

NACo 2018-19 American County Platform and Resolutions

At the National Association of Counties' Annual Conference (NACo) this month, NACo members adopted 107 new policy positions and 20 platform changes. Links to these documents are below:

- Summary of new policy positions: <http://www.naco.org/articles/naco-members-adopt-new-policy-resolutions>
- 2018-19 American County Platform and Resolutions: <http://www.naco.org/resources/2018-2019-american-county-platform-and-resolutions>

2019 Budget Bills

In order to complete a 2019 budget, Congress must pass twelve different spending bills by October 1. The House approach has been to bundle these bills into a handful of "minibus" spending packages. Below are summaries of two relevant minibus packages which are moving:

Energy and Water, Military Construction and Veterans Affairs

- The first minibus package, H.R. 5895 (115), which passed the House by a 235-179 vote, combines the Energy and Water, Military Construction and Veterans Affairs, and the Legislative Branch funding bills that had previously been approved by the House Appropriations Committee. The \$147 billion House package includes increased funding for the Army Corps of Engineers (Corps), the Department of Energy (DOE), and the Department of Veterans Affairs (VA). While the bill increases DOE funding overall, the Office of Energy Efficiency and Renewable Energy would receive a significant \$2 billion budget cut. The House bill also expedites repeal of the 2015 Waters of the US (WOTUS) rule, which is currently in the process of being withdrawn and replaced by the EPA. Of note in the VA section is increased funding for mental health services and homeless prevention services for veterans, as well as funding for veteran-focused opioid prevention and treatment programs.
- After receiving the bill from the House, the Senate took up H.R. 5895 on June 18, deleting the substance of the bill and replacing it with its respective spending bills that had passed the Senate Appropriations Committee. After a lengthy amendment process, the Senate passed the bill by an 86-5 vote on June 25, and the two chambers have since appointed conferees to begin the conference process for H.R. 5895.
- Additionally, upon a motion by Sen. Cassidy (R-La) which was approved by a 95-4 vote, the conferees for H.R. 5895 (115) will be directed to include language extending the National Flood Insurance Program (NFIP) for six months; the NFIP is currently slated to expire on July 31, 2018.

Health and Human Services

- The Senate Appropriations Committee voted 30-1 to approve \$179.3 billion in Fiscal Year (FY) 2019 appropriations for the U.S. Department of Labor, U.S. Department of Education and U.S. Department of Health and Human Services (HHS). The spending measure outlines funding levels for key federal programs and is the largest of the twelve annual appropriations bills considered by Congress each year.
- The Senate bill increases or maintains funding levels for many of the health and human services resources counties use to ensure the well-being of residents.
- For FY 2019, the Senate bill would allocate \$90.1 billion for HHS, an increase of \$2.3 billion above FY 2018 funding levels. The bulk of this funding would go toward the National Institutes of Health (NIH), which would receive \$39.1 billion under the bill, and the Centers for Disease Control and Prevention (CDC), which would be funded at \$7.9 billion. Much of the FY 2019 appropriations for NIH and CDC would support research, prevention and education activities, including opioid overdose prevention and surveillance activities, as well as a public awareness campaign.
- The Substance Abuse and Mental Health Services Administration (SAMHSA), which plans and operates community-based services for people with mental illnesses and substance use disorders, would also receive increased funding for FY 2019. The State Opioid Response Grant would receive \$1.5 billion, with a 15 percent allotment for states with the highest rate of opioid-related overdoses. The Substance Abuse Prevention and Treatment (SAPT) Block Grant would also receive \$1.9 billion for FY 2019, consistent with FY 2018 funding. These programs focus on opioid prevention activities and direct resources in accordance with local needs.
- In addition to these health-focused programs, several human services programs administered under HHS would receive increased or level funding for FY 2019. The Child Care and Development Block Grant (CCDBG), the primary federal funding source supporting child care for low-income families, would be funded at \$5.2 billion for FY 2019, consistent with funding for the previous fiscal year.
- For early childhood education, the Senate legislation builds on increased funding outlined in the FY 2018 omnibus package to make further investments in Head Start and would allocate \$10.1 billion for the program FY 2019. Head Start ensures the educational, nutritional and social services supports for pre-school children.
- The full Senate must vote on the health and human services appropriations bill; however, it remains unclear when that will occur. The House is also considering a companion measure, which currently contains significant differences with the Senate bill related to education programs and immigration. Both the House and Senate would eventually have to resolve

differences between their respective packages before the legislation can be combined with other appropriations measures and sent to the president for his signature.

U.S. House Passes Sweeping Opioid Legislative Package

The U.S. House of Representatives approved an opioid legislative package in late June encompassing a wide-range of narrowly-focused opioid bills considered across multiple House committees during the first half of 2018. The comprehensive package titled the *Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act* (H.R. 6) will serve as the House legislative vehicle for dozens of opioid-related measures and contains key supports for counties struggling to address the opioid epidemic in their jurisdictions.

Provisions outlined in H.R. 6 center on adjustments to federal programs such as Medicaid that could expand addiction treatment options, as well as the creation of education and technical assistance programs for health care providers treating patients with substance use disorders.

