



THE AMERICAN COUNTY PLATFORM AND RESOLUTIONS 2024-2025

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NACo POLICY PROCESS

ABOUT NACo

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

MISSION

Through NACo, county officials:

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

VISION

Healthy, vibrant and safe counties across the United States.

BOARD OF DIRECTORS

The board of directors has general supervision, management, and control of the business of the association and sits as the resolutions committee. The board approves the NACo work program and budget and makes interim policy between annual meetings. Board members serve for one year and must come from member counties.

POLICY MAKING

NACo has three forms of policy pronouncements: the *American County Platform*; policy resolutions passed by the members at the annual meeting; and board resolutions on policy passed by the board of directors between annual meetings.

1. The *American County Platform* is NACo's permanent policy document. When necessary, it is amended at the annual meeting. Divided into substantive policy areas covered by ten policy steering committees, the platform reflects the philosophy and overall objectives of NACo's membership.
2. Policy resolutions are generally single-purpose documents addressing a specific issue or piece of legislation. Resolutions draw attention to a topic of current concern, clarify parts of the broadly worded platform, or set policy in areas not covered by the platform. These resolutions are valid until the next annual meeting, at which time they are reviewed by the appropriate steering committee and

considered for inclusion in the platform. If they are not readopted or included in the platform, they expire.

3. Board resolutions are passed by the board between annual meetings and are valid until the next annual meeting, at which time they are reviewed by the appropriate steering committee and considered by the board of directors and the general membership or they expire.

When necessary, the executive committee may make interim policy decisions between board meetings, provided the policy is not in opposition to an adopted policy of the board of directors or the membership.

The ten steering committees propose platform changes and resolutions to the board of directors, sitting as a resolutions committee, which reports the proposals to the membership at the annual business meeting. No platform change or resolution can be brought before the full NACo membership for discussion or debate unless it has been submitted to the appropriate steering committee. However, issues which clearly do not fit within the jurisdiction of an established steering committee may, at the discretion of the president, be brought before the resolutions committee. Because issues can be crosscutting among policy steering committees, more than one committee may review a resolution or platform change.

Issues which have been addressed by the resolutions committee may then be brought before the general meeting. The membership is the ultimate arbiter of what will or will not be NACo policy. The NACo staff carries out the policy of the association and represents counties only on those issues which have been approved through the policy process.

LUCC and RAC may propose policy to the appropriate committee of jurisdiction, but do not have the authority to enact or recommend policy to the board of directors.

The *American County Platform* and policy resolutions contained in this volume have been adopted by NACo members. The platform and resolutions are carefully considered statements of the needs and interests of county governments throughout the nation and will serve as a guide for NACo members and staff in the year ahead as they appear before legislative and administrative agencies to present the views of county governments.

PROCEDURES FOR SUBMITTING AND CONSIDERING NACO RESOLUTIONS

The NACo resolutions process provides the membership with the ability to create national policies affecting county governments. The process is intended to be as open as possible, in order to allow participation from the entire membership. There are, however, some guidelines to ensure that the process is a relatively orderly one. The guidelines are as follows:

Submitting Resolutions: Resolutions and platform changes must be submitted electronically in an editable format to resolutions@naco.org, to the steering committee staff person or NACo Legislative Director no later than 30 days prior to a NACo conference. These resolutions may be introduced at NACo conferences, including the Annual Conference, Legislative Conference or, in some cases, any other conference where the NACo Board of Directors convenes.

Resolutions should, if possible, be no more than one page in length and be simply and directly written. They should include an “**Issue**” statement, a “**Proposed Policy**” statement, a factually accurate “**Background**” statement and a “**Fiscal/Urban/Rural Impact**” statement if possible. For those without a specific impact statement, the NACo steering committee staff will develop an appropriate statement prior to submittal to the board. For resolutions, the “Issue” statement should be a short sentence and state the purpose of the resolution, the “Proposed Policy” section should specify a position or action by NACo and/or other entities, the “Background” section should clearly outline the county interest in the particular issue, and the “Fiscal/Urban/Rural Impact” section should attempt to address potential impacts for counties in these areas, if known. Resolutions cannot overrule platform language, which has been ratified by the membership. NACo staff may make necessary changes to the resolutions to ensure that they are in the proper format.

The NACo Legislative Director, in consultation with the steering committee staff person, shall make a preliminary decision as to which steering committee(s) to initially refer the Resolution, and will be subject to review by the Policy Coordinating Committee at the conference.

Distribution of Resolutions: No later than 14 days prior to the Legislative and Annual conferences, all Resolutions pertinent to a steering committee and those acted upon at a previous NACo conference which need final disposition by the NACo Board and general membership will be sent to members of the appropriate steering committee. The steering committee chairs, vice-chairs, subcommittee chairs and vice-chairs will be sent material containing all steering committee resolutions and platform changes to be considered at a conference.

The Role of the Policy Coordinating Committee/Request for Referrals: The Policy Coordinating Committee (PCC) consists of the chairs of each of the policy steering committees and the NACo Officers. It is the responsibility of this body to review all Resolutions and determine, prior to the meetings of the full steering committees, whether there are resolutions which must be considered by more than one steering committee because of a policy issue that cuts across steering committee jurisdictions.

The first meeting of the PCC is typically held prior to the steering committee meetings. Prior to, or during the first PCC meeting, it is the responsibility of steering committee chairs to request, through the NACo Legislative Director and the presiding NACo Officer, the opportunity to consider a resolution that has not been previously referred to it by NACo staff. If a subcommittee chair is interested in

considering a resolution that was not referred to the full steering committee, he/she must, prior to the first PCC meeting, ask the steering committee chair to consider requesting a referral of the resolution.

For resolutions that have been referred to another committee, time must be made available at the steering committee meeting for the sponsor of the resolution or his/her representative to explain its intent. This presentation may also be made at a subcommittee meeting, but it shall not replace the presentation at the full steering committee.

Emergency Resolutions Submitted After the 30 Day Time Limit: Steering committees may also consider other resolutions or platform changes that were not submitted within the 30 day time limit. These so-called “emergency” resolutions are federal legislative or regulatory matters that could not have been foreseen 30 days prior to the conference, and is an issue of a timely nature that NACo should consider action immediately. Inaction on the part of a submitter is not grounds for an emergency resolution.

Steering committees receiving emergency resolutions or platform changes may consider them only if two-thirds of the steering committee members present vote to review them. This vote and the vote resulting in the adoption or defeat of the actual resolution must be tallied and reported to the PCC at the conclusion of all steering committee meetings.

If a steering committee, after a two-thirds vote to take action, considered and ultimately adopted a resolution that was not anticipated before the first PCC meeting, the PCC, at the request of any steering committee chair, may table the resolution for consideration until the next NACo conference. The request to table must be approved during the PCC meeting by a majority of the steering committee chairs or their designees or officers present.

The Subcommittee’s Role: NACo subcommittees usually meet prior to their steering committee to both receive specific, detailed information about their issues and to consider resolutions for later disposition by the full steering committee. Most, but not all, resolutions are usually considered first in a subcommittee. The subcommittee may consider the resolution referred to it by the steering committee chair and make a recommendation, with a recorded vote, to the full steering committee on the disposition of the resolution. A subcommittee does not have the ability to table or defeat a resolution, thus prohibiting full committee consideration. There is no specific requirement for subcommittees to make recommendations.

Platform Changes/Existing Resolutions: Platform changes are considered only at the Annual Conference. As with resolutions, they must be submitted to the NACo legislative staff at least 30 days prior to the conference.

Each year resolutions will automatically be deleted from the *American County Platform* at the following Annual Conference. At that conference, those resolutions that are still relevant must be incorporated into platform language or offered 30 days in advance as a “new” resolution to be considered by the appropriate steering committee. Resolutions passed by the NACo Board at the Legislative Conference must be reviewed by the appropriate steering committee and recommended for ratification by the general membership, or be dropped. Resolutions cannot be used to overturn or modify existing language in the platform.

Presentation of Resolutions and Platform Changes to the NACo Board of Directors Sitting as a Resolutions Committee: Each steering committee chair will report to the Resolutions Committee the platform changes and resolutions adopted by the steering committee. They will also report on the proposed disposition of resolutions adopted at any previous conference. Steering committees should make every effort to settle disputes on resolutions before the meeting of the NACo Board of Directors. They should consider blending and amending the resolutions into one compromise proposal or they should table the issue for further discussion. If those alternatives are not acceptable to the steering committees that have differing views, then the disputed resolution(s) shall be presented to the Board of Directors after all other resolutions have been considered and acted upon. The representative of the steering committee that originally drafted the resolution shall present their resolution first, followed by a response and resolution from the other committee.

A steering committee chair shall report actions taken on all platform changes and resolutions, both as part of the resolutions “package” and during the chair’s report to the Board of Directors when it sits as a Resolutions Committee.

The chair’s report shall identify:

- those platform changes and resolutions that were adopted unanimously;
- those platform changes and resolutions that were adopted with some unrecorded “nay” votes; and
- those platform changes and resolutions that were adopted by roll call vote, announcing the “yeas” and “nays”.

Minority Reports: If a resolution is defeated during steering committee consideration, a one page minority report may be made on an action taken by roll call vote where the voting minority constituted at least 25 percent of those steering committee members present and voting. After announcing such a vote, the steering committee chair may allow a member of the minority to present the minority report to the board for informational purposes only. No board action is taken on the minority report.

STEERING COMMITTEE NOMINATIONS PROCESS

Every spring, NACo calls for NACo steering committee nominations through the state associations of counties. Approximately one month before the NACo annual conference, county officials must submit

their completed nomination forms to their state associations of counties. Generally, the President of the state association, in consultation with the state executive director, appoints state members to NACo's steering committees. Nomination forms are sent to the state associations of counties, along with a list of the current steering committee members from their state and a sample announcement they may use to notify their membership about the process and the deadlines for submitting nominations. Affiliate nominations to steering committees must also follow the same process.

Applicants are urged to mark their first and second choices of steering committees on the nomination form. The state associations of counties will submit names electronically by a deadline determined by the NACo Legislative Director.

The Eight and Two Rule: NACo will make every effort to accommodate the nominee's first choice of steering committee assignments. NACo will consider the state and regional balance on the steering committees and ensure that, at a minimum, the membership of each steering committee is at least two-thirds elected county officials. Only eight county officials from the same state will be appointed to any one steering committee, and no more than two persons from the same county may serve on any one steering committee. This does not include NACo presidential appointments.

Prior to the mailing of the appointment letters, the NACo staff will review the new steering committee rosters to ensure that there is geographic and demographic diversity within each committee and the above guidelines for membership by a state or county are followed.

Appointments: The NACo president will send each appointee a letter announcing their appointment to a steering committee. The NACo Legislative Director, Deputy Director, or an Associate Legislative Director will contact appointees with relevant information regarding the NACo policy process, committee membership links, schedules, the *American County Platform* and other relevant information.

Steering committee appointees will serve on the committee for one year and cannot transfer membership to another committee, or serve on more than one steering committee, during that year. (As with any other NACo member, however, the appointee is welcome to attend any other steering committee meeting to learn about its issues.) Committee appointees may serve simultaneously on NACo caucuses, standing committees, task forces, or ad hoc committees.

Steering Committee Roles and Responsibilities: Each policy steering committee has members who are nominated by the state associations of counties and appointed by the NACo president for one year. The committee chair and subcommittee chair are generally elected officials who are appointed by the NACo president for one year. At least two-thirds of the members of each steering committee should be elected officials, but many committees have a much greater elected representation. Steering committees are responsible for studying issues, recommending new policy positions, and carrying out the *American County Platform* through advocacy activities.

Committees review problems facing counties, identify areas of concern to counties, and make suggestions for federal, state, and county involvement. They build county and state support for recommended revisions in federal rules and regulations and assist in building state association participation in policy formulation and implementation processes. Committees also advise the NACo board on priorities, strategies, and tactics involving federal legislation, rules, and regulations, and they participate in special rallies, conferences, and meetings of the association to advance the objectives of the committee.

Platform amendments and resolutions from member counties are submitted to the appropriate steering committee for review and recommendation. At least one NACo staff member is assigned to each steering committee to work with the committee chair in arranging meetings and determining agendas. Each steering committee reviews legislation and issues within its jurisdiction. Committees usually meet at least twice a year, always at the annual conference and legislative conference. In many cases, informal arrangements are made for joint consideration of certain issues.

There are specific policy outreach expectations for every member of a steering committee. Each steering committee member needs to read and understand the established policy positions in the *American County Platform* within their respective jurisdictions. Each member also needs to be prepared to contact members of Congress on important policy issues, both in Washington, D.C. and in their districts and state. They should be prepared to discuss and inform constituents about the importance of the policy positions taken by NACo, and suggest ways they can help. Steering committee members should be ready and able to contact local and state media outlets to inform and impress upon them the importance of the county positions on policy questions affecting their steering committee jurisdiction. This includes writing op-eds, letter to the editor, editorial boards, etc.

Members should also be prepared to convene in meetings, participate in coalitions, and use the “bully pulpit” of elected office to inform a broader audience of the importance of NACo’s policy issues. Because many issues cut across jurisdictional lines, steering committees may provide oversight of platform amendments and resolutions from other committees that affect their areas of jurisdiction. The specific committee jurisdictions are:

- **Agriculture and Rural Affairs:** All matters pertaining to legislation and administrative actions affecting agriculture; rural development programs; rural renewable energy development; research and extension; food safety; and USDA conservation programs.
- **Community, Economic, and Workforce Development:** All matters pertaining to housing programs; community and economic development; public works including the creation of affordable housing and housing options for different populations; residential, commercial, and industrial development; and building and housing codes.
- **Environment, Energy and Land Use:** All matters pertaining to air, water, energy, and land use;

including water resources/management, stormwater; pesticides; air quality standards; climate change; solid, hazardous, and nuclear waste handling, transport, and disposal; national energy policy; renewable/alternative energy; alternative fuel vehicles; energy facility siting; electricity utility restructuring; pipeline safety; oil spills; superfund/brownfields; eminent domain; land use; coastal management; oceans; parks and recreation.

- **Finance, Pensions and Intergovernmental Affairs:** All matters pertaining to the financial resources of counties; fiscal management; federal assistance; municipal borrowing; county revenues; federal budget; federal tax reform; elections; and Native American issues.
- **Health:** All matters pertaining to public health and healthy communities, including disease and injury prevention and health promotion; health disparities reduction; financing delivering health care, including services for the uninsured, underinsured, and medically indigent; Medicaid; Medicare; long-term care; behavioral health services; substance abuse prevention and treatment; and services for persons with developmental disabilities.
- **Human Services and Education:** All matters pertaining to children's issues; foster care; public assistance and income support; services to senior citizens and individuals with disabilities; immigration policy; social services; and elementary, secondary and post-secondary education.
- **Justice and Public Safety:** All matters pertaining to criminal justice and public safety systems, including criminal justice planning; law enforcement; courts; corrections; homeland security; community crime prevention; juvenile justice and delinquency prevention; emergency management; fire prevention and control; and civil disturbances.
- **Public Lands:** All matters relating to federally-owned public lands including federal land management programs; natural resource revenue sharing payments; payments in lieu of taxes; and property tax immunity concerns.
- **Telecommunications and Technology:** All matters pertaining to telecommunications and technology policy, including, but not limited to, the county role as a telecommunications regulator, service provider, and consumer; cable services technology and implementation; information technology development and implementation; information technology innovation; e-governance; and geo-spatial data collection and utilization.
- **Transportation:** All matters pertaining to federal transportation legislation, funding and regulation and its impacts on county government, including highway and bridge development, finance and safety; public transit development and finance; transportation planning; airport development and service; passenger and freight railroads; ports and waterways; freight movement; and research and development of new modes of transportation.

Task Forces: In addition to the ten policy areas governed by steering committees, there are, occasionally and periodically, issues which impact the jurisdictions of several steering committees. Because these areas are not appropriate for limited consideration, they are often referred to special task forces for broader policy consideration than that offered initially by a single steering committee.

These task forces or other special review bodies, like steering committees, report their findings to the Board of Directors and the membership as a whole. Where permanent policy is required, the policies so adopted may be inserted into appropriate locations within the platform. Temporary or other impermanent policies are treated as general resolutions. Resolutions and platform changes recommended by a task force must be considered and adopted by the relevant steering committee(s) through the regular resolutions process.

AGRICULTURE AND RURAL AFFAIRS

STATEMENT OF BASIC PHILOSOPHY

The National Association of Counties (NACo) is concerned about the impact of national, state and local policies and decisions affecting rural counties and counties with significant rural communities threatened by urban and suburban development. Approximately fifteen percent of the nation's population lives in 2,050 counties deemed 'non-metropolitan,' or rural, accounting for over 72 percent of the nation's total land area - according to the U.S. Census Bureau.

In recent years, however, there has been a serious loss of human and financial resources in many counties as a result of economic trends and governmental agencies and their policies. Deterioration of infrastructure facilities and institutions, such as roads, health care and education systems, is prevalent in many rural counties. American agriculture and its related agribusiness remain a vital part of the U.S. economy as well as a major contributor to economic activity throughout the world.

Simultaneously, there are other industries that also are becoming an important part of the rural landscape. Long-term economic trends in rural communities show growth in the service and retail trade industries and a variety of other industries in recreation, food service, education, and health care.

The spread of advanced technology in rural areas especially in communications may make rural areas more attractive in the future to companies offering higher wage jobs. Counties need to recognize the critical importance of technology and the need for an advanced telecommunications infrastructure.

The federal government should develop a comprehensive national rural policy that recognizes the diverse challenges rural county governments are facing and increases the coordination among local, regional and state governments. In addition, the government should look to ways to streamline and simplify federal regulations and grants to rural counties.

RURAL DEVELOPMENT

Included as part of the Federal Agricultural Improvement and Reform (FAIR Act of 1996), Congress consolidated a number of rural development programs into the Rural Community Advancement Program (RCAP).

RCAP was comprised of three funding accounts – housing, utilities and business. RCAP provided the flexibility to develop innovative approaches to rural development problems locally. By permitting the transfer of up to 25 percent of the RCAP funds allocated to other programs within RCAP, local officials could direct more assistance towards the enhancement of jobs through education, infrastructure investment and economic development.

In recent years, funds for RCAP programs are appropriated under new and separate accounts within the Rural Housing, Rural Business Cooperative, and Rural Utility Services. RCAP no longer exists in name; however, program operations and implementation, including the flexibility to transfer funds within each account is not changed.

NACo supports this flexibility and urges Congress to adequately fund Rural Housing, Rural Business Cooperative and Rural Utility Services during the annual appropriations process.

Furthermore, NACo supports the Congressional Rural Caucus on issues of mutual interest and believes that the caucus is critically important to articulating the strengths and challenges of rural America. NACo also supports the creation of an interagency taskforce led by the U.S. Department of Agriculture to help bolster resources for rural counties.

NACo calls on Congress to provide needed support to USDA so that it may explore innovative approaches for building community capacity and introduce additional economic enhancement opportunities to rural businesses.

A. Rural Housing: Federal regulations often are inflexible and too restrictive in providing adequate quality housing for rural families and transient and permanent farm workers.

Additionally, six percent of rural houses have severe physical problems, including inadequate heating, plumbing, and space. NACo supports the U.S. Department of Agriculture's (USDA) housing programs and opposes any effort to move these programs to the U.S. Department of Housing and Urban Development.

B. Rural Poverty: According to the USDA and the U.S. Census Bureau, there are 301 persistently poor rural counties throughout the nation, roughly ten percent of our counties. These areas are defined as persistently poor since twenty percent or more of the population has lived in poverty for a thirty-year time period (measured by the 1980, 1990, and 2000 decennial censuses and the 2007-11 American Community Survey).

C. Outmigration: Outmigration poses a significant threat to rural counties across the United States. Nearly half of the Nation's 2,050 nonmetropolitan counties lost population through net outmigration between 1988 and 2008; for over 700 counties, this loss exceeded 10 percent.

RURAL INFRASTRUCTURE

A. Water and Wastewater: Critical infrastructure, such as water and wastewater, remain a priority for many rural communities. The cost of building, maintaining, and upgrading local water system is a challenge for many small towns and rural counties. Beyond the public health interests, clean and reliable water is a necessity to spur economic growth. Studies have concluded that water and sewer

projects can save or create jobs in rural communities by attracting and retaining businesses. Flexible cooperative/collaborative funding opportunities are encouraged.

- B. Transportation:** Additionally, many counties have to close bridges when they become unsafe and cannot afford to rebuild them. The quality of roads and bridges is declining in many rural areas due to lack of funding. In particular, rural counties are increasingly in need of federal assistance for costly repairs and upgrades to farm-to-market roads – rural roads that primarily serve to transport agricultural products from a farm or ranch to the marketplace. Federal funding for rural roads, bridges, local transit service, and air service needs to increase substantially.
- C. Technology:** Advanced telecommunications are critical to the economic vitality of rural America. According to the Federal Communications Commission (FCC), a lack of broadband infrastructure could limit the potential of rural communities to attract and retain businesses and jobs, especially businesses that are dependent on electronic commerce. The lack of broadband infrastructure in rural communities has severely impaired the potential of rural communities to attract and retain new businesses. Increased deployment of advanced technology has major implications for rural counties including improved healthcare services through telemedicine, long distance education, attraction of quality economic development, and improved wages and employment.

Many rural counties with broad-band service, however, may only have one provider - compared to typically multiple providers in urban areas. Competition for broadband is especially important with regards to quality, costs, and speeds of service. Having little or no choice in broadband providers can cause rural users to settle for inferior/no service.

Advanced technology is a major key to closing the information gap between rural and urban areas. NACo supports congressional and administrative action that hastens the deployment of high-speed broadband technology in rural America. This includes additional sustained funding for rural broadband deployment and support for cooperatives deploying telecommunications services by leveraging and streamlining key federal programs: the U.S. Department of Agriculture's Rural Utilities Service (RUS); the Federal Communications Commission (FCC) Connect America Funds (CAF); U.S. Economic Development Administration (EDA) grant program; and the Rural Infrastructure Program.

- D. Economic Development:** Rural economic development is generally thought of in terms of improving the employment opportunities, incomes, and well-being of the nation's people by strengthening the capacity of rural America to compete in a global economy.

NACo supports holistic approaches to rural development, such as the Rural Collaborative Investment Program (RCIP) and the Strategic Economic and Community Development (SECD) Program. By incorporating elected county and municipal officials, businesses, and non-profits in a multi-county

region, these programs would allow multiple sectors a chance to chart the future of their community. Additionally, NACo urges Congress to provide increased funding for local capacity and technical assistance.

NACo also supports improved coordination of the USDA's economic development programs at the state, regional and local levels. Federal agencies should be required to recognize and follow county and regional development plans developed by local and elected officials.

- E. Rural Healthcare:** NACo recognizes the vital role that healthcare plays in rural America. The healthcare industry is an economic development engine and access to affordable healthcare is essential to spur new businesses. NACo supports strengthening the healthcare delivery system in rural America, including ambulatory services.

AGRICULTURE

- A. Farm Bill Authorization:** The ability of county governments to provide services financed by property and other local taxes is dependent on farm income and rural business. Agriculture is a key component of economic development and should be included in any comprehensive rural development program.

NACo supports expansion of the crop insurance program to include additional crops, livestock, and poultry. Additionally, NACo encourages Congress to provide a subsidy for hay production to assist agriculture communities, prevent soil erosion, and improve water quality.

NACo supports agricultural reforms that will improve health and protect the environment of all Americans through significantly strengthening federal nutrition programs, improving access to healthy food, promoting environmental stewardship and conservation, protecting our food supply, and robustly funding rural development initiatives based on best practices in coordination with local officials. All titles of the farm bill are important to the vitality of our nation, therefore, NACo supports full funding of all titles of this important legislation.

NACo supports investments in infrastructure, entrepreneurship programs and facilities that process, distribute, and develop value-added products using locally-grown commodities purchased from local farmers to meet the demand for local, healthy food.

NACo supports the definition of biomass from Titles I & III of the 2008 Farm Act, which states that renewable biomass is:

For federal lands: Materials that are byproducts of preventive treatments (e.g., trees, wood) that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health; would not otherwise be used for higher value products; and are harvested from the

National Forest System land or public lands in accordance with public laws, land management plans, and requirements for old-growth maintenance.

For non-federal lands: Any organic matter that is available on a renewable or recurring basis from nonfederal land or land belonging to Indian tribes, including renewable plant materials (feed grains, other organic commodities, other plants and trees, algae), waste material (crop residue, other vegetative waste material including wood waste and wood residue), animal waste and byproducts (fats, oils, greases, and manure), construction waste, and food waste/yard waste.

- B. Family Farm:** NACo supports the concept of family farms in producing agricultural goods. Federal policies should support the maintenance and continued existence of family farms. NACo supports an examination by Congress and the Administration into the declining revenue to agriculture producers from food sales while there has been no reduction in the cost of food.

To keep the integrity of the family farm in place and in turn the fiscal solvency of many counties dependent upon agriculture, NACo supports the beginning farmer loan program. NACo also supports incentives, such as low-interest loans and tax credits, to be provided to young people entering farming and agribusiness in rural areas.

Farming is not simply an occupation but a lifestyle, and it is critical that farmers be able to teach their children and grandchildren how to perform agricultural work safely and responsibly. Statutory child labor parental exemptions should be kept in place in order to ensure the viability of the family farm.

Additionally, NACo supports ‘agribility’ programs within USDA that help physically challenged farmers in their agricultural duties.

- C. Land and Water Conservation:** NACo recognizes the need to protect our nation's most environmentally sensitive lands and waters. Programs such as the Environmental Quality Incentive Program (EQIP), Conservation Reserve Program (CRP), Wetlands Reserve Program (WRP), Conservation Security Program (CSP), and others are important sources for technical assistance and are needed to help communities implement many important conservation measures.

NACo supports USDA's Natural Resource Conservation Service (NRCS) and the valuable technical assistance their field offices provide. The NRCS plays a critical role for counties by addressing local conservation issues pertinent to county governments as well as Soil and Water Conservation Districts.

NACo urges Congress to fund and expand backlogged farm conservation programs such as the Conservation and Wetlands Reserve, Buffer, and Farmland Protection Programs. Flexibility should be allowed in the Conservation Reserve Enhancement Program to permanently protect locally identified

critical habitat areas. NRCS should be the sole federal agency with jurisdictional authority over agricultural wetlands areas in coordination with local officials.

NACo also supports USDA's National Conservation Buffer Initiative and its attempt to encourage the establishment of long-term conservation practices such as the creation of buffer strips, planting of trees for windbreaks, wildlife and other conservation enhancement purposes. This initiative will help landowners make good use of their best cropland and maintain their marginal area lands.

NACo is concerned about the loss of productive farmland to nonagricultural uses because of increasing development. NACo urges Congress, and the USDA to support measures to retain, protect, and improve agricultural land, and conserve topsoil, consistent with local land use policies and controls. An important aspect of the conservation process is the maintenance of financial and technical assistance to establish practical methods to protect farmlands for American farm families and retain farmland to maintain stable production of farm commodities.

NACo recognizes that federal, state and county partnership in coordination should be a partnership enhanced by a common goal in identifying and implementing conservation management practices. This would include the targeting of priority protection areas in developing sound agricultural conservation management programs.

NACo urges the U.S. Environmental Protection Agency (EPA) to use the best scientific data on pesticide use, residues on crops, and toxicity, so that important pesticide uses are preserved; and to work closely with the USDA to improve consultation with all stakeholders.

NACo supports federal incentives that reward American agriculture for the implementation of best management practices that protect the environment and opposes any attempts to impose a federal greenhouse gas tax on livestock.

D. Pest Management: Wildlife can cause significant damage to private and public property, including agricultural crops, livestock, forests, pastures, and urban and rural structures. NACo supports USDA Animal Plant and Health Inspection Service (APHIS), Wildlife Service programs and encourages Congress and the Administration to provide necessary resources to strengthen these programs. NACo also opposes efforts to weaken WS programs, including efforts to decrease funding and change authorized abilities to cooperate with counties and other entities needing assistance.

E. Farmworkers: According to USDA's Economic Research Service the total U.S. agricultural labor force has declined over the past century and hired farm workers have become the largest proportion of all farm workers. An estimated half of hired farm workers lack the legal status to work in the U.S. These workers are a major presence in rural communities across our country and are vital for the economic health of our agricultural sector, from large producers to family farms and ranches. The H-

2A visa program – the nation’s only legally sanctioned guestworker program – does not have the capacity to handle the nation's demand for hired farm workers. NACo supports a sensible and orderly guestworker program for farm workers that significantly simplifies administrative requirements for all employers equally, provides temporary legal status and protections for migrant farm workers, and the possibility of obtaining permanent legal residence in the United States.

In addition, NACo supports the following principles:

- **The Future Flow of Agricultural Jobs:** The continuous flow of a legal, reliable and stable workforce is necessary to ensure the future of agricultural production in the U.S.
- **Wages:** The wage must be an economically viable rate for agriculture, representing the local area.
- **Private Right of Protection:** There must be protections in place to ensure that agricultural employers are not at risk from class action litigation.

F. Property Rights of Horse Owners: NACo calls for the humane treatment of horses in the ownership, raising, transporting, and processing that is carried out under the supervision of USDA. NACo opposes efforts to curtail the property rights of horse owners and specifically opposes efforts to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes. This federal legislation will make it illegal to transport horses to a packing plant or to release any horses to any Canadian or Mexican packing plants, thereby totally shutting down the “harvest” market for used and unwanted horses.

Only about 6,000 spaces are available nationwide for horse rescue facilities and the vast majority are already full. Unwanted horses are detrimental to county governments as horse owners release their unwanted horses into the wild, thus making it the county’s responsibility to collect and dispose of them. Horse owners who wish to seek an additional value for their spent horses by sending them to slaughter should have the right to do so. Those who wish to retain them to die of old age, or euthanize and bury them on the farm or ranch should have that right as well.

G. Renewable Energy: NACo supports comprehensive legislation to encourage and enable American Agriculture to provide at least 25 percent of the total energy, including wind and solar, consumed in the United States by 2025 while continuing to produce abundant, safe and affordable food and fiber.

Biomass fuels (ethanol, bio-diesel) are paramount not only to the reduction of pollution in counties throughout the nation, but also serve as revenue generators for many farmers that are struggling with low prices for their crops and increased costs of production. Their use and development should be encouraged and enhanced by Congress.

While NACo is supportive of tax incentives to increase usage and reliance on renewable energy sources, it opposes mandates that will result in undue fiscal hardship to rural and agricultural users.

In addition, NACo supports the increased use and promotion of wind energy. Wind energy represents a clean and renewable source of electric power and it has great potential and should receive tax credits for production.

- H. Drought and Natural Disasters:** The results of droughts and other natural disasters cause great economic loss, high unemployment, and other long-range problems. NACo is concerned about the adverse impact these weather-related disasters have upon counties and other local governments.

NACo urges the Administration and Congress to adopt a national drought policy consistent with the recommendations of the National Drought Policy Commission's report: Preparing for Drought in the 21st Century. These programs should provide for long-range solutions to minimize the effects of future droughts and disasters as well as the economic revitalization of the community.

NACo urges Congress and the Administration to pass disaster assistance aimed at farmers during times of drought and abnormal precipitation.

- I. International Trade:** NACo believes that the competitive position of U.S. agriculture in world markets would be enhanced by the removal of certain barriers to trade in some foreign markets and by the termination of subsidies by foreign competitors.

NACo supports legislation that provides for uniformity in product grade, quality and inspections standards for all imports and exports.

NACo is opposed to the use of agricultural commodities as an embargo tool for U.S. foreign policy. The use of commodity embargoes has an adverse effect on long-term market demand and thus on the rural economy.

- J. Outreach Partnerships:** Across the country, counties partner with federal, state, local and tribal governments; public and private sector interests; non-profit organizations; and colleges and universities to fund community outreach and educational initiatives.

NACo reaffirms the importance of the work of the outreach programs and calls on federal, state, local and tribal governments; public and private sector interests; non-profit organizations; and colleges and universities to maintain their support. NACo also calls upon the Extension Service to ensure that services adapt regularly to the needs of counties and create a formal process to ensure that counties play a partnership role in selecting extension staff and the topical focus of local agents.

NACo supports the mission of the USDA and encourages it to focus on expanding the competitiveness of American agriculture and supporting rural businesses and industries that enhance rural development and quality of life in rural communities.

Research and extension activities that address the constantly changing economic and technical changes in agriculture are strongly supported by NACo. That includes placing a higher priority on research regarding alternative uses of agricultural products and identification of potential new uses including specialty markets that provide opportunities for agricultural entrepreneurs.

- K. GMO Regulations:** NACo supports a comprehensive plan to address the co-habitation and protection of genetically engineered and non-genetically engineered crops to provide a strong and robust agriculturally-based economy. NACo supports policies provided by the U.S. Department of Agriculture that standardize or unify regulation of genetically engineered crops which alleviate the need for county or municipal governing bodies to regulate, investigate or enforce regulation of related ordinances or laws.

FOOD SAFETY

Protecting the welfare of all American consumers, especially our children, is the responsibility of public officials. Maintaining confidence in our nation's food supply benefits agricultural producers and food manufacturers located throughout our nation.

- A. Processing Plant Inspections:** NACo urges USDA not to exempt any particular type of processing method from rigorous inspection. NACo supports the food safety inspection system for meat processing plants. This new system replaces a sight and smell technique with scientific methods and should help other processing plants better target and reduce harmful bacteria on their products.
- B. Use of Pesticides on Imported Products:** The U.S. Department of Health and Human Services, the EPA, and other federal organizations place controls on the legal use of certain pesticides and chemicals in the United States; however, it is common practice in many foreign countries to use pesticides and other chemicals that have not been approved or have been banned in the United States. Food products treated with these pesticides and chemicals are routinely imported to the United States; therefore, NACo urges Congress to support programs that allow for voluntary labeling of American made products in an effort to differentiate American products from imported products. NACo urges Congress to support voluntary country-of-origin labeling (COOL) provisions in any agricultural authorizing or appropriation bills. NACo strongly urges the federal government to encourage that all fruits, vegetables, meats and other foodstuffs entering the United States be legibly and indelibly labeled in such manner as to indicate to the consumer the country of origin.
- C. Food Importation:** NACo supports full financial assistance to producers in the event of a national animal identification system to comply with the system. Furthermore, NACo urges the USDA to

mandate that all countries wishing to import livestock to the United States must meet or exceed U.S. standards of care regarding Bovine Spongiform Encephalopathy (BSE) and foot and mouth disease. NACo urges the USDA to continue the ban on importation of livestock from countries with confirmed cases of BSE and/or foot and mouth disease and strengthen enforcement standards in order to guarantee safe food for our nation. USDA should conduct inspections at the site of production of all food products that are exported to the United States financed by the producer.

- D. Healthy Food Access:** NACo supports the promotion of healthy diets, including strengthening incentives and infrastructure to encourage more fruit/vegetable production. Incentives and infrastructure include better access to fresh foods, investment programs promoting healthy food, expansion of programs that help communities invest in retail markets and food-based businesses, and increasing access to farmers markets. NACo also supports farm-to-school programs that bring fresh locally grown food into school lunch programs.
- E. Locally Grown Initiatives:** NACo supports local food producers that sell direct to consumers and calls on USDA and FDA to continue providing outreach and technical assistance to these producers to ensure that they are implementing best practices in food safety.
- F. GMO Disclosure:** NACo supports a national policy on the disclosure of genetically engineered ingredient or content information, which can alleviate the need for state, county or municipal governing bodies to regulate, investigate or enforce regulation of related ordinances or laws. National disclosure policy should recognize the safety of genetically engineered ingredients and balance providing interested consumers with means of accessing information about genetically engineered foods without unnecessarily stigmatizing the technology. Means of providing information to consumers could include various means such as electronic or digital links, or a QR code.

METHAMPHETAMINE & OPIOID/PRESCRIPTION DRUG ABUSE EPIDEMIC

Over the last decade, devastating and highly addictive drugs have spread across the country, especially in rural counties, most notably methamphetamine and opioids. NACo supports appropriate funding for research, enforcement, treatment and education of users and their families dealing with these epidemics.

Investigation and subsequent arrests, corrections, court costs, treatment and clean-up are all direct costs to county governments as a result of the skyrocketing use of meth and opioids, prescription drug abuse and the manufacturing of meth. These costs extend beyond the user and dealer. Many times the families and young children living with them are in need of social services, further exacerbating county governments' limited resources.

NACo urges Congress and the administration to commit more resources to fight these harmful epidemics. Specifically, NACo supports the Methamphetamine Remediation Research Act of 2007, P.L. 110-43, which provides a research program for remediation of closed methamphetamine production laboratories.

NACo also supports grant programs to facilitate the creation of methamphetamine precursor electronic logbook systems and programs that fund training for healthcare providers on appropriate opioid and painkiller prescribing. Furthermore, NACo supports accreditation efforts for recovery programs, both residential and out-patient.

STATEMENT OF COMMITTEE PURPOSE

In addition to studying agriculture and rural development issues and recommending NACo policy positions, the Agriculture and Rural Affairs Steering Committee has an oversight role with other policy committees on issues affecting rural counties. This committee will recommend issues to be studied, indicate the impact of policies on rural counties, and seek input into policy Resolutions drafted by other policy committees.

AGRICULTURE AND RURAL AFFAIRS RESOLUTIONS

Resolution on H-2A Administrative Rules Reform

Issue: The existing H-2A program is a program designed to help American Farmers find additional workers from outside of the United States and bring them into the country to provide seasonal labor. The current administrative rules create procedural and economic challenges in hiring these seasonal workers hindering the success of the program.

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Department of Labor to consider reforms to existing H-2A administrative rules by addressing the following items: 1) streamlining housing, transportation, and worker certification approvals; 2) re-evaluating the job description specificity requirement to offer more generalized descriptions for farm workers; 3) creating a greater distinction between full-time, part-time, seasonal and harvest workers; 4) creating a simplified application processing system with a central portal housed under the United States Department of Agriculture; 5) ensuring timely certification and arrival of farm workers; and 6) removing burdensome job posting and hiring requirements.

Approved | July 15, 2024

Resolution on Securing Reimbursement for Rural Emergency Medical Services

Issue: Reimbursement rates to rural emergency medical service (EMS) providers from Medicare, Medicaid and the Department of Veterans Affairs (VA) have failed to keep up with inflation and rising costs of medical care, causing rural EMS providers and the communities they serve to experience a shortage of care. Additionally, rural EMS providers are not compensated for other services, such as Treatment in Place (TIP) and Transport to Alternative Provider (TAP) services.

Adopted Policy: The National Association of Counties (NACo) supports an increase in reimbursement rates for rural EMS providers from Medicare, Medicaid and the Department of Veterans Affairs to offset inflation and increasing medical costs, and the permanent implementation of COVID-19 era reimbursement to rural EMS providers for delivering Treatment in Place (TIP) and Transport to Alternative Provider (TAP) services.

Approved | July 15, 2024

Resolution on Supporting the Preservation of Agriculture and Natural Resources Viability and Sustainability in Areas of Proposed Alternative Energy Production

Issue: Alternative energy development and the maintenance of working agricultural lands are increasingly in competition with one another, with county land use and natural resource management authorities often coming under threat.

Adopted Policy: The National Association of Counties (NACo) urges Congress, the U.S. Department of Agriculture (USDA) and the U.S. Department of Energy (DOE) to pass laws and regulations that can encourage the adoption of policies including but not limited to energy development siting practices that maintain working agricultural lands and protect local decision-making authorities regarding land use for energy production.

NACo further urges Congress to acknowledge the intense competition for natural resources that these facilities pose to agriculture production and local municipal users, most notably for water, and take action to ensure that future alternative energy development takes place in accordance with wishes of the local community.

NACo supports efforts that work to integrate alternative energy production into existing farming production practices which will promote the sustainability and long-term viability of American agriculture production and our rural communities which thrive by providing food to the world with pride.

Approved | July 15, 2024

Resolution in Support of Securing Key County Priorities in the 2024 Farm Bill

Issue: The U.S. Farm Bill helps counties make critical investments in infrastructure, economic development, workforce training, nutrition and conservation within some of our nation's most underserved communities. Preserving the law's programs is key to the strength and stability of our local, regional, state and national economies. With Congress hard at work to reauthorize the 2024 Farm Bill, counties must identify and advocate for key county priorities in this critical legislation.

Adopted Policy: The National Association of Counties (NACo) supports the following priorities for the 2024 Farm Bill:

- Improve ease of access and flexibility of Farm Bill Programs – Streamline application processes and reporting requirements for Farm Bill programs, along with adopting a more equitable funding award structures for rural counties by using competitive grants over loans. Provide long-term certainty for communities seeking to utilize federal resources authorized in the Farm Bill adopting multi-year funding terms for Federal funding. Along with this minimize or eliminate local matching requirements.
- Maintain and expand support for farmers – Agriculture is the backbone of the American economy and subsequently has a huge impact on counties. Programs particularly important to Counties include the Agricultural Risk Coverage (ARC) Program, the Price Loss Coverage (PLC) Program, the Livestock Indemnity Program (LIP), the Livestock Forage Disaster Program (LFDP) and the Federal Crop Insurance Program (FCIP).
- Provide stronger support for small mid-size producers – small farms constitute almost 90 percent of the nation's farms. These producers play a crucial role in rural economies. Counties support reauthorizations of the Farming Opportunities Training and Outreach (FOTO) program and increased funding for the Local Agriculture Market Program (LAMP). Counties also support maintaining and improving farm safety net programs targeting new, beginning, and underserved producers.
- Maintain and expand Farm Bill conservation programs – The protection of the Nation's ecosystems starts with the conservation efforts of our Rural Communities whether by the American Farmer, Rancher or Forester. Counties support the reauthorization of producer-led voluntary conservation programs administrated by USDA, including the Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP) and the Agricultural Conservation Easements Program (ACEP). Counties also support increased funding and long-term funding for NRCS Watershed programs.

- Invest in the capacity of rural counties – 70 percent of America’s Counties are rural. Robust investment in the expertise and capacity of rural counties will empower rural policymakers to plan and execute local-led community development strategies. Counties call on congress to include at least \$1 billion dollars in mandatory funding for grants-based rural capacity-building programs into the 2024 Farm Bill. Counties also support extending eligibility for the Community Facilities Direct Loan & Grant Program to rural governments to provide financial assistance to county operated facilities. In turn, population thresholds should be increased where possible when considering eligibility for rural development programs, while inserting language that would prioritize low-population counties.
- Invest in high-speed internet access – According to the Federal Communications Commission (FCC) 14.5 million Americans lack quality broadband internet access. Counties support authorizing the ReConnect Program through the Farm Bill. Counties also support reauthorizing the Distance Learning & Telemedicine Program, which would increase the quality of life and help rural America thrive. Finally, counties support reauthorizing the Community Connect Grant program, which will continue to invest in community orientated connectivity which will support economic growth and help with education, healthcare and public safety in rural America.
- Expand Opportunities for the rural economy – Several parts of the Farm Bill authorize programs that help rural communities with economic development and business creation. Counties support reauthorizing the Rural Business Development Grants Program and the Rural Investment Stronger Economy (RISE) Grant Program to provide enhanced opportunities for rural businesses and create good-paying jobs.
- Elevate the County role in federal land management – Counties support efforts to expand the partnership between county government and the federal government for land management and forest health all while promoting economic growth and a better partnership between both levels of government. Counties support fully extending the Good Neighbor Authority (GNA) eligibility to counties and tribes and full receipt-sharing with county governments for Stewardship End Result Contracting. Counties also support reauthorization of the Collaborative Forest Landscape Restoration Program (CFLRP) and the Landscape-Scale Restoration (LSR) Program which will create a robust cross-boundary landscape management practice.

Approved | July 15, 2024

Resolution to Amend Classification Criteria for Small Meat Processing Plants

Issue: EPA has proposed new regulations regarding effluent discharge from small meat processing facilities defined by the EPA as employing fewer than 1000 workers.

Adopted Policy: The National Association of Counties (NACo) urges the Environmental Protection Agency (EPA) to amend its classification criteria for meat processing plants to more accurately reflect the multitude of different size and type of meat processing operations and consider regulatory actions that are sustainable for all of the business model sizes and types.

Approved | July 15, 2024

Resolution on Building Communities Through Multi-County “Good Food For All” Initiatives

Issue: Empty grocery shelves during the pandemic underlined the need for well-resourced, regional-scale local food supply networks that complement global food supply chains.

Adopted Policy: The National Association of Counties (NACo) urges county-led, sub-regional “Good Food For All” initiatives to attract financial resources needed to (1) make locally produced, nutritious food more widely available; (2) promote community revitalization, and; (3) create jobs that can’t be outsourced. This policy responds to consumer demand that’s driving a marketplace redesign to shorten the geographic distance between farm and fork.

Additionally, NACo urges Congress to (1) allocate increased federal funding to support new, beginning and underserved producers interested in growing and selling food to markets in local communities, and; (2) enact policies that can leverage non-federal funding sources to support local production of healthy foods. Congress can achieve (1) through legislation aligning with the Local Farms and Food Act—including numerous provisions in the May 24-approved House Farm Bill. Congress can achieve (2) by requiring Farm Credit System (FCS) to invest 15% of annual profits to support its congressional mandate to serve small farmers.

Approved | July 15, 2024

Resolution on Foreign Ownership of U.S. Agriculture Land and Assets

Issue: Foreign ownership of U.S. agricultural land doubled from 2009 to 2019. Foreign investment in U.S. agricultural land grew to about 40 million acres in 2021. Policymakers and the public have become increasingly concerned about foreign influence and control of the U.S. food supply. Several bipartisan bills have been introduced in Congress to tighten federal oversight of foreigners’ proposed purchases or to outright prohibit the ability of buyers from China, Russia, North Korea and Iran to purchase U.S. farmland or agricultural businesses.

Approximately twenty-four states forbid or limit foreign corporations and governments from acquiring or owning an interest in agricultural land within their state. Growing foreign ownership of U.S. farmland, particularly by China, poses a direct threat to America’s food security and national security. Safeguarding our farmland and food supply is important to county governments and merits increased scrutiny and attention from policymakers at all levels of government.

Adopted Policy: The National Association of Counties (NACo) urges Congress to pass bipartisan legislation blocking the ability of hostile foreign nations from acquiring U.S. farmland or agricultural businesses. Further, NACo supports a coordinated effort between the federal, state and county governments to ensure foreign nations don’t exert undue influence over U.S. agriculture policy.

Approved | July 15, 2024

Resolution Requesting that the USDA Examine the Impacts of NRCS Conservation Programs on the Development of Rural Counties

Issue: The U.S. Department of Agriculture (USDA) assists county farmland preservation groups with buying conservation easements from farmers to protect prime farmland, while simultaneously encouraging the development of the same rural areas. These two actions are often at odds because federal conservation easements prevent infrastructure development, even with the owner’s consent. Utilizing public funds for the purpose of making future public projects less viable is both wasteful and self-defeating. Rural communities also have the smallest number of resources to guide the confluence of development and conservation effectively.

Adopted Policy: The National Association of Counties (NACo) calls on the USDA to restructure the Natural Resources Conservation Service (NRCS) programs, bringing them in line with the modern infrastructural needs of rural communities, while providing opportunities for both conservation and development.

Approved | July 15, 2024

Resolution to Financially Support the Agriculture Industry

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

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

Approved | July 15, 2024

COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT

STATEMENT OF BASIC PHILOSOPHY

The National Association of Counties (NACo) recognizes the critical role of county governments in the overall economic vitality of our nation through the development of viable urban, suburban and rural communities. To exercise this role, county officials must implement local policies and intergovernmental initiatives that comprehensively address such issues as affordable housing, economic development, land use planning, commercial development, job creation, business retention, employment centers, veterans services and infrastructure capacity.

County governments should ensure that community, economic and workforce development resources are accessible to all demographic [age, gender] and socioeconomic groups. Moreover, a broad range of resources and responsibilities make county governments the natural political entity to provide leadership in administering programs and delivering services. County governments play a vital role in coordination and planning efforts because many federal and state programs emphasize regional approaches to community, economic and workforce development. Since counties have limited resources and capacity, state and federal programs should allow for more flexible and cost-effective administration that will result in more efficient local management to meet the goals and objectives of state and federal programs.

COMMUNITY DEVELOPMENT

F. The Federal Role in Community Development: In order to address the community development social and economic needs in urban, suburban and rural counties, federal programs must be funded at levels commensurate with national needs. Federal agencies such as the Department of Housing and Urban Development (HUD), Economic Development Administration (EDA), Small Business Administration (SBA), Appalachian Regional Commission, Tennessee Valley Authority, Delta Regional Authority, Denali Commission, USDA Rural Development, and Department of Labor are critical for stimulating local economies and leveraging private sector resources.

G. Community Development Block Grant: NACo strongly supports the Community Development Block Grant (CDBG) program established in the Housing and Community Development Act of 1974. The CDBG program provides increased opportunities for elected county officials to plan, implement, and evaluate local community development and housing assistance programs.

Under the Act, county officials, and particularly those whose counties receive urban county designation, are afforded additional resources to address long-range physical, social, housing and economic development needs in their jurisdictions in a comprehensive manner. Counties commit CDBG funds to projects that are determined to meet local priorities in addressing development, housing, economic infrastructure and low income needs.

Recognizing that federal funds and local capacity to administer this program are a limited resource, NACo supports the flexible use of CDBG funds to address certain immediate and unanticipated

national priorities in line with the following principles:

- That national priorities not diminish local priorities and commitments;
- Additional funding must be provided for any new initiatives or responsibilities to be undertaken with CDBG funds;
- Any new initiatives that are proposed to be funded with CDBG funds must further the original purposes of the Act or be funded under a new title with separate funding; and
- More flexible and streamlined administration of federal and state mandates to allow cost-effective methods of compliance and administration.

NACo endorses the linkage provided in the Act between community development and housing assistance programs. Counties are required to submit consolidated plans. This provision gives counties increased leverage in addressing not only the housing needs of those residing, or expected to reside, in their jurisdictions, but also in determining housing location and evaluating the growth implications of such development.

In order for the potential of the CDBG program to be fully realized, it must be fully funded and properly administered. NACo urges the Congress, HUD and the Office of Management and Budget to comprehensively review the adequacy of present and future program levels, so that all counties, not just those that receive a direct entitlement, can participate in this important program area.

In addition, NACo opposes the imposition of a funding threshold to receive CDBG formula funds to directly or elimination of “grandfathering” provisions which allows cities and counties to maintain their entitlement status. NACo also does not support diverting CDBG formula funds to other categorical grant programs.

Finally, NACo recommends that Congress stop the proliferation of set-asides within the CDBG and HOME programs.

H. Empowerment Zones and Enterprise Communities: NACo supports federally designated empowerment zones and enterprise communities that respect local regulations and local contributions to the success of the zone and are distributed equitably throughout the nation and between urban and rural counties. Local governments should undertake a voluntary review of local provisions that might impede economic development.

Federal waivers should not override state and local laws or regulations. Any local, state or federal incentives to establish zones should emphasize the retention and expansion of small businesses that create the majority of new jobs.

The program should provide for local government input in developing and implementing comprehensive plans, so that counties’ critical role in delivering and coordinating a vast array of

social services is maintained. Where feasible, employment aspects of zones should be coordinated with job training services.

- I. The Community Reinvestment Act:** NACo strongly supports the Community Reinvestment Act (CRA) and opposes any effort to weaken the Act, because continuing disparities in mortgage lending adversely impact low-income, distressed, and minority communities. Since its passage in 1977, the CRA has been responsible for many loans and investments to traditionally underserved inner-city and rural communities nationwide.

By assisting local governments expand private investment in these neighborhoods, the CRA has helped strengthen the tax base and thus improve the fiscal condition of many communities. Investment in housing and small business development made possible by the CRA has created jobs, expanded homeownership opportunities, and improved neighborhood stability.

HOUSING

- A. The Need for Affordable, Workforce and Entry Level Housing:** County governments have a responsibility to help assure decent housing for all segments of their population. Counties should continue to identify and meet the needs of very low, low and moderate-income households, including those with special housing needs. Whenever possible, counties should take steps to remove all discrimination in the housing market, including prohibiting exclusionary zoning practices. All levels of government should ensure enforcement of Title VIII of the Civil Rights Act of 1968 through expeditious resolution of allegations of fair housing violations.

NACo urges Congress and the U.S. Department of Housing and Urban Development (HUD) to provide dedicated resources to enhance the ability of counties and local governments to comply with HUD's AFFH Final Rule and complete the required AFH planning process, including but not limited to: increased flexibility to utilize Community Development Block Grant (CDBG) funds beyond existing statutory and regulatory caps for fair housing planning and program implementation; and dedicated funds for local governments to offset the increased costs associated with undergoing the mandated AFH planning process. In addition, HUD is urged to provide enhanced technical assistance to counties and local governments to aid them in developing comprehensive AFHs, such as best practice guides, toolkits and sample agreements for regional or multi-jurisdictional collaboration, fair housing program implementation guidance, and specialized assistance for public housing authorities.

Concentrations of assisted housing for very low, low and moderate-income families in one geographic area should be avoided and mixed-income housing encouraged. Federal and state governments as well as counties should be aware of the interrelationship of social issues and housing and provide appropriate supportive services and facilities.

Counties should encourage innovations in housing technology, design, approval, and construction in order to lower the cost of decent, safe, and sanitary shelter. National performance criteria and minimum standards for building materials and practices should be developed along with expanded research on building construction that take into account energy conservation. To the greatest extent possible, housing should be constructed with energy efficiency in mind to reduce increasing housing costs and resource consumption.

The federal government should prepare a model building code that includes separate building codes for modular, mobile, and other forms of factory-built housing.

Counties and states also should assess the impact of local land use policies on housing costs. Federal, state, and local agencies should periodically review their off-site and on-site development standards, as well as their methods and procedures as to zoning, subdivision controls, and environmental standards, to ensure that they reflect the state-of-the-art and that their standards are not excessive. When appropriate, employer housing should be planned to allow homeowners to live close to work in order to reduce commuting costs and use of energy. The federal government should not make housing and community development funding contingent upon HUD approval of a jurisdiction's local regulations affecting housing affordability and availability.

- B. State and Local Roles in Housing:** States and local governments should collaborate on their respective roles in reducing housing costs and increasing the supply of affordable units, including establishment of state and local housing finance agencies. This analysis might consider ways to seek uniformity in tax assessment practices.

State governments also should adopt legislation clarifying the respective rights of owners/occupants, and landlords/tenants. Moreover, NACo urges industry groups and government at all levels to implement programs and take legislative/regulatory action necessary to eliminate predatory lending practices.

- C. The Federal Role in Housing:** The federal government should follow a national housing policy that embodies clear annual housing goals, provides adequate and predictable funding levels, offers incentives for energy efficient buildings and builds on partnerships with state and local governments and the private and nonprofit sectors in support of new construction and rehabilitation for rental and homeownership properties, particularly for low and moderate-income persons.

Federal policy should allow for voluntary adoption of fair share housing programs on a metropolitan area basis, address the housing needs of rural America, expand the federal government's role in credit enhancement, and preserve the Federal Housing Administration's single and multifamily housing insurance programs.

NACo supports legislation that makes funding available to state and local governments to address affordable and workforce housing needs.

The lack of affordable housing at the state and local level is a national crisis. Over the years, housing has become more and more unaffordable. Homeowners are forced to either live beyond their financial resources and/or live long distances from the communities in which they work. This commute creates transit and social issues that put demands on counties.

When Congress considers comprehensive tax reform, NACo urges it to protect key tax code incentives that stimulate private investment in single-family and multifamily affordable housing and neighborhood revitalization. These include tax-exempt single-family and multifamily housing private activity bonds, Low-Income Housing Tax Credits and New Markets Tax Credits.

NACo supports an amendment to the current law to allow metropolitan city Emergency Solutions Grant (ESG) funds that fall below the threshold to be remitted to the urban county in which the municipality is located, rather than the state. Additionally, NACo supports legislation that allows Metropolitan Cities and Urban Counties to form consortia for purposes of receiving and administering ESG funds.

- 1. The HOME Investment Partnerships Program:** The Cranston-Gonzalez National Affordable Housing Act is landmark legislation that reestablishes a major federal commitment to housing. The HOME Investment Partnerships program, which is the centerpiece of this Act, builds upon the significant capacity and experience of county and other local and state governments to design and implement affordable housing programs for low and moderate-income persons. In order to maximize the program's effectiveness, county governments must be allowed considerable flexibility in their use of HOME funds to address identified local needs.

Sixty percent of HOME funds are allocated to urban counties and metropolitan cities and the balance to the states. Awarding the bulk of funds to local governments reduces bureaucracies at the state level that impede local flexibility.

NACo urges Congress to pass legislation authorizing a federal housing production program within the HOME program.

