEMA) to Review and Revise FEMA Debris Removal Guidelines for Private Roadways and Gated Communities

Issue: Citizens, businesses and governments that are located on private roads or within private gated communities and are impacted by disasters should be provided a simple process, clear guidelines and timely reimbursement assistance to recover from a disaster.

Proposed Policy: The National Association of Counties (NACo) urges Congress to direct the Federal Emergency Management Agency (FEMA) to review and revise FEMA's debris removal reimbursement guidelines for private roadways and gated communities to simplify and expedite the process.

Background: Brunswick County was impacted by two hurricanes within a 30-day period. Homes, businesses, and government infrastructure suffered millions of dollars of damages. Debris collection within the unincorporated areas of the county totaled in excess of $6 million. The county health director determined that the amount of debris accumulating on the private roadsides and in gated communities was an immediate public health hazard. Per FEMA guidelines, Brunswick County submitted a request for reimbursement of the cost associated with private property debris removal. Due to the lack of expediency, the county was forced to move forward with debris removal operations without assurance of reimbursement for millions of dollars associated with the debris removal cost. Interpretation of policy at the FEMA field level has been inconsistent, resulting in confusion between the county, state and on-ground FEMA officials. The homeowners within gated communities and those situated on private roads are taxpayers. They receive other government services such as postal, garbage collection and school bus transportation. Local governments have no clear guidelines on how to assist the private roads and gated communities. The rules often change, leading to inefficiency and added expense as well as creating a threat for the public. The county reimbursement for debris collection on private roads and in gated communities is unknown.

Fiscal/Urban/Rural/Impact: A study and refinement of FEMA debris removal reimbursement guidelines to simplify and expedite the process by making it presumptively in the public interest to remove debris from private roadways and within gated communities would benefit many communities impacted by disasters.

Sponsor(s): Ann Hardy, County Manager, Brunswick County, N.C.

Proposed Resolution Urging the Federal Emergency Management Agency (FEMA) to Actively Consult with Local Government Stakeholders on FEMA After-Action Reports

Issue: Citizens, businesses and governments that are impacted by disasters should be provided a simple process, clear guidelines and timely reimbursement assistance to recover from a disaster.

Proposed Policy: The National Association of Counties (NACo) urges Congress to direct the Federal Emergency Management Agency (FEMA) to consult with local government stakeholders and residents on FEMA After-Action Reports.

Background: Brunswick County was impacted by two hurricanes within a 30-day period. Like many counties across the nation that have experienced recent natural disasters, communities suffered millions of dollars of damage to homes, businesses, and government infrastructure. It is important that governments impacted by disaster share their experience with FEMA so that the process can be improved, and lessons learned incorporated into future disaster planning models.

Fiscal/Urban/Rural/Impact: By requiring FEMA to consult with local government stakeholders and residents on FEMA After-Action Reports, counties will be better prepared for and able to respond to costly natural disasters.

Sponsor(s): Ann Hardy, County Manager, Brunswick County, N.C.

Proposed Resolution to Maintain Local Control and Public Safety Priorities Under Federal Immigration Laws

Issue: Maintain local control and flexibility under federal immigration laws.

Proposed Policy: The National Association of Counties (NACo) supports maintaining local control over county resources and public safety priorities under federal immigration laws.

Background: Maintaining safe communities is one of the most important functions of county governments. Counties invest over $70 billion annually in providing justice and public safety services to all residents, working together with all levels of government to improve public safety, safely reduce jail populations and fight recidivism. Additionally, counties are often involved in the apprehension and detention of undocumented immigrants at the request of our federal agency partners.

State and local law enforcement do not generally enforce federal immigration laws since regulating immigration, including the identification and deportation of unauthorized persons, is primarily an administrative function of the federal government. Further, the federal government is generally prohibited from requiring state and local governments to enforce federal administrative statutes. While state and local law enforcement agencies can enforce federal criminal statutes, most of immigration law is administrative, not criminal in nature; it would ordinarily be outside of state or local jurisdiction to enforce those provisions related to immigration detention and removal.

Public safety is an overarching and principal duty of counties, and local officials support law enforcement and the rule of law. Federal courts have concluded that immigration enforcement is a federal responsibility, but when it comes to dealing with immigrants who encounter the criminal justice system, counties increasingly face various and often conflicting pressures, including costly litigation as a result of compliance with the United States Constitution rights and processes, threats against critical federal funding streams and community protests.

