

**Board of County Commissioners
Leon County, Florida**

**2021 State and Federal
Legislative Priorities
Workshop**

**Tuesday,
October 27, 2020
3:00 p.m.**

The meeting will be held via video conferencing. The media and the public can access the meeting in real time on Comcast channel 16, Prism channels 16 and 1016-HD, the Leon County Florida channel on Roku, the County's [Facebook](#) page, [YouTube](#) channel and [web site](#).

Leon County Board of County Commissioners

Notes for Workshop

Leon County Board of County Commissioners

Workshop

October 27, 2020

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Workshop on the 2021 State and Federal Legislative Priorities

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Andy Johnson, Assistant to the County Administrator Nicki Paden, Management Analyst

Statement of Issue:

This workshop item seeks the Board's approval of recommended state and federal legislative priorities for the 2021 Florida Legislative Session and the first session of the 117th Congress.

Fiscal Impact:

This item does not have a fiscal impact. However, it recommends requests for state and federal appropriations as well as substantive policy positions that seek to avoid unfunded mandates and cost shifts to the County.

Staff Recommendations:

- Option #1: Approve the 2021 state and federal legislative priorities.
- Option #2: Provide any additional Board direction on the County's 2021 state and federal legislative priorities.

Report and Discussion

Background:

Each year, the Board conducts a workshop with the County's legislative staff and contract lobbyists to develop priorities for the upcoming state and federal legislative sessions. This workshop enables the County's legislative team to receive important guidance from the Board regarding priority legislative issues and directs the County's lobbying efforts for the upcoming year at both the state and federal level. In recent years, the Board has directed staff to refine the County's substantive policy priorities only to the most pressing issues and to support the Florida Association of Counties (FAC) and National Association of Counties (NACo) in achieving their respective legislative goals. Consistent with this direction, staff is seeking Board approval of the County's 2021 State and Federal Legislative Priorities, comprised of the state and federal policy and appropriations issues proposed herein.

Analysis:

The 2021 Florida Legislative Session will be held from March 2 through April 30, 2021, with interim committee weeks beginning in December. The first session of the 117th U.S. Congress will convene on January 3, 2021. Staff recommends several policy and appropriations priorities for the 2021 state and federal legislative sessions, arranged as follows:

- 8 legislative appropriation requests;
- 23 County projects for potential state and/or federal grant funding;
- 11 state-level legislative policy priorities, including support of the FAC 2021 Legislative Priorities, for the 2021 Florida Legislative Session; and
- 5 federal legislative policy priorities, including support of the NACo 2021 Legislative Priorities, for the first session of the 117th United States Congress.

Similar to previous years, the policy and appropriations priorities recommended in this workshop item are organized to target the County's most pressing issues and best align with the anticipated priorities of the 2021 state and federal legislative sessions.

In August 2020, the Legislature's Office of Economic and Demographic Research (EDR) produced updated revenue estimates for the state's 2021-22 fiscal year. The updated estimate projects a \$2.7 billion revenue shortfall for the upcoming fiscal year due to the economic effects of the COVID-19 pandemic. According to EDR's report, the strategies to address the shortfall may include reducing state expenditures, sweeping revenue from trust funds, adjusting or redirecting revenues, or utilizing reserve funds. As reported to the Board in the 2020 Florida Legislative Session Final Report at the July 14 meeting, the Governor vetoed approximately \$1 billion from the FY 2020-21 state budget to increase reserve balances. The Governor has also implemented a plan to reduce state agency spending by 6% during the current fiscal year in order to identify potential reductions to non-essential state services and programs.

In light of the projected FY 2021-22 state revenue shortfall and the prioritization of funding for critical needs related to the COVID-19 pandemic, the Legislature is not likely to provide

substantial funding for local projects during the 2021 session. In recent years, the Legislature has reduced funding for local projects, instead promoting the availability of existing grant programs through the executive branch. Accordingly, this item recommends a concise list of County projects for which to seek direct legislative funding that best align with the anticipated priorities of the Legislature during the 2021 session.

In addition to the list of projects for legislative funding, this workshop item also recommends Board direction to pursue grant funding for specific County projects that best align with existing executive branch grant programs. The County has been successful in recent years securing funding through many of these programs, particularly for major infrastructure projects. To best align the County's top priority projects with their most likely sources of state and federal funding, this item recommends that the Board direct staff to continue the County's successful strategy of seeking grant funding for these projects through regional, state, or federal agency grant programs as applicable.

In addition to the issues specific to Leon County identified herein by staff, much of the County's legislative advocacy each session is focused on issues of statewide importance in conjunction with FAC. FAC will finalize its 2021 legislative program during its upcoming Legislative Conference, which will take place December 2-4, 2020 in Duval County. The statewide issues identified by the FAC membership will assist staff in identifying the most critical issues facing counties during the state legislative session.

The Board may wish to add, remove, and/or amend legislative priorities as deemed appropriate for the County's 2021 state and federal legislative priorities. Upon Board approval, staff and the County's contract lobbying teams will pursue all of the priority issues approved by the Board. Notwithstanding this, staff will assign priority to any issue that the Board designates to receive a special level of attention in the upcoming legislative cycle. As always, staff will keep the Board apprised of legislative issues through agenda items and weekly updates during the 2021 legislative session.

PROPOSED APPROPRIATIONS REQUESTS 2021 FLORIDA LEGISLATIVE SESSION

Throughout the year, staff works to identify projects most suitable for legislative appropriation requests to support County projects. The Board's practice of retaining professional contract lobbying services enhances the County's advocacy efforts for these requests. The County's contract lobbying team provides a daily presence by advocating for the County's appropriations requests with the County's legislative delegation and other legislative leaders.

As discussed above, each year the County establishes a list of funding requests that aligns with the anticipated priorities of the Florida Legislature. In recent years, the Legislature has devoted considerable attention to economic and workforce development issues, disaster recovery and resilience, and has also allocated funding for local water projects. Also, the majority of local projects funded by the Legislature total \$500,000 less, include a one-to-one local match, and are "shovel-ready," meaning that design and permitting for the project has already been completed. Accordingly, Table #1 below reflects a concise, targeted set of County projects that best align

with these anticipated priorities of the Legislature during the 2021 session and for which local funding is available to provide a one-to-one match. Of note, in 2011 Congress discontinued the practice of providing direct appropriations (or “earmarks”) for local projects; as such, the list below reflects proposed requests for state legislative funding.

Table 1: Proposed 2021 Legislative Funding Requests

<u>Request:</u>	<u>Amount Requested:</u>	<u>Project Phase:</u>
Backup Generator – Secondary Special Needs Shelter	\$150,000	Capital/Fixed Assets
Backup Generators – Branch Libraries and Community Centers	\$500,000	Capital/Fixed Assets
Leon Works Expo and Junior Apprenticeship	\$50,000	Program Funding
Historic Amtrak Station Repairs and Renovation	\$500,000	Construction
Old Plank Road Drainage Project	\$400,000	Construction
Baum Road Drainage Project	\$375,000	Construction
Fords Arm/Timberlane Tributary Restoration	\$250,000	Construction
Fred George Wetland Restoration	\$300,000	Construction

In addition to the list above, the Board may wish to support funding requests from community partner organizations for projects that align with the County’s strategic and legislative priorities. Most recently, for instance, during the 2020 Florida Legislative Session the Riley House Museum received \$325,000 from the Legislature to support the Florida African American Historic Preservation Network. As such, the Board may wish to provide direction to support such projects at any meeting during the Legislative Session or throughout the year.

ADDITIONAL HIGH-PRIORITY COUNTY PROJECTS RECOMMENDED FOR POTENTIAL STATE OR FEDERAL GRANT FUNDING

In recent years, the Florida Legislature and the Governor have placed a greater emphasis on grant programs through the executive branch for local infrastructure projects. Last year, for example, in response to the significant economic and budgetary impacts of the COVID-19 pandemic, Governor Ron DeSantis’ line-item vetoes totaled over \$1 billion for FY 2020-21, specifically striking projects that bypassed state agency review or that would not benefit the state as a whole. This year, staff and the County’s contract lobbying team anticipate the Legislature and Governor maintaining an austere approach to budgeting during the upcoming 2021 session with a continued emphasis on funding for local projects through executive branch grant programs. Accordingly, staff is seeking Board direction to continue pursuing grant funding for the County projects listed in Table #2 below. For the reasons discussed above, these projects are less likely to be funded directly by the Florida Legislature; however, they do align with existing state and federal grant programs.

Table 2: Proposed Projects for 2021 Executive Agency Grant Requests

<u>Request:</u>	<u>Amount:</u>	<u>Project Phase:</u>
Capital Circle Southwest	\$100 million	Construction
Woodville Highway (Capital Circle to Paul Russell Road)	\$29.7 million	Construction
Northeast Gateway (Welaunee Blvd./Shamrock St.)	\$4.5 million	Design
Miccosukee Road Bridge Replacement	\$2 million	ROW/Construction
Orange Avenue Widening & Beautification	\$1.9 million	Design
Old Bainbridge/Capital Circle NW Intersection Improvements	\$955,000	ROW/Construction
North Monroe Gateway	\$520,000	Construction
Tram Road Crossdrain Replacement	\$600,000	Construction
Veterans Memorial Drive (CR 59) Bridge Replacement	\$530,000	Design/Construction
Old Bainbridge Road Safety Improvements	\$330,000	Construction
St. Marks Headwaters Greenway Trails	\$800,000	Construction
Orchard Pond Greenway Trail, Phase II	\$350,000	Design/Permitting
Capital Cascades Trail Segment 4	\$100,000	Construction
Lake Henrietta Renovation	\$1.5 million	Design/Construction
Fred George Greenway Boardwalk & Observation Decks	\$650,000	Design/Construction
J. Lee Vause Park Boardwalk & Observation Decks	\$650,000	Design/Construction
Williams Landing Improvements	\$450,000	Design/Construction
Coe Landing Improvements	\$200,000	Design/Construction
Harbinwood Estates Septic-to-Sewer Project	\$2.5 million	Design/Permit/Land Acquisition
Centerville Trace Septic-to-Sewer Project	\$1 million	Design
Leon South Regional Water System	\$750,000	Design/Construction
Springs Protection Projects*	Several	All Phases
Hazard and Flood Mitigation Projects**	Several	All Phases

* The County has grant agreements in place with the Florida Department of Environmental Protection to provide funding support for several additional septic-to-sewer projects in southside Leon County located in the Primary Springs Protection Zone to improve water quality for citizens.

** The County has submitted several hazard and flood mitigation projects consistent with the County's Local Mitigation Strategy for potential funding under the Hazard Mitigation Grant Program and the Community Development Block Grant (CDBG) Mitigation program. The Board adopted the most recent update to the Local Mitigation Strategy at the July 11, 2017 meeting.

PROPOSED POLICY REQUESTS 2021 STATE LEGISLATIVE SESSION

Like most legislation, Leon County's policy requests are generally incremental in nature, focusing on issues specific to Leon County that are built upon over the course of several legislative sessions. Additionally, staff annually evaluates the trends and issues affecting all County programs and services to identify potential legislative policy priorities. Statewide significant substantive issues range from maintaining the County's home rule authority to the state's current fiscal challenges and efforts to further reduce the size and scope of state government. As discussed earlier, the state's response to COVID-19 and the associated fiscal challenges are likely to dominate the Legislature's time this year.

Leon County's lobbying team will monitor the budgetary and programmatic decisions made by the Legislature to determine their impact, if any, on local governments in the form of cost shifts or unfunded mandates. In addition to the substantive policy issues identified by the County, staff works closely with FAC to identify developing issues that affect counties throughout the state. In many cases, Leon County joins FAC to advocate for or against initiatives that would substantially impact counties. Following is a listing of the proposed Leon County 2021 state legislative policy priorities. A brief overview of each issue is provided that includes the specific recommended legislative action.

Protection of the State Workforce

Issue: Recognizing that the state employees who live in Leon County are vital to our community, economy, and diversity, protecting the jobs of these workers from privatization and advocating for fair wages has continuously been a top priority of the Board during the legislative cycle. In addition, following major cuts to state positions in recent years, this is an issue also strongly supported by members of Leon County's legislative delegation.

During the 2020 Legislative Session, funding for a 3% across-the-board pay raise for state employees was included in the FY 2020-21 state budget. State employee pay raises were effective October 1, 2020. Staff will continue to monitor for any legislation affecting state employee pay and benefits, and will advocate on behalf of policies that benefit state employees during the 2020 session.

Action: Support the protection of the state workforce and oppose any reductions to state employee benefits.

County Health Department Structure

Issue: Florida's public health system was designed to provide shared state and local authority for public health governance. The Florida Department of Health (FDOH) operates 67 county health departments throughout the state to implement public health programs at the local level via agreements between the county and FDOH. As provided in Chapter 154, Florida Statutes, county health department staff are employees of the state, and each county health department is led by a Health Officer or Administrator who is appointed by the State Surgeon General

after the concurrence of the respective Board of County Commissioners. Each county health department Health Officer or Administrator reports to the FDOH Deputy Secretary for County Health Systems.

In light of the ongoing COVID-19 pandemic, the greatest public health challenge of modern times, it has never been more important to have in place a system of collaboration, coordination, and communication involving both the public health and emergency management communities. Unfortunately, the rapid escalation of the pandemic has been associated with confusing and sometimes contradictory communication about its spread and what individuals need to know and do to protect their lives and health, and that of others. These sometimes contradictory messages are confusing to the general public and may undermine both the public health response and public trust in official sources of critical public health information. Citizens need reliable and actionable information, based on expert, objective public health guidance, to help them understand their risk of exposure as they go about their lives. The public needs clarity and transparency about stay-at-home orders, travel bans, personal protection efforts, and social distancing. A responsible communication response to public health emergencies requires cooperation and coordination among all units and levels of government.

Throughout the COVID-19 pandemic, local governments in Florida have received insufficient information and communications from FDOH regarding situations, risks, and guidance relative to personal protective action inhibiting disease spread. As each community's situation is unique with respect to the prevalence of the coronavirus, community demographics and characteristics, and risk factors, it is critical for public health officials to provide guidance that is relevant to the specific community. However, decisions regarding re-opening, personal protective measures, and communicating risk to the public have been made at the highest levels of state government on the basis of politics rather than objective, expert public health guidance. As such, requests from local governments for official public health guidance or interpretation from FDOH have consistently been met with an inability or unwillingness to respond.

Communicating effectively with the public about specific threats is a critical, foundational element of successful emergency management and public health. It helps mitigate risks, supports the implementation of protective actions, and contributes to minimizing negative mental health impacts of public health emergencies. As such, it is recommended that the Legislature direct that a study be conducted to review and identify recommendations for establishing a statewide public health agency that is independent of direct executive or legislative control. The existence of such an independent public health agency would better ensure the consistent, timely, and objective communication of vital public health information during the current COVID-19 crisis as well as future emergencies.

Action: Support legislation requiring a study to review and identify recommendations for establishing an independent statewide public health agency.

Modification of the Eligibility for Levying the Local Option High Impact Tourist Development Tax

Issue: A top priority for the Board during recent legislative sessions has been to seek the revision of Sec. 125.0104, F.S. to modify the eligibility for levying the local option High Tourism Impact Tax. In Leon County, proceeds from a local option High Impact Tourist Development Tax could be used to support operating costs of a convention center contemplated as part of FSU's Arena District Master Plan to modernize its facilities and grow the campus footprint. The County and City Commissions have allocated up to \$30 million of local funds from a voter-approved sales tax referendum in support of the project.

On March 12, 2020 the Blueprint Intergovernmental Agency (IA) Board of Directors accepted a market feasibility study conducted by HVS Global Hospitality Services on the proposed Convention Center project and directed the Blueprint Intergovernmental Management Committee to develop and execute a Memorandum of Understanding with FSU to formalize the development, operational, and maintenance responsibilities for the new convention center. Blueprint staff is currently working with FSU to develop this MOU.

Action: Support the revision of Sec. 125.0104, F.S. to modify the eligibility of counties to levy the Local Option High Impact Tourist Development Tax.

Monument to Confederate Soldiers from Leon County at the Florida Capitol Complex

Issue: In 1882, a group of local women commissioned a monument dedicated to Confederate Civil War soldiers from Leon County. It was originally placed on the west side of the Florida Capitol (which is now the Historic Capitol) and in 1923 was moved to its present location in front of the Historic Capitol facing Monroe Street. An inscription at the base of the monument indicates that it was built "To rescue from oblivion and perpetuate in the memory of succeeding generations the heroic patriotism of the men of Leon County who perished in the Civil War of 1861 to 1865" and was "raised by their country women." Although the monument does not explicitly reference the Confederacy, Florida voted to secede from the United States in January 1861 and fought on behalf of the Confederacy during the Civil War before being readmitted to the Union in 1868. On the remaining three sides of the monument are inscribed the Civil War battles these men participated in.

Several members of the Florida Legislature, including members of Leon County's legislative delegation, and others have called for the monument's removal in recent years. At the June 16, 2020 meeting, the Board directed staff to explore the history of the monument as well as any options to potentially relocate it. Since that time, County staff, the County Attorney, and the County's contract lobbyist have reached out to the Florida Department of Management Services (DMS), the Senate Secretary's Office, and the Florida Historic Capitol Museum to determine which entity controls the monument, but these agencies have provided conflicting responses. The County Administrator subsequently sent letters to the DMS

Secretary, Senate Secretary, Governor, and Senate President requesting assistance to determine who controls the monument, but the County has received no response as of the publication of this item. As such, it remains unclear at this time which entity controls the monument.

