

NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS 2020 (FY21) FEDERAL PRIORITIES FOR NC COUNTIES

FALL 2020 UPDATE



Information provided by
North Carolina Association of County Commissioners
NCACC Federal Government Relations Consultant

FOR MORE INFORMATION:

Amber Harris, NCACC Director of Government Relations
Office: (919) 715-7654, amber.harris@ncacc.org
www.ncacc.org/federalissues



Leslie Mzingo
202-255-5760 cell
leslie@strategics.consulting
www.strategics.consulting

TABLE OF CONTENTS

NCACC Overview and 2020 (FY21) Federal Priorities	p. 3
<i>New!</i> Support Direct and Flexible COVID-19 Relief for Local Governments of All Sizes	p. 6
Support Increased Funding for Disaster Preparation, Assistance and Mitigation as well as Legislation that Expedites and Expands County Use of Federal Disaster Assistance Funds	p. 7
Support Funding for Behavioral Health Programs and Services to Address the Opioid and Substance Abuse Epidemic and Support Flexibility for Counties to Use Funds for Prevention and Recovery	p. 9
Support Funding and Legislation to Expand High Speed Broadband Access	p. 11
Support Measures to Reduce the Number of People with Mental Illness in County Jails, such as Those Identified in NACo's "Stepping Up Initiative"	p. 13
Support Funds for Health, Human and Economic Services Programs Including Temporary Assistance for Needy Families, Food and Nutrition Services and Federal Block Grants	p. 14
Support Funding for Payment in Lieu of Taxes (PILT), Agricultural, Conservation, Workforce, Economic Development and Infrastructure Programs That Help Counties Meet Public Needs	p. 17
Support Coordination with State and Local Governments when a Federal Agency, such as the EPA, Seeks to Regulate Emerging Contaminants and Other Discharges into Drinking Water Sources	p. 18
Oppose Unfunded Mandates and Changes in Eligibility for Federal Programs that Shift Costs to Counties	p. 20
Support Timely Reauthorization of the Older Americans Act, Including Greater Flexibility, and Increased Funding to Fully Restore Programs to Pre-sequestration Levels	p. 21
<i>New!</i> Strengthen County Involvement in WIOA Funded Federal Youth Programs	p. 22

NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS

WHO WE ARE: Founded in 1908, the North Carolina Association of County Commissioners (NCACC) is one of the most successful and active statewide local government associations in the nation. All 100 counties in the state are members of the NCACC and most are members of the National Association of Counties (NACo). Members of the association include commissioners, county management, and county staff.

THE FEDERAL PRIORITIES: Prior to each new Congress, the NCACC solicits requests for federal priorities from all 100 counties. Those recommendations are considered by the NCACC Board of Directors, which is made up of elected commissioners from around the state. The full membership approves the final priorities at NCACC's Legislative Goals Conference in January, and then presents them to the North Carolina Congressional Delegation in March during NACo's annual Legislative Conference in Washington, DC. NACo is the only national organization that represents county governments in the United States. Because North Carolina is one of the strongest state associations within NACo, North Carolina typically has four and sometimes five seats on the NACo Board of Directors.

We ask that our congressional delegation pay close attention to these issues, which have been updated to reflect new information relevant to the last few months of the 116th Congress, and work collaboratively with us, and NACo, to ensure that the interests of counties are upheld in all legislative activity by Congress.

FOR MORE INFORMATION CONTACT: Amber Harris, NCACC Director of Government Relations, Office: (919) 715-7654, amber.harris@ncacc.org.

2020 (FY21) FEDERAL PRIORITIES FOR NC COUNTIES: A Quick Guide to Our Issues

Go to www.ncacc.org/federalissues for more information.

New! COVID-19 Federal Relief

Support Direct and Flexible COVID-19 Relief for Local Governments of All Sizes

Fiscal impacts from the pandemic are causing significant revenue losses and budget shortfalls for county governments, while counties are still required by law to provide mandated services and balance their budgets.

Support Increased Funding for Disaster Preparation, Assistance and Mitigation as well as Legislation that Expedites and Expands County Use of Federal Disaster Assistance Funds

— In 2016, Hurricane Matthew caused an estimated \$4.8 billion in damage to North Carolina. Before Matthew recovery was complete, Hurricane Florence caused at least \$17 billion in damage and took 43 lives in September 2018. One month later, Tropical Storm Michael took additional lives, caused millions more in damage, and left state and local resources strained even further. Counties in North Carolina also sustained damage from Hurricanes Dorian and Isaias. Counties throughout the state need long-term federal assistance for recovery and disaster preparedness efforts before more storms occur. Counties need flexibility when receiving and prioritizing funds, and counties need resources to get to communities in a timely manner.

Support Funding for Behavioral Health Programs and Services to Address the Opioid and Substance Abuse Epidemic and Support Flexibility for Counties to Use Funds for Prevention and Recovery

— The United States is in the midst of an unprecedented opioid and substance abuse epidemic. North Carolina counties are on the front lines of this battle working with the state to develop and fund substance abuse and overdose inhibition programs, but progress is limited without consistent funding and support from Congress.