- 2. National Housing Trust Fund:** NACo urges Congress and the U.S. Department of Housing and Urban Development (HUD) to provide for the allocation of HTF funds to local governments. Driving HTF resources to the local and county levels will ensure these federal affordable housing resources are effectively targeted and tailored to meet the unique and individualized affordable housing needs of local communities across the nation. In the event that increased HTF resources

become available, Congress and HUD are also urged to provide a formula allocation of HTF resources directly to local governments.

3. **Federally Owned Residential Property:** The federal government, due to foreclosures and abandonment of federally insured houses, owns thousands of residential properties throughout the country. These properties are not only a tax burden for local government, but also contribute to rapid neighborhood deterioration and decline. Most are vacant and subject to vandalism, becoming breeding grounds for crime and delinquent behavior.

NACo strongly believes that the federal government, in cooperation with local governments, should provide mechanisms for returning these homes to sound condition. All local efforts to rehabilitate and occupy these properties should be supported. Counties should cooperate with the federal government in rehabilitating and returning these properties to the housing market. In no case, however, should the federal government ignore its responsibility for the condition of these homes and shift the burden for reclaiming these properties to state, county, or city government.

4. **Preservation of the Low-Income Housing Stock:** Many low-income rental housing units receive federal assistance, and many are insured through the Federal Housing Administration (FHA).

In the absence of a preservation strategy, many of these units are likely to be lost from the low-income rental inventory through defaults on mortgages, and others could be lost if owners prepay mortgages and convert properties to market-rent. NACo supports strategies that preserve the supply of low-income rental housing stock.

NACo generally supports legislation that provides a tax credit to help offset the negative tax liability for owners of federally assisted housing to encourage transfer of their property to a preservation entity that agrees to keep it affordable for a period of at least thirty years. Such efforts will minimize the risk of property deterioration and loss of economic value of affordable housing units.

5. **Restructuring the Federal Housing Administration Portfolio:** NACo supports refining the Federal Housing Administration (FHA) portfolio. The FHA multifamily portfolio must address federal budgetary concerns and ease federal regulatory burdens that have increased the cost of operating Section 8 housing for owners and the cost of subsidizing such housing to HUD.
6. **Preserving Section 8 Housing:** NACo supports preserving Section 8 housing and preventing the displacement of the tenants. NACo urges the administration and Congress to take the necessary steps to preserve local communities' stock of affordable housing by adopting tax policies that encourage the transfer of properties outside of CDBG, HOME, and other HUD programs.

NACo urges Congress to pass legislation amending the Housing Choice Voucher Program to improve its use in the development and preservation of housing for low- and moderate-income families. Specifically, NACo calls on Congress to:

- Expand the limit for project-based vouchers from twenty to 35 percent of a locality's allocation;
 - Consistent with current performance standards, require HUD to reallocate unused vouchers to other jurisdictions in a specified time period annually;
 - Modify the targeting requirements to allow sixty percent of the vouchers to be made available for households at or below thirty percent of median income and up to forty to fifty percent of median income, with households below or at thirty percent being given preference; and;
 - Restore the fifty percentile of the fair market rent standard to promote the de-concentration of families in poverty;
 - Provide more flexibility in initial and annual inspection of units to be occupied by voucher holders. Accept inspections from other agencies and reduce the frequency of annual inspections for projects with good track records;
 - Remove disincentives to forming consortia to administer voucher programs. In addition, NACO does not support block-granting of the Section 8 program because it will result in a reduction of funding sold on the basis of more flexibility;
 - Insure that program administrators have a system of reserves in order to deal with unforeseen changes in market conditions, family incomes, appropriations, administration and additional authorized vouchers.
7. **Use of Tax Code for Multifamily Rental Housing:** NACo supports incentives in the tax code to stimulate investment in affordable housing, including continuing the ability of counties to issue tax-exempt single and multifamily housing bonds and allocate Low-Income Housing Tax Credits. NACo supports legislation amending Section 149(b) of the Internal Revenue Code to permanently add Federal Home Loan Banks to the list of entities permitted to credit and/or enhance tax exempt bonds.
- NACo also supports removing the penalty that lowers the value of the tax credit from nine percent to four percent when used in conjunction with tax-exempt financing for multifamily housing.
8. **The Low-Income Housing Tax Credit:** NACo continues to support permanent status of the Low-Income Housing Tax Credit. The credit accounts for many of the new apartments constructed in the United States, and virtually all of the apartments constructed or rehabilitated for low-income renters. Permanent status of this tax credit must be maintained so that potential investors will not be discouraged from making investments and housing providers can make appropriate planning and administrative decisions.

NACo is very concerned that any future proposal to eliminate the double taxation of corporate dividends through an “excludable dividend amount” would have an adverse impact on tax-exempt bonds and Low-Income Housing Tax Credits.

- 9. Commercial Revitalization Tax Credit:** NACo supports the Commercial Revitalization Tax Credit (CRTC) to provide business growth in distressed areas. The CRTC can be an important and worthwhile incentive for business investment in specially-designated revitalization areas to bring communities back to life. Private business investment in these revitalization areas will help boost the economic vitality of these communities and provide opportunities for new job growth. New business construction and business rehabilitation can enhance the physical environment of distressed areas in communities around the nation, while improving their social and economic conditions.
- 10. Single-Family Homeownership Tax Credit:** NACo endorses the concept of a homeownership tax credit designed to provide homeownership opportunities for low and moderate-income families. Homeownership gives families a stake in their communities and increases the stability and vitality of neighborhoods. Local elected officials support legislative efforts towards the creation of an investor-based tax credit that would encourage the development of single-family affordable housing.
- 11. Government Sponsored Enterprises (GSEs):** NACo strongly supports the continuation of a government role in the secondary market for the Nation’s mortgage system. GSEs are chartered by Congress to provide stability in the secondary market for residential mortgages, respond appropriately to the capital markets, and promote access to mortgage credit throughout the nation. In that role, they provide liquidity to the market by buying and packaging mortgages into mortgage-backed securities that are sold to investors. This process is essential to maintaining a flow of capital to the mortgage market. GSEs are key partners with county governments in expanding affordable housing opportunities for first-time and other homebuyers.

Government-Sponsored Enterprises have been leaders in the creation of innovative lending programs to finance affordable housing. The GSEs’ mission assures that mortgage capital will be focused on the development of tools that create mainstream products and services tailored to the affordable housing marketplace. The GSEs work through national and local lenders and county governments to innovate and take prudent risks in providing mortgage capital to develop and sustain strong communities. The GSEs also have been essential investors in tax-exempt single family and multifamily housing bonds and Low-Income Housing Tax Credits, essential tools used by counties to expand affordable housing opportunities.

NACo supports a federal role in the secondary market for the nation’s mortgage system to provide stability for residential mortgages and to help expand access to mortgage credit and affordable

housing opportunities for first time homebuyers and other homebuyers and renters. In any reform of the housing finance system Congress should provide for a continuation of the 30-year mortgage, support for affordable rental housing including the provision of credit enhancement and insurance products in support of county affordable housing programs and permitting county lending programs to cover some or all of the down payment for first-time homebuyers who are adequately counseled in the responsibilities of homeownership.

- 12. Lead-Based Paint:** NACo supports additional funding to offset the substantial increase in the cost to rehabilitate housing units using CDBG and HOME funds due to the presence of lead-based paint hazards.

Many communities have experienced a substantial increase in the cost of their CDBG and HOME funded rehabilitation and homeownership programs to implement lead-based paint mitigation strategies, without a source of funds to pay for the increased cost.

This regulation was issued under sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992, and covers all housing assisted through CDBG and HOME, including housing where no children under the age of six are present. It has been documented that there is a lack of a sufficient number of trained and certified lead-based paint professionals, such as risk assessors, inspectors, abatement contractors, and laboratories to implement the regulation in all communities. In addition, this regulation will impact the timely expenditure of CDBG and HOME funds. NACo supports federal support of additional resources to help local governments implement the requirements of this federally mandated regulation.

NACo supports revision of the National Manufactured Housing and Construction and Safety Standards Act of 1974 to make and keep current; and address concerns with the construction and safety standard of manufactured homes. NACo supports the modernization of the Act by establishing a process for the development, revision, and interpretation of federal construction and safety standards for manufactured homes.

- 13. Homeless Assistance:** NACo supports full funding of federal homeless assistance programs. NACo supports efforts to convert categorical housing programs for the homeless into a block grant program. The programs should give localities sufficient flexibility to address identified local priorities and needs. Localities should be provided with sufficient funds for program administration and capacity building of local service providers. Caps should not apply to supportive services. Finally, urban, suburban, and rural counties should be able to form consortia to effectively implement continuum of care plans.

NACo strongly recommends that Congress and the Administration enact legislation that provides

dedicated full funding for existing Shelter Plus Care programs that are separate from the HUD McKinney Act Supportive Housing Program, while maintaining current Shelter Plus Care regulations and consistency with the successful Continuum of Care approach.

NACo strongly supports retaining Housing First as a best practice approach to homeless assistance that prioritizes providing permanent housing to people experiencing homelessness. NACo also calls for an end to the practice of discharging large numbers of people into homelessness from hospitals, mental health and chemical dependency treatment facilities, jails and prisons without adequate community support systems. NACo commits to urging Congress to make investments in additional affordable and supportive housing alternatives from mainstream systems, so that supportive housing is available to those who are homeless or would be homeless without it.

NACo supports legislation to provide additional federal resources to develop housing with supportive services, including mental health services, to help the reintegration of “public safety” ex-offenders into the community and the housing market. These additional federal resources must not be at the expense of existing HUD programs, Low-Income Housing Tax Credits, or any other federally funded domestic program.

NACo endorses the Administration’s national goal of ending chronic homelessness in ten years. NACo supports the ten-year planning process of the Interagency Council on Homelessness, which recognizes that the abolition of chronic homelessness requires collaboration and coordination of resources in performance-based strategies at all levels of government, together with community institutions, businesses, and faith-based organizations. NACo encourages counties to develop Ten-Year Plans incorporating the latest research on effective engagement, housing, and services strategies to prevent and end chronic homelessness.

14. Initiative to End Veteran Homelessness: NACo supports the goal of ending homelessness among veterans and military families, including using temporary assistance and shelter resources to assist with permanent housing placement. NACo strongly recommends the continued appropriation of resources through the Veterans Affairs Supported Housing (HUD-VASH) vouchers, Supportive Services for Veteran Families (SSVF) grant program, and the Grants and Per Diem program to accomplish this goal.

15. Special Needs Housing:

a. Housing Options for an Aging Population: NACo supports the development of local housing options that assist older persons to continue living in their dwellings. These options may include home equity conversion, home maintenance, accessory apartments or other secondary units and shared/group residences. When older persons are no longer able to live in their existing dwellings, their options should include congregate housing, continuing care retirement communities, assisted living and other appropriately designed multi-family or group

living complexes.

In appropriate circumstances, family caregivers who wish to alter their homes to provide needed non-institutional support for older parents should not be penalized by zoning regulations and higher property taxes from adapting their residences for this purpose. Efforts should be made to support older persons living in their own dwellings or in congregate housing through the integrated delivery of social services in the community.

- b. Housing Opportunities for Persons with AIDS:** There is an urgent need for communities to provide appropriate and affordable housing for persons and families living with the acquired immunodeficiency syndrome and human immunodeficiency virus (AIDS) who are at greater risk of illness and possible homelessness.

In order to better coordinate the delivery of health care and housing services, counties as well as cities should become eligible to be allocating agencies for metropolitan areas under the Housing Opportunities for People with AIDS (HOPWA) program. Counties and cities throughout the country have demonstrated that they will develop fair allocation and implementation procedures that meet the needs of entire communities.

- 16. Refining the Mortgage Revenue Bond Program:** NACo supports the Mortgage Revenue Bond program and the increased purchase price limits due to the recent economic downturn. NACo supports preservation of the Qualified Veterans Mortgage Bonds (QVMB), bonding authority for states.

- 17. Employer Assisted Housing:** NACo supports legislation that would encourage employers, counties, and municipalities to invest in employer-assisted housing programs by providing a tax credit to partially offset the costs of such programs.

- 18. Foreclosures:** NACo supports programs that reduce the number of foreclosures, encourage refinancing/restructuring mortgages that allow families to retain their homes, and lower the inventory of vacant and abandoned homes to eliminate blight and revitalize the housing market.

COUNTY ROLE IN HOUSING

- A. Planning:** Local elected officials, after appropriate citizen input, should develop guidelines for areas of development opportunity (where growth should be encouraged and facilitated) based on explicit standards to protect critical areas. Any state and/or regional review of local plans should only be for consistency with these guidelines and standards. Local land use plans should be based, among other things, upon demographic and marketing trends and upon local capital improvement projects which provide the infrastructure for growth.

Natural resource inventories (as opposed to environmental impact statements) should be undertaken on a metropolitan area basis to identify hazardous areas where no development can take place, areas of critical concern, such as productive agricultural land, where limited development can take place, and areas where no impediments exist. Federal standards for programs necessary for growth (such as water and sewer funding) should be based on the growth needs of each area.

NACo supports county planning and land use policies that contemplate growth and development patterns occurring within a county and the surrounding region. Recognizing that land use decisions are inherently local in nature, NACo strongly supports county government decision-making that appropriately reflects the county's needs in accommodating growth, as well as the will of county residents.

- B. Housing Element in the Local Plan:** Counties should prepare and adopt housing elements as part of their comprehensive plans. This housing component should include projections of present and future housing needs, and take into account land zoned for different types of lot sizes, types of housing (including manufactured housing), and different income levels. In addition, it should set realistic annual goals for the number of units or persons to receive housing assistance and make provision for the public facilities. The housing element should be coordinated with all other related plans supportive to the housing element such as utilities, human services programs, open space, recreation, trails, schools, churches, commercial areas, agriculture, transportation, and other community services and facilities.
- C. Local Land Use Policies and Procedures:** Zoning, subdivision regulations, timing of development, and permitting procedures have a direct, although not the major, impact on the cost of housing. Recognizing, therefore, that county government can contribute, at least in part, to stemming increases in housing costs, NACo recommends the following policies:
- 1. Inclusionary Zoning:** Incentives such as inclusionary zoning and density bonuses should be enacted to expand affordable housing.
 - 2. Permitting Processes:** Legislation enacted by states or local governments involving zoning, subdivision regulation, or environmental protection, and their implementing regulations, should be reviewed regularly for consistency to reduce duplication, achieve simplicity (including those areas where regional qualification and criteria are necessary), and clarity.

The number of permits required for development should be reduced through consolidation of overlapping regulations. Intra-governmental and intergovernmental consolidation of hearings and interchangeability of approvals (or at least interchangeability of information requirements) can reduce delay while maintaining opportunities for public involvement.

Local governments should require that on-site improvements exclusively benefiting the home buyer be included as part of development costs. On and off-site improvements benefiting a population larger than the development should be shared between the developer and the community.

Counties should prepare housing and building permit registries which describe requirements, procedures, and regulations in specific terms. Application forms should be consolidated and/or standardized. Criteria for determination of application completeness should be developed and published. Preliminary conferences should be held with developers (particularly small or inexperienced ones) to assure that requirements, procedures, and regulations are clearly understood, and an early determination of application completeness should be made. Local governments should consider using a zoning hearing examiner as a way of reducing development processing time.

NACo commends the Department on its commitment to reducing regulatory barriers. However, it must be noted that zoning and land use decision making is an inherently local process, subject to a range of influences including market forces, citizen input and political realities. Moreover, there is a concern that some communities without the capacity to undertake technical or personnel changes necessary to implement practices that streamline permitting and zoning processes may lose important federal resources. Regardless, local governments are deeply committed to increasing the supply of affordable housing, and agree that steps can be taken to reduce regulatory barriers.

ECONOMIC DEVELOPMENT

A. County Role in Economic Development: County officials should exercise strong leadership in creating a supportive environment for business investment by: promoting diversified economies; creating, rehabilitating and maintaining support infrastructure; providing quality education and training; and involving the non-profit and private sectors. Economic development efforts benefit counties through the retention and creation of jobs, the broadening of county tax bases, and the improvement of the overall quality of life. States governments should develop policies supporting new business development, business retention and business expansion. They should implement coordinated processes that involve county governments in providing the infrastructure and financial incentives to promote economic development.

- 1. Economic Development Planning and Resource Development:** County governments should adopt economic development as a high priority. These efforts should: support public education and vocational and on-the-job training; focus on government assistance recipients, displaced workers, unemployed and underemployed individuals, disadvantaged youth, persons with disabilities, women and minority populations and veterans; and appropriately involve community groups and other special purpose organizations.

Counties should design and implement comprehensive economic development plans that include short range and long range goals in response to local and regional needs. These plans should guide growth, development and redevelopment. Counties should encourage the participation of city governments, public agencies, utilities and the private sector in the formulation of economic development plans. County economic development plans should generate innovative financial strategies that leverage private investment through public-private partnerships.

2. **Land Use:** Locally adopted land use plans and zoning ordinances should serve as the basis for determining the best locations for economic development and redevelopment activities. These policies and plans should be sensitive to the needs for balanced growth. Plans and policies should strive to maintain the variety and quality of residential, commercial, and industrial uses, and preserve the environment and areas of historic and cultural significance.
3. **Small and Medium Business Development:** Counties must work with the Small Business Administration (SBA) and state and local financial institutions to develop and provide other sources of capital – i.e., grants and loans – to assure the availability of funds for small and medium-sized entrepreneurs. Whether the need be legal, financial or marketing expertise, counties should disseminate information, and aggressively market services that are available and evaluate the effectiveness of these services. As a component of these efforts, counties should work with the private sector in facilitating the creation and expansion of minority- and women-owned business enterprises, and promote the development of small and medium sized businesses.

To encourage the commercialization of technologies developed by small businesses, county governments should work closely with universities, community colleges, business groups, chambers of commerce and federal, state and municipal governments. Counties should strive to identify firms that export products and services to national and/or international markets, and those that have the potential to export to national and international markets.

4. **Commemorative Projects:** NACo supports county projects such as the National Underground Railroad Freedom Center, which will foster an open, continuous dialogue on the subject of freedom and commemorate the cooperation, courage and extraordinary heroism of enslaved Americans who sought for freedom, and those who assisted them in the pursuit of that goal. NACo encourages counties to recognize and commemorate the commitment of individuals whose acts exemplify the American spirit of liberty and justice for all.
5. **New and Small Business Development:** New and Small Business Development: Counties should work with entrepreneurs and small businesses to foster innovation and take advantage of new and untapped business opportunities in their local and regional communities. This

support would include: hosting and participating in local and regional conferences; working with other entities to provide access to business planning resources, mentors and advisory networks, and financing opportunities.

NACo encourages state and federal governments to provide incentives that support entrepreneurs and small business growth. Counties should work to bolster the development of entrepreneurial and business talent within their communities and emphasize the expansion and retention of local businesses.

B. The Federal Role in Economic Development: NACo supports federal programs – including EDA, SBA, and USDA Rural Development – that recognize the importance of a federal role in state and local economic development, and provide funding resources, bonds, information, and technical assistance to further this important role.

1. Clean Up and Redevelopment of Brownfields: The federal government should provide incentives for counties to identify and remediate contaminated, abandoned or substantially underutilized industrial and commercial land – i.e., brownfields – as a catalyst for redevelopment of economically distressed areas. NACo supports legislation to authorize a federal brownfields program that includes enhanced funding for counties.

NACo urges that a portion of EPA funds be used for revolving loans for cleanup activities, as well as for site assessments. HUD and EDA funds should be used for planning projected uses and redevelopment of sites. Local governments should be given flexibility in determining appropriate uses. HUD funds for brownfields should be freestanding, as opposed to a set-aside out of CDBG funding. NACo supports the use of Superfund Trust Fund monies by EPA, with funds – preferably grants rather than loans – directly allocated to local governments for site assessments and brownfield site cleanups.

NACo supports cleanup programs operated by states for brownfield sites, yet urges that state programs be required to operate in conformity with existing minimum federal standards and guidelines. Counties should have the authority to request that EPA list a brownfield site on the Superfund national priorities list if, in the process of assessing a site, the county determines that it is more toxic than originally estimated.

Brownfields are abandoned or underutilized commercial and industrial sites that have environmental contamination issues related to their previous uses, yet are potential resources for community economic revitalization. Counties must be protected from liability for potential future environmental problems related to inadequately cleaned-up brownfields.

Many brownfield sites remain underutilized because no funds are available either to assess the presence and extent of contamination, or to clean up environmental hazards. Federal resources are essential for assessment and remediation, as well as to provide incentives for private investment. Flexibility in the types of federal assistance is critical because brownfield sites vary in their marketability, the magnitude of redevelopment activities necessary to attract investors, the type of private investment, and the projected rate of return to the investor.

Brownfields exist in rural as well as urban and suburban counties. Redevelopment is one component of a broader interest by counties in achieving sustainable development on a regional basis and for reducing urban sprawl. Redevelopment of these abandoned or underutilized sites can stimulate economic revitalization in the surrounding areas, and preserve green space by providing an alternative to unchecked urban sprawl.

2. **Superfund Program:** NACo opposes the reduction of funding to the Superfund program, which provides for the assessment and cleanup of hazardous waste at contaminated and abandoned industrial sites. NACo supports full funding of federal programs that provide for the assessment, cleanup and redevelopment of brownfields sites. The adaptive reuse of brownfield sites will help revitalize distressed areas in communities, and NACo opposes any reduction of funding for the Superfund program that would limit or diminish the effectiveness of federal, state or local efforts towards the revitalization of brownfields sites.
3. **Sustainable Communities:** NACo supports legislation that will encourage agencies at the federal and regional levels to integrate housing, transit energy and environmental planning to support sustainable development that makes the most efficient use of existing transportation and other infrastructure. NACo promotes future transportation and infrastructure - including water, sewer, and broadband- to maximize economic growth and the quality of life in a region while minimizing traffic congestion, environmental impacts, and energy use in urban, suburban, exurban and rural areas.
4. **Promotion of Arts and Culture:** NACo supports increased funding for the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH), the Institute of Museum and Library Services (IMLS) and the arts education program within the Department of Education to provide counties with additional resources to develop and expand cultural resources in their counties.
5. **Emerging Markets:** Congress has passed emerging new markets and renewal communities legislation. NACo supports efforts to open new markets in economically underserved areas, and supports private sector investment in untapped markets. Investments should be focused especially on emerging minority-owned and operated businesses in order to address real growth in both the geographic and commercial potentials of underserved markets and their communities.

Certain sectors have not been targeted in promoting increased marketing and availability for business expansion despite having the necessary population and skilled workforce. Improving access to capital for low- wealth households, minority populations and traditionally underserved borrowers, by bringing private enterprise into underserved neighborhoods and communities, should be encouraged.

6. **EB-5 Regional Center Program:** NACo supports federal legislation to permanently authorize the EB-5 Regional Center Program and to maximize its capacity for economic impact and job creation.
7. **Infrastructure and Public Works:** Counties must provide and support sufficient infrastructure and support services to generate increased economic activity. To sustain and increase economic activity in counties, federal, state and municipal governments must assist in the rehabilitation and expansion of physical infrastructure and support services, including multimodal transportation, power utilities, broadband, water treatment and waste management systems, and natural gas distribution infrastructure. Changes in federal regulations have affected the cost of providing infrastructure capacity significantly, and counties must work to ensure balanced regulations that protect the environment, without unreasonably increased costs. NACo strongly supports:
 - a national commitment, shared by all levels of government and the private sector, to increase capital spending;
 - more flexible administration of federal and state mandates to allow cost-effective methods of compliance;
 - accelerated spending of the federal highway, transit, aviation and waterways trust funds;
 - prioritization of rehabilitation and improvement of aging infrastructure that negatively affects business retention and attraction in older regions and communities;
 - removal of unwarranted limits on the ability of state and local governments to help themselves through tax-exempt financing and incentives, such as empowerment zones; and
 - funding the Resource Conservation and Development Program (RC&D).
8. **The New Homestead Economic Opportunity Act:** NACo urges Congress to pass the New Homestead Act to strengthen rural counties suffering from high rates of outmigration.
9. **Middle Market Companies:** NACo supports sound policies that enhance access to capital and reduce redundant regulations to allow middle market companies to thrive and support economic recovery across the United States.
10. **Challenges and Local Impacts of Base Closure:** The adverse economic impacts of military base closures and realignments are devastating for small or rural communities and

metropolitan areas. Immediate effects include a loss of civilian and military jobs, an erosion of the tax base, increased local government costs in providing services to the base, the presence of substandard buildings and infrastructure that may fail to meet local codes, a decline in real estate values which can trigger a drop in property tax revenue, and adverse impacts on banks when homeowners are unable to pay their mortgages.

- a. **Federal Oversight of Base Closures:** Efficient conversion of closed bases to productive civilian uses requires the coordinated effort of several departments of the federal government. Conflicting missions within the Department of Defense (DoD) and among other federal departments and agencies have slowed the base reuse process and added to the difficulties communities face.
- Congress and DoD have made unrealistic estimates of the profits that the federal government will receive from reuse of closed installations. As a result, the conversion process is delayed, because base commanders often are forced to make economically unrealistic demands in the sale or lease of base facilities, or commanders fail to exercise their interim leasing authority, and instead relinquish their authority to leasing agencies.
 - An Assistant Secretary of Defense should be appointed whose primary responsibilities are to ensure rapid conversion of facilities and economic development. This senior official must have the authority and responsibility to administer base closure activities for the three branches of the military and coordinate actions taken by federal departments and agencies that impact conversions. This official should engage in continuing dialogue with affected communities and provide a forum for communities to bring grievances, resolve disputes, and assure consistency in the interpretation and implementation of the same law. This office also would serve as a vital clearinghouse of best practices in the event that additional base closures are authorized in the future.
 - The Secretary of Defense should provide clear orders through the service secretaries to all commanders of installations designated for closure that their primary mission is to facilitate swift civilian reuse of the installation while minimizing adverse impacts on the community. Base commanders should be encouraged to enter into leases as they are authorized to do.
- b. **Economic Adjustment Assistance:** To maximize the fiscal benefit of base closure, the federal government must assist in the rehabilitation of substandard base facilities and provide creative financing terms to purchasers or developers of closed bases. Economic Adjustment Assistance, from the Office of Economic Adjustment or the President's Economic Adjustment Committee, is absolutely necessary. Such funding should be available for reuse planning, as well as for special projects on a discretionary basis and for preparing strategic marketing plans including development, printing and distribution of marketing materials.

“Bridge funding,” to enable communities to assume responsibility for large airfields and other military facilities with civilian uses, should continue for several years after closure until the facilities can begin to generate revenue. To preserve taxpayer investment in these assets, facilities should be maintained, and equipment that is essential for their functioning should remain intact for long-term economic development following conversion. To assist with economic stimulus, the federal government along with state governments should enter into joint marketing agreements with local governments to promote development of these properties.

Continued support for projects related to base closure through EDA remains important. Affected local governments should be eligible for federal dollars that can be used for local priorities, including making loans or grants to businesses that utilize former bases. Any loan repayments should go into a revolving loan fund for use by local governments in financing additional conversion activities.

DoD must explore alternative methods to finance the transfer of bases out of federal ownership and the development of new, productive uses on the property. Financing often can be provided without expense to the federal government by extending the time period during which an installment purchase of a facility must be paid. Coordinating the disposition and reuse plans with funding available through other federal departments, such as Labor and Transportation, will allow the federal government to obtain a greater overall, long-term value for closed bases while mitigating adverse local impacts.

The introduction of Economic Development Conveyances (EDCs) in recent years has been an innovative and important step in facilitating more expedient redevelopment. No-cost EDCs have been of particular importance to rural communities that lack the resources to buy base property for redevelopment. The further step in 1999 to both expand no-cost EDCs to all communities and to allow communities experiencing changed economic circumstances to renegotiate earlier EDC agreements has been integral in many reuse projects moving forward. DoD must continue to develop creative strategies such as this to help communities cope with base closure.

NACo urges the following:

- Allow local reuse authorities to issue tax-exempt industrial development bonds, to serve as business incentives and provide financial support to local closure authorities during the conversion phase.
- Closing military bases should be made foreign trade zones and federal empowerment zones with the associated tax advantages and investment credits to enable them to attract private investment.

- Any national infrastructure finance program, such as the GROW AMERICA ACT, should set aside funds for infrastructure improvements on former military installations.
- c. **Property Transfer:** The design and implementation of a review and transfer process that is consistent among the operating branches within DoD are imperative. This process needs to be responsive to community reuse objectives and provide prompt transfer of property to accomplish early economic recovery.
- Interim leases should be longer than one year so that the local governing entity is better positioned to recruit private businesses and should be processed within sixty [60] days as the law requires.
 - DoD should act swiftly to implement P.L. 102-426. This law requires prompt identification, parcellation, and transfer of uncontaminated parcels of base property.
 - Negotiated sales of base property should require Congressional review only if valued at a fair market value of \$1 million or more. Current law requires Congressional review for sales worth \$100,000 or more.
 - In developing reuse plans, communities should take into consideration the needs of all citizens, including the homeless living in the vicinity, in deciding the most appropriate use of the property. Federal preference for use of the base by homeless providers, however, should in no way delay the planning process. Instead, local redevelopment authorities should assist interested groups in evaluating property at the base, consult with representatives of homeless people, and take their proposed uses into account in developing a reuse plan.
 - DoD should reexamine the policy that precludes the demolition of buildings prior to transferring bases. Many buildings are unusable, for example, because they contain asbestos, or do not comply with the Americans with Disabilities Act and state and local building codes.
 - Interim agreements should give local governments preference in exercising their police power – i.e., zoning ordinances and building regulations – and rendering caretaker services. The federal government should reimburse local governments for maintenance costs.
- d. **Environmental Cleanup:** Environmental contamination on bases must be cleaned to a standard that protects human health, and also permits the reuse of the facility in accordance with locally generated, legally defensible land use plans without the local agencies or private sector having to incur additional cleanup costs in order to reuse the facility.

Local jurisdictions must have the opportunity to be active participants in all phases of environmental cleanup, including evaluation of site conditions and selection and

implementation of remediation programs. The timetable for environmental impact statements, parcellation and prioritization should be coordinated with civilian reuse plans.

A federal finance bank could be authorized to purchase federally guaranteed bonds to be issued by communities for local acquisition of closing base facilities and for upgrade of the property with minimal down payments and at low interest rates.

- e. **Job Retraining:** The Dislocated Workers and Trade Adjustment Assistance Act administered under the Workforce Innovation and Opportunity Act (WIOA) currently serves displaced workers including those displaced due to defense downsizing. WIOA programs should continue to be utilized as a framework for any new comprehensive retraining program for dislocated workers.
 - f. **Support for Non-Base Federal Installations:** Appropriate support for reinvestment and economic redevelopment should be made available to communities impacted by the closure or significant downsizing of other non-base federal installations, such as national laboratories, enrichment facilities and other DoD and Department of Energy facilities.
11. **Trade Agreements:** NACo supports free trade activities that enhance the economic base of local governments and promote county participation in the global economy. NACo, however, opposes the adjudication of disputes arising out of trade agreements in a manner that preempts local government authority, circumvents domestic judicial processes, and grants greater rights to foreign investors than those guaranteed to U.S. citizens by federal, state, and local law.

NACo urges Congress to review and create a report card on existing and new Free Trade Agreements to determine their effects on U.S. manufacturing industries, workers and agriculture, and to send the report back to NACo as soon as possible.

12. **State Role in Economic Growth:** States are urged to involve counties and other local governments as full partners in planning and implementing statewide economic development strategies. Where authorized by law, states should work with county governments in the allocation of tax-exempt bond authority and Low-Income Housing Tax Credits in order to achieve equitable distribution of these tools throughout the state. States should consider appropriate legislation that would provide a sound method for acquiring land for future public urban, suburban, exurban and rural development uses.
13. **Regional Economic Development Commissions:** NACo supports the concept of regional economic development commissions, which would facilitate comprehensive and cooperative approaches to economic and infrastructure development in severely distressed counties,

provided that funding for such commissions is not at the expense of funding for traditional economic development programs, such as Economic Development Districts.

14. **Trade Assistance:** NACo supports the concept of trade adjustment assistance for local governments. Many communities may experience a negative change in the local economy as the U.S. marketplace becomes increasingly global. NACo believes that federal resources should be allocated to help alleviate the negative impacts of expanded trade practices, and help communities devise strategies for future economic viability.
15. **International Economic Development and Offshore Manufacturing:** Economic development is a key issue for many counties across the nation, and with high unemployment still in existence, jobs are a priority. Too many companies however are moving from one state to another without a net increase to the overall U.S. economy. NACo continues to urge the federal government to encourage businesses to move manufacturing back to the states from offshore. This can be done through a variety of incentives. NACo is open to working with the federal and county governments to find the right way to incentivize this initiative.
16. **Export-Import Bank of the United States:** NACo supports, endorses and advocates for the reauthorization of the Export-Import Bank of the United States.

WORKFORCE STATEMENT OF BASIC PHILOSOPHY

The National Association of Counties (NACo) believes that county governments have a critical role to play in the planning, management and implementation of employment programs designed to prepare people for the world of work and to help ensure employers have a skilled workforce. Therefore, NACo supports the following principles.

- **Local Authority:** The federal government should not usurp or undermine the authorities, responsibilities and obligations that generally are reserved to states and localities with respect to workforce programs.
- **Workforce Development:** Federal, state, and local governments must work together to maintain an effective national workforce development system that addresses the needs of job seekers including youth, incumbent workers, and employers; aligns the appropriate resources; and is designed, governed, and implemented by a public-private partnership comprised of local elected officials and business leaders.

LOCAL AUTHORITY

The Constitution of the U.S. sets out those responsibilities specifically given to the federal government and those retained by the states and the people. County governments are partners with the federal government and states in providing important programs and services to the American people. When appropriate, the federal government should legislate on the fair labor, employment and workforce

development needs of the nation. The federal government, however, should refrain from pre-empting those aspects of labor law that remain the responsibility and obligation of states and local governments.

WORKFORCE DEVELOPMENT

A skilled workforce is essential for the economic success of the nation's employers. Thus, NACo strongly supports efforts to enhance the effectiveness and efficiency of the national workforce development system. NACo believes that workforce programs can be strengthened and better aligned to improve access and service delivery for both workers and employers through a streamlined national workforce development system. The federal government would fund the system through formula-based block grants to states and passed through to localities, thus providing flexibility to local governments to adapt to local needs. The alignment of these resources should be decided by state and local elected officials and business leaders working through Workforce Development Boards (WDBs).

Goals: The principal goals of the national workforce development system should be to enhance business and economic development, reduce local unemployment rates, increase local workforce participation rates, enhance incomes, work with youth on career awareness and ensure that all individuals obtain appropriate wages.

Access and Flexibility: Access to workforce development programs should be universal without respect to economic circumstance, gender, sexual orientation, race, ethnicity, national origin or religion. Local governments should have the authority to implement these programs and to determine the range of services provided and the priority populations that should receive these services. Particularly during times of rapidly changing economic conditions, local elected officials must have the authority and flexibility to bring resources together at the grassroots level to best serve citizen and employer needs. NACo believes this alignment can occur effectively with local elected officials at the city and county levels.

NACo also encourages the federal government to provide a stable funding mechanism to make available long-term skills training for every worker dislocated due to industry shut downs and businesses that relocate off shore.

Local workforce development areas and states should be granted broad waiver authority to creatively respond to the employment, education and training, economic development and socioeconomic issues confronting particular states and localities. Requests for waivers should be developed jointly by local elected officials and WDBS, and should receive the approval of state agencies and/or governors before they can be enacted.

The federal government should deny new waiver requests or disapprove state Workforce Innovation and Opportunity Act (WIOA) plans that fail to include the proper input or the process of consultation with local elected officials and local WDBs as required under law. Furthermore, the Department of Labor should deny approval of any state WIOA plan submitted by a governor that circumvents federal laws

and/or consolidates or eliminates any local workforce areas without demonstrated rationale (e.g. fraud, or lack of performance). Additionally, in both examples meaningful input and support from a majority of local elected officials should be required. NACo further urges the federal government to uphold a state's current WIA or WIOA plan in the event a state governor subsequently submits a plan which is contrary to the intent, policy and procedures of the Workforce Investment Act of 1998 or future workforce reauthorization legislation.

Administration: Workforce development programs should be developed, implemented, and overseen at the city, county or multi-county levels by city or county elected officials and local WDBs. The chief local elected official or officials for the local workforce investment area should appoint the local WDBs based upon recommendations from representatives of the business community, and should be comprised mainly of business community representatives. Regardless of population, counties and cities or consortia of counties and cities with histories of effective workforce development activities should be eligible for automatic designation.

County governments should have the flexibility, through their local planning process and in cooperation with local WDBs, to merge Temporary Assistance for Needy Families (TANF) programs and local WIOA programs into a single entity.

The national workforce development system should integrate and streamline the disparate federal, state and local training and employment programs into a more aligned and reduced set of funding streams whose services are delivered through a locally established and governed one-stop delivery system. Mandatory partners within the one stop delivery system should be required to contribute to infrastructure and other costs related operations of the one-stops. These contributions can be direct and also can include local, state and federal resources.

Federal Government Role:

- Grant authority to local governments to operate training and employment programs and provide direct client services, and thereby avoid services duplicative of those offered under the Wagner-Peyser Act.
- Interpret federal law through regulations and when necessary arbitrate disagreements between state and local officials.
- Supply sufficient resources to ensure that states and localities are able to achieve the goals and objectives of the law.
- Provide funding across the states and workforce development programs that are equitable and based upon a formula that reflects state and local fiscal needs. The formula should also incorporate a "hold harmless" percentage to reduce the "roller-coaster" effect to state and local allocations.
- Through the Department of Labor, allocate as much funding as possible to local workforce service areas.

- Provide dedicated infrastructure funding for the facilities and operations of Local One-Stop Centers
- Administer new federal training and employment programs, additional funding or additional program guidance, as part of the formula-based block grant program, and retain and utilize existing governance structures to avoid program duplication and confusion.
- Expand funding to meet demand for the Department of Labor YouthBuild Program which serves counties and provides effective pathways to education, workforce training, community service and leadership training for low-income young adults who are unemployed or do not hold a high school diploma.
- Take a reasonable and uniform approach to performance standard negotiations.
- The U.S. Department of Veterans Affairs should maintain or increase funding for Vocational Rehabilitation and Employment (VR&E).

State Government Role: State governments in partnership with local WDBs, should develop plans and strategies that address the states' broader economic goals and align state resources to support local delivery of programs and services.

States should have a limited and, important role in the delivery of workforce development services. States should:

- Provide local labor market information;
- Provide technical assistance and guidance;
- Develop a statewide workforce development plan that can guide local workforce development areas as they develop their plans;
- Provide capacity building services;
- Develop, operate, and support a statewide information management system; and
- Develop performance standards that may be used as the basis for rewards to or sanctions of local workforce development programs.

Local Roles: Local elected officials, local workforce programs and local WDBs should have the authority and responsibility to:

- Develop programs that meet the needs of job seekers including youth, employers and employees with the flexibility to develop sector-based, incumbent worker, and other specialized training services that respond to local economic development policies and business needs.
- Assist structurally and cyclically unemployed individuals in acquiring marketable job skills that lead to employment and economic self-sufficiency: young people should obtain those skills necessary to make the transition to work; and business and industry should meet the needs for qualified and skilled workers.
- Provide public sector employment during periods of high unemployment or long-term

unemployment.

- Maintain high standards of accountability, fiscal management and include “return on investment” and “customer satisfaction” strategies as well as appropriate regression models to determine program benefits and ensure that special populations are served adequately and effectively.
- Ensure that these programs maintain high standards of accountability and responsibility.
- Establish and oversee the one-stop career center system within their workforce development areas.

Structurally, at a minimum, local WDBs should:

- Be comprised of a majority of representatives of the private sector;
- Be chaired by a representative of the private sector;
- Involve public partners

Local Elected Official Roles: Each local workforce development area should be under the direction of one or more local elected officials and a local workforce development board appointed by local elected officials. At a minimum, local elected officials should:

- Appoint and certify local workforce development boards;
- Participate in the development and approval of local workforce development plans and programs in partnership with local WDBs;
- Approve all grant recipients including those designated to provide one-stop system services;
- Oversee and evaluate all workforce development and one-stop system programs in partnership with the local WDBs; and
- Manage fiscal resources, in cooperation with the local WDBs.

EMPLOYMENT STANDARDS

A. Collective Bargaining: NACo opposes national legislation that would require states and localities to bargain collectively. Each state legislature should decide this issue based upon local conditions and circumstances. NACo urges all state legislatures to enact labor-management legislation that would:

- Grant public employees the right to organize and freely choose their representatives;
- Require public employers to meet and negotiate with public employees through their bargaining unit;
- Protect the rights of public employers, public employees, and the public at-large;
- Cover all permanent, non-supervisory employees of state and local governments;
- Exclude temporary, supervisory, managerial, confidential and elected employees;
- Grant public employees the right to bargain collectively for wages, hours, fringe benefits, and related conditions of employment;
- Establish procedural mechanisms that ensure that the broadest and most comprehensive bargaining unit is identified through secret ballots, under adequate supervision that can address impasses;
- Provide for reasonable means to resolve disputes; and

- Grant localities the right to pass appropriate ordinances in the absence of state laws.

B. Equal Employment Opportunity: NACo believes that county governments have a vital and continuing interest in the development, maintenance, and extension of vigorous and effective civil rights policies within the workplace. Therefore, counties shall or should:

- Enforce and apply all laws that prohibit discrimination on the basis of race, gender, sexual orientation, disability, familial status, veteran status and age;
- Remove all barriers to the recruitment, selection, hiring, compensation, provision of pensions and benefits, promotion, transfer, or discharge of employees that have no relationship to job requirements;
- Develop and carry out affirmative action programs for minority groups, disabled persons, and women; and
- Establish employment programs that benefit disadvantaged county residents.

NACo supports equal pay for equal work and urges all counties to undertake a thorough review of their various job classifications and pay scales to ensure that they are equitable, justifiable, and fairly account for positions historically dominated by women.

C. Occupational Safety and Health: NACo supports efforts to establish state and local occupational safety and health standards. States should retain the ability to set their own occupational health and safety standards tailored to the needs of their jurisdiction.

D. Fair Labor Standards Act: NACo supports future amendments to the Fair Labor Standards Act that would recognize the unique working conditions of all public safety employees, including dual function employees such as firefighter/paramedics employed by a public agency but not connected to a fire department.

E. Davis-Bacon: The Davis-Bacon Act was designed to ensure that workers on federally-subsidized construction projects receive the prevailing wage for a specific construction job whether they are part of a union or not. NACo believes that federal implementation of the Davis-Bacon Act has been problematic at the local level, specifically with respect to reporting requirements for sub-contractors working on a federally funded, local construction project.

Therefore, NACo recommends to Congress to make the following reforms to the Davis-Bacon Act:

- Determination of the prevailing wage should be based upon a 50 percent or majority rule, rather than the current 30 percent rule;
- Allow state and local governments to employ “helpers” in the same ratio used in non-Davis-Bacon Act construction;

- Utilize county boundaries or MSA, generally, when determining local wage rates, and prohibit the use of urban wage data in rural areas, and vice versa;
- Raise the \$2,000 threshold to \$500,000, and index this threshold based upon the consumer price index; and
- Waive Davis-Bacon regulations in states where state established labor rates for public construction projects exist.

COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT RESOLUTIONS

Resolution on FY 2025 Appropriations for the U.S. Department of Housing and Urban Development

Issue: Support Fiscal Year 2025 appropriations for the U.S. Department of Housing and Urban Development (HUD).

Adopted Policy: The National Association of Counties (NACo) urges Congress to support the following levels of funding for core U.S. Department of Housing and Urban Development (HUD) programs in the Fiscal Year (FY) 2025 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill: no less than \$4.2 billion in Community Development Block Grant (CDBG) formula funding; no less than \$2.5 billion in formula funding for the HOME Investment Partnerships Program (HOME); \$3.5 billion for Homeless Housing Assistance grants, including at least 20% of funds directed to ESG as allowed by statute, plus an amount to fully fund expiring supportive housing and Shelter Plus Care rent subsidy contracts; expansion of the Housing Choice Voucher (Section 8) Program in addition to full funding for existing project-based and tenant-based contracts; \$50 million for HUD-Veterans Affairs Supportive Housing (VASH) and \$500 million in Section 108 Loan Guarantee authority.

Approved | July 15, 2024

Resolution on HOME Reauthorization

Issue: Support the reauthorization of the HOME Investment Partnerships Program (HOME) in order to strengthen county production of affordable housing for rent or homeownership.

Adopted Policy: The National Association of Counties (NACo) urges Congress to pass HOME reauthorization legislation to allow program flexibility for improved housing creation and preservation and to authorize increased federal funding assistance to support affordable housing development.

Approved | July 15, 2024

Resolution on Low Income Housing Tax Credit

Issue: To build and preserve more affordable housing through the expansion of the Low-Income Housing Tax Credit program.

Adopted Policy: The National Association of Counties (NACo) encourages Congress to pass the Affordable Housing Credit Improvement Act (AHCIA) of 2023 to expand and preserve the nation's affordable housing stock.

Approved | July 15, 2024

Resolution on the New Markets Tax Credit

Issue: Support the permanent extension of the New Markets Tax Credit (NMTC) program in order to promote community development and economic growth by attracting private investment in low-income communities with high unemployment and poverty.

Adopted Policy: The National Association of Counties (NACo) urges Congress to provide a permanent extension of the New Markets Tax Credit (NMTC) and other enhancements to the program to allow for private sector investment and economic growth in low-income communities.

Approved | July 15, 2024

Resolution in Support of Expediting Work Authorization Process for Asylum Seekers

Issue: Individuals that are seeking asylum in the United States are subject to a 150-day waiting period after submitting their asylum claim to apply for an Employment Authorization Document (EAD) (also referred to as a work permit). During this waiting period, many asylum seekers must rely on counties and non-profits within their communities to provide their basic needs as they are legally unable to work.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the administration to take actions to shorten the current waiting period for asylum seekers who are applying for an EAD. By shortening this arbitrary waiting period, asylum seekers will be able to contribute more quickly to the workforce and local economy, and reduce the need for them to rely on supportive services from counties.

Approved | July 15, 2024

Resolution to Support Legal Migration to Strengthen Local Economies and Workforce

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

Adopted Policy: The National Association of Counties (NACo) urges Congress and the administration to enact legislative and regulatory proposals that support and provide improved and efficient legal avenues for immigrants to enter the United States, both permanently and temporarily, and contribute to the workforce and local economies and maintain the area standard industry wages for the local marketplace.

Approved | July 15, 2024

Resolution to Support the Land Ports of Entry Modernization Trust Fund Act

Issue: The bipartisan Land Ports of Entry Modernization Trust Fund Act is an effort to act on trade and commerce opportunities presented at the U.S. southern border while strengthening border management capacity. From machines to agriculture, trade with Canada and Mexico supports jobs in all 50 states.

Adopted Policy: The National Association of Counties (NACo) urges Congress to pass the Land Ports of Entry

Modernization Act which will strengthen border trade and management. The legislation establishes a trust fund to construct new ports of entry, expand and improve existing ports of entry, procure technology for inspecting and processing traffic passing through ports of entry, and hire U.S. Customs and Border Protection staff. From machines to agriculture, trade with Canada and Mexico supports jobs in all 50 states.

Approved | July 15, 2024

Resolution Supporting WIOA Reauthorization and Increased Investment

Issue: Quickly changing economic conditions emphasize the need to reauthorize the Workforce Innovation and Opportunity Act (WIOA) and empower it with increased investments, greater flexibility, and reduced bureaucracy.

Adopted Policy: The National Association of Counties (NACo) urges the reauthorization of, and increased funding for, the Workforce Innovation and Opportunity Act (WIOA). NACo further recommends that within the Act, Congress provides greater flexibility to the private-sector led Workforce Development Boards and eliminates bureaucratic burdens.

Approved | July 15, 2024

Resolution to Support the HELPER Act

Issue: First responders put their lives on the line every day to keep our families safe, and teachers dedicate themselves to educating the next generation. However, many public servants cannot afford to buy a home in the communities they serve, and the American dream of homeownership has slipped out of reach.

Adopted Policy: The National Association of Counties (NACo) urges Congress to pass the HELPER Act, which will provide affordable homeownership opportunities to first responders and teachers across the Nation.

Approved | July 15, 2024

Resolution in Support of Family Emergency Shelter

Issue: We are finding that families for whom we provide emergency shelter through a system that is funding 100% locally (not with federal dollars), they are required to report the benefit as income and that counts toward their income eligibility for the federal programs mentioned below. Our state informed us that this is based on guidance they've received from the relevant federal agency (USDA, HHS, etc).

While the Biden-Harris Administration removed the previous administration's Public Charge rule, we also remain concerned that a change in Administration next year would bring that back and harm access to safety net benefits for non-citizen residents in need of support.

Adopted Policy: The National Association of Counties (NACo) urges the federal government to incentivize counties to provide emergency shelter to families in crisis. NACo further urges the federal government to

remove financial penalties and disincentives that discourage or prohibit families in crisis from seeking and securing emergency shelter when facing homelessness.

Approved | July 15, 2024

Resolution Supporting Increased Funding for Community Development Financial Institutions and the Rural Housing Service Reform Act (S. 2790/H.R. 6785)

Issue: Many rural and tribal communities are capable of increased community development and levels of homeownership but lack the financial institutions and access to capital to achieve their potential. Assistance from the federal government through Community Development Financial Institutions (CDFI) provide capital access for these communities to flourish.

Adopted Policy: The National Association of Counties (NACo) urges Congress to increase federal funding for Community Development Financial Institutions (CDFI) and to pass the *Rural Housing Service Reform Act* (S. 2790/H.R. 6785).

Approved | July 15, 2024

Resolution on Economic Development Administration Reauthorization

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

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

- Congress should significantly increase its annual investment in EDA to enhance the reach and impact of the agency.
- Focus on EDA's core infrastructure and economic adjustment programs - public works, economic adjustment assistance and partnership planning. Congress should also authorize additional funding for special initiatives so as not to steer funding away from EDA core programs.
- Increase EDA funding for Public Works and enhance the scope of related activities, particularly related to broadband and resiliency.
- Strengthen EDA's National Technical Assistance program for small and distressed rural communities to allow greater access and leveraging of federal, state, local and regional economic development programs.
- Encourage regional collaboration by rewarding and incentivizing local governments, businesses and communities to participate in the Comprehensive Economic Development.
- Elevate EDA's role as an integrator of federal economic development planning programs and formalize EDA's role as the federal government's lead integrator for economic development and central facilitator for interagency collaboration and resource integration.
- Expand EDA Disaster and Recovery Relief eligibility. EDA has a significant role to play in post- disaster relief and long-term recovery assistance for impacted communities. In areas where a major

disaster or emergency has been declared under the Stafford Act, EDA grant recipients should be eligible for up to 100 percent of the cost of the project.

Approved | July 15, 2024

ENVIRONMENT, ENERGY AND LAND USE

STATEMENT OF BASIC PHILOSOPHY

NACo believes protection of the environment, and the conservation and development of our nation's resources are obligations shared by citizens, private enterprise and all levels of government.

America's counties are highly diverse communities occupying a nearly unlimited range of geographic settings, with immense variation in their natural resource endowments, and with many different economic, cultural and social systems and concerns. Counties are primary service providers with a responsibility to care for and protect their citizens' health, welfare and safety and to maintain and improve their quality of life.

Addressing environmental health and safety, ensuring responsible energy development and conserving and protecting our essential natural resources in an atmosphere of limited governmental capacity will be achieved by building effective partnerships between all levels of government, citizens and the private sector.

UNFUNDED MANDATES AND PREEMPTIONS

NACo opposes any legislation, regulation, or policy proposal which mandates programs and responsibilities on states and local governments without commensurate federal funding. To fully understand the impact of any mandate on local governments, a fiscal note or statement of estimated costs of implementation must be provided prior to formulation or passage of legislation or regulations.

NACo opposes any federal attempts to preempt state and local planning policies, processes and decisions. NACo does encourage federal agency participation and expert assistance in regional and local environmental public policymaking, where appropriate.

INTERGOVERNMENTAL COOPERATION

Implementing environmentally sensitive and cost-efficient strategies for the conservation and use of natural resources can only be accomplished with collaborative planning and good communications among stakeholders. Therefore, counties must be involved as significant partners in the formative stages of developing standards, policies, and guidance and have the ability to develop specific standards, where appropriate.

State governments should act as coordinators, providers of technical and financial assistance, and developers of general standards, which recognize the need for flexibility and regional differences. The federal government should be responsible for supporting or conducting research, setting general standards, developing policies, providing guidance, and financial and technical assistance, while recognizing the need for flexibility and regional differences.

NACo believes the federal government should provide financial and other incentives to support the most cost-effective planning and management programs to meet federal goals.

PRIORITIZATION AND PERFORMANCE-BASED STANDARD SETTING

NACo supports national and state policies tailored to meet the needs of local communities with goals and performance standards and goals being set to accomplish outcomes and give local governments the flexibility to select among alternative means to achieve them.

This flexibility is critical for local governments with often very limited resources to prioritize implementation of federal environmental laws and regulations based on actual needs and to match the environmental, social and economic costs and benefits of alternative strategies with local plans, priorities and capacity.

Financial resources must be allocated to address environmental problems before they escalate to a cost-prohibitive level.

INCENTIVE-BASED SOLUTIONS

NACo supports federal government incentives to protect the environment and natural resources. NACo supports the repeal of programs and policies that distort the pricing or development of products in a manner that encourages the exploitation of resources, discourages recycling and conservation, and provides inducements for greater pollution.

SOUND SCIENCE AND TECHNICAL ASSISTANCE

NACo calls upon the federal government to authorize, adequately fund, and require federal departments and agencies to provide fair, thorough, peer reviewed, scientifically sound assessments of health, safety or environmental risks associated with policy alternatives, prior to requiring any actions by local governments.

NACo supports coordinated and expanded environmental research efforts, in which the research process allows for input from state and local governments, private industry and the public. Local governments should be kept informed about ongoing monitoring and compliance evaluations related to the implementation of environmental mandates. Research should address all impacts of pollution and recognize and accommodate technology advancements.

PUBLIC EDUCATION AND COMMUNICATION

NACo supports federal assistance and increased funding to assist local governments, schools, colleges, universities, technical and vocational institutions in developing and funding curricula, supplying laboratories, training staff and increasing public engagement in various environmental research activities and educational programs of local and regional significance. These programs help involve and educate local officials and the general public about basic science and the environmental, social, and financial impacts of implementing environmental, energy and land use policies.

NACo supports Federal efforts to protect pollinators by working collaboratively with state and local officials on best management practices to enhance pollinator-friendly habitats and encourages our federal partners to provide education, technical assistance, conservation efforts, and incentives to conserve pollinators' health.

WATER QUALITY

NACo recognizes that the availability of an adequate supply of clean water is vital to our nation. Water quality degradation can impose human health risks through contaminated drinking water supplies, diseased fish, and unsafe or polluted water bodies used for recreation, and can lead to the loss of valuable wildlife habitat.

NACo supports integrated and cooperative programs for protecting water quality that place responsibility on each level of government. Because the elimination of water pollution is a long-term process limited by economic and social costs, a reasonable relationship between costs and benefits should be a key consideration toward reaching the goal of improved water quality throughout the nation.

The use of loans or grants should be tailored to the specific needs and capacity of each county, including the county's ability to pay. More restrictive federal clean water requirements and new mandates should not be imposed on counties unless the federal government provides additional funding.

A. Clean Water Act: NACo supports federal funding to meet all Clean Water Act (CWA) mandates imposed on counties. NACo believes the CWA is instrumental in successfully managing water pollution from point and non-point sources by keeping toxic substances out of our nation's waterways, thus ensuring that surface waters are safe for sport and recreational purposes. NACo endorses enforcement measures for compliance with the CWA, which includes effective monitoring.