Several of the programs included in H.R. 6 would be administered through state and local governments and could bolster counties' response to the epidemic by providing additional resources and coordination across agencies. Key measures potentially affecting counties are highlighted below:

- *At-Risk Youth Medicaid Protection Act* (H.R. 1925): This bill would streamline the delivery of addiction treatment services for juveniles released from county correctional facilities and could help counties provide effective treatment and care coordination services pre- and post-release.
- *Medicaid Reentry Act* (H.R. 4005): This bill would direct the U.S. Department of Health and Human Services (HHS) to issue best practices around providing health care for justice-involved individuals returning to their communities from county correctional facilities.
- *Improving Access to Behavioral Health Information Technology Act* (S. 1732/H.R. 3331): This bill would direct the Centers for Medicare and Medicaid Innovation (CMMI) to incentivize health information technology demonstrations for behavioral health providers, including approximately 750 county-based behavioral health authorities.
- *Individuals in Medicaid Deserve Care that is Appropriate and Responsible in its Execution Act* (H.R. 5797): This bill would temporarily allow states to receive federal Medicaid payments for services provided in Institutions for Mental Diseases (IMDs) and for other medical services related to opioid and cocaine addiction.

In addition to these bills, the House also passed separate pieces of legislation that could positively impact counties' ability to respond to opioid overdoses and deaths. These include the following bills:

- *Overdose Prevention and Patient Safety Act* (H.R. 6082): This bill would align privacy provisions governing substance use disorder records with 42 CFR, Part 2 laws allowing for information-sharing between behavioral health and other health providers treating addiction.
- *Coordinated Response through Interagency Strategy and Information Sharing (CRISIS) Act* (H.R. 5925): This bill would reauthorize the Office of National Drug Control Policy (ONDCP), which operates as a key coordinating agency between the many federal entities responding to the opioid epidemic. In addition, the bill would implement the recommendations put forth in 2017 by the White House's opioid commission, promote evidence-based drug control policies and maintain the High-Intensity Drug Trafficking Areas (HIDTA) and the Drug-Free Communities (DFC) programs under ONDCP's jurisdiction.

With the House's action, the focus now turns to the Senate, where legislators on multiple committees have advanced dozens of separate proposals.

As part of the Senate's efforts around the opioid crisis, the Health, Education, Labor and Pensions (HELP) Committee in May advanced the *Opioid Crisis Response Act* (S. 2680), a single, but wide-ranging bill that includes measures intended to expand patients' access to medication-assisted treatment (MAT) and train first responders to administer overdose antidote drugs.

Other Senate committees have also approved proposals that could be combined with S. 2680 into a broader set of bills. In June, the Senate Finance Committee passed the *Helping to End Addiction and Lessen (HEAL) Substance Use Disorders Act*, and the Judiciary Committee advanced several pieces of legislation that focus on the public safety and law enforcement aspects of the epidemic.

It is unclear when the Senate will vote on a comprehensive package. Many are concerned with the limited time remaining as the Senate weighs these proposals, considering that Congress must also balance legislative priorities beyond opioid legislation, including reauthorization of the farm bill and the completion of spending bills before the end of Fiscal Year (FY) 2018 on September 30.

Water Resources Development Act (WRDA) of 2018

The Senate has not yet taken up its WRDA bill, S. 2800 (115), since it advanced the bill unanimously out of committee in May. The Senate Environment and Public Works Committee Chair Barrasso (R-Wy) has indicated that he hopes to move S. 2800 to the Senate floor before the August recess. The House passed its version, H.R. 8 (115), by a 408-2 vote on June 6. Once the Senate passes S. 2800, the chambers will convene a conference committee to resolve differences between the two bills.

Congress generally aims to pass a WRDA bill, which authorizes federal (Army Corps of Engineers) navigation, flood control and protection, ecosystem restoration, and other types of water projects, every two years. Both the House and Senate bills include Florida-specific provisions including hurricane and storm damage risk reduction in St. Lucie and St. Johns Counties, as well as expediting construction of the water storage reservoir south of Lake Okeechobee with the goal of reducing water discharges from the lake. The reservoir project was previously authorized in 2017 state legislation as a priority of outgoing Florida Senate President Joe Negron.

2018 Farm Bill Update

The House and Senate have both passed versions of a 2018 Farm Bill which would reauthorize and modify U.S. Department of Agriculture (USDA) programs through FY 2023. H.R. 2 (115), the Agriculture and Nutrition Act of 2018, passed the House by a 213-211 vote on June 21. After receiving the bill, the Senate amended its version (S. 3042 (115), the Agriculture Improvement Act of 2018) onto H.R. 2, which passed by an 86-11 vote. The House recently appointed conferees, which include two Florida members, and the Senate is expected to appoint its conferees soon. The current Farm Bill is set to expire on September 30, 2018. A new package is needed to continue programs that provide assistance to counties for rural development efforts, nutrition assistance programs including the Supplemental Nutrition Assistance Program (SNAP), and land conservation and forestry management activities. Additionally, the Senate version of the bill also includes a provision extending the NFIP, which is set to expire on July 31, 2018.