Support Funding and Legislation to Expand High-Speed Broadband Access

— Adequate digital infrastructure is essential for education, economic development, health care and social services; however, many portions of North Carolina counties do not have access to high-speed Internet. Counties urge Congress to provide digital infrastructure funding and adopt legislation that clarifies Federal Communications Commission (FCC) definitions for speed thresholds and unserved areas.

Support Measures to Reduce the Number of People with Mental Illness in County Jails Such as Those Identified in NACo's "Stepping Up Initiative"

— In North Carolina, 17 percent of the total inmate population has a mental health diagnosis. Without appropriate treatment and services, people with mental illnesses can continue to cycle through the criminal justice system. Legislation and federal funding are needed to help counties develop and implement efforts to reduce the number of people with mental illness in county jails.

Support Funds for Health, Human and Economic Services Programs Including Temporary Assistance for Needy Families, Food and Nutrition Services and Federal Block Grants

— Counties are the first responders providing services to the public locally and, in particular, our nation's vulnerable populations. Since many of these services are mandated by federal law the federal government provides funding to assist states and counties in meeting local demands—this funding should be protected in upcoming budgets.

Support Funding for Payment In Lieu of Taxes (PILT), Agricultural, Conservation, Workforce, Economic Development, and Infrastructure Programs that Help Counties Meet Public Needs — Funding for programs that maintain partnerships between federal and county governments in meeting demand for public services should remain a priority for Congress. In both rural and urban areas, counties rely on federal-local partnerships to support community and economic development, and public infrastructure.

Support Coordination with State and Local Governments when a Federal Agency, such as EPA, Seeks to Regulate Emerging Contaminants and Other Discharges into Drinking Water Sources — The US Environmental Protection Agency (EPA) classifies certain large and complex industrial chemicals called per-and-polyfluoroalkyl substances (PFAS) as “emerging contaminants” that need research so that the agency can set limits. Counties urge Congress to insist that the EPA maintains coordination with state and local governments throughout this process.

Oppose Unfunded Mandates and Changes in Eligibility for Federal Programs that Shift Costs to Counties — Reductions in federal deficits should not be accomplished by shifting costs to counties, imposing unfunded mandates. Counties also oppose any legislative or regulatory initiatives that undermine local government decision making authority or pre-empt county programs and taxing authority.

Support Timely Reauthorization of the Older Americans Act, including Greater Flexibility and Increased Funding to Fully Restore Programs to Pre-Sequestration Levels – On March 25, 2020, President Trump signed H.R. 4334, the Supporting Older Americans Act (OAA) of 2020 into law. The law reauthorizes the OAA for five years (through 2024) and increases funding levels for its programs by seven percent in FY20 and by six percent each year from 2021 to 2024. No further action is needed at this time.

Strengthen County Involvement in WIOA Funded Federal Youth Programs – The primary authority for federal programs that help disconnected youth is the Workforce Innovation and Opportunity Act (WIOA). Counties should be involved in developing local plans to support disconnected youth under WIOA.

SUPPORT DIRECT AND FLEXIBLE COVID-19 RELIEF FOR LOCAL GOVERNMENTS OF ALL SIZES

Fiscal impacts from the pandemic are causing significant revenue losses and budget shortfalls for county governments, while counties are still required by law to provide mandated services and balance their budgets.

Relevant Committees and the North Carolina Members of Congress serving on them:

- All committees are relevant to this issue.

August 2020 Update:

Under the CARES Act, Congress provided direct federal assistance for only COVID-19 response efforts and only to local governments with populations over 500,000. So far, COVID-19 federal relief packages by Congress have not included direct aid to counties with populations under 500,000 and have not allowed for any Coronavirus Relief Funds to be used for revenue replacement.

Talking Points:

- Counties are working on the frontlines to protect public health, provide emergency response, and assist residents and businesses adversely impacted by COVID-19.
- Since the pandemic emerged, counties have been developing new and innovative ways to continue to operate remotely, deliver critical services to the public, and respond to new and unprecedented challenges.
- Reports by the North Carolina Department of Revenue showed that local governments in North Carolina experienced an \$80 million reduction in sales tax revenues for June-August 2020 compared to last year, due to COVID-19-related closures. [Click here](#) to view a graph of North Carolina local sales tax distribution levels over the past five years.
- As U.S. Congress negotiates federal COVID relief legislation, NCACC urges our North Carolina federal delegation to:
 - Provide direct and flexible funding assistance to all counties.
 - Amend the CARES Act to allow “lost revenue” related to COVID-19 as an eligible use of Coronavirus Relief Fund dollars.