Fiscal/Urban/Rural Impact: Federal immigration laws impose additional costs to counties through costly litigation or reduction of federal funding streams.

Sponsor(s): Bill Truex, Commissioner, Charlotte County, Fla.; Marion Greene, Commissioner, Hennepin County, Minn.

PUBLIC LANDS

Proposed Resolution Supporting the Utilization of Sheep and Cattle Grazing as a Cost-effective and Viable Method for Hazardous Fuels Reduction Goals in Executive Order 13855, *Promoting Active Management of America's Forests, Rangelands and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk*

Issue: Allowing grazing as an acceptable form of active forest and vegetation management to reduce hazardous fuel loads.

Proposed Policy: The National Association of Counties (NACo) urges the Trump administration to utilize sheep and cattle grazing as a cost-effective and viable method of hazardous fuels reduction on the rangelands of West, and we fully urge federal land management agencies to utilize these methods possible in accordance with Executive Order 13855, *Promoting Active Management of America's Forests, Rangelands and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk*. NACo also encourages federal land management agencies, in accordance with sound science and statutory requirements, to activate suspended Animal Unit Months (AUMs) in order to make public lands available to grazing and grant agencies greater flexibility to plan and respond to the conditions on the ground by making federal grazing permits year-round rather than seasonal.

Background: On December 21, 2018, President Donald Trump signed Executive Order 13855, *Promoting Active Management of America's Forests, Rangelands and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk*. The executive order is designed to streamline and coordinate the use of federal, state, local and tribal resources to reduce hazardous fuels loads through active forest and vegetation management "to protect communities, critical infrastructure and natural and cultural resources."

Wildfires burned 8.6 million acres of land nationwide during the 2018 fire season, threatening the lives, property and livelihoods of the residents of public lands counties. Fire suppression costs to federal land agencies for the 2018 fire season were approximately $2 billion on top of the untold billions of dollars lost to local economies.

Scientific studies prove that livestock grazing is the most effective means of reducing fuel loads in fire-prone ranges and targeted grazing also has been proven to be effective at reducing the severity and spread of fire in areas dominated by cheatgrass. Additionally, increased grazing could be a net revenue source for federal land management agencies as permit fees are paid and economic activity intensifies.

Fiscal/Urban/Rural Impact: Reducing fuel loads through grazing can result in significant economic benefits to the local community, increase the resilience of local landscapes, and reduce wildfire suppression costs for both counties and federal land management agencies.

Sponsor(s): Commissioner Rex Steninger, Elko County, Nev.

Proposed Resolution on the Council of Environmental Quality's Revisions to the National Environmental Policy Act Implementing Regulations

Issue: The Council of Environmental Quality ("CEQ") is in the process of updating its National Environmental Policy Act ("NEPA") implementing regulations.

Proposed Policy: The National Association of Counties (NACo) supports revising NEPA implementing regulations to require federal agencies to regularly provide meaningful opportunities for states and counties to be involved in the NEPA process for planning and projects on federal lands that may affect the economy, society and culture of constituents. NACo asks that the CEQ work closely with state and local governments to revise the NEPA regulations.

Background: NEPA, passed in 1970, establishes a process by which federal agencies must consider the potential impacts of proposed projects on the environment. To oversee implementation of the Act, NEPA also established the CEQ, the federal agency charged with developing regulations for the implementation of NEPA. NEPA regulations have been substantively updated only once since 1978.

NEPA provides that it is the "continuing policy of the federal government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.'' (42 U.S.C. § 4331(a)).

Despite NEPA's policy of including state and local governments in the NEPA process, the existing NEPA regulations do not require federal agencies to provide counties with meaningful opportunities for cooperation and collaboration in decision-making on public lands. Further, the NEPA process is often duplicative, inefficient and time consuming.

On August 15, 2017, President Trump released Executive Order (EO) 13807, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects." EO 13807 directs the CEQ to enhance and modernize federal environmental review. In response to EO 13807, CEQ issued an advance notice of proposed rulemaking, soliciting comments on potential revisions to update and clarify NEPA regulations.

NACo submitted comments in response to CEQ's request on August 20, 2018. CEQ is now in the process of reviewing comments and considering whether and how to update the NEPA regulations.