- 1. Research:** NACo supports an increase to the federal government's research and development programs to aid the efforts of local and state governments in the control of non-point sources of water pollution and contaminated sediments. The Environmental Protection Agency (EPA) should also support research on programs such as combined sewer overflows, land application of sewage sludge, and source reduction.
- 2. Stormwater Runoff:** NACo supports revisions to the CWA and development of a federal stormwater program, which would achieve the following outcomes:
 - Incorporate public, state and local governments comments and/or suggestions into promulgation and/or expansion of existing federal stormwater rules;
 - Flexibility for local governments to consider the site-specific nature of stormwater (including geographically-specific information) and determine the most cost-effective and technologically feasible means of reducing pollutants to meet CWA objectives;

- Consolidation of Phase I (over 100,000 population) and Phase II (under 100,000 population) stormwater regulatory programs for local governments into a simplified, workable and effective program;
 - Development by local governments of local stormwater management programs consistent with state stormwater program goals and EPA guidance;
 - Federal funding of a comprehensive stormwater research program to determine the impact of stormwater on overall water quality. This study should also include a comprehensive cost benefit analysis;
 - An exemption from regulation for local governments that do not contribute to stormwater pollution problems or have implemented stormwater management programs that are shown to be successful in addressing local water quality concerns; and
 - Logging roads should be excluded as a “point source” under CWA rules and regulations (pertaining to stormwater discharges).
 - Public and private roads located on forest lands should not be subject to CWA stormwater regulations or requirements.
- 3. Sewer Overflows:** NACo support a Combined Sewer Overflow (CSO) program which is based on cost-benefit analyses and allows for a variety of control techniques. EPA’s CSO policy should accommodate water quality standards that encompass stormwater discharges and their impact in CSO systems.

NACo supports the crafting and uniform application of Clean Water Act regulations and permits such that Publicly Owned Treatment Works can operate their facilities in the manner in which they were designed and permitted, including the use of peak wet weather flow management techniques such as blending.

NACo believes that a significant national environmental or public health problem requiring federal regulation from Sanitary Sewer Overflows (SSO) has not been demonstrated. NACo calls on the EPA to review SSO regulations to ensure flexibility for local communities to adequately address this challenge.

- 4. Good Samaritans for Abandoned Mine Sites:** NACo supports legislation and/or policy that will immediately limit liability for "Good Samaritans" performing voluntary, cooperative mitigation efforts on water discharging from abandoned mine sites which measurably improves water quality that has been impacted by mining activity where there is no financially responsible party.

B. Clean Water/Drinking Water: NACo supports the goal of the Safe Drinking Water Act (SDWA) to provide safe drinking water.

NACo believes the federal government should adopt clear federal policies and regulations that allow flexibility to state and local governments to implement programs that will protect public health balanced with environmental and economic impacts.

NACo supports federal funding for existing or new federal mandates. NACo supports the State Revolving Loan Fund (SRF) programs, the Clean Water State Revolving Loan Fund (CWSRF), and the Drinking Water State Revolving Loan Fund, as supplements to, not a substitute for, federal grants program. Grants and technical assistance should be made available to those small, rural, disadvantaged communities that are unable to meet their needs solely with loans. States should provide adequate funds to match federal grants to the SRF program, and assure flexibility in the administration of such loans.

Additionally, NACo urges Congress to establish a water trust fund that provides, on an annual basis, matching grants and other assistance to advance the achievement of national clean water goals at the local, statewide and national levels. Any water trust fund must be financed through a dedicated revenue stream that is long-term, reliable, sustainable, fair, equitable, and raised from the national economy based on low rate fees.

1. **Standard Setting:** NACo supports a federal policy that prescribes realistic maximum limits for contaminants, with standards tailored to the particular contaminants used in the watershed. Regulations should be based on a peer-reviewed scientific basis.
2. **Monitoring:** NACo supports minimum guidelines for monitoring, site selection, and construction of public water systems.
3. **Research:** NACo supports additional federal research into the effects of various pollutants and carcinogens in the drinking water supplies. Such research should have a special emphasis on the protection of sole source aquifers and other water supplies.
4. **Small Water Systems:** NACo supports effective and adequate federal funding to small, rural communities for drinking water treatment facilities. If consolidation of small water systems is required to receive federal loan or grant assistance, county governments should be federally authorized to participate in the planning, management and development of programs.

C. **Watershed and Wetlands Management:** Management of watersheds, wetland areas, and coastal watersheds address public health and safety, environmental protection, and restoration issues within hydrologically defined geographic areas. Local governments make critical front-line land use decisions balancing these important considerations with achieving sustainable economies. Counties must be involved in all aspects of planning and management.

NACo supports expanded federal funding and increased flexibility for planning and implementation of watershed management at the local level and for the restoration of wetlands, repair of habitat, coordination of stormwater management programs with comprehensive watershed management efforts, and establishment of native vegetation on lands vital to water quality.

NACo urges continued federal funding of the Coastal Zone Management Act (CZMA) and the Coastal Impact Assistance Program, CWA programs such as the National Estuary Program Comprehensive Conservation and Management Plans, State and Local Wetlands Grants and Wetlands Conservation Plans, the Non-Point Source Grants Program, and the Small Watershed Program for small agricultural watersheds under the Food Security Act.

NACo supports flexible and voluntary water quality trading policies that control and reduce watershed non-point pollution. Costly controls should not be required when less costly controls are appropriate and effective.

NACo supports federal government efforts to discourage residential, commercial, or industrial development in floodplains and wetlands, when feasible, because NACo recognizes these areas are of great natural productivity, hydrological utility and environmental diversity, and provide natural flood mitigation, improved water quality, recharged aquifers, and flow stabilization of streams and rivers. Flood risk analysis and consideration of the environmental impacts should be performed for development activities, including flood mitigation measures, in these high-risk, sensitive areas.

D. Wetlands Permitting and Navigable Waters: NACo supports the national policy goal of net gain/no net loss of wetlands and encourages a management approach that first avoids wetlands, then minimizes wetland loss and mitigates any loss as the final alternative. This policy goal is intended to prevent new adverse impacts on both watershed, flood storage capacity and water quality impacts. NACo supports additional federal funding for local governments to implement the national policy goal.

NACo supports a requirement to offset unavoidable wetland loss by mitigating both watershed, flood storage capacity and water quality impacts by restoring these functions through enhancement of existing wetlands, or creating new wetlands, when public need requires that public facilities, utilities, or improvements be developed over sensitive ecological areas.

NACo supports clarification of federal law to permit the proper maintenance of drainage systems according to the original intent and design of the law and to federal and state regulations established prior to 1985. Land designated as agricultural land prior to 1985 should not require restoration to conditions prior to agricultural use.

NACo supports keeping the terms navigable and/or navigable waters in the Clean Water Act to protect intrastate waters, including wetland habitats, rivers, and streams within the United States and to protect the basic, fundamental principles of local land use control in accordance with the goals of the CWA. NACo will oppose any effort to remove the term “navigable” from the CWA.

NACo calls on the federal government to clarify that local streets, gutters, and human-made ditches are excluded from the definition of "waters of the United States." Further, NACo urges the federal government to recognize that the flow volume of stormwater from development and regulation of impervious surfaces are local land use issues, and are not subject to federal regulation.

NACo urges the federal government to improve the CWA §404 permit process by the U.S. Army Corps of Engineers (Corps); remove routine maintenance of human-made public flood protection facilities and infrastructure from the §404 permit process when no endangered species habitat is present; and extend the (CWA) general permit term for routine maintenance from five to ten years.

NACo supports using pesticides in accordance with the instructions on the label, and supports strong penalties for those who misuse pesticides in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). NACo opposes any legislation that expands the Environmental Protection Agency’s (EPA) jurisdiction in regard to pesticide use in (and around) county-owned and operated streets, gutters, and ditches.

E. Funding and Security for Water Infrastructure: NACo recognizes the threat posed to the health and safety of our nation as it faces a crucial time of aging and crumbling water and wastewater infrastructure and an increased risk for both natural and human-made disasters. NACo calls for a reliable, long-term, and substantially increased federal investment in water infrastructure, watershed protection, and the protection of water resources and facilities from physical and chemical security threats. The broad range of local needs to achieve national clean water goals and objectives that would be funded by this investment include the construction, repair and replacement of treatment works, collection and distribution systems, compliance with federal regulatory mandates, investments in decentralized wastewater systems, voluntary non-point source pollution abatement, source water protection, and improvements in the security of water resources and facilities, consistent with local land-use plans.

NACo recognizes the critical role dams and levees play in local flood control, and that failure of unsafe or deficient dams and levees can lead to significant property destruction and immeasurable loss of human life. Like other critical infrastructure, these man-made structures deteriorate and ongoing investment is necessary to ensure the safety of such structures. NACo supports increased federal commitment to fund the repair and rehabilitation of America’s non-federal, publicly-owned dams and levees, including those constructed through agreements between counties and the National Resource Conservation Service, with priority funding given to structures presenting the highest risk of failure

and which present the highest risk to homes, schools, businesses or important infrastructure in the event of failure. Federal funding should be made available through grants, loans, and federal cost-share programs designed to assure that unsafe or deficient dams and levees are brought into compliance with national minimum safety standards and to assure that necessary maintenance and upgrades can be conducted to meet these standards on an ongoing basis. Moreover, NACo urges federal and state governments to consult with, and include, counties in the decision-making process when undertaking the rehabilitation of unsafe or deficient dams and levees located within the jurisdiction of the county.

- F. Water Resources Development Act:** NACo supports preserving and maintaining current federal law that provides for federal participation through the U.S. Army Corps of Engineers in a long-standing partnership with state and local governments for funding, implementing, and maintaining essential and environmentally sound navigation, harbor, beach management, flow control, coastal and aquatic ecosystem restoration and protection, and environmental improvement projects across this nation.

NACo supports federal matching funds for local governments to plan for and implement projects that reduce flood damage risks and accomplish other goals under the Water Resources Development Act (WRDA). NACo opposes more of the federal share of water resource projects being shifted to local governments, because most projects are costly and local governments would not have the fiscal resources to assume the federal share. Additionally, many of these projects are intended to enhance or conserve regionally or nationally significant resources; and protect the health, safety and welfare of the public. NACo urges Congress to appropriate the funds needed, where they are needed, to reduce the backlog of projects authorized under WRDA.

NACo supports counties in ensuring that they are consulted before the federal or state government undertakes water resource projects within a county's jurisdiction and that county concerns are incorporated into project planning.

NACo supports the federal government providing state and local governments with a major voice in the decision-making process, which includes the authority to assume full responsibility for planning and implementing flood control projects, assessing and mitigating their environmental impacts and determining the necessity or advisability of flood control projects by the federal government.

NACo supports continued and increased funding for federal programs that assist counties with planning and the implementation of projects that address habitat restoration and connectivity, ecosystem restoration and resiliency, protection and enhancement of ecological resources including fish and wildlife, and environmentally beneficial modifications to existing projects.

- G. Water Conservation:** NACo supports federal water conservation strategies that provide federal financial and technical assistance to state and local governments to design, implement, and evaluate

appropriate water conservation measures including the rehabilitation of water supply systems. Water conservation should be given priority in water projects planning and evaluation where there are limited sources of supply. Federal research and grant programs should focus on water reclamation, recycling, reuse, and desalination.

NACo supports qualification and adjudication of federal reserved water rights being determined in state courts and administered subject to local and state water conservation and development plans.

H. Oceans and Coastal: NACo supports federal funding for continued education and scientific study of ocean acidification.

NACo supports federal efforts to address the increasing problem of marine debris. This includes, but is not limited to: support for continued reauthorization of the Marine Debris Research, Prevention, and Reduction Act (MDRPRA) and/or similar legislation and increased funding to the National Oceanic and Atmospheric Administration (NOAA) to provide additional resources for grants to coastal counties for beach cleanup efforts, derelict fishing gear removal; research on the effectiveness of off-shore clean-up methods; and federal policies that encourage states and localities to educate small business communities and consumers about the significant environmental harm of single-use plastic bags/bottles and the benefits of associated county-wide bans and additionally encouraging reuse/recycle policies at the local level.

I. Oil Pollution Act: NACo supports federal legislation and policies to strengthen local government involvement under the Oil Pollution Act (OPA). NACo supports requiring federal agencies who oversee OPA to consult and coordinate with local governments in environmental protection, oil spill contingency planning, training and implementation of OPA processes.

NACo supports sharing CWA penalty oil spill fines with impacted communities. NACo supports using the 2012 RESTORE Act (Resources and Ecosystems Sustainability, Tourism Opportunities and Revived Economy of the Gulf Coast Act) provisions as a model for future pollution incidents throughout the country.

AIR QUALITY

NACo recognizes the need for on-going and sustained action regarding air quality involving all stakeholders at the international, federal, state, and local levels of government. The transport of air pollutants is a national and international problem and knows no political boundaries.

Air pollutants can have significant impacts on human health, the economic vitality of communities, natural resources and recreation areas, quality of life, and the ecological balance of the world.

A. Roles and Responsibilities

- 1. Federal Role:** NACo supports the goals of the Clean Air Act Amendments of 1990, which balances the need to ensure the highest level of environmental protection with the need to maintain economically viable and sustainable communities.

NACo supports federal leadership that ensures open communication and an objective process when deciding on an acceptable level of risk to human health while still protecting the environment.

NACo recommends an increase in federal technical and financial assistance to states and local governments for the development and administration of local air pollution control programs, especially assistance to Counties to comply with section 608 of the Clean Air Act which requires strict air conditioning system inspection, maintenance and record keeping. This also includes expansion of federal air pollution research programs for development and local implementation of strategies designed to reduce air pollutants.

NACo supports requiring the federal government to work cooperatively with state and local governments to help formulate guideline and technical assistance programs for the administration, implementation, maintenance, and enforcement of plans that affect local land use and resource allocation decisions.

- 2. State and Local Government Responsibility:** NACo believes individual counties or groups of counties should have the right to control their air pollution problems within one state or on an interstate basis in accordance with their needs, while ensuring adequate representation of county governments in these entities.

- B. National Ambient Air Quality Standards:** NACo believes that national air quality standards should be set using well-founded, peer-reviewed scientific evidence. Public review of standards is essential and should include the range of health effects associated with the pollutant, the levels of pollution as they relate to the effects on health, the characteristics and number of people affected, and the compounded effects when multiple pollutants are present.

State and local governments must have the option of adopting secondary standards which are more stringent than the national goals in order to protect localized environmental, property, and human values. In addition, states and local governments should be allowed to select among alternative means to achieve air quality standards.

EPA standards should be flexible enough to consider regional conditions.

NACo opposes any attempts by the U.S. Environmental Protection Agency (EPA) to impose regulations more stringent than the 2012 Particulate Matter standards for fine particles (PM 2.5). NACo supports increased funding for the local Particulate Matter (PM) monitoring program and asks the EPA to assist counties in determining the true source of particulate matter.

C. The State Implementation Plan (SIP) Process: NACo believes that limited federal oversight of state and local air quality programs is necessary when air quality management practices have been proven effective.

NACo urges federal revision of the SIP review process, including:

- Continuation by the EPA of timely guidance for developing state pollution control plans and programs, reviewing state plans and programs on a fixed periodic basis, and ensuring states do not undertake pollution control activities unless authorized by a joint determination of state and local elected officials;
- Authority by the EPA to revoke a state's authority to administer federal clean air programs if, during a periodic audit, it determines the state has taken actions inconsistent with its own plan or that its programs and plans are no longer adequate and the state did not correct this inadequacy. This provision should apply to the local government, if authority is delegated by the state;
- Allowing state and local governments to grant or alter Title V permits without the need for federal approval if consistent with EPA-approved generic permit rules;
- Ability of local governments to obtain EPA review of any state permitting decision or other minor SIP revision not otherwise needing EPA approval; and
- Allowing counties to establish fees for operating permits to cover the cost of implementation and enforcement in counties that have the responsibility for issuing permits and enforcing the requirements of the Clean Air Act and state air quality laws.

NACo supports the goals of the Clean Air Act and any subsequent transportation reauthorization bill that aims to encourage environmentally sound transportation projects.

NACo also supports legislation that would codify the EPA's grandfathering provision of the 1997 transportation conformity regulation which keeps a project eligible for federal funding once it has satisfied environmental requirements and is consistent with the state approved clean air plan.

D. Clean Air Act Deadlines: NACo supports changes to the Clean Air Act to establish a sensible, orderly long-range strategy for air quality improvement and attainment of federal primary and secondary air quality standards.

NACo believes the EPA should vigorously enforce the Clean Air Act and that enforceable deadlines are necessary to promote progress toward cleaner air.

NACo supports providing EPA with flexible authority to grant case-by-case extensions where controls are as stringent as those in attainment areas and demonstrate progress toward attainment.

NACo believes that EPA should continue to have the power to levy funding sanctions and restrictions on new source permitting for areas not acting in good faith to comply with the Clean Air Act. Sanctions should not be imposed on funding that is aimed at alleviating air pollution problems. If an uncontrollable natural condition or occurrence causes air pollution, the federal and state governments are urged to work with the jurisdiction affected rather than subject the jurisdiction to sanctions.

E. Vehicle and Vessel Emissions

- 1. Motor Vehicle Emissions:** NACo urges the federal government to set stricter standards to help reduce motor vehicle emission levels across the United States.

NACo supports programs to enhance transportation alternatives, including, but not limited to, low-pollutant emission vehicles, an increase in mass transit, rail, and carpools.

NACo believes that improved vehicle certification and inspection maintenance programs can reduce hydrocarbons, carbon monoxide and other pollutant emissions from vehicles in use. Certification requirements should cover the full useful life of the vehicles and be based on real-life driving conditions, such as cold start temperatures.

NACo believes the EPA should establish guidance procedures for enhanced vehicle Inspection and Maintenance programs and work cooperatively with state and local governments for implementation.

NACo calls on Congress and the President to fully fund and reauthorize the Diesel Emissions Reduction Act (DERA) to help counties reduce particulate matter pollution, which is a factor in nonattainment.

- 2. Air Quality Ocean Going Marine Vessel Emissions:** NACo urges Congress to support legislation to reduce emissions from ocean-going marine vessels through economic incentives, including funding for research and development on retrofit emissions controls and new technology to reduce emissions from marine vessels.

- F. Interstate/International Transport of Air Pollution:** NACo recognizes that air pollution is transitory in nature and does not respect state or other geographic borders, particularly in the case of ozone. NACo supports the creation of multi-jurisdictional ozone transport regions and interstate commissions to provide for regional planning, conflict resolution, and implementation of area-wide strategies, as ozone may contribute to or cause non-attainment of the National Ambient Air Quality Standards (NAAQS). When the EPA determines that state or local jurisdictions are in compliance and do not significantly contribute to ozone transport problems, that area should be exempted from further regulatory requirements. Counties or air basins within a state should be allowed to subtract the effect

of pollutants transported from other parts of a state, as well as from other states, when calculating their own area's clean air compliance attainment.

NACo supports the creation of an EPA policy to grant states and local governments the authority to leverage air quality improvements in one region to offset the non-attainment status of another adjacent region during the same period to avoid non-attainment status in the region whose air quality exceeds the current standards.

- G. International Transport of Air Pollution:** NACo supports efforts by federal, state, and local governments in cooperation with U.S. and Mexican officials to recognize that preserving, protecting, and improving the natural environment, as well as public health and safety, is a major priority. NACo urges these entities to work together with U.S. counties to develop strategies that are proactive, while protecting and improving both the public health and the environment.

NACo also urges, supports, and will assist the entities in efforts to formulate agreements in establishing common air, water, waste standards, and requirements for the U.S./Mexico border region in order to preserve, protect, and improve the natural environment and public health of residents living in the region.

- H. Prevention of Significant Deterioration:** NACo recognizes there are areas where special air quality is essential, such as wilderness areas, national parks, watersheds, and viewsheds. Therefore, NACo supports the ability of all levels of government to implement control strategies consistent with the use, needs, and desires of the area.

- I. Multi-Emissions/New Source Review:** NACo believes that any changes to address multi-emissions pollution sources should support, not supplant, current Clean Air Act provisions and protect the ability of state and local governments to adopt more stringent regulations. Each state should be allowed to achieve the specified levels of emissions reductions through the most efficient, cost-effective and appropriate technology method.

NACo supports a reduction of emissions for sulfur dioxide, nitrogen oxides, and mercury from power generators. NACo also supports significant reductions from other major sources.

NACo supports increased federal funding for research and development of new, less expensive technologies for reducing sulfur and nitrogen oxides.

NACo urges EPA review and, when appropriate, strengthening of its New Source Review program to ensure it fully protects public health and welfare.

NACo believes any required retrofitting, based on the new source review standards, should be limited

to addressing significant pollution problems of the region. The EPA should work cooperatively with state and local governments and allow for site-specific variations for existing facilities. Reasonable timeframes for retrofitting and achievable emission control requirements should be established, based on federal, state, and local standards.

NACo believes states and sources should be allowed to trade emissions reductions as long as specific credited sources do not increase their emissions.

J. Climate Change: All across the U.S., counties are experiencing new, often drastic, weather patterns and their effects which are attributed to climate change. Regardless of manmade or a natural warming cycle, as counties adapt to a changing climate, NACo urges the federal government to aggressively pursue and support:

- National and international programs to research, develop and deploy carbon-neutral energy sources to reduce greenhouse gas emissions;
- National and local strategies, including private sector initiatives, to mitigate the impacts of climate change and enhance community resiliency; and
- Research and development of new technologies and commercialization of existing technologies that will contribute to reducing atmospheric carbon emissions.

NACo urges Congress to provide more federal funding, economic, fiscal and practical incentives and awards for counties and businesses to meet these objectives. These programs and policies must not create unfunded mandates or preemptions on counties and/or their local economies.

Instead, NACo urges the federal government to work closely with counties on climate change initiatives. NACo urges Congress to provide financial and technical assistance to local governments to help develop and implement local climate change adaption and mitigation plans and projects, including but not limited smart growth initiatives, mass transit development, acquisition of high efficiency fleet vehicles, renewable energy deployment installation of emerging micro-grid and energy storage infrastructure, protection of water supplies, and disaster planning and preparedness.

NACo is concerned about the fiscal impacts of climate change, as well as our responses to climate change, at all levels of government.

NACo supports federal policies and programs that provide assistance and mechanisms for willing counties along with local and state governments to partner with federal and international entities in order to benefit economically from the global transition to a lower carbon economy. Such policies and programs include those that assist willing counties in developing strategies to foster economic growth and competitiveness and identifying ways to leverage changing conditions and take advantage of new technologies and innovation.

While NACo presently opposes cap and trade or carbon tax, NACo supports ongoing analysis and evaluation of these and all other tools that seek to reduce greenhouse gas (GHG) emissions, including their local economic and fiscal impacts.

Likewise, NACo is concerned about EPA's efforts to further constrict the mining, transportation and burning of coal. EPA should undertake further consultation and research to fully understand the impacts of existing and pending rules, regulations and standards will have on local communities. This analysis should include the costs and benefits on electric utility operations, electricity availability and capacity, electric rates, the economic impacts to manufacturers, and the economic and health impacts to communities and consumers.

K. Indoor Air Quality: NACo supports legislation to increase federal indoor air quality funding for research and grants, and for technical assistance to county governments. Increased funding will be used to promote awareness of indoor air quality issues, testing, and mitigation of radon in homes to help reduce the concentration of indoor air pollution.

SOLID AND HAZARDOUS WASTE MANAGEMENT

NACo recognizes that improper management of solid and hazardous waste is a national problem, which endangers public health by contributing to air, water, and land pollution. Local governments are integral to waste management, especially through establishing waste reduction and recycling programs.

NACo supports a national integrated waste management system incorporating the following elements:

- Waste Reduction;
- Recycling;
- Waste Recycling; and
- Waste Disposal.

NACo supports a waste management system that allows counties to select among a variety of options to protect the environment, cost-effectively meet local needs, and avoid undue financial hardship on counties. NACo supports favorable tax policies, including financing for solid waste management facilities.

A. Waste Reduction and Product Stewardship: NACo encourages federal, state, and local governments to support public education designed to promote participation in activities that reduce the volume and toxicity of municipal solid waste (MSW). NACo supports an Extended Producer Responsibility Framework Approach, which creates effective producer-led reduction, reuse and recycling programs, to address a product's lifecycle impacts from design through end of life management, without relying solely on state and local governments.

NACo encourages federal legislation in support of environmentally preferable purchasing that takes into consideration environmental impacts, cost effectiveness and flexibility and eliminates disincentive for reusable products by government.

NACo supports federal research and incentive programs for product stewardship efforts that will work with manufacturers and packagers of retail and wholesale goods to minimize or eliminate heavy metals or other toxic substances in household products and packaging and disposable or "throw-away" products.

- B. Recycling:** NACo supports federal legislation that encourages businesses to minimize or reuse packaging. NACo encourages federal, state, and local government support of voluntary programs that increase recycling of waste.

NACo also encourages federal, state, and local governments to create incentives for the development of strong, stable private markets for recyclable commodities. To support market development, specifications must be developed that favor purchasing products containing recycled materials. Any government requirements for recycling of specific products must include end market development of such products.

NACo supports maximizing the recycling and reuse of electronic waste – including computers, televisions, and other electronic devices – that has reached the end of its useful life through an internalized electronics industry financing mechanism that covers the cost of collection, transportation, and recycling, and does not rely on state and local government funding. This policy encompasses (but is not limited to) other waste materials, such as mercury-containing fluorescent lamps, paint recycling and reuse, and safe disposal of pharmaceuticals.

- C. Waste Recovery:** NACo recognizes that resource recovery/waste-to-energy facilities remove recyclable materials and substances potentially harmful to air quality from the waste stream. Therefore, NACo encourages federal financial and technical support of energy conservation efforts and county waste recovery programs, with incineration of waste being a domestic energy source and a form of recycling, including, but not limited to:

- Construction grants;
- Incentives for resource recovery projects;
- Restoring tax incentives for greater private sector participation in resource recovery projects and electricity generation facilities;
- Consistent permitting processes to avoid costly reconstruction or retrofitting of previously approved projects;
- Incentives for innovative uses of ash and other resource recovery by-products; and
- Utilizing environmental monitoring techniques relevant to resource recovery facilities.

NACo supports legislation that provides direct grants to local governments and tax incentives for the construction of methane-to-CNG production and fuel delivery systems, as well as conversion and production of CNG fleet vehicles.

- D. Waste Disposal:** NACo recognizes that landfilling is the predominant method for managing MSW even though costs have increased for transportation and substandard landfill sites have been closed under the federal Resource Conservation and Recovery Act (RCRA) Subtitle D.

NACo supports federal legislation to protect the environment and our natural resources, particularly water supplies, that includes, but is not limited to:

- Uniform landfill standards that are performance-based, to the extent possible, and allow the establishment of regulatory programs by states to meet federal requirements;
- Federal technical assistance to states and counties for the safe closure of landfills; and
- Voluntary recovery of methane from landfills as an energy source.

NACo supports federal legislation or regulations for county solid waste arid landfills that allow for differential groundwater monitoring requirements. RCRA Subtitle D does not provide such discretion for states, even when conventional ground water monitoring methods at arid landfills are not effective and effective alternatives, such as monitoring of the vadose zone or low-cost moisture detection devices, are available.

- E. Interstate/International Issues for Solid Waste:** NACo urges the development of a national policy on interstate transportation of MSW by the federal government.

NACo supports local governments' legal authority to control the flow of MSW generated within their jurisdiction.

NACo supports federal legislation that recognizes the decision-making role and responsibilities of county and other local governments in land use and MSW disposal and empowers them to make decisions which will assure environmentally and fiscally sound, RCRA consistent, solid waste management practices. MSW management should be a primary responsibility of state, county and other local governments.

NACo urges Congress to support bi-national projects between private, state, federal, tribal, and public organizations, which develop and implement programs to educate, prevent and clean up illegal dumping along the U.S./Mexican border.

- F. Hazardous Waste Management:** NACo supports a national hazardous waste management program that includes, but is not limited to:

- Federal research, development and promotion of technologies and strategies, such as encouraging changes in manufacturing processes and products, neutralization, recovery, or destruction, to prevent pollution and reduce landfilling of hazardous waste; and
- Assistance regarding hazardous waste landfill regulations through:
 - Federal financial and technical assistance to state and local governments to evaluate potential new sites for hazardous waste disposal facilities;
 - Federal assurance that there is no degradation of the environment or danger to public health as a result of new hazardous waste disposal facilities. This can be accomplished by developing and implementing prompt and responsible emergency or long-term procedures in case of spills or leakage at the site or in transporting hazardous materials to and from the site;
 - Requirement of permits, as if they were new facilities, for major expansion or additions beyond the previously permitted capacity or limitations for existing hazardous waste disposal facilities; and
 - Federal financing through a tax on hazardous waste generators to establish and cover the costs of a continuing inspection process for hazardous waste disposal sites permitted under RCRA, which will assure owners and operators of hazardous waste facilities of the ability to obtain adequate insurance for emergency response and cover any liability.

G. Transportation of Hazardous Materials: NACo generally supports the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA) which responded to public concern about state or local ordinances or regulations on transporting hazardous materials and requiring the use of Department of Transportation (DOT) standards when designating highway routes for such materials.

NACo strongly opposes any efforts to further expand the preemptive powers of the federal government in the area of hazardous materials transportation.

H. Nuclear Waste Management:

NACo is concerned that the federal nuclear waste repository program through the Department of Energy (DOE) is seriously behind schedule.

NACo supports federal legislation to assure DOE meets its statutory responsibilities regarding present and future stockpiles of nuclear wastes which pose a serious threat to the natural environment and to the public's health and welfare.

NACo supports construction of a suitable permanent geological nuclear waste repository and the use of an interim central storage facility until the permanent site is completed.

NACo supports federal development of a transportation system from nuclear power plants to the interim or permanent site that includes assessing community impacts, intensive consultation,

participation, and control in siting and transportation decisions with affected states and local governments, and consulting with and providing appropriate benefits to counties directly affected by the interim or permanent nuclear waste facility.

NACo supports research and development of spent nuclear fuel reprocessing and recycling as a method to increase national security and reduce the need for storage of some of these materials along with research and development of storage and disposal technologies.

NACo supports DOE consent-based siting process and encourages federal funding for DOE to continue working to develop permanent storage solutions in parallel with efforts to site interim storage facilities.

NACo supports DOE oversight, which includes participation by emergency management officials, of state and regional plans to assure seamless responses to accidental or intentional discharge of nuclear waste.

NACo supports federal funding to fully cover emergency management and public safety costs associated with the transport of nuclear waste, including, but not limited to training for emergency personnel, technical assistance, equipment and communication needs, preparedness and response costs, and monitoring of radiation emissions along transportation routes.

NACo supports a funding mechanism that requires payments by ratepayers to the Nuclear Waste Fund, which will only be used for management of spent nuclear fuel.

NACo supports the community right-to-know emergency planning, federal funding of state and local emergency programs, technical assistance, and training programs to local governments, provisions of the Superfund Amendments Reauthorization Act (SARA) Title III.

- I. Disposal of Nerve Gas:** NACo supports regulation of the transportation and disposal of military nerve agents as a hazardous substance by the EPA.
- J. Superfund Sites:** NACo supports reauthorization of the Superfund program to continue identification, evaluation and control of existing hazardous waste disposal sites with the primary source of cleanup funds continuing to be the parties responsible for the disposal of toxic wastes.

NACo supports the Superfund provisions for retroactive strict, joint, and several liability designs that are used to finance most costs of cleaning up hazardous waste, and acknowledges that a partial elimination of retroactive liability for some Superfund sites may be a reasonable alternative to the current liability arrangement.

NACo supports increased federal funding of the Hazardous Substance Response Trust Fund (HSRTF) to assure adequate funding to clean up current and new sites added to the National Priority List (NPL), even if federal changes are made to the funding mechanism for Superfund.

NACo supports federal HSRTF funding to cover at least half the costs of long-term operation and

maintenance at federal cleanup sites, including those owned and operated by local governments.

NACo supports routine use of the administrative settlement tools in Superfund by EPA.

NACo supports federal legislation that ensures counties will not assume full financial responsibility for cleanup costs or be held legally responsible for such cleanup by limiting local government liability and prohibiting private parties from bringing contribution actions against local governments for the generation, transportation, regulation, or disposal of MSW and providing expedited settlements for local governments involved in Superfund sites.

NACo supports strengthening the role of local and state governments in Superfund activities by:

- Granting greater decision-making responsibility to local and state governments, including options to fully assume responsibility for planning and implementing Superfund response actions and flexibility in financing or providing matching funds for cleanup efforts;
- Having Superfund regulations and guidance focusing more on the desired results of cleanup actions and less on the process for determining such results; and
- Assuring the EPA works in close cooperation with state and local governments to develop criteria or guidelines for the level of remediation sufficient to protect the environment and public health.

ENERGY

A. National Energy Policy: NACo seeks a comprehensive and integrated approach to a national energy policy that:

- Balances increased domestic oil and gas production on public and privately-owned lands, including issuance of oil and gas drilling permits in a timely fashion;
- Provides states and counties, which support and encourage oil and gas production off their shores, with a share of revenues proportionate to the royalties generated;
- Accelerates development, research and incentives for alternative and renewable energy, clean energy, energy efficient programs, and clean coal technologies;
- Gives local governments a central role in formulating local environment, energy and land use policies;
- Supports environmental equity issues;
- Continues energy conservation programs that reduce consumption, encourage efficient energy use, and improve end use efficiencies;
- Preserves and protects ecologically unique areas;
- Provides a comprehensive approach to addressing the problems of communities affected by new energy resource facility development, and direct participation by local governments in all strategy development for mitigating any adverse consequences of a new energy resource facility;
- Provides federal funding through grants, payments, low-interest loans, and loan guarantees, to

counties and other local governments to help fund the planning and development of public facilities, and services, required as the result of new or expanded energy resource and facility development;

- Ensures that the nation’s electrical transmission grid system is secure from the types of threats which could cause catastrophic failure; and
- Provides funding for Native American energy resource development.

B. Energy Research and Education: NACo supports federal funding and other incentives to promote research, explore the interrelationships among energy, capital, labor, and materials, and the technological problems of energy systems. Federal research efforts should be broad-based, unbiased, and equitable among the various energy technologies, with the results of the research being disseminated by all levels of government and the private sector through a variety of public education technologies.

C. Energy Conservation: NACo supports federal funding and other incentives to promote nationwide energy conservation efforts. To facilitate decentralized energy conservation activities, the federal government should seek input from local government on implementation and continue to adequately fund all conservation and fuel assistance programs, such as: the State Energy Conservation Program; Energy Extension Service; Institutional Conservation Program; Weatherization Assistance Program; Low-Income Housing Energy Assistance Program; and the Energy STAR Program. NACo believes the federal government should work with local governments in the research, development, and implementation of energy efficient building standards.

NACo believes the federal government should encourage local governments to develop partnerships with utilities and private industry to develop energy efficiency and conservation programs which will result in cost savings for local businesses and a stronger local economy.

NACo supports full funding for the Energy Efficiency and Conservation Block Grant (EECBG) Program in FY2010 and thereafter. Additionally, NACo supports including city populations in the overall county population numbers and urges the DOE to allow all “eligible” counties in all states to apply for the direct formula funding.

NACo supports funding for Property Assessed Clean Energy (PACE) programs and supports their treatment by federal regulators as a traditional tax assessment program with priority lien status.

D. Nuclear Energy: NACo supports nuclear power as a component of a comprehensive energy program. NACo encourages the continued research, improvement and development of nuclear power and related technologies that add to its safety and efficiency.

E. Renewable/Alternative Energy: NACo supports increased federal resources for researching and

developing renewable energy technologies, including wind, solar, geothermal, biomass, electricity from landfill gas, and other forms of waste-to-energy which will achieve the objective of clean and safe forms of energy.

NACo supports increased and multifaceted federal efforts to increase renewable energy sources and consumption, including consumption incentives to all levels of government to encourage purchase of renewable energy, industry tax incentives, such as R&D credits, encouragement to co-ops to replace wired electricity delivered to remote rural areas that are not cost-effective, and further public and private partnerships.

NACo supports federal legislation and policies that enables funding mechanisms, including grant programs, for Community Renewable Energy Projects.

NACo supports expanding the definition of governmental purpose in the Internal Revenue Code (IRC) to include energy efficiency, renewable energy improvements, and water conservation and efficiency projects.

NACo supports legislation that encourages research and development of energy storage technology.

F. Energy Program Evaluation: NACo believes all energy programs should be periodically reviewed and analyzed for efficiency and effectiveness in achieving their goals. Programs that are found to be ineffective or inefficient should be reengineered in collaboration with county, state, and other local governments.

G. Alternative Fuel Vehicles: NACo supports a national policy promoting lower pollution vehicles, such as Alternative Fuel Vehicles (AFVs), Hybrids and High Efficiency Vehicles (HEVs), and Advanced Technology Vehicles.

NACo supports a national strategy, including tax incentives, rebates, and promotions, to increase the purchase of lower pollution vehicles by private businesses and all levels of government. However, federal policy must be established to ensure the availability of a refueling infrastructure and of competitively priced, reliable alternative fuel and alternative fuel vehicles, and should consider its impact on gas tax revenues and the highway trust fund before requiring conversion of motor vehicle fleets.

NACo supports an increase in fueling infrastructure stations to support the promotion of AFVs.

NACo supports the DOE's efforts to decrease reliance on oil by focusing on alternative fuels such as ethanol, methanol, compressed natural gas, electricity, renewable diesel and biodiesel, among other agents. The ethanol used in E-85 is a renewable fuel that provides benefits to American farmers and

rural areas of the country.

NACo supports increased fuel economy standards for trucks and cars to reduce fuel costs and air pollution.

H. Electric Utility Restructuring: NACo supports the following principles of reliability, equitable benefits, social and environmental impacts, and stranded costs in any attempts to restructure the delivery of electricity:

- The federal government should work in partnership with state and local governments if it plans to restructure the nation's electric industry;
- Whether or not restructuring is pursued, the foremost consideration is to develop and enforce a common goal and supporting policies that maintain and improve the system, including upgrading and replacing aging and outdated infrastructure with particular attention to our older communities and regions, incorporating newest technologies and anticipating technological improvements, and ensuring reliability and affordability of service with particular attention to resilience in the face of natural and other hazards.
- Any transition to a competitive generation market should provide sufficient time, in line with the magnitude of the change, for counties to adapt to the new structure, avoid disruption of service to the public, and adjust to potential changes in tax revenues;
- Any restructuring must acknowledge and not abridge the existing power and authority of counties to operate county utilities or the ability of counties to form such utilities in the future, providing the utilities do not result in a cost-shifting to other counties;
- Under any restructuring, counties, either individually or on a regional basis, should have the opportunity to consider combining the electric loads of various users and negotiate the purchase of electricity on behalf of those consumers;
- Any restructuring should include a transition period during which legitimate stranded costs can be recovered in a just and reasonable manner as determined by state law;
- Counties should continue to have the authority to issue franchises and/or taxes and no federal or state action should preempt or interfere with county revenue authority;
- Counties should retain full authority over its own rights-of-way and recovery costs for their use;
- Customers should be allowed to choose their own electric power supplier as determined by state legislation, not federal law, and be given a written disclosure prior to selecting a provider on the overall cost of service;
- Recognition of electrical, geographic and institutional differences such as the western and eastern electrical grids having different features and challenges; and
- DOE and state utility commissions continuing their important role in ensuring that all consumers can count on the long-term integrity, safety, and reliability of their electricity service.

I. Pipeline Safety: NACo supports efforts to strengthen federal pipeline safety legislation and regulations which are necessary to improve the safety of natural gas and hazardous liquid pipeline operation, maintenance, and public reporting, including:

- Federal certification of operator training and qualification;
- Flexibility for state and local governments to impose stringent requirements for installation of effective leak and defect detection, and increased inspections for pipeline corrosion and defects as

pipelines continue to age;

- Expanded public awareness and notification programs by pipeline operators and federal regulators to help prevent third-party damage;
- Required disclosure to state and local governments of all inspection results and corrective measures for pipelines in their jurisdictions;
- Enhanced federal funding for grants to state and local pipeline safety authorities, for funds to federal pipeline regulatory agencies, and for pipeline safety research and development; and
- Achievement of these and other improvements should acknowledge the vital role that state and local governments have in protecting the public and environment from preventable pipeline accidents.

J. Underground Storage Tanks: NACo supports full funding for the leaking underground storage tank (LUST) program, which should only be used for its intended purpose of remediating and preventing further contamination caused from underground storage tanks (UST).

K. Regulating Natural Gas Drilling: NACo calls upon Bureau of Land Management (BLM), other Federal Land managers and impacted states to encourage the use of state of the art technology for natural gas development as proper practices can lessen the surface impacts of roads, pads and pipelines. NACo encourages land managers to routinely monitor these drilling areas to ensure compliance with existing regulations and assist in determining the impacts to air, water, public health and wildlife.

LAND USE

NACo recognizes that comprehensive land use planning and growth management are central to our social and economic stability. How we use our land directly affects our ability to accommodate development, protect valuable natural resources, minimize pollution, preserve the cultural and historical character of our community, conserve energy, provide community facilities and services, and maintain a high quality of life for current and future residents.

Sustainable development principles should include providing protection for the integrity and health of our natural resources, enhancements for economic vitality of a region, environmental protection for counties to protect open space, farmland, national landscapes, watersheds, and critical environmental areas, and social equity for all. These principles assume that the benefits derived from smart growth are available to all of its citizens. Counties must retain the authority to plan and manage growth with federal and state laws being respectful of local initiatives, and provide a variety of transportation choices that link transportation decision-making to sustainable land use planning to increase safety, reduce traffic congestion, and improve air quality.

A. Intergovernmental Roles and Relationships: NACo urges federal, state and local coordination through the comprehensive planning process. Because land use control should take place at the local

level, federal and state objectives should reflect the needs and conditions of local governments.

NACo supports federal and state land use planning and management actions being consistent with local land use policies. Activities involving federal agencies under the National Environmental Policy Act (NEPA) should not exclude local governments on interdisciplinary teams because of the provisions of the Federal Advisory Committee Act (FACA).

NACo encourages federal and state governments to allow local government authority for impact fees to help fund infrastructure costs for new development.

- B. Federal Planning and Funding:** NACo calls for significant federal funding for research and demonstration projects to encourage local governments to develop fiscally sensible, efficient land use planning and infrastructure design practices that will produce better physical activity and health outcomes. Federal grant programs earmarked for the development of community facilities, environmental protection programs, and transportation, should set aside a percentage of grant funds for local planning. Planning funds should supplement the basic grant and be utilized to maximize effectiveness and minimize undesirable impacts.

NACo supports federal policies, legislation, and funding that makes accurate land parcel data available to all levels of government.

NACo urges Congress to support the Digital Coast Initiative through the National Oceanic and Atmospheric Administration (NOAA), consistent with NACo's support for other similar type federal initiatives that use data and technological tools to improve local land use decisions.

- C. Resource Conservation:** NACo supports the option by local government to implement Historical Building tax credits and conservation easement programs for historical preservation or to foster economic development, providing it is approved through local land use plans.

NACo supports all levels of government developing techniques to reduce water and air pollution, generation of solid waste, inefficient and non-sustainable consumption of natural resources, promotion of historic and cultural resource preservation, energy resource conservation, full utilization of human resources, and sustainable uses of natural resources and space.

NACo supports continuation of the enhanced federal tax deduction for donations of conservation and trail easements to facilitate their use by counties, special districts and other units of local government as a land planning, conservation, and management tool.

D. Redevelopment of Abandoned Industrial Areas (“Brownfields”): NACo encourages the federal support for economic revitalization and environmental restoration programs in coordination with local governments.

NACo supports redevelopment of abandoned or under-utilized industrial and commercial sites, which are frequently contaminated due to past practices, through programs designed to allow these sites to once again be economically viable. NACo also supports federal funding for environmental cleanup of these areas. Clean-up standards should be based on the level and type of contamination, and the intended reuse purpose.

NACo believes there is an appropriate and increasing role for county public health departments in brownfields clean-up. Federal funding for providing these services should increase as duties expand.

E. Federal Installations, Military Testing and Training Ranges:

- NACo urges federal recognition that funding to cleanup former and existing federal military and other federal complexes is a federal responsibility. To protect human health and the environment, NACo believes the federal government should:
 - Approve full federal funding for environmental cleanup activities at existing and former military, nuclear weapons, and other federal complexes;
 - Make a commitment to complete environmental cleanup at its facilities within a reasonable and justifiable timeframe;
 - Strive to not only comply with environmental laws, but also be a leader in the field of environmental cleanup to address public health concerns, ecological restoration, and waste management; and
 - Consult with local governments regarding transportation and timing of cleanup materials.
- NACo supports continued funding and commitment for Department of Defense’s (DOD) Readiness and Environmental Protection Initiative (REPI). The REPI program enables DOD to enter into cost-sharing partnerships, authorized by Congress, with private conservation groups, local and state governments to protect military test and training capabilities and conserve land. These partnerships acquire easements or other interests in land from willing sellers to preserve compatible land uses and sustain wildlife habitat near installations and ranges where the military operates, tests, and trains.

F. Siting Issues (Eminent Domain): NACo supports federal efforts to ensure that counties are empowered and included in the decision-making process when siting of infrastructure, including, but not limited to, power grids, pipelines, or energy-related corridors, and facilities, such as liquefied natural gas terminals and refineries, are being considered.

NACo recognizes that land use controls, including the siting of facilities that may have an adverse effect on environmental quality, are traditionally a state and local prerogative.

NACo supports strengthening the role of counties in the process and opposes any federal effort to preempt state and local land use authorities.

G. Environmental Equity: NACo continues to support the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. During the implementation of these policies, the public should enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which they live, learn, and work.

NACo supports federal funding of research to scientifically evaluate cumulative environmental and health risks to all people, regardless of race or economic status, who live close to facilities that emit pollutants, and providing the results to local elected officials.

NACo urges federal and state financial assistance to local governments to implement and enforce environmental laws in a non-discriminatory manner to protect all citizens from environmental harm.

H. Parks and Recreation: NACo believes the federal government has a role in the financing of local parks and recreation programs, and an obligation to acquire, develop, and maintain national parks and similar facilities of historic value.

NACo supports full funding for the U.S. Forest Service's Urban and Community Forestry program (U&CF), at a level that will help counties become more sustainable and viable, as counties can aid in meeting the challenge of increased leisure time by providing well-planned parks, open space, quality recreational opportunities, and public education about the use of these facilities.

NACo supports continued funding of the Land and Water Conservation Fund (LWCF), with funding priority given to those areas in greatest need of open space protection. NACo supports establishing and funding of federal initiatives and programs to assist counties with preserving open space and farmlands, as deemed appropriate by the county.

NACo supports annual allocation of adequate "stateside" funding in the federal LWCF to provide matching grants to counties, special park, forest preserve and conservation districts, and other local governments for purchase of park lands and other open space, and development of trails and other outdoor recreation amenities.

NACo supports federal programs that make surplus federal real and personal property available at no or reduced costs to local governments for parks and recreational purposes.

NACo opposes legislation to limit the ability of counties to utilize reasonable user fees, as long as they do not deny persons with modest incomes access, to help defray some of the operational and maintenance costs for public parks and recreation programs.

NACo encourages the creation of partnerships between the public and private sectors, such as the "adopt-a-park" program, to supplement government's ability to develop and deliver recreational services and facilities.

NACo encourages Congress to develop and fund additional programs specifically focused on development of trail networks at the county and regional level.

- I. Noise Pollution:** NACo believes counties should have authority over noise regulations in their communities. However, when federal jurisdiction supersedes local authority, there should be a fair, just, and meaningful appeals process.

NACo supports continued federal noise emission standards, periodic review of the standards for trucks, buses, and motorcycles, and reserving the authority of state and local governments to develop and enforce stricter standards.

NACo supports federal funding and support for public/private noise-related research and development.

NACo is opposed to shifting the burden from noise caused by federal facilities and federal actions to counties without adequate financial and technical resources.

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ENVIRONMENT, ENERGY AND LAND USE RESOLUTIONS

Resolution in Support of the Federal Governments Justice40 Initiative and Similar Environmental Justice (EJ) Initiatives and Encouragement of Federal, State and Local Government Coordination on Implementation

Issue: The climate resilience challenge is most severe in disadvantaged communities, which are hurt “worst and first” by flooding, extreme heat, extreme cold, and other results of climate change. To build an equitable climate-resilient future, reparative climate resilient infrastructure investments are necessary to close the infrastructure gap that has resulted from past policies, and to enable communities that have been subject to disinvestment, underinvestment, and marginalization to fully participate in and benefit from such development. The Infrastructure and Investment Jobs Act (IIJA) and Inflation Reduction Act (IRA) created funding sources to advance environmental justice, and spur economic opportunity by investing in reparative climate resilient infrastructure for the purpose of advancing the principles of the Justice40 Initiative at the local level.

Adopted Policy: The National Association of Counties (NACo) urges the federal government to work with county governments to implement the federal Justice40 Initiative and similar Environmental Justice (EJ) Initiatives by providing technical assistance and coordination to access and maximize funding to implement related projects and include EJ language when writing grant programs and guidance to highlight Justice40 or similar EJ initiatives, especially for Notice of Funding Opportunities (NOFOs).

Approved | July 15, 2024

Resolution Supporting Beach Nourishment Bill

Issue: The Army Corps of Engineers (Army Corps) policy requiring perpetual public access and use easements on private property in order to be eligible for federal participation in Congressionally Authorized Storm Damage Reduction Projects. This policy decision puts public and private infrastructure at risk, impacts local economies, and negatively impacts critical environmental habitats for federally endangered species. Additionally, this policy results in the loss of tens of millions of dollars in cost-share to local governments and endangers future eligibility for disaster-related funding.

Adopted Policy: The National Association of Counties (NACo) supports the inclusion of a provision in the 2024 Water Resources Development Act (WRDA) that amends Section 103(d) of the 1986 Water Resources Development Act (33 U.S.C. § 2213(d)(1)). This provision clarifies that the Army Corps may not refuse to perform an authorized Federal beach nourishment project on the grounds that a local sponsor fails to acquire easements providing for perpetual public access and use. More specifically, the Army Corps must perform the project so long as the local sponsor agrees to cover 100% of costs on privately owned lands that are not open to perpetual public access and use.

Approved | July 15, 2024

Resolution in Support of the Mississippi River Restoration and Resilience Initiative

Issue: To support a non-regulatory approach for planning and financial assistance for Mississippi River projects that improve the quality of drinking water, promote flood resilience, habitat restoration and prevent the spread of aquatic invasive species.

Adopted Policy: The National Association of Counties (NACo) supports passage of the Mississippi River Restoration and Resilience Initiative (MRRRI), which will create a new, non-regulatory Environmental Protection Agency (EPA) geographic grant program to provide federal planning and funding support to enhance river restoration, resilience projects and program activities in the Mississippi River states from the Headwaters to the Delta.

Approved | July 15, 2024

Resolution on Property Assessed Clean Energy (PACE) Financing

Issue: Counties can create voluntary assessment programs, such as Property Assessed Clean Energy (PACE) financing, that allow homeowners to borrow funds from the County for specified improvements and repay the funds through an assessment on the property. These programs support important local policy objectives. A Consumer Financial Protection Bureau (CFPB) proposed rulemaking (Docket No. CFPB-2023-0029) would subject Counties that operate PACE financing programs to the consumer creditor laws and regulations set forth under the Truth in Lending Act (TILA) and Regulation Z as though they were a for-profit lender originating home mortgages. This would create a costly and unnecessary burden on Counties and infringe on long-standing constitutional principles that reserve the administration of property taxes and assessments to state and local governments.

Adopted Policy: The National Association of Counties (NACo) opposes the application of Regulation Z on PACE financing provided directly by Counties without the use of a private PACE company and strongly urges CFPB to revise its proposed regulations to exclude County-operated PACE financing programs. By excluding County-operated programs CFPB would acknowledge that Counties are government entities with legitimate public policy objectives, not for-profit lenders.

Approved | July 15, 2024

Resolution Requesting Presidential Appointment and U.S. Senate Confirmation of New Members on the Department of Energy's Defense Nuclear Facilities Safety Board

Issue: Presidential appointment and Senate confirmation needed of up to four new members on the Defense Nuclear Facilities Safety Board.

Adopted Policy: The National Association of Counties (NACo) urges the president to appoint additional members of the Defense Nuclear Facilities Safety Board (DNSFB), the U.S. Senate Armed Services Committee to report out favorably members of the Board, and for the U.S. Senate to confirm up to four new members of the Board this year.

Approved | July 15, 2024

Resolution in Support of the Reinvesting in Shoreline Economies and Ecosystems (RISEE) Act (S. 2130)

Issue: Federal Outer Continental Shelf (OCS) impact assistance laws should be updated through legislation to provide more parity in federal offshore oil and gas revenue sharing to the four GOMESA states and provide revenue sharing from offshore wind development to supporting coastal states.

Adopted Policy: The National Association of Counties (NACo) urges the passage of the Reinvesting in Shoreline Economies and Ecosystems (RISEE) Act as this legislation addresses new federal offshore energy development to meet current and future energy needs and to provide long-term funding streams to enhance coastal resilience.

Approved | July 15, 2024

Resolution in Support of the Completion of a New Five-Year Plan and the Resuming Federal Onshore and Offshore Leasing

Issue: The federal government's position on executing offshore leasing is important to America's counties regarding the funding of conservation, recreation, restoration and protection of vital national resources.

Adopted Policy: The National Association of Counties (NACo) urges the Administration to hold all three offshore lease sales in the 2024 – 2029 OCS Leasing Program and to hold regular offshore lease sales, to maximize the funding streams of the royalty revenue for the purposes of conservation, recreation, restoration and protection of vital national resources. And, in the absence of expedited lease sales by the Administration, NACo urges Congress to immediately pass legislation instructing the Administration to hold multiple region wide, commercially viable offshore and onshore lease sales each year, excluding those areas covered by the GOMESA moratorium as further extended by Presidential Action on September 8, 2020, covering portions of the Central Gulf planning area and areas in the Eastern Gulf of Mexico including, Florida, North Carolina and Virginia.

Approved | July 15, 2024

Resolution Requesting the Department of Energy (DOE) to Develop a New Grant Program, Based on the DOD Infrastructure Pilot Program

Issue: The operation of Department of Energy (DOE) facilities creates housing, transportation, and related infrastructure and workforce stressors on Counties throughout the Country which require additional funding resources-These stressors also affect the ability of the DOE facilities to meet their missions.

Adopted Policy: The National Association of Counties (NACo) requests the U.S. Department of Energy (DOE) to develop a new grant program, based on the Department of Defense (DOD) Community Infrastructure Pilot Program (DCIP). The new grant program would provide funding to county and other local governments that

surround DOE facilities to relieve the stress these facilities place on their infrastructure. Eligible activities under the program would include transportation, housing, education, emergency response, water, telecommunication and utility projects that benefit the operations and workforce of the DOE facility and the surrounding local government.

Approved | July 15, 2024

Resolution on Groundwater Resource Assessment

Issue: Groundwater depletion is a significant issue, but available data and analytical tools are insufficient and coordination among agencies is inadequate to inform policies necessary to serve the public's needs. Counties need better data to inform local decisions about development planning, land management, infrastructure investments and strategic policies that emphasize the importance of adequate supplies for agriculture and drinking water.

Adopted Policy: The National Association of Counties (NACo) urges federal government agencies with responsibilities to research and assess groundwater availability and sufficiency for public purposes (including United States Geological Survey, Bureau of Reclamation, National Aeronautics and Space Agency and Environmental Protection Agency) to:

- significantly increase coordination among themselves and with state and local agencies with like responsibilities,
- quantify and characterize available groundwater nationwide inclusive of fractured rock systems and predict likely supplies (water access data),
- develop more robust modeling and analytical techniques and
- identify gaps in available data to better inform policies necessary to ensure continued availability and sufficiency of water necessary to support public health and food production.
- NACo also calls on Congress to adequately fund these agencies for these purposes.

This resolution is not intended to confer additional authority to the Federal Government to control usage of groundwater.

Approved | July 15, 2024

Resolution in Support of Promoting Nuclear Energy Innovation

Issue: Nuclear energy plays an essential role in securing our country's clean energy future. That's because the generation of electricity from nuclear plants emits no carbon dioxide or air pollution and is the country's largest source of clean energy yet is being underutilized.

Adopted Policy: The National Association of Counties (NACo) urges federal government agencies to promote nuclear energy innovation for existing and new nuclear deployment, including the development of nuclear microgrids.

Approved | July 15, 2024

Resolution on Reducing Local Match Requirements for Federal Environmental Restoration Projects

Issue: Federal environmental restoration grant programs generally require 50 percent matching funds from the applicant agency. Federal transportation grant programs more often require a 20 percent match from the local agency partner. Reducing match requirements for environmental restoration projects to 20 percent would bring these programs into alignment with transportation programs and enable local agency partners to put more and larger projects on the ground more quickly.

Adopted Policy: The National Association of Counties (NACo) encourages the Executive Branch to reduce match requirements for federal environmental restoration programs from 50 percent to 20 percent.

Approved | July 15, 2024

Resolution to Improve Efficiencies of the LWCF Program

Issue: The National Park Service administers the Land and Water Conservation Fund Act (LWCF). Input from state, regional, county and local LWCF funding recipients to refine interpretation of LWCF will improve cost-effectiveness, efficiency, land stewardship and outdoor recreation.

Adopted Policy: The National Association of Counties (NACo) encourages the National Park Service to work with state, regional, county and local Land and Water Conservation land managers to define reasonable access, recreational development timeframe requirements, and small acreage conversion requirements.