SUPPORT INCREASED FUNDING FOR DISASTER PREPARATION, ASSISTANCE AND MITIGATION AS WELL AS LEGISLATION THAT EXPEDITES AND EXPANDS COUNTY USE OF FEDERAL DISASTER ASSISTANCE FUNDS

In 2016, Hurricane Matthew caused an estimated \$4.8 billion in damage to North Carolina. Before Matthew recovery was complete, Hurricane Florence caused at least \$17 billion in damage and took 43 lives in September 2018. One month later, Tropical Storm Michael took additional lives, caused millions more in damage, and left state and local resources strained even further. Counties in North Carolina also sustained damage from Hurricanes Dorian and Isaias. Counties throughout the state need long-term federal assistance for recovery and disaster preparedness efforts before more storms occur. Counties need flexibility when receiving and prioritizing funds, and counties need resources to get to communities in a timely manner.

Relevant Committee and the North Carolina Member of Congress serving on it:

- House Appropriations Committee – Representative David Price

August 2020 Update:

On September 10, 2019, the Rural Housing Service's Community Facilities (CF) program announced receipt of \$150 million in [supplemental grant funding](#) for eligible CF applicants and CF projects related to the consequences of Hurricanes Michael and Florence. North Carolina was awarded disaster CF grant funds in the amount of \$12,400,349. Thus far, North Carolina has obligated CF Disaster funds totaling \$5,425,550. The balance of CF disaster grant funds remaining total \$6,974,799. The North Carolina application pipeline tracker indicates projects in process with anticipated disaster grant needs totaling \$3,553,000. This would leave approximately \$3,421,599 disaster grants funds available to be placed.

On January 27, 2020, the US Department of Housing and Urban Development published a Federal Register Notice (docket # FR-6182-N-01) regarding Community Development Block Grant Disaster Recovery (CDBG-DR) funds. A total of \$3.8 billion is available to assist in long-term recovery from major disasters that occurred in 2017, 2018 and 2019. On June 15, 2020 the NC Office of Recovery & Resiliency (NCORR) opened a new application period for homeowners who need assistance with home repairs due to damage from Hurricanes Florence and/or Matthew. Utilizing the \$542 million in CDBG-DR funds awarded for Hurricane Florence recovery, the program will help homeowners repair, reconstruct or elevate homes damaged by either storm.

As of July 10, 2020, the NCORR has committed a total of \$184.1 million to homeowners, small businesses, local governments and the NC Housing Finance Agency in areas impacted by the storm.

As of July 2020, HUD has awarded the State of North Carolina \$542,644,000 from appropriations contained within Public Law 115–254 and Public Law 116–20. The State of North Carolina issued a [CDBG-DR Action Plan](#) on April 14, 2020, which outlines how the funds will be used and distributed. HUD has not directly awarded CDBG-DR funds to any counties in North Carolina. All funds for the State of North Carolina flows through the North Carolina Office of Recovery and Resiliency (NCORR). Additional information about North Carolina's Disaster Recovery programs can be accessed at <https://www.rebuild.nc.gov/about-us/plans-policies-reports>.

While there is additional funding under Public Law 115–254 and Public Law 116–20, HUD has not made a determination on grantees or grant amounts for the balance of funds.

NC Senators Tillis and Burr have introduced bipartisan legislation to expedite disaster recovery funds by allowing eligible disaster mitigation projects to begin without the risk of losing potential federal funds. No further action has been taken.

As of May 15, 2020, more than \$18.6 million has been approved by FEMA for Hurricane Dorian-related expenses in North Carolina through the Public Assistance program. The state and FEMA continue working with affected communities to ensure they receive all eligible disaster assistance. The program is cost-sharing. FEMA reimburses applicants at least 75 percent of eligible costs, and the remaining 25 percent is covered by the state.

The House FY21 Homeland Security appropriations bill includes \$5.1 billion in disaster relief funding.

Talking Points:

- Thank legislators for securing additional disaster recovery funding for CDBG-DR, Army Corps, and USDA Rural Housing Service CF projects and ask that they continue to support long-term disaster relief funding for North Carolina counties.
- Thank Senators Burr and Tillis for all their work to get disaster relief to the local level quickly.
- Some counties are still awaiting reimbursements from FEMA for disaster recovery activities. Please ask FEMA to work with counties to resolve any outstanding reimbursements.
- NC has weathered two “500-year floods” in two years and three in fewer than 20 years.
- NC ranks 4th highest in the nation for most hurricanes to make landfall.
- More than 50 of the state’s 100 counties were included in a disaster declaration in response to Hurricane Florence, which made landfall in September 2018. In September 2019, Hurricane Dorian made landfall in the Outer Banks; 28 counties were designated for disaster assistance.
- Counties need more flexibility when applying for, receiving, and using disaster recovery funds.
- Disaster recovery funds should be distributed to impacted communities more quickly and in coordination with local leaders.

SUPPORT FUNDING FOR BEHAVIORAL HEALTH PROGRAMS AND SERVICES TO ADDRESS THE OPIOID AND SUBSTANCE ABUSE EPIDEMIC AND SUPPORT FLEXIBILITY FOR COUNTIES TO USE FUNDS FOR PREVENTION AND RECOVERY

The United States is in the midst of an unprecedented opioid and substance abuse epidemic. North Carolina counties are on the front lines of this battle working with the state to develop and fund substance abuse and overdose inhibition programs, but progress is limited without consistent funding and support from Congress.