At the October 13, 2020 meeting, Commissioners reflected on the possibility of adding to the monument to provide historical context regarding Florida's status as a state that seceded from the United States and as a state that allowed slavery prior to federal enforcement of the Emancipation Proclamation at the end of the Civil War in 1865. Of note, in 2018, the Florida Legislature passed a bill directing the creation and installation of a Slavery Memorial to be placed at the Florida Capitol. According to the Florida DMS website, the monument will "recognize the fundamental injustice, cruelty, brutality and inhumanity of slavery in the United States and the American colonies and to honor the nameless and forgotten men, women, and children who have gone unrecognized for their undeniable and weighty contributions to the United States." During the 2020 session, the Legislature appropriated \$400,000 for the construction of the Florida Slavery Memorial, which will be installed on the South Plaza of the Florida Capitol.

Given the uncertainty regarding which State entity controls the Confederate monument located at the Capitol Complex, at the October 13 meeting the Board also authorized the County Administrator to send a letter to the State requesting permission for the County to take ownership and remove the monument. It is also recommended that the Board support legislation to effectuate the relocation of the monument. Should the Board wish to include this issue as a legislative priority, staff would also include a resolution of support for this legislation as part of the agenda item seeking ratification of this workshop at the November 17 meeting.

Action: Support legislation requiring the relocation of the Confederate monument that is currently located at the State of Florida Capitol Complex.

Establish Florida's Emancipation Day as a State Holiday

Issue: Emancipation Day in Florida is traditionally celebrated on May 20 to recognize the emancipation of African-American slaves. The Emancipation Proclamation was issued by President Abraham Lincoln on January 1, 1863; however, it was more than two years later at the end of the Civil War, on May 10, 1865, that Union Brigadier General Edward M. McCook arrived in Tallahassee to take possession of the city from Southern forces. On May 20, 1865, after official control of the region was transferred to Union forces, General McCook declared the Emancipation Proclamation in effect. At the September 29, 2020 meeting, the Board approved a resolution of support for establishing May 20, Florida's Emancipation Day, as a state holiday in celebration of the past, present, and future of Black economic liberation and those who work toward that liberation.

Action: Support legislation establishing May 20, Florida's Emancipation Day, as a state holiday.

Removal of Racially Restrictive Covenants from Recording Documents

Issue: In the 1930s, a Federal Housing Administration (FHA) grant required certain restrictions be imposed on property owners in subdivisions being developed throughout the country before those owners could obtain FHA loans. As a result of this program, suburbs or neighborhoods were created (including in Leon County) that restricted any race, except Caucasians, to reside in those neighborhoods. In 1948, the United States Supreme Court held that the enforcement of racially restrictive covenants violates the United States Constitution and ruled that those covenants are unenforceable. In 1968, the Federal Fair Housing Act made the practice of writing racially restrictive covenants into recording instrument on real property illegal. However, these documents remain in the Official Records and are often circulated as part of the title history to prospective purchasers of real property.

During the 2020 session, the House and Senate unanimously passed SB 374, which provides that that discriminatory restrictions in any title transaction are unlawful, unenforceable, and declared null and void. With respect to covenants and restrictions affecting a property, the bill establishes a process by which a parcel owner may request a discriminatory provision be removed from the covenant or restriction by majority vote of the respective property owners' association. It is anticipated that the local community group which supported the 2020 legislation will seek additional legislation during the 2021 session to establish a process for the automatic removal of discriminatory provisions from these documents.

Action: Support legislation to establish a process for the automatic removal of discriminatory provisions from real property covenants and restrictions, and support the appropriation of state funding to support any associated costs.

Medicaid Expansion

Issue: The Medicaid program was established in 1965 as a federal-state-local partnership to provide health insurance coverage to low-income children and their families, seniors and people with disabilities. The federal government provides oversight and broad guidelines for Medicaid, such as minimum eligibility and benefit requirements, while states have flexibility within these guidelines in administering the program, often in partnership and with assistance from counties. This flexibility allows states to respond to unforeseen increases in health care needs and costs due to factors such as changing demographics, new medical technology and ways to deliver care as well as public health emergencies such as Zika and most recently, COVID-19.

The Affordable Care Act (ACA) granted states the ability to expand Medicaid eligibility to nearly all low-income adults, including those without children, earning up to 138% of the federal poverty level. In 2012, the U.S. Supreme Court ruled that this expansion of the Medicaid program is optional for states (National Federation of Independent Business v. Sebelius). Florida is currently one of

twelve states that have not opted to expand coverage to low-income adults without children under the ACA. Voters in Missouri and Oklahoma approved referenda in 2020 to expand Medicaid in their states.

According to a 2019 report by the Florida Policy Institute, to qualify for Medicaid in Florida, a family of three with dependent children must not earn more than 32% of the federal poverty level, or \$6,825 per year. To qualify for marketplace health insurance assistance, a family of three with dependent children must earn at least \$21,330 per year. Families between \$6,825 and \$21,330 annual income are not eligible for any coverage, representing what is known as the “coverage gap.” If Florida were to expand Medicaid, the Legislature’s Office of Economic and Demographic Research has projected that for FY 2022-23, 964,056 Floridians would gain access to affordable health care. This includes adults in the coverage gap and those with incomes up to 138% of poverty.

To offset the financial burden of covering additional individuals, the federal government covered 100% of the Medicaid costs for newly eligible enrollees in 2016, 94% of costs starting in FY 2018, and 90% in 2020 and thereafter. According to the Florida Policy Institute report referenced above, the State of Florida would realize an estimated net savings of nearly \$200 million in FY 2022-23 by accessing these enhanced federal matching funds for income-based Medicaid beneficiaries under expansion. Additionally, in a paper published in 2020 in the New England Journal of Medicine, researchers from Harvard and the Massachusetts Institute of Technology concluded that Medicaid spending has been subsidized entirely by increased federal funding to states that have expanded access, with no significant changes in spending from state revenues associated with Medicaid expansion and no evidence that Medicaid expansion forced states to cut back on spending on other priorities, such as education, transportation, or public assistance. The paper also found that the enhanced federal matching dollars from Medicaid in expansion states also offset costs incurred by public hospitals, mental health centers, and health care providers for people involved in the criminal justice system.

As a result of the COVID-19 pandemic, the number of people needing medical care has increased significantly, as well as the number of Florida and Leon County residents who have fallen into low-income brackets due to unemployment. Given these considerations, the Medicaid Matters for Florida Coalition and the League of Women Voters requested Leon County’s support in advocating for the State of Florida to accept federal funding to expand Medicare coverage. The Board adopted a resolution of support for Medicaid expansion in Florida at the September 29, 2020 meeting.

Action: Support the expansion of the Medicaid program in Florida to provide coverage eligibility for adults under the age of 65 with incomes up to 138% of the federal poverty level, as provided in the Affordable Care Act.

Tobacco 21

Issue: At the December 10, 2019 meeting, the Board adopted a resolution in support of statewide legislation to prohibit the sale of tobacco and vaping products to those under the age of 21 and to require retail licensure of vaping establishments. During the 2020 session, the Legislature passed SB 810, which would raise the minimum age to purchase any tobacco products from 18 to 21. SB 810 would also create a requirement for retailers who deal only in vaping products to obtain a “limited” tobacco retail permit which would be provided at no cost to the applicant. However, on September 8, 2020, Governor Ron DeSantis vetoed SB 810.

Action: Support statewide legislation to prohibit the sale of tobacco and vaping products to those under the age of 21 and to require retail licensure of vaping establishments.

Amtrak Passenger Rail Restoration

Issue: In August 2005, Amtrak’s Sunset Limited, passenger rail service for the Gulf Coast Region between New Orleans and Jacksonville through Leon County, was suspended due to the impacts of Hurricane Katrina. Shortly after, Leon County began to engage our local legislative delegation, CSX, FDOT, and others to advocate for the restoration of passenger rail service, which remains suspended today because of the cost and challenges associated with restoring service to this route. Efforts are ongoing at this time to restore rail service between New Orleans, Louisiana and Mobile, Alabama; however, the State of Florida has not joined these efforts to extend passenger rail service into Florida (more detail provided in the following section regarding federal policy priorities).

Action: Support efforts to restore passenger rail service between New Orleans and Jacksonville through Leon County.

Public Safety on College and University Campuses

Issue: Gun rights legislation has taken a prominent role during recent legislative sessions, with a broad variety of bills introduced each year addressing how and where firearms can be carried in Florida, including college and university campuses. Under current law, it is illegal for a person to carry a weapon onto a college or university campus, regardless of whether that person holds a concealed carry permit. In 2015, the Board unanimously approved a resolution supporting Florida State University, Florida A&M University, and Tallahassee Community College in their unified opposition to allowing concealed weapons on university and college campuses. This has also been a top priority of the Board during previous legislative sessions.

Action: Oppose statutory changes to Section 790.06, F.S. that would allow the concealed carrying of firearms into college or university facilities.

Florida Association of Counties (FAC) Issues

Issue: FAC's mission is to help Florida's counties serve and represent Floridians by preserving county home rule through advocacy, education, and collaboration. Representing all 67 counties before the Florida Legislature, FAC addresses issues that have broad statewide appeal such as the opposition of unfunded mandates or cost shifts to counties, growth management, annexation, revenue-sharing, and water management issues.

Annually, FAC hosts the Innovation & Policy Conference and Legislative Conference to develop and finalize FAC's legislative policies for the upcoming legislative session. The Innovation & Policy Conference took place September 21-22, 2020, and FAC will finalize its 2021 federal and state legislative program during the 2020-21 Legislative Conference, which will take place December 2-4 in Duval County. The statewide issues identified by the FAC membership will assist staff in identifying the most critical issues facing counties during the state legislative session. Accordingly, staff recommends the Board's support of the 2021 FAC legislative program unless specific issues conflict with Leon County's interests.

Proposed Florida Constitutional Amendments on the November 2020 Election Ballot

This year, Florida voters will consider six proposed state constitutional amendments on the November 3 general election ballot. Following is an overview of the six statewide initiatives, each of which requires approval by 60% of voters in order to be adopted into the Florida Constitution:

<u>Title:</u>	<u>Type:</u>	<u>Description:</u>
Amendment 1: Citizenship Requirement to Vote in Florida Elections	Citizen-initiated	This amendment provides that only United States Citizens who are at least eighteen years of age, a permanent resident of Florida, and registered to vote, as provided by law, shall be qualified to vote in a Florida election.
Amendment 2: Raising Florida's Minimum Wage	Citizen-initiated	Raises minimum wage to \$10.00 per hour effective September 30th, 2021. Each September 30th thereafter, minimum wage shall increase by \$1.00 per hour until the minimum wage reaches \$15.00 per hour on September 30th, 2026. From that point forward, future minimum wage increases shall revert to being adjusted annually for inflation starting September 30th, 2027.

Amendment 3: All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet	Citizen-initiated	Allows all registered voters to vote in primaries for state legislature, governor, and cabinet regardless of political party affiliation. All candidates for an office, including party nominated candidates, appear on the same primary ballot. Two highest vote getters advance to general election. If only two candidates qualify, no primary is held and winner is determined in general election. Candidate's party affiliation may appear on ballot as provided by law. Effective January 1, 2024.
Amendment 4: Voter Approval of Constitutional Amendments	Citizen-initiated	Requires all proposed amendments or revisions to the state constitution to be approved by the voters in two elections, instead of one, in order to take effect. The proposal applies the current thresholds for passage to each of the two elections.
Amendment 5: Limitations on Homestead Property Tax Assessments; increased portability period to transfer accrued benefit	Legislatively-referred	Proposing an amendment to the State Constitution, effective January 1, 2021, to increase, from 2 years to 3 years, the period of time during which accrued Save-Our-Homes benefits may be transferred from a prior homestead to a new homestead.
Amendment 6: Ad Valorem Tax Discount for Spouses of Certain Deceased Veterans Who Had Permanent, Combat-Related Disabilities	Legislatively-referred	Provides that the homestead property tax discount for certain veterans with permanent combat-related disabilities carries over to such veteran's surviving spouse who holds legal or beneficial title to, and who permanently resides on, the homestead property, until he or she remarries or sells or otherwise disposes of the property. The discount may be transferred to a new homestead property of the surviving spouse under certain conditions. The amendment takes effect January 1, 2021.

PROPOSED POLICY REQUESTS 117TH UNITED STATES CONGRESS, FIRST SESSION

Each year staff evaluates the trends and issues affecting all County programs and services to identify potential policy or substantive legislative issues at the federal level. Most substantive issues affecting the County at the federal level are coordinated through the County's National Association of Counties (NACo) representation. Squire Patton Boggs, the County's federal contract lobbying firm, works closely with staff on select federal policy issues that have been identified as Leon County priorities by the Board. Staff coordinates regularly with the County's

federal lobbying team by phone and e-mail to strategize on key budget issues and to identify federal grant opportunities that could potentially fund Leon County projects. In addition, Squire Patton Boggs assists staff in preparing regular updates to the Board on federal legislative activities. A comprehensive update on federal legislative and regulatory actions compiled by Squire Patton Boggs is included as Attachment #1 to this agenda item.

Following are the proposed Leon County 2021 federal legislative policy requests for the first session of the 117th Congress. Each request provides a brief overview of the issue and indicates the specific recommended legislative action.

Federal COVID-19 Relief for Counties

Issue: On March 27, 2020 Congress passed the “Coronavirus Aid, Relief, and Economic Security Act” (the “CARES Act,” H.R. 748) to provide direct economic assistance in response to the financial fallout related to the COVID-19 pandemic. This legislation provides \$2.2 trillion of economic relief and stimulus for businesses, individuals, federal agencies, and state and local governments, including a \$150 billion Coronavirus Relief Fund for state and local government to help offset necessary expenditures incurred due to the COVID-19 public health emergency. As provided in the CARES Act, 12 Florida counties with a population greater than 500,000 received direct allocations from the U.S. Treasury totaling \$2.47 billion. Counties less than 500,000 in population were not eligible to receive a direct payment under the CARES Act; however, the bill allowed states to distribute funds to local governments under 500,000 in population. On June 10, the Governor announced that the State of Florida will disburse the remaining funds allocated to Florida (totaling up to \$1.275 billion) to counties with a population below 500,000 through FDEM for expenditures eligible for reimbursement.

At the July 14, 2020 Budget Workshop, the Board approved the “Leon CARES” expenditure plan to distribute Leon County’s allocation of \$51.2 million in Coronavirus Relief Funds under the CARES Act. The Leon CARES plan provides funding for essential public health and safety expenditures related to COVID-19, direct assistance to individuals experiencing financial hardship, a broad range of human service needs, and critical economic relief to the local business community, consistent with the requirements of the CARES Act, U.S. Treasury guidance, and the County’s Funding Agreement with the Florida Division of Emergency Management. The County is currently implementing the Leon CARES plan at this time.

Importantly, the CARES Act did not provide for Coronavirus Relief Funds to be used to offset decreases in revenues as a result of the economic impact of the pandemic. As such, this funding does not address the significant challenge of balancing the County’s budget, given the severe revenue losses associated with the conscious decision to shut down the economy to help mitigate the spread of COVID-19. As reported to the Board during the July 14 Budget Workshop, these revenue losses are anticipated to total approximately \$17 million.

Since the passage of the CARES Act in March, the U.S. House, Senate, and representatives of the President's administration have negotiated additional relief legislation, potentially including new funding for public health measures, additional economic stimulus payments to individuals, and continued support for businesses, and more, as well as additional relief to state and local governments to offset lost revenues. However, as of the publication of this agenda item, Congress has not yet agreed on additional COVID-19 relief legislation.

The National Association of Counties (NACo) has strongly advocated for additional relief legislation since the passage of the CARES Act. A letter from NACo to U.S. House and Senate leadership is included as Attachment #2 to this agenda item which provides a list of additional COVID-19 priorities for county governments in any future relief legislation. These priorities include additional, flexible funding for county governments, provisions for public health measures and health care resources, continued assistance for individuals and businesses, strategies to support economic recovery, and more.

Action: Support federal COVID-19 relief legislation that includes flexible funding for county governments that can be used to address lost revenue and support critical local response efforts to the COVID-19 pandemic.

Establish Juneteenth as a Federal Holiday

Issue: Juneteenth is recognized as the end of chattel slavery and the emancipation of African-American slaves throughout the United States and is commemorated on the anniversary date of the June 19, 1865 announcement by Union Army Major General Gordon Granger proclaiming freedom from slavery in Texas.

At the September 29, 2020 meeting, the Board approved a resolution of support for establishing Juneteenth (June 19) as a federal holiday in celebration of the past, present, and future of Black economic liberation and those who work toward that liberation.

Action: Support legislation establishing Juneteenth (June 19) as a federal holiday.

Amtrak Passenger Rail Restoration

Issue: As described in the previous section of this workshop item, Congress approved the Passenger Rail Reform and Investment Act of 2015, establishing the Gulf Coast Rail Service Working Group (GCRSWG) to evaluate the restoration of intercity passenger rail service in the Gulf Coast region between New Orleans and Orlando. In 2016, Amtrak visited each of the suspended service station areas along the Gulf Coast route to examine the existing conditions of the station areas and worked with the Southern Rail Commission to identify new ideas for intercity passenger rail. Following the tours, the GCRSWG worked to develop a report to determine possible track improvements, capacity cost assessments, and operational readiness. The report incorporates cost estimates for suspended stations, opportunities to enhance platform safety conditions, and other "state of

good repair” items identified by Amtrak as well as findings from a capacity assessment related to restoring passenger service conducted by CSX.