Approved | July 15, 2024

Resolution in Support of EPA Ozone Reclassification

Issue: The western half of the United States deals with a wide variety of geographical landscapes and weather patterns that makes the region more susceptible to higher concentrations of ozone. As wildfires and weather patterns become increasingly unpredictable, it has placed the region in a vulnerable position related to attainment of the 8-hour ozone National Ambient Air Quality Standard (NAAQS). Many regions and monitoring sites experience levels of background and non-locally controllable emissions that are 80% or more of their monitored emissions. Ozone originating either out of state, out of the country, or at higher altitudes is causing readings at levels that a region has no ability to affect, regardless of local investment.

Adopted Policy: The National Association of Counties (NACo) urges the president to direct the Environmental Protection Agency (EPA) to develop tools and create policy directives that hold regions accountable to locally produced ozone, while treating background ozone and non-locally produced ozone separately. NACo further urges the President to direct the EPA to seriously consider the recommendations in the bipartisan letter sent to the President on this topic and signed by the Governors of Colorado, Utah, Arizona, and Wyoming.

Approved | July 15, 2024

Resolution on Rare Earth and Critical Minerals

Issue: The U.S. is increasingly reliant on foreign countries for the minerals needed by our manufacturing, technology, energy, transportation, and defense sectors. In 2022, imports made up more than one-half of the U.S. for 51 nonfuel mineral commodities. China has become the largest single source of foreign mineral imports and controls 85% of the global mining capacity. China currently processes anywhere from 60 to 100 percent of all the minerals needed for batteries and electric motors. By nearly every measure, China has cornered the market for critical minerals and resources.

Some estimates suggest that at least 336 new mines will be needed for graphite, lithium, nickel, and cobalt to meet EV demand prior to 2035. Even as our nation's mineral needs skyrocket for everything from electric vehicles to advanced energy technologies and critically important defense systems, the U.S. is stumbling when it comes to our mineral supply chains.

Adopted Policy: The National Association of Counties (NACo) urges Congress to pass bipartisan legislation that will reduce our dependence on hostile foreign nations for critical minerals and to look for innovative ways to onshore the critical minerals supply chain in order to strengthen our nation's energy security while respecting tribal sovereignty, local authority and the principles of consent.

Approved | July 15, 2024

Resolution on NEPA Reform

Issue: The National Environmental Policy Act (NEPA) was signed into law in 1970 to ensure consideration for the effects of proposed federal actions on the environment, ranging from road building and mining projects to alternative energy projects. Since its inception, NEPA has proven time-consuming and costly for the federal agencies implementing it and the businesses seeking permits. A typical NEPA review now takes over four and one-half years and is over 600 pages long. The overall process regularly takes over a decade to complete. In many cases, NEPA not only slows projects, but stops them altogether. By comparison, Canada, Australia, and the European Union have reformed their permitting laws and adopted policies to ensure that permitting is completed within three years or less while protecting the environment.

Adopted Policy: The National Association of Counties (NACo) urges Congress to pass bipartisan legislation that would speed up the approval process for critical infrastructure, transportation, utility corridors, establish reasonable and firm review timelines.

Approved | July 15, 2024

Resolution on Federal Government Related Water Control Infrastructure Drawdowns Before Flooding Events

Issue: A resolution urging federal agencies to enact operating procedures consistent with its mission and design to reduce downstream flooding from imminent stormwater events.

Adopted Policy: The National Association of Counties (NACo) urges the Federal Energy Regulatory Commission (FERC) to revise federal guidelines in coordination with local governing authorities that operate water control projects to reduce downstream stormwater events.

Approved | July 15, 2024

**Resolution on Amending U.S. Code Title 16. CONSERVATION Chapter 12.
FEDERAL REGULATION AND DEVELOPMENT OF POWER, Subchapter I.
REGULATION OF THE DEVELOPMENT OF WATERPOWER AND
RESOURCES Section 803. Conditions of license generally**

Issue: A resolution urging the United States Congress to amend 16 U.S. Code § 803 (a)(2)(B), to include recommendations from local agencies exercising administration over flood control in the issuing of licenses for waterpower and resources.

Adopted Policy: The National Association of Counties (NACo) urges the United States Congress to amend 16 U.S. Code § 803 (a)(2)(B) as follows: (B) The recommendations of Federal, State, and Local agencies exercising administration over flood control, navigation, irrigation, recreation, cultural and other relevant resources of the State in which the project is located, and the recommendations (including fish and wildlife recommendations) of Indian tribes affected by the project.

Approved | July 15, 2024

Resolution on Innovative Water Management Support

Issue: Extreme weather is increasing the need for counties to have the opportunity to utilize innovative water management tools such as Forecast Informed Reservoir Operations (FIRO) and subseasonal to seasonal (S2S) weather research forecasting.

Adopted Policy: The National Association of Counties (NACo) urges the strengthening, through additional funding of Congressional appropriations directed toward the implementation of FIRO initiatives, improvement of S2S weather research forecasting and reauthorization of the Weather Act.

Approved | July 15, 2024

Resolution in Opposition of Material Preference Legislation

Issue: There is a national effort to eliminate local control of water, wastewater, and stormwater infrastructure systems, which would deny engineers, utilities, local governments, and public entities the ability to design water systems in the manner that best serves the needs of their communities.

Adopted Policy: The National Association of Counties (NACo) supports local control of decisions related to water infrastructure and opposes Material Preference Legislation, or so-called “open competition” or “innovative materials” legislation. NACo is neutral as to which materials communities select for water infrastructure projects because NACo recognizes that communities have unique needs regarding water

infrastructure and their autonomy to address those needs should not be restricted or limited in this manner.

Approved | July 15, 2024

FINANCE, PENSIONS AND INTERGOVERNMENTAL AFFAIRS

STATEMENT OF BASIC PHILOSOPHY

Counties, as political subdivisions of the sovereign states have a right and a responsibility to raise the necessary revenues to finance critical basic public services of a wide variety, many of which are federally mandated.

TENTH AMENDMENT

NACo affirms the Tenth Amendment to the Constitution of the United States as the operational force governing and balancing the respective powers of the states and local governments and federal government.

PARTNERSHIP AND THE NEED FOR STRONG COUNTY GOVERNMENT

Counties are more than just local branches of the state or federal government. As representatives of the local government that reaches all the people, county officials pledge themselves to strengthen and improve county government. The federal government should recognize the inalienable right of state and local governments to participate in the decision-making process of a federal system. It should further recognize that because local government is the closest to the citizenry it is often best equipped to deliver services and administer programs. Strong county government is an essential component and partner in the effective operation of national-state-local government activities.

INTERGOVERNMENTAL IMMUNITY FROM TAXATION

It has been long established, under the Constitutional doctrine of intergovernmental immunity that the federal government and state governments, and their political subdivisions, may not by taxation interfere with the legitimate functions of another. Furthermore, the Constitution, by requiring that the federal government guarantee a republican form of government to the states, requires that state and local governments should have the power to finance their legitimate functions free from federal interference. NACo insists that the federal tax system should acknowledge the direct and indirect linkages between federal and local tax systems. The federal government should not tax county governments or their respective functions, just as local governments cannot tax the federal government. Nor can federal tax policies be allowed to dictate states' revenue sources.

ASSESSMENT AND TAX ADMINISTRATION

A. GASB Activities Related to Performance Measurement: NACo opposes issuance by the Governmental Accounting Standards Board (GASB) of any standard or any other official guidance, such as a statement of recommended practice, on performance measurement for the following reasons:

- Accounting is not synonymous with accountability;

- Decisions about performance measurements depend on the specific goals, objectives and strategies pursued by a local government and inherently not simply an accounting decision but a part of the policy and budget process;
- Even a voluntary action by GASB, an authoritative standard-setting body, will be perceived as mandatory; and
- Standards will discourage, rather than foster, innovation in performance measurement.

B. Tax Exemption for Municipal Bonds: NACo supports the right of counties to issue governmental debt for essential public services by marketing bonds to investors with interest on such bonds remaining totally exempt from federal taxation. Just as federal debt is exempt from local taxes, county governments vigorously oppose any action in the context of tax reform or deficit reduction that would directly or indirectly tax, under the federal income tax, interest on state or local government municipal bonds, or would place these bonds in an inferior competitive position with federal debt instruments and corporate securities. NACo asserts that tax-exempt bonds are a critical tool for budgeting and financing of long-range investments in the infrastructure and facilities necessary to meet public demand for government services. NACo opposes restrictions that would drive up the cost of issuing tax-exempt bonds. NACo endorses simplifications that would ease existing burdensome restrictions on tax-exempt financing.

NACo supports the use of direct subsidy bonds (e.g. Build America Bonds and Recovery Zone Bonds) as additional financing options for county governments but not as a replacement for traditional tax-exempt municipal bonds.

C. Public Purpose: Counties should have the right to determine the public purposes to be financed by their bonds. The tax-exempt nature of tax-exempt bonds should be safeguarded when they meet a public purpose that benefits the community as a whole, not merely as individuals, regardless of ownership. Ownership or the employing power of those who operate a facility should not be the criteria by which public purpose is defined. However, eligibility for tax-exempt bonds should rest on a test of public purpose, defined in the following manner. A public purpose should be met:

- When a general purpose state or local government's general revenues have been used to finance a purpose or service over an historic period prior to issuance of a bond for a project determined to be necessary to the provision of such a purpose or service, or
- When local governments carry out a public service as directed by a federal mandate, e.g., jail overcrowding, clean air or water, or
- Where a bond issue is proposed by the local government and meets state and/or local requirements for bond approval. This process should not be used to override Congress' acts that certain facilities should not be eligible for tax-exempt financing.

D. Delinquent Tax Bonds: Counties should be allowed to issue tax exempt bonds to cover the cost of uncollected and delinquent real property tax bills.

ACCESS TO THE TAX-EXEMPT MARKET

When considering any legislation which would have an impact on the municipal bond market, Congress should ensure that access of state and local governments to the existing tax-exempt market should not be impaired. NACo supports legislative and regulatory efforts to assist state and local governments in accessing the municipal bond market during times of crises.

CATEGORIES OF TAX-EXEMPT BONDS

Tax-exempt bonds fall into three major categories:

- **Governmental Bonds:** Governmental bonds should meet at least one of the above three public purpose tests and their ultimate credit should be pledged from the general revenues of the local government that is the issuer of the bond.
- **Partnership/Private Activity Bonds:** Tax-exempt bonds that fall into this category are treated differently from governmental bonds in that they are subject to state-by-state volume limitations based on the population of the state. Partnership bonds are issued on behalf of a governmental body for public purposes that meet one or more of the above three tests. However, they differ from governmental bonds because they have no claim on the general tax revenues and are largely financed through the revenues generated by the project itself. Furthermore, the bond proceeds benefit a larger percentage of the private sector than the proceeds of governmental bonds. Examples of projects that may generally fall into this category are moderate to low income single family housing and small scale highly targeted economic development.
- **Special Exceptions:** Special exceptions should be made for multifamily housing, solid waste facilities, renewable energy improvements, energy efficiency, water conservation and efficiency projects, and they should not be subject to volume caps.

501(C)(3) NON-PROFIT ORGANIZATION BONDS

These are bonds that are issued by authorities created by a government on behalf of organizations that qualify for tax-exempt status under the federal tax code and Internal Revenue Service regulations. They are tax-exempt because they are deemed to perform a charitable service and help government to address the burdens of public service in a progressive manner. Therefore, these organizations should be eligible to use tax-exempt bonds as a capital financing tool as long as they meet certain public service requirements. These bonds are subject to the following restrictions and requirements that distinguish them from purely governmental bonds:

- **Non-Profit Hospitals:** Section 501(c)(3) non-profit hospitals should be required to meet appropriate Medicaid/charity care tests in return for the benefit received from using tax-exempt bonds. As long as they provide an appropriate percentage of their services to the uninsured or

underinsured their bonds should not be subject to penalties or to the volume cap for all other 501(c)(3) institutions currently authorized under the Tax Reform Act of 1986.

- **Non-Profit Long-Term Care Facilities:** Section 501(c)(3) non-profit long-term care facilities for the elderly, disabled, or terminally ill patient (e.g., AIDS), should continue to be subject to the current volume cap unless, on a case by case basis, they meet appropriate Medicaid/charity care tests.

EXEMPTION FROM THE ALTERNATIVE MINIMUM TAX

Interest earned on tax-exempt bonds should be exempt from the federal Alternative Minimum Tax (AMT). This exclusion should also apply to ‘excess’ corporate book income, to the extent that it includes interest earned on tax-exempt bonds.

REFUNDING

NACo opposes restrictions on counties’ ability to refinance their bonds at lower interest rates, which can save taxpayers millions of dollars.

DISCLOSURE OF INFORMATION BY MUNICIPAL BOND ISSUERS

NACo recognizes the need for full disclosure of all relevant information concerning a county’s financial condition to potential investors, citizens, and other parties interested in municipal bonds. NACo opposes federally imposed standards for county financial accounting and reporting and supports those principles put forth by the GASB.

NACo supports disclosure guidelines developed by the Government Finance Officers Association and the GASB in cooperation with public interest groups and urges county governments to adhere to these guidelines.

ARBITRAGE RATES

NACo opposes requirements that non-abusive arbitrage earnings from investments of bond proceeds in higher yielding securities be rebated to the United States Treasury. The federal government should amend the U.S. tax code to provide simpler and more flexible criteria to determine whether arbitrage has been earned in using tax-exempt bond proceeds.

SIMPLIFICATION OF TAX-EXEMPT BOND STATUTES

NACo urges Congress to simplify current tax-exempt bond statutes and that the legislation includes provisions to:

- Raise the small-issuer arbitrage rebate;
- Establish an arbitrage rebate safe harbor with a three-year spend out for construction projects;
- Raise the small-issuer bank interest deduction exception; and
- Repeal the five percent unrelated or disproportionate use rule.

MANDATED INFRASTRUCTURE FACILITY BONDS

NACo urges Congress to create a new category of bonds called Mandated Infrastructure Facility Bonds to assist states, counties, and cities in financing federal infrastructure mandates. The bonds would not be subject to arbitrage requirements, state-wide volume caps or limitations on advance refunding.

CREDIT ASSISTANCE

Any credit assistance program should be automatically applicable to all legitimate state and local borrowing and should not be subject to elaborate administrative procedures.

EQUALIZATION IN FEDERAL GRANTS

The distribution of federal grants should reflect relative inequalities among recipient governments in program needs and in the fiscal capabilities to meet these needs with the following:

- **Appropriateness and Feasibility:** Appropriate agencies of the federal government should be required to examine those grant programs that distribute funds directly to local governments or support local projects, in order to assess the extent to which variations in local fiscal capabilities should be recognized in their distribution and appraise the feasibility of administering effective and equitable equalization provisions in such grants;
- **Periodic Review of Need Indices:** The departments and agencies responsible for administering federal grant programs should be required to review periodically the adequacy of the need indices employed in the respective grant programs and the appropriateness of their equalization provisions;
- **Recognizing Disparities:** States should be required to recognize disparities in fiscal needs and resources among local governments in the redistribution of federal grant funds; and
- **Serving Incorporated Areas:** All federal grant programs should include equitable criteria that recognize that county governments serve all citizens within their boundaries, including areas within incorporated municipalities. The distribution of federal assistance funds should be based on total county population when determining prime sponsorship or entitlement.

BLOCK GRANTS

NACo urges Congress and the Administration to consider the following principles in developing block grant legislation:

- Emphasis should be on reducing expenses and not on shifting costs from the federal government to local taxpayers;
- Federal block grant legislation should be developed in close consultation with county officials;
- States should be required to jointly plan, review, accept, and publish comments from county officials on all expenditures of federal funds;

- Federal block grant funds for health, social services, employment, community and economic development, and criminal justice should be allocated to general purpose local governments where existing service delivery systems are in place;
- Reasonable transition time should be allowed to move from categorical to block grants and counties should be given sufficient time to adjust their own laws, budgets and administrative procedures to comply with changes in federal policy;
- Local flexibility should be permitted to address identifiable needs within the context of meeting broad national objectives;
- Block grant proposals should require political accountability for the expenditure of public funds at the county level;
- Accountability for the use of funds should be demonstrated through outcome measurements;
- State administration costs should be capped to what is reasonable and justifiable on the basis of current administrative costs; and
- If a federal mandate is eliminated or waived for a state it should be eliminated for local governments.

GENERAL SERVICES ADMINISTRATION SCHEDULE CONTRACTS

Access to General Services Administration schedule contracts provides volume pricing and reduces unnecessary duplication of effort by multiple federal, state and local government contract managers to make public sector procurement more cost-effective. NACo supports total access for local governments to GSA schedule contracts, including access to “green” schedules.

CONSULTATION IN FEDERAL DECISION-MAKING

The federal government should encourage early and meaningful involvement of elected public officials and their representative organizations in all aspects of national decision-making. The federal government should discern the difference between the partnership role of public elected officials and their representative groups and the advisory role of public interest groups representing non-elected officials.

RECOGNITION OF FISCAL IMPACTS

The national government should protect the integrity of its state and local government partners by establishing an expanded fiscal impact policy. This policy should inform state and local governments of all anticipated regulatory and fiscal impacts of proposed policies on state and local budgets.

MANDATE FUNDING

The federal government should fund local government for all costs associated with complying with mandates.

PREEMPTION

Preemption of local authority is a growing concern of the nation’s counties. Federal efforts to dictate implementation of traditional county responsibilities and functions undermine the concept of federalism

and are contrary to the constitutional framework underlying federal/state/local relations. Therefore, NACo opposes any effort by the federal and state governments, or international agreement, to preempt local authorities. Federal preemption of local authority should not be initiated unless there is an overriding national issue and the fiscal impact on local government of such action has been evaluated closely.

Additionally, NACo opposes any federal legislative or regulatory initiatives that would preempt state and local taxing authority.

DEDUCTIBILITY OF STATE AND LOCAL TAXES

The federal tax code should retain the deductibility of all state and local taxes, particularly the property tax, and it should reinstate the deductibility of sales taxes. NACo opposes any requirements that place the burden of responsibility on counties to determine and specify on real property tax bills the deductibility of those taxes and also opposes any requirement to report to the Internal Revenue Service the amount of taxes paid by each taxpayer.

SALES AND USE TAXES

NACo supports efforts to reduce the complexity of state and local sales and use tax laws. NACo also supports granting counties with the authority to enforce the collection of already existing sales and use taxes from remote sellers.

Congress consider legislation related to the collection of remote sales taxes, the legislation should:

- Establish a definition of what constitutes a reasonable “nexus” between a state or locality and a vendor;
- Establish a consistent definition of “small business” and the small business exemption;
- Utilize a destination-based taxing system for online and remote sales;
- Support and consider codifying the Streamlined Sales and Use Tax Agreement;
- Ensure local sales taxes are included in collection and distribution methods; and
- Not be used by the federal government as a means to undermine county government taxing authority and revenue streams.

QUASI-GOVERNMENT INSTRUMENTALITIES

The federal government should not deprive counties of their effective power to tax through creation of quasi-governmental instrumentalities that are exempted from state and local taxes.

VALUATION AND ASSESSMENT DECISIONS

NACo opposes federal legislation that intrudes into state and local government valuation and assessment decisions.

AD VALOREM TAXES

NACo opposes federal legislation that attempts to usurp state jurisdiction over ad valorem taxes.

REFORM OF PROPERTY TAXES

The property tax should be regarded as a necessary part of an overall tax system because it raises a substantial amount of money and is, in fact, the largest single source of local tax revenue. However, property tax revenues are no longer sufficient to support all functions of local government, and the property tax is no longer the best measure of a person's ability to pay. Counties should have the ability to employ additional means of financing county government. NACo recommends the following policies to relieve and reform the property tax:

- **Maintenance of Federal and State Funding:** Federal and state financing of public assistance and income-maintenance programs should be maintained by federal and state governments.
- **Reimbursement:** Legislation should be enacted by the federal government or the states to reimburse counties for any loss in property tax revenues caused by legislation or by administrative action which reduces or exempts property from taxation, such as the holding of lands in trust for the benefit of Native Americans.

INTERCEPT OF FEDERAL TAX REFUNDS

NACo supports federal legislation to permit the offset of federal tax refunds for state and local tax debts and outstanding court-ordered obligations in criminal and juvenile justice proceedings.

FEDERAL TAX REFORM

NACo supports tax reform and simplification, and encourages Congress and the Administration to make it a priority.

EMPLOYEE BENEFITS

- A. Social Security and Medicare:** NACo believes that participation in Social Security and Medicare should be optional for state and local public sector workers and should be based on the efficacy and soundness of state or local public employee retirement systems. Efforts to fund and improve Social Security and Medicare should not rely on the mandatory participation of state and local workers.

Further, NACo believes that there should be no federal restrictions on the maintenance or initiation of separate or supplementary retirement, health or disability systems.

- B. Pension and Retirement Benefits:** NACo believes that all counties should provide all county employees with adequate pension and retirement benefits that are governed by county elected officials and that are exempt from tax and regulatory burdens. County pension plans should be required to fully disclose all plan information.

NACo also believes that counties should implement strong fiduciary standards, prudent investment practices, sound funding procedures, and equitable vesting requirements. NACo supports the

continuation of deferred compensation (457) plans for county employees. County employees should be able to utilize these plans to adequately provide for their own retirements.

NACo supports full portability of retirement benefits between all types of retirement plans and opposes any policy that would eliminate or limit the special features of state and local governmental retirement plans.

NACo supports pension reforms that would:

- Simplify county compliance with Section 415 of the Internal Revenue Code;
- Increase IRA limits and catch-up contributions to public sector plans;
- Allow for tax-free withdrawals for charitable purposes;
- Continue employer-sponsored 457 deferred compensation plans for county employees and increase benefit and contribution limits;
- Simplify rollover procedures between all types of plans; and

C. Workers' Compensation: Workers' Compensation laws must remain the prerogative of individual state legislatures.

D. Employee Assistance Programs: NACo supports employee assistance programs that are designed to reduce absences from work and increase worker productivity. Employee assistance programs may address, but should not be limited to, alcohol and drug abuse, financial hardship, divorce, dysfunctional family relationships, and dysfunctional employees.

E. Family and Medical Leave: NACo strongly supports family and medical leave programs that permit county employees to attend to family and medical matters without the threat of the loss of one's job or the loss of benefits or seniority. NACo also supports leave programs for county and other elected officials so that they may attend to their elected official duties without fear of termination, deductions from existing leave accounts, poor performance ratings or loss of other benefits.

COUNTY AND TRIBAL GOVERNMENT RELATIONS

The policy of NACo is to support government-to-government relations that recognize the role and unique interests of tribes, states, counties, and other local governments to protect all members of their communities and to provide governmental services and infrastructure beneficial to all – Indian and non-Indian alike.

NACo recognizes and respects the tribal right of self-governance to provide for tribal members and to preserve traditional tribal culture and heritage. In similar fashion, NACo recognizes and promotes self-governance by counties to provide for the health, safety, and general welfare of all members of their communities. To that end, NACo supports active participation by counties on issues and activities that have an impact on counties.

NACo supports the reaching of enforceable agreements between tribes and local governments concerning the mitigation of impacts of gaming or other development. NACo opposes any federal limitation on the ability of tribes, states, counties and other local governments to reach mutually acceptable and enforceable agreements or on the ability of these governments to fulfill the purposes for which they have self-governance.

Nothing in federal law should interfere with the provision of public health, safety, welfare, or environmental services by local government. It is the policy of NACo to support legislation and regulation that preserves – and does not impair – the ability of counties to provide these services to the community.

LANDS IN TRUST

NACo supports the improvement of the process by which lands are considered to be taken into trust, including revision of the Indian Reorganization Act of 1934, to require:

- adequate advance notice of applications,
- actual meaningful consultation (including providing counties 120 days to respond to applications and requiring the Department of the Interior/Bureau of Indian Affairs to respond within 90 days, in writing, to such comments explaining the rationale for acceptance or rejection of those comments), and
- to the extent constitutionally permissible, the consent of the affected counties.

NACo opposes administrative action or a legislative “quick fix” to overturn the United States Supreme Court decision in the case of *Carcieri v. Salazar*, 555 U.S., 129 S. Ct. 1058 (2009), which held that the Secretary of the Department of the Interior (DOI) lacks authority to take land into trust for tribes that were not “under federal jurisdiction” upon enactment of the Indian Reorganization Act (IRA) in 1934. NACo calls on Congress to address any *Carcieri* issues as part of a comprehensive examination and congressionally enacted reform of the fee land into trust process. *This reform is necessary as the current federal fee to trust process as exercised under the IRA and as used under the “restored lands” exception to the Indian Gaming Regulatory Act (IGRA) is contrary to the original legislative intent; is without clear and enforceable standards; does not take into account county interests; and, at times, interferes with county ability to provide essential services to the community.* NACo supports legislative changes to the trust process that also include full compensation to counties for lost tax revenue resulting from taking lands into federal jurisdiction.

GAMING

NACo supports the revision of the IGRA to require consultation with and mitigation of identified impacts on affected local governments and the implementation of accountability procedures.

ELECTIONS

Counties administer the nation's elections and must be an integral stakeholder in any meaningful reform of our election process. Counties have traditionally administered and financed elections in the United States because the vast differences in geographic and population sizes, language needs and other local requirements necessitate differences in elections administration. This local and disparate election administration also assists in elections security. Therefore, NACo opposes any legislation that imposes specific and impractical requirements regarding equipment, procedures, and personnel responsibilities. Further, while NACo believes that post-election audits are an integral part of securing our elections and supports efforts to develop and assist counties in implementing best practices, NACo opposes any legislation that requires any specific methodologies. Counties additionally opposes unfunded mandates and insufficient deadlines with regard to federal election reform. NACo further asserts that counties should not be held liable for state failures to comply with election requirements imposed by the federal government.

NACo strongly supports the role and functions of the U.S. Election Assistance Commission (EAC) which recognizes and focuses on the importance of rigorous testing of voting equipment and brings together election technology experts and local election officials to develop guidelines and standards that protect our critical infrastructure and appreciates the efficiencies and cost savings of voluntary federal certification. NACo supports this process and opposes any legislation that seeks to create further federal certification processes in addition to the EAC certification. Further, NACo appreciates the important role the EAC plays in coordinating collaborative efforts among local, state and federal government officials in addressing issues associated with the field of election administration.

ELECTION FUNDING

Counties support a consistent, predictable and dedicated federal funding stream to assist counties with meeting the significant federal requirements already imposed on local governments administering elections. Federal funding dedicated to election administration should be administered in coordination and in consultation with local governments, including an assurance that a portion of the funding be made available to the discretion of local governments. A consistent federal funding stream would allow counties to prepare for future technology and security updates, recruit, train and retain high-quality individuals that administer elections, to develop and implement innovative election practices, technologies and solutions, and to support county-driven voter education initiatives that address specific local needs and contexts. Additionally, counties support funds to provide continued access to voters that have challenges as required by existing federal laws such as the Voting Rights Act, the Americans with Disabilities Act (ADA) and the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Additionally, any new federal legislation or regulations on local election administration must be fully funded and should acknowledge the substantial variety of administration techniques employed in states and counties across the country.

ELECTION SECURITY

Counties believe secure elections are a central component of our nation. NACo supports efforts by

Congress to combat the cybersecurity threats that negatively impact public perception of the integrity of elections. Any legislation should involve county election authorities in addressing these threats and include provisions requiring information sharing between federal, state and local authorities. NACo further supports the roles and functions of the U.S. Cybersecurity and Infrastructure Security Agency (CISA) in election security that focuses on developing resources to assist counties in protecting the cyber and physical security of election infrastructure and election workers.

NACo believes it is essential that election cybersecurity guidelines and grant administration remain coordinated between the existing structure of the Election Assistance Commission (EAC) and appropriate federal agencies such as CISA and the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC).

In general, NACo urges Congress to adhere to the following guidelines when enacting election cybersecurity legislation:

- Increase the availability to local governments of interim election preparedness grants and the accessibility of these grants to counties, with criteria based on security principles rather than specific technologies;
- Authorize a separate and sustainable allocation of funds for local governments;
- Utilize advisory panels already in existence, such as the EAC, CISA's Government Coordinating Council, or Election Infrastructure Information Sharing and Analysis Center (EI-ISAC), or otherwise give significant representation to local authorities (including local government Chief Information Officers) on any new advisory panel on election cybersecurity;
- Maximize flexibility and opportunities for nimble, innovative and secure tabulation auditing protocols;
- Provide county election officials, government Chief Information Officers and other county technology offices with maximum information about cyber threats; and
- Avoid inclusion of a "hack the election" program, or else place it under the EAC.

TOOLS FOR MINORITY LANGUAGE OUTREACH UNDER THE VOTING RIGHTS ACT

NACo expresses concern that the federal government does not provide the essential resources needed for voters who require assistance to participate in our democracy. Many counties lack essential tools required to comply with Section 203 of the Voting Rights Act and serve the needs of voters who are limited English-proficient.

NACo encourages full funding for the Census Bureau and additional funding for the Department of Justice and/or the Census Bureau to notify affected jurisdictions upon publication in the Federal Register of any coverage determination under Section 203 of the Voting Rights Act. Such notice should specify the basis for the coverage determination and should include a data supplement for use in targeting outreach required under Section 203. This supplement should disaggregate the demographic data used to determine

coverage by census tract or other smallest level appropriate.

THE POSTAL SYSTEM IS A PARTNER IN ELECTIONS

NACo supports a domestic and international mail system that supports our election system and ensures that all voters, including those in the military and overseas, are able to fairly and freely participate in our elections. Such a system would include high quality delivery methods, tracking and notice of changes in the system to impacted local governments.

NACo also supports the establishment of a discounted Presort First-Class postage rate, similar to that enjoyed by federal agencies such as the Internal Revenue Service, for specified local government mailings mandated by federal or state law, such as voter registrations, election ballot mailings, property tax statements, summonses, and jury duty pay.

REPEAL OF THE REAL ID ACT

NACo urges repeal of the Real ID Act of 2005. It places an unfair burden on the motoring public, threatens privacy, and leaves citizens vulnerable to identity theft. The Act fails to accomplish its mission of improving security. NACo urges the federal government to ensure that Homeland Security should start at home by allowing driver's license renewal services to remain at home.

AMERICAN COMMUNITY SURVEY

NACo supports nationwide implementation of the American Community Survey to improve the utility of census data and permit more frequent releases of data to demonstrate emerging local and regional trends. In particular, NACo recognizes the importance of the American Community Survey to identifying and serving veterans across the country.

FINANCE, PENSIONS AND INTERGOVERNMENTAL AFFAIRS RESOLUTIONS

Resolution on Protecting Local Control and Fiduciary Responsibility

Issue: Special interest groups are actively collaborating on a nationwide campaign to restrict and eliminate local authority regarding pensions, municipal bonds, and government funds by passing legislation and resolutions at both the national and state levels that oppose local control and free-market principles. These policies threaten county governments' ability to deliver services to meet their own community's needs by restricting access to essential data and regulating local government.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the Administration to oppose anti-local control and anti-free-market policies such as the Fair Access to Bank Act 2023, HR 4790, and H.J. Res.30 2023. The National Association of Counties (NACo) urges Congress and the Administration to support policies that provide for local governments' ability to invest and borrow as they self-determine, which must include continued access to free capital and credit markets. Furthermore, NACo urges Congress and the Administration to oppose legislation and policies which don't support free enterprise and restrict local governments from fulfilling their elected duties to act as careful stewards of taxpayer resources.

Approved | July 15, 2024

Resolution Urging Congressional and Administration Commitment to Timely Enactment of Federal Budget Appropriations and No More Shutdowns

Issue: The purpose of this resolution is to urge Congress and the President to work together to enact all federal budget appropriations bills by Oct. 1 of each new fiscal year, thereby avoiding continuing resolutions and government shutdowns, which create costly delays and uncertainty in providing federal assistance and programs for U.S. counties and their residents.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the president to commit to working together to reach an agreement on all spending legislation by Oct. 1 of each year. This is a fundamental responsibility of both Congress and the President and should be taken more seriously. Counties work hard to get their budgets approved on a timely basis, and Congress should do the same. Our citizens deserve no less.

Approved | July 15, 2024

Resolution to Support Legislation to Empower State and Counties to Enforce the Collection of State and Local Taxes on Short- and Long-Term Rental

Issue: Discrepancies in the ability of counties to enforce the collection of occupancy tax on short-term and long-term rental properties have resulted in the loss of potential tax revenue used for county services and development projects.

Adopted Policy: The National Association of Counties (NACo) supports federal efforts that support the authority for all counties to enforce laws that provide for the collection of taxes on short- and long-term rentals.

Approved | July 15, 2024

Resolution in Support of Reforming the Windfall Elimination Provision

Issue: The existing windfall elimination provision (WEP) in Social Security, which reduces Social Security benefits for workers who also have pensions from earnings not covered by Social Security, could dissuade individuals from switching to careers in public service/county government.

Adopted Policy: The National Association of Counties (NACo) urges Congress to enact legislation reforming the windfall elimination provision (WEP) in Social Security to reduce benefits fairer for individuals who split their careers in the public and private sectors.

Approved | July 15, 2024

Resolution on Federal Government Nonpayment of Special District Fees

Issue: The federal government refuses to pay its fair share of special district fees, arguing it is a tax rather than a fee.

Adopted Policy: The National Association of Counties (NACo) supports federal regulatory and legislative efforts to ensure the federal government pays its fair share of special district fees.

Approved | July 15, 2024

Resolution Supporting Federal Standards for Use of Artificial Intelligence in Voting Systems

Issue: The advent of generative Artificial Intelligence (AI) poses both benefits and risks to the administration of elections at the county level. Appropriate federal agencies should develop guidance and standards for the use of generative AI in election administration and adequate resources to assist counties mitigate the risks generative AI poses.

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Election Assistance Commission (EAC) to develop standards and guidance for the use of generative AI in voting systems, and in election administration generally, and supports federal legislation requiring the EAC to do so. Additionally, NACo urges the U.S. Congress to dedicate adequate resources to the EAC for the development of these standards and to assist counties in mitigating the risks generative AI presents.

Approved | July 15, 2024

Resolution Supporting Equal Mileage Reimbursement for Volunteer Drivers

Issue: Mileage reimbursement rates for volunteer drivers for counties.

Adopted Policy: The National Association of Counties (NACo) urges Congress to enact the Volunteer Driver Tax Appreciation Act of 2023 to ensure equal mileage reimbursement between the charitable and business mileage rates.

Approved | July 15, 2024

Resolution Urging the USPS to Consult Counties on Service Changes and Processing Center Consolidation

Issue: Since 2021, the U.S. Postal Service (USPS) has been implementing service changes and consolidating of local processing centers into regional processing hubs. This has ultimately led to a decrease in on-time deliveries as counties and our residents have experienced significant delays that have been disruptive to county operations.

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Postal Service to consult with counties on the impacts of major service changes and work with counties to ensure negative impacts are mitigated so individuals can receive their mail in a timely manner.

Approved | July 15, 2024

Resolution Supporting Ensuring Local Control Over Election Resource Allocation

Issue: Counties need the flexibility to allocate election resources based on their unique needs and challenges.

Adopted Policy: The National Association of Counties (NACo) supports policies that ensure counties have the autonomy to allocate federal and state election resources in consultation with local election officials to address their specific needs.

Approved | July 15, 2024

Resolution Recognizing Election Workforce as Critical Infrastructure

Issue: Election officials, including both temporary poll and election workers and permanent staff of election offices, are essential to the democratic process and should be recognized as critical infrastructure.

Adopted Policy: The National Association of Counties (NACo) affirms that election officials, including both temporary poll and election workers and permanent staff of election offices, are an essential part of the nation's critical infrastructure and urges the federal definition of critical infrastructure in elections to expand to include its critical workforce.

Approved | July 15, 2024

Resolution Providing Federal Workforce Dollars for Election Worker Recruitment, Training, and Retention

Issue: Effective election administration relies on well-trained and adequately staffed election workers, including both temporary poll and election workers and permanent staff of election offices, but securing and maintaining this workforce requires adequate funding.

Adopted Policy: The National Association of Counties (NACo) advocates for federal workforce funding to be made available for the recruitment, training, and retention of both temporary poll and election workers and permanent staff of election offices.

Approved | July 15, 2024

Resolution Urging the Expansion of Election Funding Beyond HAVA

Issue: Elections require support from various county resources and current funding can be insufficient.

Adopted Policy: National Association of Counties (NACo) supports local counties' ability to request additional Help America Vote Act (HAVA) grants from the Election Assistance Commission (EAC) directly for local election operations and long-term local election infrastructure. Additionally, NACo supports using federal infrastructure funding beyond the HAVA funding category to meet federal and state election infrastructure requirements, such as ADA compliance and broadband enhancements for polling sites.

Approved | July 15, 2024

Resolution for Improving Voter Database Accuracy Through Data Sharing

Issue: Accurate voter databases are essential for fair elections, and improved data sharing can enhance accuracy.

Adopted Policy: The National Association of Counties (NACo) affirms that states and local municipalities own their voter data. NACo supports creating a collaborative portal for both state and local election officials with state and federal entities such as the postal service and the social security administration to improve the accuracy of voter databases.

Approved | July 15, 2024

Resolution Requesting Increased Awareness of Cultural Resources and Improved Consultation with Native Communities by the Armed Forces of the United States

Issue: The recent environmental review for the Air Force Maui Optical and Supercomputing Site Small Telescope Advanced Research Facility (AMOS STAR) illustrated a continuing lack by the United States Armed Forces to effectively engage the native community in its decision-making process.

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Military to consider first the concerns and sensibilities of the indigenous communities when planning new or expanded military facilities and bases. Such consideration should, at a minimum, provide for early and meaningful consultation with native communities, regardless of their federal status, and place a higher priority on recognizing and avoiding cultural impacts to those communities.

Approved | July 15, 2024

Resolution Urging Congressional Action to Impose Appropriate Penalties for Threats Against Election Officials, Election Workers and their Families

Issue: The purpose of this resolution is to urge Congress to enact legislation that will impose appropriate penalties for harassing or intimidating, threatening or causing harm to, attempting to pressure, or disseminating personal information of election officials, election workers or their family members. Such incidents have led to unwarranted stress to and increased resignations of election officials and workers and to costly protective measures.

Adopted Policy: The National Association of Counties (NACo) calls upon Congress to enact legislation that will impose appropriate penalties for offenses including but not limited to the following: harassing or intimidating election officials in the performance of their duty, threatening or causing harm to election officials or their families, attempting to pressure election officials or their family members to violate state law or the Constitution, and disseminating by any means the personal information of election officials or their family members. Additionally, NACo believes the appropriate federal agencies should provide assistance to counties in ensuring the physical safety of election officials through funding, resources and trainings.

Approved | July 15, 2024

HEALTH

STATEMENT OF BASIC PHILOSOPHY

County governments are integral to America's current health care system and will be crucial partners in achieving any successful reform. At the most basic level, county officials are elected to protect the health and welfare of their constituents. County governments set the local ordinances and policies which govern the built environment, establishing the physical context for healthy, sustainable communities. County public health officials work to promote healthy lifestyles and to prevent injuries and disease. Counties provide the local health care safety net infrastructure, financing and operating hospitals, clinics and health centers. County governments also often serve as the payer of last resort for the medically indigent, including many veterans. County jails must offer their inmates health care as required by the U.S. Supreme Court. Counties operate nursing homes for low-income seniors. County behavioral health authorities help people with serious mental health, developmental disability, and substance abuse problems that would have nowhere else to turn. And as employers, county governments provide health insurance to the nearly three million county workers nationwide. Clearly, county tax payers contribute billions of dollars to the American health care system every year and their elected representatives must be at the table as full partners in order to achieve the goal of one hundred percent access and zero disparities.

HEALTH SYSTEM REFORM

A. Vision and Purpose: County governments are integral to America's current health system and will be crucial partners in achieving successful ongoing and continuous reform. At the most basic level, county officials are elected to protect the health and welfare of their constituents. County tax payers contribute billions of dollars to the American health care system every year and their elected representatives must be at the table as full partners in order to achieve the goals of access for all improved quality of care, improved cost efficiency of services and the elimination of disparities. NACo supports implementing – and making improvements to – the Affordable Care Act (ACA), by regulation and additional legislation, in order to enhance the ability of county governments to build healthy, safe and resilient communities. To that end, NACo endorses the following components of health system reform:

B. Health Equity and Health Disparity Reduction: NACo supports ongoing system reform that advances health equity and reduces health disparities. Health equity is the goal that every person is equally able to live a healthy life regardless of their background or circumstances. Each person has the chance to reach “his or her full health potential” without facing obstacles from social position or other socially determined circumstances. Health disparities are preventable differences in the burden of disease, injury, violence, or opportunities to achieve optimal health that are experienced by socially disadvantaged racial, ethnic, and other population groups and communities.

NACo calls on Congress to enact legislation that would support county efforts to promote health equity and eliminate health disparities. Legislation should include provisions which would:

- Promote and fund the systematic collection and reporting of data related to disparities associated with the demographic factors of race, ethnicity, sex, primary written and spoken language, disability status, sexual orientation, gender identity, age, and socioeconomic status.
- Improve access to, and the quality of care that is culturally and linguistically appropriate.
- Improve the diversity and quality of the nation's whole health care workforce.
- Address systemic barriers to quality care for disparities-impacted populations through expanding coverage, improving access, innovating in delivery, bringing down barriers to coverage, and improving community health.
- Improve health outcomes for women, children, and families in historically and currently excluded and underinvested communities.
- Strengthen protective factors and resources that bolster mental health and eliminate structural barriers that contribute to mental health and substance use disorder inequities.
- Address high impact minority diseases.
- Evaluate and provide funding for adoption of health information technology in racial and ethnic minority communities and extend Medicaid electronic health record incentive payments to more providers who serve minority populations.
- Ensure reproductive rights and provide access to care for the health of all residents and the reduction of disparities in maternal morbidity and mortality by enacting policies that will assist counties in improving maternal health outcomes.

C. Local Delivery Systems and Access for All: NACo supports ongoing system reform that focuses on improving access to and delivery of quality health services for all. Health insurance coverage is not enough. Insurance carriers participating in public programs should be required to extend coverage into rural areas and to contract and coordinate with local providers. Local delivery systems should coordinate services to ensure efficient and cost-effective access to care, including primary and preventive care, behavioral health vision care and oral health, for underserved populations. County governments are uniquely qualified to convene the appropriate public and private partners to build these local delivery systems in a way that will respect the unique needs of individuals and their communities and should be offered financial incentives and regulatory flexibility to do so. Also, County governments are uniquely positioned to optimize the local service delivery system by implementing cost-effective services and eliminating redundancy and waste in the delivery system.

D. Public Health and Wellness: NACo supports an ongoing enhanced focus on disease and injury prevention and health promotion is a way to improve the health of our communities and to reduce health care costs. Healthy communities depend upon a full array of interrelated county services and programs which include access to healthy foods, community development plans, and public works infrastructure projects that promote healthy living and access to affordable housing and shelter. Local public health considerations should be systematically integrated into land use planning and community design processes to help prevent injuries and chronic disease. Likewise, the public health response to emergencies should be fully integrated into each county's emergency management plan. Policies are

also needed to address health inequity, the systemic, avoidable, unfair and unjust differences in health status and mortality rates, as well as the distribution of disease and illness across population groups. Investing in wellness and prevention across all communities will result in better health outcomes, increased productivity and reduce costs associated with chronic diseases.

- E. Expanding Coverage:** NACo supports universal health care for all with universal health insurance coverage. Existing public health insurance systems should be strengthened and expanded, including Medicare, Medicaid and the Children's Health Insurance Program (CHIP). As states and counties attempt to shoulder their legislatively mandated responsibilities to provide care for the indigent and uninsured, federal regulatory barriers should be removed to allow flexibility and innovation at the local level. Restrictions on the expansion of County Organized Health Systems should be lifted and they should be authorized to serve as a public plan option in their service areas.
- F. Maintaining a Safety Net:** NACo believes that the intergovernmental partnership envisioned in the Medicaid statute should be strengthened. NACo supports the enhanced Medicaid reimbursement rate for the ACA expansion population and the provision requiring the federal medical assistance percentage (FMAP) to be passed through to counties contributing to the nonfederal share. Local safety nets, supported by Medicaid and disproportionate share hospital (DSH) payments, should not be dismantled to "pay for" universal coverage. DSH payments should not be phased out or down until health insurance coverage expansion and other delivery system reforms are fully implemented and the effects on DSH payments can be accurately assessed. Assumptions should not be made that DSH can be cut by any arbitrary amount on some arbitrary timeline during the implementation of health care reform.
- G. Health Workforce:** NACo believes that the health professional and paraprofessional workforce must be supported and enhanced. It is important that we sustain training programs and sites of service that enable us to develop a complement of health professionals that can address the needs of a changing, growing and aging population. Because public hospitals have often been teaching hospitals, NACo supports reasonable medical education funding as an integral part of the business model of these institutions.

NACo supports initiatives and programs to recruit, train, license and retain health professionals, and allied professionals and paraprofessionals, on an expedited basis. Funding for existing education and training programs – in secondary, post-secondary and vocational educational settings – should be increased and targeted towards initiatives to expand and diversify the health workforce. Partnerships between local economic developers and workforce development professionals should be encouraged to meet growing health care sector demand. Targeted incentives including scholarships, loan forgiveness and low-interest loan repayment programs should be developed to encourage more providers to enter and remain in primary care and public health careers. Primary care providers should be empowered to – and compensated for – case management services.

NACo urges Congress to amend the National Health Service Corps (NHSC) loan repayment program to allow County and municipal jails to be eligible work sites for the program. Likewise, NACo urges the Administration to exercise its discretion under the Public Health Service Act to clarify that county and municipal jails may be designated as correctional Health Professional Shortage Areas (HPSAs) and be eligible work sites for NHSC loan repayment.

- H. Health IT:** NACo believes the federal government should support the integration of health information technologies into the local health care delivery system, including the behavioral health and substance use treatment systems and county jail health systems. NACo supports efforts to promote the use of a range of information technologies to facilitate appropriate access to health records and improve the standard of care available to patients, while protecting privacy. This includes deployment of broadband technologies to the widest possible geographic footprint. Other tools facilitate evidence-based decision making and e-prescribing. Using broadband technologies, telemedicine applications enable real-time clinical care for geographically distant patients and providers.
- I. Long-Term Care:** Federal policies should encourage the elderly and disabled to receive the services they need in the least restrictive environment. Since counties provide and otherwise support long term care and other community based services for the elderly and disabled, state and federal regulations and funding programs should give them the flexibility to support the full continuum of home, community-based or institutional care for persons needing assistance with activities of daily living. Nursing home regulatory oversight should be reformed in order to foster more person-centered care environments.
- J. Jail Health:** NACo believes the federal government should provide health care coverage for otherwise eligible county detainees (including many veterans), pending disposition of charges. Furthermore, a true national partnership is needed to divert the non-violent mentally ill from jail and into appropriate evidence-based treatment in community settings, if possible. Finally, resources should be made available to counties to implement timely, comprehensive pre-trial and re-entry programs so that justice involved individuals will have access to all needed health and social services, including behavioral health and substance abuse treatment, to avoid recidivism and become fully integrated into the community.

MEDICAL LIABILITY REFORM

NACo supports medical liability reform that:

- Is a means to prevent a patient's loss of access to needed medical care;
- Requires pre-trial professional review of cases to discourage frivolous lawsuits without obstructing the rights of citizens to due process;
- Requires medical liability insurance carriers to justify rate increases that exceed the established state rate; and

- Subjects providers of inadequate medical care to professional discipline.

NACo opposes medical liability reform that imposes mandates or usurps state authority.

HEALTH CARE FINANCING

NACo supports:

- Federal and state governments' efforts to appropriately and adequately fund essential health services;
- Providing adequate funding to local governments to carry out essential health and administrative functions;
- The use of intergovernmental transfers (IGTs) as an essential means for maximizing the utilization of public funding from all three levels of government;
- An emphasis on primary prevention and health education services as the best tools to contain costs;
- National reporting on health trends or activities that recognize and include the services provided by county government;
- Proposals that enhance federal assistance and increase funding to counties for health services;
- Requiring individuals to pay for their public program coverage on an ability to pay, sliding fee scale basis;
- Providing county public hospitals, participating in the 340B program, with the same discount for inpatient prescription drugs they receive for outpatient prescription drugs. The 340B program should be expanded to include county behavioral health authorities;
- Encouraging case managers and managed health care entities to recognize and use county and other public providers and reimburse them for care provided to Medicaid managed care patients;
- Using alternative delivery methods and treatment settings to reduce costs;
- Redesigning federal and state reimbursement systems to reflect the unique responsibilities of county run health care facilities;
- Ensuring that county health programs are eligible for the same federal reimbursements available to federally funded entities;
- Public reimbursement for services provided to the uninsured and special populations by any provider or profession licensed or authorized by the state to provide health services; and
- A variety of strategies which assist in cost containment for prescription drugs.

NACo opposes:

- Capping federal health care entitlement programs;
- Measures that shift costs to counties; and
- Activities that hamper counties' ability to negotiate the best possible prices for prescription drugs.

PUBLIC HEALTH

A. Infrastructure: Each county should be served by a strong local public health agency. The elements of a strong infrastructure include a skilled workforce, integrated electronic information and communication systems and effective organization and management. NACo supports:

- The concepts and standards for local public health departments as outlined in the voluntary Public Health Accreditation Standards and Measures;
- Active partnerships among the county's health care community and other public and private organizations concerned with health;
- Sustained federal support for building and maintaining a local public health infrastructure that is linked with state and federal public health systems; and
- Federal scholarships, loan repayment programs, and direct support for training of all public health professionals particularly those in shortage areas.

B. Preparedness: Local governments and local public health departments are the first responders to public health emergencies. Every county must be protected by a fully prepared governmental public health system. NACo supports:

- Sustained and ample federal funding for public health preparedness;
- Full integration of the public health response to emergencies into each county's emergency management plan; and
- Federal requirements that allocate a substantial proportion of federal funds to localities.

C. Chronic Disease Prevention: Successful chronic disease prevention requires a combination of individual responsibility for health behaviors and community support for healthy living. NACo supports:

- Collective action at the federal, state, and county levels to create programs, policies, and practices that encourage and facilitate healthy living and appropriate behavioral change;
- Systematic integration of local public health considerations into land use planning and community design processes;
- Policies and programs to improve wellness;
- FDA regulation of tobacco without preemption of stronger local laws and regulations; and
- Federal and state governments and the private sector to collaborate with counties in reducing health care costs associated with preventable disease and disability by creating and supporting programs and actions that promote healthy behavior and the early detection and treatment of preventable diseases.
- Federal support for the promotion of cardiovascular health among women, that includes, but is not limited to primary care, public health promotion, financial eligibility under government health programs like Medicaid, and providing technical assistance to community-based organizations aligned with county health and human services programs.

D. Infectious Disease Control: County public health is responsible for the control of communicable diseases.

1. Immunizations: NACo supports:

- Increased federal appropriations for immunization programs to provide vaccines to under/uninsured children and other at-risk populations; to build sustainable infrastructure for immunization assessments and immunization outreach and coverage. Immunization programs should include public health departments and public health nurses as access points for vaccines; and
- Federal purchase and distribution of influenza vaccine during pandemic seasons to address problems of vaccine shortages, delays in deliveries and vaccine availability.

2. HIV/AIDS: NACo supports:

- Policies that facilitate local flexibility in the use of funds for HIV/AIDS prevention;
- Full funding and reauthorization for the Ryan White CARE Act;
- Uniform federal requirements for reporting of HIV testing and a national voluntary partner notification program; and
- Continuous training on infection control techniques for all health care workers.

3. Tuberculosis Control: NACo supports:

- Federal funding for local public health departments to provide effective community based TB control services, including supervised therapy; and
- Federal immigration policies that support TB assessment and control before immigrants enter the United States.

E. Environmental Health: Public health departments at the county level work to prevent diseases caused by environmental factors such as unsafe food, housing, and waste management. NACo supports:

- The formation of a federal/state/local partnership in the establishment, delivery and funding of environmental health protective services;
- The early and continuous involvement of county officials, as the lead contact, and public health authorities in steps taken under the Environmental Protection Agency's (EPA) Superfund statute to assess hazardous waste and disaster sites, place them on the National Priorities List, and establish and implement appropriate cleanup plans. EPA's involvement with local authorities should include immediate notification of site discovery;
- Appropriate testing for lead poisoning according to the Centers for Disease Control and Prevention guidelines, providing appropriate medical and environmental follow-up incentives based on financial need to help finance solutions to lead related hazards and the reporting of cases of lead poisoning to state and local health departments; and
- Establishment of a national collaborative science-based food safety system that will integrate and

fund food safety activities, provide support for county authorities who have primary front-line responsibility for the inspection and compliance of food service establishments and address consumers' behavior related to safe food handling practices.

F. Injury Prevention: Injuries and resulting deaths, particularly those from intentional and unintentional violence, including those from the use of firearms and other weapons, are critical public health and safety concerns. NACo supports:

- Enhanced federal assistance and increased funding for public health science, programs, and services to prevent injuries;
- Collaboration among public safety, law enforcement, and public health departments; and
- Promotion of all strategies to reduce injury-caused disability and death.

G. Clinical Preventive Services and Health Education: Public health departments at the county level provide clinical preventive services and health education through such programs as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), family planning clinics, and health and sexuality education programs for adolescents. NACo supports:

- The WIC program and other vital child nutrition programs and urges continued funding for them;
- Comprehensive sexuality education for adolescents, including education about abstinence, resisting peer pressure, pregnancy, sexually transmitted diseases, and HIV/AIDS; and
- Family planning programs that provide information on a wide range of family planning methods with sensitivity to the religious beliefs of the client or recipient. Physician-patient communications should not be dictated, defined or restricted by laws or regulations that restrict a patient's right to medical information and legal medical procedures.

RURAL HEALTH

NACo supports:

- Elimination of the urban-rural difference in Medicare payments for hospitals;
- Full funding of the geographic blend for Medicare + Choice;
- Tax relief for National Health Service Corps scholarships;
- Tax incentives for health professionals practicing in rural/underserved areas;
- The Rural Hospital Flexibility Grant program for facilities examining their service and financial role in the community;
- Reforms to the Graduate Medical Education program to produce more primary care providers;
- The J-1 visa program which allows foreign medical graduates to practice in underserved areas of the United States;
- Extended Medicare reimbursement for telemedicine to all rural areas and expanded coverage;
- Health Services Outreach grants to enhance services to vulnerable populations;
- Initiatives to enhance rural health research, farm safety, and health and state rural health

- clearinghouses;
- Initiatives that encourage the assignment of dental students' participation in the oral health of underserved communities; and
- Initiatives that integrate the efforts of multiple health disciplines in an approach to promote total health and well-being.

INDIAN HEALTH SERVICE

NACo supports requiring the U.S. Department of Health and Human Services' Indian Health Service to pay for the full cost of health care for enrolled tribal members who live on Indian trust lands, including reimbursement for care given at county facilities.

LONG-TERM CARE

County governments provide and purchase long-term health care. Federal policies and funding must recognize the role and responsibilities of county governments as safety net providers, in assuring necessary and effective services for the elderly and disabled, including community-based and long-term care services. NACo supports:

- Services provided in the least restrictive environment;
- Additional administrative flexibility in federal health financing programs to encourage and enable the expansion of community-based care as a means of avoiding unnecessary institutional care;
- A continuum of home, community-based or institutional care services, including room and board, for persons needing assistance with activities of daily living (ADL);
- The availability of Supplemental Security Income (SSI) and Medicaid to persons residing in community-based and home-based services;
- The availability of long-term care tax credits; and
- Incentives and support for informal caregivers.

A. Medicare Reimbursement for Skilled Nursing Facilities (SNFs): SNFs provide needed rehabilitation and skilled nursing for their residents. To ensure access and quality care, NACo supports reimbursement formulas that account for high cost, medically complex patients and that reflect annual changes in the prices of SNF outputs.

B. Survey and Certification: NACo encourages the Centers for Medicare and Medicaid Services (CMS) to strengthen efforts to improve compliance through collaborative efforts with healthcare providers and stakeholders and reduce unnecessary administrative burdens, increase effective and efficient conformity with regulations and improve the beneficiary experience by removing regulatory obstacles that diminish the ability to put patients/residents first over paperwork.

NACo supports:

- The use of benchmarking and outcome measurement systems to determine quality of long-term

care services. Those systems should provide objective results that can be easily compared with other providers;

- Collaboration between providers and regulators to fix problems and empower staff to improve quality;
- Clear distinctions between serious offenses and minor offenses;
- Reinvesting fines collected from providers to improve care;
- Devoting more survey resources to poor performing providers; and
- Recognition of providers that are outstanding performers.
- Amending federal policy to allow for lockout provisions that affect LTC nurse aide training programs to be discretionary rather than mandatory.