Fiscal/Urban/Rural Impact: Support for the proposed revision to NEPA implementing regulations will increase the opportunity and role of local governments in the rulemaking process. Revising the NEPA regulations to be more inclusive of counties in the NEPA process will give counties more opportunities to be involved in federal decision-making processes.

Sponsor(s): Joel Bousman, Commissioner, Sublette County, Wyo.; Terrence Wolf, Commissioner, Washakie County, Wyo; Wyoming County Commissioners Association

Proposed Resolution to Amend Federal Regulations and Policies Allowing Naturally-Caused Fires to Burn During a Wildfire Season Declared by a State

Issue: Federal regulations, policies and guidelines that allow lightning-caused fires to burn on federal lands at all times and that permit the use of prescribed fires, regardless of ignition source, on federal lands at all times.

Proposed Policy: The National Association of Counties (NACo) supports the immediate revocation, rescission and revision of all USFS and BLM policies that allow lightning-caused fires on federal lands managed by those agencies to burn and that permit the use of prescribed fires, regardless of ignition source, during a declared wildfire season to the extent not authorized by Congress. NACo supports the adoption by USFS and BLM of policies requiring those agencies to solely focus on the full suppression of wildfires occurring on lands managed by those agencies and prohibiting the use of prescribed fires, regardless of ignition source, during a state-declared wildfire season.

Background: The federal government owns significant percentages of the land in the western states. In Nevada, 84.9 percent of the state is in federal ownership; Utah, 64.9 percent; Idaho, 61.6 percent; Alaska, 61.2 percent; Oregon, 52.9 percent; Wyoming, 48.1 percent; California, 45.8 percent; Arizona, 38.6 percent; Colorado, 35.9 percent; New Mexico, 34.7 percent; Montana, 29.0 percent; and Washington, 28.5 percent. The western states have suffered historic wildfires over the past several years, a significant portion for which the source of ignition is on federal lands. These wildfires, the related smoke and other impacts have a dramatic impact on the health, safety and welfare of the residents of these states.

Federal agencies, including the United States Forest Service (USFS) and the Bureau of Land Management (BLM), have adopted regulations, policies and guidelines that allow lightning-caused fires to burn on federal lands at all times and that permit the use of prescribed fires, regardless of ignition source, on federal lands at all times. (See, e.g., Federal Wildland Fire Management Policy & Program Review, December 18, 1995 and Guidance for Implementation of Federal Wildland Fire Management Policy, February 13, 2009.)

USFS and BLM policies and guidelines allowing these wildfires to burn and to authorize the management ignition of additional wildfires during a declared wildfire season have significant negative impacts on the residents of these states. Residents' real and personal property and health are put at an enhanced risk when wildfires are allowed to burn and prescribed fires are allowed to be ignited during a State-declared wildfire season. While prescribed burns are useful management tools for federal agencies, such burns should not be permitted when residents' health, safety and welfare are already at jeopardy due to wildfire season conditions.

Fiscal/Urban/Rural Impact: Counties should not see any additional fiscal impacts. This resolution does not seek to require additional resources be appropriated for federal agency actions. The urban and rural citizens' health, safety and welfare would be enhanced by directing federal agencies to focus on extinguishing fires during the enhanced risks associated with a state-declared fire season.

Sponsor: Colleen Roberts, Commissioner, Jackson County, Ore.

TELECOMMUNICATIONS AND TECHNOLOGY

Proposed Resolution Calling for the Federal Communications Commission to Address the Lack of Cellular Phone Coverage for Unserved and Underserved Areas of the United States

Issue: Many areas of the United States, particularly in rural areas, are either underserved or not served at all by cellular phone carriers preventing residents and visitors from accessing emergency services through E-911.

Proposed Policy: The National Association of Counties (NACo) urges the Federal Communications Commission (FCC) to direct additional funding for the build-out of additional cellular communications capabilities in the unserved and underserved areas of the Unites States through the High Cost Program administered by the Universal Service Administrative Company (USAC).

Background: Americans are increasing their dependency on cellular phones for voice communications. According to a study released in May of 2017 by the Center for Disease Control, 50.8 percent of US households rely solely on cellular phones - up from 24.5 percent from 2009. The percentage of young adults and renters who rely solely on cellular phone service is significantly higher with those aged 25-29 years old at 72.7 percent cellular reliance and adult renters at 71.5 percent cellular reliance. Consumers are moving to cellular reliance at a considerable rate, yet many rural areas throughout the United States remain either unserved or underserved by cellular carriers.