In July 2017, the GCRSWP’s final report was presented to Congress. The report identified securing the necessary funds for both capital improvements and sustained financial support to cover projected operating losses as a key challenge to implementing the restored passenger rail service. The final report identified short-term and long-term phase projects and federal funding opportunities to support restoration efforts including the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program and the Restoration and Enhancement Grants (REG) Program.

In recent years, state and local governments in Louisiana, Mississippi, and Alabama have been successful in securing grants through CRISI and REG to address key infrastructure needs and to support operations of passenger rail service between New Orleans, Louisiana and Mobile, Alabama. In 1982, these three states formed an interstate rail compact now known as the Southern Rail Commission (SRC) for the purpose of supporting rail service. The SRC allows for membership by contiguous states; however, Florida has not elected to join. Working with local, state, and federal governments, the SRC has secured funds to resume twice-daily passenger rail service between New Orleans and Mobile in 2023.

Action: Support federal funding through programs such as CRISI and REG to facilitate the restoration of passenger rail service in the Gulf Coast region.

Foreign Trade Zone Application

Issue: In 1934, the United States created the Foreign Trade Zone (FTZ) Program to improve the competitiveness of U.S. companies versus foreign based companies. The FTZ is a designated area within a country where imported goods can be stored or processed without being subject to import duty, helps level the playing field, and improves U.S. competitiveness by reducing operation costs. An FTZ helps to encourage value-added activities at U.S. facilities in competition with foreign alternatives by allowing delayed or reduced duty payments on foreign merchandise, as well as other savings. The advantages of having an FTZ can be the difference a company needs to have access to global markets and keep or locate manufacturing or distribution operations in the region. The benefits associated with businesses in the FTZs will vary depending upon the type of operation involved and authority granted by the Foreign-Trade Zones Board and Customs, but generally may include duty exemptions/deferrals, reduction or inverted tariffs, merchandise processing fee reductions, and others. In 2014, the Tallahassee City Commission authorized staff to pursue the creation of a FTZ at the Tallahassee International Airport. The City is currently in coordination with the Federal Government to complete prerequisite steps to finalize its formal application to establish a FTZ.

Action: Support the City of Tallahassee's application for a Foreign Trade Zone at the Tallahassee International Airport.

National Association of Counties (NACo) Issues

Issue: The National Association of Counties (NACo) advocates with a collective voice on behalf of America's 3,069 county governments. Its membership includes urban, suburban, and rural counties. NACo's advocacy efforts are guided by a policy platform and single-subject policy resolutions adopted at each annual conference by policy committees and the full membership. Each year, most of the County's substantive federal priorities align with NACo's policy platform. For the first session of the 117th Congress, Leon County has several substantive federal priorities which NACo will be advocating for or against on behalf of all counties across the nation including COVID-19 relief, infrastructure funding, health care and mental health reform, economic and workforce development, development of broadband technology and infrastructure, disaster relief and resilience, and more. NACo's current federal policy priorities are included as Attachment #3 to this agenda item.

Options:

1. Approve the 2021 state and federal legislative priorities.
2. Provide any additional Board direction on the County's 2021 state and federal legislative priorities.
3. Do not approve the 2021 state and federal legislative priorities.
4. Board direction.

Recommendation:

Options #1 and #2

Attachment:

1. Squire Patton Boggs Summer 2020 Federal Update
2. NACo Letter to House and Senate Leadership, dated April 6, 2020
3. NACo Federal Policy Priorities



From: Squire Patton Boggs LLP
Date: September 4, 2020
Subject: Federal Legislative and Regulatory Action Relevant to General Local Government Interests: Summer 2020

This report provides a comprehensive update for local governments and their partners highlighting action on notable federal legislation, administration, and regulatory issues since our last update in May. It is important to note that the memorandum provides only a high-level perspective; detailed reports were provided as events unfolded in Congress and the Trump Administration, particularly with regard to the federal response to the COVID-19 pandemic.

Except for a brief return to Washington for House members to pass the *Delivering for America Act*, to provide funding and prevent systemic changes to the U.S. Postal Service, Congress has been in its customary recess for most of August. The Senate is set to return to session next Tuesday; the House will resume committee work on Tuesday and return to session the following Monday, September 14.

What Happened this Summer

After quickly passing four packages related to COVID-19, Washington returned to business as usual this summer, albeit under new protocols for the pandemic. House Democrats passed a massive - but partisan - infrastructure bill, the *Moving Forward Act*, as well as the *Water Resources Development Act (WRDA)*, and 10 of 12 FY 2021 Appropriations bills. Both chambers also approved their respective versions of the FY 2021 National Defense Authorization Act (NDAA).

The *Great American Outdoors Act* was also approved by both chambers and enacted into law. The measure makes permanent funding for the Land and Water Conservation Fund (LWCF), and authorizes \$900 million for backlogged projects throughout the country, while also authorizing for the next five years an amount equal to half of federal revenues from energy development on federal lands (details below).

In response to the death of George Floyd, and subsequent nationwide protests, both chambers took up policing reform legislation. The House passed the *George Floyd Justice in Policing Act*, while Sen. Tim Scott (R-SC) introduced the *Just and Unifying Solutions to Invigorate Communities Everywhere (JUSTICE) Act*, but the measure failed a procedural vote and did not advance to a floor vote (details below).

While negotiations over the next stimulus package were at an impasse for most of the summer, both chambers introduced measures related to the pandemic, although they were primarily messaging bills. In May, the House passed its *Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act*, which would provide an additional \$3.1 trillion in COVID-19 funding, including \$915 billion for state and local governments. In July, Senate Majority Leader Mitch McConnell (R-KY) introduced a package of bills totaling \$1 trillion, which, combined, was referred to as the *Health, Economic Assistance, Liability*

Protection, and Schools (HEALS) Act. On August 18, he introduced a scaled-down “skinny” stimulus proposal, the *Delivering Immediate Relief Act*. Neither bill made it to the Senate floor.

In response to the unsuccessful negotiations, the President issued four Executive Orders on August 8:

- [Memorandum on Continued Student Loan Payment Relief During the COVID-19 Pandemic](#)
- [Executive Order on Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners](#)
- [Memorandum on Deferring Payroll Tax Obligations in Light of the Ongoing COVID-19 Disaster](#)
- [Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019](#)

What's Next

As stimulus negotiations stalled, there was speculation that additional pandemic relief would be combined with the FY 2021 Continuing Resolution (CR), which must be enacted by October 1 to avoid a government shutdown. However, yesterday, Speaker of the House Nancy Pelosi (D-CA) and Treasury Secretary Steve Mnuchin came to an agreement in principle on a “clean” stand-alone CR. Today, Vice President Mike Pence announced that this agreement would allow separate stimulus negotiations to move forward. While the agreement will keep the stimulus separate from the CR, the CR may be used as a vehicle for the surface transportation and National Flood Insurance Program reauthorizations, as both expire on September 30.

With improved, but still high, unemployment numbers, and many relief programs set to expire soon, negotiators will feel more urgency than they did this summer. Senate Republicans will reportedly release a \$500 billion stimulus proposal next week, although it is unclear if Vice President Pence’s statement will change that plan.

The House has a busy floor schedule set for September:

- Week of September 14 - focus on legislation from the Education and Labor Committee:
 - *Strength in Diversity Act*
 - *Equity and Inclusion in Education Act*
 - *Pregnant Workers’ Fairness Act*
 - Also, a Resolution condemning all forms of anti-Asian bias and bigotry related to the pandemic
- Week of September 21
 - *MORE Act*
 - A package of legislation from the Energy and Commerce and the Science, Space, and Technology Committees
 - Possible legislation to reauthorize intelligence agencies
- Week of September 28
 - Holding for likely FY 2021 Continuing Resolution and possible reauthorization of the surface transportation and the National Flood Insurance Program. Also holding for potential COVID-19 stimulus measure.

It appears September will be an interesting - and hopefully productive - month in Washington.

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COVID-19

In March and April, congressional efforts focused almost entirely on addressing the COVID-19 pandemic, with four stimulus packages providing over \$3 trillion in federal funding approved in a matter of weeks:

- The *Coronavirus Preparedness and Response Supplemental Appropriations Act* ([H.R. 6074](#))
- The *Families First Coronavirus Relief Act* ([H.R. 6201](#))
- The *Coronavirus Aid, Relief, and Economic Security (CARES) Act* ([S. 3548](#))
- The *Paycheck Protection Program and Health Care Enhancement Act* ([H.R. 266](#))

In May, the House passed its [Health and Economic Recovery Omnibus Emergency Solutions \(HEROES\) Act \(H.R. 6800\)](#), which would provide an additional \$3.1 trillion in COVID-19 funding, including \$915 billion for state and local government stabilization. Funds would be allocated over two years: \$500 billion for states; \$20 billion for both territories and federally recognized tribal governments; and \$375 billion for local governments. It would also allow the use of these funds – as well as Coronavirus Relief Funds (CRF) from the CARES Act – to address lost revenue due to COVID-19.

In July, Senate Majority Leader McConnell introduced a package of bills totaling \$1 trillion, which, combined, was referred to as the *Health, Economic Assistance, Liability Protection, and Schools (HEALS) Act*. On August 18, he introduced a scaled-down “skinny” stimulus proposal. The *Delivering Immediate Relief Act* included: liability protections for businesses and health care providers; a second round of Paycheck Protection Program loans; an extension of federal unemployment benefits at \$300/week; and \$105 billion for states and schools to address education priorities. Neither proposal included additional funding for state and local governments.

The Senate GOP skinny proposal also included \$10 billion for the U.S. Postal Service (USPS). This was in response to Speaker Pelosi calling House members back from the August recess for a Saturday vote on a measure that would provide \$25 billion to the USPS. Speaker Pelosi was under pressure from her caucus to add stimulus-related provisions to the bill, primarily the extension of unemployment benefits, but she prefers to address the two issues separately.

Negotiations for the next phase of an economic stimulus package remained at an impasse for most of the summer; in response, the President signed the following executive orders on August 8:

- [Memorandum on Continued Student Loan Payment Relief During the COVID-19 Pandemic](#)
- [Executive Order on Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners](#)
- [Memorandum on Deferring Payroll Tax Obligations in Light of the Ongoing COVID-19 Disaster](#)
- [Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019](#)

An agreement in principle was reached yesterday to keep the FY 2021 CR and stimulus separate. Thus, discussions have resumed among the key negotiators – House Chief of Staff Mark Meadows, Secretary Mnuchin, Senate Minority Leader Chuck Schumer (D-NY), and Speaker Pelosi. Attention is focused on critical issues including the extension of unemployment benefits, expanded COVID-19 testing, funding to support the reopening of schools, and additional aid to state and local governments. State and local relief, in particular, has divided negotiators, with Republicans and the Administration stressing that a significant amount of Coronavirus Relief Funds (CRF) provided through the *CARES Act* remains unspent, while Democrats are prioritizing additional funding and flexibility as a “must have” for the next stimulus.

APPROPRIATIONS

FY 2021 APPROPRIATIONS

Congressional action on annual appropriations bills typically begins in April, but was delayed this year due to the federal response to COVID-19.

This summer, the House Appropriations Committee approved all 12 of its FY 2021 Appropriations bills, and the full chamber passed all but two: Homeland Security and Legislative Branch. The Senate Appropriations Committee intended to start consideration of its FY 2021 spending bills in June, but partisan disputes over COVID-19 and other funding and policy issues derailed the schedule.

The House approved its bills with the strong backing of Democrats and no Republican support. While adhering to the \$1.375 trillion base discretionary spending cap for FY 2021 that was part of the *Bipartisan Budget Act of 2019* ([P.L. 116-27](#)), House appropriators proposed additional emergency funding among the bills totaling approximately \$250 billion, which Republicans strongly opposed (emergency funding does not count against the budget caps).

There is broad recognition on both sides of the Capitol that none of the 12 annual funding bills will be finalized or signed into law prior to the beginning of the new fiscal year on October 1. If there is one thing upon which Democrats and Republicans agree, it is that passage of a Continuing Resolution (CR) in September is imperative. Neither party wants to risk blame for a government shutdown during a pandemic with elections just weeks away.

Appropriations Committee staff are now focused on their traditional CR drills, preparing draft legislative text and engaging in conversations with federal government agencies about specific anomalies, or legislative provisions, that may be necessary to ensure there is no lapse in federal funding or policy for the duration of the CR.

The Trump Administration submitted its anomaly request to lawmakers on September 2, requesting congressional approval for agencies to transfer and access funding to address budget gaps caused by the pandemic response. The President also requested additional mandatory funding for programs such as the Supplemental Nutrition Assistance Program (SNAP). The anomalies ultimately included in the CR will be negotiated between the House and Senate Appropriations Committees, and in consultation with the White House.

When the next phase of an economic stimulus agreement was not reached over the summer, there was speculation that COVID-19 funding and provisions would be wrapped into the CR. However, as noted above, Speaker Pelosi and Secretary Mnuchin yesterday announced an agreement in principle on a stand-alone CR. The exact scope and duration of the CR remains to be determined. Historically, election-year CRs run through November or mid-December. However, Democrats, hopeful for a Biden presidency and a change in majority in the Senate, may push to extend the CR into early 2021.

The CR will likely serve as a vehicle for Congress to address other measures, such as the surface transportation reauthorization and the National Flood Insurance Program, both of which also expire on September 30.

CANNABIS

On August 31, Majority Leader Steny Hoyer (D-MD) announced the House will consider the *Marijuana Opportunity Reinvestment and Expungement Act of 2019 (MORE Act)* ([H.R. 3884](#)), introduced by Rep. Jerrod Nadler (D-NY), during its September session. The bill would decriminalize marijuana at the federal level by removing it from the Controlled Substances Act and use the revenue from a 5% tax on cannabis products to fund a grant program to support communities impacted by the War on Drugs. In addition, federal courts would be required to expunge any prior convictions for marijuana-related offenses. The bill has considerable support from House Democrats, but is unlikely to pass in the Senate.

E-CIGARETTES/VAPING

As previously reported, in April, the Food and Drug Administration (FDA) was granted an extension on the deadline for e-cigarette and vaping companies to submit applications to remain on the market. The newly extended deadline is quickly approaching, after being delayed by a Maryland district court from May 12 to September 9, 2020. The FDA will then have a year to review each of the applications.

On August 31, Mitch Zeller, Director of the FDA's Center for Tobacco Products, announced in a blog post that the agency would be publicizing a list of all e-cigarette companies required to submit applications by the September 9 deadline, highlighting those that have already submitted applications. Mr. Zeller did not give further detail on where or how these application lists will be published.

On August 11, House Oversight and Reform Subcommittee on Consumer and Economic Policy Chairman Raja Krishnamoorthi (D-IL) sent a follow-up letter to FDA commissioner Dr. Stephen Hahn reiterating the request he made in his April 1 letter that the FDA clear the market of all e-cigarettes and vaping products during the COVID-19 pandemic. He argued that the use of e-cigarettes and vaping pose a public health risk during the pandemic, citing a study released by Stanford University concluding individuals between the ages of 13 and 24 who vape are five times more likely to contract COVID-19 than those who do not. Chairman Krishnamoorthi requested the FDA respond by August 18 on whether it will be implementing this recommendation; however, the agency has not yet responded.

ELECTIONS

Americans will head to the polls on November 3 to vote for president, one-third of the Senate, and the entire House of Representatives. The 2020 election cycle comes amid an unprecedented time in American history that has seen challenges on multiple fronts. Election interference – including cybersecurity risks to infrastructure and covert influence campaigns via social media platforms – remains a true threat that could complicate election results in November.

Most significantly, America faces significant polarization and civil unrest that has only served to increase political tensions as November approaches. Longer lines and fewer polling stations marked this year's primaries at the start of the year. Amid continued COVID-19 local restrictions, tens of millions of Americans are expected to vote by mail in November, with estimates showing twice as many voters may opt for an absentee or mail-in ballot. Trump Administration officials – seeking to reform the U.S. Postal System (USPS), a process that began early this year – faced criticisms in August that their cost-cutting

measures could possibly undermine the November mail-in ballot voting effort. While the Administration agreed to delay any changes until after the election, the sheer volume of ballots – and a rush to deliver them as soon as possible after the election – is expected to be a challenge for the USPS and could complicate final election results.

PRESIDENTIAL ELECTION

After 2016 exposed deficiencies in pre-election polling, uncertainty remains on possible outcomes of the November general election. In an interview on August 25, former Democratic presidential nominee Hillary Clinton stated, “Joe Biden should not concede under any circumstances, because I think this is going to drag out, and eventually I do believe he will win if we don’t give an inch, and if we are as focused and relentless as the other side is.” Her comments reflect a concern that there may be no clear winner of the presidential election on election night. Several key swing states are restricted by state laws from counting mail-in ballots until Election Day. Both parties will likely mount numerous legal challenges that will likely eclipse Florida’s “hanging chads” during the 2000 presidential election.

Notably, the U.S. Constitution requires the Electoral College to meet on December 14, 2020, and the 117th U.S. Congress to certify the winner on January 6, 2021. Any uncertainty in state vote counts could lead to contentious tallies at the Electoral College, and failure to call key House races could impact congressional certification of the final presidential vote. If there is no clear winner by January 20, the Speaker of the House of Representatives could be named as the acting U.S. President. In other words, there is an outlying possibility that current Speaker of the House Nancy Pelosi could become the first female president of the U.S., albeit it an interim capacity.

CONGRESSIONAL ELECTIONS

There are 35 Senate seats up in the 2020 elections; Republicans hold 23 of the seats, Democrats hold 12. President Trump in 2016 carried all but two states where Republicans are defending Senate seats in 2020; he won 15 of those states by at least 14 percentage points. Control of the Senate remains a true toss-up at this time, and the outcome will depend heavily on downstream impacts of the presidential vote.