In 2017, North Carolina Association of County Commissioners (NCACC) Past-President and Davidson County Commissioner, Fred McClure, led a statewide initiative, County Leadership Forum on Opioid Abuse. He called on all county boards of commissioners throughout the state to convene a leadership forum to engage local elected leaders and community stakeholders in an informed discussion about the opioid epidemic, and develop collaborative strategies that enhance prevention, education, and treatment.

NCACC provided a step-by-step planning guide, statistics, and other resources to help counties plan and execute a successful meeting, and develop an action plan. To date, nearly half of North Carolina's 100 counties have held a county leadership forum on opioid abuse. The initiative helped raise awareness throughout the state about the unique challenges counties face and the hard work they are doing to address the problem locally. All across the state, counties are stepping up to fight the opioid epidemic.

Relevant Committees and the North Carolina Members of Congress serving on them:

- House Appropriations Committee – Representative David Price

August 2020 Update:

In August 2019, the US Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) announced plans to revise a federal confidentiality regulation that protects patient records created by federally funded treatment programs for Substance Use Disorder (SUD). The new rulemaking will facilitate better coordination of care for SUDs, which will also enhance care for opioid use disorder (OUD). These provisions will be an important part of the federal response to the opioid epidemic, while maintaining confidentiality protections.

On November 25, 2019, Governor Cooper announced the receipt of \$6.5 million in grant funding over the next three years from the U.S. Department of Justice's Bureau of Justice Assistance (BJA). Funds will be awarded to a minimum of nine sites based on a competitive application process to address pre-arrest or pre-conviction diversion programs; provide medication assisted treatment (MAT) during incarceration or upon release; and for overdose prevention education and naloxone distribution. The BJA grants application process, intended to open in April, was postponed due to COVID-19. In early July, 2020, according to officials at the North Carolina Department of Health and Human Services, the state "engaged county law enforcement, jails, and justice partners to determine their readiness to apply for funding and start these kinds of programs, and based on that are targeting a release in the fall for these funds to ensure partners have sufficient time to prepare for the programs."

The House Labor, Health and Human Services Appropriations bill for FY21 includes appropriations for Substance use treatment: (\$3.8 billion, an increase of \$10 million above the FY 2020 enacted level, including continued funding for opioid prevention and treatment, recovery and tribal-focused treatment efforts) and Substance abuse prevention: (\$209 million, an increase of \$3 million above the FY 2020 enacted level). No word yet on when the Senate will take up the bill.

NACo has been part of a yearlong collaboration with the Appalachian Regional Commission (ARC) to develop strategies for retaking communities back from addiction. The two organizations presented [their report](#) at a January 7 event in Washington, DC.

Talking Points:

- According to the NC Opioid Action Plan, opioid-related deaths increased over 800% from 1999 to 2016, resulting in over 12,000 deaths.
- In North Carolina, an estimated 79% of drug overdose deaths involved opioids in 2018; a total of 1,783 fatalities and a rate of 17.9. The state is doing its part, since the state Opioid Action Plan was launched in June 2017, opioid dispensing has decreased by 24%. Deaths involving prescription opioids declined from 659 in 2017 (a rate of 6.5) to 489 in 2018 (a rate of 4.7). While heroin-involved deaths and those involving synthetic opioids other than methadone (mainly fentanyl and fentanyl analogs) remained stable with a respective 619 (a rate of 6.3) and 1,272 (a rate of 13.0) in 2018.
- North Carolina has received more than \$54M in federal funding. This is appreciated, but the battle is not over and more help is needed.
- Opioid related deaths in the United States have been on the rise since the COVID 19 pandemic began experts say and it's only going to get worse according to their estimates.
- Tell Members of Congress how the epidemic is affecting your county and describe any local efforts by your county to address the crisis. Thank them for their support of increased funding and encourage them to continue that strong support.

SUPPORT FUNDING AND LEGISLATION TO EXPAND HIGH-SPEED BROADBAND ACCESS

Adequate digital infrastructure is essential for education, economic development, health care and social services; however, many portions of North Carolina counties do not have access to high-speed Internet. Counties urge Congress to provide digital infrastructure funding and adopt legislation that clarifies Federal Communications Commission (FCC) definitions for speed thresholds and unserved areas.

Relevant Committee and the North Carolina Member of Congress serving on it:

- House Appropriations Committee – Representative David Price
- House Energy and Commerce Committee – Representatives G.K. Butterfield and Richard Hudson
- House Ways and Means Committee – Representative George Holding
- Senate Finance Committee – Senator Richard Burr

August 2020 Update:

On March 10, 2020, the [FCC published a final rule](#) that would ensure continued and rapid deployment of broadband networks to unserved Americans through the establishment of the Rural Digital Opportunity Fund, which will commit up to \$20.4 billion over the next ten years to “close the digital divide and connect millions more rural homes and small businesses to high-speed broadband networks.”