The sizable percentage of individuals who rely solely on cellular phone service, combined with the unserved and underserved areas of rural areas presents a substantial concern for public safety. Cellular phones and the requisite cellular coverage are, in many cases, the first link of our emergency response chain. Without adequate service, Americans who live in the unserved or underserved areas, along with visitors and travelers through these areas cannot reach emergency services when they become necessary.

The FCC designates the USAC to administer the Universal Service Fund. The USAC established the High Cost Program to provide funding to telecommunications carriers for the purpose of delivering service to rural areas where the market alone cannot support the cost to provide telecommunications services. In 2017, the USAC delivered more than $4.6 billion to telecommunications carriers; however, many areas in rural America remain unserved or underserved.

NACo urges the FCC to provide adequate funding to telecommunications carriers to ensure cellular build-out to the unserved and underserved areas of the United States.

Fiscal/Urban/Rural Impact: Would provide cellular service to rural areas that will alleviate public safety concerns and strengthen economic development opportunities.

Sponsor(s): Arthur Wright, Supervisor, Saratoga County, N.Y.; Dan Degear, Supervisor, Madison County, N.Y.

Proposed Resolution Supporting Federal Legislation to Implement Next Generation 911

Issue: There is an urgent need to implement Next Generation 911 systems and services nationwide to ensure that members of the public and first responders (i.e., 911, police, fire, EMS) benefit from modern emergency communications services.

Proposed Policy: The National Association of Counties (NACo) urges Congress to pass legislation that affirms nationwide implementation of Next Generation 911 as a national imperative and national priority, and provides funding to facilitate implementation across all states, U.S. territories, tribal lands and the District of Columbia.

Background: Today's legacy 911 systems rely on obsolete technologies that impose an increasing cost burden on state and local governments and 911 service providers and make it difficult to maintain these systems. The current state of 911 also inhibits the ability of 911 authorities to integrate emergency communications systems with the advanced communications systems used by the public and first responders. A failure to implement Next Generation 911 (NG911) systems places the nation at risk, undermining public safety and national security.

It is important that Congress pass legislation that affirms the importance of upgrading the nation's 911 systems to NG911 and provides funding to incentivize the transition to NG911. By enabling the transmission of data, photos, video and other non-voice forms of communications, NG911 will align the nation's 911 systems with the evolving needs and expectations of the public, while also facilitating access for those citizens for which voice communications is not an option (e.g., individuals with a hearing or speech impairment). NG911 also will enable the nation's 911 emergency communications centers (ECCs) to collect and utilize a variety of data (e.g., photo of suspect, vehicle crash data, environmental sensor data), empowering first responders to more effectively leverage data to improve situational awareness and emergency response. In addition, NG911 will enable significant improvements in redundancy and resiliency, helping ensure continuity of 911 operations during large-scale disasters by allowing 911 calls and data to be routed to other ECCs.

NG911 systems are, and will remain, under the control of state, regional and local authorities. To ensure NG911 is implemented across all jurisdictions in the most effective and efficient manner, it must use non-proprietary, open standards-based technology\ and be interoperable regardless of technology deployed. Congress must promote these objectives with appropriate grant conditions and guidance to ensure accountability in how the funds are used.

Fiscal/Urban/Rural Impact: Passage of NG911 legislation will provide matching grant funds and enact policies to help local jurisdictions to upgrade their legacy 911 systems.

Sponsor(s): Steven Singer, Fire and Rescue Chief, Powhatan County, Va.; International Association of Fire Chiefs

Proposed Resolution in Support of Preserving Public Safety's Right to the T-Band (470-512 MHz)

Issue: Proper auctioning and clearance of the public safety T-Band spectrum (470-512 MHz).

Proposed Policy: The National Association of Counties (NACo) urges Congress to repeal Section 6103 of the *Middle-Class Tax Relief and Job Creation Act of 2012* (P.L. 112-96), which requires the auction of the spectrum and the relocation of public safety incumbents.

Background: On February 22, 2012, President Obama signed into law the *Middle Class Tax Relief and Job Creation Act of 2012* (P.L. 112-96). The law requires the Federal Communications Commission begin auctioning the public safety T-Band spectrum (470-512 MHz) by February 2021 and clear all public safety operations from the band within two years of auction close.