C. Staffing Requirements: Staff turnover is a major obstacle to continuity and quality of care. NACo supports:

- Staff empowerment rather than mandated staff ratios to achieve quality care and retention;
- Medicaid and Medicare funding which recognizes the cost and importance of adequate staff; and
- The ability to hire and train more staff of varying skill levels to help provide long-term care services.

BEHAVIORAL HEALTH

Vision and Purpose: The National Association of Counties (NACo) seeks to (1) improve the responsiveness, coordination, accountability, and integration of person-centered behavioral health services to provide timely and appropriate help to individuals, families, and communities; (2) reduce mental health crises, homelessness, and incarceration by strengthening community based services, including early intervention, outreach, engagement, prevention, crisis support, rehabilitation, housing, employment and peer run services for persons of all ages; and (3) ensure that all Americans with mental illnesses, substance use conditions, or intellectual/developmental disabilities, and their families can gain access to evidence-based and emerging best practices based on the values and principles of trauma-informed care and mental health recovery, delivered in a culturally and linguistically competent manner, to ensure that they can fully participate and/or regain full lives in the most integrated settings within their chosen communities.

NACo Positions: Counties represent a major cornerstone for behavioral healthcare services in the United States. They plan, operate and finance public community-based services for persons with mental illnesses, substance use conditions or intellectual/ developmental disabilities. For this reason, NACo has endorsed the positions summarized below.

NACo supports:

Services Development

- Improved community-based care and services enabling individuals to live in the least restrictive

environment;

- Implementation of evidence-based prevention and health promotion services;
- Efforts to increase the number of public sector behavioral health professionals and paraprofessionals;
- Efforts to reduce health disparities in behavioral health services with health literacy, language services, and cultural competency training.

Financing of Services

- Extension of Medicaid and VA health care benefits to persons detained in county jails, pending disposition of charges;
- Medicaid waivers for essential behavioral health innovations;
- States' managed care waiver requests which offer sole source provisions for providing behavioral health services.

Insurance Reform

- Private and public insurance coverage of behavioral health services, including non-medical interventions;
- Parity in coverage and availability of behavioral health services with other health services, regardless of payer source;
- The removal of Employee Retirement Income Security Act (ERISA) exemption of self-insured plans from state insurance regulation, including extending federal behavioral health parity requirements to such plans;
- Parity of mental health and substance use benefits in Medicare, in Medicaid beyond the Medicaid expansion, and in all private health insurance plans, including small business plans.
- Cost controls allowing the availability of the most effective medications at the lowest cost.

Federal Government Support

- Federal funding and legislation to divert non-violent persons with mental illness, substance use and intellectual/developmental disability conditions from county jails and into appropriate care;
- Federal government support and development of behavioral health information, services and research; particularly into causes and cures and the promotion of those findings;
- The National Institute of Mental Health's efforts to promote systems that finance and deliver care in community settings including reducing federal categorical restrictions;
- Full funding and reauthorization for the Substance Abuse and Mental Health Services Administration (SAMHSA);
- Increased federal funding for school-based behavioral health services targeted to at-risk youth.

Regulatory Reform

- State and local flexibility in using substance use and mental health block grants funds to address local problems, including services for persons with co-occurring disorders;
- State flexibility for integrated and concurrent treatment programs for persons with co-occurring

disorders;

- Amending Medicaid's Institutions for Mental Disease (IMD) exclusion to promote better access to services;
- Federal policies that support the development and funding of long-term mental health support services to counties which experience major natural and manmade disasters;
- State flexibility in determining the length of participation in mental health or substance use treatment that would count toward Temporary Assistance for Needy Families (TANF) work requirements.

NACo opposes:

Regulatory Reform

- Federal regulations that may exempt state licensing and certification standards or regulations;
- Federal mandates that require states to have a competitive bidding process for when counties are acting as purchasers on behalf of the state; and
- Federal categorical restrictions that limit needed services available to persons with mental illness, substance use or intellectual/developmental disability conditions.

MEDICAID AND INDIGENT CARE

The current Medicaid program reflects four decades of national consensus that the federal government bears primary responsibility for providing health care to the country's most vulnerable citizens. This consensus and the unique federal, state and county partnerships in administering and financing Medicaid services should inform all changes to the system. Such reforms must require state Medicaid agencies to include county officials in state decisions regarding the design and administration of the Medicaid program in each state.

NACo supports:

- The Medicaid expansion available to states under the Affordable Care Act (ACA).
- Those provisions in the statute that provide fiscal support for states that choose to expand Medicaid eligibility and coverage standards under the ACA.
- Maintaining the Medicaid program's integrity as a means-tested entitlement.

NACo opposes:

- Cuts to all Medicaid programs;
- Capping the amount of the federal contribution to Medicaid or Medicare;
- Any action to restrict the definition of allowable services under the Rehabilitation Option;
- Citizenship and identity documentation requirements for Medicaid eligibility that delay service delivery;
- Administrative approval of state benefit packages that exempt services under a State Medicaid

- plan or require “contracts” between the beneficiary and the plan; and
- A definition of third party liability that shifts financial responsibility to county governments.

HEALTH FACILITIES CONSTRUCTION AND CAPITAL FINANCING

NACo supports:

- Funding of health and hospital construction grant programs;
- Financing and taxing mechanisms for health facilities and providers that incorporate attention to the provision of indigent care;
- Expansion or construction of all health care facilities, the acquisition of equipment and allocation of health care resources to be carefully managed through a local planning process;
- Maintenance of the county-based infrastructure for assuring delivery of care;
- Priority to be given to new construction projects for public health care facilities and to modernization and renovation projects for existing public facilities;
- Priority to be given to purchasing and equipping mobile, clinical or health service outreach facilities; and
- Enforcement of regulations prohibiting refusal of care for financial reasons or transfer of patients for financial reasons.

FEDERAL ROLE

The federal government should be responsible for assuring that all citizens have access to adequate and appropriate health care services, and that persons with disabilities can retain health benefits upon returning to work. NACo supports:

- Federal research into serious diseases that affect a large part of the population;
- Adequate funding of federal health care programs so that they do not increase the burden on the local tax base;
- Efforts to control the rate of growth of health care expenditures;
- Reforms to the Medicare and Medicaid systems that will insure optimal benefits to beneficiaries and full reimbursement to county providers;
- Federal health insurance programs as the primary payer of benefits and services provided to all eligible beneficiaries, particularly those who are dually eligible;
- Reimbursement to counties for providing preventive services, prenatal health care, treatment and testing of communicable diseases, dialysis, and chemotherapy treatments to all immigrants;
- U.S. Citizenship and Immigration Services (USCIS) reimbursement to counties for the care provided to injured or sick undocumented immigrants that Border Patrol officers apprehend;
- Federal government reimbursement to counties for the care provided to humanitarian parolees;
- The ability of states and counties to use their own funds to provide health care services to immigrants regardless of their status, without a reduction of federal financial responsibility for

those services;

- The federal government to require states, in consultation with county governments, to set Medicaid reimbursement rates at levels that do not discourage providers from accepting Medicaid patients;
- Measures to reform these programs in the context of the entire system of financing health care, including costs to deliver services and utilization of a wage index formula that does not unfairly perpetuate low wages and geographic wage inequities;
- Efforts by the federal government to develop a single claims form and development of electronic billing as a means to reduce administrative costs in consultation with state and county governments, insurers and providers;
- Changes in the current federal policy that will allow a person receiving federal benefits who has been charged with a crime but not convicted to continue to be eligible for such entitlements including, but not limited to, Medicare, Medicaid, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veterans, and Children's Health Insurance Program (CHIP) benefits until such time as they may be convicted and sentenced to an institution;
- Protecting the privacy of individual medical records in a way that does not impede the flow of information necessary to coordinate care among multiple providers efficiently and cost-effectively;
- The importation of Food and Drug Administration (FDA) approved prescription drugs manufactured in FDA approved facilities to increase access to safe, affordable prescription drugs;
- Changes in the current federal policy that will allow a person receiving federal benefits who has been charged with a crime but not convicted to continue to be eligible for such entitlements including, but not limited to, Medicare, Medicaid, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), VA health care, and Children's Health Insurance Program (CHIP) benefits until such time as they may be convicted and sentenced to an institution; and
- Fully funding veterans' services especially those that support community treatment for mental illness and that allow for reimbursement to community agencies for services provided to veterans.

NACo opposes the imposition of restrictions upon reimbursement monies.

HEALTH RESOLUTIONS

Resolution in Support of Federal and Local Government Coordination to Advance Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) Training and Implementation

Issue: According to the Centers for Disease Control and Prevention (CDC), the estimated annual incidence of heart attack in the United States is 805,000 attacks, 605,000 are new attacks and 200,000 are recurrent attacks with Americans suffering a heart attack approximately every 36 seconds. Counties need better resources to coordinate robust awareness of and training in life saving CPR/AED programs.

Adopted Policy: The National Association of Counties (NACo) urges the federal government to work with local, community and government agencies to (1) increase awareness and the need for cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) training in their local communities (2) increase funding to organizations that conduct CPR/AED training programs both “hands only” and CPR certification training (i.e. American Heart Association, Red Cross, Fire Departments, Hospital Systems, Counties & County Organizations, Departments of Public Health, etc.) (3) work to improve defibrillator access in vulnerable populations, and work with marginalized populations to provide education and training to improve survivability from a heart attack and improve health outcomes (4) support local, state, and federal programs that advance heart health awareness, to include federal incentives to providers for the provision of blood pressure checks to increase screening for and early diagnosis of heart disease.

Approved | July 15, 2024

Resolution in Support of Federal Funding for Doula and Social Support Services and Training

Issue: Health and Human Services officials and stakeholders reported that the COVID-19 pandemic worsened factors contributing to maternal health disparities, like access to care, cardiovascular problems and other underlying conditions, which contributed to a 78% overall increase in maternal mortality rates in the U.S. between 2000-2020. The maternal death rate for Black or African American (not Hispanic or Latina) women was 44.0 per 100,000 live births in 2019, then increased to 55.3 in 2020, and 68.9 in 2021. In contrast, White (not Hispanic or Latina) women had death rates of 17.9, 19.1, and 26.1, respectively. According to a 2021 report from the American College of Obstetrics and Gynecologists, “continuous one-to-one emotional support provided by support personnel, such as a doula, is associated with improved outcomes for women in labor. Doulas can provide individually tailored, culturally appropriate, and patient-centered care and advocacy; however, only about 6% of women who give birth receive doula care.

Adopted Policy: The National Association of Counties (NACo) urges the federal government and Congress to assist counties by providing funding for 1) Increased Doula services and training and certification; 2) Support community-based organizations in building and diversifying the doula workforce; 3) Increase education/technical assistance to encourage counties and states to implement Medicaid coverage for doulas and sufficient reimbursement rates to ensure expanded access to Doula care for Medicaid enrollees, along with the extension of Medicaid postpartum coverage; to ameliorate maternal health outcomes for all women and address racial disparities in maternal health, mortality, and morbidity.

Approved | July 15, 2024

Resolution to Declare a Federal Emergency in Response to the Crisis of Fentanyl and Other Substances

Issue: A federal declaration of emergency is needed to open up additional resources and authorities to address the fentanyl crisis in communities across the country.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the administration to take action to address the crisis of fentanyl and other substances. A federal declaration of emergency is needed to open new and immediate avenues to enhance capabilities, coordination, and collaboration across local, state, tribal, and federal agencies to promote public health and safety.

Approved | July 15, 2024

Resolution Supporting Initiatives to Eliminate Hepatitis C

Issue: It's estimated that annually, local jails and prisons see about 30 percent of individuals infected with the Hepatitis C virus (HCV). While scientific advancements have enabled quick diagnosis, treatment, and cure of Hepatitis C, these benefits are not reaching a substantial number of justice-involved individuals who are chronically infected.

Adopted Policy: The National Association of Counties (NACo) urges legislative and regulatory action that: 1. Accelerates the development of point-of-care diagnostic tests to make it possible to test and treat HCV in a single visit; 2. Provides access to treatment for underserved populations including specifically justice-involved populations; and 3. Implements a comprehensive public health effort to engage, inform, identify, and treat people with HCV.

Approved | July 15, 2024

Resolution Requesting Funds to Reduce Cases of Syphilis and Congenital Syphilis and Fund Equity Treatment of the Disease

Issue: According to the CDC's 2022 STI Surveillance Report, the number of Primary and Secondary Syphilis (PSS) cases in the U.S. rose 78.9% in the last 5 years. The rates for Congenital Syphilis increased 183% in the same timeframe. On November 7, 2023, the CDC recommended concerted action while reporting that more than 3,700 babies were born with syphilis in 2022, which was more than 10 times the number in 2012. People from racial and ethnic minority groups are experiencing the brunt of the newborn syphilis epidemic. While newborn syphilis cases are increasing overall, babies born to Black, Hispanic, or American Indian/Alaska Native mothers were up to 8 times more likely to have newborn syphilis in 2021 than babies born to White mothers.

Adopted Policy: The National Association of Counties (NACo) urges the United States Congress to increase funding for pre-natal testing and treatment of syphilis and target populations who are affected by social and

economic factors that create barriers to high-quality prenatal care and who have suffered from ongoing declines in the prevention infrastructure and resources. NACo further requests that funding be allocated for education avenues on the spread and symptoms of syphilis for the public and medical workers, including primary doctors, gynecologists, and specialists to help them identify, treat, and cure syphilis.

Approved | July 15, 2024

Resolution Requesting Menopause Research and Treatment Funding

Issue: Other than a study by the Women’s Health Initiative (WHI), a long-term study launched by the National Heart, Lung, and Blood Institute in 1991 that enrolled more than 161,000 women across the country, average age of 61, which ended in 2005 and from which there is still not enough data available, no other comprehensive long-term study has been funded or initiated. Doctors, gynecologists, specialists, and nurses are not currently educated on the multitude of symptoms that can arise from perimenopause, menopause or post-menopause and most often do not treat women suffering from these symptoms or their complications.

Adopted Policy: The National Association of Counties (NACo) urges Congress to approve H.R.6749 the Menopause Research and Equity Act of 2023 which will fund more comprehensive research on menopause and the long-lasting effects of menopause on women’s health, and further urges that funds be allocated for the education on the symptoms and effects of menopause for medical workers, including primary doctors, gynecologists, and specialists to help them identify symptoms leading to, during and after menopause.

Approved | July 15, 2024

Resolution Supporting County Behavioral Health Priorities

Issue: Counties nationwide face a behavioral health crisis, including growing numbers of residents requiring treatment for substance use disorder (SUD) and serious mental illness/severe emotional disturbance (SMI/SED). Counties need the federal government to continue to reform the behavioral health care system at the federal level to support state and local efforts and continue to make significant investments to implement the work at all levels.

Adopted Policy: The National Association of Counties (NACo) urges Congress to continue to address the nation’s behavioral health crisis in a bicameral, bipartisan fashion, and to support counties’ work serving residents in need of care. Congress should enact legislation to:

- Further amend the Medicaid inmate payment exclusion;
- Repeal the Medicaid institutions for mental diseases (IMD) payment exclusion;
- Authorize and fund direct and flexible grant programs to counties to support the recruitment, training, and retention of a sufficient behavioral health workforce, and increase funding for existing behavioral health workforce programs;
- Continue to sustain federal funding to support local behavioral health crisis response infrastructure, including providing Medicaid reimbursement for these services; and
- Enforce parity laws and policies in order to ensure equal coverage for behavioral health treatment and medical care, including moving towards parity for reimbursement rates.

Resolution Supporting Comprehensive Behavioral Health Crisis Care and 988 Implementation

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

Adopted Policy: The National Association of Counties (NACo) urges support for federal legislation to ensure that all people, including those on tribal land, have access to comprehensive crisis care services to stabilize patients in crisis and direct them to the most appropriate treatment options. Such legislation should direct the U.S. Department of Health and Human Services (HHS) to ensure a standard set of behavioral health crisis services are universally available, including: 24/7 crisis hotlines and call centers; mobile crisis services, that is, crisis first responders with specialized skills and training, including social workers, mental health professionals, and peer support specialists, to minimize the involvement of law enforcement in incidents that do not pose a risk to public safety (e.g., the Crisis Assistance Helping Out On The Streets, or “CAHOOTS” model, pioneered in Eugene, Oregon); behavioral health urgent care facilities; 23-hour crisis stabilization and observation beds; and short-term crisis residential options. Legislation should also provide coverage of behavioral health crisis services for all patients no matter the source of their health insurance. The U.S. Congress should authorize and appropriate adequate funding for the development of these services in counties (and Indian Country), including technical assistance from HHS and a platform for communities to share successful ideas and services. The legislation should establish a panel of experts to improve coordination and communication between primary and secondary 911 call centers (PSAPs) and 988 crisis hotline call centers, so that those in need are quickly connected to the appropriate service.

NACo further supports legislative and regulatory action that provides flexibility and direct funding to counties for the launch, infrastructure, and modernization of the new hotline through the newly established Behavioral Health Crisis Coordinating Office; supporting the 250+ existing regional and local National Suicide Prevention Lifeline (NSPL) call centers; forming a new pilot program for mobile crisis response, peer teams, and in-home crisis stabilization; and providing resources for specialized services, including language and culturally appropriate programming for historically underinvested populations, including communities within counties that are located on American Indian Reservations.

NACo supports the ongoing work of the Federal Communications Commission (FCC) to improve wireless call routing to the 988 Lifeline, including the proposed rule published in the Federal Register on May 29, 2024. NACo strongly supports the proposal to require wireless carriers to implement georouting solutions for calls to 988 so that calls are routed based on the geographic location for the origin of the call, rather than the area code and exchange associated with a wireless phone. NACo also supports efforts to implement georouting solutions for wireless calls, non-wireless calls, and text messages to the 988. NACo urges the FCC to move as expeditiously as possible to review stakeholder comments and issue final rules.

NACo supports amending Medicaid by authorizing Medicaid financing for regional and local NSPL call center operations, and crisis programs; and excluding psychiatric acute care crisis beds (in facilities with more than 16 beds) from the institutions for mental disease (IMD) payment prohibition.

NACo supports legislation to support behavioral health crisis response on the ground with Health Resources Services Administration (HRSA) Capital Development Grants that include crisis receiving and stabilization

programs, and call centers; behavioral health workforce training program expansions; and access to and oversight of mental health and substance use disorder crisis response services.

Additionally, NACo supports expanded funding and technical assistance for counties to address behavioral health crises by implementing the following: Crisis Intervention Team (CIT) training for law enforcement; 24-hour walk-in crisis centers, accessible to all whether brought by a peer, family member, police officer or on their own, where a person in crisis or pre-crisis can obtain the resources they need to alleviate or avert the crisis; trained and certified peer supporters and peer mentors to respond at the scene of crisis, in crisis centers, and as part of follow-up; and the development and continuation of virtual platforms for crisis response teams; and linkages/referrals to non-crisis mental health support resources.

Approved | July 15, 2024

Resolution Supporting Medicaid IMD Exclusion Reform

Issue: The federal Medicaid statute prohibits federal Medicaid payments to states for services provided in institutions for mental disease (IMDs), which are defined as hospitals, nursing facilities, or other institutions of more than 16 beds that are primarily focused on treating mental illness, including substance use disorder. The IMD payment exclusion has resulted in unintended consequences, including undermining mental health parity for Medicaid beneficiaries, and contributing to critical treatment bed shortages.

Adopted Policy: The National Association of Counties (NACo) urges Congress to amend the Medicaid statute to allow states that have a plan for providing appropriate outpatient care, to receive federal Medicaid payments for services provided in IMDs for people with severe mental illness (SMI) and substance use disorder (SUD).

Until permanent IMD reform legislation can be enacted and implemented, NACo urges the U.S. Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS) to give maximum flexibility to states and counties to waive the IMD exclusion in order to provide clinically indicated, quality residential or inpatient treatment for people with SMI and SUD, while maintaining an appropriate continuum of community-based care. CMS should permit additional flexibilities under its SUD and SMI Section 1115 demonstration waiver opportunities for states and counties to provide longer lengths of stay for the treatment of clients with the most acute and complex conditions.

Approved | July 15, 2024

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

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

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

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

Approved | July 15, 2024

Resolution Supporting Repeal or Delay of Pending Statutory Cuts to Medicaid Disproportionate Share Hospital (DSH) Payments

Issue: Current federal law requires \$24 billion in reductions over three fiscal years to Medicaid disproportionate share hospital (DSH) allotments, beginning in the second quarter of FY 2025. These cuts would be devastating to county public health care and hospital systems, and other hospitals that serve large numbers of Medicaid beneficiaries and uninsured or underinsured patients.

Adopted Policy: The National Association of Counties (NACo) urges Congress to repeal or delay the harmful statutory reductions to Medicaid DSH allotments before they go into effect, as scheduled, beginning January 1, 2025.

Approved | July 15, 2024

Resolution to Ensure Timely Death Certificate Signatures by U.S. Department of Veterans Affairs (VA) Clinicians

Issue: Delays and refusals by VA doctors to sign their patient's death certificate is preventing veteran families from planning funerals, receiving member benefits, timely cremation or burial, and accessing appropriate financial records and assets.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the Administration pass legislation directing VA primary clinicians or other clinic providers to sign death certificates within 72 hours for veterans in their care whose deaths do not fall under the medical examiner/coroner (ME/C) jurisdiction. This policy should direct VA clinicians who are uncertain about cause of death to use their best medical judgment to certify a reasonable cause of death or contact the health district physician director in the district where the death occurred to obtain guidance in reaching a determination as to a cause of death and document the same. Failure to comply with this directive should result in the assessment of civil monetary penalties and/or temporary suspension of medical license.

Approved | July 15, 2024

Resolution on Enhancing the Mental Health Parity and Addiction Equity Act of 2008

Issue: Mental health and substance use treatment providers are critical resources for county government and enhancements to existing federal policies would improve the commercial payer

environment while expanding coverage for older Americans.

Adopted Policy: The National Association of Counties (NACo) urges efforts to add Medicare-delivered services to be subject to the payment parity intent of the Mental Health Parity and Addiction Equity Act (MHPAEA).

Approved | July 15, 2024

Resolution to Amend the Health Resources and Services Administration's Federal Tort Claims Act Health Center Policy Manual

Issue: Federally Qualified Health Centers were provided malpractice like insurance via the Federally Qualified Health Clinic Assistance Act. The guidance for submitting claims is provided through a manual that is updated via a regulatory process last updated in 2014. The manual clearly states “the covered entity and covered individuals will not be financially liable for any claims arising from their covered activities” yet HRSA does have a history of denying claims brought by victims (or their estates) of crimes perpetrated by court-ordered patients.

Adopted Policy: The National Association of Counties (NACo) urges regulatory action to amend the Tort Claim Act Health Center Policy Manual to clarify that an individual court-ordered into treatment at a FQHC is a patient of the entity and that claims arising from the actions of such patients are covered activities.

Approved | July 15, 2024

Resolution to Amend the Medicaid Inmate Exclusion Policy in the Federal Social Security Act

Issue: The Medicaid Inmate Exclusion Policy forces local taxpayer dollars to be used for providing health services to pre-trial detainees who are eligible for Medicaid through their Constitutional rights.

Adopted Policy: The National Association of Counties (NACo) urges Congress to amend the Medicaid Inmate Exclusion Policy in the Social Security Act, allowing pre-trial detainees to access Medicaid services while awaiting trial.

Approved | July 15, 2024

Resolution Supporting the Role of Direct Support Professionals

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

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

Approved | July 15, 2024

Resolution on Tricare Reimbursement Adequacy

Issue: For counties with a strong military presence and a high number of retired military, most dependent on Tricare for their health insurance. Tricare reimbursement levels and supplemental funding opportunities directly impact community access to care and significantly impact local health capacity and resiliency.

Adopted Policy: The National Association of Counties (NACo) urges support for federal legislation and health financing reform to provide adequate funding to support access, continuity of care and direct provision of health care services for military members, retirees and their families; as well as needed support to critical access hospitals who serve this population.

Approved | July 15, 2024

HUMAN SERVICES AND EDUCATION

INTRODUCTION

Every county in the United States administers and funds part of the cost of strengthening communities and protecting and enhancing families. The Human Services and Education Committee of the National Association of Counties (NACo) exists to support counties in this work. The role of counties varies widely from state to state, but human services and health expenditures are among the largest parts of county budgets.

NACo supports a broad, comprehensive array of services for families, children, individuals with disabilities and the elderly. Social services, public health, preventive services for children and youth, early childhood development, parent education and support, childcare, and other programs that encourage and support families also strengthen communities throughout our country.

Poverty is a national problem and requires a national solution. Federal efforts to reform public assistance must recognize that poverty is influenced by national economic factors that are not within the control of local or state governments.

Families in poverty usually need support services to become self-sufficient. Education and job training, childcare, Medicaid, mental health and substance use disorder coverage, housing, transportation, veterans services claims representation and work programs are supports that often involve counties. Federal requirements in these programs should be flexible and coordinated with local partners to provide a seamless range of services. Local and state governments are best positioned to assist their citizens when federal programs are flexible and support all generations within a family. The federal government should pursue policies that support and enable state and local jurisdictions to coordinate a multi-generation approach to combat the barriers related poverty, which focuses on creating opportunities that address the needs of children and their parents collectively.

Programs mandated by the federal government should be fully federally funded. It is important that new programs do not duplicate existing state and local efforts; the federal government also must provide adequate time to implement major changes to prevent disruptions in program delivery. Our federal partners should regularly reauthorize human services and education programs to ensure that they address rising costs, adequately meet the needs of participants and have long-term funding certainty.

New federal programs should be integrated with an appropriate, existing administrative delivery system. Congress should encourage coordination with state and local governments when seeking citizen input, such as advisory committees to oversee program development, so that there is no duplication of state and local coordinating efforts.

The federal government should create, support the development of, and fund pilot/demonstration programs for innovative delivery of federal social services and workforce training programs that are offered through local governments. Local governments should be given the resources and flexibility to deliver of federal social services programs through the use and adaptation of technology, including data sharing between programs, and centralized community resource centers, which allow for citizens to apply for several federal social services in a single location, reducing the burden on the constituents and ensuring cost-effective allocation of federal resources.

NACo believes decisions on laws and regulations should be made using data and measurable outcomes. Scrutinizing existing and proposed mandates using these standards will help reduce unnecessary and unfunded mandates, streamline government, and use limited resources effectively, which will benefit clients and constituents alike. NACo urges the federal government to ask these key questions when considering changes:

- Was comprehensive data used to define the problem and desired outcome?
- Were experts who administer the affected programs engaged?
- Will it streamline or add layers of bureaucracy?
- Is it redundant or inefficient?
- Are current local staffing levels sufficient to comply with additional requirements?
- Will we be able to measure the outcomes to be achieved by this change?
- Is there adequate federal funding to pay for all direct local costs?
- Are there other models that may provide better outcomes?
- Have local elected officials been consulted?
- Has there been collaboration between federal, state, and local agencies?
- Does it limit local and state flexibility to be responsive to community needs?

Counties are the front-line providers of basic social services; we seek to achieve an appropriate blend of local administrative flexibility and federal and state standards to provide a basic level of assistance for children and families.

SELF-SUFFICIENCY PROGRAMS

Self-sufficiency programs are meant to be a temporary safety net for families and individuals who are experiencing unemployment, underemployment or have other barriers to self-sufficiency. NACo supports federal legislative and regulatory efforts to streamline and standardize means-tested federal benefit programs, including income thresholds, to make it easier for families and individuals to understand and apply for benefits and for county caseworkers to administer them.

A. Block Grants for Entitlement Programs: NACo believes that the federal government should be responsible for adequately funding its entitlement programs. NACo opposes mandatory block grants and funding caps for federal assistance programs such as SNAP, Medicaid, and Foster Care.

Capped block grants in these programs would shift the full cost of program growth and inflation to states and counties. NACo also opposes reductions in administrative funding for these programs that would result in unfunded mandates to counties and states.

B. Block Grants for Categorical Programs: NACo recognizes strong county government as an essential component and partner in the effective operation of national-state-local human services programs. Local governments are often best equipped to administer human services programs, and therefore must be assured an effective role in the development and implementation of federal programs.

NACo supports consolidating existing categorical grant programs in order to reduce complexity and improve flexibility and program delivery at the local level. Human services block grants must follow the following principles:

- Programs should be controlled by elected county officials responsible directly to the taxpayers.
- Federal block grant proposals must be developed in close consultation with county officials.
- Federal block grant funds for health and social services programs should be allocated directly to counties where an existing service delivery system is in place.
- States must be required to plan jointly with county officials and to publish program plans for review and comments.
- Where direct funding is not available, states must be required to pass through maximum dollars to counties.
- Reasonable transition time should be allowed to move from categorical grants to block grants, including sufficient time to adjust county and state laws, budgets, and administrative procedures.
- There must be an absolute reduction in federal mandates and regulations, and increased flexibility and simplicity in program administration.
- No matching funds should be required of local governments.
- No maintenance of effort should be required. State and local government laws and procedures governing spending should apply to block grants.

C. Temporary Assistance for Needy Families (TANF): The success of TANF depends on counties' flexibility to target local needs and support participants' work activities. Without that flexibility and the funding to implement it, the working families who are struggling toward self-sufficiency will lose supportive services and many will fall back on cash assistance. Welfare reform is an ongoing process of supporting working families in gaining self-sufficiency, not a one-time removal of families from the welfare rolls.

Many TANF participants who find work continue to need assistance with job retention, transportation, counseling and other support services such as child care and health care. Additionally, TANF funding must be able to react quickly to economic downturns and other emerging issues by having unallocated

reserves that states can tap quickly.

1. **Funding:** TANF should have an annual inflation increase, including the supplemental grants for high- growth states. The TANF state entitlement block grant structure should be maintained without carve-outs or set-asides. The funding level for the TANF Contingency Fund should be increased. NACo supports new funding for research and dissemination of information on family formation.
2. **Flexibility:** States, counties, and Native American tribes should be permitted to spend carryover funds on any allowable use of TANF. This would include transferring funds to the CCDBG and SSBG.
3. **Participation Requirements and Work Activities:** NACo opposes arbitrary and counterproductive work and participation requirements and supports a strong county role in mutually negotiated outcome measures in which states are judged by their progress toward achieving these goals. NACo supports greater flexibility in the TANF work requirements in order to allow counties and states to meet the individual needs of their caseloads. These include, but are not limited to, the following:
 - Applying the 50 percent work participation rate (WPR) for two-parent and single parent families by eliminating the 90 percent WPR for two-parent families;
 - Providing flexibility in meeting the 30 hours of work a week requirement for two-parent and single parent families, including allowing partial credit for hours worked that are less than 30;
 - Considering expanding the list of the 12 activities included in the original TANF law that qualify as work;
 - Allowing individuals who are participating in substance use or mental health treatment, and domestic violence services to count those activities as work;
 - Continuing to exclude victims of domestic abuse and mothers with young children from the participation requirement;
 - At least twelve weeks of thirty hours per week a year for job search and job readiness activities;
 - Expanding the percentage of the TANF caseload that could benefit from the 24 month limit for vocational education;
 - Allowing more than 10 hours a week of basic skills and education training to count as work activities and allowing these hours to count toward work participation rates;
 - Removing teen parents from the 20 percent vocational education limit;
 - Exempting relatives who are caring for a child who would otherwise be in foster care from the work requirements and the time limit;
 - Allowing higher education, vocational training and high school equivalency programs to count towards the work participation rates;
 - Exempting adults who are the primary caregivers of a disabled family member from the work

requirements; and

- Allowing a parent providing child care in a two-parent family to count toward the work requirement.

4. **Time Limits:** For time-limited assistance to be successful, it must be accompanied by adequate federal and state funding for a wide continuum of supportive services that will help families move toward self-sufficiency. NACo supports preserving and increasing state flexibility in administering the federal time limits. This includes allowing states to discount months in which the recipient participates in work and/or specific work activities, including substance use disorder treatment, behavioral health and domestic violence services in compliance with their employability plan; and eliminating child care, transportation, and housing from the definition of assistance.

NACo supports the twenty percent hardship exemption and the family violence exemption from the TANF time limit. Victims of sexual assault should be added to this exemption. States should be allowed to lift the lifetime ban on TANF eligibility for individual family members with drug felony convictions.

5. **Maintenance of Effort:** Current law is unclear on the ability of states to supplant existing funding with federal TANF funds, and under what circumstances a state may use federal funds to increase existing state- funded programs. Once a state or county spends its Maintenance of Effort (MOE) for a given fiscal year, it should be able to draw down its full allocation of federal TANF dollars for that year at any time. Unspent funds should not be applied against future allocations. Obligated funds should be treated and reported as spent. The supplantation provisions must be clarified so that replacement of state dollars with federal dollars is strictly prohibited, but allow using federal dollars to increase the coverage or availability of a state program above current state spending levels.
6. **Teen Parents:** Teen parents in particular are at great risk of long-term welfare dependence. Teen parents should be required to pursue their high school education or GED. Alternative education should be provided when needed and waivers should be developed for special circumstances. The education system should make the necessary provisions to provide needed child care, counseling and other supportive services for teen parents. NACo supports alternatives that would encourage teenage parents to live with their parents or other responsible adults, and fund enhanced case management and independent living arrangements.
7. **Program Coordination:** An integrated workforce development system should be encouraged by giving counties greater flexibility to coordinate programs and blend funds. When designing workforce programs with braided funding from TANF and the Workforce Innovation Opportunity Act (WIOA), counties should be permitted to align TANF income eligibility requirements with

WIOA's more flexible policy to ensure maximum coordination and integration between the two programs.

8. **Family Promotion:** TANF already has the flexibility for states to promote marriage and family formation. Any new incentive programs aimed at marriage promotion must be funded with new money, and should not be carved out of TANF. NACo opposes penalties associated with marriage promotion outcomes. NACo supports funding and disseminating further research on these subjects.
9. **Partial Credit:** Many families, particularly those with special needs, struggle to meet their work participation requirements. Under current law, no credit is given for these families, even if they fall short by as little as one hour. Counties and states should be allowed to apply partial credit for the hours that these families participate.
10. **Phasing-Out Benefits:** A single dollar increase in TANF's Income Reporting Threshold can make a family ineligible for benefits and can serve as a disincentive to work. Counties and states should be allowed to gradually phase-out cash benefits as the family's income increases.
11. **Subsidized Employment:** NACo urges Congress to retain and enhance state and county flexibility in using TANF to support subsidized employment programs.

D. Supplemental Nutrition Assistance Program (SNAP): The SNAP program provides nutrition assistance funding to low income families and individuals to support better support healthy and adequate eating habits. SNAP is critical to struggling families and has proven to be one of the most countercyclical federal programs because benefits can reach families quickly during economic downturns as well as natural disasters. The program serves diverse populations with a wide range of needs, and is administered by counties in a variety of states across the country. NACo supports moving a SNAP reauthorization in conjunction with a reauthorization of the Farm Bill.

1. **Program and Funding Structure:** NACo supports the current SNAP entitlement program and funding structure, including maintaining the 50 percent federal administrative match for states given that counties contribute to the administrative costs of the SNAP program in many county-administered states. SNAP should not be block granted, since such a policy change would place additional strain on both recipients and state and local governments. As the introductory statement states, SNAP is indeed a very responsive countercyclical program, as evidenced by the large increases in SNAP participants during the great recession in the late 2000's and early 2010's. Block granting would seriously undermine that responsiveness, leaving struggling families with less access to food and further weakening the economy since SNAP families redeem their benefits quickly and locally. Moreover, counties would see shifts in costs to support those households if the already low benefit is reduced under a block grant.

2. Streamlining SNAP

- a. Administratively and Across Programs:** NACo encourages Congress to increase the options available to state and local administrative bodies in streamlining applications and administrative processes. Local social services departments see many individuals and families that are eligible for multiple programs, but requirements are often slightly different for each program, generating significant work for staff and applicants alike. All states should be allowed to seamlessly enroll Supplemental Security Income (SSI) participants in the SNAP program. In general, as additional programs are streamlined, barriers to entry for participants should be reduced, and Congress and states should not make the most restrictive elements of each program the qualifications required for approval.
 - b. For Recipients:** Congress and the U.S. Department of Agriculture Food and Nutrition Service (FNS) should work to reduce “churn” – the rolling of recipients on and off of the program – in the SNAP program, which can be a burden for recipients and administrators alike. Administration and application processes should be simplified to allow individuals reapplying for benefits to enter a streamlined process, reducing the time between application and receiving benefits while also reducing administrative costs.
- 3. Importance to Children:** Proper nutrition is crucial to high quality early childhood development goals and ensures children are mentally and physically prepared to learn when entering school. SNAP benefits for families should be at an adequate level so that all children have healthy diets.
- 4. Work Requirements and Time Limits:** NACo opposes arbitrary and counterproductive work and participation requirements and supports a strong county role in mutually negotiated outcome measures in which states are judged by their progress toward achieving agreed upon goals. NACo supports greater flexibility in the SNAP work requirements in order to allow counties and states to meet the individual needs of their caseloads.
 - a. SNAP Employment and Training (SNAP E&T) Program:** NACo supports enabling individuals to find and secure long-term employment and encourages Congress to acknowledge the reality that for time-limited assistance to be successful, it must be accompanied by adequate federal and state funding for a wide range of supportive services. The SNAP E&T program should receive more realistic funding levels from the federal government to ensure states and counties have the proper resources to assist individuals in finding work and remaining employed, including increasing the reimbursement rate, since SNAP E&T is an employment program. SNAP E&T should also be further integrated with existing workforce programs at the federal, state and local level, including local workforce development boards.

- b. Able-Bodied Adults Without Dependents (ABAWDs):** In addition to the increased reimbursement rates for employment programs, NACo supports lengthening the time limit for ABAWDs and making the work requirements more flexible. Often, rapid attachment employment programs are short term, and individuals who find work do not remain employed because they have not developed the required skills. Allowing for increased training and an extended time limit would make employment goals more realistic. Additionally, NACo supports a tax incentive for employers who hire ABAWD SNAP participants for 20 hours or more each month, which could be increased based on the number of ABAWD participants hired. NACo also supports allowing counties in county-administered states to apply for a waiver for the ABAWD time limits if the state does not apply for a state-wide or partial waiver.
- 5. Disqualifications:** Lifetime disqualification from the SNAP program can have a lasting effect not just on the individual, but also on his or her family. NACo supports additional flexibility in disqualification determinations for states and local governments. NACo also supports lifting the lifetime ban on individuals with felony drug convictions in all states.
- 6. Phasing-out of Benefits:** Recipients of federal benefits programs often face a financial “cliff” as they gain employment – the boundary line at which point individuals or families lose benefits given their rise in income. NACo urges Congress to consider gradual phase outs of certain programs, including SNAP, to ease the transition from benefits to income, especially for families.
- 7. Rural Solutions:** NACo urges Congress and the Food and Nutrition Service to pursue solutions that address the specific obstacles rural communities face in ensuring access to food and healthy eating habits in rural areas, which often lack access to healthy food options. States with large rural populations and rural counties should be afforded additional flexibility in the administration of the SNAP program to help combat these challenges.
- 8. Use of Technology:** Among federal benefits programs, SNAP is already a leader in innovation and simplification of benefits, including the use of SNAP EBT cards. The federal government should continue to play a leading role in developing technology that makes program administration more seamless. By pioneering advances at the federal level, the program would be streamlined in states and local jurisdictions across the country.
- 9. Program Integrity:** NACo supports the goals of maintaining low levels of fraud and error rates within the SNAP program. Counties believe that a federal commitment to streamlining the program, increased technological advances, and additional flexibility to eliminate systemic program issues (including program churn) will help achieve this goal.

10. Thrifty Food Plan: Serving as the foundation for calculating Supplemental Nutrition Assistance Program (SNAP) benefits, the Thrifty Food Plan (TFP) is used by the U.S. Department of Agriculture (USDA) to portray what a “minimal cost,” nutritionally adequate food plan entails for different households, reflecting age and gender. NACo supports regular review and updates to the TFP to account for the cost of food more accurately, dietary needs, purchasing patterns and regional differences in food costs, housing and medical care, which affect the purchasing power of SNAP benefits.

11. Military Hunger: Food insecurity amongst active-duty military families, especially junior enlisted, creates a domino effect that leads to a reduction in the readiness of the military force and ultimately a weakening of our national security. Service members and their families should have equitable access to SNAP to ensure enough food for an active, healthy life. The Military Basic allowance for Housing (BAH) should be excluded from income determinations for SNAP eligibility.

E. Supplemental Security Income (SSI): SSI benefits and resource limits have not kept pace with inflation. A significant number of persons, including the homeless, who are potentially eligible for the program, do not participate. Congress and the administration should:

- Consider the impact that changes to SSI will have on county general assistance and indigent health care programs;
- Provide benefits to individuals who receive care in county-owned residential facilities;
- Reevaluate payment levels to ensure SSI recipients are provided with an adequate standard of living;
- Reevaluate the asset limit to reflect inflation;
- Simplify and expedite the application and eligibility process; and
- Fully fund and expand SSI outreach programs.

F. Refundable Tax Credits: The Earned Income Tax Credit (EITC) and Child Tax Credit (CTC) have significantly boosted the incomes of low-income working households. According to Census Bureau data, the EITC and CTC helps move more children and adults out of poverty than any other program. NACo supports structural changes to the EITC and CTC, including expanding the age of EITC eligibility for childless workers, that increase the number of eligible households and provide higher benefit amounts.

CHILDREN’S SERVICES

A. Early Childhood Education and Development: The importance of the early years in child development is well documented. Quality prenatal services, health care, nutrition, and pre-school education are essential to the healthy development of a child. Early intervention and prevention programs, particularly home visitation programs, produce numerous advantages. Children who

participate in early childhood development programs record outstanding developmental progress and greater success in the future. Other advantages include early detection of health and learning problems, higher educational achievement, preventing juvenile delinquency, lower crime rates, greater parental involvement in school programs, and reduced teen pregnancy rates. Consequently, best practices demonstrate investment in early childhood development programs reduces the need for chronic health care services, utilization of child welfare programs, juvenile justice measures and public assistance. NACo supports federal actions to protect and increase investments in early childhood development and help counties develop and expand voluntary early childhood and parent education programs. They include:

- **Head Start/Early Head Start:** Congress should provide adequate funding for comprehensive programs such as Head Start/Early Head Start, to ensure that needed educational, nutritional, and social services are available to disadvantaged pre-school children, including children with disabilities. Early Head Start, in particular, deserves stronger support so that infants, toddlers and their caregivers can take advantage of the program's continuum of services at an earlier age.
- **Educational Coordination:** NACo supports strengthened coordination among state and federal pre-school programs with county agencies that provide related services to children and their families, such as home visiting, child wellness, Head Start, Early Head Start and quality child care. Federal investments in expanded access to preschool, including Head Start, should emphasize a mixed-delivery system and incentivize and support the provision of high-quality care and education for infants, toddlers, and preschoolers. Along with support for the childhood workforce, collaboration with highly trained and motivated partners who build exceptional early childhood ecosystems are pivotal in providing a generation of young people who enter school ready to learn. Better coordination and follow-up with K-12 schools are needed to ensure that the gains made through early childhood programs are not lost in future years.
- **Nutrition and Food Support:** Adequate nutrition not only prevents serious health problems, but also helps children improve their ability to learn. The Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) are valuable components of the continuum of services needed to ensure children's physical and mental development. NACo therefore opposes further cuts to SNAP and supports continued expansion of WIC.

B. Child Welfare Services: The child's natural family has the primary right and responsibility to provide each child a safe and nurturing environment. Society must provide the necessary services and supports to safeguard and enhance the ability of all families to fulfill this essential role. Failing this, it becomes society's responsibility to provide for expeditious, alternative arrangements that are permanent and meet the child's physical, mental, and emotional needs. The societal response works best when governments at all levels collaborate in their efforts to restore children and families to health and wholeness.

In many states child welfare, substance use disorder treatment, behavioral health and services to

individuals with developmental delays/disabilities are administered by counties, yet the various systems fail to operate collaboratively. Consequently, children suffer. Children whose parents struggle with chemical dependencies also suffer from substance use disorder and health problems. States and counties often are able to provide treatment to only a fraction of these parents and children. Access to adequate and timely services is even more difficult to obtain for children and youth with co-occurring conditions such as developmental delays and disabilities. NACo supports funding for new partnerships among federal, state and local child welfare and substance use disorder agencies. NACo further supports increased federal funding for school and community-based behavioral health, developmental and substance use disorder and services for children and youth. Counties must be involved in the planning and implementation process and must be eligible for direct funding.

NACo believes that systems that protect abused and neglected children should be based on a continuum of care, including a broad array of preventive services. When out-of-home care is necessary, kinship placements must be thoroughly explored before a child is placed into foster care. Counties should be afforded flexibility in designing services that best meet the needs of their children and communities.

1. Foster Care, Kinship Care, Guardianship and Adoption Assistance: a variety of foster care situations should be available and sufficiently funded to provide for the differing needs of children. NACo strongly opposes block grants and/or funding caps in the federal Foster Care program. NACo strongly supports the following:

- Modernizing the eligibility determination system by delinking federal foster care eligibility from the 1996 Aid to Families with Dependent Children (AFDC) income eligibility standards and developing a financing system that responds to a child's imminent risk of abuse or neglect;
- Acknowledging the role that counties play in the foster care and child welfare system by consulting county officials in the development and implementation of legislation at the federal and state level;
- Enhancing county and state flexibility to provide supportive services for children and their families, including preventing unnecessary removal from the home and enhancing outcomes for children;
- Using Title IV-E funds for subsidized kinship guardianship and kinship post-guardianship services both prospectively and retroactively;
- Allowing Medicaid to cover more than life threatening care for dependent, abused, and neglected undocumented children in state custody. At a minimum, rehabilitation and targeted case management associated with abused or neglected children, and medical care required by federal policy pertaining to foster children should be covered;
- Allowing counties and states to include reunification and post-reunification services within the definition of IV-E Foster Care maintenance payments;
- Allowing IV-E Adoption Assistance funds to be used for post-adoption services for adopted

- children as well as subsidies;
- Government owned/operated residential treatment programs of more than 25 beds in size should be treated on an equal basis as similar not-for-profit and for-profit facilities, and should be eligible for Title IV-E reimbursement;
 - Allowing states and counties to use IV-E funds to provide services for children placed in non-IV-E settings that prevent children from being placed in foster care;
 - Allowing states and counties to use IV-E funds to provide prevention, pre-placement and early intervention services for children who are determined to be candidates for foster care.
 - Allowing child welfare staff to conduct virtual visits through computer technology, rather than in-person, with older youth (over 18 years of age) in extended foster care who are attending college out of state or connecting with relatives.

The 2018 Family First Prevention Services Act (FFPSA) has brought opportunities and challenges to counties as they implement prevention services programs eligible for federal IV-E Foster Care funding and new limits in congregate care settings. As state and county planning and implementation continues, NACo supports the following:

- Legislation and/or administrative initiatives to expand the list of prevention services, including kinship navigation programming, eligible for federal reimbursement;
- Efforts to expand the number of providers of prevention services, including kinship navigation programming, in rural communities;
- Legislation and/or administrative initiatives to mitigate the FFPSA's proscriptive provisions intended to reduce the use of congregate care, with a special focus on remedying the Institutions for Mental Diseases exclusion has the effect of denying federal financial support for placements for high-needs children needing care in facilities with more than 16 beds.

NACo strongly opposes block grants and/or funding caps in the federal Foster Care program because they would undermine counties' ability to ensure the health and safety of our most vulnerable children. If Congress adopts a capped allocation rather than continue to operate under an open-ended entitlement, NACo recommends the following basic principles:

- There must be adequate funding available through the duration of the grant;
- Training and welfare information systems must remain separate from the flexibility proposal;
- States should be required to maintain their current level of effort in child welfare;
- Emergency funds should be flexible and broad enough to allow access by sub-state regions with sudden caseload increases;
- Foster care children must remain categorically eligible for Medicaid;
- States that opt to receive the capped allocation must be allowed to opt back into the open-ended entitlement at any time;

- States should be able to negotiate the funding baseline for a block grant with the federal government;
 - States should be allowed to retain the current flexibility to negotiate waivers for localities; and
 - State associations of counties, in states where counties operate child welfare systems, must be consulted and state legislatures must have the right to approve a state's request to opt into the capped allocation system.
2. **Foster Youth:** Research shows that children aging out of foster care generally have poor outcomes. NACo urges a national “call to action” to raise awareness of the issues faced by children aging out of the foster care system. Additionally, NACo supports the following measures to improve outcomes for youth aging out of foster care:

- Enable disabled youth receiving federal foster care payments to immediately receive SSI benefits when leaving the foster care system;
- Enhance federal funding for workforce development, housing, health care, independent living programs, mental health, substance abuse services, and transitional services; and
- Coordinate and align resources between human services and workforce development to ensure completion of secondary education, gainful sustainable employment and/or post-secondary occupational training.

3. **Training and Administration of Foster Care, Kinship Care, Guardianship and Adoption Assistance:** Proper administrative support for these programs is essential to ensure children's continued well-being. NACo opposes any attempt to cap the Title IV-E administrative reimbursement for foster homes and social worker case management costs as an unwarranted cost shift to counties and states. States and counties also need to be given adequate time and resources to implement new requirements such as more frequent case reviews and automation of records and systems.

Staff training should be reimbursed at 75 percent regardless of the proportion of children in a state who are eligible for federal IV-E Foster Care maintenance and Adoption Assistance program payments. Additionally, states should have the flexibility to use IV-E funds for cross-agency training of child welfare staff and other public and private agencies that work with these children, including substance abuse, mental health, education, juvenile justice, probation, and welfare agencies. Training funds should also be provided for foster parents, kinship care and guardianship care providers, and adoptive parents.

4. **Child Protective Services:** Federal policy must ensure local capacity and flexibility for immediate response to reports of child abuse and must provide a coordinated, comprehensive services systems that are designed to protect children and restore family functioning. NACo supports the development of an outcomes-based child protection system through a series of benchmarks developed at the local level that will monitor a community's progress based on its

socio-economic needs and priorities.

- 5. Addressing Sexual Abuse in Families:** Child Sexual Abuse (CSA) causes a lifetime of dramatic and costly emotional and physical issues. Because of false shame and fear of destroying the family, most familial CSA is unreported and underreported, meaning the incidence is, in fact, much higher. NACo urges the U.S. Department of Health and Human Services' (HHS) Administration for Children and Families' (ACF) Children's Bureau to develop dedicated resources that educate families and child welfare stakeholders on best practices for preventing, identifying, and responding to CSA.

- C. Child Care:** Adequate supply of high-quality child care services is critically important for meeting the developmental needs of children while supporting the ability of parents to participate in the workforce. Even though the high cost of child care is financially burdensome for most families, the industry suffers from extremely thin profit margin, as business expenses are high and revenue generation is limited. The child care workforce is chronically underpaid, further exacerbating supply challenges.

NACo urges our federal partners to pass legislation making significant investments in child care capacity, including a comprehensive strategy for workforce recruitment and retention, to ensure providers have adequate resources to sustainably serve low-income families. Federal support for high quality child care should be available to all public assistance recipients who need it while participating in employment, education, or training and to working parents and caregivers as they leave public assistance, including TANF, on a sliding fee scale. Funding for the Child Care and Development Fund Block Grant must be increased to meet the needs of eligible families and support the supply-building needs of providers, including capital investments. NACo supports federal funding and other incentives for public-private partnerships that recognize affordable, high-quality childcare is critical to developing prosperous local economies, sustaining a reliable workforce and can meet the unique needs of individual communities.

Financial support should be made available for infant care, child care for children with special needs, children in foster care, and child care during non-traditional hours when needed.

Public child care resources such as licensing and monitoring of providers, information and referral, and assistance in selecting appropriate care, should be available to all, without regard to income or resources. State and local licensing laws should be carefully monitored to ensure communities have the flexibility to meet their needs without compromising child safety, educational quality and adequacy of facilities and caretakers.

Employers should be given increased financial incentives to provide child care for their employees on site or as a benefit. The Child and Dependent Care Tax Credit should be made refundable.

- D. Child Support:** It is the right of every child to be supported by his or her parents. NACo supports the federal Title IV-D Child Support Enforcement program as a cost-effective means of ensuring that right. NACo supports providing federal financial incentives to states that opt to pass-through a higher percentage of child support collections to families on public assistance. NACo urges Congress to permanently restore the ability of counties and states to draw additional federal match dollars from the reinvestment of child support incentive payments. County-administered child support programs should be allowed to retain the full application fee for cases where the custodial parent is not receiving cash assistance by identifying it as an administrative cost rather than as program income.

NACo supports removing the cap on the Child Support Incentive Fund and supports maintaining the 66 percent reimbursement rate for administrative costs and the 90 percent rate for genetic testing. NACo supports programs that assist non-custodial parents to be appropriately involved in the lives of their children financially and emotionally. Any new child support enforcement mandates must be accompanied by enhanced federal reimbursement.

NACo opposes private sector access to child support data and enforcement tools.

NACo supports legislation that creates a corrective action plan for states that have been unable to implement federal child support requirements; restricts penalties to corrective action plan non-compliance; and allows alternative systems configurations that provide expanded local flexibility for automated child support payments.

NACo supports legislation to streamline the international enforcement of child support obligations of parents who live outside the United States.

- E. Child Nutrition Services:** Current federal child nutrition programs do not adequately meet the needs of children experiencing food insecurity, which negatively impacts their learning, physical health and overall wellbeing. NACo supports removing administrative and resource barriers that block children in accessing the nutrition they need to thrive, and supports all children having access to breakfast, lunch and snacks at school, in childcare and during the summer months at no cost.

Additionally, Local Educational Agencies (LEAs) and participating childcare providers must receive adequate funding and reimbursement to implement this program and meet rigorous nutrition standards. NACo encourages Congress to additionally promote nutritional children's meals in our schools and within our community to ensure all have access to healthier food options. NACo further urges our federal partners to provide states and counties with the necessary resources and flexibility to implement new and/or expanded child nutrition programs.

SERVICES TO OLDER AMERICANS

Between 2011 and 2030 the 78 million individuals who were born between 1946 and 1964 will reach the age of 65. This means that the number of older adults in the U.S. will more than double. Not only will there be significantly higher numbers of the elderly, they will also be living longer. Individuals over the age of 85 are already the fastest growing sector of the population. At the same time, the number of working age people is only increasing by 20 percent and there will be fewer workers to support the retired population.

NACo supports a continuum of care for the elderly that provides supportive services to assist older persons remain active, productive and independent. These services would include adult day care, transportation, respite care, housing alternatives, caregiver training, support groups, in-home support services, family counseling, daily money management, public conservatorship and guardianship services, as well as chore services, personal care, skilled nursing care, and long-term care.

NACo supports federal policies that recognize the role and responsibilities of county government in assuring necessary and effective services for the elderly, including community-based and long-term care services. Federal policy should recognize that these costs have increased, and should support, facilitate and provide adequate federal funding for county implementation of these ever increasing costs and responsibilities.

A. Older Americans Act: NACo supports the Older Americans Act's goal of developing a coordinated program of services and opportunities for our older citizens. The Act should provide maximum flexibility for county governments to target resources to address the needs of the elderly in their community. Congress should fully fund the programs authorized under this legislation. Congress should expand and improve access to daily nutrition and meal services, respite care, home care services, adult day care, services to family caregivers, information and referral services, and research.

The changes in the aging population require better planning and targeting of health and human services programs. NACo urges the federal government to assist states and counties by funding in-depth needs assessments to determine the real needs of the elderly in their community and the adequacy of existing services and gaps in delivery.

B. Long-Term Care: County government has a long, established role as a provider, purchaser, administrator and/or contractor for long-term health care. Services should be provided in the least restrictive environment meeting the individual's needs.

Additional flexibility should be provided in Medicare, Medicaid, Veterans' Services, and other federal programs to encourage and enable the expansion of community-based care and assisted living facilities as a means of avoiding unnecessary institutional care.

Informal caregivers should be given support and provided incentives to encourage them to continue to provide support for those in need of services.

Rural counties have a higher percentage of senior citizens than urban counties, but they are less likely than their urban counterparts to have access to in-home and community-based services. NACo supports efforts to expand these programs in rural areas.