On March 23, 2020, S. 1822 was signed into law (PL 116-130). The Broadband Deployment Accuracy and Technological Availability (DATA) Act requires the Federal Communications Commission (FCC) to change the way broadband data is collected, verified and reported. The bill authorizes \$28 million for fiscal years 2020 and 2021 for the FCC to issue rules, establish reporting requirements and hire contractors to create maps and a broadband database. On July 16, 2020, the FCC adopted new rules for the improved collection and mapping of broadband availability data through the Digital Opportunity Data Collection that will better identify connectivity gaps across the country and help advance the Commission’s ongoing efforts to close the digital divide. This move was applauded by Senator Tillis, who cosigned a letter to FCC Chairman Pai last summer on the topic.

On May 26, 2020, the Federal Communications Commission (FCC) published a [proposed rule](#) that would use “multi-round reverse auctions to distribute up to \$9 billion, in two phases, over the next decade and beyond to bring voice and 5G broadband service to rural areas of the country that are unlikely to see unsubsidized deployment of 5G-capable networks.” The comment period closed July 27, 2020.

On July 1, 2020, the House passed HR 2, the Moving Forward Act. This bill reauthorizes the FAST (Fixing America’s Surface Transportation) Act which expires on September 30, 2020 and also includes provisions for broadband, water, aviation, healthcare and energy. The broadband provisions would deliver “affordable high-speed broadband Internet access to all parts of the country by investing \$100 billion to promote competition for broadband internet infrastructure to unserved and underserved rural, suburban, and urban communities.” Similar provisions are not in the reauthorization bill the Senate passed last year, but the Trump Administration has repeatedly called for broadband to be included in the final bill Congress sends for his signature.

Talking Points:

- Expanding broadband access is the #1 legislative priority for North Carolina counties.
- As Congress considers surface transportation reauthorization legislation this year, counties urge the North Carolina delegation to support investments in broadband.
- Counties also urge Congress to support measures that improve accuracy in mapping broadband coverage areas.
- NC counties request that our congressional delegation support annual investments and initiatives – such as, but not limited to the ReConnect and Community Connect grant programs – that give access to high-speed Internet connectivity at speeds greater than are currently being targeted.
- Counties support the deployment and availability of emerging technologies, such as small cell 5G, to all areas of the nation to ensure equitable economic and educational opportunities for all.
- With little competition among service providers in rural America, prices are often higher in these regions or not present at all. Additional investment in broadband availability will help shift costs and prices down.
- Counties urge Congress and federal agencies to recognize counties as partners in extending the benefits of advanced telecommunications and broadband technology to all Americans. Federal policymakers should support local decision-making and accountability and oppose any actions that would preempt or limit the zoning and siting authority of local governments.

SUPPORT MEASURES TO REDUCE THE NUMBER OF PEOPLE WITH MENTAL ILLNESS IN COUNTY JAILS SUCH AS THOSE IDENTIFIED IN NACO'S "STEPPING UP INITIATIVE"

In North Carolina, 17 percent of the total inmate population has a mental health diagnosis. Without appropriate treatment and services, people with mental illnesses can continue to cycle through the criminal justice system. Legislation and federal funding are needed to help counties develop and implement efforts to reduce the number of people with mental illness in county jails.

Relevant Committees and the North Carolina Members of Congress serving on them:

- House Appropriations Committee – Representative David Price

August 2020 Update:

People who are awaiting trial while in local jail custody are stripped of federal healthcare benefits (Medicare, Medicaid, veterans' benefits and the Children's Health Insurance Program for juveniles). Known as the "Medicaid inmate exclusion" this policy has been in effect for the last 50+ years. One result of the policy is an increased cost to local jails (and counties that operate them).

S. 2628, the "Equity in Pretrial Medicaid Coverage Act" would protect Medicaid coverage for inmates awaiting trial. S. 2626, the "Restoring Health Benefits for Justice-Involved Individuals Act of 2019," allows an otherwise eligible individual who is in custody pending charges to receive Medicare, Children's Health Insurance Program (CHIP) or veterans' health benefits. Both bills have been referred to Senate Committee on Finance. There is currently no House action.

Talking Points:

- Counties urge Congress and the Administration to advance legislation and regulations that would amend the federal Medicaid Inmate Exclusion Policy (MIEP) and allow non-convicted individuals to have continued access to necessary treatment through federal health benefits such as Medicaid, Medicare, CHIP and VA health benefits.
- Counties support policies and programs that divert non-violent individuals struggling with mental illness and/or substance use disorders from local jails into more appropriate treatment services.
- Each year an estimated two million people with serious mental illness are admitted to jail across the nation. Almost three-quarters of these adults also have drug and alcohol use problems.
- Without the appropriate treatment and services, people with mental illnesses can continue to cycle through the criminal justice system. Support is needed for legislation and funding to help counties develop and implement efforts to reduce the number of people with mental illnesses in county jails.

SUPPORT FUNDS FOR HEALTH, HUMAN AND ECONOMIC SERVICES PROGRAMS INCLUDING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, FOOD AND NUTRITION SERVICES AND FEDERAL BLOCK GRANTS

Counties are the first responders providing services to the public locally and, in particular, our nation's vulnerable populations. Since many of these services are mandated by federal law the federal government provides funding to assist states and counties in meeting local demands—this funding should be protected in upcoming budgets.

