

CSAC FEDERAL PRIORITY ISSUES – 2010



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INDIAN FEE TO TRUST REFORM

- In addressing the implications of the Supreme Court’s decision in *Carcieri v. Salazar*, Congress must fix long-standing problems in the fee to trust process while defining the respective roles of Congress and the executive branch in trust land decisions. Specific legislative reforms must include the following:
 - **Notice and Transparency** – As part of the trust application process, local governments should be given notice immediately when an application is filed and should receive a complete description of the proposed trust land and planned acquisition purposes (similar to the public information required for planning, zoning, and permitting on the local level). Legislation should remedy the serious problem that counties currently do not receive any notice of tribal requests for determinations of whether an acquisition is considered “Indian lands” and therefore eligible for casino gaming.
 - **Consultation** – Provide sufficient opportunity for public comment and consultation. Under Part 151 fee to trust regulations, BIA does not provide notice to or invite comment from non-jurisdictional parties, even though they may experience major negative impacts. BIA only invites comments from the affected state and the local governments with legal jurisdiction over the land and only on the question of tax revenue loss and regulatory jurisdictional conflicts. As a result, trust acquisition requests are reviewed under a one-sided and incomplete record. Consultation should be encouraged to take place before an application is submitted and efforts should be made to include counties in the NEPA process as “cooperating agencies.” Counties further should be provided an opportunity to comment on tribal requests for gaming determinations on whether proposed acquisitions qualify as “Indian lands.”
 - **Enforceable Intergovernmental Agreements** – Legislation must ensure that off-reservation significant adverse impacts of a project are sufficiently addressed through Intergovernmental Agreements between tribes and local governments to provide for the mitigation of environmental and economic impacts from the transfer of land into trust. It should be noted that such an approach is required and working well under recent California State gaming compacts.

REAUTHORIZATION OF SAFETEA-LU

- Streamline the regulatory and project delivery processes, increase safety on existing transportation system, and protect previous and future investments via system maintenance and preservation. Specific requests include the following:
 - Designate California as a permanent participant in the Surface Transportation Project Delivery Pilot Program and expand the program beyond FHWA projects to include transit and air quality conformity projects.
 - Support approval of CEQA-NEPA reciprocity pilot program, which would build upon California’s successful implementation of the aforementioned Surface Transportation Project Delivery Pilot Program and would allow for even greater project streamlining and enhanced efficiency.
 - Support streamlining of federal regulations/requirements to facilitate more expeditious project delivery. Mandate federal permitting agencies to meet the prescribed scheduled and deadlines that are specified in the environmental review process, reduce overhead, eliminate waste, and reduce documentation that is redundant with processes required under state law.

- Increase funding for safety infrastructure projects, with an emphasis on programs aimed at reducing fatalities, especially on the rural road system where fatality rates are the highest. Specifically, support and increase funding for the High Risk Rural Roads (HRRR) Program.
- Provide increased funding for adequate maintenance and preservation of the existing local and state transportation systems, including funding for the Highway Bridge Program.

HEALTH CARE REFORM

- Support legislation to decrease the number of uninsured individuals while maintaining disproportionate share payments to safety net hospitals.
- Support Medicaid coverage for individuals incarcerated in county jails and extend for six additional months the higher federal match for Medicaid.

STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

- Fund the State Criminal Alien Assistance Program at its fully authorized level of \$950 million in fiscal year 2011.
- Seek approval of legislation (HR 1314/S 168) that would allow jurisdictions to be reimbursed for the costs associated with the incarceration of undocumented immigrants that are convicted *and accused* of certain crimes.
- Protect and increase funding for the Southwest Border Prosecution Initiative.

FEDERAL JOBS LEGISLATION AND COUNTY FISCAL RELIEF

- California's statewide unemployment rate is over 12 percent and the State's budget crisis continues to threaten the delivery of county services. Federal investments in state and local programs are not only critical, they are some of the best ways to spur economic growth. CSAC supports investment in the following key areas:
 - **Highway and Transit Funding:** Adopt the highest possible funding levels for shovel-ready highway, local system and transit programs to help put people back to work in the construction industry.
 - **Medicaid and Foster Care:** Extend the higher federal match for Medicaid and IV-E foster care through June 30, 2011 to help the State and counties provide critical services to individuals and families.
 - **Municipal Bond Insurance:** Support creation of a mutual bond insurance company owned by state and local government bond issuers that will provide readily available and affordable municipal bond insurance.
 - **Build America Bonds (BAB):** Increase federal support for the BAB program.
 - **Recovery Zone Economic Development Bonds:** Increase the bond authority and expand local government eligibility for local economic development projects.
 - **TANF Emergency Contingency Funding (TANF-ECF):** Extend the TANF-ECF through September 2011 and increase funding by an additional \$2.5 billion.
 - **Summer Youth Employment:** Appropriate \$500 million for youth summer employment.
 - **Community Development Block Grant (CDBG):** Provide CDBG funding for infrastructure and economic development projects.

- **Energy Efficiency and Conservation Block Grant (EECBG):** Include EECBG funding to support green jobs through the deployment of energy efficiency programs and projects.
- **Forest Health and Restoration Projects:** Create rural jobs by funding forest thinning and restoration projects on our nation's public lands.

FEDERAL CLIMATE CHANGE POLICY

- Provide full funding (\$2 billion) for the Energy Efficiency and Conservation Block Grant (EECBG).
- Support provisions of the Senate climate change bill (S 1733) that would provide a percentage of emissions allowance allocations to local governments to implement activities under the EECBG. In addition, support the Senate bill's requirement that a percentage of emissions allowance proceeds be distributed for transit programs, water system mitigation, flood control and response, recycling programs, programs to mitigate adverse impacts on agriculture and ranching, and programs addressing air pollution and air quality.
- Provide State financial incentives to adopt GHG emissions reductions targets and programs. In addition, provide funding to mitigate GHG emissions impacts.
- Provide financial support for regional and countywide planning processes – such as California's Regional Blueprint Planning Program – that integrate transportation and land use to reduce projected vehicle miles traveled, promote jobs/housing proximity, and transit-oriented development.
- Provide assistance for data collection and quantifying GHG emission sources and levels, vehicle miles traveled, and other data to assist local governments and regional agencies in addressing climate change in environmental documents for long-range transportation plans.
- Oppose legislation that allows federal standards to supersede California's ability to adopt stricter vehicle standards.
- Provide incentives that encourage the development and use of renewable energy sources such as wind, solar, biomass, and hydropower. Additionally, support HR 1190, which would allow all sustainably produced biomass to count toward the Renewable Energy Standard (RES).

CLEAN WATER ACT – SECTION 404 PERMITTING

- Amend Section 404 of the Clean Water Act (CWA) to provide a maintenance exemption for removal of sediment, debris and vegetation from flood control and drainage facilities. In addition, amend the Act to extend the general permit term from five to 10 years.

TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM

- Extend and add funding through September 30, 2011 for the TANF Emergency Contingency Fund (TANF-ECF).
- Additionally, Congress should craft a TANF reauthorization bill that repeals or revises previous administrative interpretations that have pushed states and counties to adhere to new, federally-imposed processes at the expense of moving families into self-sufficiency based on their unique needs