- C. Adult Protective Services:** Adult Protective Services (APS) vary widely among states and generally cover neglect, self-neglect and fiduciary and physical abuse of the elderly and disabled adults. In many states, counties have the responsibility for APS. Unfortunately, there are no clear data on the incidence of elder abuse and neglect nationwide although some studies suggest that almost 11 percent of people ages 60 and older faced some form of elder abuse and a 2009 report by the MetLife Mature Market Institute and the National Committee for the Prevention of Elder Abuse estimates that seniors lose at least \$2.5 billion each year to financial abuse. There is insufficient national information on the victims and perpetrators of abuse or evidence-based best practices. The Elder Justice Act (EJA) was enacted in 2010 and is the first federal program designed to combat abuse, neglect and exploitation of older adults. Federal funding for state and local APS programs was authorized initially at \$100 million annually, but was first funded in 2020 with an appropriations of nearly \$94 million as part of the Coronavirus Response & Relief Supplemental Appropriations Act. Counties in many states are responsible for adult protective services. NACo therefore supports full funding for the EJA and a federal research strategy.
- D. Social Security:** As the providers of last resort for health and social services, counties have an interest in preserving the benefits received by the nation's most vulnerable populations. Social Security benefits prevent poverty for people of all ages. NACo urges Congress, as it reforms Social Security, to protect the financial security of current and future Social Security beneficiaries, especially low-income individuals, the disabled and surviving spouses and children.

SOCIAL SERVICES

There must be a human services program designed to achieve the full objectives of encouraging self-support, self-reliance, strengthening of family life and the protection of children and adults. The broad range of supportive social services needed to strengthen the community and family structure should emerge at the local level from a federal-state-county partnership that provides for maximum flexibility at the county level.

These services should be administered at the local level and adequately funded at the federal and state levels. States should be required to pass through to counties the majority of the state's share of federal funds. To ensure this pass-through, a limit should be placed on the amount states can retain for administrative or other purposes.

- A. Social Services Block Grant (SSBG):** SSBG is used by many counties for a variety of programs, such as adult protection, child care for children with special needs, child welfare, and child abuse prevention. In some cases, such as adult protection, this is the only source of fund for these services.

SSBG statutory funding has dwindled over the years from a level above \$3.1 billion to its current level of \$1.7 billion, which in reality is lower because it is affected by sequester cuts in 2013. NACo supports restoring the program to the highest level possible. Additionally, NACo strongly supports continued flexibility in the SSBG program and maintaining the authority to transfer up to ten percent of TANF funds to SSBG. This flexibility enables states and counties to use the program to meet their specific local needs and goals.

- B. Services to Individuals with Disabilities:** Counties recognize that the objectives of encouraging self- support, self-reliance, strengthening of family life, and protective services apply equally to the physically, mentally, and developmentally disabled. NACo supports federal action that will promote these objectives by removing categorical restrictions that inhibit comprehensive planning and delivery of services to the disabled.

NACo supports federal action that increases incentives for deinstitutionalization and encourages and funds the expansion of community-based services, including the necessary individual and program financial support, to prevent reinstitutionalization. NACo supports equal opportunity for individuals with disabilities in all aspects of American life. Federal funding is necessary to supplement local efforts to achieve program and facility accessibility and equal employment opportunity.

- C. Community Action Agencies:** Through its boards involving the public sector, the private sector, and the community, the Community Services Block Grant (CSBG) represents a unique and effective partnership with counties, states, federal government and community organizations. NACo strongly supports full funding for CSBG.

- D. Domestic Violence:** Domestic violence is a major social problem not only because of its high incidence, but also because of its pervasive and self-perpetuating nature. The problem affects not only spouses, but also individuals in a wide range of living arrangements, including children, senior citizens, and those with developmental problems.

Children living in violent homes, whether victims or witnesses, frequently become abusive parents and/or mates themselves. Domestic violence is often associated with the development of other social and emotional problems. Treatment of the problem often involves temporary respite and permanent community resources to shelter victims. However, federal funding is insufficient.

The federal government should fund domestic violence programs that permit counties and

communities to develop resources and services to protect family members and prevent family violence, improve staff training, and link programs in the health, behavioral health, self-sufficiency, child welfare, criminal justice, law enforcement, and social service systems for effective treatment and prevention of domestic violence.

- E. Energy Assistance for Low Income Persons:** NACo recognizes the need for a comprehensive energy assistance, weatherization, and conservation program with sufficient federal funding and incentives so that the cost burden does not fall on county government.

Eligibility criteria should include renters. It should not discriminate against single-person households and should not be limited to persons eligible for other federal programs. At the same time, every effort should be made to coordinate with other programs in order to simplify the application and eligibility program.

Congress has not always appropriated emergency or contingency funds for the Low Income Home Energy Assistance Program (LIHEAP). There needs to be a fund that addresses sudden situations such as fluctuations in energy costs, natural disasters and extreme weather conditions.

- F. Assistance for the Homeless:** NACo recognizes the need for a comprehensive national policy to end homelessness and poverty. A significant federal commitment is necessary to meet the growing need for services, including housing, mental health services, and substance abuse treatment to ensure that the burden for providing care and assistance to the homeless does not fall disproportionately upon counties. NACo endorses the federal strategic plan to prevent and end homelessness; especially the commitment for greater cooperation among federal agencies and the special attention being paid to veterans, families, and youth.
- G. Veterans' Services:** NACo strongly supports full funding to qualified veterans for educational, housing, and medical costs. County Veterans Service Officers (CVSOs), who are employed by counties, work to secure benefits for veterans by collaborating with the U.S. Department of Veterans Affairs (VA), state Departments of Veterans Affairs (SDVAs) and Veterans Service Organizations. NACo endorses sustained federal financial support for CVSOs providing these benefits services. Benefits generated by CVSOs are not limited to individual veterans and often provide cost savings to local governments and revenue that goes back into the local economy. To improve outreach by CVSOs to transitioning service members, NACo supports action by the U.S. Department of Defense (DOD) and VA to increase coordination and information sharing at the federal level and with their state and local partners. DOD and VA must work collaboratively to identify and connect transitioning service members with SDVAs and CVSOs prior to their departure from active duty. Efforts to improve information sharing must prioritize service members' privacy and confidentiality while also creating a more streamlined and effective process for new veterans to connect with their CVSOs. When a service member opts into sharing their DD Form 214, DOD must ensure all service

branches proactively provide those records to intergovernmental partners in a uniform fashion.

NACo endorses increased investments in solutions to veteran homelessness, and encourages both the Administration and Congress to continue to increase the resources targeted to end homelessness among veterans through programs such as the Veterans Affairs Supported Housing (HUD-VASH) program, Supportive Services for Veterans Families (SSVF), and the Grants and Per Diem program. NACo supports a process that is responsive to the needs of veterans and their families, provides appropriate information, and facilitates administrative services.

- H. National and Community Service:** AmeriCorps (formally the Corporation for National and Community Service) and the programs it funds such as AmeriCorps VISTA, AmeriCorps NCCC, AmeriCorps State and National, the AmeriCorps Seniors Foster Grandparents Program, the AmeriCorps Seniors Senior Companion Program, and AmeriCorps Seniors RSVP help youth and senior citizens become involved in the community and provide volunteer services to millions of Americans. NACo supports full funding for AmeriCorps.
- I. Emergency Preparedness, Response and Recovery:** NACo supports continued close coordination with emergency management agencies (EMA), increased federal funding and more flexible eligibility for county health and human services costs incurred during emergencies under Public Assistance and other programs. Such initiatives will help EMAs to ensure that county health and human services agencies are supported financially and integrally involved in emergency response planning, training for staff and volunteers, supporting disaster response, mass care and shelter services, continuing the provision of human service benefits, and supporting recovery efforts. Such funding would improve disaster response for older individuals and persons with disabilities, persons living in poverty, as well as those experiencing pre- and/or post-disaster homelessness.

LEGAL IMMIGRANTS, MIGRANTS, REFUGEES AND UNDOCUMENTED INDIVIDUALS

Legal immigrants, refugees, undocumented individuals, and others enter and remain in this country as a result of federal action or inaction. The heavy fiscal burden that is placed upon local governments is the direct result of national immigration policies or the lack of enforcement of immigration policies. It is imperative that be an on-going consultation process on immigration issues with NACo and other national organizations representing state and local governments.

A. Comprehensive Immigration Reform: NACo urges Congress and the President to enact comprehensive immigration reform legislation that:

- Provides for uniform enforcement of all existing laws;
- Secures our borders;
- Includes a national strategy for coordination among federal, state, local and tribal authorities;
- Establishes a sensible and orderly guest worker program;

- Imposes no unfunded mandates on state and local governments;
- Includes no mandates on counties to enforce immigration laws;
- Preserves the eligibility of legal non-citizens for federally-funded health benefits and provides a sustainable funding stream to counties for their cost of providing health services to legal non-citizens who are denied federally-funded health benefits;
- Establishes an earned path to citizenship that includes registering, background checks, demonstrating employment, learning English and civics, paying back taxes and fees that may be required;
- Improves and simplifies the current legal immigration system; and
- Provides green cards for science, technology, engineering and mathematics students who have received a graduate degree from American universities.

C. Services: Counties traditionally provide health, self-sufficiency programs and social services to persons residing within their boundaries, regardless of their legal status. Since immigration is a federal responsibility, the full cost, including administrative costs, of any services or assistance to non-citizens should be paid by the federal government rather than by county and state governments.

The 1996 welfare reform law limited refugee eligibility for SSI to seven years. NACo strongly supports restoring full SSI eligibility to refugees.

In addition to reimbursing county governments for costs incurred in assisting legal immigrants, refugees, undocumented individuals, and others, the federal government should strengthen its enforcement efforts to control illegal immigration.

C. Refugee Program: Refugees should be resettled in a manner that minimizes their concentration into a few counties. When making decisions to admit new refugees into the country, the U.S. State Department should give advance notice of those decisions to the states and counties that are most likely to be affected by the refugee resettlement.

There should be a permanent federal refugee program with uniform policies for all refugee groups and with sufficient federal funds to provide assistance during resettlement. Refugee resettlement funding has deteriorated over the years from 36 months to eight months of assistance. Federal funding should continue at the 100 percent reimbursement level for financial assistance, medical care, social services, employment services, and education until refugees reach a reasonable level of self-sufficiency.

It is critical that funding formulas respond not just to the challenges that state and local governments face at the point of initial resettlement. Secondary migration needs to be addressed through accurate data and funding that follows the refugee.

The federal government should develop contingency plans, in consultation with state and local

elected officials, for mass asylum situations in which the U.S. is the country of first asylum. The legal status and rights of applicants for asylum and their eligibility for federal assistance must be clear and consistent.

The federal government must increase its dialogue with and accountability to state and local governments. NACo opposes any proposal that would transfer funds needed by states and counties for refugee assistance to resettlement agencies without proper state and county consultation and agreement. States and counties should have the flexibility to use refugee employment services for hard to serve populations who have been in the U.S. more than five years.

- D. Unaccompanied Children Crossing the Border:** NACo calls on the Administration and Congress to ensure that adequate federal funds are appropriated to shelter and provide care, including medical assistance, to unaccompanied children crossing the border and to ensure that the costs of the care provided to these children are not transferred to counties.
- E. Deferred Action for Childhood Arrivals (DACA) Recipients and Temporary Protected Status Holders:** NACo calls on Congress and the Administration to enact legislation that, without imposing costs on counties, would allow certain undocumented immigrants who entered the country as children and/or for humanitarian reasons to attain legal status if they pass background checks, demonstrate good moral character and meet education requirements.
- F. Immigration Enforcement:** NACo urges the federal government to carry out its enforcement of immigration law in a humane manner that minimizes negative impacts on families and children, including possible separations, and does not increase reliance on local social safety-net services or create new demands and administrative costs for counties without adequate resources and funding from the federal government.

Additionally, NACo supports legislative or regulatory proposals that at least maintain current statutory legal immigration levels and opposes any efforts that would significantly reduce legal immigration to the United States.

- G.** NACo calls on the Administration and Congress to provide necessary funding for USCIS to reduce the visa backlog and process new applications. NACo supports federal legislation and regulatory efforts to improve processing times, such as digitizing application materials for electronic processing and increasing staffing capacity.

EDUCATION

Education is key to the success of our economy and our ability to attract businesses to our communities. Furthermore, our quality of life is directly related to a quality education in our schools.

Local education systems affect all segments of the community and are critical to the success of many programs operated by counties. Regardless of the specific funding arrangements between counties and school districts, they share a common tax base and are both faced with limited resources.

A. Elementary and Secondary Education: Although states have the primary responsibility for elementary and secondary education, it is in the national interest and merits continued federal financial support. NACo urges Congress to substantially amend the Elementary and Secondary Education Act to grant greater local flexibility in the use of student achievement measures, the design of interventions for schools not making Adequate Yearly Progress and to address the individual needs of students with disabilities and students of English as a Second Language. NACo strongly urges Congress to fully fund the law so that states and local education agencies (LEAs) can implement all aspects of the law. Congress must commit to fully funding Title I grants to schools to ensure adequate resources for our most vulnerable youth. Congress should provide increased funding to assist local communities in meeting regulations designed to eliminate discrimination.

NACo supports the current method of disbursement of funds LEAs and does not support the use of vouchers and policies such as tuition tax credits that would provide an unfair competitive advantage to private schools and erode support for public schools.

Bullying and harassment interfere with students' ability to achieve higher academic standards and can lead to even greater school safety problems. NACo urges the federal government provide school districts with the tools and resources they need to ensure that all students feel safe within their schools.

NACo supports the development of partnerships between schools, counties, local organizations and state and federal partners to support children from military families.

- 1. Health Services in Schools:** Medicaid program should reimburse states, local governments and LEAs for health and behavioral health services provided in schools. This reimbursement should include direct services such as medical appointments and therapies and administrative services such as outreach and care coordination activities.
- 2. Impacted Areas:** Congress must recognize the burdens placed on communities that have a large number of federal employees and facilities and must continue to provide federal aid to meet the extra costs involved in educating the children of federal employees.
- 3. Education for Children with Disabilities:** NACo supports the goal of available free public education to all children with disabilities. Congress must keep the federal commitment to ensure full funding for the Individuals with Disabilities Education Act so that states and LEAs can meet the law's requirements.
- 4. After-School Programs:** County governments run a variety of programs such as after school day care, mentoring/tutoring and recreational programs. Programs such as the 21st Century Community Learning Centers should be available directly to counties.

5. **School Construction:** NACo supports efforts to establish federal incentives that will help state and local governments finance school repair, renovation, modernization, and construction projects and facilitate the development of community services for children and families in school buildings.
6. **Social and Emotional Learning (SEL):** NACo supports increased federal funding for Social and Emotional Learning (SEL). Decades of research have demonstrated the effectiveness of Social Emotional Learning (SEL) for supporting students' academics, behaviors, mental health, and long-term success. COVID relief legislation has offered temporary federal resources for school districts to invest in SEL in order to help students recover from the impacts of the pandemic on their social and emotional wellbeing. However, because of limited resources, few school districts are able to budget dedicated funds towards long-term SEL interventions. NACo urges Congress and the administration to provide funding, guidance and technical assistance to school districts and early childhood educators, in collaboration with other community partners, to implement comprehensive SEL programming.

B. Adult, Career and Technical Education: The federal government should place increased emphasis on the promotion of career technical programs across the secondary and post-secondary educational spectrum. These programs should respond to the needs of the local economy and should be coordinated with local self-sufficiency and job training programs. Congress should provide adequate funding for adult education, including English as a Second Language programs.

C. Higher Education and Financial Aid: According to the American Association of Community Colleges, there are 986 public community colleges nationwide and local funds provide 17 percent of their revenues. Additionally, several local governments fund four-year colleges. Pell Grants play a significant role in community college financial aid due to their lower tuition and higher percentage of low-income students. NACo therefore believes that Pell Grants and federally backed student loan programs are vital if this nation is to preserve equal educational opportunity and receive the benefit of the fully developed talents of the younger generation. Loans and grants should be based on economic need and require reasonable levels of self-help.

NACo also supports veterans' and their dependents' utilization of GI Bill education benefits and policies to assist them in accessing courses to obtain a degree. Additionally, NACo supports continued funding for veterans' vocational rehabilitation and apprenticeship opportunities.

D. Science, Technology, Engineering and Mathematics (STEM) Education: STEM-related jobs are expected to grow by 17 percent over the next decade, with 60 percent of those jobs requiring college degrees or higher, yet the U.S. is not attracting enough students into those fields. NACo strongly supports efforts to improve STEM education, including health sciences, at all levels of the educational continuum. These efforts should include attracting more STEM teachers to rural elementary and secondary schools and encouraging groups that are underrepresented in the field to pursue STEM

education, particularly women, African Americans and Latinos.

HUMAN SERVICES AND EDUCATION RESOLUTIONS

Resolution Supporting Social Security Administration Actions to Improve Access to Social Security Card for Children and Youth in Foster Care

Issue: A lack of consistent process and record requirements in regional Social Security Administration (SSA) offices has resulted in significant delays in obtaining Social Security cards for children and youth in foster care.

Adopted Policy: The National Association of Counties (NACo) urges SSA to develop and distribute a standardized set of requirements for state and county child welfare agencies pursuing Social Security cards for children and youth in foster care and to provide a singular point of contact for issue resolution.

Approved | July 15, 2024

Resolution on Combating Predatory Practices in Veterans Services

Issue: Veterans navigating the U.S. Department of Veterans Affairs (VA) benefits system should never bear the burden of paying for initial claim representation. In 29 states, counties realize this principle by using primarily local dollars to train and hire accredited CVSOs who are dedicated to helping veterans access their service-connected benefits free of charge. Unfortunately, in the wake of the PACT Act's historic passage, non-accredited, for-profit businesses are increasing their efforts to prey on vulnerable veterans, using legal loopholes to charge exorbitant "consulting fees" for claims assistance.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the Administration to take legislative and regulatory action to protect veterans from predatory claims representatives, including reinstating criminal penalties for companies that charge fees for unsanctioned claims work and coordinating across agencies and levels of government to identify and prosecute predatory claims to the fullest extent of the law. Additionally, we call on our federal partners to authorize and fund resources to expand and develop the CVSO workforce to ensure all veterans can quickly access qualified assistance with their benefits claims.

Approved | July 15, 2024

Resolution on Improving Care and Access to Benefits for Military Sexual Trauma

Issue: Military Sexual Trauma (MST), which refers to sexual assault or sexual harassment occurring at any point during an individual's military service, is reported among 1 in 3 female veterans and 1 in 100 male veterans in the VA healthcare system. Unfortunately, accessing the proper services and supports can be a difficult and retraumatizing process for victims. Reforms are needed to ensure military sexual trauma (MST) survivors' access to care and benefits, as well as bolster MST claims processing.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the administration to pass legislation that improves the process through which veterans, including former Guard and Reserve members, can file claims and receive counseling and care for Military Sexual Trauma.

Approved | July 15, 2024

Resolution on Studying the Relationship Between VA Benefits and Veteran Suicide Prevention

Issue: Currently, the U.S. Department of Veterans Affairs (VA), in its National Suicide Prevention Annual Report only analyzes how many veterans who die by suicide had recent interactions with the VA through medical or mental health appointments. However, suicide prevention goes beyond just mental health practices and can include economic and material supports. A more comprehensive understanding of the role that the full range of VA benefits play in preventing veteran suicide would inform better data-driven policy decisions to address this national crisis.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the administration to take legislative and regulatory action to study the upstream factors that best prevent veteran suicide, including examining the relationship between VA benefits and suicide outcomes. This includes veterans' use of disability compensation, education and employment benefits, home loans and foreclosure assistance, and housing assistance programs as part of its analysis in the annual suicide prevention report. The VA should analyze this data to identify which benefits have the greatest impact on preventing suicide and make recommendations for incorporating these findings into its ongoing suicide prevention strategy.

Approved | July 15, 2024

Resolution in Support of Federal Funding for Social Media Safety Education and Training

Issue: The U.S. Surgeon General issued a warning on May 23, 2023, stating that “there are increasing concerns among researchers, parents and caregivers, young people, healthcare experts, and others about the impact of social media on youth mental health” with such concerns including anxiety, eating disorders, depression, and suicide. Social media is additionally used to facilitate cyberbullying, privacy invasion, fraud, human trafficking, sexual harassment, sexual predation, the sale of illegal narcotics, hate, and disinformation.

Adopted Policy: The National Association of Counties (NACo) urges the Federal Government and Congress to assist counties by providing funding for 1) social media safety education to make youth and students aware, in an engaging and age-appropriate way, of some of the most serious social media-related dangers and how to protect themselves from these threats; 2) the provision of evidence-based educational outreach for parents and caregivers focused on raising awareness around the various social media-related dangers and providing practical steps parents can take to protect their children; 3) school administrators and parent associations to develop or enhance in-school and out-of-school social media safety policies and guidelines; 4) high-quality research regarding the evolving social media-related threats to the safety and welfare of K-12 students; 5) the provision of social media safety education and other interventions for foster youth, who may be at significantly higher risk for social media-related harms.

Approved | July 15, 2024

Resolution Urging Congress or the President to Establish a Federal Office of New

Americans

Issue: Without a National Immigrant Inclusion Strategy led by a Federal Office of New Americans, Counties find themselves without the support and resources necessary to support the civic, social, and economic inclusion of newcomers.

Adopted Policy: The National Association of Counties (NACo) urges Congress or the President to establish a Federal Office of New Americans that is charged with a National Immigrant Inclusion strategy and actively works with counties and local governments to promote and support immigrant and refugee integration into, and inclusion in, the civic, social, and economic life of the United States. This office would function to coordinate the efforts of Federal, State, County, and local entities to support such integration and inclusion. It would also ensure that the Federal Government and Federal agencies promote the pursuit of United States citizenship among immigrants and refugees. Additionally, the Office would work with Counties and other local entities to improve access to workforce development programs, social services, and education, by ensuring that such programs meet the demand and the unique language, training, and credentialing needs of immigrants and refugees. And finally, through a robust stakeholder engagement strategy, the Office would provide consultation and leadership to Federal Government officials on the challenges and opportunities facing such entities with respect to immigrant and refugee integration and inclusion.

Approved | July 15, 2024

Resolution Urging Congress to Decrease the Error Rate of the E-Verify System

Issue: The error rate in the E-Verify System keeps authorized workers from employment which impacts government and local employers' ability to attract and hire a diverse workforce.

Adopted Policy: The National Association of Counties (NACo) urges Congress to require SSA and U.S. Citizenship and Immigration Services to reduce the error rate for the E-Verify system to less than 0.1%. Counties specifically call on the SSA and USCIS to create systems that will reduce errors that disproportionately impact our Latinx, LGBTQ+ and women residents. NACo further supports working with the E-Verify Platform to improve human made errors by making sure the requested information regarding naming conventions within government data bases, the I-9 Form and the E-Verify application process are consistent.

Approved | July 15, 2024

Resolution to Re-Establish the U.S. House Select Committee on Aging

Issue: As the nation's population rapidly ages, counties face increasing demand and challenges in providing comprehensive systems of care to our older residents. We need more holistic work by both chambers of the U.S. Congress to study and address an array of aging issues including workforce, housing, health, welfare, education, and long-term care. However, currently, only the U.S. Senate has a committee dedicated to these critical issues.

Adopted Policy: The National Association of Counties (NACo) urges Congress to re-establish and make permanent the House Select Committee on Aging.

Approved | July 15, 2024

Resolution Supporting the Major Richard Star Act

Issue: Currently, Veterans who were medically retired because of injuries incurred in combat or combat-related training are only eligible for their full retirement pay from the Department of Defense (DOD) and disability compensation from the Department of Veterans Affairs (VA) if they served for 20 years and have a disability rating of 50 percent or higher. Otherwise, medically retired Veterans who were injured in combat see their DOD retirement reduced dollar-for-dollar by their VA disability compensation. This unfair forfeiture financially punishes our most severely combat wounded Veterans and their families.

Adopted Policy: The National Association of Counties (NACo) urges Congress to ensure that Veterans whose military careers were cut short due to combat-related injuries are no longer subject to an offset reducing their VA disability compensation and DOD retirement pay.

Approved | July 15, 2024

Resolution Calling for Increased Funding to Implement New Child Care Development Fund Regulations

Issue: On March 1, 2024, the Administration for Children and Families issued a final rule outlining new affordability requirements for the federal child care subsidy program, the Child Care and Development Fund (CCDF). Without additional federal funding, states and counties may not have sufficient resources to implement the rule without reducing access to the program.

Adopted Policy: The National Association of Counties (NACo) urges Congress authorize additional funding for the CCDF program to ensure lead agencies can follow affordability rules without reducing available child care subsidies.

Approved | July 15, 2024

Resolution to Preserve Federal Benefits Eligibility for Participants in County-Led Income Support Pilots

Issue: Counties across the nation are investing local dollars in pilot programs to provide direct income support to vulnerable residents. However, receiving assistance at the local level may interfere with participants' eligibility for other important federal health, nutrition, housing and anti-poverty programs, disincentivizing and penalizing pilot participation.

Adopted Policy: The National Association of Counties (NACo) urges the federal government to ensure individuals participating in county-led income support pilots do not lose eligibility for other federal assistance programs.

Approved | July 15, 2024

Resolution to Support Improvements to Federal Child Welfare Program

Issue: Federal law provides support to states and counties to serve families in the child welfare system. Some of that support is from programs funded under Title IV-B of the Social Security Act. While a relatively small amount of funding, IV-B programs do not have federal eligibility rules and may be used for a range of services, including child protection, supporting, preserving and reuniting families and to promote and support adoption. Title IV-B is pending reauthorization.

Adopted Policy: The National Association of Counties (NACo) urges a reauthorization of Title IV-B child welfare programs that increases funding and county flexibility by minimizing the different programmatic requirements to enable counties to blend and braid those funds with other programs to meet the needs of families in their communities. Those flexibilities would include eliminating or giving counties more ability to meet the even distributions requirements which must be spent in four service areas in the Promoting Safe and Stable Families (PSSF) program.

NACo supports funding in Title IV-B to make new and sustainable investments in a high-quality child welfare workforce, including incentives to increase pay to fill worker shortages, boost retention, and keep caseloads manageable. To support those workers who operate in highly stressful environments, NACo also urges investments in mental health and wellbeing initiatives. Finally, NACo urges federal support to enable counties to replace their legacy IT infrastructure to better serve families and the caseworkers who depend upon the systems daily.

Approved | July 15, 2024

JUSTICE AND PUBLIC SAFETY

STATEMENT OF BASIC PHILOSOPHY

Only through county partnership with other levels of government can a comprehensive approach to crime and public safety issues be undertaken within the American system of federalism. Counties must increasingly look to the federal government for substantial financial assistance; to the states for coordination of state and local crime and public safety programs as well as appropriate statutory authorizations and a measure of financial assistance; and to their sister municipal governments and regional agencies for cooperative and coordinated local approaches to these problems. There is an evident need for comprehensive planning in order to bring about a more rational approach to problem-solving in all areas of the public safety enterprise. Counties must exercise a strong leadership role in this regard.

CRIMINAL JUSTICE SYSTEM

County governments are geographically best suited to coordinate local criminal justice activities, since all major criminal justice agencies are usually included within county boundaries and since county governments allocate local tax dollars to these agencies. However, the triple threat of increasing costs, rising standards imposed by courts and state legislatures, and the inherent autonomy of criminal justice agencies places on county officials unique planning and coordination requirements.

NACo supports the following policies and principles in criminal justice administration:

- A. Criminal Justice Planning and Coordination:** NACo encourages the use of state and federal funds to establish a planning capacity that can develop programs and priorities for county-financed operations as well as for federally-funded projects. NACo supports majority representation by officials from general purpose units of local government on federal policy boards.
- B. Law Enforcement and Crime Prevention:** The control of crime and the improvement of criminal justice are basically local concerns, and, as such, all efforts to alleviate and prevent crime must begin at the local level. Counties are encouraged to have written policy that specifies the objectives and priorities that will guide the agency's delivery of police services.
 - 1. **Diversion:** NACo supports diverting from the criminal and juvenile justice system – including through pretrial release – those individuals or cases for whom the criminal and juvenile justice system would not be appropriate, or in such instances where other resources would be more effective.
 - 2. **Citation Release:** NACo supports the use of citation release; this form of release should be utilized in misdemeanor cases where allowable by law.
 - 3. **Quality of Personnel:** The Department of Justice (DOJ) should provide assistance programs to

train and educate local law enforcement personnel.

4. **Assault Penalties:** Adequate penalties for assault upon law enforcement officers in the performance of their duties should be provided.
 5. **Forfeiture:** The assistance of state and local criminal justice agencies is essential to federal efforts to control crime. Therefore, proceeds from property subject to criminal forfeiture as a result of joint federal and local law enforcement activities should revert to state and local governments. DOJ should be required by statute to establish equitable procedures for distributing to state and local governments any proceeds generated from forfeited property
 6. **Racial Profiling:** NACo strongly opposes racial profiling and supports federal incentive funding for counties to promote best practices to prevent its occurrence.
 7. **Body Cameras, Storage and Processing:** The National Association of Counties (NACo) supports increased funding through the U.S. Department of Justice, Bureau of Justice Assistance to local law enforcement agencies for the procurements of body cameras and video storage devices. Additionally, NACo supports increased funding and technical assistance for the processing of body camera footage, to include the hiring of additional county staff.
- C. **Courts:** A number of important reforms are necessary to enable state and local courts to operate with effectiveness. Substantial changes in the processing of criminal and civil cases and increased utilization of qualified judges and county court clerks are essential to more effective and efficient administration of justice. To improve federal, state and local courts, NACo supports the following:
1. **Access to Justice:** NACo supports adequate multi-government funding and training to guarantee the continuation of defense counsel for the indigent, which is an essential component of our criminal justice system. Counties, states and the federal government should support adequate funding for civil legal aid and other legal assistance to provide critically needed services to low-income and vulnerable Americans.
 2. **Problem-Solving Courts:** NACo enthusiastically supports the concept of problem-solving courts, such as drug courts and mental health courts.
- D. **Corrections:** NACo supports the following principles and policies regarding correctional facilities at the local, state and federal level:
1. **State-County Partnership Programs for Community Corrections:** NACo supports state-county partnership programs that foster local comprehensive planning and provide a range of community alternatives to incarceration for less-serious felony and misdemeanor populations.

State governments should assist counties in this process by providing a stable source of financial and technical assistance.

2. **Confinement of Mentally and Developmentally Disabled Individuals:** The federal government should reduce its budgetary emphasis on reimbursement for institutionalized care and provide increased resources for community-based programs. NACo supports the goal that the mentally and developmentally disabled should not be incarcerated in local jails, and that programs to provide alternative institutional or community-based residential facilities and services should be developed.
3. **Institutional Services:** Correctional institutions in any jurisdiction – whether federal, state, or county – should provide humane living conditions and rehabilitation programs, and should provide services for their offenders’ well-being, i.e., medical care, recreation, counseling, etc.
4. **Establishment of Standards:** States and counties should jointly plan and develop state standards for adult and juvenile detention services, personnel, and facilities. Technical assistance and financial incentives should be provided by the state and federal government to assist counties in meeting these standards.
5. **Prison Rape:** NACo supports federal research and financial assistance to protect individuals from prison rape.
6. **Private Industry in County Correctional Programming:** Congress should, with the support of organized labor, remove restrictions prohibiting inmate-made goods from being sold in interstate commerce.
7. **Federal Corrections Assistance:** The federal government should provide financial and technical assistance to counties to develop local strategies to reduce jail populations and to develop humane correctional facilities and services. Existing federal programs designed to provide health and mental health services, social services, educational and vocational training, and employment services should be made available to local correctional and detention facilities.
8. **Police Lockup:** NACo supports the consolidation or transfer of the police lockup function to county correctional agencies as part of a comprehensive strategy for system-wide correctional reform at the local level.
9. **Use of Federal Facilities for Correctional and Other Alternative Purposes:** NACo favors the use of federal facilities for jail purposes on the condition that the county in question has taken all reasonable measures to develop alternative programs prior to seeking the use of such facilities. NACo supports special intensive technical assistance programs to assist counties in utilizing

federal facilities for correctional purposes, and also supports the full utilization of federal facilities to reflect the priorities established by Congress and the Executive Branch and local governments in addressing areas of national concern, such as homelessness, drug abuse, education and corrections.

10. **Loss of Federal Entitlement Benefits for Pretrial Defendants:** NACo supports changes in current federal policy that would allow a person receiving federal benefits who has been charged with a crime, but not convicted, to continue to be eligible for entitlements – including, but not limited to Medicare, Medicaid, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veterans Administration health care and disability insurance, and Children’s Health Insurance Program (CHIP) benefits – until such time as they may be convicted and sentenced to an institution.
11. **Bail Practices and Release Options:** To ease the financial burden of bail on poor defendants, all states should enact defendant-based percentage bail laws. NACo also recommends that states and localities make greater use of such non-financial pretrial release options, such as citation release and release on recognizance, where there is a reasonable expectation that public safety will not be threatened.
12. **Federal Incentives to Promote Comprehensive State-County Partnership Programs in Corrections:** Despite the fact that county correctional expenditures account for about one-third of total state and local outlays, Congress has eliminated language, under Title II of the 1994 Crime Act, that made it mandatory for states to consult and share Title II funds with counties for certain purposes in accordance with a “comprehensive” state plan certified by the Attorney General of the United States. Consequently, NACo calls on Congress to require a mandatory pass through of Title II funds to counties, to be used in support of state-county partnership programs, including the implementation of statewide sentencing guidelines, community corrections acts, and other local programs or detention facilities set forth in a statewide plan.
13. **Veterans in Jail:** On any given day, veterans account for nine out of every 100 individuals in U.S. jails and prisons. However, veterans or active duty service members are often treated by the corrections system as any other civilian offender would be treated, despite nearly half of post-9/11 service members utilizing VA health services for a myriad of combat related issues, including: Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), depression, and anxiety. Intake assessment forms and the corrections system should work to better identify veterans and any additional services they may need.
14. **Incarceration of Undocumented Immigrants:** NACo supports full federal reimbursement of state and local costs of incarcerating undocumented immigrants through the State Criminal Alien

Assistance Program (SCAAP). Although it is the federal government's responsibility to protect and secure our nation's borders, counties incur millions of dollars in un-reimbursed expenses each year as a result of housing undocumented individuals who violate state or local laws.

15. **Training and Safety of Correctional Employees:** NACo calls on Congress to prioritize funding that can be accessed by counties to provide training and services for employees of local correctional institutions. As Congress considers various criminal justice reform measures, the needs and safety of correctional employees should not be overlooked.
16. **Federal Support for Reducing Mental Illness in Jails:** NACo strongly supports the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), which assists local efforts that aim to improve access to mental health treatment for individuals who come into contact with the criminal justice system. NACo further supports full funding for this program in the annual appropriations process.
17. **Federal Support for Implementing and Maintaining Deflection Initiatives:** NACo urges Congress to increase financial support for measures that maximize the ability for counties to develop and support programs to deflect non-violent individuals into treatment during a behavioral health crisis. NACo encourages federal action to expedite the creation of collaborative deflection initiatives that offer non-violent individuals immediate pathways into treatment and other services as an alternative to traditional involvement in the criminal justice system.

- E. Community Crime Prevention:** NACo supports the community policing model, which incorporates members of the community in crime prevention and deterrence. Beyond helping public agencies become more effective, citizens have two additional roles in this model: reducing the opportunities for crime against potential victims through public education and target hardening, and alleviating social and economic problems associated with crime. Federal and state agencies should aid counties in assisting citizen groups with crime prevention activities.

States and counties should place increased emphasis on correctional programs within local communities. Counties should locally determine and assess their needs in developing flexible treatment programs according to the available resources within their communities. NACo supports state-county partnership programs that foster local comprehensive planning and provide a range of community alternatives to incarceration for less serious felony and misdemeanor populations. The federal government should provide incentive funds to assist states and counties in developing or enhancing Community Corrections Acts.

- F. Sentencing Guidelines:** In order to reduce sentencing disparity, eliminate unnecessary confinement, establish more rational and appropriate sentencing policies, and, in general, better manage limited

correctional resources – including jails and prisons – NACo encourages the development and enactment of rational and uniform statewide sentencing guidelines that are tied to comprehensive community corrections legislation and legislatively predetermined jail and prison population maximums at both the state and local level. Such sentencing recommendations should set fixed presumptive terms for felony and serious misdemeanor populations, indicating who should go to jail or prison, and who should be placed in alternative community programs and for how long.

The guidelines should be based on an appropriate combination of offense and offender characteristics and allow judges to depart from the sentencing guidelines only in exceptional cases, when they can provide written reasons explaining why the sentence chosen is more appropriate or more equitable than that provided in the guidelines. A very thorough and rigorous monitoring system should be established.

G. Restorative Justice: NACo supports the immediate, incremental, and eventual systemic shift toward a restorative community justice philosophy that:

- Encourages the utilization of conflict Resolution skills to affected citizens and creates conflict Resolution mechanisms in its institutions;
- Directly links the offender to the harm caused, holding said offender accountable to right the wrong through restitution, community service, and other appropriate means;
- Provides options, choices, and opportunities for involvement for victims, allowing them to get questions answered and confront the offender in a mediated setting, if they so choose; and
- Offers options for community involvement in the sanction setting and supervision process.

H. Control of Firearms: NACo supports the enactment of appropriate federal, state, and local legislation that would strengthen criminal sanctions relating to the illegal possession or sale of firearms. NACo further supports legislation providing for mandatory prison sentences for the use of dangerous weapons in the commission of a felony.

NACo also supports the provisions of the 1968 Gun Control Act and the Omnibus Crime Control and Safe Streets Act that are directed at preventing possession of handguns by proscribed groups of people. These provisions stipulate that the following individuals are ineligible to receive firearms: fugitives from justice; persons under federal or state felony indictment; persons convicted of a federal or state felony; persons ineligible by state or local law to possess a firearm; minors (under eighteen for rifles and shotguns, and under twenty-one for handguns); adjudicated mental defectives or persons committed to a mental institution; unlawful users of or addicts to any depressant, stimulants, or narcotic drug; felons; persons dishonorably discharged from the U.S. Armed Forces; mental incompetents; former U.S. citizens; and illegal aliens.

In order for the intent of these laws to be fulfilled, an effective method is needed to verify a

purchaser's eligibility. NACo supports the requirement of a reasonable waiting period for the purchase of a handgun to allow for a records check, where possible, to ensure that the purchaser is not ineligible under existing federal law to possess a handgun.

- A. Reducing the Supply of Illegal Guns to Criminals and Juveniles:** NACo encourages counties to adopt as a countywide strategy the tracing of all firearms that have been seized or confiscated in order to identify the illegal sources of firearms that supply criminals and juveniles in our nation's counties, and also endorses state and federal legislation and state and federal funding to facilitate statewide tracing measures.
- B. National Child Safety Lock Up:** NACo endorses federal legislation that limits children's access to loaded and unlocked firearms.
- C. Safe Ownership of Firearms:** NACo recommends that counties actively promote firearm safety programs of proven effectiveness as part of a comprehensive strategy to deal with the use of firearms.
- I. Federal Support for Forensic Sciences:** NACo supports and strongly encourages the implementation and full funding of federal legislation that would provide grants to existing local and state forensic laboratories to improve productivity, quality measures, and overall operation, and to achieve professional certification based on generally accepted forensic science performance standards, common definitions and protocols. NACo also supports and encourages the implementation and funding for federal legislation to improve the quality and timeliness of forensic science and medical examiner sciences.
- J. Organized Crime:** NACo recognizes that success in combating organized crime will require a greater commitment of resources and imagination at all levels of government. Coordination at the local level, along with the necessary legal tools for gathering evidence and the power to grant witness immunity are essential. Investigations must be carried out with a broader focus than merely the prosecution of individual cases.
 - 1. **Investigation:** Special grand juries should be impaneled by the appropriate U.S. District Court for the sole purpose of investigating organized crime within its jurisdiction.
 - 2. **Witness Immunity:** Federal and state statutes that grant general witness immunity should be enacted.
 - 3. **Organized Units:** State or regional organized crime intelligence units should be established and their activities coordinated.

- K. Victim/Witness Assistance:** NACo urges federal and state governments to develop programs of assistance that will help counties create a cooperative network between social service providers and criminal justice agencies to meet the needs of victims/witnesses of crime.
- L. Victims of Domestic Violence:** NACo supports federal legislation that encourages a comprehensive approach to domestic and intimate partner violence that incorporates offender accountability and programs for victims' services. County governments are urged to develop a broad-based system of response to domestic violence including financial support for shelters, crisis lines, and other programs offering advocacy, support and counseling, public education and prevention activities, safety for victims of crime and emergency medical services. County officials are also urged to examine the response of various criminal justice agencies to cases of domestic violence. Law enforcement and prosecutorial policies and practices should ensure the protection of the victim and reflect the serious criminal nature of acts of domestic violence. County governments are encouraged to incorporate non-gender specific language regarding both the victim and the perpetrator to recognize that domestic and intimate partner violence knows no bounds of sexual orientation, gender identity, or gender expression.
- M. County Coordination of Private Agency Programs:** Federal and state financial assistance for such programs as drug abuse and juvenile delinquency prevention to private agencies should be channeled through county governments in order to avoid duplication and to achieve better coordination of local governmental and private programs.
- N. Human Trafficking:** NACo supports legislation and programs designed to prevent trafficking, protect victims, prosecute traffickers, and create partnerships across all levels of government, the private sector, and international agencies in order to enhance the collection, use and sharing of data. NACo supports victim centered and trauma informed programs designed to meet the needs of the victim including safe housing, mental health assistance and access to education. NACo also supports programs that eradicate the root causes of vulnerability among trafficking victims - poverty and discrimination. Furthermore, NACo supports programs that strengthen our legal network and those that provide training opportunities for local government employees and their agents on recognizing the signs of trafficking including government inspectors, law enforcement, criminal justice, health care, transportation and public transit, educational partners, and employees working with vulnerable populations.
- O. Tax Offenses and Identity Theft:** NACo supports all legislation in Congress that would reduce tax crimes and identity theft and would halt the victimization of millions of U.S. taxpayers through losses due to several billion dollars in fraudulent claims. Such legislation would encourage the U.S. Department of Justice (DOJ) to dedicate additional resources, including the use of investigative task forces, to address tax return identity theft. The legislation would ask DOJ to focus resources in areas with a high rate of tax return identity theft, coordinate investigations with state and local law

enforcement agencies, and protect vulnerable victims, including veterans, seniors and minors. The legislation would increase penalties to help deter this type of crime and protect victims.

P. Qualified Immunity: The National Association of Counties (NACo) recognizes that qualified immunity is a critical civil protection for public servants at every level of government, including county employees such as: department of human services workers, public infrastructure maintenance workers, peace officers, election workers, public health workers, and others.

Q. Maintain Local Control and Public Safety Priorities Under Federal Immigration Laws: NACo supports the autonomy of counties in decisions related to the allocation of local law enforcement resources and setting of public safety priorities under federal immigration laws as well as reimbursements to counties for any costs incurred while complying with federal immigration policies.

NACo recognizes that qualified immunity does not—and should not—protect county employees who violate clearly established statutory bounds or constitutional rights, nor should it protect such employees from criminal prosecution. Furthermore, well-intentioned state efforts to inject greater accountability by removing qualified immunity have unintentionally made it more difficult to attract and retain good employees, have increased the cost to local governments, and have made communities across America less safe.

Therefore, NACo urges that neither Congress, nor the President of the United States, through legislation or executive order, take any action to diminish, undermine, or otherwise dilute qualified immunity protections for county employees. Counties operate on limited and restricted budgets, so any effort to weaken this protection will have a severe financial impact and prevent the recruitment and retention of qualified employees.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION

NACo believes that an effective juvenile justice system is one that provides a continuum of services and interventions that combine accountability and sanctions with increasingly intensive treatment and rehabilitation. NACo supports the view that the traditional role of the juvenile and family court is to treat and rehabilitate the dependent or wayward minor, using an individualized approach and tailored response to the particular needs of the child and family, with the goals of responding to the needs of the troubled youth and their families; providing due process while recognizing the rights of the victim; rehabilitating the juvenile offender; and protecting both the juvenile and the public.

Federal justice grant funds for juvenile justice and delinquency prevention should go directly to counties, with the following requirement: leadership from all entities must work together in the preparation of a comprehensive plan that aims to prevent, reduce and control juvenile crime. Elements of such a plan shall include, but not be limited to strategies, programs, services and supports designed to:

- Prevent delinquency through provision of resiliency factors that offset risk factors;
- Intervene early and effectively when delinquent behavior is encountered, utilizing the least

- restrictive approach; and
- Protect the community, hold offenders accountable to individual victims and the community, and remedy the skill and competency deficits of offenders.

Since 1974, the Juvenile Justice and Delinquency Prevention Act (JJDPa) has been a major catalyst in producing positive change in the juvenile justice system and in creating preventive and interventive approaches for at-risk youth. Societal change has heightened concern for communities' ability to address the rise in violent juvenile crime at increasingly younger ages. In light of this trend, NACo proposes that the Juvenile Justice and Delinquency Prevention Act promote the following essential principles:

- Collaborative planning and authority should occur at the local level;
- All federal funds coming to local communities should be distributed through the collaborative planning process at adequate and sustained levels of support;
- Core requirements of JJDPa – deinstitutionalization of status offenders, jail removal, sight and sound separation and addressing disproportionate minority contact – should be preserved;
- Violent and repeat offenders must be identified in order to provide appropriate interventions; and
- Prevention, education and treatment strategies for juveniles involved with illegal substances should be encouraged.

Additionally, NACo supports the following principles and policies:

- Juvenile Court Jurisdiction:** The jurisdiction of the juvenile court should be limited to those acts which, if committed by an adult, would constitute a crime, in addition to dependent and neglect cases. NACo opposes trying and sentencing youth in adult criminal court, except in the case of a chronic and violent offender. The decision to transfer a juvenile to adult court should be made by a juvenile court judge or jury. NACo supports the reform of state laws that inappropriately send far too many youth under the age of 18, including first-time and non-violent offenders, into the adult criminal justice system.
- County Strategy for Front End Investment to Prevent Crime:** NACo calls for a National Front End Youth Investment Policy. We urge Congress and the Administration to work with state and local governments to design and fund effective prevention and early intervention strategies that provide a full continuum of services for families and children, with a special focus on early childhood development.
- Unaddressed Mental Health Needs:** NACo believes that children suffering from mental illnesses require effective assessment, diagnosis, and treatment. NACo advocates for non-institutional, community and family-based treatment for these children. NACo also supports continued eligibility for federally funded health benefits for juveniles arrested and held in pre-trial detention.

- D. **Exploited and Missing Children:** NACo supports public-private partnerships to build a coordinated, national response to the problem of missing and exploited children. NACo also supports sex offender laws requiring convicted sex offenders to register their addresses with law enforcement. Recognizing the ambiguity in sex offender registration and community notification laws and increased mobility between jurisdictions, NACo further supports county and statewide efforts for increased funding of sophisticated measures of tracking sex offenders, such as satellite tracking. Counties are encouraged adopt a nationally uniform system to prioritize sex offenders according to dangerousness as well as a nationally uniform reporting system. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) should develop crime prevention materials specifically directed at child abduction, abuse and sexual exploitation.
- E. **Gang Violence:** NACo supports federal efforts that strengthen local governments in implementing a comprehensive approach to the prevention and control of gang violence.
- F. **Detention Pending Court Disposition:** Detention pending court disposition shall be based on clearly enunciated standards and reduced to a minimum.
- G. **National Children’s Memorial Day:** NACo urges Congress to support the goals and ideas of National Children’s Memorial Day as a way of remembering children who die by violence and committing to end preventable deaths of children.
- H. **Children with Disabilities:** NACo supports federal legislation and support that assists counties in guaranteeing a free appropriate public education to each child with a disability.

SUBSTANCE ABUSE

A comprehensive local approach is required to combat the problems of alcoholism and, to an even greater extent, that of drug abuse. Programs emphasizing rehabilitation together with punitive measures for certain violators of criminal codes are needed.

- A. **Alcohol Treatment:** Alcohol and drug-dependent persons are recognized as handicapped under Section 504 of the Rehabilitation Act of 1973, as amended, which states that no such person should be denied admission to, or treatment by, any program or service, such as emergency medical treatment, when under the influence of alcohol or drugs. NACo supports federal legislation and programs that assist counties in finding treatment for alcoholism within the criminal justice system.
- B. **Alcohol Abuse Prevention:** Increased federal funding should be provided for adequate alcohol prevention and rehabilitation programs on the state and county level.
- C. **Narcotics and Drug Abuse:** NACo supports federal legislation that addresses the growing problem of narcotics and drug abuse, which requires the strengthening of all approaches – prevention and

education, treatment and rehabilitation and law enforcement and public safety.

- D. **Substance Abuse Treatment in Jails:** Drug and alcohol abuse and addiction are factors in the crimes and incarceration of 80 percent of the inmates in local jails, yet most of these inmates do not receive adequate substance abuse treatment and related services. NACo supports the treatment of individuals struggling with substance abuse in jails and calls on the federal government to provide funds to counties in both urban and rural areas to develop assessment and treatment programs these individuals, including education and literacy programs, vocational training, HIV prevention and medical and mental health services. The federal government should also provide funds to encourage counties to develop and implement treatment-based alternatives to local incarceration for nonviolent offenders whose core problem is substance abuse and addiction, and to encourage counties to develop training programs for judges, prosecutors, probation officers, corrections officers, and other county criminal justice personnel to educate them about substance abuse, addiction and treatment.
- E. **Federal Responsibility for Drug Control:** NACo believes narcotics and dangerous drug traffic transcend state lines and international borders; therefore, the federal government should largely be responsible for regulating and enforcing against illegal drug trafficking, while respecting states' right to decriminalize cannabis under state law. The federal government should work closely with state and local governments to enforce against cannabis drug activity that violates states' laws and regulations.
- F. **Control of Drug Manufacturers:** The federal government should exercise its legal power to strengthen and enforce regulations and controls over manufacturers and distributors of dangerous drugs and narcotics, while respecting states' right to decriminalize cannabis under state law.
- G. **Unique Needs of Veterans Suffering from PTSD or Traumatic Brain Injuries:** Veterans involved in the criminal justice system may have a mental health condition or have suffered a traumatic brain injury that is connected to or exacerbated by alcohol or drug abuse. Counties should work more closely with the VA to identify veterans who need specialized care.
- H. **Addressing the opioid crisis:** NACo recognizes that the opioid crisis represents a widespread and deadly threat to local communities across the country and supports legislation, like the Comprehensive Addiction and Recovery Act (CARA), that aims to stem the tide of this crisis by providing federal support for local efforts to curb prescription painkiller and heroin abuse. Programs authorized by CARA should be fully funded through the annual appropriations process to provide local communities the resources they need to fight the opioid crisis.
- I. **Cannabis Policy:** NACo urges Congress to enact legislation that promotes the principles of federalism and local control of cannabis businesses with regard to medical and adult-use of cannabis

under state law. Congress should allow and encourage state and local governments to enact and implement cannabis laws, regulations, and policies that appropriately control production, processing, sales, distribution and use, as well as promote public and consumer safety, should they choose to decriminalize and regulate cannabis under state law. Limitations should be included to reduce the harms caused by cannabis decriminalization under state law, including operating motor vehicles, under-age use, substance abuse and detrimental health impacts. NACo also encourages Congress to immediately enact legislation that would ensure greater access to banking for legally-sanctioned commercial cannabis activities, as well as allow for proper medical research on the effects of cannabis use.

COMPREHENSIVE EMERGENCY MANAGEMENT

The goal of comprehensive emergency management is to develop and coordinate the resources available to meet potential emergencies that might result from all hazards, including, but not limited to natural disasters and acts of terrorism. NACo believes that the resilience of the nation depends on the resilience of counties and our sister municipalities, and the ability of these local government resources to assist in collaboration and coordination with states and the federal government in support of the National Preparedness Goal requires capable and active local emergency managers and emergency management agencies.

- A. Building Resilience:** NACo supports federal policies that recognize that to ensure the safety of people and the livability of communities, significant federal resources for disaster prevention, planning, mitigation and recovery should be provided directly to both state and local governments. These resources should provide for coordinated planning and education and should encourage the use of innovative approaches that result in positive and adhere to the following principles:
1. **Resilience:** Disaster prevention preparedness, response, mitigation, and recovery resources should be invested to increase the capacity of our communities to be prepared for disaster, survive crises, and thrive afterwards. These resources must improve public health and safety, environmental stewardship, and social and economic security.
 2. **Planning and Incentives:** Plans designed to reduce the impact of disasters and to encourage recovery should provide incentives to individuals, the private sector, and government to pursue sustainable development and redevelopment and reduce the impact of repetitive disasters.
 3. **Partnerships:** Response and recovery are locally executed, state managed, and federally supported. Individual citizens, the private sector, local, state, and the federal government should act as partners with shared goals and values to further the capacity of our communities to be self-sufficient.
- B. Locally Driven Process:** Emergency management decisions should be driven by a consensus-based, inclusive process that stakeholders use and trust. The process should identify local priorities, leading to the investment of pre- and post-disaster resources that will meet those needs, emphasizing both the need for local responsibility and self-sufficiency, as well as the role of counties in coping with disasters of statewide and national scope.

1. Counties must be consulted on policy development and implementation decisions and initiatives related to prevention, preparedness, response, recovery and mitigation early in the process, and rationale should be provided when state and local recommendations are not implemented. The process should support state and local advisory councils, task forces, and other relevant groups.
2. NACo supports local efforts to create and implement training programs in emergency response so that all locally elected county leaders have the tools and resources necessary to be effective leaders in emergency preparedness and response.

C. Comprehensive Emergency Management Systems Based on National Standards: Counties are encouraged to develop, in cooperation with local, state, and federal governments, comprehensive emergency management systems that include prevention, preparedness, response, mitigation, and recovery activities to minimize the destructive impact of disasters from all hazards, including acts of terrorism. NACo supports the use and continued development of recognized voluntary national standards for public sector Emergency Management programs by local governments.

1. NACo supports the use of the Emergency Management Standard administered through the Emergency Management Accreditation Program (EMAP) as the national standard for assessment of the capability of county emergency management programs.
2. NACo supports the processes and procedures the EMAP Commission uses to update and evaluate the Standard.
3. The Standard should be free from requirements not supported in the American National Standards Institute (ANSI) standard setting guidelines or the EMAP Commission management process and
4. NACo encourages FEMA to provide funding to EMAP for ongoing development and promulgation of the standard.
5. Federal and state governments should continue to provide leadership in the development of a coordinated emergency management system. Such a system must include a robust, sustained, and consistent process for soliciting local, state, tribal, territorial, and private sector engagement, including un-filtered input to key federal decision makers, on the full breadth of homeland security issues. This process must ensure that stakeholders are included in all aspects of national policy development as successful collaboration requires a partnership with state and local governments, the private sector and non-governmental organizations.
6. Federal and State governments should recognize the first-line responsibility of county government and the critical role that counties play in the overall national response to, and recovery from, disasters by providing direct financial and technical assistance to counties in the preparation and response to emergencies and expeditious, practical, and substantial aid to individuals, businesses, and public agencies following disasters. Emergency management functions should be firewalled and protected in legislation similar to the Secret Service and Coast Guard treatment in the Homeland Security Act of 2002. A firewall will prevent funding, personnel and resources from being used for other functions.

- D. Role of the Military:** Congress must protect the constitutional role of states with regard to control of their National Guard forces and clarify the circumstances as well as the command, control and coordination procedures under which federal active duty forces are to be employed in operations within the homeland. Congress is also encouraged to ensure that the National Guard remains under the command and control of the nation's Governors for all homeland security operations purposes.
- E. FEMA Regional Offices and Staffing:** During and after disasters, counties and states often require swift, accurate, and decisive assistance from FEMA. NACo supports the strengthening of FEMA Regional offices through adequate staffing and resources. FEMA must be fully staffed and have the capability to establish and maintain stockpiles and pre-position resources and equipment, as well as to establish trained cadres of personnel to provide surge capacity to state and local governments in large disasters. In order to maximize fiscal responsibility, minimize waste and error, and avoid later deobligation of funds to states and local governments, FEMA staff must be adequately trained and equipped to provide needed services.
- F. Intelligence and Information Sharing:** The U.S. Department of Homeland Security (DHS), DOJ, and other relevant federal agencies must preserve progress to date and continue to expand and implement efforts to ensure timely and effective sharing of information with counties. Information sharing that incorporates local governments should be consistent and constant.
- G. Integrated Emergency Management and Homeland Security:** The prevention of, response to, mitigation against, and recovery from acts of terrorism are often the responsibility of local government. The impacts of all hazards are often similar no matter the cause. Therefore:
1. Preparedness functions must be linked both statutorily and operationally with response and recovery functions within federal emergency management. Relationships must be established and communications networks in place prior to events. DHS should establish a field presence that interacts with state and local partners on a day-to-day basis.
 2. Recognizing that state, county, municipal, and tribal governments of all sizes and resource levels are eligible to receive funding, DHS in coordination with representatives of state, county, municipal, and tribal governments should develop minimum staffing recommendations for grant and program management personnel – this may require increasing the DHS' Office of Grants and Training three percent allocation cap on management and administrative expenses.
 3. DHS should continue to expand and enhance the level of training and technical assistance provided to state, county, municipal, and tribal officials involved in the management of homeland security-related grants.
 4. FEMA must provide additional focus on its ability to effectively implement recovery programs for local governments, individuals, families, and businesses. Governors must remain the lead in disaster management within their states in support of and in consultations with local officials. Counties have, and must retain, local control and coordination of response to and recovery from disaster.
 5. State governments, in coordination with county, municipal, and tribal governments, should establish

equipment acquisition services and/or purchase critical homeland security-related equipment in bulk and distribute same to county, municipal, and tribal communities in a manner consistent with the State and Urban Area Homeland Security Strategies.