Should Democrats secure control of the Senate, they are unlikely to have the super-majority necessary to overcome the 60-vote threshold necessary for most legislative action. With that in mind, an increasing number of party members are calling on Senate Democratic Leader Schumer to eliminate the filibuster for these votes, invoking the so-called “nuclear option,” at which point the majority party would have significantly more authority to advance legislation. Not all favor this approach. Sen. Joe Manchin (D-WV) warned in June against such action, saying, “I have never supported a repeal of the filibuster and I don’t support one now. I am willing to consider solutions that promote collaboration so the Senate is able to be a productive body again. But repealing the filibuster would result in even more partisanship.” Should Vice President Biden win the White House, and Democrats maintain control of the House and secure the Senate, Democrats would have unbridled authority to advance their legislative priorities for at least two years should they invoke the nuclear option.

Should President Trump retain control of the White House, but Republicans lose control of the Senate and the filibuster rule is removed by Democrats, expect more presidential vetoes and override vote challenges. Since override of a presidential veto requires 2/3 majority in both chambers, Republicans would maintain a check on Democrats’ legislative plans.

Meanwhile, House Democrats are expected to maintain control of the lower chamber of Congress. Republicans have more open seats in the House (36) than Democrats (13). Eight lawmakers (five Republicans, three Democrats) lost in the primaries; most faced either ethics concerns or challenges from more extreme sides of their party (particularly those Democrats who lost to progressive candidates). The next Congress may include an increase in progressive House Democrats who would align with progressive lawmakers such as Rep. Alexandria Ocasio-Cortez (D-NY).

Regardless of which party secures the White House in November or controls one or both chambers of Congress, increased federal spending, as approved by the 116th Congress or via executive action, in response to the pandemic has led to increased national debt, which will affect the U.S. economy for years to come.

ENERGY/ENVIRONMENT/WATER

ENERGY LEGISLATION

This month, the House of Representatives is expected to consider a package of bills reported out of the Energy and Commerce Committee and the Science, Space, and Technology Committee that invest in energy innovation and clean energy development. These bills have been noted by House Majority Leader Steny Hoyer (D-MD) to have “broad support from across the aisle and from business and environmental groups, who together recognize that Congress must lead in promoting a cleaner, more sustainable energy future that drives innovation and helps us create good jobs for American workers.”

This fall, we also anticipate potential movement of Senate Energy and Natural Resources Committee Chairwoman Lisa Murkowski’s (R-AK) comprehensive energy package, the *American Energy Innovation Act* ([S. 2657](#)), which is likely to address all energy sectors, including renewables. We understand there is also potential for House consideration, as most of the Senate’s bills included in Chairwoman Murkowski’s package have been introduced as companion bills in the House.

PASSAGE OF THE GREAT AMERICAN OUTDOORS ACT

In late June, Congress passed and the President signed into law the *Great American Outdoors Act* ([Public Law No: 116-152](#)). This is a landmark piece of legislation that will permanently change the way the U.S. funds natural resource projects. The program uses revenues from energy production on federal lands to support conservation, and local governments can use these funds for acquiring and/or developing recreation purpose land in perpetuity; these funds can be for purchasing and developing playgrounds, soccer fields, walking/biking paths, multi-use athletic courts, and ballparks, among other uses.

For reference, the Land and Water Conservation Fund (LWCF), contained within the Great American Outdoors Act, is a federal program that supports the protection of federal public lands and waters – including national parks, forests, wildlife refuges, and recreation areas. The LWCF also provides matching grants to state and tribal governments for the acquisition and development of public parks and other outdoor recreation sites. The LWCF also funds other conservation grants as well, namely the Cooperative Endangered Species Conservation Fund and the Forest Legacy Program. The LWCF is authorized for a \$900 million annual appropriation; however, it has never been funded at this level. In FY 2020, the fund was allocated \$495 million, and the President’s FY 2021 request included \$131 million.

In addition to permanently funding the LWCF, the *Great American Outdoors Act* notably creates a National Parks and Public Land Legacy Restoration Fund to support deferred maintenance projects on national parks and other public lands. Half of all federal revenue from oil, gas, coal, or renewable energy on federal lands will be deposited into the Restoration Fund, with funds not exceeding \$1.9 billion per fiscal year, for a total of \$9.5 billion over a five-year period. The National Park Service presently has a \$12 billion backlog in deferred maintenance projects; 70% of the Restoration Fund will be devoted to these efforts. The remaining 30% is to address deferred maintenance needs within the Bureau of Land Management (5%), Fish & Wildlife Service (5%), US Forest Service (15%), and the Bureau of Indian Education (5%).

The LWCF also provides matching grants to state, local, and tribal governments for the acquisition and development of state and local parks and other outdoor recreation sites through the Stateside Program administered by the National Park Service. By statute, federal payments to states (including the District of Columbia and U.S. Territories) are limited to 50% of a project's total cost, with the state project sponsor assuming the remaining balance.

ELECTRIC VEHICLE TECHNOLOGIES

The Department of Energy's Office of Energy Efficiency and Renewable Energy (EERE) announced \$139 million in federal funding for innovative vehicle technologies, including advanced batteries, electrification, and manufacturing in support of the Department of Energy's Energy Storage Grand Challenge. Secretary Brouillette made the announcement at a General Motors facility in Michigan; GM plans to sell 20 different plug-in vehicle models globally by 2023.

PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)

Agency Action

In May, the Environmental Protection Agency (EPA) finalized a rule to add 172 perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) to the list of chemicals that will be reported to the Toxics Release Inventory (TRI). This rule is in accordance with Section 7321 of the National Defense Authorizations Act (NDAA) for FY 2020, which adds certain per- and polyfluoroalkyl substances (PFAS) as reportable "toxic chemicals" in Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Note that the EPA has removed 12 PFAS that did not meet the criteria laid out by the NDAA and added 24 that do meet them. Reporting forms for these PFAS are due to the EPA by July 1, 2021, for calendar year 2020 data. The EPA then plans to release this raw data by July 31, 2021.

Congressional Action

In July, the House and Senate passed their respective versions of the FY 2021 National Defense Authorization Act (NDAA), both of which contain PFAS-related measures.

The Senate bill ([S. 4049](#)) would: 1) increase funds by \$10 million above the President's request to support the ongoing Centers for Disease Control and Prevention nationwide human health assessment related to contaminated sources of drinking water from PFAS; 2) require the Secretary of Defense to conduct a survey and market research of available firefighting technologies or substances to facilitate the phase-out of fluorinated aqueous film-forming foam used by the Department of Defense; and 3) increase funds by \$2 million above the President's request for personnel in the Office of the Assistant Secretary of Defense

for Sustainment in Environment, Safety, and Occupational Health to address such challenges as PFAS to the Military Housing Privatization Initiative.

The House's FY 2021 NDAA ([H.R. 6395](#)) would: 1) create a prize program to incentivize innovative development of a firefighting agent that does not contain PFAS; 2) require the Department of Defense to examine and consider non-firefighting agent technologies which could help facilitate the 2024 phase-out of fluorinated aqueous film-forming foam; and 3) require the Secretary of Defense to provide a briefing to the House Committee on Armed Services addressing a plan to increase the Department's execution of the Military Munitions Response Program (MMRP), which it has used to pay for environmental response to PFAs thus far, but is no longer the appropriate mechanism.

The House also passed the *Moving Forward Act* ([H.R. 2](#)) in July, which would: 1) authorize \$500 million each year through FY 2025 for a grant program for community water systems to pay for PFAS water treatments; and 2) amend the Safe Drinking Water Act to define PFAS as "a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom."

SECTION 404 PERMITS

The U.S. Army Corps of Engineers released a [pre-publication version](#) of its upcoming proposal to reissue and modify its streamlined Clean Water Act Section 404 permits (NWP). The NWPs are reissued every five years and authorize small discharges of dredged or fill material into "waters of the United States" associated with specified activities that will result in "no more than minimal individual and cumulative adverse environmental effects." USACE is proposing two new NWPs that could be used where appropriate to obtain expedited Section 404 permits.

The first would authorize activities associated with the construction, maintenance, repair, and removal of utility lines – including pipes and pipelines – that convey potable water, sewage, stormwater, wastewater, and certain other non-petrochemical substances. This would separate the authorization for water utility lines from the NWPs used for oil and gas pipelines and electric transmission and telecommunications lines, which are frequently the subject of legal challenges.

The second new proposed NWP would authorize discharges of dredged or fill material into non-tidal wetlands for the construction, expansion, and maintenance of water reclamation and reuse facilities, including vegetated areas enhanced to improve water infiltration and constructed wetlands to improve water quality.

USACE will be soliciting comments and suggestions concerning national standards or best management practices that could be incorporated into the water utility line NWP, as well as input on whether USACE should clarify that other NWPs can be used for the construction, expansion, or maintenance of water reclamation and reuse facilities in lieu creating a new separate NWP as proposed.

HEALTHCARE

HEALTHCARE EXTENDERS, DRUG PRICING, AND SURPRISE BILLING

The *Coronavirus Aid, Relief, and Economic Security (CARES) Act* ([P.L. 116-136](#)) authorized certain Medicare, Medicaid, and Public Health programs (collectively known as "extenders") until November 30, 2020,

setting up a must-pass legislative vehicle for the lame duck session. Before the COVID-19 pandemic, the health policy debate in Washington, DC, primarily revolved around two major issues: (1) ending surprise medical bills and (2) addressing prescription drug costs. Legislation ending surprise medical bills - led in the Senate by Health, Education, Labor, and Pensions (HELP) Committee Chairman Lamar Alexander (R-TN) - would be paired with a proposal to fund Community Health Centers, as both programs fall under the HELP Committee's jurisdiction. Legislation addressing prescription drug costs - led in the Senate by Finance Committee Chairman Chuck Grassley (R-IA) - would be paired with a proposal to limit scheduled reductions to Medicaid Disproportionate Share Hospital (DSH) payments, as both programs fall under the Finance Committee's jurisdiction. The extender legislation was expected to be the legislative vehicle for one or both of those packages; however, the COVID-19 pandemic has significantly upended that dynamic.

Over the summer, Chairman Grassley lost support from Ranking Member Ron Wyden (D-OR) and other Democrats who helped him report the prescription drug proposal out of committee, dealing what is likely a fatal blow to that legislative effort. Chairman Grassley penned an op-ed in the *Wall Street Journal* charging his colleagues with politicizing the issue: "[U]nfortunately, over the past couple of months, Democrats have left the negotiating table. Democratic colleagues tell me this was a decision made by their party's leadership. I can only assume the Democratic Party would rather use the issue of drug prices as a political hammer in November's election than work to address it now." Ranking Member Wyden responded by blaming Senate Republican leadership: "Democrats have not walked away from the table on drug pricing – Republicans never showed up in the first place. . . Senate Democrats are not interested in aiding Republicans [by adding bipartisan credibility to the proposal] as they play political games and pretend to support lowering prescription drug prices."

Legislation ending surprise medical bills is also unlikely, but proponents hang on to a glimmer of hope because the legislation is championed by Chairman Alexander, a well-liked and highly regarded Senator who is retiring at the end of the 116th Congress. The Senate has a tendency to show unusual amounts of bipartisanship when long-tenured Senators like Chairman Alexander retire, and his legislation ending surprise medical bills could be positioned as a legacy issue.

AFFORDABLE CARE ACT LITIGATION

The Supreme Court is scheduled to hear oral arguments in the most recent case challenging the constitutionality of the Affordable Care Act (ACA) on November 10, a week after the general election.

The case originated in February 2018 when a group of conservative states, led by Texas, challenged the constitutionality of the ACA after Congress reduced the penalty for not maintaining a minimum amount of health insurance coverage (known as the individual mandate) to \$0 in the Tax Cuts and Jobs Act (TCJA) of 2017 (P.L. 115-97). Texas argued that because the Supreme Court upheld the ACA as a constitutional exercise of Congress' taxing power in *NFIB v. Sebelius*, when Congress reduced the individual mandate penalty to \$0 it effectively eliminated the constitutional basis for the law because the penalty no longer produced revenue for the federal government (*i.e.*, it was no longer a tax).

In December 2019, the Fifth Circuit Court of Appeals upheld a sweeping district court ruling that sided with Texas and deemed the ACA unconstitutional, but remanded the case back to the district court for further proceedings. The group of states defending the constitutionality of the ACA, led by California, immediately appealed the Fifth Circuit Court decision to the Supreme Court, asking the Court to review three issues: (1) whether Texas and the other plaintiffs have standing to bring the lawsuit; (2) whether

the ACA is constitutional given the TCJA reduction of the individual mandate; and (3) if the mandate is unconstitutional, whether it is severable from other provisions included in the ACA.

The case, now referred to as *California v. Texas*, could have significant consequences if the Supreme Court upholds the Fifth Circuit decision and rules that all or most of the ACA must be overturned. The Supreme Court's decision, which would likely be released in the spring or summer of 2021, will also dictate the contours of health care policy in 2021 and beyond.

HOUSING AND COMMUNITY DEVELOPMENT

NOTABLE LEGISLATIVE ACTIVITY

On July 25, the CARES Act eviction moratorium expired. In response, a number of Members introduced legislation aimed at extending the moratorium and providing additional housing relief.

Emergency Family Stabilization Act

On June 9, Sens. Lisa Murkowski (R-AK), Joe Manchin (D-WV), and Kyrsten Sinema (D-AZ) introduced the *Emergency Family Stabilization Act* ([S. 3923](#)). Broadly, the bill creates a new, flexible, and emergency funding stream for community-based organizations to meet the needs of youth and families experiencing homelessness. The funding would be overseen by the Administration for Children and Families within the Health and Human Services Department.

Emergency Housing Protections and Relief Act of 2020

On June 24, House Financial Services Chair Maxine Waters (D-CA) introduced the *Emergency Housing Protections and Relief Act of 2020* ([H.R. 7301](#)). The bill provides approximately \$194 billion in housing aid, including:

- \$100 billion for an Emergency Rental Assistance program, to be distributed through the Department of Housing and Urban Development's (HUD) Emergency Solutions Grants (ESG) program
- \$75 billion for a Homeowner Assistance Fund operated through the Department of Treasury, with funds distributed to state housing finance agencies
- \$11.5 billion for individuals experiencing homelessness, through HUD's ESG program
- \$1 billion for Section 8 tenant-based rental assistance emergency vouchers

The bill also expands provisions from the CARES Act (P.L. 116-136) that establish certain mortgage payment, eviction, and foreclosure moratoriums. The House passed the bill largely along party lines, and it is not expected to be taken up by the Senate.

Rent Emergencies Leave Impacts on Evicted Families (RELIEF) Act

Sen. Kamala Harris announced the *Rent Emergencies Leave Impacts on Evicted Families (RELIEF) Act* ([S. 4519](#)), which would: ban evictions and foreclosures for one year; prevent utility companies from cutting off access to power, water, or gas by incentivizing moratoriums on shut-offs; prohibit landlords from

raising tenants' rent; require landlords to provide an 18-month window to make up missed rent payments; and prevent negative credit reporting due to missed rent payments.

Protecting Renters from Evictions and Fees Act of 2020

On June 29, Sen. Elizabeth Warren (D-MA) introduced the *Protecting Renters from Evictions and Fees Act of 2020* ([S. 4097](#)), which would institute a one-year eviction moratorium beginning retroactively on March 27.

Housing Emergencies Lifeline Program (HELP) Act

On July 28, Reps. Ayanna Pressley (D-MA) and Rosa DeLauro (D-CT), along with Sen. Kamala Harris (D-CA) introduced the *Housing Emergencies Lifeline Program (HELP) Act* ([H.R. 7847/S. 4399](#)). Broadly, the bill: authorizes \$10 billion in ESG grants for legal counsel for individuals or families facing eviction; directs the Secretary of HUD to create a database of eviction information; and restricts reporting of evictions to credit organizations in specific circumstances.

NOTABLE ADMINISTRATION ACTIVITY

Eviction Moratoriums Extended

On August 27, HUD [extended](#) its ban on evictions and foreclosures on homes backed by the Federal Housing Administration (FHA) through December 31, 2020. The ban will apply to roughly 8.1 million homeowners with FHA-backed mortgages. It does not apply to mortgages backed by Freddie Mac or Fannie Mae, which are also government run, nor does it cover the same number of houses protected in the eviction moratorium included in the CARES Act.

Also on August 27, the Federal Housing Finance Agency [announced](#) the extension of Fannie Mae and Freddie Mac's moratorium on single-family foreclosures and real estate-owned evictions through December 31, 2020. Previously, the moratorium was set to expire August 31, 2020.

On September 1, the Centers for Disease Control and Prevention (CDC) issued an [agency order](#) implementing a federal eviction moratorium through December 31, 2020. To be eligible for the moratorium, tenants must submit a CDC declaration form to their landlord certifying that they have made their "best effort" to apply for all eligible government assistance during the pandemic, expect to earn an income less than \$99,000 for 2020, are experiencing a loss in employment due to the pandemic, and are attempting to make partial payments towards their rent. Landlords will still be permitted to evict tenants for reasons not related to COVID-19. The order is intended to supersede any state or local orders with less stringent policies, but entities are permitted to set additional requirements to prevent homelessness and eviction, although the legality of the order has been questioned and landlord groups are likely to challenge it in court. The agency order comes after an August [Executive Order](#) from President Trump requiring the CDC to study implementing an eviction moratorium on a federal level.

