

# Washington Update

COUNTY OF SANTA BARBARA

September 17, 2010

## FY 2011 APPROPRIATIONS PROCESS

When Congress returned from its summer recess after Labor Day, House and Senate leaders were faced with tough decisions regarding what course to take regarding FY 2011 funding bills. As discussed last month, the logjam in the appropriations process was broken temporarily in July, and work moved forward on most of the FY 2011 measures. While the various House and Senate Appropriations Subcommittees have now drafted almost all of the bills under their respective jurisdictions, the full House has taken up only two of them, and none have come before the full Senate. The prevailing assumption remains that it is likely that few - if any - of the appropriations bill will be completed by the October 1 start of the new Federal Fiscal Year, and that a "continuing resolution" will be used to keep the government operating until action can be taken in a Lame Duck session after the November elections.

## TANF JOBS FUNDING

We reiterated support for efforts to extend the TANF Emergency Contingency Fund (ECF), citing the County's use of the funds to place several hundred workers in jobs. Most recently, the extension was included in H.R. 5893, the *Investing in American Jobs and Closing Tax Loopholes Act*, which the House began debating just before the August recess. We are urging the House leadership to resume consideration of the bill. In the Senate, Senator Kerry (D-MA) has circulated a "Dear Colleague" letter urging Senate leaders to provide a one-year, \$2.5 billion extension of the ECF before it expires on September 30, and we have asked Senators Boxer and Feinstein to sign on.

## EMPLOYER PROVIDED CELL PHONES

We continued to lobby aggressively in support of provisions to declassify cell phones and PDAs from listed property to business property under the Internal Revenue Code. The change is necessary because several

local governments have been penalized following IRS audits because they did not adequately track and report any "private" use of cell phones and PDAs issued to their employees. The House previously approved provisions as part of H.R. 4994, the *Taxpayer Assistance Act of 2010*, and we lobbied for similar action in the Senate. When Majority Leader Reid (D-NV) released the manager's amendment to H.R. 5297, the *Small Business Jobs and Credit Act*, it included the cell phone provisions. The Senate approved H.R. 5297 on September 16, and Speaker Pelosi has indicated that the House will take up the bill without changes the week of September 20 to clear it for the President's signature.

## FLOOD INSURANCE

As the House Rules Committee prepared for the floor debate on H.R. 5114, the *Flood Insurance Reform Priorities Act of 2010*, we were contacted by Congresswoman Capps' staff regarding any possible amendments the County might want to pursue. We forwarded the information to County staff for review to provide the opportunity to give feedback to Congresswoman Capps' office. The legislation extends the authority for the National Flood Insurance Program through September 30, 2015. It also implements reforms to the program, including provisions to delay for five years the effective date of mandatory purchase requirement for new flood hazard areas for 5 years, and phasing in rates for newly mapped areas over 5 years. H.R. 5114 was approved by a vote of 329-90 and has been referred to the Senate Committee on Banking, Housing, and Urban Affairs.

## INDIAN LAND INTO TRUST

We joined CSAC and other California counties in expressing concerns to the House Appropriations Committee over attempts to use a rider to the *FY 2011 Interior Appropriations* bill as a "quick fix" to the *Carcieri v. Salazar* Supreme Court case. In that case the Court held that the authority of the Sec-

retary of Interior to take land into trust for tribes under the Indian Reorganization Act extends only to those tribes under federal jurisdiction when the law was enacted in 1934. Language amended into the subcommittee version of the Interior spending measure would reinstate the Secretary's statutory authority, regardless of when the tribe was recognized. We argued that this approach fails to address legitimate and long-standing concerns regarding systemic flaws in the current fee-to-trust process, and sidesteps a full debate on the larger policy issues. We also contacted Senator Feinstein as chair of the Senate Interior Appropriations Subcommittee to urge her to oppose any attempts to include the quick fix in the Senate version of the bill. The Senate Appropriations Committee's mark-up of the Interior bill was scheduled for September 16 but has been postponed.

#### **WOMEN'S HEALTH CARE**

In anticipation of a September 15<sup>th</sup> hearing, we contacted the House Energy and Commerce Subcommittee on Health to reiterate support for Congresswoman Capps' H.R. 1032, the *Heart Disease Education, Analysis, Research, and Treatment (HEART) for Women Act*, which would expand funding for

the WISEWOMAN screening program for low-income and uninsured women. The subcommittee's hearing set the stage for further action, and on September 16 it approved H.R. 1032 by voice vote. Consideration of the measure by the full committee is pending.

#### **SOCIAL SERVICES: 2-1-1 SYSTEMS**

We contacted the House Energy and Commerce and the Senate Commerce, Science and Transportation Committees to reiterate support for the *Calling for 2-1-1 Act*, which would authorize matching grants to implement and maintain 2-1-1 systems. We also discussed the proposal with the staff of Congresswoman Eshoo (D-CA), the legislation's House sponsor. The House measure has 251 cosponsors and bipartisan support, including Congresswoman Capps. The Senate bill now has 61 cosponsors, including Senators Boxer and Feinstein. On September 15, the House committee held a hearing on several pending public health bills, including H.R. 211. The hearing was significant because it the first time that the committee has taken up the proposal, and improves the prognosis for further action on the bill.

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