Relevant Committees and the North Carolina Members of Congress serving on them:

- House Appropriations Committee – Representative David Price (All block grants) (Chairman, Subcommittee on Transportation and Housing and Urban Development, which is responsible for CDBG funding.)
- House Agriculture Committee – Representatives Alma Adams (Vice Chair) and David Rouzer (FNS)
- House Education and Labor Committee – Representatives Virginia Foxx (Ranking Member), Alma Adams, and Mark Walker (TANF, SSBG, FNS)
- House Ways and Means Committee – Representative George Holding (TANF, SSBG)
- Senate Finance Committee – Senator Richard Burr (TANF, SSBG)
- Senate Health, Education, Labor and Pensions Committee – Senator Richard Burr (TANF)

Temporary Assistance for Needy Families (TANF)

Counties use TANF dollars to provide county child protective services and for work supports such as childcare and job training. Counties share administrative costs and may also contribute to the Maintenance of Effort requirements. Long-term reauthorization of TANF should provide greater state and county flexibility to deliver services that support families and help move them off welfare, including allowing higher education to count as work and realistic time limits on education.

August 2020 Update:

On March 24, 2020, the Office of Family Assistance within the Office of the Administration for Children & Families (at HHS), issued [Q&A guidance](#) related to TANF and Covid-19. At present, there are no additional federal TANF funds available for states to address COVID-19 needs. That means any support states and tribes provide using federal TANF funds must come from their existing allocations and unobligated funds and must meet the requirements and restrictions that apply to the use of TANF funds. In fact, many grantees have significant unobligated TANF dollars saved as “rainy day” funds to use in situations such as the current emergency.

The House FY21 Labor-HHS-Education Appropriations measure provides \$24.8 billion in discretionary funding for ACF, an increase of \$317 million above the FY 2020 enacted level and \$4.6 billion above the President's budget request. No action scheduled yet for the Senate.

Talking Points:

- North Carolina is one of ten states that shares TANF administration with counties.
- Congress needs to pass a long-term reauthorization of TANF, which will give Congress the opportunity to revisit and improve the program, while also eliminating the uncertainty and difficulty in planning that short-term extensions create. North Carolina counties also want Congress to protect funding for the TANF Contingency Fund.
- TANF reauthorization should provide greater state and county flexibility to deliver services that support families and help move them off welfare, including allowing higher education to count as work activities and the ability to provide partial credit to families with special needs that prevent them from always being able to meet the full participation requirements.
- Tell Members what your county does with these funds.

Social Services Block Grant (SSBG)

SSBG provides funds to states for activities that serve vulnerable populations, including adults and children at risk of abuse and neglect. The State of North Carolina passes the funds directly to counties. SSBG has been funded at \$1.7 billion since 2001, but it was funded as high as \$2.8 billion from 1991 to 1995. Counties request that Congress protect the SSBG and support full funding.

August 2020 Update:

The House FY21 Labor-HHS-Education Appropriation bill provides \$1.7 billion in funding for SSBG, which is the same funding level as the FY20 appropriations. No action scheduled yet for the Senate.

Talking Points:

- Tell Members what your county does with these funds and ask them to protect and preserve the program.
- Federal law mandates that child protective services and foster care be provided to neglected and abused children. SSBG funds are used to support foster care placements for children who are otherwise ineligible for the federal foster care program, and support direct child support services in NC.
- SSBG is currently the only source of federal funds for adult protective services, which is frequently a county responsibility in NC.
- SSBG expenditures for substance abuse services, such as opioid addiction, increased by 125 percent from 2010 to 2014, which helped over 118,000 individuals receive substance abuse treatment or participate in prevention programs across the country.

Community Development Block Grants (CDBG)

Counties use CDBG and Housing Choice Voucher (HCV) funds for projects related to housing, community and economic development, water and infrastructure projects, and human services. The flexibility of these funds allows counties to partner with the private and non-profit sectors to address community needs.

August 2020 Update:

The House FY21 Transportation, Housing and Urban Development (THUD) Appropriations bill provides \$3.5 billion for Community Development Block Grants, an increase of \$100 million above the FY20 enacted level. No action scheduled yet for the Senate.

Unique to this appropriations cycle, the bill includes an additional \$75 billion in emergency funding to support recovery from the economic fallout of the COVID-19 pandemic, including an additional \$4 billion for CDBG.

Talking Points:

- According to HUD, for every \$1 of CDBG funding, another \$4.07 is leveraged in private and/or public sector funding. NC counties oppose further cuts as well as changes to the program that cause entitlement communities to lose entitlement status.
- Thank Members of Congress for funding CDBG at an increased level for FY20; request continuation of the same in FY21.

Food and Nutrition Service (FNS)

FNS Programs, including but not limited to the Supplemental Nutrition Assistance Programs (SNAP); Women, Infants and Children (WIC); and the National School Lunch Program, serve one in four Americans annually.