Termination of Affirmatively Furthering Fair Housing (AFFH) Rule

On July 23, HUD terminated the Affirmatively Furthering Fair Housing (AFFH) Rule and reconsidered its proposed revised AFFH Rule published in January 2020 in favor of a new, final rule, [Preserving Community and Neighborhood Choice](#). Under the new rule, AFFH certifications will be deemed sufficient as a good

faith effort to address housing discrimination. The rule “returns to the original understanding of what the statutory AFFH certification was prior to the 1994 regulation: a general commitment that grantees will use the funds to take active steps to promote fair housing.” HUD waived the public notice and comment for the rule.

New Placement Determinations Based on Sex Rule

HUD [published a proposed rule](#), “Making Admission or Placement Determinations Based on Sex in Facilities under Community Planning and Development Housing Programs,” which would allow single-sex or sex-specific facilities to establish a policy to accommodate persons based on sex. The rule amends the Equal Access Rule of 2012. Comments are due September 22, 2020.

CDC Updated Unsheltered Homelessness Guidance

The Centers for Disease Control (CDC) [updated its interim guidance](#) on unsheltered homelessness and COVID-19 for homeless service providers and local officials.

CARES ACT FUNDING

HUD continues to make CARES Act allocations, and [published a notice](#) explaining waivers, alternative requirements, and allocation formulas:

- On May 1, HUD allocated \$685 million to help low-income Americans residing in public housing.
- On May 18, HUD allocated \$77 million in CARES Act funding for the Section 811 Mainstream Housing Choice Voucher Program
- On June 9, HUD allocated \$2.96 billion in Emergency Solutions Grants (ESG) to support homeless Americans.
- On June 16, HUD awarded \$40 million in Housing Counseling grants.
- On August 3, HUD awarded \$74 million to support affordable rental housing for extremely low-income persons with disabilities.
- On August 10, HUD awarded \$472 million to help families assisted by Housing Choice and Mainstream Vouchers.

IMMIGRATION/HOMELAND SECURITY/PUBLIC SAFETY

PRESIDENTIAL ACTION

President Trump signed a [proclamation](#) extending visa restrictions through the end of 2020, which was an expanded version of his April [proclamation](#). The newer iteration included restrictions on nonimmigrant visas used to visit, study, or work in the U.S.

The President also signed a [Presidential Memorandum](#) ordering the 2020 census to exclude undocumented immigrants from apportionment calculations. It is unclear how the Secretary of Commerce will determine the percentage/number of undocumented immigrants to exclude from the apportionment base. This is not the first action taken to prevent undocumented immigrants from being counted in the census. Previously, the Department of Commerce’s attempt to include a question regarding citizenship on the census was blocked by the Supreme Court. Since losing that court case, the Administration has been

working on cobbling citizenship data from other federal agencies and state departments of motor vehicles.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

In June, the Supreme Court issued a decision in *Department of Homeland Security v. Regents of Univ. of Cal.* The case deals with the Department of Homeland Security's (DHS) decision to rescind the Deferred Action for Childhood Arrival (DACA) program. Overall, the Court ruled that DHS's decision was arbitrary and capricious and did not meet the standards of the Administration Procedure Act. The opinion, penned by Chief Justice Roberts, had the support of five justices, with Justice Roberts joining the liberal bloc. However, Part IV, as to the Fifth Amendment, only had the support of four, as Justice Sotomayor dissented to that section. Justices Thomas, Alito, Gorsuch, and Kavanaugh signed on to separate opinions concurring in the judgment in part and dissenting in part. Importantly, this ruling did not prohibit the Administration from any further attempts to limit the program, should it follow the proper procedures as laid out by the law.

Despite the Supreme Court ruling, and pressure from House and Senate Democrats, in July, Acting Secretary of Homeland Security Chad Wolf issued a [memorandum](#) outlining that DHS would reject any new requests for DACA protections, and that it would limit renewals to one-year terms. Subsequent to this memorandum, USCIS issued official [guidance](#) cancelling all first-time DACA applications, but noting that any applications that had been rejected could be resubmitted if USCIS decided to accept new applications in the future.

DHS has not processed any new DACA applications since initially rescinding DACA in 2017.

ICE GUIDANCE REGARDING FOREIGN STUDENTS

As colleges determined how to reopen during the COVID-19 pandemic, the Administration [issued](#), rescinded, and then [reissued](#) a rule impacting foreign students in the U.S.

The rule requires students to take at least one course or three credit hours of class in person in order to remain in the U.S. As many colleges plan to return mostly online, this requires a large number of foreign students to leave the U.S. After significant opposition, ICE decided not to pursue the rule. ICE has since reissued its March 2020 guidance. These guidelines state that, after March 9, new students cannot enter the U.S. to enroll at a school for full-time, online-only course work.

PUBLIC CHARGE RULES AND EXECUTIVE PROCLAMATION

The Fourth Circuit Court of Appeals determined the Administration has the authority to decide what constitutes a public charge, overturning several lower court decisions, and allowing the DHS public charge rule to be implemented. The court concluded that, as Congress left its definition undefined, it was up to the executive to do so, noting in their opinion that Congress could further define the term at any point.

Immediately prior, a U.S. district court judge in New York blocked the implementation of DHS public charge rule for the duration of the COVID-19 crisis, noting that enforcement at this time would deter immigrants from seeking testing or treatment for COVID-19. In his opinion, he said 16.5 million people have tested positive for COVID-19 in the last six months, and the attempts to "combat this plague [have] immediately come in conflict with the federal government's new 'public charge policy,'" as the policy

discourages immigrants from taking advantage of medical assistance. That ruling also prevented the implementation of the State Department's public charge rule.

While the Fourth Circuit allowed DHS to implement its public charge rule, the Second Circuit Court of Appeals ruled a similar case differently, saying the government did not have the grounds to expand the definition of public charge. That ruling, however, only applied in its jurisdiction including New York, Vermont, and Connecticut. It is also worth noting that neither the Fourth nor the Second Circuit addressed the State Department's rule.

ASYLUM/REFUGEE APPLICATIONS

Departments of Justice and Homeland Security Issue Rule Restricting Asylum

In June, the Departments of Justice and Homeland Security issued a [joint notice of proposed rulemaking](#) that adjusted the process by which individuals seeking asylum are assessed for credible fear.

Among the provisions in the rulemaking is one increasing the standard by which one can claim asylum. Under the current regulations, those seeking asylum must be able to prove that there is a "significant possibility" they will be persecuted if deported. Under the proposed joint rulemaking, an individual claiming asylum would be required to prove there is a "reasonable possibility" of persecution upon deportation. While this is a higher standard, the rulemaking asserts that this "better aligns" with the standards applied by immigration judges.

In addition, the proposed rule includes measures to address what it calls "frivolous applications," which it calls "a costly detriment, resulting in wasted resources and increased processing times for an already overloaded immigration system." In order to enforce this provision, the rule imposes strict penalties on frivolous applications; specifically, that if an individual were found to have filed a frivolous claim, he/she would be banned from applying for any immigration benefits. The rule also permits immigration judges to reject without a hearing applicants deemed legally insufficient.

The rule also treats living in the U.S. for a year before filing an asylum claim as a "significant adverse factor" in one's application. Other factors negatively affecting one's application include a criminal record or failure to pay taxes.

Expedited Removal

A federal circuit court in the District of Columbia released an opinion allowing DHS to continue the practice of expedited removal of immigrants. The court found that, contrary to the legal challenges, DHS did not violate administrative policies. It did note that there might be additional issues with the policy that fall beyond the scope of the case.

USCIS/CBP STAFFING

In the past few months, CBP and USCIS both reported budgetary issues, with USCIS initially warning the agency would be forced to furlough 13,000 employees starting August 1. The agency subsequently delayed implementation of the furlough to August 30. USCIS's furlough received opposition from dozens of [House](#) and [Senate](#) Democrats, and ultimately, USCIS canceled its furlough before it would have taken effect. USCIS also raised its fees by an average of 20 percent to "meet operational needs."

CBP did not go as far as USCIS. While CBP noted it was facing similar budgetary stress, it did not feel it needed to affect staffing. It did, however, employ other cost-cutting measures, which has led to significant delays at border crossings.

BORDER CLOSURES

Because of the COVID-19 pandemic, the U.S. borders with Mexico and Canada have remained closed to any traffic deemed non-essential. The border closures have been extended by DHS every 30 days, and have been conducted in agreement with officials from Canada and Mexico.

POLICING REFORM

Following the May death of George Floyd in Minneapolis, MN, protesters around the country began calling for law enforcement reforms. Both the House and the Senate took legislative action, but were unable to reconcile their respective bills due to substantial policy differences.

On June 25, the House passed the *George Floyd Justice in Policing Act of 2020* ([H.R. 7120](#)), introduced by Rep. Karen Bass (D-CA), by a vote of 236 to 181, largely along party lines. The bill includes several significant police reform measures, such as: eliminating the legal doctrine of qualified immunity for law enforcement officers; lowering the criminal intent standard required to convict a law enforcement officer for misconduct in a federal prosecution from “willful” to “knowing or reckless”; creating a National Police Misconduct Registry; demilitarizing state and local police departments; establishing a framework to prohibit racial profiling by all law enforcement agencies; and criminalizing detainment maneuvers such as strangulation and chokeholds.

On June 17, Sen. Tim Scott (R-SC) introduced the *Just and Unifying Solutions to Invigorate Communities Everywhere (JUSTICE) Act* ([S. 3985](#)), which failed by a vote of 55 to 45 (the bill required 60 votes to advance). The bill would create a National Use-of-Force Collection, requiring State and local governments to report data regarding specific use-of-force events or face funding penalties for non-compliance. Similarly, the bill would require state and local governments to report yearly data on the usage of no-knock warrants, but does not ban them outright. The *JUSTICE Act* would also ban the use of chokeholds, except in cases when deadly force is authorized. The bill also calls for universal body-worn cameras for law enforcement officers.

The House Appropriations Committee included language in its FY 2021 Commerce-Justice-Science Appropriations bill tying federal funding to policing reforms. Areas of reform include requiring body-worn cameras, bolstering Department of Justice (DOJ) investigations, implementing a system of national accreditation for law enforcement agencies, addressing racial profiling, improving training and hiring practices, tracking use of force nationally, prohibiting “no-knock” warrants in drug cases, and banning chokeholds. These requirements are tied to access to federal funding through the DOJ.

It is unlikely a bipartisan bicameral agreement on policing reform will be reached this year, leaving near-term action up to states and localities.

TAX

OPPORTUNITY ZONES

In May, the White House Opportunity and Revitalization Council delivered its [report](#) to President Trump outlining Opportunity Zone best practices and examples of revitalization. For best practices of local governments, the report highlights: Birmingham, Alabama; Erie, Pennsylvania; Miami, Florida; Charleston, South Carolina; Lafayette, Louisiana; Kannapolis, North Carolina; Atlanta, Georgia; Cleveland, Ohio; Philadelphia, Pennsylvania; Little Rock, Arkansas; and Pine Bluff, Arkansas. In praising unique actions by each city, the report praises broad strategies practiced by all of the cities, including the “utilization of existing community infrastructure and anchor institutions in accordance with revitalization strategies, and removal of unnecessary barriers to construction.”

On August 24, President Trump signed an [Executive Order](#) titled, “Targeting Opportunity Zones and Other Distressed Communities for Federal Site Locations.” The order directs federal agencies to prioritize Opportunity Zones when considering locations for offices, headquarters, and other facilities.

Sen. Chris Van Hollen (D-MD) introduced the *Neighborhood Economic Development and Opportunity Act* ([S.4405](#)), which would establish a pilot program to provide grants to nongovernmental entities, including nonprofits, which provide economic support in urban areas including Opportunity Zones.

EMPOWERMENT ZONES

Reps. Judy Chu (D-CA) and Ross Spano (R-FL) introduced legislation that would establish the Community Advantage Loan Program, which would increase lending to small businesses in underserved and rural markets (including communities designated as Empowerment Zones) controlled by socially and economically disadvantaged individuals, women, and startups.

Also, Reps. Abby Finkenauer (D-IA) and Don Young (R-AK) introduced the *Unlocking Opportunities in Emerging Markets Act* ([H.R. 7773](#)) which would establish an Office of Emerging Markets within the Small Business Administration that would focus on small business concerns in emerging markets, including those owned by women and socially disadvantaged individuals (including communities designated as empowerment Zones).

TELECOMMUNICATIONS/BROADBAND

FCC ACTION

In June, the Federal Communication’s Commission (FCC) considered and approved a [Declaratory Ruling and Notice of Proposed Rulemaking](#) to “accelerate the deployment of communications infrastructure by facilitating the upgrade of existing sites for 5G networks.”

The Declaratory Ruling attempts to clarify some of the restrictions imposed on local governments specifically related to siting of small-cell antennae, including adjusting the steps necessary to trigger the 60-day “shot clock” review of antenna modifications. The process now begins once an applicant verifies the changes qualify for streamlined review and take the first step a local government requires. This could

be as simple as submitting the application for streamlined review, regardless of whether receipt is acknowledged by the siting authority.

NINTH CIRCUIT HANDS FCC SIGNIFICANT WIN IN 5G LOCAL PREEMPTION CASE

In a significant opinion, the Ninth Circuit Court of Appeals handed a major victory to the FCC in a case long fought by local governments about federal preemption of the public right-of-way. While local governments had argued that the federal government and FCC action preempted local authority of public space by issuing regulations that were favorable to wireless providers, the Ninth Circuit – which had been considered a local government-friendly appellate circuit – found for the FCC in all matters except the authority to regulate the aesthetics of the small-cell towers. In that regard, it noted local governments could impose aesthetic restrictions so long as they were in line with the restrictions imposed on other types of communications equipment. Still, this is a significant blow to local governments that believe the FCC has usurped its ability to regulate broadband deployment within their communities.

In a silver lining for local governments, the Ninth Circuit did not accept an appeal that a decision be deemed granted if it was not met prior to expiration of the shot clock.

The next steps are unclear at this time, but they could include asking the Ninth Circuit to hold a rehearing or filing an appeal with the Supreme Court. Regardless, while local governments have lost this battle, the war continues.

TRADE

COVID-19 affected Washington's views of supply chains, particularly in those industries providing health-related products responsive to the COVID-19 pandemic. President Donald Trump invoked the *Defense Production Act* in response to supply chain concerns several times, directing American companies to produce certain necessary products domestically, including respirators, N95 masks, and other personal protective equipment (PPE), lessening dependency on foreign imports of these critical supplies when needed in a crisis situation. Given the supply chain challenges faced during the pandemic, stakeholders are increasingly calling for "Buy American" policies, including increased support for reshoring "essential" products and related supply chains.

Amid the pandemic, the U.S.-Mexico-Canada Agreement (USMCA) entered into force on July 1. Thus far, most reports indicate implementation has been relatively smooth; in the U.S., Customs and Border Protection (CBP) is working with stakeholders to address implementation questions and concerns over the next six months. With the renewed focus on supply chain concerns, the new North American trade agreement may promote the return of these critical supply chains to North America. Moreover, policymakers may pursue additional policies aimed at incentivizing, or perhaps even mandating, supply chain shifts.

Meanwhile, despite travel restrictions, the Office of the U.S. Trade Representative (USTR) moved forward with free trade agreement negotiations with the United Kingdom and Kenya; formal talks commenced on May 5 and on July 8, respectively. USTR also continued talks with the European Union (EU) on specific trade matters. The two sides announced an agreement on August 21 under which the EU will eliminate tariffs on imports of live and frozen lobster products (retroactive to August 1), and the U.S. will reduce or

eliminate tariffs on a number of products. Both sides will also be amending their Most Favored Nation (MFN) tariff rates, and so they will apply to imports from all World Trade Organization countries.

When Congress returns to Washington, it will have a limited number of legislative days remaining before the end of the year. Among other matters, Congress will need to advance a Miscellaneous Tariff Bill (MTB); stakeholders are pushing for this to be approved before the November congressional recess. Congress will also need to address some expiring trade preferential programs, namely the General System of Preference (GSP) and the Caribbean Basin Trade Partnership Act (CBTPA). The CBTPA lapses on September 30; GSP lapses on December 31.

NORTH AMERICAN TRADE

As countries focused on containing the spread of the coronavirus around the world, North American trading partners imposed border restrictions in March limiting non-essential passenger travel, but not similarly restricting cross-border trade. These restrictions have been extended on a monthly basis – current passenger travel restrictions remain in place between Canada, the U.S., and Mexico through September 21.

Meanwhile, implementation of domestic restrictions related to COVID-19 early on led to some challenges with how each country defined “essential businesses.” The varying definitions were most evident in the trade between Mexico and the U.S., with some business sectors (pharmaceutical, automobile, space and aeronautics, etc.) vying to ensure their manufacturing facilities in Mexico could operate under local and federal government COVID-19 shelter-in-place orders. Consequently, there is a push to address the “essential businesses” definition challenge within the confines of the USMCA relationship to ensure less trade disruptions among the North American trading partners in the event of future public health emergencies.

In Washington, DC, lawmakers continue to monitor closely implementation of the USMCA, including environmental and labor provisions. Bipartisan and bicameral lawmakers have also expressed concerns with Canada’s June guidelines allocating its dairy tariff rate quotas (TRQs), raising concerns that Canada administer its TRQs fairly and in a manner consistent with its USMCA obligations. They have also stressed the need to enforce side letter agreements, spotlighting Mexico’s commitments pertaining to commonly used cheese terms. Canada’s lumber subsidies also continue to be a focus for the U.S. government, although this item is outside of the USMCA framework.

On August 6, President Trump signed a Proclamation reimposing a 10 percent duty on Canadian aluminum imports, effective August 16. A day later, Canada responded with an initial retaliatory list of approximately \$2.7 billion worth of U.S. aluminum and aluminum-containing products. The Canadian list is undergoing a 30-day consultative process with Canadian stakeholders (expected to conclude mid-September) before final retaliatory tariffs are imposed. On August 28, President Trump signed another Proclamation reducing the Section 232 quota available for certain semi-finished steel products from Brazil.