H. Necessity of Adequate Federal Funding and Support of Local Emergency Management Efforts:

The assessment of capabilities and capacity for the prevention, preparedness, response, recovery, and mitigation of all hazards must begin with the local government. DHS should ensure that adequate resources are passed through to local government in support of these activities. NACo will work with Congress and the other stakeholders to prepare updated legislative language to accomplish the following goals:

NACo supports federal legislation or requirements that would improve homeland security grant programs by streamlining application and planning requirements, promote flexibility, and provide first responders and county governments with additional resources in an expedited fashion. Priority funding decisions should be based on a regional and/or a multi-jurisdictional planning and collaborative effort between state and all levels of local governments. Risk-based funding should take into account the unique capabilities and threats to large urban counties. At the same time, programs to support the application of capabilities in less densely populated counties should not be neglected.

1. NACo requests that Congress guarantee that the Emergency Management Performance Grant (EMPG) program continue and remain a separate program, separately funded from all other grants that specifically address terrorism or other specific issues (remaining, then, a truly all-hazards program) and that Congress does not attach additional, unfunded mandates to the EMPG program.
2. NACo requests that Congress requires that a minimum percentage of EMPG funds be passed through to local government while continuing the 50-50 local match requirement.
3. NACo urges Congress to maintain the EMPG program as an all-hazards grant not specifically tied to terrorism, and to provide no less than \$455 million for the EMPG program. NACo further requests that Congress provides at least for an inflationary increase in the EMPG every year.
4. NACo opposes efforts to consolidate existing Homeland Security and Emergency Management grant programs without significant involvement of county Emergency Managers in the development of grant policies before such policies are released. NACo continues to oppose attempts to cede decisions on these grants solely to the states.
5. NACo requests that Congress mandate that the Department of Homeland Security (DHS) and Federal Emergency Management Agency (FEMA) actively include county Emergency Managers in creating alternatives that will better address the needs of all levels of government and that do not discard the advances gained through past grants.
6. NACo asks that Congress works with DHS and FEMA to ensure that Homeland Security and Emergency Management grant programs address realistic risks from all hazards including, but not limited to terrorism. State Administrative Agencies must make grant

related prioritization decisions in transparent consultation and with the consent of local governments. NACo urges the Secretary of DHS to take aggressive action to ensure that states pass through a substantial percentage of EMPG funds to local governments and to ensure that maximum flexibility be maintained regarding eligibility, particularly with respect to use of funds for personnel.

7. NACo encourages the Secretary of DHS to recommend to the President that the federal government reward states that take the initiative to pass trust funds to improve their emergency management capabilities and infrastructure and/or to provide aid to local governments for disasters that do not reach the requirements for Presidential declarations. Such measures could include adjusting the cost share ratio in disaster assistance for response and recovery when disasters strike. NACo urges the Secretary of DHS to not penalize states that establish an emergency trust fund by counting the trust fund balance against the state in the recommendation to the President concerning a presidential declaration of emergency or disaster.
8. NACo asks Congress to require DHS to maintain the Urban Area Security Initiative (UASI) specific funding to at least 35 urban areas at greatest risk of disastrous event from all hazards including, but not limited to, acts of terrorism. In light of the significant populations, density, infrastructure and economic drivers of these areas and the fact that the populations of large urban counties and cities are often least able to financially address these risks without federal assistance. The UASI program should remain jointly administered by the State Administrative Agency and the existing UASI organizational units and continue to require that no less than 80 percent of these funds be passed through to the Urban Areas.
9. Recognizing that local governments, despite their diversity, perform comparable emergency functions; and that local jurisdictions may face multiple risks including but not limited to natural disasters and acts of terrorism, NACo favors rapid federal response and reimbursement at rates authorized in the original language of the Stafford Act; and encourages DHS to apply all regulations and policies on a consistent basis in all presidentially declared emergencies and disasters throughout the country. NACo encourages DHS to apply all regulations and/or policy changes on a prospective basis based on the declaration date of the emergency or disaster; and supports DHS' leadership in reducing excessive paperwork and overly restrictive and bureaucratic regulations.
10. DHS, in coordination with state, county, municipal and tribal governments should establish national standards for the management of grant funding and develop an automated grant tracking system that would allow for the real time tracking of the distribution and use of homeland security-related funds.
11. Congress should expand the approval of State Homeland Security Grant Program (SHSGP) funds so as to allow state, county, municipal, and tribal entities to better address short-term issues attributed to terrorist threats and other significant hazards. For instance, counties should be able to use funds provided through SHSGP to offset incremental operational cost including overtime and other personnel costs incurred as a result of threat specific security operations of pre-defined duration.

12. The federal government must provide adequate funds for local governments to meet federal port security mandates, without impacting traditional funding sources for capacity and other critical projects, including eligibility to use homeland security funds for operational costs.

I. National Preparedness Goal, Frameworks, and Incident Command System: The National Response Framework (NRF) presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies. In 2011, DHS formalized the coordination of all emergency management and homeland security efforts through the National Preparedness Goal. In support of the Goal, over the years, DHS has issued additional National Frameworks for Planning, Prevention, Recovery, and Mitigation.

1. A working group of experienced professionals that includes federal, state and local stakeholders should periodically review the Frameworks and make adjustments based on lessons learned from previous responses to disasters.
2. County governments support the Incident Command System (ICS) model for emergency management.

J. Stafford Act: The Stafford Act does not require wholesale change or major refinement. Congress should exercise great care in making changes to the Act and consult closely with state and local stakeholders prior to making major changes.

K. Federal Emergency and Disaster Assistance Relief

The Disaster Relief Fund (DRF), and other funding managed by the Federal Emergency Management Agency (FEMA), is for disaster response and recovery efforts. However, the fund's ongoing liquidity issues have hindered its ability to adequately meet the escalating costs of natural disasters, which have been increasingly severe and frequent in recent years. The DRF relies heavily on congressional appropriations, but the growing scale and intensity of disasters have strained its resources. NACo urges Congress to fund the DRF in a predictable way — as it was pre-COVID — to ensure adequate resources are available to support local governments when major disasters occur. Further, NACo urges Congress and the Secretary of Homeland Security to streamline applications for Public Assistance (PA), Individual Assistance (IA) and other disaster and emergency relief applications, and to make additional changes to disaster relief programs so as to ensure that communities receive adequate assistance.

1. **Transportation Carrier Responsibilities:** County personnel routinely respond to airline, railway, and other private and common carrier transportation accidents. Fire, police, road crews, medical and mental health personnel, medical examiner/coroner, environmental, emergency medical service personnel, emergency management personnel, and a host of private businesses frequently join together in massive recovery and cleanup operations.
 - NACo maintains that the ultimate financial responsibility for recovery and cleanup should be placed on the transportation carrier and/or its insurance provider, not that of local, state or federal government.
 - NACo supports federal legislation that would provide financial relief from transportation carriers for all costs incurred by local government during and after a private and common

carrier transportation accident.

2. **Fire and Wildfire Prevention and Control:** The fact that U.S. casualties and losses per fire are below average compared to other countries is a tribute to the capability of our local fire suppression services. However, the incidence of fires and the high cost of suppression indicate a need for more fire response, prevention, fire protection planning and public education to respond to and prevent fires from occurring and to mitigate secondary impacts from fires that do occur.
 - NACo supports federal efforts to increase the hiring of local firefighters through programs like DHS' Assistance to Firefighters Grant Program, and urges the federal government to fully fund this grant program.
 - NACo also supports federal funding of fire response and prevention activities, with continued assistance to state and local governments for combating the nation's fire problem.
 - Additionally, federal fire protection programs such as the Rural Communities Fire Protection Program in the U.S. Department of Agriculture should be expanded to assist rural areas.
 - Research and development and technology transfer can improve public fire protection and should be supported by appropriate federal agencies. County officials should have input into the development of federally supported technology research and development priorities, and they should participate in the dissemination of fire protection and control information.
3. **Arson:** Federal agencies should coordinate and give high priority to identifying and analyzing factors that contribute to arson and identify, encourage, and fund programs that will help counties reduce arson. Training in arson prevention, investigation, and prosecution should be provided, and national arson criminal files should be established for use by state and local investigators, fire marshals, prosecutors, and law enforcement officials. County governments should adopt policies that encourage local public and private organizations to cooperate in the investigation, prosecution, and prevention of arson.
4. **Civil Disturbances/Acts of Terrorism:** The federal government and the states should provide financial assistance to counties to pay the costs resulting from civil disturbances/acts of terrorism. Regional agreements and working relationships between counties to promote efficiency and economy through existing regional structures in each state, like the Emergency Management Assistance Compact (EMAC), should be encouraged. Congress should adopt an annual \$4 million appropriation for EMAC.

Emergency Management/Homeland Security Funding:

L. National Disaster Insurance System

NACo calls on Congress to support sustained funding for the Flood Map Modernization Fund, FEMA's efforts to modernize flood plain mapping through digitalization, FEMA's efforts to promote community involvement and ownership in the mapping process, FEMA's efforts to enter into a relationship with "Cooperating Technical Communities" as a new partnered approach to flood plain mapping, and to direct FEMA to share digitized flood plain mapping data with counties for GIS purposes.

NACo supports federal incentives to states and local governments to prioritize and undertake pre-

and post-disaster hazard mitigation to diminish future losses. NACo recognizes that state and local governments need to improve their emergency management planning, their pre-disaster planning and their first responder capabilities with the help of substantial federal assistance. As such, NACo strongly supports full funding for the federal Hazard Mitigation Grant Program.

NACo urges Congress and the federal administration to work with the states, local governments, the insurance industry, and other stakeholders to:

- Develop universal insurance and reinsurance programs that would make it possible for private insurers and re-insurers to make available affordable natural disaster insurance to cover damage and loss caused by natural and man-made disasters and emergencies;
- Increase funding for research aimed at improving mitigation measures which, if followed, would reduce damage and loss caused by natural and man-made disasters and emergencies;
- Provide incentives and education to encourage responsible pre- and post-disaster mitigation by states, local governments, and individuals;
- Provide incentives to encourage the public and private sectors to construct new structures according to established technical construction standards and consensus safety codes;
- Provide incentives to encourage the public and private sectors to construct and/or retrofit existing structures to reduce future losses from natural and man-made disasters and emergencies;
- Provide financial incentives to encourage state and local government and private property owners to locate new construction outside of high risk areas such as flood plains, coastal areas or on or near earthquake faults; and
- Authorize FEMA to develop pre-disaster mitigation programs; and to fund pre-disaster mitigation.

M. National Domestic Preparedness Consortium: NACo urges Congress to provide maximum funding for the National Domestic Preparedness Consortium (NDPC). The NDPC is a partnership of several nationally recognized organizations whose membership is based on the urgent need to address the counter-terrorism preparedness needs of the nation's emergency first responders within the context of all hazards, including chemical, biological, radiological, and explosive Weapons of Mass Destruction (WMD).

N. National Weather Service (NWS): Any proposed degradation of NWS services represents a threat to the well-being of county governments, and presents immeasurable challenges to county emergency management, and public safety personnel and operations. Therefore, NACo urges Congress and the Administration to ensure that funds budgeted for NWS operations in support of local communities are protected from reallocation and that the operating hours of local NWS forecast offices, which warn and advise county emergency managers regarding severe weather threats, are maintained at current hours of operation.

O. Critical Infrastructure and Interoperability: Interoperability: The development of data standards for the emergency response community will save lives and reduce property damage by decreasing the time it takes our Nation's responders to respond to incidents of all sizes, including man-made or natural disaster. NACo supports:

- DHS' Office for Interoperability and Compatibility in its effort to carry out its statutory authority to support the creation of national voluntary consensus standards for interoperable communications.
- DHS, the Department of Commerce, Congress, and other relevant federal agencies must continue to promote coordinated development of governance, technology, and protocols necessary to enhance minimal capabilities for interoperable communications (voice, video, and data) among all levels of government and the private sector.

DHS, the Department of Commerce, Congress, and other relevant federal agencies must:

- Establish incentives for private sector organizations to work with government to develop and maintain public safety communications systems at the local, regional, state, and national levels; continue to promote, through policy and resources, efforts that create local, regional, statewide, and nationwide operability and interoperability; allocate additional radio spectrum for public safety activities to ensure sufficient capacity exists to meet growing voice and data communications needs; clarify the conditions and protocols under which private entities will be required to vacate radio spectrum under their control during federally-declared national emergencies; develop a clear shared definition, vision, and implementation strategy for nationwide communications interoperability.
- Strengthen efforts to provide funding to state and local governments to protect and make more resilient our national critical infrastructure and subsequently our national economy. The federal government must also accelerate steps to fully integrate the full range of federal efforts with the local, state, and private sectors and assure that the actual protection of critical infrastructure systems remains a primary responsibility of local and state governments with the private sector. The federal government must support these requirements with adequate federal resources and policy.

P. Address Issues Impacting Public Safety Telecommunications: The objectives of public safety telecommunications are to ensure that:

- The general public has access to public safety emergency resources when needed;
- Public safety employees in high-risk activities have ready access to emergency communications systems in their own communities that are compatible with communications systems in surrounding communities;
- Public safety employees have access to data necessary for the proper discharge of their duties; and
- Sufficient data standards are developed for the emergency response community.

Counties should develop comprehensive telecommunications policies that incorporate these objectives for available media, such as radio and microwave frequencies, cable television, emergency telephone such as 911, and computerized systems. These policies should seek to coordinate telecommunications among localities at a county or other appropriate multi-jurisdictional level. States should assist counties in developing comprehensive telecommunications programs through enabling authorities and financial and technical

assistance.

The federal government should provide technical and financial assistance to counties for comprehensive programs and provide adequate communications frequencies and channels for public safety at the local level.

- Q. Emergency Medical Services:** One of the most basic and vital services local governments can provide to constituents is immediate, lifesaving care for victims of singular or widespread emergency medical incidents. Federal programs that help develop comprehensive emergency medical service (EMS) systems are administered by the U.S. Department of Health and Human Services, the U.S. Department of Transportation, and the U.S. Fire Administration.

These programs call for countywide or multi-county systems of emergency medical care that address the needs of specific geographical population groups. County governments generally provide the most efficient government format for the delivery of such comprehensive care systems. Counties should examine their current roles regarding federal, state, and local efforts to develop EMS systems and should utilize existing resources to plan for and implement comprehensive countywide and multi-county EMS systems.

NACo urges Congress to continue its support and appropriations for implementation and development of countywide and multi-county EMS systems, and for the integration of private ambulance services that provide public EMS into the coordinated system.

- R. Public Health:** The U.S. Department of Health and Human Services (HHS), DHS, Congress, and other relevant federal agencies must improve efforts to enhance the full range of health and medical readiness to address trauma and exposure related injury and disease, and the impact of large-scale disaster. HHS, DHS, Congress, and other relevant federal agencies must also sustain funding that supports ongoing public health, medical, and EMS preparedness to build and enhance medical surge capacity, promote training and workforce development, enhance technology for disease prevention, detection, and production of medical countermeasures and mass prophylaxis.
- S. FEMA Implementation of National Marine Fisheries Service Biological Opinion:** The National Association of Counties (NACo) urges the Federal Emergency Management Agency (FEMA) to ensure that any approach to Endangered Species Act (ESA) compliance undertaken by FEMA for the National Flood Insurance Program (NFIP) is narrowly tailored to FEMA's authority and receives extensive input from impacted state and local governments, including consideration of local land use laws and ordinances that are already in place to promote and protect water quality, flood storage and riparian habitat.

ROLE OF THE COUNTY CORONER/MEDICAL EXAMINER

The county coroner/medical examiner, where appropriate, aside from determining the cause and manner of death has responsibility for protecting the living through the performance of medical-legal investigations and by sharing information and research in traffic safety, environmental health, product safety, occupational safety, and public health. The county coroner/medical examiner, therefore, should be an integral partner in the community planning process and in the development of public health and

emergency management policies.

NACo calls for the creation of a national research and technical assistance project to create or enhance statewide training and certification programs for coroners and medical examiners. NACo also supports federal funding, programs and training that enhance the capabilities of the local coroner.

JUSTICE AND PUBLIC SAFETY RESOLUTIONS

Resolution in Support of Federal Policy Recommendations and Best Practices from the National Judicial Task Force to Examine State Courts' Response to Mental Illness

Issue: State and local courts – along with all aspects of the criminal justice system – play a significant role in identifying and addressing the increased prevalence of individuals suffering from a mental illness in our communities.

Adopted Policy: The National Association of Counties (NACo) urges support of the federal policy recommendations and best practices from the National Judicial Task Force to Examine State Courts' Response to Mental Illness. These include, but are not limited to:

- Modifying mental health codes to adopt a standard based on capacity and not conduct for ordering involuntary mental health treatment similar to the standard for court-ordered treatment of other illnesses
- Expanding the use of Assisted Outpatient Treatment (AOT)
- Encouraging law enforcement agencies to train their officers in the use of Crisis Intervention Training (CIT)
- Supporting the adoption of the Sequential Intercept Model (SIM)
- Encouraging chief justices and state court administrators to assist local judges in convening stakeholders to develop plans and protocols for their local jurisdictions
- Educating policymakers on how increased funding for mental health treatment can reduce jail and prison costs

Approved | July 15, 2024

Resolution in Support of Increased Flexibility for Building Code Requirements in FEMA's BRIC Program Scoring Criteria

Issue: The Federal Emergency Management Agency's (FEMA) Building Resilient Infrastructure and Communities (BRIC) Program includes an applicant's building codes as part of the scoring criteria, but numerous states have not adopted the most recent code requirements, leaving many counties unable to create competitive applications.

Adopted Policy: The National Association of Counties (NACo) urges FEMA to examine the building code requirements in the BRIC application process and provide alternative scoring or credit opportunities for counties that are unable to meet these requirements due to state level restrictions.

Approved | July 15, 2024

Resolution Advocating for the Availability and Affordability of Property Insurance

Issue: As disasters continue to increase in frequency and severity, homeowners, commercial businesses, and special districts in disaster prone areas face drastically higher insurance premiums, and in many cases, higher-risk communities don't have access to insurance at all. While programs exist for floods and earthquakes (i.e. National Flood Insurance Program managed by the Federal Emergency Management Agency (FEMA) and the California Earthquake Authority, respectively), there is no central regulatory agency or insurance program for wildfires, hurricanes, tornadoes, and other disasters. Subsequently, insurance surplus line and re-insurance carriers (non-admitted carriers) are only regulated in the insured's home state (15 U.S. Code § 8202 – Regulation of non-admitted insurance by insured's home State); thereby leaving little or no alternative to homeowners, businesses, and special districts at risk or loss of insurance.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the administration to study and identify potential solutions to address the availability and affordability of residential and commercial property insurance, including but not limited to the Senate Finance Committee, the Senate Budget Committee, the House Financial Services Committee, and the Federal Insurance Office. Such an effort should also address the ability and role of various levels of government in providing incentives for risk mitigation efforts and/or consider expanding federal insurance program(s).

Approved | July 15, 2024

Resolution on Risk Rating 2.0's Implementation and National Flood Insurance Program Reauthorization to Promote Transparency and Affordability

Issue: Imploring FEMA for further transparency regarding implementation of Risk Rating 2.0; urging Congress to include provisions in the reauthorization of the National Flood Insurance Program that ensure equity, address affordability, and empower counties.

Adopted Policy: The National Association of Counties (NACo) urges implementation of the following to improve FEMA's administration and communication to address concerns around Risk Rating 2.0's (RR2.0) implementation:

- Provide tailored training webinars to floodplain managers, resilience officers, building officials, and elected officials to delineate the methodology, methods to mitigate premium increases, and changes to the Community Rating System
- Release publicly accessible and digestible technical documents and interactive modules that illustrate and breakdown the methodology and risk factors
- Identify community-level or territory-level risk factors, like "concentration risk," while identifying how jurisdictions can work to improve their score
- Implement a public-facing premium estimator to improve participation and risk communication
- Develop a public-facing, property-level risk portal to display risk factors used and inputs assigned to each community and property
- Make modifications to the methodology that more accurately reflect the value of property-level and community-level mitigation measures, while including additional mitigation measures in the methodology which more fully reflect investments in stormwater management and flood protection

- Facilitate a third-party review of the methodology to evaluate possible inaccuracies and disclose margins of error
- Create a line of communication so that jurisdictions can formally submit concerns and request reforms to risk factors

As a reassertion of NACo's previously-adopted NFIP resolution, NACo sets forth county-level NFIP reauthorization priorities that will improve NFIP's participation, flood protection, and transparent and affordable insurance premiums. NACo urges congressional committees of jurisdiction to continue consideration of long-term reauthorization legislation, while involving additional local and state stakeholders in the processes of drafting legislation and holding committee hearings regarding the reauthorization of NFIP. State and local input will amplify Congress's understanding of real impact to communities' wellbeing and enhance Congress's ability to act on both persistent and novel concerns. The following needs should be pursued legislatively in a long-term reauthorization:

- **Affordability** – Limit rate increases to no more than five percent per year on any policy, inclusive of any surcharges and fees, especially given rolling rate increases due to RR2.0. Place a hard cap on annual premiums of one percent of the total coverage of the property. Rates should be maintained as affordable for all policy holders. Allow for monthly payment of premiums. Create a means-tested affordability program with wide eligibility.
- **Mitigation** – Increase federal investment in property and community mitigation, not only through loans; provide mitigation credits to residential property owners for proven flood proofing methods, beyond elevation; oppose unfunded mandates on local governments for mitigation efforts; modernize Increased Cost of Compliance to encourage mitigation.
- **Mapping** – Improve transparency, use the most effective technology, and include input from local governments; develop a method to pay for elevation certificates.
- **Solvency** – Further address repetitive loss properties; limit NFIP payments to Write Your Own (WYO) companies; increase the pool of policyholders through enforcement and expansion of affordable options; forgive the NFIP's debt and reallocate interest payments to mitigation and solvency.
- **Consumer Protection** – Create a policy review process; regionalize Flood Insurance Advocates; amend force-placing provisions to keep policyholders in NFIP instead of a surplus line.
- **Privatization** – Require private insurers to cover the entire spectrum of risk (i.e. no cherry-picking of preferable policies); allow consumers that leave NFIP for the private market to re-enter NFIP; ensure private insurance market development does not undermine community flood mitigation through the Community Rating System.

Approved | July 15, 2024

Resolution Supporting Streamlined Application Process for FEMA Individual Assistance

Issue: Once federal assistance is available, citizens often find themselves having to complete many similar applications collecting the same information that is then sent to various agencies or departments within the same agency. This process is arduous, redundant, and often times confusing. County commissioners are often asked for help supporting a streamlined application for individual assistance so that one universal application can be applied to the various federal programs that are available in the aftermath of a disaster.

Adopted Policy: The National Association of Counties (NACo) urges efforts to create a streamlined or universal federal application for individual assistance for federal aid programs that are available in the aftermath of an emergency, which will help accelerate community recovery.

Approved | July 15, 2024

Resolution on Ensuring Equal Access to and Improving Retention for Veterans Court Treatment Programs

Issue: Veterans Courts operate in counties throughout the country to provide treatment and support to veterans struggling with substance abuse or mental health issues. There is a need for comprehensive data collection on the effectiveness of Veterans Court treatment programs, as well as ensuring that referrals to Veterans Courts are determined in a fair and equitable manner. Women veterans who are incarcerated, as well as racial and ethnic minorities, are too often overlooked within the justice system. Also, some veterans who otherwise would qualify for Veterans Court live in a jurisdiction where such a court has not yet been established, thereby denying them the ability to get the support they need to avoid incarceration.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the administration to take legislative and regulatory action to ensure that all veterans have equal access to Veterans Court treatment programs, or in areas where a Veterans Court program does not exist, another specialized program such as a Drug Court. NACo also supports incentive programs for local governments to improve retention rates in these programs along with improved data collection which can improve the effectiveness of these specialized courts.

Approved | July 15, 2024

Resolution Urging the Removal of Specific Ineligible Cost Language in FEMA Public Assistance and Program Guide

Issue: FEMA Public Assistance and Program Guide prohibits funding for projected loss of useful service life of a facility.

Adopted Policy: The National Association of Counties (NACo) urges FEMA to remove paragraph B of Section XXI of the Public Assistance and Program Guide.

Approved | July 15, 2024

Resolution in Support of Codifying and Providing Annual Appropriations for the Shelter and Services Program (SSP)

Issue: Counties across the country are managing the need for temporary shelter, food, transportation and acute medical care for migrants who are awaiting the results of their immigration proceedings. This can impose a costly burden on counties. The Federal Emergency Management Administration (FEMA) and U.S. Customs and Border Protection's (CBP) Shelter and Services Program (SSP) is critical to offsetting the financial burden that

is placed on counties as they assist with the safe, orderly, and humane release of migrants from short-term holding facilities.

Adopted Policy: The National Association of Counties (NACo) urges Congress to pass legislation to codify the Shelter and Services Program (SSP) and provide annual appropriations to ease the fiscal burden that is placed on counties receiving an influx of migrants, and to ensure they can continue to provide vital services to migrants while maintaining the public welfare of their communities.

Approved | July 15, 2024

Resolution Urging FEMA to Include Earthen Structures in Definition of Levees

Issue: The lack of recognition of existing levee structures, that have proven effective for over 50 years, because they do not meet the definition of “Levee” as defined in Title 44 CFR parts 59, 60, 65 & 70.

Adopted Policy: The National Association of Counties (NACo) urges FEMA and the U.S. Army Corps of Engineers to collaborate on a study of the efficacy of earthen structures which have been in existence for a period of longer than 30 years, have not been breached by a natural disaster and do not have documented history of how it was engineered, and produce a report that outlines viable steps to accept as a levee. The study should be conducted no later than the end of FY 2026.

Approved | July 15, 2024

Resolution on Federal Support of Medical Examiners and Coroners

Issue: NACo supports the strengthening of Medical Examiner and Coroner offices to improve the quality and timeliness of medicolegal death investigations which directly impact the criminal justice and public health systems.

Adopted Policy: The National Association of Counties (NACo) urges the implementation, support and funding of federal legislation that will provide grants and microgrants specific to strengthening Medical Examiner and Coroner Offices (ME/C) to improve the medicolegal death investigation system which is often managed at the county level. NACo supports the development, implementation and funding of national standards, certification of personnel, accreditation of ME/C offices and data modernization of the medicolegal death investigation system.

1. COMEC: The Collaborating Office for Medical Examiners and Coroners (COMEC) which is housed under the Center for Disease Control and Prevention (CDC) should be fully funded.
2. Quality of Personnel: The Department of Justice (DOD) and the COMEC should provide programs to fund training and the certification of forensic pathologists and medicolegal death investigators.
3. Accreditation: The DOD and the COMEC should provide funding to ME/C offices to meet national office accreditation requirements and national standards related to forensic medicolegal death investigations.
4. Data Modernization & Interoperability: Federal funding should be available to ensure ME/Cs have access to, and utilize, electronic case management systems to allow interoperability between

forensic/criminal justice and public health stakeholders.

Approved | July 15, 2024

Resolution Supporting Restoration of Emergency Management and Homeland Security Grants

Issue: In 2024, without prior communication or consultation with local government agencies, Congress and the Administration enacted significant, draconian cuts to all Emergency Management and Homeland Security grant funding and the Disaster Recovery Fund (DRF). Reducing these grants without any notice significantly risks the capabilities and capacity developed by counties, local governments, and states over many years.

Adopted Policy: The National Association of Counties (NACo) urges Congress to restore the drastic cuts to EMPG and the suite of homeland security grants to the states and local governments in the 2024 appropriation in partnership with the National Emergency Managers Association (NEMA) and the International Association of Emergency Managers (IAEM).

Approved | July 15, 2024

PUBLIC LANDS

STATEMENT OF BASIC PHILOSOPHY

Public lands are a defining feature of the United States, particularly in the West. NACo, its Western Interstate Region, state associations of counties, and individual county governments have a critical role in policy development, planning, and management of federal land through the coordination process mandated by federal law (16 U.S.C. 1604 (a) and 43 U.S.C. 1712 (b)). Counties serve as conveners and can offer a local, detailed level of expertise on resource management issues that is beneficial to all levels of government and helps to achieve mutual goals.

The federal government has long recognized and accepted that federal land holdings are a burden on local governments, and that funding is necessary for local governments to provide the types of services needed to access and use those lands. NACo believes that fair, equitable payments to counties, including revenue sharing from all forms of economic production, are necessary for federal agencies to meet their obligations as land managers.

NACo believes that environmental and socioeconomic values must be balanced through a philosophy of multiple use management that allows diverse activities on public lands to support local economies. Federal agencies must coordinate their management of public lands to ensure they are consistent with local land use or natural resource management plans to the fullest extent required by law. Federal agencies must also treat counties as governing partners and co-regulators.

FEDERAL LANDS PAYMENTS

- A. Payments to Federal Lands Counties:** All federal lands are tax-exempt, but still require county government services. NACo supports program(s), including full-funding of the Payments In-Lieu of Taxes (PILT) program, that compensate counties for these tax-exempt lands on a basis that is equitable to both the federal and local taxpayer that are non-discriminatory in nature. NACo supports the creation of a similar program to compensate counties with tax-exempt military lands. All payments to public lands counties should not be sequestered by the federal government, nor should they be delayed, reduced or otherwise negatively affected by any federal shutdown activity.
- B. Resource Revenue Sharing Payments:** NACo recognizes that natural resource extraction can impact local infrastructure and increase demand for services in surrounding counties. Therefore, NACo supports additional payments over and above other payments to counties based on the revenue generated from the natural resource use and extraction within those counties' jurisdiction. Such payments shall not be subject to sequestration because they are de facto contracts and the federal government should release any previously sequestered natural resource revenue sharing payments.

NACo supports amending the Federal Mineral Leasing Act so that an additional five percent from the federal portion (50 percent) of mineral lease revenue is returned to the county in which the mineral was extracted, and the historic balance of the 50/50 split is restored.

NACo supports the sharing of federal leasing and rights-of-way revenues from renewable energy development, forest stewardship contracts on federal lands and Good Neighbor Agreements (GNAs) with county governments where those developments and contracts occur. Any revenue sharing program should not negatively impact the PILT program. Receipts sharing for forest stewardship contracts and GNAs should be based on the total merchantable value of the products, rather than merely the net in excess of the contract amount.

- C. Secure Rural Schools and Community Self-Determination Act:** NACo supports federal stopgap payments to counties facing lower federal resource revenue sharing payments due to substantially decreased activity in natural resource use, harvest, and extraction as a result of federal regulations that have restricted or prohibited the use, harvest, and extraction of the resource. NACo supports the reauthorization and enhancement of the Secure Rural Schools program. Reauthorization should maintain coupling between payments to counties and active natural resource management, and the connection between sustainable natural resource management and the stability and well-being of forest counties and communities.

NACo urges Congress and federal agencies to restore responsible, multiple use and sustained-yield industries on public land. These industries are necessary to provide economic, social, educational, and cultural stability for resource communities. NACo supports robust bridge funding to arrest catastrophic declines in resource production and county revenue sharing and a restoration of active public land management.

- D. Compensation to Counties by Businesses Operating on Federal Lands:** NACo supports additional payments to counties for any fees generated from any businesses—such as concessionaires or enhanced-use lessees—who operate on federally owned land to compensate county taxing jurisdictions equal to the property taxes that are otherwise paid by any other commercial business in the county.

FEDERAL LAND USE PLANNING

- A. Current and Future Federal Land Management Agency Land Management Plan Revisions:** Federal land management agencies shall coordinate with local county government officials and maintain maximum consistency with the local county plans and policies when conducting current and future revisions of Resource Management Plans (RMPs) and Forest Management Plans. Counties should utilize the coordination process and/or serve as cooperating agencies in the NEPA process as counties see fit and be provided meaningful opportunities for involvement in the revision process from start to finish. Once land management agency plans become approved management practices or policies, new agency actions should not contradict with those county plans. Plans should provide for economic and

social sustainability, emphasize multiple use management and commodity production and require that federal decisions be made at the most local level of the federal agency.

- B. National Environmental Policy Act (NEPA) Improvement:** NACo supports the revision of NEPA to strengthen the involvement of county governments in the federal decision-making process, expedite project analysis and make final decisions in a timely but effective manner. NACo supports requiring federal agencies to coordinate with county governments, offer cooperating agency status and negotiate mutually agreeable memoranda of understanding (MOU). NACo encourages increased opportunities for involvement of the public during the legally mandated public comment process, including opportunities for verbal input during town halls, hearings and listening sessions within or in close proximity to the impacted counties and communities and, when possible, increased time to provide written input and testimony.
- C. Endangered Species Act:** NACo recognizes the importance of the Endangered Species Act (ESA) as an essential safeguard for America's fish, wildlife and plants, and therefore supports updating and improving it to better achieve its goals. NACo supports the delisting of species when recovery goals are met.

NACo supports reforming the ESA to mandate that the federal government treat state and county governments as equals through government-to-government coordination to decide jointly with appropriate federal agencies when and how to list species, designate habitat and plan and manage for species recovery and delisting.

NACo supports reforms that would require federal agencies to perform cumulative and quantitative economic analyses before the designation of critical habitat that would measure the effects of such a designation on all affected counties, local governments and local stakeholders, including the effects on possible uses of land, property values, employment and revenues available for state and county governments, and their local communities. This information shall be considered as a part of their decision-making process.

- D. Outdoor Recreation Counties:** NACo recognizes outdoor recreation counties as the gateway to our nation's federal lands and that the economies and ecologies of county, state, and federal governments in outdoor recreational regions are interwoven. NACo believes that diverse recreation and tourism opportunities are critical to counties and their communities. Furthermore, NACo recognizes that federal policies frequently drive significant impacts to outdoor recreation counties and the services they provide to visitors to ensure their pleasure, safety and comfort.

Federal government shutdowns have an enormously negative impact on counties and their communities. NACo urges land management agencies to partner with state and county government to keep these facilities open and adequately staffed during federal government shutdowns. County governments that

temporarily open and staff these facilities should also have the opportunity for reimbursement by federal lands agencies.

FEDERAL LAND MANAGEMENT

A. Transfer of Public Lands: NACo believes all fifty states are equal and that every state should receive everything that was promised to them in their enabling acts, including land transfers, if requested by an individual state and in consultation with the affected counties.

B. Public Land Acquisition and Ownership: Acquisition or disposal of new land, conservation easements and water rights by any federal agency should be subject to coordination with the county in which the land is located, and consistent with those county land use or natural resource plans. Counties should be given the opportunity to participate in the development of terms and conditions of any such proposal before it is carried out. Criteria for the transfer, sale or acquisition of public lands and conservation easements shall include a boundary description referenced to the established and verified Public Land Survey System or equivalent survey control, consideration of fair market value, loss of tax base, coordination with appropriate counties and other governing jurisdictions, preparation of appropriate environmental analyses and public values. Lands acquired by the federal government shall be considered entitlement lands and subject to Payments In-Lieu of Taxes compensation to the impacted local government. Additionally, NACo requests that federal land management agencies adopt policies that provide real and substantial consideration of historic uses in project plans and environmental documentation and commit project developers to providing mitigation for their loss.

C. Special Use Designations: Special federal land use designations impact the long-term use and status of public lands, which in turn could have significant impacts on the jurisdictional counties and neighboring counties. The federal government shall coordinate with affected state and county government(s) as early as possible when considering special land use designations. NACo supports those special use designations of federal lands that are approved by county governments affected and supported by stakeholders in the area in which the designations are proposed and are consistent with existing land use and resource management plans. There must be compliance with the requirements of the National Environmental Policy Act (NEPA), including open public comment sessions in the impacted counties. Adding private lands to wilderness and other special designation areas must require congressional approval.

NACo supports amending the Antiquities Act to require state and the affected counties' approval to provide transparency and accountability in the designation of national monuments. In cases where such state, county, and their local communities' approvals have been obtained, continued federal coordination and consultation with state, county, and tribal governments and consistency with their land use and natural resource management plans is required to the maximum extent allowed by law.

NACo opposes efforts to require inventoried roadless areas to be managed in accordance with the US Forest Service Roadless Area Rule issued in January of 2001. NACo supports petitions of individual states to amend the Roadless Area Rule to allow state-specific management guidelines for inventoried roadless areas in that given state.

NACo opposes policy and management decisions (such as Wilderness Study Area creation) that allow federal agencies to manage public lands for long, undefined periods of time as wilderness without congressional designations and with restrictions on the use of private and other federal and state lands in the proximity to a Wilderness Study Area.

D. Access: For all public lands counties, access is a central issue. NACo supports retaining and enhancing public access to public lands for public safety, forest and ecosystem health, business, recreation and tourism, renewable and non-renewable resource use and extraction, research and education, and private property rights.

Roads are the primary infrastructure for access to public lands, and public lands road systems must be retained and maintained. NACo opposes road closures, road decommissioning, moratoria against road building and other limiting policies and practices without coordination and consistency with affected counties' land use plans, natural resource plans and management policies.

NACo recognizes the importance of the system of historic roads, trails and other rights-of-way across federal lands established under R.S. 2477. NACo supports legislative efforts to create a clear, consistent administrative process coordinated with local government plans for confirming historic rights-of-way on federal lands for qualifying roads, including but not limited to a waiver of the statute of limitations regarding timely filing of such applications where qualifying roads cross "reserved" land. The Administration should work cooperatively with the affected state and county officials to obtain administrative, judicial, and legislative recognition of county R.S. 2477 rights-of-way claims on federal land. NACo opposes any federal action designed to change or diminish the scope of these rights and supports shifting the burden of proof for R.S. 2477 rights-of-way closures to the federal government to justify such action.

E. Water: NACo believes in state primacy in water resources administration, management and allocation. Before any decision is made to continue drawdowns, removal or breaching of dams, a full review of all the relevant scientific and socioeconomic implications of such actions should be made and coordinated with affected counties. Water supplies for millions of individual Americans and agricultural producers begin on federal lands, and land management policy should prioritize, protect and uphold watershed health and water yield. Water rights holders must be given access for maintenance and control of water structures located on public lands.

NACo supports changes in current federal policy to allow the use of mechanized equipment for maintenance of dams and other cooperative range improvements within designated Wilderness areas and Wilderness Study Areas.

NACo urges the U.S. government to acknowledge the importance of adopting definitive Arctic policies in order to protect national security and to further U.S. commerce.

F. Domestic Livestock Grazing: Domestic livestock grazing on public lands is essential to local economies and is often an activity of cultural and historic significance. Livestock grazing is also an important method for the management of the landscape for public safety. NACo supports the enhancement of a viable rangeland livestock industry. Grazing is an excellent tool for the reduction of fire fuels, control of some noxious weeds, and other, less noticeable benefits such as hoof action allowing for better native seed to soil contact.

NACo supports the development and implementation of alternative grazing allotment management procedures, including categorical exclusions for “no change of use permit” renewals on transfers, to streamline the process and reduce costs to the taxpayer associated with rangeland management decisions.

NACo expresses disapproval of civil actions to diminish public lands livestock grazing rights brought against industry and federal land management agencies when final decisions are made by the appropriate federal agencies after cooperative efforts to determine best land-use practices.

NACo opposes legislative efforts to allow for the permanent retirement of grazing permits through the buyout of grazing permits by non-ranching third parties. If a permit is vacated, NACo supports reissuing the permit to an active grazer only.

G. Wild Horse and Burro Management: Wild horse and burro management on public lands is an increasingly urgent environmental and cost prohibitive crisis resulting in inhumane conditions for wild horses and burros that must be addressed through balanced, science-based decision-making and reproductive management practices.

NACo urges support for federal land agencies in the management of wild horse and burro populations to achieve appropriate management levels (AML) as authorized by federal law. Further, NACo supports the sale, adoption or humane slaughter of excess animals and the funding and utilization of sterilization technology and methods proven to be effective in controlling herd sizes.

NACo supports legislation to give individual states exclusive authority to manage wild horses and burros on federal lands, including exclusive authority to determine AMLs and authority to dispose of animals that exceed AMLs.

H. Energy and Mineral Resource Development: Like any other permitted activity on public land, energy and mineral resource development and production should be conducted in coordination with impacted counties and consistent with local natural resource plans to the maximum extent allowed by law. NACo supports the development and implementation of comprehensive and consistent national policies and regulations for energy and mineral production on public lands. This includes conservation efficiency, exploration, and research that provide for the siting, permitting, production, utilization, transmission, and delivery of traditional and alternative/renewable energy and mineral resources. Every effort should be made by land management agencies to reduce obstructions that cause significant project delays and costs, including conducting oil, gas and mineral lease sales on all federal lands categorized in their land use plans for such leasing.

NACo recognizes that U.S. energy independence requires expanded alternative and renewable resources that are available on federal public lands. NACo supports the expanded use of solar, wind, water, and other traditional and renewable energy resources to provide secure, clean, affordable energy by utilizing the best methods available. Infrastructure for renewable energy on public lands should be developed in coordination with impacted county governments and after thorough analyses showing that the local economy will not be negatively impacted.

When mitigation is required as a condition of mineral or energy development, NACo encourages federal agencies to adopt consistent procedures that provide for mitigation other than through land transfer from private to public ownership, unless supported by affected counties. When such transfers are deemed the only appropriate mitigation and offsetting Payments in Lieu of Taxes (PILT) will not be received, agencies must ensure that project developers will continue to pay the property tax on the transferred land, or fees in lieu of taxes, in perpetuity, until the land is restored to private ownership.

I. Forest and Rangeland Health: NACo supports forest health initiatives that include fuels reduction, fuel breaks, and managing for diseases and pests, while maintaining the multiple use mandates and utilizing the best available, peer-reviewed science. NACo also supports broader use of categorical exclusions under NEPA, especially in cases of imminent threats to community watersheds, to timely and effectively address the threat of catastrophic events to our public forest and rangeland resources, and to allow for harvest of resources while they have economic value. Federal land management agencies shall utilize an appropriate mix of management practices including categorical exclusions and increased private, local and state contract and partnerships for pre-fire management, effective fire suppression, and restoration of federal forest and rangelands.

As a goal, NACo supports legislation directing federal forest management agencies to reduce Fire Regime Condition Class (FRCC 3) to a standard of FRCC 1 in all federal forests, excepts designated Wilderness Areas, by the year 2050, through means of active landscape management, fuels reduction and immediate post-fire restoration. Due to the increased frequency and severity of wildfires caused by

excessive fuel loads on federally managed public lands, NACo urges Congress and the Administration to use whatever tools available to reduce FRCC in a more expedited manner where possible.

- J. Cooperatively Combating the Growing Threat of Wildfire to Public Lands Counties:** Wildfire season is a year-round issue for public lands counties. Wildfires destroy public lands, endanger access to vital resources, decrease biodiversity, hinder economic opportunity, decimate municipal watersheds, and negatively impact public health and safety. County officials believe federal, state and counties must work together to combat this growing threat to their communities, livelihoods and the environment. This effort must include accelerated harvest and fuels reduction to levels that can be managed into the future, active forest management in areas that have recent fuels treatments, post-fire recovery and restoration efforts, addressing regulatory burdens, stopping frivolous lawsuits, engaging in scientifically-endorsed grazing practices and reinstating closed grazing allotments, reforestation, and appropriating sufficient funds to effectively combat wildfire on public lands without jeopardizing other accounts.

With the severe damage and threat to municipal and county water systems caused by increasingly frequent and destructive wildfires, NACo calls on the federal land management agencies to pursue at the earliest seasonal opportunity, a region-wide emergency project to thin-cut forest vegetation and clear deadfall and understory in all U.S. Forest Service lands where mapped city and town watersheds exist until the threat of catastrophic wildfire to those watersheds is eliminated.

- K. Noxious Weeds & Invasive Species:** NACo calls for a well-funded, coordinated and integrated management approach to noxious weed control on public lands. NACo supports an early detection and rapid response approach by all agencies and an accelerated completion of all environmental documentation to allow the use of all the tools needed to accomplish integrated pest management. NACo calls on all federal land management agencies to coordinate with counties to better protect environmental resources from the threats and devastating impacts of invasive species.

NACo supports regulations to reduce importation of plants, exotic animals and insect species into the U.S. to help in the prevention of pest invasion. NACo supports state and federal prohibitions on the transportation of any state or federally listed invasive species, as well as efficient and effective agency action that stops other pathways of spread.

- L. Military Installations:** Recognizing the value counties and military installations bring to each other and their complex and sometimes competing needs, NACo supports establishment of open, consistent and long-term joint planning processes to help both communities co-exist and continue to thrive together. Early engagement, close cooperation, and joint coordination of community and military development plans are essential to minimize potential impacts. Affected counties shall be entitled to cooperating agency status for military initiatives under NEPA, while counties shall seek similar input from military installations.

M. Recreation and Tourism: Our public lands and historic sites draw millions of visitors each year. NACo acknowledges the value of the outdoor recreation economy as a \$700 billion contributor to the nation's Gross Domestic Product, and that most of this recreation takes place on federal public lands.

NACo supports the Federal Lands Recreational Enhancement Act to allow federal land agencies to retain revenues from specific fee areas to pay for upgrades, management and maintenance of Forest Service recreational areas. NACo further requests FLREA be amended to allow a portion of revenues from ski area leases be retained by the U.S. Forest Service to help pay for increased workload of managing ski area leases generated by recently passed 'Summer Use' legislation.

N. Funding for Our Public Lands Infrastructure: NACo calls on Congress to adequately fund infrastructure in its national parks, national forests, and other public lands. This includes funding to support roads, bridges, trails, campgrounds, visitor centers, interpretive projects, and related facilities. NACo supports increased funding for overdue capital and deferred maintenance projects for public lands management agencies. NACo reminds Congress these public lands management agencies provide multiple use activities including mineral extraction, forest products, subsistence resources, recreation, and tourism opportunities for millions of visitors and national resource users that make substantial economic impacts on public lands counties and their communities. The significant federal investment in public lands infrastructure over the years is at risk due to the lack of funding for needed repair and replacement projects and must be recognized as a critical element in public lands management.

O. Wildland Fire Regulations and Policies: The National Association of Counties (NACo) supports greater coordination between Federal land management agencies and local governments in implementing wildland fire suppression policies and strategies, with the understanding that a blanket, one-size-fits-all policy is untenable on diverse landscapes. Federal agencies must work with local governments to accomplish their (Federal agencies) land management goals, including wildfire suppression and risk reduction, and ensure such efforts do not jeopardize the health, safety, and welfare of local residents.

PUBLIC LANDS RESOLUTIONS

Resolution to Oppose the Bureau of Land Management's "Public Lands Rule"

Issue: The Bureau of Land Management (BLM) does not have the authority to implement a “use” not Congressionally approved.

Adopted Policy: The National Association of Counties (NACo) opposes the "Public Lands Rule" implemented by the BLM.

Approved | July 15, 2024

Resolution in Support of Nuclear Power to Protect Public Lands

Issue: Wind and Solar Power generation have a huge land footprint as compared to conventional sources of electrical generation.

Adopted Policy: The National Association of Counties (NACo) supports safe and reliable nuclear power generation due to its small land use footprint and because it is far more efficient than solar and wind energy generation; therefore saving our public lands for Congress' true intended public land uses as listed in FLPMA.

Approved | July 15, 2024

Resolution on Amendments to PILT Population Caps

Issue: Counties, boroughs, townships, and parishes with populations of under 5,000 have monetary caps within the PILT formula that place them in an unfavorable position in relation to counties with populations greater than 5,000.

Adopted Policy: The National Association of Counties (NACo) supports amending the PILT formula to extend the population multipliers to include additional multipliers for local governments with populations in the range of 4,000, 3,000, 2,000, and 1,000. The increase in the 4,000 multiplier when compared to 5,000 population would have the same ratios as the difference in 50,000 and 40,000 population. The increase in the 3,000 multiplier when compared to 4,000 population would have the same ratios as the difference in 40,000 and 30,000 population. This will continue on for counties with populations of 1,000 or less. All local governments with enough qualified federal land acres would have a minimum payment no less than the population cap of local governments of 1,000 population.

Approved | July 15, 2024

Resolution in Support of Amending the Antiquities Act

Issue: The Antiquities Act has been abused by many Presidents restricting multiple use of Federal lands and waters which was not the intent. It was intended to protect "landmarks", "structures", and "objects" "of historic

and scientific interest".

Adopted Policy: The National Association of Counties (NACo) supports amending current statute "54 USC Ch. 3203: MONUMENTS, RUINS, SITES, AND OBJECTS OF ANTIQUITY From Title 54—NATIONAL PARK SERVICE AND RELATED PROGRAMS Subtitle III—National Preservation Programs DIVISION C—AMERICAN ANTIQUITIES CHAPTER 3203—MONUMENTS, RUINS, SITES, AND OBJECTS OF ANTIQUITY §320301. National monuments

(a) Presidential Declaration.—The President may, in the President's discretion, declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.

(b) Reservation of Land.—The President may reserve parcels of land as a part of the national monuments. The limits of the parcels shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

(c) Relinquishment to Federal Government.—When an object is situated on a parcel covered by a bona fide unperfected claim or held in private ownership, the parcel, or so much of the parcel as may be necessary for the proper care and management of the object, may be relinquished to the Federal Government and the Secretary may accept the relinquishment of the parcel on behalf of the Federal Government.

Strike (d)Limitation on Extension or Establishment of National Monuments in Wyoming.—No extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3259.)”

Amend (d) to: Limitation on Extension or Establishment of National Monuments.—No extension or establishment of national monuments may be undertaken except by express authorization of Congress.

Approved | July 15, 2024

Resolution in Support of Amending the Recreation and Public Purposes Act

Issue: Support congressional action to amend the Recreation and Public Purposes Act to require the U.S. Department of the Interior to establish a Pilot Program that authorizes commercial recreation concessions on land patented or leased under the act.

Adopted Policy: The National Association of Counties (NACo) urges the support of legislation that would allow counties that have federal lands within their park system the opportunity to offer concessions operated by third-party vendors. This would increase public recreational opportunities and enjoyment of these lands operated by counties.

Approved | July 15, 2024

Resolution in Support of Congressional Action to Address the Permitting and Funding Process for the Removal of Invasive Species

Issue: Support congressional action to address the permitting process and funding for the removal of invasive species from many of the rivers throughout the southwest.

Adopted Policy: The National Association of Counties (NACo) urges the passage of federal legislation and/or regulatory policies that would allow county governments to comprehensively remove the salt cedar from rivers within their jurisdictions.

Approved | July 15, 2024

Resolution Regarding Implementing the Wildland Fire Mitigation and Management Commission's Recommendations

Issue: The United States is experiencing a wildfire crisis where fires are increasingly extreme, large in scale, and devastating to communities and landscapes. Implementing major changes to policies and practices that guide how the Federal Government seeks to reduce the risk of catastrophic wildfire and respond to and support local jurisdictions facing post-wildfire impacts and recovery, will help address the major gaps and issues that families and communities face with wildfire and reoccurring post-wildfire flooding.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the administration to make significant changes in policies and practices regarding how it responds to and supports local jurisdictions and communities in addressing post-wildfire impacts and recovery. NACo calls on Congress to expeditiously pass legislation that implements the Wildland Fire Mitigation and Management Commission's recommendations.

Approved | July 15, 2024

Resolution on Forest Restoration Funding

Issue: Continued funding and investments in Forest Restoration to manage the threat of catastrophic wildfires must be maintained and enhanced to ensure the transition from the planning phase to the implementation phase of forest restoration continues.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the administration to continue to provide enhanced funding for Forest Restoration at levels at or above those that were appropriated in The Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) which will be sunseting in Fiscal Year 2026, just two years away. NACo further urges Congress and the Administration to continue these investments and enhanced funding for forest restoration to implement the work that must be done to protect communities, forests ecosystems, and local economies from the impacts of catastrophic wildfire on federal lands.

Approved | July 15, 2024

Resolution Supporting Additional Law Enforcement on Public Lands

Issue: Public lands are being used now more than ever. Due to the shortage of federal law enforcement on public lands, including the Bureau of Land Management, the Bureau of Indian Affairs and the U.S. Forest Service, the onus to respond to law enforcement issues and emergencies falls on counties, which are unable to keep up with the calls for services on public lands.

Adopted Policy: The National Association of Counties (NACo) urges Congress, upon the specific request of an individual county, to provide federal funding and necessary resources to federal agencies and/or to county law enforcement or other county agencies, under inter-jurisdictional cooperative agreements, to enable acquiring and securing necessary law enforcement officers for federal lands in order to provide adequate routine patrolling, provide necessary emergency response and services, and to ensure adequate law enforcement of federal issues on federal property.

Approved | July 15, 2024

Resolution on Search and Rescue

Issue: For several years, rescuers in many parts of the country have seen a dramatic uptick in calls for help. That's in part because more Americans are going outside; the National Park Service has seen more than 300 million visitors each of the last five years, the highest numbers on record. Search and rescue efforts are imposing greater and greater financial burdens on local governments. Counties are forced to pay for search and rescue operations through local taxes, donations and reimbursements from the state.

Adopted Policy: The National Association of Counties (NACo) urges Congress to provide sufficient funding to counties for the costs incurred by local communities responding to individuals visiting federal public lands.

Approved | July 15, 2024

Resolution Supporting Efficient Hiring Practices and Adequate Sustainable Staffing Resources on Federal Recreation Public Lands

Issue: The nation's federal land management agencies – including the U.S. Forest Service (USFS), the Bureau of Land Management (BLM), the National Park Service (NPS), and the U.S. Fish and Wildlife Service (FWS) – are critically understaffed. The agencies have long suffered from large nationally centralized human resource bureaucracies that slow down hiring and onboarding, diminish local recruitment efforts, and in some cases, jeopardize timely successful employment of seasonal workforce, specialized positions (i.e. archeologists), law enforcement, and seasonal firefighters - all of which are critical to the maintenance and security of public lands and associated gateway communities.

Adopted Policy: The National Association of Counties (NACo) urges Congress, to provide additional federal funding and resources to increase staffing at USFS, BLM, NPS, and FWS, and other federal agencies that provide access to, hold jurisdictional responsibility, provide public safety or other administrative or specialized service to federal recreational public lands and impact adjacent gateway communities. Furthermore, NACo urges the administration to review, evaluate and take the necessary actions to improve public administrative

hiring practices that guarantee reasonable hiring timelines, minimize bureaucratic processes, and promote the authority and accountability of local federal administrative control over hiring processes. In addition, NACo urges the administration to provide adequate workforce housing, including the acquisition, leasing of and use of public federal lands for workforce housing, when applicable.

Approved | July 15, 2024

Resolution Supporting a Coordinated Effort Between Federal, State and County Officials to Eradicate the Spotted Lanternfly (*Lycorma delicatula*), an Invasive Species Plaguing the Mid-Atlantic States

Issue: The spotted lanternfly was accidentally introduced to Berks County, Pennsylvania in September 2014 through an international shipment from China. Since then, the invasive species has caused significant agricultural, environmental and economic damage, especially harming the grape industry and other businesses in the Mid-Atlantic United States. Because the spotted lanternfly is attracted to and takes nourishment from the “Tree of Heaven” (*Ailanthus*)—an invasive plant found in nearly 90 percent of the United States—most of the nation is threatened by this invasive insect.

Adopted Policy: The National Association of Counties (NACo) supports a coordinated effort between the federal, state and county governments to eradicate the spotted lanternfly, an invasive species that targets important agricultural and forest commodities as well as quality of life issues. NACo also calls on the federal government to provide significant financial resources to assist the Commonwealths of Pennsylvania and Virginia and county governments in combating the spread of this invasive species.

Approved | July 15, 2024

Resolution on the Use of Targeted Grazing for Wildland Fire Management

Issue: Targeted grazing can offer an alternative method of fuel load management on our nation’s public lands to reduce the growing threat of wildland fire.

Adopted Policy: The National Association of Counties (NACo) calls on the federal government to establish a program to target livestock grazing in and adjacent to areas at high risk of wildland fire. Such a program should compensate livestock owners for the cost of establishing these efforts to reduce wildfire fuel loads on public lands.