The T-Band, i.e. television channels 14-20, is a key spectrum resource allocated for land mobile communications in 11 major urban areas. Public safety is one of the main incumbents on this band, others include local broadcasters and industrial and business entities. The existence of these other users is not accounted for in P.L. 112-96. If the T-Band is auctioned, they too will lose their spectrum rights.

While law provides that auction revenues can be applied toward the cost of relocating public safety operations to other spectrum bands, it is silent on identifying a new spectrum home for these users. Most public safety entities in the T-Band jurisdictions have no excess spectrum to which to migrate. The value of the band has not been estimated and could be far below the projected costs of moving public safety off the band. The National Public Safety Telecommunications Council has estimated that the latter will cost $5.9 billion dollars.

The communications infrastructure of many of the T-Band jurisdictions are built on access to the band, and this auction requirement threatens these sophisticated systems. The pending auction has already impacted the daily operations of public safety officials in communities across the country, as a result of the FCC licensing freeze on the band. Losing the T-Band will mean reversing years of investments made by these communities in their local public safety organizations.

Fiscal/Urban/Rural Impact: The T-Band supports land mobile radio communications in urban and surrounding communities within a 50-mile radius. Repealing the mandated auction will ensure that public safety has the secure spectrum access it needs to continue serving local communities across T-Band jurisdictions. It will also prevent counties from having to expend large amounts of money to relocate the public safety communications in which they have invested and reverse the licensing freeze that is currently preventing public safety entities from applying for or renewing their access to the band.

Sponsor(s): Steven Singer, Fire and Rescue Chief, Powhatan County, Va.; International Association of Fire Chiefs

TRANSPORTATION

Proposed Resolution on Regulating Air Ambulances Under the Airline Deregulation Act (ADA)

Issue: Air ambulance regulation under the Airline Deregulation Act (ADA).

Proposed Policy: The National Association of Counties (NACo) supports policies to remove air ambulances from the definition of "Air Carrier" in the Americans with Disabilities Act (ADA) and ensure other federal laws do not prevent states from regulating air ambulance billing rates to protect consumers from price-gouging and/or balance billing conducted by some air ambulance providers. NACo encourages Congress to direct a thorough and complete study of Air Ambulance operations to be conducted.

Background: Air ambulance emergency services have grown significantly in recent decades, as have their cost. The average air ambulance trip can cost tens-of-thousands of dollars and patients are not readily provided this information until they receive their bill. Air ambulances cannot be regulated under the Airline Deregulation Act (ADA), and therefore are able to charge exorbitant rates.

Air ambulances provide emergency services for critically ill patients, transporting them from the scene of an accident, or from a medical facility to a hospital, with a higher level of care. Air ambulance transportation services have a beneficial impact on survival and recovery for trauma victims because the patients receive rapid medical attention and treatment, especially in more remote, rural areas.

While air ambulance services are beneficial, the cost of these services have increased rapidly. A 2017 Government Accountability Office (GAO) study found that, "between 2010 and 2014, the median prices providers charged for helicopter air ambulance service approximately doubled, from around $15,000 to about $30,000 per transport."

While air ambulance services are meant for severely injured, trauma patients, they have increasingly been used in non-emergency situations. A 2015 study, *Overuse of helicopter transport in the minimally injured: A health care system problem that should be corrected*, found that "Nearly one third of patients transported by helicopter were minimally injured. Policies to identify patients who do not benefit from helicopter transport should be developed. Significant reduction in transport cost can be made by judicious selection of patients."

Several states, including North Dakota, West Virginia and Texas have attempted to regulate air ambulance costs but were blocked by federal courts. The Airline Deregulation Act of 1978 (ADA) prohibits states from regulating the prices air carriers charge for air ambulance services. Congress will have to pass federal legislation to amend the ADA and regulate the cost of air ambulance services.

Fiscal/Urban/Rural Impact: Air ambulance services are an essential tool to provide trauma patients the immediate, high-quality care they need, especially in rural areas. New regulations and price controls will benefit citizens around the country by providing greater transparency and reducing the financial burden of these services.

Sponsor(s): Jackie Traynere, Board Member, Will County, Ill.; Don Moran, Board Member, Will County, Ill.