On September 1, the Departments of Commerce and Agriculture, along with USTR, announced a number of actions aimed at supporting domestic producers of seasonal/perishable produce. Their plans, which include new trade actions targeting certain fruit and vegetable imports, could have widespread impacts on produce prices and in how the U.S. responds to allegations of unfair subsidies supporting foreign-grown fruits and vegetables. As part of the report, USTR confirmed: (1) plans to launch a Section 201 global safeguards investigation into imports of blueberries; (2) continued bilateral negotiations with Mexico over

the next 90 days to address concerns regarding U.S. imports of Mexican strawberries, bell peppers, and other seasonal/perishable products; and (3) continued work with domestic producers to launch an investigation by the U.S. International Trade Commission into strawberry and bell pepper imports, which could lead to “expedited” Section 201 investigations on these imports later this year.

U.S.-CHINA TRADE TENSIONS

While U.S.-China bilateral relations include tensions on multiple fronts, the two countries have sought to maintain implementation of the U.S.-China Phase One Agreement. Reciprocity and adherence to international norms, however, remain key themes in the bilateral talks, particularly those related to trade. Apart from tightening restrictions on Huawei, the U.S. also continues to place restrictions on Chinese businesses operating in the U.S., such as ByteDance (TikTok’s parent company) and Tencent Holdings (WeChat’s parent company), citing national security concerns.

Rhetoric overall has increased between the two countries, with U.S. officials giving several speeches over the past months criticizing the Chinese Communist Party (CCP) on a wide range of topics. On June 29, U.S. Department of State and Commerce officials confirmed the U.S. would suspend the special treatment of the Hong Kong Special Administrative Region of the People’s Republic of China (“Hong Kong”) under U.S. export regulations. Exports of certain sensitive technologies will now face the same licensing requirements as those required by exporters to China. The U.S. action came in response to a new national law for safeguarding national security in Hong Kong that was approved by the National People’s Congress.

On August 11, the CBP published a Federal Register notice reflecting that goods made in Hong Kong for export to the United States must soon be labeled as “Made in China.” This requirement will go into effect on September 25, but CBP has announced an additional 45-day compliance period through November 9, during which it will not take enforcement actions. Notably, CBP officials have separately confirmed that despite the change in marking requirements, goods from Hong Kong will not be subject to the Section 301 tariffs currently imposed on goods from China.

On July 1, the Departments of State, Treasury, Homeland Security, and Commerce issued a joint business advisory on “Risks and Considerations for Businesses with Supply Chain Exposure to Entities Engaged in Forced Labor and other Human Rights Abuses in Xinjiang.” The document cautions businesses operating in this region to ensure adequate human rights due diligence policies and procedures. The U.S. continues to target imports from and businesses operating in the Xinjiang region that allegedly engage in human rights violations, including forced labor.

TRANSPORTATION/INFRASTRUCTURE

SURFACE TRANSPORTATION REAUTHORIZATION AND INFRASTRUCTURE

Both the House and Senate continue to work on surface transportation reauthorization legislation. The current authorization, the *Fixing America’s Surface Transportation (FAST) Act*, expires September 30, 2020.

In June, House Democrats unveiled a five-year, \$494 billion surface transportation reauthorization proposal, the *Investing in a New Vision for the Environment and Surface Transportation in America Act (INVEST in America Act)*, and reported it out of committee without Republican support. The legislation

emphasizes resilient infrastructure, repair backlog, and zero-emission transportation. It was then combined with the other elements of the Democrat's signature infrastructure framework released in January - schools and childcare, housing, broadband, drinking water and wastewater, clean energy, health care, and the U.S. Postal Service - and renamed the *Moving Forward Act* ([H.R. 2](#)). The bill passed the House with an overwhelmingly Democratic vote. However, Leader McConnell said the Senate would not consider it, and the President noted that he would veto it.

Meanwhile, the Senate's highway title of a surface transportation reauthorization, *America's Transportation Infrastructure Act* (ATIA) ([S. 2302](#)), is still awaiting a floor vote after being unanimously reported out of the Senate Environment and Public Works (EPW) Committee in July 2019. The remaining titles – including transit – have not been released.

With less than two months until the FAST Act expires, it is unlikely that a reauthorization package will pass, and talks have turned instead to an extension. Reports indicate that Senate EPW Chairman John Barrasso, along with House Transportation Committee leaders, are in agreement that an extension should run at least a year to avoid “unnecessary disruptions in construction and planning,” per a Senate EPW spokesperson.

WATER INFRASTRUCTURE

On July 29, the House passed the *Water Resources Development Act (WRDA) of 2020* ([H.R. 7575](#)) by voice vote. The bill is a result of bipartisan drafting from House Transportation and Infrastructure Democrats and Republicans. Broadly, the bill: (1) authorizes funding the construction of pending U.S. Army Corps of Engineers (USACE) projects; (2) authorizes feasibility studies for water resources development projects; (3) directs USACE to expedite feasibility studies currently underway; and (4) directs USACE to complete a number of comprehensive river basin studies.

The bill also “unlocks” the Harbor Maintenance Trust Fund (HMTF) and allows for the appropriation of harbor maintenance needs funding from the existing balance of the HMTF. It includes an increased focus on building resilient communities by reaffirming a commitment to the greater use of natural and nature-based projects, allowing for the calculation of sea level rise benefits for USACE projects, and authorizing a number of USACE projects dealing with communities subject to repetitive flooding events.

The Senate Environment and Public Works Committee reported its version of WRDA, *America's Water Infrastructure Act (AWIA) of 2020* ([S. 3591](#)), out of committee in May.

While Senate leadership has not brought the WRDA bill to the floor, reports indicate that House and Senate staff have begun informal conferencing on the bill, making WRDA passage before the end of the year a possibility.

U.S. POSTAL SERVICE

Recently, Congress has begun focusing extensive attention on the U.S. Postal Service (USPS). House Democrats' HEROES package includes \$25 billion for USPS. In an interview on the Fox Business Network, President Trump indicated that he did not support a funding injection for the agency, but later stated that he would not veto a deal because of it. Anticipating a much higher-than-average number of mail-in ballots,

USPS sent letters to 46 states and the District of Columbia stated that it could not guarantee that all mailed ballots would arrive in time to be counted.

In August, newly appointed Postmaster General Louis DeJoy announced structural overhauls to the organization, along with hiring freezes, early retirement plans, and the replacement of a number of executives. Local offices also reported the removal of sorting machines. Democrats claim that these changes will negatively impact the count of November election mail-in ballots.

Congressional Democrats have taken a number of actions regarding USPS in the past month. As noted above, Speaker Pelosi called the House back from their August recess for a vote on the *Delivering for America Act* ([H.R. 8015](#)), which would prohibit USPS from making operational changes through the end of the COVID-19 crisis and require leadership to reverse any initiatives or changes that would delay mail processing or delivery, such as removal of sorting machines and collection boxes, closing or reducing facility hours, and limiting overtime. The bill passed by a 257-150 vote, largely along party lines. Despite 26 House Republicans joining the Democratic Caucus in passing the bill, Leader McConnell has no intent to bring the bill up in the Senate and the White House issued a veto threat on the measure.

The House Committee on Oversight and Reform held a virtual hearing titled “Protecting the Timely Delivery of Mail, Medicine, and Mail-in Ballots,” at which Postmaster General DeJoy and Postal Service Board of Governors Chairman Robert M. Duncan testified. Additionally, Reps. Ted Lieu (D-CA) and Hakeem Jeffries (D-NY) sent a letter to FBI Director Christopher Wray, asking him to investigate whether Postmaster General DeJoy committed any crimes by deliberately attempting to affect mail-in voting.



April 6, 2020

The Honorable Mitch McConnell
Majority Leader
S-230, U.S. Capitol
Washington, DC 20510

The Honorable Chuck Schumer
Minority Leader
S-221, U.S. Capitol
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker of the House
H-232, U.S. Capitol
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
H-204, U.S. Capitol
Washington, DC 20515

Dear Leader McConnell, Leader Schumer, Speaker Pelosi and Leader McCarthy,

On behalf of the National Association of Counties (NACo) and the 3,069 counties we represent, thank you for your bipartisan leadership to deliver critical resources to communities across the nation who are responding to the COVID-19 pandemic.

Counties remain on the frontlines of our nation's ongoing local public health emergency response and overall public safety efforts. We are committed to continuing to work with both Congress and the administration to address the many significant health, safety and economic impacts associated with the virus.

As we move toward recovery, further strengthening the intergovernmental partnership is essential for county officials serving at "ground zero" of this unprecedented public health and economic crisis. Our 3,069 county governments employ 3.6 million proud public servants, including within our nearly 1,000 public hospitals, 1,900 local public health departments, more than 800 long-term care facilities and 750 behavioral health departments. Our first responders and frontline personnel, including our public and community health professionals, sheriffs, 911 operators, firefighters, EMT/paramedics, Emergency Operations Center (EOC) experts, coroners/medical examiners, child welfare and aging service providers, substance abuse and mental health counselors, veterans service officers, homelessness program coordinators and jail administrators, among many others, depend on a strong intergovernmental partnership of federal, state, tribal and local officials.

As Congress considers a fourth COVID-19 response package, we urge you to provide direct and flexible funding and resources to counties of all sizes. As we work to protect our citizens, local businesses and economies, we are making significant financial investments to address immediate public health and safety needs. At the same time, we are experiencing massive and unprecedented declines in revenue as a result of the economic downturn and are working to quickly reprogram resources and staff to respond to the crisis.

The decline in revenue is occurring when the need for county services and functions is skyrocketing for things like child protective services, emergency 911 assistance, law enforcement and emergency management, nutrition assistance programs, assistance for older Americans and affordable housing, all of which are becoming more complicated and costly to maintain.

Counties are required to operate with balance budgets, and due to the extremely steep and sudden unforeseen expenses for COVID-19 response efforts, some are already cutting services and laying off employees. In fact, the Government Finance Officers Association (GFOA) just released a report detailing how local governments have projected an unanticipated \$23 billion budget impact in the first two weeks of the pandemic alone.

If you move forward with a fourth legislative package, we urge you to consider the following priorities for counties:

- **Include A Relief Fund for Local Governments of All Sizes That Can Be Used to Address the Unique Needs of Local Communities:** While we appreciate Congress' work to pass the CARES Act (P.L. 116-136) and the inclusion of the Coronavirus Relief Fund, we are concerned that under the language as written, very few counties will be able to access the funding with the majority going to cities with populations above 500,000 and the states. Counties and other local governments below 500,000 are not even eligible for direct funding. Moving forward, we urge you to consider including a relief fund that is flexible and can be used to address lost revenue and supplement eligible personnel and administrative costs as a result of COVID-19 response.
- **Provide Clear Federal Guidance on the Distribution of Personal Protective Equipment (PPE) and Essential Medical Equipment:** As COVID-19 continues to spread throughout our country, and we brace for a growing wave of patients in our hospitals and intensive care units (ICUs), ensuring that we have the equipment needed to care for patients and keep our essential health care workforce safe is crucial. State and local governments are currently competing for resources that are not necessarily being distributed based on need. We applaud efforts to increase the availability of medical supplies in the most recent legislation (P.L. 116-136); however, beyond increasing the supply, we are requesting that the federal government issue clear guidance to coordinate the allocation of PPE and essential medical equipment to ensure that areas hardest hit by the pandemic are receiving needed equipment in a timely manner.
- **Expand Federal Support for Local Medicaid Programs:** As the threat of COVID-19 persists, our citizens are simultaneously grappling with both unemployment and the loss of their employer-sponsored health insurance, creating a critical need for expanded health insurance coverage. While we applaud the proposed increase to Medicaid Federal Medical Assistance Percentage (FMAP) included in P.L. 116-127 that will provide counties with additional federal funding to test for and treat the virus, we urge congress to provide further increases to the FMAP so that local governments can effectively mitigate the surplus of low income or indigent residents and continue to diagnose and treat all residents facing the virus.
- **Implement Moratorium on Medicaid Fiscal Accountability Regulation (MFAR):** Counties appreciate federal flexibilities being granted at this time regarding the administration of the Medicaid program; however, we continue to encourage Congress and the Administration to suspend all changes to Medicaid financing. As we stated in our March 13 letter, counties support a moratorium on the MFAR because it would reduce the ability of localities to finance the non-federal share of Medicaid, resulting in a reduction in federal Medicaid funding for the public health and hospital system. If finalized, this rule would destabilize our county public health systems at a time when our resources are already heavily strained.
- **Address the Unfunded Mandate Included in the Families First Coronavirus Response Act (FFCRA):** Paid leave is a significant challenge for county governments who employ over 3.6 million people, or one percent of all Americans. While we appreciate that the Families First Coronavirus Response Act (P.L. 116-127) expands paid leave benefits for workers affected by COVID-19, the legislation imposes substantial new sick leave and family medical leave requirements on government employers of all sizes. Counties request that Section 7001(e)(4) and Section 7003(e)(4) be repealed so that state and local government employers fully qualify for both credits.

- **Eliminate the Federal Emergency Management Agency (FEMA) Non-Federal Cost Share Currently Required Under the Presidential Disaster Declaration:** Increasing the federal cost share of FEMA public assistance would provide much-needed relief and additional federal assistance for state, local, tribal and territorial governments on the front lines of the pandemic. Counties encourage you to eliminate the local match requirement in any fourth package.
- **Bolster Counties' Ability to Serve and Protect Our Veterans:** Counties applaud the increased resources for veterans' services provided under the *CARES Act* as we address the growing COVID-19 pandemic in our communities. At the local level, county veteran service offices (CVSOs) play a critical role in ensuring veterans' access to a range of service-connected programs, processing approximately \$22 billion in federal benefits each year, from VA health care to housing and transition assistance. However, these programs and personnel are funded almost entirely by counties and are seeing significant increases in demand as more veterans enroll in health and social services during the current crisis. To address this challenge, counties urge Congress to increase resources for CVSOs, as detailed under legislative proposals such as the bipartisan *Commitment to Veteran Support and Outreach (CVSO) Act* (H.R. 5516/S. 3020).
- **Pause Shot Clocks and Public Comment Periods:** As counties are increasingly tasked with quickly identifying, assessing and addressing the many challenges associated with the COVID-19 crisis, it is now more important than ever for local governments to be able to prioritize emergency response efforts. With the recent implementation of "shot clocks" on local governments to process small cell applications, counties are forced to choose between processing applications and maintaining focus on the efforts to preserve the health and safety of our communities. We urge you to consider suspending all shot clocks and public comment periods to allow local governments to focus personnel and resources on the crisis.
- **Increase Funding for the Social Services Block Grant (SSBG):** SSBG is a proven key source of support to help communities respond to critical needs during national disasters by aiding states and counties quickly. Counties administer SSBG in 10 states and draw on these funds to provide essential services to vulnerable populations, including children and youth in foster care, older adults at risk of abuse and people with disabilities. We urge Congress to provide emergency funding for SSBG so that counties can meet growing demand for services for our most vulnerable residents during the COVID-19 pandemic.
- **Increase Supplemental Nutrition Assistance Program (SNAP) Benefits:** Counties appreciate the \$15 billion in contingency funding for SNAP to help states and localities meet unexpected costs provided for in P.L. 116-136. Given the proven effectiveness of SNAP as a counter-cyclical economic program, we encourage Congress to provide a uniform SNAP benefit increase of 15 percent to help low-income families cope with the economic impacts of the crisis, stimulate local economies and relieve pressure on other county human services programs.
- **Restore Advance Refunding Bonds:** Municipal bonds allow state and local governments to immediately finance critical projects that support our nation's infrastructure needs while protecting the economy during a crisis. Restoring governments' ability to advance refund tax-exempt municipal bonds would free up billions of dollars that states and local governments could invest in other critical infrastructure projects, such as hospitals and other public health facilities. To ensure that local governments can adequately respond to immediate infrastructure needs as a result of COVID-19, America's counties urge you to restore advance refunding that would provide savings to taxpayers.
- **Establish Mandatory Funding for Payments In-Lieu of Taxes (PILT):** The PILT program helps to offset costs incurred by counties in 49 states for services provided to federal employees, the public and to the users of federal public lands. Approximately 61 percent of counties nationwide have non-taxable federal public lands within their jurisdictions and use PILT funding to pay for public health crisis management and emergency responses, among other key services. County governments need stable revenue streams in these times of economic stress and request full, long-term and mandatory funding of the PILT program, as laid out in legislation such as H.R. 3043, the *Permanently Authorizing PILT Act*, or S. 2480, the *PILT Reauthorization Act*. Additionally, counties under 5,000 in population are not on a level playing field due to the PILT formula's population tiers.

Counties ask that Congress include the minor formula change laid out in S. 2180/H.R. 3716, the *Small County PILT Parity Act*, which would create new population tiers for counties under 5,000 without impacting payments to counties with larger populations.