August 2020 Update:

The FY21 Agriculture Appropriations bill provides \$5.75 billion in discretionary funding for WIC and \$68.77 billion in required mandatory spending for SNAP. This includes \$3 billion for the SNAP reserve fund. No action scheduled yet for the Senate.

Talking Points:

- These programs are used by counties to improve diet quality among children and low-income people and to reduce food insecurity.
- Child Nutrition Reauthorization provides Congress with an opportunity every five years to improve and strengthen the WIC and school meal programs, among others. The current law, Healthy, Hunger-Free Kids Act of 2010 (P.L. 11-296), expired on September 30, 2015, but the programs continue to operate through annual appropriations. Congress should provide long-term reauthorization.
- In North Carolina, WIC serves more than 270,000 women, infants, and children each month.

SUPPORT FUNDING FOR PAYMENT IN LIEU OF TAXES (PILT), AGRICULTURAL, CONSERVATION, WORKFORCE, ECONOMIC DEVELOPMENT AND INFRASTRUCTURE PROGRAMS THAT HELP COUNTIES MEET PUBLIC NEEDS

Funding for programs that maintain partnerships between federal and county governments in meeting demand for public services should remain a priority for Congress. In both rural and urban areas, counties rely on federal-local partnerships to support community and economic development, and public infrastructure.

Relevant Committees and the North Carolina Members of Congress serving on them:

- House Agriculture Committee – Representatives Alma Adams (Vice Chair) and David Rouzer
- House Appropriations Committee – Representative David Price

PILT reauthorization is under the jurisdiction of the House Natural Resources and Senate Energy and Natural Resources Committees. However, without members from the state on those committees, NCACC recommends highlighting the issue with the members serving on the committees as listed above.

August 2020 Update:

The House FY 21 Interior Appropriations bill contains funding at the same level as FY19 (\$500 million). No action scheduled yet in the Senate.

Talking Points:

- The PILT program provides payments to counties and other local governments to offset losses in tax revenues due to the presence of tax-exempt federal land in their jurisdictions; revenues needed to help support vital services provided by counties.
- North Carolina counties applaud Congress for fully funding PILT at \$500 million in FY20 appropriations and encourage the same in FY21. However, Congress needs to pass a mandatory, long-term, full funding reauthorization for PILT to remove the uncertainty to small counties that rely on this funding annually.
- US public schools need \$46 billion a year to provide education facilities to meet modern standards (according to 2016 report). Counties also oppose further cuts to USDA Rural Development programs, particularly those that target local and regional priorities.

SUPPORT COORDINATION WITH STATE AND LOCAL GOVERNMENTS WHEN A FEDERAL AGENCY, SUCH AS EPA, SEEKS TO REGULATE EMERGING CONTAMINANTS AND OTHER DISCHARGES INTO DRINKING WATER SOURCES

The U.S. Environmental Protection Agency (EPA) classifies certain large and complex industrial chemicals called per-and-polyfluoroalkyl substances (PFAS) as “emerging contaminants” that need research so that the agency can set limits. Counties urge Congress to insist that the EPA maintains coordination with state and local governments throughout this process.

Relevant Committees and the North Carolina Members of Congress serving on them:

- House Transportation and Infrastructure Subcommittee on Water Resources and the Environment – Representative David Rouzer
- Senate Armed Services Committee – Senator Thom Tillis

August 2020 Update:

In February 2019, EPA announced a [PFAS Action Plan](#) that describes short- and long-term actions the agency will take with regard to drinking water, clean-up, enforcement, monitoring, research and risk communications. In December 2019, EPA sent the proposed regulatory determination for perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) in drinking water to the Office of Management and Budget for interagency review. This step is part of the Action Plan and a step to determine whether to establish a national primary drinking water regulation for that contaminant.

In early January 2020, the House passed H.R. 535, the PFAS Action Act of 2019. The bill would require the EPA to designate per- and polyfluoroalkyl substances as hazardous substances. It has been referred to the Senate. President Trump has threatened to veto the bill. More recently, the House also adopted an amendment to the FY21 EPA Appropriations bills that would prohibit the EPA from using money to withdraw a proposed rule designating PFAS as hazardous substances.

Also approved was an amendment providing \$2.5 million for the development of wastewater discharge limits for industries as part of EPA’s PFAS Action Plan to emphasize the need to include the chemical GenX, part of the PFAS family. (EPA is studying wastewater discharges of PFAS as part of its two-year plan to set effluent limits.) And another, sponsored by NC Congressman Richard Hudson, would give the EPA an additional \$2 million to study the relationship between PFAS exposure and susceptibility to Covid-19. A CDC report has suggested a possible link between PFAS and COVID-19 risk.

In the Senate, Senators Tillis and Burr co-sponsored S. 638, the PFAS Action Act of 2019, which was introduced February 2019 and referred to the Senate Committee on Environment and Public Works. Although the bill has 52 bipartisan cosponsors, no action has occurred on it since then.

The Department of Defense has a website page dedicated to PFAS and it issued a March 2020 [report](#) following a task force study of the issue.

As of July 2020, EPA has added treatment and contaminant information about four new PFAS compounds. This update brings the total number of PFAS compounds in the database to 26, including PFOA and PFOS.