Approved | July 15, 2024

Resolution on Amendments to PILT Side B Funding - Establishing a Minimum

Issue: Counties, Boroughs, Townships, and Parishes with large Federal entitlement acreage and small populations have monetary caps within the PILT formula that place them in an unfavorable position in relation to the majority of all other Counties.

Adopted Policy: The National Association of Counties (NACo) supports amending the PILT formula to

establish a base funding to all counties by setting the per-acre variable on the Alternative B to a minimum funding level adjusted by the CPI every year. The maximum payment to counties would not be adjusted. The current population threshold would remain at 50,000.

Approved | July 15, 2024

Resolution to Increase the Minimum Level for a 1099-MISC/1099-NEC Filing When Performing Natural Disaster Mitigation Activities

Issue: The Internal Revenue Service mandates the filing of a 1099 form for any work worth more than \$600, creating burdensome paperwork for county governments.

Adopted Policy: The National Association of Counties (NACo) encourages the administration to increase the minimum level for a 1099-MISC/1099-NEC form to be filed from \$600 to \$5,000 or create an exemption of any Natural Disaster mitigation reimbursement funded by a federal grant. This is in line with H.R. 3937 that would dramatically increase the Internal Revenue Service (IRS) 1099 Form reporting threshold for services performed for individual contractors or subcontractors from \$600 to \$5,000.

Approved | July 15, 2024

Resolution in Support of Historic Routes Preservation Act

Issue: Title to thousands of county roads in underserved and rural communities are disputed in costly and prolonged litigation with the federal government under R.S. 2477. Meanwhile, these roads are in poor condition and badly in need of repair and maintenance which has ongoing negative effects on rural economies, safety and connectivity.

Adopted Policy: The National Association of Counties (NACo) urges Congress to pass the Historic Routes Preservation Act to create and mandate an efficient administrative process for the adjudication of county R.S. 2477 rights-of-way claims. This Act would require that the administrative adjudication process incorporates a judicial test established by the judicial system for R.S. 2477 determinations. Such judicial test would grant jurisdiction over R.S. 2447 right-of-way claims to counties that met certain acceptance criteria including; affirmative action by the county on or before October 21, 1976, a formal resolution or declaration of ownership, inclusion of the road in official map that reflects ownership or maintenance responsibility, construction, improvement, repair or maintenance of a highway by county governmental authority before October 21, 1976, or continuous use of the road by the public for a period of not fewer than 5 consecutive years end on a date that is on or before October 21, 1976.

Approved | July 15, 2024

Resolution Supporting Policy Updates that Require Early Engagement with County Governments with Ski Areas on Public Land

Issue: Ski areas are no longer seasonal and no longer restricted to skiing and related activities. As such, existing policies are no longer adequate to address the ever expanding use of public lands in ski areas and the resulting

pressure on adjacent communities. County governments are expected to provide taxpayer funded infrastructure and services to these year-round resorts but have little opportunity to participate in decision making and revenue sharing.

Adopted policy: The National Association of Counties (NACo) urges Congress and the Forest Service to update Forest Service policies for ski area permitting to ensure ski resort management on National Forest lands best serves the public, is mindful of County government needs and responsibilities, and is consistent across all National Forests.

Approved | July 15, 2024

Resolution on the Failure of the Bureau of Land Management to Fully Coordinate with States and Counties as Mandated Under Federal Law in Developing Environmental Impact Statements and Resource Management Plans for the Grand Staircase-Escalante National Monument and Other National Monuments

Issue: The Grand Staircase-Escalante National Monument sits on 1.9 million acres of Bureau of Land Management (BLM) lands that have been managed as Taylor Grazing Act livestock grazing districts for nearly a century. The BLM threatens to issue an Environmental Impact Statement (EIS) and Resource Management Plan (RMP) completely hostile to grazing, completely out of compliance with Federal Land Policy Management Act (FLPMA) coordination and consistency requirements, the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations and the resource management plans of the State of Utah and Garfield and Kane Counties.

Adopted Policy: The National Association of Counties (NACo) urges Congress to force the BLM to develop EISs and RMPs for the Grand Staircase-Escalante National Monument and other National Monuments in established BLM grazing districts that:

- Fully comply with all FLPMA and NEPA coordination and consistency requirements,
- Fully coordinate with counties and states in formulating RMPs and associated EISs, and
- Achieve maximum consistency between those federal RMPs and the plans and policies of states and counties, to the fullest extent possible while still consistent with Federal law.

Approved | July 15, 2024

TELECOMMUNICATIONS AND TECHNOLOGY

STATEMENT OF BASIC PHILOSOPHY

Counties play a major role in the nation's communications system as regulators, service providers, and consumers of communications services. County officials have a responsibility to ensure that the public interest is being served by communications providers, regardless of the delivery platform. The social goals and public good expected from our citizens must be ensured. This includes public educational government access, public and homeland security matters, and protecting the interests of special needs citizens.

Expanding communication has become a critical component of a successful economic development policy. Access to affordable high-speed internet is critical to attract and retain labor and industries. Additionally, homeland security requires an integral role for counties in securing the Nation. Adequate communications systems and information access are vital to meet this important responsibility. It is therefore imperative that county officials play key role in the future of communications policy.

Technology has changed the future of county governance, and the evolving opportunities for counties to utilize technology to provide timely and effective service are immense.

Faster computer networks, wireless internet access, enhanced broadband services, new public safety systems, geospatial information applications and technologies not yet deployed, will make the county of the future more responsive and meaningful to county residents. County officials must be prepared to adapt to this changing environment.

POLICIES AND PRACTICES

- A. Encouraging Competition and Development of New Technologies:** Competition among internet service providers (ISPs) has a direct and lasting benefit to consumers as ISP's race to provide a competitive price point for their quality of service. Additionally, an array of technologies – including fiber, cellular and satellite – is necessary to address the unique factors contributing to the digital divide. Federal, state, and local resources should promote competition among communications and technology providers and to support the development of new technologies for government and public use.
- B. Preemption of Local Authority:** Counties need to be concerned about retaining authority as trustees of public property and as protectors of public safety and welfare. The 1996 Telecommunications Act acknowledges the balance among federal, primarily through the Federal Communications Commission (FCC), and state and local authority.

NACo opposes any actions that would undermine this shared responsibility and any federal or state preemption of counties' traditional powers in these areas. NACo opposes efforts to restrict or prohibit, at state and federal levels, county or municipal ownership of communications facilities.

- C. Financial Assistance for Enhanced Communications Capacity:** Communications play an important role in county government operations and the delivery of services. Counties use advanced telecommunication systems for a full range of public and law enforcement services. Nothing in federal policy should undermine the ability of counties to develop such infrastructure through partnerships with network providers.

NACo believes state and federal governments should provide financial assistance for these initiatives and should encourage efforts to improve coordination across jurisdictions and systems, especially for public safety and homeland security issues. Access charges for completion of calls on the local public switched telephone network need to continue in some form to assure rural counties retain adequate communications services.

- D. Interoperability:** Communications interoperability, for both voice and data, is critical to coordinate the response to disasters and joint law enforcement efforts. Technological modernization is also essential for improving the efficiency of service delivery, as standardized data and information exchanges can help to improve programmatic integrity and accountability. The work of interoperability is important among agencies of local government, as well as, the various local, state, and federal agencies. A broad interpretation should be made as to which entities should be included in an interoperability plan. NACo supports efforts to improve interoperability for public service purposes, and believes the state and federal governments should assist counties with the costs associated with migrating to viable interoperability standards. Counties should receive adequate resourcing in concert with a national strategy that seeks to improve interoperability and promote technological modernization.

- E. Wireless Communications Facilities Siting:** Counties have a regulatory role regarding the siting of tower and antenna facilities. With the exception of decisions based on the health effects of radio frequency (RF) emissions, local authority is preserved with minimal limitations supporting nondiscriminatory, timely action. Even in the case of RF emissions, the law clearly requires that the facilities operate in compliance with RF emission standards.

NACo believes any disputes between counties and the industry should continue to be resolved in the courts on a case-by-case basis. No federal actions should undermine local government's zoning authority.

Counties have an obligation to their constituents to ensure that, to the extent possible, the public health, safety and welfare are not endangered or otherwise compromised by the construction,

modification or installation of broadcast facilities/towers. NACo believes nothing should preempt local government authority to reject new siting applications upon finding of adequate existing facilities.

NACo supports policy and/or legislation giving more consideration to public health and safety needs when locating cell towers and broadcast facilities on public lands in rural areas with little or no service.

- F. Emergency Services Communications, Cross Ownership and Local Services:** Counties' ability to communicate with citizens during a public safety emergency, whether natural or man-caused, is critical. Media consolidation, particularly in the radio sector, has raised serious concerns about the ability of local stations to meet their public safety obligations. The FCC should review the requirements on broadcasters to ensure the needs of local government to contact their citizens are met.

Along with concerns raised by media consolidation for public safety, county officials are concerned about the loss of local content, civic discourse, and advertising opportunities for local business. As a matter of economic development, local media outlets are important vehicles for promoting local opportunities and business. Local media outlets are an important component of the community and as so, should participate in the civic aspects of the community. County officials should work with media outlets to assure ample opportunity for public debate. Congress and the FCC should review limiting media diversity through cross ownership of media outlets including newspapers and their online offerings.

- G. Rights-of-Way:** Counties own substantial amounts of public rights-of-way, which many communication providers use extensively to construct their own communications networks. These are valuable local government real estate assets worth billions of dollars that are held in trust by local governments to benefit the local community.

Federal and state governments must recognize the authority of local governments to protect the public investment, to balance competing demands on this public resource and to require fair and reasonable compensation from communications providers for use of the public rights-of-way on a nondiscriminatory (but not necessarily identical) basis. Rights-of-way disputes between communications companies and local governments should be resolved in local jurisdictions.

In order to use the right-of-way, private communications companies should be required to enter into an agreement with local government that sets the terms and conditions of such use/access. Local governments must be able to require universal services that include nondiscriminatory pricing and equal access to all its citizens as a requirement. Like services should be treated alike.

Because disruption to streets and businesses can have a negative impact on public safety and industry, local governments should have control over allocation of the rights-of-way and be able to ensure that there is neither disruption to other “tenants” or transportation nor any diminution of the useful life of the right-of-way. Local governments must have the right to analyze the legal, financial, and technical qualifications of any communications provider wanting to use the public right-of-way and shall have the right not to issue a franchise to an unqualified applicant.

The ongoing construction of public property and rights-of-way also provides an opportunity for federal, state, and local governments to assist with the future deployment of fiber-based broadband networks through effective dig-once policies and practices. To ensure the scalability of these efforts, conduit should be able to accommodate fiber lines with a minimum 432 strand fiber bundle and should be of multi-duct variety to ensure adequate separation of provider assets. Any dig-once policy imposed on local governments should also be supported by federal and state resources to ensure local governments are not held solely responsible for the costs associated with the construction. Additionally, federally funded transportation projects should also require the incorporation of state and local broadband plans prior to construction. When providers are not interested in installing conduit when municipalities are performing street work, the agency itself should look to install municipally-owned conduit, which can be leased back to providers in the future.

H. Video Services: Counties have come to rely on video services as a vital communication link to constituents. This includes cable, fiber to the home, IPTV and internet services.

Under existing federal law, it is clear that counties may, through the franchising process, monitor the performance of existing cable television operators to ensure that the operators provide quality service to consumers in all sections of a franchise area. The ability of local franchising authorities should be enhanced through action by the Congress and Administration to protect the interest of consumers in quality, yet affordable, video services, and to enact laws which encourage greater competition for the video franchises and in the cable industry, and which encourage the availability of other technologies as rapidly and as widespread as possible.

Video franchising authorities must continue to have the ability to require through the franchise process the following components:

- Explicit approval to transfer a franchise.
- The ability to deny a renewal application for cause, i.e., renewals cannot be considered automatic.
- The right to solicit competitive bids from other video service providers.
- Immunities from monetary damages when local government actions are consistent with the Cable Act of 1984.
- The ability to terminate a video service provider for cause to ensure that it is not more profitable for an operator to violate a franchise agreement than to follow it.

- The ability to require cable operators to carry all local broadcast signals.
- The ability to define reasonable notice to subscribers of rate and service changes.
- The ability to regulate the equipment or any transmission technology such as system capacity, extent of use of fiber optic cable, homes per node, bandwidth for digital carriage, or amplifiers per cascade. While the FCC retains the authority to develop technical standards, Congress retained for local franchise authorities the ability to enforce these standards. Retaining this authority will go a long way to ensure uniform customer service and signal reliability in rural and suburban areas.
- Video service providers must lease cable to whomever wants to offer competitive programming.
- All programming that is available on cable must be available to other technologies such as IPTV, fiber to the home, and satellite.
- The ability to require PEG (Public, Education, and Government) channels as part of the franchise agreement.
- The ability to require universal cable video service. This is particularly important to rural and low-income residents who traditionally have been denied service.

Franchise fees are, in part, the rent cable operators pay for the use of public rights-of-way. Operators should not pass through to basic subscribers those rental expenses associated with non-subscriber services. NACo also strongly opposes the pass through to cable video customers of “non-subscriber” revenue, such as advertising and other commissions, and opposes the itemization of franchise fees stemming from such actions.

I. Consumer Protection: Counties have a major role to play in protecting consumer interests, including a strong consumer protection process. Congress should protect consumers from monopoly pricing power in the absence of effective competition. Every effort should be made to promote competition between providers to ensure consumers are receiving an appropriate range of services at the lowest possible cost. Companies wishing to provide communications or video services, including traditional telephone companies or cable operators, must be subject to safeguards to protect consumers against cross subsidies. NACo believes counties have the right to review mergers and acquisitions when such activity might result in the reduction of competition in the local marketplace.

J. Broadband Deployment and Adoption: NACo strongly supports legislation and administrative policies that help counties rapidly expand public-private partnerships and to attract affordable, abundant, redundant and reliable high-speed broadband services that meet or exceed federal broadband speed definitions regardless of population or technology used. NACo supports legislation and/or policy that:

- Streamline federal ROW and permitting processes for structures on lands controlled by any federal agency;
- Provides access to federally owned dark fiber for use by government or quasi-governmental organizations;

- Creates location maps and open access to broadband infrastructure deployed with public funds;
- Mandates middle-mile broadband systems to be open networks;
- Enforces a fair refusal of service process requiring incumbent providers to provide service within 180 days at the same level as a new deployment or release the rights to the proposed service area;
- Requires coordination between local governments and ISPs with an emphasis on locally collected and verified data;
- Encourage the utilization of fiber optic broadband infrastructure, where practical, where public funds are used by implementing a sliding scale of awarded grant funds with fiber projects receiving the most;
- Demands a minimum broadband speed requirement of 100Mbps down and 100Mbps up but incentivizes 1gbps symmetrical network by implementing a sliding scale of awarded grant funds with Gigabit networks receiving the 100% funding;
- Provides tax credits to telecommunications providers that develop broadband in rural and underserved communities;
- Provides for broadened eligibility and additional federal agency loan authority to deploy broadband in rural communities;
- Creates a graduated distribution model for federal grants/loans/subsidy programs based on performance (speed, need, latency, and cost).
- Allows for local control of franchise agreements for providers operating within their communities to ensure that customer service standards are upheld and that access to service is consistently available.

NACo believes all levels of government should work cooperatively with the private sector, nonprofits, and academia to develop robust awareness, adoption, and use programs for broadband. Additionally, broadband is as essential to our health and wellbeing as water or electricity. Therefore, NACo believes broadband should be classified as a Title II Utility allowing the Federal Communication Commission to ensure common carriers provide affordable and reliable service by preventing price gauging and discriminatory deployment practices. Unbundling local networks and price regulations would open access and allow other service providers to provide competitive and affordable service alternatives to residents.

K. Universal Service: NACo supports the current principles, six of which were originally codified in the Telecommunications Act and two later adopted by the FCC. At the heart of these principles lie the affordability, accessibility, reliability, competitiveness, and non-discriminatory access to communication related services to all American regardless of any circumstance. NACo opposes any federal actions to preempt state universal service programs and any efforts to redefine, modify, and/or expand technological services of any type that does not include local government input and guidance.

Given recent technological advances in both the quality and delivery of communication related services, these fundamental principles should continue to survive both now and in the future by shifting the focus of current program support mechanisms toward the expansion of advanced technological services that a good majority of Americans are afforded today.

In general, NACo supports efforts that continue to promote these principles such as:

- Updating and modernizing the “Schools and Libraries” program to provide funds in the form of discounts, grants, and/or reimbursements to local governments that ensure schools and libraries have access to the technology services of today in an affordable manner;
- Expansion of the “Schools and Libraries” program to allow for flexibility of local governments to collaborate and create partnerships with schools, libraries, non-profit organizations, and the private sector through innovative efforts to provide infrastructure such as fiber and outside cable plants that will assist in extending access throughout rural areas. These efforts should not be limited to the thinking of the past as many students and citizens alike need access to these services from their homes;
- Stronger support and equal funding methodology expected from service providers of all types is strongly encouraged as the federal government looks to expand broadband access through the “Connect America Fund”;
- Focused and concerted efforts among all governing bodies and agencies must continue to be streamlined to ensure that broadband expansion and adoption efforts are carried out in the most timely and efficient manner as possible with specific emphasis on rural underserved areas.

L. Online Privacy and Security: As counties expand their “e-governance” initiatives, more personal information will be collected, stored, and potentially, made available to the public. Consumers are becoming more aware of the potential uses of personal information for purposes other than those intended, and are becoming more concerned about how counties are going to respond. Because of security compromises in the private sector, constituents expect counties to protect their private information. County privacy policies should be reflective of community values, and should follow best available practices to meet those values.

NACo also supports initiatives and systems to secure personal and county information from “hackers” or other illegitimate uses. While every effort should be made to protect private information, NACo supports reasonable liability limits for counties if information that counties control is compromised. If information is compromised, counties should have procedures and policies for notifying affected individuals.

Third party vendors should be expected to conform to county privacy policies and practices to maximize the security of private information. Franchise and other agreements should allow for contractual requirements for maintaining privacy. At the same time, counties should consider policies

that protect the public's private information from the misuse by public employees. Counties should also consider adopting "Freedom of Information Act" policies that provide for public disclosure without compromising private information.

M. Taxation: The Telecommunications Act of 1996 did not change or impair any state or local government authority to tax telecommunications providers. NACo needs to ensure:

- No actions are taken by Congress, the FCC, or the courts to preempt local authority on either fees or taxes or land use authority.
- Any federal action that affects communications fees or taxes must be revenue neutral to the locality generally, between providers, and allow for a growth in tax revenue as the service or industry grows.
- County tax policy should be technology neutral for like services.
- Tax policy must recognize the cost to local government of the use of public property or facilities.
- Use of advanced communications services should not be a means of escaping local taxation.
- There must be recognition of local diversity in the taxation of communications services.
- Tax simplification should not be a vehicle used by the federal government to undermine county government's ability to retain taxing authority and revenue streams.
- Fees for specific uses, such as 911 centers and rights-of-way should not be considered taxes when considering modifications to tax structures.

N. Geospatial Information Systems: Geospatial Information Systems (GIS) are critical tools and infrastructure for county officials to make appropriate land-use decisions, manage existing infrastructure, and maintain adequate linkages between the county's land base and its government and maximize the use of resources as first responders to homeland security threats and events. NACo encourages member counties, other local governments, states, tribal entities, and the private sector to engage in a coordinated effort that will lead to standardized best practices and land record modernization as well as a solid digital infrastructure, in particular cadastral data.

NACo supports the effort of the federal government to coordinate the collection and dissemination of GIS data (based on common interoperable data standards) by the federal, state, local, and tribal governments through programs. The common data standards should be designed to:

- maximize the degree to which unclassified GIS data from various sources can be made electronically available; and
- promote the use of GIS for better governance due to increased data sources and sharing of geographic data by all levels of government. Congress should provide funding to facilitate this effort

O. Cybersecurity: NACo recognizes the evolving and continuous cyber threats that our nation faces from multiple sources. The threats are ever-increasing in sophistication and, in turn require costly proactive measures to minimize the potential loss of data and/or damage to our nation’s critical infrastructure. Understanding this, local governments carry a significant burden of responsibility in ensuring that our citizens’ personal information, priceless historical records, and critical infrastructure are adequately protected, recoverable, and secured in the event of any potential breach. In efforts to ensure that local governments provide the stability, integrity, and security expected of protecting such critical infrastructure and digital assets, NACo supports the following:

- Funding assistance in any form deemed necessary to provide for critical cybersecurity tools and resources required to adequately protect the county security infrastructure at all levels;
- Implementation of MFA, DMARC, DotGov, Monitoring tools, IT Assessments, certification of third party providers, regional IT expertise, end-user education and cybersecurity incident policy and procedure development;
- Funding assistance for basic security awareness training of employees and advanced security training for information technology professionals within local government, including assistance in the completion of advance certification and degree programs;
- Cooperative efforts in information sharing among all federal, state, and local governments in addition to private sector organizations regarding breaches, potential threats, threat levels, and any techniques that would assist in the prevention or mitigation of cyber-related threats;
- Collaborative efforts in the form of committees or task forces that are inclusive of local government membership with federal agencies such as the Department of Homeland Security and subprograms such as NCC, US-CERT, MS/EI-ISAC, CISA and ICS-CERT;
- Creation of programs and initiatives that designate local government Cybersecurity liaisons and/or representatives that serve in conjunction with federal agencies such as the Department of Homeland Security.
- Implementation of preliminary guidelines and principles as outlined by the NACo Tech Brief, drafted and published by the IT Standing Committee, as well as federal policy recommendations including the N.I.S.T AI Risk Management Framework to help address the rapid rise of generative artificial intelligence.

P. Artificial Intelligence: The rapid rise of generative artificial intelligence systems represents a watershed moment in the drive for technological modernization in the 21st century. Many counties have encountered and utilized artificially intelligent or “automated” services in the past for augmenting county processes, improving efficiencies in government services and increasing productivity within the county workplace. However, the advent of generative qualities in artificial intelligence systems is demonstrating vast new potential, and risk, and the new technological environment that counties find themselves in now necessitates the promotion of a set of policy principles and practices to minimize the harmful impact that the novel technology could pose to society.

NACo supports the adoption of appropriate guardrails, standards and policies, as outlined below, to ensure that artificial intelligence technologies continue to provide meaningful innovation opportunities while minimizing adverse effects to society. NACo supports the following:

- An intergovernmental governance structure that studies and addresses the various uses of generative artificial intelligence in the public and private sectors to better understand their implications to society and the economy, and that allows proactive addressing of risks and negative use cases. Governance structure will allow for the implementation of mechanisms for monitoring of AI advancements and societal impacts, with the flexibility to adapt regulations and guidelines as the novel technology evolves.
- Dedication of a new information sharing analysis center (ISAC) with public and private membership, including a dedicated and permanent role for counties. Offerings could include: a robust resource hub such as the National Artificial Intelligence Research Resource (NAIRR) Task Force; and an ongoing communication channel for intergovernmental coordination similar to other sector-specific ISACs.
- Direct funding assistance and resources for partnerships on artificial intelligence that promotes digital literacy and best practices educational resources, hands-on assistance for small and rural counties, and the elevation of community and workforce knowledge for understanding of novel generative artificial intelligence systems for county governments.
- Dedicated support mechanism to federal and local government agencies on the utilization of artificial intelligence systems for public services, and a framework for adoption that maximizes efficiency and access for residents in areas such as permitting and licensing while minimizing risk of producing barriers to access, exacerbating biases or creating novel adverse effects.
- Additional resources and support to mitigate the negative uses of generative artificial intelligence in the elections space, such as end user utilization of generative artificial intelligence models for mis- or dis-information, developed by the appropriate federal agencies, to combat such use cases and to promote legitimate and verifiable elections communications.
- Strengthening funding resources and regulatory oversight at the Federal Communications Commission and Federal Trade Commission to combat artificially-generated robocalling that promotes internal and external mis-information, consumer risk or fraudulent activity.
- Implementation of federal guidance that clarifies liability for the intent or impact of discrimination that an artificial intelligence model may have towards citizens or constituents based on protected characteristics is incumbent on the provider of said technology, and to protect county governments as good faith implementers of products procured in a legal manner to deliver government services or resources.
- Adoption of robust data privacy standards and data governance standards across all levels of government to protect consumer and constituent information, and maximize the efficiency and minimize the risk of artificially intelligent systems' adoption into government services over time
- Encourage public engagement and participation in AI policy-making processes to ensure that the voices and concerns of diverse stakeholders, including citizens, researchers, industry representatives, and advocacy groups, are heard and considered.

Counties also recognize that the existing digital divide across the United States may present a unique challenge for small and rural counties that have not yet adopted artificial intelligence technologies, due to issues including access to high-speed broadband connectivity. The focus on generative artificial intelligence should include a mindful approach that seeks not to exacerbate the existing digital divide, but to ensure that small and rural counties are not left behind by the adoption of generative artificial intelligence tools and technology in larger counties.

TELECOMMUNICATIONS AND TECHNOLOGY RESOLUTIONS

Resolution Urging NTIA and FCC to Collaborate and Take actions to Ensure Communities are Not Left Behind in Broadband Deployment

Issue: Projects awarded under the Rural Digital Opportunity Fund (RDOF) program and other high-cost broadband deployment programs, have shown no signs of progress and appear to have a high risk of default, are preventing many unserved and underserved areas from being eligible for Broadband, Equity, Access, and Deployment (BEAD) funding, elevating the probability that some communities will ultimately be excluded from federally funded broadband infrastructure deployment opportunities.

Adopted Policy: The National Association of Counties (NACo) urges the Federal Communications Commission (FCC) and National Telecommunications and Information Administration (NTIA) to collaborate to ensure effective deployment of their respective programs and to take actions necessary to ensure that no community is left behind. Specifically, NACo urges the following: 1) the FCC to grant amnesty from penalties for RDOF awardees who, due to changes in the economic conditions and assumptions, are unable to proceed with their projects and wish to default, 2) the NTIA to extend priority consideration to and approve waivers submitted by a state to make RDOF locations serviceable by the BEAD program, when the RDOF awardees have not made significant material deployment progress before the BEAD program sub-grantee selection process commences, 3) the FCC and NITA to require reverification of ISP ability to perform based off previous application and award, and 4) the FCC and NTIA to submit semi-annual reports to Congress regarding the progress of BEAD and other high cost broadband deployment programs in each state and quantifying the number of unserved and underserved residences that remain under their respective programs as a continuation of the interagency agreement formed under the Broadband Interagency Coordination Act of 2020. This proposed policy aims to ensure affordable, reliable high-speed internet coverage for all Americans, particularly in traditionally unserved or underserved areas.

Approved | July 15, 2024

Resolution in Support of Reauthorization of the FirstNet Authority

Issue: The authorization for the FirstNet Authority is scheduled to sunset in 2027, and current authorizing statute does not recognize a different agency to continue the work of the FirstNet Authority. Without FirstNet Authority, the national broadband public safety network upon which counties and first responders have relied would no longer be authorized or funded by Congress.

Adopted Policy: The National Association of Counties (NACo) urges Congress to pass H.R. 3366, a bill to amend the Middle-Class Tax Relief and Job Creation Act of 2012 to reauthorize the First Responder Network Authority, which would remove the 2027 sunset date and re-authorize the First Responder Network Authority.

Approved | July 15, 2024

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

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

Adopted Policy: The National Association of Counties (NACo) urges the Federal Communications Commission (FCC) to:

- Direct additional funding for the build-out and rapid deployment of additional cellular communications capabilities in the unserved and underserved areas of the United States through the Federal Communications Commission's High Cost Program and 5G Fund for Rural America; and
- Ensure that telecom industry leaders are required to build cellular communications in the hardest to serve regions of the United States through enforceable deployment commitments for providers who receive federal funding for build-out.

Approved | July 15, 2024

Resolution in Support of Reappropriating the Affordable Connectivity Program and Reforming the Program for Long-Term Success

Issue: April 2024 represented the last month in which the Affordable Connectivity Program (ACP) was fully funded, and on June 1, the ACP officially ended, de-enrolling 23 million households from the monthly benefit which supported affordable access to high-speed internet for families in need. Congress has deliberated, and has yet to come to an agreement, on a funding deal to revive the program, despite bipartisan and bicameral support for continuing the program on a permanent basis.

Adopted Policy: The National Association of Counties (NACo) urges Congress to swiftly provide new appropriations for the Affordable Connectivity Program, and to take the following steps to ensure longevity for the program is secured, with fiscal sustainability and targeted reforms in mind to ensure the truly needy receive access to the program:

- a) Provide an immediate one-time appropriation of \$7 billion for the program to revive the \$30 monthly benefit and one-time device credit of \$100 for households in need, utilizing the existing eligibility criteria for the program
- b) Permanently authorize the program to ensure longevity of a federally funded broadband affordability program
- c) Direct the Federal Communications Commission to either reform the contribution base of the Universal Service Fund and utilize universal service funding or utilize proceeds from the FCC's auction authority to support the Affordable Connectivity Program, to prevent the program from a future funding lapse due to a lack of congressional appropriations

- d) Mandate participation in a federal broadband affordability program for any awardee of a federal grant program for broadband infrastructure to build out high-speed internet infrastructure, as well as all internet service providers who offer bulk-billing services in multi-tenant environments
- e) Direct the Federal Communications Commission to study the impact of proposed programmatic reforms to the Affordable Connectivity Program's eligibility criteria, including the elimination of the Community Eligibility Provision, a re-alignment of the Federal Poverty Line threshold to align with the Lifeline Program, and establishing a re-verification process through the National Verifier, and provide a report to Congress within 180 days of the passage of additional funding for the program which assesses the extent to which households impacted by the programmatic changes would encounter significant barriers to access to connectivity.

Approved | July 15, 2024

Resolution Opposing the Ban of Bulk Billing Practices in Multi-Dwelling Units on the Basis of Broadband Affordability and Access

Issue: The FCC has proposed to ban the practice of “bulk billing arrangements” on the basis of improving affordable broadband options for residents of multi-family units. However, a ban on the practice could have the adverse effect of disincentivizing broadband buildout to affordable housing units, reducing affordable options to broadband for residents, and further exacerbating the digital divide for affected households.

Adopted Policy: The National Association of Counties (NACo) urges the Federal Communications Commission to pause in their effort to ban the practice of bulk billing arrangements, and to call on service providers and MTE owners to increase the transparency of their bulk billing arrangements in a manner that is accessible to residents. Transparency measures for service providers and MTE owners would include: the broadband speeds offered to tenants; the preferred rate for offered services; the technology utilized to deliver service; and the terms and conditions contained within the contract for services.

Approved | July 15, 2024

Resolution in Support of Modernizing 911 Fee Distribution

Issue: Update and modernize access line fees allocation to ensure the proper jurisdiction is receiving the 911 fees associated with access lines.

Adopted Policy: The National Association of Counties (NACo) requests the Federal Communications Commission (FCC) to recommend state implementation of a system utilizing current technology to automate 911 fee distribution, in partnership with access line providers, so that the county of residence of the customer(s) receives the appropriate 911 fees associated with any access lines residing within the appropriate county's jurisdiction. NACo further urges the FCC to study the impact that the lack of an automated system may have on the collection of 911 revenues based on local residency.

Approved | July 15, 2024

TRANSPORTATION

STATEMENT OF BASIC PHILOSOPHY

The National Association of Counties (NACo) believes that the nation's transportation system is a vital component in building and sustaining communities, moving people and goods, and developing competitive economies at local and regional levels, and on a global scale.

The nation's counties play a critical role in the nation's transportation system. Counties own 44 percent of the nation's roads and 38 percent of the nation's bridges and are involved with over a third of the transit systems and airports in the United States that connect citizens, communities and businesses. NACo believes that counties should be recognized as major owners of transportation infrastructure and provided levels of funding and authority that adequately reflect our role in the nation's transportation system.

FUNDING AND FINANCING TOOLS

NACo believes that a user-pay approach should continue to be the cornerstone of federal transportation funding and that federal policy should provide counties the flexibility to use additional financing tools, such as tax-exempt bonds and public-private financing for delivering transportation projects.

A. Highway Trust Fund (HTF): NACo supports using HTF revenue for a total public transportation program (roadways and transit) and that Congress and the Administration should retain the existing budget treatment of the highway and mass transit accounts within the HTF.

In addition, NACo supports increasing and indexing the federal motor fuel user fees to meet current and future highway and transit funding needs, provided all additional revenue resulting from such an increase is dedicated for highway, bridge and transit programs.

NACo supports the long-term solvency of the HTF- by considering revenue sources that will better capture all users of the nation's highways and account for all vehicles. Congress should also consider streamlining administrative requirements in order to direct more funding toward highway improvement.

B. Harbor Maintenance Trust Fund (HMTF): NACo supports the full expenditure of HMTF collections on dredging and harbor maintenance, and providing equity for deep draft ports that contribute collections to the fund but do not have significant dredging needs by allowing them to utilize trust fund dollars for limited port-related uses other than dredging.

C. Airport and Airway Trust Fund (AATF): NACo supports funding the AATF at levels that will meet current and future infrastructure needs and allow for the steady flow of authorized funds without cuts or delays. NACo also supports retaining the existing budget treatment of the trust fund, which requires mandatory spending of its funds and ensures that the taxes collected from users of the

aviation system are spent on their designated purposes.

- D. Passenger Facility Charge (PFC):** NACo supports the continued collection of PFC fees for every boarded passenger by public agencies that control commercial airports. NACo also supports efforts by Congress to lift the cap on PFCs in order to provide more local control over investment decisions, relieve burdens on federal taxpayers; and, increase airline competition.
- E. Airport Rates and Charges:** NACo supports local governments and airport operators having the full authority to impose and enforce fees, rates and charges that dedicate all airport revenue to airport development, capital financing and operations.
- F. Off-Airport User Fees:** NACo supports the continued authority of local governments and other public airports to set fees, rates, and charges for the use of airport facilities by off-airport business, with the proceeds being dedicated to airport development, capital financing and operations.
- G. Innovative Financing:** NACo supports innovative financing mechanisms including, but not limited to, qualified tax credit bonds, infrastructure banks, the Transportation Infrastructure Finance and Innovation Act (TIFIA), and public-private partnerships that would allow local governments and transportation authorities, such as counties, to leverage federal financing for capital projects.
- H. Municipal Bonds:** NACo believes the tax free status of bonds used for transportation infrastructure development should be continued with no imposition of additional restrictions on arbitrage and advanced refunding of bonds.

COORDINATION AND CONNECTIVITY

NACo believes that an ideal transportation system is balanced, coordinated and encompasses all modes of transportation, including land (roadways, rail and transit), aviation (airports) and marine transport (ports). NACo also believes that continuous, cooperative, and comprehensive planning is an essential part of a coordinated and balanced transportation system.

- A. Intergovernmental Coordination:** NACo believes a coordinated and balanced transportation system supports the interrelationship and connectivity of transportation infrastructure and services across all levels of government, including county/municipal, state and federal transportation assets.
- B. County Role in Transportation Planning:** NACo supports opportunities for counties to participate in local/regional and statewide transportation planning processes and believes local/regional transportation planning organizations (such as Metropolitan Planning Organizations) should be made up of a majority of local elected officials and that local elected officials should be able to re-designate their local/regional transportation planning organization, in consultation with the state, if their organization is not adequately comprised of local elected officials.

- C. Funding for Transportation Planning:** NACo believes funds devoted to comprehensive planning should be reasonably related to identifiable beneficial results through a benefit-cost analysis.
- D. Funding for Multimodal Transportation Projects:** NACo supports federal funding for multi-modal transportation projects through discretionary programs and believes local governments should be eligible as sole applicants for these programs.
- E. County Role in Unmanned Aerial Systems (UAS) Regulations:** NACo believes counties should have the authority to regulate certain aspects of UAS operations to ensure public safety and privacy. These aspects would include, but not be limited to, certain lower levels of altitude, time-and- day of operation restrictions, and enforcement capabilities.

NACo urges the Federal Aviation Administration (FAA) and Congress to allow for local governments to be able to govern certain UAS capabilities and work in collaboration with local governments to ensure the safety of the national airspace as UAS technology is further integrated.

- F. Local Hire:** NACo supports the U.S. Department of Transportation’s 2021 reinstatement of the Local Labor Hiring Preference Pilot Program that will enable counties to evaluate the impacts of utilizing certain local contracting requirements on the competitive bidding process.
- G. Safe Street Designs for Pedestrians/Cyclists:** NACo supports a process that gathers local input in a strategic review to modernize the Manual on Uniform Traffic Control Devices (MUTCD) with needed design improvements that prioritize the safety and comfort of all users of America’s streets, including pedestrians, cyclists, and transit riders.
- H. National Voluntary Registry of Persons with Invisible Disabilities:** NACo urges the federal government to support a nationwide, individual state driven model that allows persons with hidden disabilities to voluntarily register that they have such a disability when applying for a government issued identification card and/or driver’s license.
- I. Equity in Capital Infrastructure Projects:** NACo supports including equity as a factor in intergovernmental decision making, planning, and awarding funds for local capital infrastructure projects.

HIGHWAYS

While counties own more road miles in the United States than any other form of government, NACo recognizes that the nation’s transportation system depends on roads and bridges owned by all levels of government and that the role counties play within a state varies greatly state-by-state. Therefore, NACo supports a federal highway program that supports investments on both state and locally owned roads and bridges.

- A. Requirements for Local Projects:** NACo urges federal policymakers to implement long-term, consistent measures that would eliminate regulatory impediments on local and state sponsored federal aid projects to achieve our shared goals of strengthening transportation networks, improving public safety and advancing economic competition.

NACo further believes counties should be permitted to make a distinction between projects that are statewide versus local in character, with requirements for local projects being much less complex.

- B. Regional Planning:** NACo believes that regional planning organizations, in cooperation with state and local governments, should be limited to planning for services and facilities of regional significance.
- C. Statewide Planning:** NACo supports states, with local governmental review and approval, developing multiyear plans and programs for highway improvements and believes that the federal government should review and approve these annual state plans and programs.
- D. Increased Funding for Local Infrastructure:** NACo believes Congress should directly allocate funding for maintenance and construction for highways and bridges owned by local governments.
- E. Off-System Investments:** NACo supports federal investments for certain projects that are off the federal-aid system, including:
- a. Programs that target the rehabilitation of critical elements of the transportation system in our aging regions and communities, including high-risk rural roads
 - b. Funding for the replacement or rehabilitation of critically deficient bridges which may not be on the federal-aid system, particularly those off-system bridges under county control
 - c. Funding to eliminate or grade-separate the most serious hazards among the rail-highway grade crossings not on the federal-aid or state-aid systems.
- F. Trucks and Vehicle Size and Weights:** NACo believes adequate federal funding should be provided to compensate state and local governments for any infrastructure upgrades necessary to accommodate the vehicle size, weight, and configurations mandated by Congress. NACo opposes any increases in truck size or weight until Congress requires a full impact analysis that any increases may have on the national transportation system, including the added cost on state and local governments. NACo supports full funding of these impacts by Congress and expects Congress to fund any additional impacts suffered by local infrastructure in Congress' performing of the analysis.

NACo also supports the continued requirement that all trucks have underride protection devices and believes that the National Highway Traffic Safety Administration should periodically review the adequacy of such regulations.

- G. Standards for Center and Edge Line Markings:** NACo opposes mandated standards for center and edge line markings and believes local governments should be allowed to implement their own policies and procedures.
- H. Intelligent Transportation Systems (ITS):** NACo believes counties should be provided flexibility and federal funding to adopt ITS technologies and related infrastructure.
- I. Highway Safety Plans:** NACo supports the requirement that states develop and update State Strategic Highway Safety Plans in an effort to reduce accidents and fatalities on our nation's roads and believes states should be required to, at a minimum, cooperate with local government officials in the development of their statewide safety plans.
- J. Metropolitan Congestion:** NACo supports increasing, and expanding local control over, funding to urban and suburban counties to address congestion.

PUBLIC TRANSPORTATION

NACo believes Congress should provide funds, in partnership with state and local governments, to improve existing public transportation systems and to establish new transit systems where needs and benefits have been determined by local elected officials. In addition, NACo believes the federal government should more fully recognize the appropriateness of counties as a basic area-wide government for planning and operating public transportation services and coordinating specialized transportation.

- A. Interlocal Cooperation:** NACo supports providing flexibility to counties and municipalities in metropolitan areas to join together and establish area-wide public transit authorities.
- B. Formula Funding for Urban Transit Systems:** NACo supports full funding of the Urbanized Area Formula Grant Program at historic levels for both capital and operating assistance.
- C. Funding for Rural Public Transportation:** NACo supports increased funding to the Formula Grants for Rural Areas Program. NACo requests funding be maintained or increased for the Highly Rural Transportation Grants program through the U.S. Department of Veterans Affairs.
- D. Discretionary Funding for Transit:** NACo supports federal funding for transit projects through discretionary programs that support rail modernization, new start and small start system investments, and extraordinary bus capital needs, and believes projects should be evaluated based on ~~its~~ cost effectiveness, responsiveness to community transportation needs, and state and/or local financial support of the operations and/or maintenance of such projects and facilities.

- E. Commuter Benefits:** NACo supports increasing the monthly amount that commuters may set

aside pre-tax for mass transit to a level that exceeds the allowable pre-tax amount for parking.

- F. Federal Assistance for Transit Expansion:** NACo supports the inclusion of new and existing funding mechanisms in any future federal transportation and infrastructure package, including incentives for private investment, such as public-private partnerships, to state and local governments for purposes of expanding, installing, and maintaining transit systems, including but not limited to bus rapid transit heavy rail, and light rail systems.

AIRPORTS

NACo believes the federal government should more fully recognize the ability of counties, as area-wide governments, to plan and coordinate aviation with other modes of transportation and to control land use for future airport development.

- A. Airport Improvement Program (AIP) and PFC Funds:** NACo supports flexibility for airport sponsors to invest AIP and PFC funds, and local fees, rates and charges, for the financing of intermodal transportation facilities, including but not limited to roads, interchanges, public transit, and safety projects that are an integral component to the growth and sustainability of the airport.
- B. Small Community Air Service Program:** NACo supports continued, sufficient and guaranteed funding to meet the needs of small communities to retain, expand and attract air service.
- C. Essential Air Service (EAS):** NACo believes the federal government should continue subsidies for assisting airlines serving small communities and fully fund the EAS program.
- D. Federal Share of Airport Development Projects:** NACo supports an increased federal share on airport development projects to help local governments with inadequate local revenue sources.
- E. Local Control over Airport Investments:** NACo supports increased flexibility for public airport sponsors in dedicating available airport grant funds to finance projects determined to be of highest priority by the sponsoring county/community.
- F. Military Airports:** NACo believes the federal government should work cooperatively with counties in establishing the joint use of existing military airports for the purpose of achieving considerable public savings.
- G. Air and Noise Pollution Control:** NACo believes the federal government should continue research of air and noise pollution caused by civilian and military aircraft, and enforce existing standards, rules, and regulations.
- H. Airport Security:** NACo supports providing sufficient federal funding to both commercial and general aviation airports to guarantee adequate security and to ensure that no financial burdens or

federal security requirements are imposed on local governments or public authorities that operate these facilities.

RAILROADS

NACo believes there should be a coordinated federal-state-local effort to return rail service to its appropriate place in a balanced national transportation system. In this effort, NACo supports expanding and improving long-distance passenger service, and providing needed regulatory reform at the federal level.

- A. Freight Rail Assistance:** NACo believes Congress should provide assistance to local governments, states, and railroads for the rehabilitation, preservation, and improvement of rail lines with the goal of maintaining and improving needed freight service.
- B. Amtrak:** NACo believes Congress should continue to provide subsidies to Amtrak at a level consistent with maintaining a reasonable level of service and to provide necessary capital improvements with appropriate accountability controls. However, NACo opposes using any transportation trust fund dollars to address Amtrak's financial problems.
- C. Short Line Railroads:** NACo believes Congress should enact legislation that would preserve and restore short line railroads in urban and rural communities.
- D. High-Speed Rail:** NACo supports efforts to improve and expand regional and national high-speed rail service to serve those counties and regions that would benefit from such service. However, NACo opposes the use of funds from the Highway Trust Fund for high-speed rail and believes there should be no preemption of state and local taxing authority and no negative impact on any current commuter rail funding.
- E. Railroad Safety:** Rail safety is a critical issue for our communities. NACo urges Congress to support improved rail safety through the following measures:
 - a. Grade Separations:** NACo urges Congress to provide additional funding to local governments, states and railroads to improve grade crossings and separations allowing for safer interactions between road and rail traffic (23 U.S.C § 130).
 - b. Routing Risk Assessments:** NACo supports the Rail Routing Risk Assessment required and audited annually by the FRA. NACo urges Congress to further require local and state government review of and input into the risk model (49 CFR § 172.820).
 - c. Oversight Staff:** NACo urges the FRA to fill and maintain full staffing in its rail safety office.
 - d. Rail Line Relocation:** NACo supports appropriations for this critical program that would provide communities options to relocate rail lines as needed.
 - e. Rulemaking on Enhanced Tank Car and Braking Standards:** NACo supports rigorous tank car standards, including enhanced thermal protection for tank cars and eliminating the usage of

older tank cars that are considered unsafe for moving hazardous materials. NACo further supports the expeditious study and implementation of enhanced braking systems based on safety findings.

- f. **Credit Assistance for Safety:** NACo supports allowing federal appropriations to pay for the credit risk premium for loans that support safety improvements through the Railroad Rehabilitation and Improvement Financing Program.

PORTS AND WATERWAYS

NACo believes that a vibrant waterway transportation system is vital to our economy and provides our nation with the ability to meet the needs of the shipping public. NACo supports legislation that provides increased funding and regulatory relief to facilitate the revitalization, modernization, and maintenance of port facilities, including legislation that ties the expenditure of HMTF revenues to their intended purpose – harbor maintenance projects. NACo also believes that federal policy should ensure that state and local officials responsible for administration and security at U.S. ports are consulted before the sale of port facilities in their jurisdiction to foreign state-owned entities.

RESEARCH AND DEVELOPMENT

NACo believes the federal government, in cooperation with states, local governments and industry, should continue and expand research, development, and deployment programs that focus on new and existing modes of transportation, including but not limited to the development of reasonable, safe and cost-effective low volume roads.

TRANSPORTATION RESOLUTIONS

Resolution on National Railway Safety for Local Communities

Issue: Recognizing the importance of public safety and environmental health in counties across the country where rail lines are located, the Federal Railroad Administration must address key concerns around blocked crossings, freight train lengths and the routing of hazardous materials through local communities.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the Federal Railroad Administration (FRA), in collaboration with local and other relevant stakeholders, to take immediate action to address delays that result in idling freight trains, which have harmful environmental impacts in our local communities, and create blocked at-grade crossings, which adversely impact public safety and harm economic development. This should include funding for counties and recommendations on the strategic placement of grade separations, and mandating reasonable lengths of freight trains as determined by comprehensive federal studies and assessments that identify risks associated with long freight trains, including public safety impacts and any increased risks of derailment.

To enhance public safety and minimize the risks associated with the transportation of hazardous materials, NACo urges the FRA to undertake a study to determine safer, innovative methods of routing these materials through the country. Current practices have shown to be detrimental to our communities based on recent events. The study should incorporate: (1) a full assessment of railways in relation to critical infrastructure and explosive materials including fueling stations and gas lines, (2) an assessment of community communication with an emphasis on first responders, (3) a review of safety standards for rail cars, (4) should consider the use of advanced technology and risk assessment tools to determine the safest and most efficient routing options for hazardous materials, and (5) a current assessment of track conditions.

Approved | July 15, 2024

Resolution to Amend Federal Law Regarding the Use of Federal Highway Administration Emergency Relief Fund

Issue: Current law governing the use of Federal Highway Administration (FHWA) Emergency Relief (ER) funds does not allow enough time for Counties with projects to repair roads damaged in federally declared disasters to advance to the construction stage.

Adopted Policy: The National Association of Counties (NACo) urges Congress to amend federal law, specifically 23 CFR 668.105(h), to allow entities receiving FHWA ER funds six years after a disaster occurrence to advance projects to the construction obligation stage, as opposed to two years in current law. Additionally, NACo urges FHWA to suspend its recent practice of rejecting extensions to the two-year rule while Congress debates a change to current law.

Approved | July 15, 2024

Resolution in Support of High-Speed Rail Funding

Issue: Current high-speed rail services are insufficient in the U.S and non-existent in the majority of the largest urban areas throughout the U.S. An increase in funding for high-speed rail infrastructure and transportation is necessary.

Adopted Policy: The National Association of Counties (NACo) urges the development of a more comprehensive high-speed rail transportation network, and the allocation of appropriate funding for replacement, repair, upgrade, and development of current and needed infrastructure, and for the acquisition of fast trains to connect urban and rural settings throughout the nation.

Approved | July 15, 2024

Resolution in Support of a Program Dedicated to Inland Waterway Navigation Infrastructure

Issue: Funding for America’s Inland Waterway Navigation Infrastructure is a critical investment in the long-term strength and economic security of the United States; and there is increasing urgency required for immediate action to repair and replace failing infrastructure.

Adopted Policy: The National Association of Counties (NACo) urges Congress to immediately initiate a program dedicated to funding Inland Waterway Navigation Infrastructure as NACo recognizes that moving goods on our Nation’s Inland Waterway systems is one of the least expensive, safest and lowest carbon footprints of all transportation modes.

Approved | July 15, 2024

Resolution on County Road Funding for Forest Health

Issue: Forest health demands thinning of forests which require the use of county roads that most often lack federal designation and design standards to receive federal funding needed to get products to the mills and other processing facilities to maintain forest health and prevent wildfires.

Adopted Policy: The National Association of Counties (NACo) urges Congress and the U.S. Department of Transportation (USDOT) to supply funding for specific county road maintenance and upgrades necessary to protect health, safety, and welfare. These roads connect U.S. Forest Service and Bureau of Land Management (BLM) lands to processing and handling facilities which reduce the risks of wildfire and promote forest health.

Approved | July 15, 2024

Resolution in Support of Funding Transportation Planning in Rural Communities with Major Recreation

Issue: Transportation planning funding shortfalls exist within rural counties with major recreation sites and trip volumes.

Adopted Policy: The National Association of Counties (NACo) urges increased federal funding for Regional Transportation Planning Organizations (RTPOs) or directly to counties neighboring Federal lands to address rural counties' unique transportation challenges near major national recreation sites. NACo advocates for funding allocation based on experienced traffic volumes, not just year-round population. NACo further encourages Congress to include dedicated transportation planning funds in the next infrastructure and/or appropriations bill to support the goals of RTPOs consistent with Title 23 CFR Part 450.

Approved | July 15, 2024

Resolution to Support Full Funding for the Jones Act

Issue: The Jones Act is at times skirted by offshore developers by chartering foreign vessels manned by foreign crews to conduct work within U.S. waters where U.S. vessels are available.

Adopted Policy: The National Association of Counties (NACo) urges full enforcement of the Jones Act by the Customs and Border Protection and the United States Coast Guard to ensure counties have access to American built, supported, and operated maritime transportation systems. NACo further urges Congress to ensure adequate funding is provided to the aforementioned agencies for full and proper enforcement.

Approved | July 15, 2024

Resolution Urging Congress to Provide Direct Funding for Ports

Issue: Although progress has been made in recent years to fully unlock the Harbor Maintenance Trust Fund, its roughly \$12 billion balance continues to go underutilized, creating a maintenance backlog and slowing development projects.

Adopted Policy: The National Association of Counties (NACo) urges Congress to fully utilize the Harbor Maintenance Trust Fund by providing direct funding for county supported ports, which will ensure that these ports have adequately maintained, supported, and operated maritime transportation systems that are critical to the national economy, security and supply chain.

Approved | July 15, 2024

Resolution Urging Congress to Provide for Direct Funding to County Owned Roads and Bridges in the FY 2026 Surface Transportation Reauthorization and Maintain Levels of Investment

Issue: Counties own 44 percent of the nation's public road miles – more than any other level of government – and 38 percent of bridges yet receive no direct funding to support these critical assets that serve many more than just our residents. As a result, billions in deferred maintenance backlog exist at the local level across the country that compromise both traveler safety and network efficiency.

The Infrastructure Investment and Jobs Act (IIJA/P.L. 117-58) provided dozens of new competitive grant

programs where counties are directly eligible; however, due to human and financial capacity constraints and other factors, these opportunities remain out of reach for many. For counties who have been successful, these programs have become vital for sustaining and enhancing transportation infrastructure where a cliff in FY 2026 would have a devastating impact.

Unfortunately for all, most grants depend on federal appropriations that are rarely enacted on a regular schedule, which means funding is neither timely nor guaranteed. Under these circumstances, counties cannot enjoy the same funding and planning certainty as state departments of transportation who receive funding directly from the federal Highway Trust Fund via formulas.

Adopted Policy: The National Association of Counties (NACo) urges Congress to ensure the safety and integrity of county owned roads and bridges does not continue to depend solely on competitive grant opportunities by taking the following steps:

1. In the near term, return solvency to the Highway Trust Fund using a permanent fix that accounts for inflation, declining gasoline tax revenues and all users of the roads;
2. Over the next two years, establish a federal formula, developed in coordination with local governments, that directs funding to counties or local public agencies who own, operate, and maintain road and bridge infrastructure;
3. In FY 2026, enact a new, long-term reauthorization timely upon the IIJA's expiration at current or increased levels that protects competitive grant opportunities, especially those that prioritize local and rural applicants.

Approved | July 15, 2024

Resolution in Support of a Study on Updated Formula for Federal Highway Funding

Issue: Federal highway funding is currently allocated based on divisions established in FY2012, following guidelines from the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users*. The current apportionment mechanism is outdated and makes it difficult for Congress, state governments, and the public to assess whether current funding methods effectively meet regional and national transportation needs.

Adopted Policy: The National Association of Counties (NACo) urges support of the directive outlined in the most recent Transportation, Housing, and Urban Development appropriations bill that requires the U.S. Government Accountability Office to conduct a study on the formulas used to determine Federal-aid highway apportionments, as well as highway formula funding in Division J of the Infrastructure Investment and Jobs Act (P.L. 117-58) and encourages appropriate agencies and lawmakers to have open conversations on determining the right criteria and types of funding to ensure that states can adequately address their federal highway infrastructure needs. NACo recognizes the critical role that federal funding plays in ensuring that the nation's highway infrastructure remains structurally safe and efficient in the movement of people and goods.

Approved | July 15, 2024

Resolution on Aeronautical Revenue Use for Aviation Climate Initiatives

Issue: Limitations on aeronautical revenue use impede counties' ability to invest in aviation climate initiatives.

Adopted Policy: The National Association of Counties (NACo) urges the Federal Aviation Administration to allow airport sponsors to utilize aeronautical revenues to invest in alternative energy production and/or storage facilities offsite that benefit the operation of the airport and its users.

Approved | July 15, 2024

Resolution Urging Federal Policymakers to Reform Competitive Grant Programs for Transportation to Support Counties of All Sizes

Issue: 70 percent of America's counties are considered rural with populations below 50,000, resulting in limited tax bases with serious human and financial constraints that often prevent access to U.S. Department of Transportation competitive grant programs on the front end and significantly complicate administering an award on the back end.

The structure of federal transportation programs – the majority of which require local matches from applicants no matter the size of the entity and are funded on a reimbursable nature, where a county must make an upfront investment – make federal transportation funding unworkable in communities across the country.

Adopted Policy: The National Association of Counties (NACo) urges Congress to include additional options to waive or decrease local match requirements for U.S. Department of Transportation (USDOT) competitive grant programs based on a population threshold, developed in coordination with local governments, within notices of funding opportunities (NOFOs) and reduce and simplify reporting requirements to help rural counties with limited staff capacity.

Further, NACo urges USDOT to include language in NOFOs, modeled after the amended FY 2024 NOFO for the Rebuilding American Infrastructure with Resilience and Sustainability (RAISE) grant program, that allows USDOT to negotiate with counties for the advanced repayment of federally funded infrastructure projects.

Approved | July 15, 2024

Resolution Urging Congress and the U.S. Department of Transportation to Expand Opportunities to Account for Inflation in Signed Grant Agreements

Issue: The impacts of inflation continue to degrade infrastructure investments at all levels of government. Congress recognized this issue in the recently passed Federal Aviation Administration (FAA) Act of 2024 (P.L. 118-63), including a provision that allows for the FAA to increase the government's share in an already signed Airport Improvement Program grant agreement to account for labor or material cost inflation. Counties and other eligible entities would benefit greatly from expanding this practice to other modal administrations within the U.S. Department of Transportation.

Adopted Policy: The National Association of Counties (NACo) urges Congress to expand the practice of

allowing the U.S. Department of Transportation to account for labor and materials cost inflation in already signed grant agreements to other modal administrations, including the Federal Highway Administration, Federal Transit Administration and the Federal Railroad Administration.

Approved | July 15, 2024