- **Expand Use of Secure Rural Schools (SRS):** Counties appreciate the two-year reauthorization of SRS included in the FY 2020 appropriations package. However, counties request that important additional reforms be included to provide greater stability for national forest counties facing potential revenue shortfalls, such as stopping the annual five percent reduction in SRS payments and allowing counties to elect whether to receive SRS payments or timber harvest receipt sharing payments. Additionally, with many schools experimenting with online coursework in response to coronavirus quarantines, it is imperative that Congress also expand the allowable uses of SRS funds to include broadband connectivity for educational purposes. These policies were agreed to by the U.S. Senate Energy and Natural Resources Committee during their markup of S. 430 in December 2019. Furthermore, the SRS program is due to expire at the end of FY 2020. National forest counties need stable revenue streams moving forward, and ask Congress to include a long-term solution, such as S. 1643, the *Forest Management for Rural Stability Act*. This legislation would establish an endowment fund where interest collected through the fund would make payments to national forest counties and schools in perpetuity and exempt them from the annual appropriations cycle.
- **Ensure Broadband is an Option for Everyone:** Access to high-speed internet is a necessity for addressing and overcoming the challenges presented by the COVID-19 crisis. However, many rural and low-income communities continue to face barriers to broadband adoption. Municipal broadband can often provide an affordable, reliable option and help attract additional investment from the industry. Currently, 25 states have imposed roadblocks or outright bans on municipal investments into broadband infrastructure. The next package should include language that would remove these roadblocks and allow for local governments to invest in the necessary tools to tackle this crisis. Additionally, public health departments are being forced to expand their service footprint to effectively address this crisis. We urge you to consider updating existing programs like the FCC's Rural Health Care Program to help cover broadband-related costs associated with tele-health services.
- **Repeal T-Band Spectrum Auction to Support Critical Public Safety Communications Networks:** We urge you to consider repealing Section 6103 in Title VI of P.L. 112-96 as part of a fourth response package. Without such action, the Federal Communications Commission (FCC) will be forced to remove public safety communications from the T-Band spectrum (470 MHz-512 MHz). As emergency medical service (EMS) providers, fire and law enforcement personnel and other critical safety workers keep our communities safe and healthy during the crisis and in the future, it is imperative that counties utilizing T-Band have continued access to the resources necessary to provide these life-saving services.
- **Provide Funding and Flexibility for Elections:** The unprecedented nature of the rapid spread of COVID-19 has fundamentally altered the landscape of the 2020 election cycle. With concerns over transmission of the virus, counties are working closely with federal, state and local election officials to ensure the highest level of voter access and election security, while also protecting the health and safety of our residents. We urge you to temporarily suspend the requirement for state matching funds and provide dedicated funding to assist counties with meeting any new federal voting requirements in any future package addressing COVID-19.
- **Increase Funding for the 2020 Census:** The decennial census, which aims to count every U.S. resident each decade, is critical to county governments. Counties are concerned that the rapid spread of COVID-19 will weaken outreach efforts for a complete count of our nation's residents. While counties applaud the U.S. Census Bureau's response to the outbreak, we urge lawmakers to allocate additional funding and reevaluate the current timelines needed to ensure a complete count for the 2020 Census.

Additionally, should Congress include legislation addressing the nation's comprehensive infrastructure needs, counties urge you to also consider the significant role that we play in our nation's transportation and infrastructure systems. As owners of 45 percent of public roads and almost 40 percent of the National Bridge Inventory who also directly support 78 percent of the nation's public transit systems and 34 percent of public airports, counties are stepping up at the local

levels to deliver critical projects for our residents despite a lack of federal investment and many state laws that prevent us from raising local taxes to support these efforts.

Counties are steadfastly committed at the local level to good financial stewardship, investing \$134 billion annually in the construction of infrastructure and the operation and maintenance of public works, and the record reflects the effectiveness of local governments in putting federal dollars to work where they are needed most. As committed public servants with significant infrastructure responsibilities, counties urge Congress to consider the following recommendations:

- **Provide Increased Direct Funding Opportunities for Locally Owned Infrastructure:** The Better Utilizing Investments to Leverage Development (BUILD) and the Infrastructure for Rebuilding America (INFRA) grant programs are two of the U.S. Department of Transportation's (DOT) most flexible direct federal funding sources for counties and can be utilized to deliver critical infrastructure projects that may be delayed due to the necessity to reallocate funds to other measures to address more immediate consequences of COVID-19. This reallocation of funds is likely to result in a domino effect on local infrastructure that already faces a significant backlog. Counties urge Congress to appropriate considerable additional federal resources for both the BUILD and INFRA programs so that county governments may put federal dollars directly to work where they are needed most. In addition, counties also support increasing the local share of the Surface Transportation Block Grant Program (STBGP). In any future package that addresses COVID-19, counties urge Congress to infuse more federal dollars directly into the sub-allocated local area share of STBGP in order to facilitate the delivery of important transportation projects that support local economies.
- **Return Solvency to the Highway Trust Fund (HTF):** In addition to funding highway programs, public transit agencies are also funded by revenues from the HTF, including the 78 percent of those that are directly supported by counties. We appreciate the inclusion of \$25 billion for public transit systems in P.L. 116-136. Additionally, counties urge lawmakers in any future package that addresses COVID-19 to return solvency to the Highway Trust Fund and pave the way for a new, long-term surface reauthorization by transferring federal funds from the Treasury's general fund (GF) to the HTF to cover its immediate shortfalls and also to determine a permanent legislative fix that will provide consistent, adequate revenue levels for the HTF.
- **Increase Access to Capital for Small Borrowers:** Counties urge you to include a temporary extension and permanent restoration of proven financing tools utilized by state and local governments, schools, hospitals, airports and special districts and other public sector entities to provide efficient and low cost financing for critical investments in infrastructure that will move the country forward. Specifically, we urge you to increase the bank qualified borrowing limit from \$10 million to \$30 million, and apply the limit at the borrower level, which would ensure that small local governments could provide access to capital for immediate infrastructure.
- **Fund Key Workforce Development Programs:** We urge you to include critical funding for our nation's workforce development system, specifically programs serving adults and youth under the Workforce Innovation and Opportunity Act to ensure that we can respond quickly to helping those who have lost their jobs as a result of this crisis to transition to new work opportunities and meet the demands for workers in key industries such as healthcare, manufacturing and construction.
- **Increase Funding and Financing for Local Water Infrastructure:** Counties recognize the threat that crumbling water and wastewater infrastructure poses to the health and safety of our communities. In 2016 alone, counties invested \$21.6 billion in sewage and wastewater management. As Congress considers a fourth supplemental package, we encourage lawmakers to increase funding for Water Infrastructure Finance and Innovation Act (WIFIA) loans; to increase the Clean Water State Revolving Fund and Drinking Water State Revolving fund accounts; and to establish a water trust fund to provide matching funds for projects and other assistance.
- **Preserve Access to Clean Water and Sanitation Services for Rural Counties:** More than 98 percent of rural Americans receive their drinking water from small systems, the cost of which to operate and maintain is significantly higher in comparison to urban areas. The U.S. Department of Agriculture (USDA) - Rural

Development's Water and Wastewater Program has consistently supported funding to help small communities improve existing infrastructure, protect their drinking water resources, and comply with federal drinking water regulations. Counties urge you to increase funding for this program to assure that the highest quality drinking water and sanitation services are available to rural America during the pandemic.

- **Ensure Impoverished Rural Counties Remain Connected:** USDA-Rural Development's Electric Loan Program is a \$46 billion portfolio that helps nearly 700 borrowers in 46 states finance safe, modern and efficient infrastructure. USDA-Rural Development's financed electrical systems provide service to more than 90 percent of the nation's counties that are identified as suffering from persistent poverty, out-migration or other economic hardships. The program also provides financial assistance through High Energy Cost Grants to rural communities with extremely high energy costs to acquire, construct, extend, upgrade and otherwise improve energy generation, transmission or distribution facilities. Counties urge you to fully fund these programs that are critical to maintaining services to millions of rural Americans during the crisis.

Local governments are facing massive challenges in responding to the COVID-19 pandemic, and our resources are becoming more constrained by the day. As you consider developing a fourth supplemental package, we hope that you will support our efforts to effectively implement containment and community mitigation strategies that will preserve the health and safety of our residents and local communities.

We thank you again for your important work and stand ready to help advance additional legislation that continues to address the widespread effects of the virus on our nation.

Sincerely,



Matthew Chase
Executive Director
National Association of Counties

2020 NACo

POLICY PRIORITIES

NACo works to preserve local decision making, protect counties from unfunded mandates and preemption, and strengthen the federal-state-local partnership.



STRONGER COUNTIES. STRONGER AMERICA.



COUNTIES PLAY AN INSTRUMENTAL ROLE IN THE OVERALL PUBLIC ADMINISTRATION AND GOVERNANCE OF FEDERAL, STATE AND LOCAL POLICIES, PROGRAMS AND SERVICES.

America's 3,069 county governments provide essential building blocks for healthy, safe and vibrant communities. Counties invest nearly \$600 billion each year in taxpayer resources, through the leadership of nearly 40,000 county elected officials and 3.6 million county employees. Counties support and maintain key public and community infrastructure, help nurture and sustain a skilled workforce to support dynamic local economies, and promote public health and safety to protect our citizens.

NACo supports federal policies and programs that equip county governments with the resources and flexibility needed to effectively serve our residents. NACo works to preserve local decision making and protect counties from unfunded mandates and preemption of local authority. Since counties implement many federal programs at the local level and must enforce many federal regulations, NACo encourages meaningful intergovernmental consultation with counties throughout all federal policy, program and regulatory development processes.



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RESTORE THE BALANCE OF FEDERALISM AND OPTIMIZE INTERGOVERNMENTAL PARTNERSHIPS

NACo supports efforts that recognize and respect the unique roles and responsibilities of counties as essential partners—not just stakeholders—in our nation's intergovernmental system of federal, state, local and tribal government officials. Consistent and meaningful engagement and consultation between intergovernmental partners is vital in the development and implementation of effective policies, programs and regulations. County governments are tasked with both implementing state and federal policies and regulations at the local level and should be included at all stages of the governing process. NACo urges Congress to pass the Restore the Partnership Act (H.R. 3883) and the Unfunded Mandates Information and Transparency Act (H.R. 300) to increase transparency to reduce regulatory burden, foster intergovernmental dialogue and unite all levels of government in supporting our unparalleled system of federalism.



NACo CEO Matt Chase testifies on the importance of establishing a national commission on intergovernmental relations before the U.S. House Committee on Oversight and Reform's Subcommittee on Government Operations.

PROMOTE COUNTY INFRASTRUCTURE PRIORITIES

NACo supports efforts by the Administration and Congress to increase our nation's infrastructure investments to help promote economic development, public safety and overall mobility through a comprehensive infrastructure package, surface transportation reauthorization and water resources bill. Any federal infrastructure package should reflect county priorities, such as: allocating more federal seed capital and matching funds for locally owned infrastructure, increasing local decision-making authority and flexibility, protecting and restoring tax-exempt municipal financing tools, and streamlining and shortening the federal permitting process while still requiring robust public participation and world-class environmental stewardship.

NACo supports a two-year authorization of the Water Resources and Development Act (WRDA) that will address county interests related to ports, inland waterways, levees, dams, wetlands, watersheds and coastal restoration. As owners, users and regulators of water resources and infrastructure, counties are directly impacted by the policies and funding authorized through WRDA authorizations. Any water infrastructure legislation should address the needs of counties, including: allocating federal matching funds for local governments to plan for and implement



NACo's Transportation Policy Steering Committee Chair Randy Maluchnik from Carver County, Minnesota highlights the importance of increased investments in, and reforms to, critical transportation programs during a Capitol Hill briefing.

projects that reduce flood damage risks and address habitat restoration, connectivity and resiliency, ensuring counties are consulted prior to the federal government undertaking water resource projects within county boundaries, and strengthening the federal-state-local partnership in the decision-making process for water projects.

- Counties own and operate **45 PERCENT OF ALL PUBLIC ROADS** and almost **40 PERCENT OF THE NATIONAL BRIDGE INVENTORY** and are directly involved in **78 PERCENT OF ALL PUBLIC TRANSPORTATION SYSTEMS** and **34 PERCENT OF PUBLIC AIRPORTS**
- Counties also invest **\$122 BILLION** annually in maintaining and operating public works, including transportation and water systems

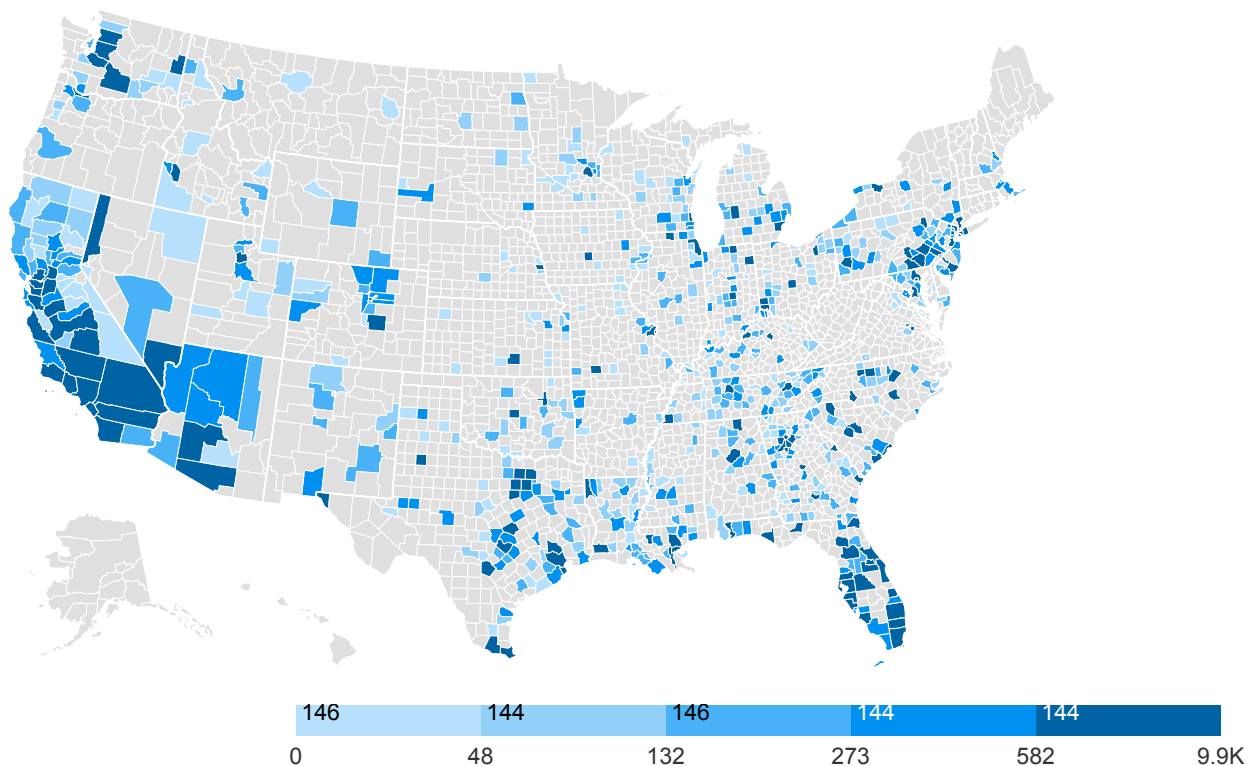
PROMOTE MENTAL HEALTH AND SUBSTANCE USE TREATMENT AND ADDRESS ESSENTIAL CRIMINAL JUSTICE REFORMS

NACo supports sensible measures that promote and advance the overall safety of the public, and enhances federal, state, and local partnerships to provide evidence-based treatment services to justice involved individuals suffering with mental illness and substance use disorders. NACo urges Congress and the Administration to advance legislation and regulations that would amend the federal Medicaid Inmate Exclusion Policy (MIEP) and allow non-convicted individuals to have continued access to necessary treatment through federal health benefits such as Medicaid, Medicare, CHIP and VA health benefits. Furthermore, NACo supports policies and programs that divert non-violent individuals struggling with mental illness and/or substance use disorders from local jails into more appropriate treatment services.



- Approximately **8.5 MILLION ADULTS** have both a mental health and substance use disorder
- **10.6 MILLION INDIVIDUALS** cycle in and out of more than **3,000 LOCAL JAILS** each year
- **20 PERCENT OF JAIL INMATES** have a serious mental illness
- Counties own and support **903 HOSPITALS** and operate **1,943 LOCAL HEALTH DEPARTMENTS**

UNCONVICTED INMATES IN COUNTY JAILS, 2016



SUPPORT FULL FUNDING FOR PAYMENTS IN LIEU OF TAXES (PILT) AND THE SECURE RURAL SCHOOLS (SRS) PROGRAM

NACo supports restoring full mandatory funding for the Payments in Lieu of Taxes (PILT) program, which compensates public lands counties for untaxable federal land. NACo also supports extending the Secure Rural Schools (SRS) program as a transitional funding mechanism until the federal government fully implements a sustainable, long-term forest management program with adequate revenue sharing for forest counties and schools.