As mandated by the FY20 National Defense Authorization Act, on June 22, 2020, the EPA published a rule to require the reporting of 172 PFAS. Senate committee staff and environmental groups say that the EPA did not classify the PFAS as “chemicals of special concern” which have stricter reporting requirements and are subject to lower release thresholds thus giving PFAS “loophole” status.

Talking Points:

- Emerging contaminants have been found in the Cape Fear River, which serves as the primary source of drinking water for Bladen, Brunswick, New Hanover, and Pender counties. These chemicals do not break down easily and are not easily removed from drinking water.
- Urge coordination between EPA and state and local governments on contamination issues.
- Without federal standards, states have had to create their own drinking water regulations, resulting in conflicting guidelines and standards.



OPPOSE UNFUNDED MANDATES AND CHANGES IN ELIGIBILITY FOR FEDERAL PROGRAMS THAT SHIFT COSTS TO COUNTIES

Reductions in federal deficits should not be accomplished by shifting costs to counties, imposing unfunded mandates. Counties also oppose any legislative or regulatory initiatives that undermine local government decision making authority or pre-empt county programs and taxing authority.

Relevant Committees and the North Carolina Members of Congress serving on them:

- House Oversight and Government Reform Committee – Representatives Virginia Foxx
- House Appropriations Committee – Representative David Price
- House Ways and Means Committee – Representative George Holding
- Senate Finance Committee – Senator Richard Burr

August 2020 Update:

Representative Virginia Foxx's bill, H.R. 300 Unfunded Mandates and Information and Transparency Act, was re-introduced on January 8, 2019. On June 25, 2020, the Unfunded Mandates Accountability and Transparency Act (S. 4077) was introduced in the Senate. No action has taken place on either bill.

Talking Points:

- Thank Representative Virginia Foxx for her leadership in introducing the Unfunded Mandates and Information and Transparency Act, bipartisan legislation that works to improve the requirements of Unfunded Mandates Reform Act (UMRA).
- Thank Representatives George Holding, Richard Hudson, Patrick McHenry, David Rouzer and Mark Walker and for supporting passage of this legislation in the past. (The North Carolina Congressional Delegation voted along party lines, with Representatives Alma Adams, G.K. Butterfield and David Price opposing the bill.)
- North Carolina counties request passage of Representative Foxx's bill or similar legislation that works to prevent passing unfunded mandates on to counties.

SUPPORT TIMELY REAUTHORIZATION OF THE OLDER AMERICANS ACT, INCLUDING GREATER FLEXIBILITY AND INCREASED FUNDING TO FULLY RESTORE PROGRAMS TO PRE-SQUESTRATION LEVELS

August 2020 Update:

On March 25, 2020, President Trump signed H.R. 4334, the Supporting Older Americans Act (OAA) of 2020, into law. The law reauthorizes the OAA for five years (through 2024) and increases funding levels for its programs by 7 percent in FY20 and by 6 percent each year from 2021 to 2024. No further action is needed at this time.

North Carolina ranks ninth nationally, both in total population and in the number of people 65 and over. In 2025, one in five North Carolinians will be 65 and over. In the next two decades, the state's 65 and over population will increase from 1.6 to 2.6 million, a projected growth of 64%. The projected growth among the age groups 65-74 (38%), 75-84 (100%) and 85+ (111%) indicates that as the baby boomers continue to age, there will be an increased proportion of older adults in the state creating challenges for long-term services and supports. Counties rely on the OAA for support through programs and services provided to individuals aged 60 and over.



STRENGTHEN COUNTY INVOLVEMENT IN WIOA FUNDED FEDERAL YOUTH PROGRAMS

The primary authority for federal programs that help disconnected youth is the Workforce Innovation and Opportunity Act (WIOA). Counties should be involved in developing local plans to support disconnected youth under WIOA.

Relevant Committees and the North Carolina Members of Congress serving on them:

- House Education and Labor Committee – Representatives Alma Adams, Virginia Foxx (Ranking Member), and Mark Walker.
- Senate Health, Education, Labor & Pensions – Senator Richard Burr

August 2020 Update:

WIOA authorization will expire on September 30, 2020. It is likely that Congress will extend the current authorization in order to postpone working on reauthorization legislation in the next Congress. Therefore, it is important for NC counties to continue discussing the legislation and desired changes that need to be made.

Talking Points:

- County commissioners are influential community leaders who play an important role in local youth development and workforce development efforts.
- From 2019-2020, NCACC Past President and Yadkin County Chair Kevin Austin led the Pathways initiative focused on engaging disconnected youth. He appointed the Pathways Task Force to help counties develop strategies to guide youth, who are not in school or working, toward viable careers. The Task Force produced a report on county efforts to engage youth and best practices. For more information on the Pathways Initiative, visit: www.ncacc.org/nccountypathways.
- Federal dollars can help counties develop promising programs that have shown success in other areas of the state.
- As Congress considers reauthorization of WIOA, NC counties ask for robust federal funding for youth programs.