Proposed Resolution in Support of Funding the Assistance to Local Emergency Response Training (ALERT) Grant

Issue: Funding support for the Assistance to Local Emergency Response Training (ALERT) grants.

Proposed Policy: The National Association of Counties (NACo) urges Congress to designate $6 million in dedicated funds for the ALERT grant, administered by the Pipeline and Hazardous Materials Safety Administration (PHMSA).

Background: The Consolidated and Further Continuing Appropriations Act of 2015 (P.L. 113-235) allowed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to use money recovered from prior year Hazardous Materials Emergency Preparedness (HMEP) grants to fund the ALERT grants. The language reauthorizing the grant must be entered in the appropriations language every year. Funding levels depend on how efficiently states use their HMEP grants. Over the past few years, states have begun to utilize their funding more efficiently, leaving little money for those who are first on the front line.

The United States has over 2.4 million miles of pipeline and 74,000 miles of rail for crude oil, gas and hazardous materials transportation. These rail and pipeline systems touch thousands of rural communities across the U.S. The goal of the ALERT grant is to provide rural and remote emergency responders with additional hazmat response training opportunities.

Thus far, two ALERT grants have enabled the International Association of Fire Chiefs (IAFC) to reach over 8,000 U.S. rural and remote responders. A “blended training” approach makes training available in electronic and instructor-led formats, providing access to training for a large number of emergency responders while providing permanent online resources for reference. For example, the IAFC has developed a comprehensive online library of its courses, all of which remain accessible on its website.

In-person training sessions have occurred in multiple locations across 23 states, including Iowa, Illinois, Massachusetts, Pennsylvania, Florida and Texas.

In addition to online and in-person training, the grant has allowed for the creation of printed guidebooks that assist responders in working with their given railroads to develop emergency response plans, such as the IAFC “Rural Guide for Rail.”

Consistent funding levels will enable the organizations that develop with hazardous materials response training to grow the ALERT impact through curriculum enrichment and responder outreach. This funding will also allow such organizations to create lasting, mutually-beneficial partnerships that will lead to further knowledge sharing and thus further preparedness in the fire and emergency service.

Fiscal/Urban/Rural Impact: Dedicated appropriations for the ALERT grant will give first responders across the country access to the knowledge and practical experience to enable them to safely and effectively respond to hazardous materials incidents. It reduces the severity of rail and pipeline accidents by preparing these responders to handle hazardous materials incidents.

Sponsor(s): Steven Singer, Fire and Rescue Chief, Powhatan County, Va.; International Association of Fire Chiefs

Proposed Resolution Supporting National Voluntary Registry of Persons with Invisible Disabilities When Applying for a Government Issued Identification Document

Issue: Persons with invisible disabilities drive, work and play in our society and the recognition of such disabilities by law enforcement is paramount to everyone's safety.

Proposed Policy: NACo urges the federal government to support a nation-wide, individual state driven model which allows persons with hidden disabilities to voluntarily register that they have such a disability when applying for a government issued identification card and/or driver's license.

Background: According to the Invisible Disabilities Association, IDA, in 1997 there were 26 million Americans considered to have a severe disability and only 7 million of them use an identifiable support, such as wheelchair, cane, crutch or walker. What this means then is there are as many as 19 million Americans who may be considered to have a medially recognized disability but no external readily identifiable support. "We often do not realize that a person can have hindrances that come from inside and may not be visible on the outside."

Wisconsin, through the implementation of Collin's law, 2017 Wisconsin Act 244, published on April 4th, 2018 allows those individuals, who voluntarily choose to do so, when applying for a Wisconsin Driver's License to state; "I have an invisible disability that I wish to disclose to law enforcement officers and that may include…."

NACO supports efforts that would encourage other States to allow for the voluntary registration, on government issued identification documents and/or drivers licenses those individuals wishing to do so of their invisible disability. Examples of invisible disabilities include, appear deaf or unable to understand, difficulty speaking or communicating, engaging in repetitive or self-stimulating behaviors such as rocking or hand flapping, appearing anxious, nervous or upset, becoming agitated due to physical contact or stressful situations, acting indifferent or unresponsive.

Fiscal/Urban/Rural Impact: This change would have no fiscal impact on counties.

Sponsor: Louie Okey, Supervisor/Chair, Barron County, Wis.; Barron County Board of Supervisors