NACo supports legislation to ensure mandatory, full-funding of PILT, including H.R. 3043, the Permanently Authorizing PILT Act sponsored by Rep. Ann Kirkpatrick (D-Ariz.), and S. 2480, the

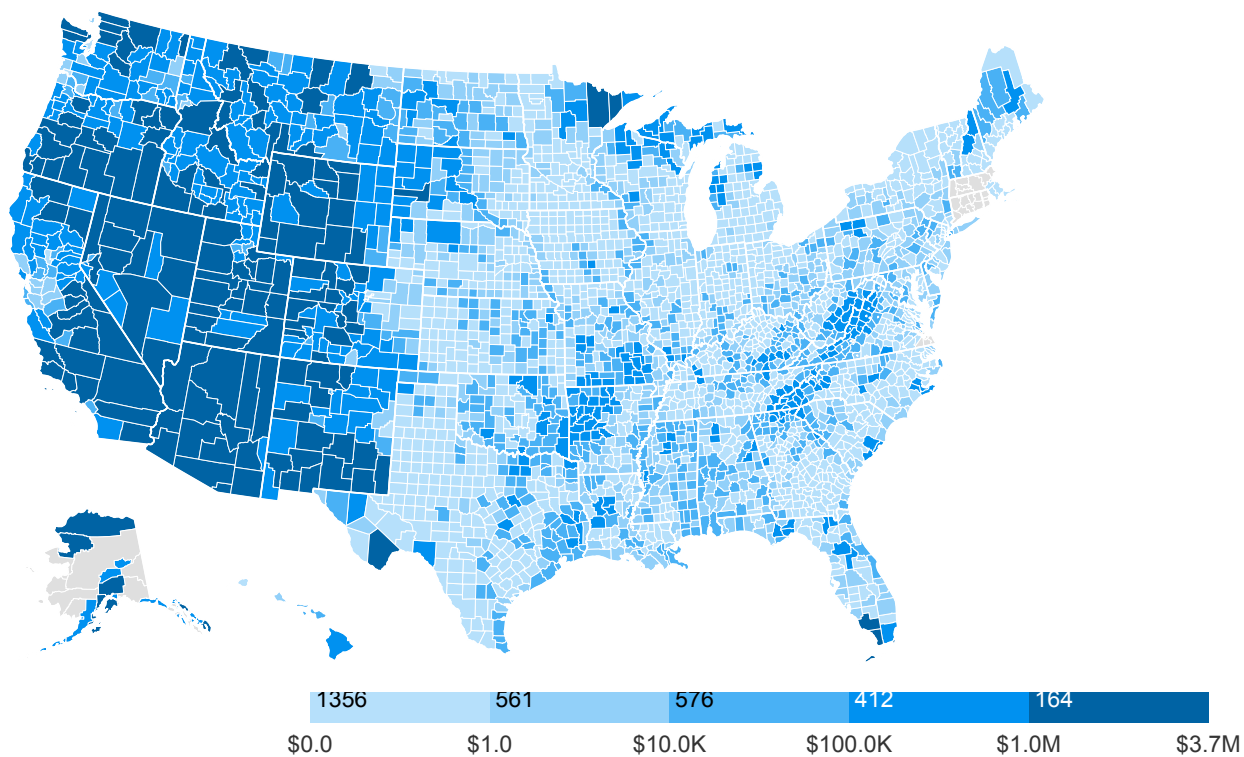
PILT Reauthorization Act sponsored by Sen. Ron Wyden (D-Ore.), which would make PILT mandatory for ten years.

NACo endorses legislation to extend SRS for an additional two years: H.R. 3048, sponsored by Rep. Joe Neguse (D-Colo.), and S. 430, sponsored by Sen. Mike Crapo (R-Idaho). Additionally, Sen. Ron Wyden (D-Ore.) sponsored S. 1643, the Forest Management for Rural Stability Act, which would create an endowment fund to make permanent SRS payments to national forest counties and schools while also granting more flexibility to counties in the use of SRS funds.

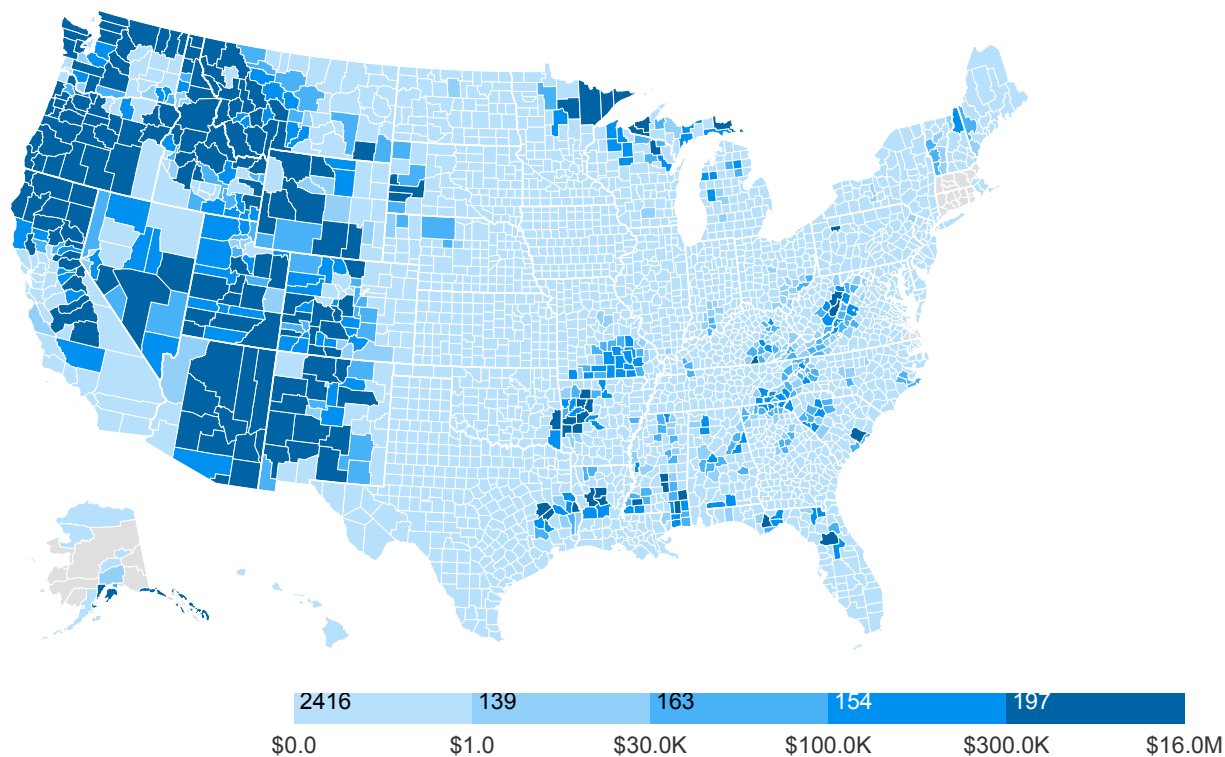
- **61 PERCENT OF COUNTIES** have federal land within their boundaries
- **PILT AND SRS SUPPORT CRITICAL COUNTY SERVICES**, including emergency services, search and rescue, fire protection, forest maintenance, education and transportation infrastructure



2019 PAYMENTS IN LIEU OF TAXES (PILT) PROFILES



2018 SECURE RURAL SCHOOLS (SRS) - PROFILES



BOOST ADVANCED BROADBAND DEPLOYMENT AND ACCESSIBILITY WHILE PRESERVING LOCAL DECISION-MAKING

NACo supports the deployment and availability of emerging technologies, such as small cell 5G, to all areas of the nation to ensure equitable economic and educational opportunities for all. County officials must also fulfill our responsibilities as trustees of public property and as protectors of public safety and health during this deployment process. By preserving local authority, county governments can ensure that the public interest is being served by communications providers regardless of the delivery platform.

Additionally, complete and accurate connectivity data is necessary to effectively bridge the growing digital divide as the federal government relies on this information to determine the true need for critical broadband resources.

NACo urges Congress and federal agencies to recognize counties as partners in extending the benefits of advanced telecommunications and broadband technology — including

- In rural areas, just **68.6 PERCENT OF RESIDENTS** have high-speed internet access via both fixed wireless services and mobile LTE broadband
- Approximately **14 MILLION RURAL AMERICANS** and **1.2 MILLION AMERICANS LIVING ON TRIBAL LANDS** still lack access to broadband that meets the federal definition for minimum standards



Members of NACo's Rural Action Caucus (RAC) meet to discuss the necessity for increased access to critical broadband resources in rural counties.

improvements to county emergency preparedness and public safety systems — to all Americans. Federal policymakers should support local decision-making and accountability and oppose any actions that would preempt or limit the zoning and siting authority of local governments.

ESTABLISH A MORE EFFECTIVE DEFINITION OF “WATERS OF THE U.S.”

NACo believes that local streets, gutters and human-made ditches should be excluded from the definition of “Waters of the U.S.” (WOTUS) under the federal Clean Water Act. NACo calls on Congress and the Administration to develop and implement a new, more practical WOTUS definition in consultation and collaboration with state and local governments.

- More than **70 PERCENT OF COUNTIES** invest in storm sewer systems, sewage disposal, solid waste management and water utilities
- Counties invest **\$23.9 BILLION** in sanitation, storm and water supply systems



NACo's Environment, Energy and Land Use (EELU) Policy Steering Committee Chair Melissa Cribbins from Coos County, Oregon testifies before the U.S. House Energy and Commerce Committee's Subcommittee on Environment and Climate Change on the county role in environmental stewardship, land use and economic resiliency.

The final repeal of the 2015 WOTUS rule issued by the Trump Administration became effective on December 23, 2019.

PROMOTE WORKFORCE OPPORTUNITIES AND SUPPORTIVE SERVICES FOR COUNTY RESIDENTS IN CHANGING ECONOMIES

NACo supports federal investments and policies that help advance and leverage both regional and local strategies to engage children, youth, adults and older adults in the development of a competitive and quality workforce. While national economic indicators are strong, many counties face challenges in linking residents to sustainable employment opportunities that foster economic mobility.

For example, counties are confronting increased demand and caseloads for services that help residents overcome barriers to employment, such as skills training, mental health and substance abuse disorders, accessible childcare and housing affordability.

At the same time, county governments face reduced federal and state funding, along with growing federal and state mandates, limitations and oversight. To help counties meet these challenges and foster a high-quality workforce to compete in the global economy and meet the needs of employers including



Commissioner Pamela Lancaster from Hall County, Neb. highlights the importance of reauthorizing the Workforce Innovations and Opportunity Act (WIOA) during a Capitol Hill Briefing, in order to provide counties the increased resources needed to foster a high-quality workforce while maintaining local decision-making and flexibility.

county governments here in the U.S., NACo encourages a strong federal partner committed to providing increased resources and maintaining local decision-making and flexibility to achieve better outcomes for county residents, especially those in transitioning local economies.

- Despite low rates of unemployment, **TWO-THIRDS OF COUNTIES** have poverty rates exceeding the national average
- Counties employ **3.6 MILLION RESIDENTS** and provide services to **314 MILLION COUNTY RESIDENTS**

STRENGTHEN ELECTION INTEGRITY AND SAFETY

NACo supports federal policies that provide flexibility for local decision making and increased federal investments in the nation's elections system. As administrators and financiers of our elections, counties work to ensure our elections are both fair and secure. Therefore, NACo supports a consistent, predictable and dedicated federal funding stream to assist counties with meeting the significant federal requirements already imposed on local governments administering elections. We also support efforts by Congress and the Administration to combat cybersecurity threats in a way that is inclusive of county election and technology officials.

As Congress considers these changes, NACo urges federal lawmakers to protect local control over election administration and oppose mandates and specific requirements regarding equipment, procedures and personnel responsibilities.



County Clerk/Auditor Ricky Hatch from Weber County, Utah testifies before the House Committee on Oversight and Government Reform to discuss the role counties play in ensuring safe and efficient elections.

- Between the 2016 and 2018 general elections, county jurisdictions processed **OVER 73 MILLION REGISTRATION FORMS**
- More than **109 MILLION VOTERS**, or almost **91 PERCENT OF VOTERS NATIONWIDE**, in the 2018 general elections cast their ballots within jurisdictions where counties play a major role in administering and coordinating elections
- In 2018, counties oversaw more than **151,000 POLLING PLACES** and organized **OVER 593,000 POLL WORKERS DURING ELECTION PERIODS**

ENHANCE COMMUNITY RESILIENCE THROUGH REGIONAL AND LOCAL DISASTER PREPAREDNESS

NACo urges Congress and the Administration to provide increased federal resources to counties for disaster planning, mitigation and recovery. Counties often serve as our nation's first line of defense before and after disasters strike. While state statutes and organizational structures vary, local emergency management responsibilities are most commonly vested in county governments. NACo supports increased federal investment in support of local emergency management capabilities that improve public safety and environmental stewardship, along with social and economic security.

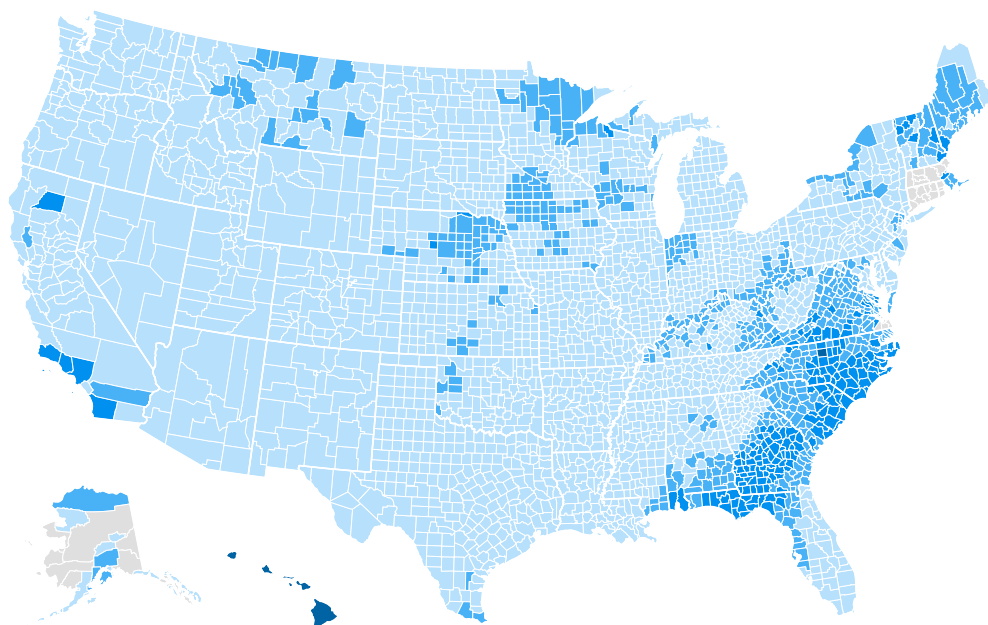
Furthermore, NACo supports rapid federal reimbursement of local costs associated with major disasters and encourages the U.S. Department of Homeland Security (DHS) to administer policies and regulations on a consistent manner during any presidentially declared disaster or emergency throughout the country. NACo also encourages DHS to apply any policy or regulation changes on a prospective basis, based on the declaration date of the



emergency or disaster. NACo supports DHS and FEMA leadership as they work to reduce excessive paperwork as well as overly restrictive and bureaucratic regulations.

- In 2018, local governments were impacted by **66 FEDERALLY DECLARED DISASTERS** funded by recovery grants
- In total, an estimated **570 COUNTIES** received at least one federal Major Disaster Declaration, with **411** with at least one federal Emergency Declaration and another **788 COUNTIES** with at least one federal Disaster Declaration
- During that same time period, local and state governments managed **23,331 EMERGENCY EVENTS** without additional federal resource

2018 TOTAL NUMBER OF DISASTER DECLARATIONS



MATTHEW D. CHASE

EXECUTIVE DIRECTOR / CEO
mchase@naco.org
202.942.4201

DEBORAH COX

DEPUTY EXECUTIVE DIRECTOR /
DIRECTOR OF GOVERNMENT AFFAIRS
dcox@naco.org
202.942.4286

ARTHUR SCOTT

ASSOCIATE LEGISLATIVE DIRECTOR /
POLITICAL OUTREACH MANAGER
Agriculture & Rural Affairs
Telecommunications & Technology
Rural Action Caucus
ascott@naco.org
202.942.4230

BLAIRE BRYANT

ASSOCIATE LEGISLATIVE DIRECTOR
Health
bbryant@naco.org
202.942.4275

DARIA DANIEL

ASSOCIATE LEGISLATIVE DIRECTOR
Community, Economic & Workforce
Development
Large Urban County Caucus
ddaniel@naco.org
202.942.4212

ERYN HURLEY

ASSOCIATE LEGISLATIVE DIRECTOR
Finance, Pensions &
Intergovernmental Affairs
ehurley@naco.org
202.942.4204

JESSICA JENNINGS

ASSOCIATE LEGISLATIVE DIRECTOR
Transportation
jjennings@naco.org
202.942.4217

JONATHAN SHUFFIELD

ASSOCIATE LEGISLATIVE DIRECTOR
Public Lands
Western Interstate Region
jshuffield@naco.org
202.942.4207

LINDSEY HOLMAN

ASSOCIATE LEGISLATIVE DIRECTOR
Justice & Public Safety
lholman@naco.org
202.942.4213

RACHEL MERKER

ASSOCIATE LEGISLATIVE DIRECTOR
Human Services and Education
rmerker@naco.org
202.661.8843

BRETT MATTSON

LEGISLATIVE ASSOCIATE
bmattson@naco.org
202.942.4234

VALERIE BRANKOVIC

LEGISLATIVE ASSOCIATE
Veterans and Military Services
vbrankovic@naco.org
202.942.4254

NICOLETTE GERALD

LEGISLATIVE ASSISTANT
ngerald@naco.org
202.942.4260

ZACHARY GEORGE

LEGISLATIVE ASSISTANT
zgeorge@naco.org
202.661.8819

ABOUT NACo

The National Association of Counties (NACo) strengthens America's counties, including nearly 40,000 county elected officials and 3.6 million county employees. Founded in 1935, NACo unites county officials to advocate for county government priorities in federal policymaking; promote exemplary county policies and practices; nurture leadership skills and expand knowledge networks; optimize county and taxpayer resources and cost savings; and enrich the public's understanding of county government.

Each year, NACo's Board of Directors, in consultation with over 1,400 county officials on 10 policy steering committees, adopt the association's federal policy priorities. These policy priorities help shape NACo's advocacy efforts on behalf of America's counties.



