
REPORT

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TO: Santa Barbara County Board of Supervisors DATE: November 20, 2009

FROM: Thomas P. Walters

2009 ANNUAL REPORT

Despite the somber mood in the country resulting from the ongoing impact of the economic crisis and recession, the 111th Congress and the new Administration of President Barack Obama began with an energetic sense of optimism. Congress quickly took action on economic stimulus legislation, legislation to reauthorize the State Children's Health Insurance Program (SCHIP), and completion of the FY 2009 appropriations measures carried over from the previous Congress, which included several earmarks for projects proposed by the County. In the ensuing months, work was completed on reauthorization of the McKinney-Vento Homeless Assistance Act and significant progress was made on the FY 2010 appropriations process. However, as the year wore on, Congress focused substantial energy and resources on attempting to move forward on health care reform, impeding action on other initiatives such as climate change legislation and reauthorization of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). It also slowed down the appropriations process. In terms of programs of significance to the County, work has been completed on the FY 2010 *Agriculture, Energy and Water, Homeland Security, and Interior and the Environment Appropriations bills*, while the *Transportation/Housing and Urban Development, Commerce, Justice, Science and Labor, HHS, Education Appropriations* measures remain unfinished. The House and Senate have passed a Continuing Resolution to keep Federal agencies funded through December 18, and there is a growing likelihood that they may roll several of the bills into a single, omnibus funding measure in December.

Throughout the year, we worked aggressively to advocate the County's priorities on a wide range of projects, policies, and issues impacting the County's fiscal stability and delivery of services, as addressed in this report. We have lobbied these issues on behalf of the County with Congressional members, staff and Administration representatives. We have worked closely with the National Association of Counties (NACo) and other relevant stakeholders, and during their respective trips to Washington, D.C., arranged meetings for Supervisors Carbajal and County staff to advocate on critical County issues with members of the Santa Barbara County Congressional delegation, appropriate Congressional offices, and officials with the Administration.

Santa Barbara County proposals and projects funded in 2009 include:

FY 2009 Appropriations:

- \$6,699,000 for the Santa Maria Levee
- \$807,500 for the Lompoc Veterans Building
- \$287,000 for Lower Mission Creek
- \$96,000 for Goleta Beach Restoration

Stimulus-funded Projects:

- \$40 million for improvements to the Santa Maria Levee
- \$3.3 million for Lake Cachuma Water and Sewage Treatment Plants
- \$600,000 for work on Lower Mission Creek
- \$487,000 for retrofitting Lake Cachuma facilities to meet ADA requirements

FY 2010 Appropriations:

- An additional \$99,000 for the Lower Mission Creek Flood Control Project
- Language directing the Army Corps of Engineers to support the Goleta Beach project through the Section 103 Shoreline Protection Program.

The challenges of this year on the Federal level will continue into 2010, particularly in terms of the economy and budgetary constraints due to the Federal deficit. In addition to the annual appropriations process, areas of probable Congressional activity of potential significance to the County will include: health care reform; legislation to produce jobs; SAFETEA-LU reauthorization; climate change; and reauthorization of the Temporary Assistance for Needy Family (TANF) program.

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Federal Funding for Santa Barbara County Projects

FY 2009 Appropriations Requests

The 110th Congress did not complete action on 9 out of the 12 FY 2009 appropriations bills – including all domestic spending with the exception of homeland security. With the “continuing resolution” authorizing funding for those Federal programs set to expire in the first week of March, work resumed on completion of the FY 2009 spending bills as soon as President Obama signed the stimulus package into law in February. As Congress worked to roll the bills into a single omnibus measure, we continued to advocate both the County’s programmatic and project priorities. In addition to funding for a variety of programs that we lobbied on behalf of the County, the final conference agreement on H.R. 1105, the *FY 2009 Omnibus Appropriations Act*, included funding for the following specific projects requested by the County of Santa Barbara:

- \$6,699,000 for the Santa Maria Levee
- \$807,500 for the Lompoc Veterans Building
- \$287,000 for Lower Mission Creek
- \$96,000 for Goleta Beach Restoration

We advocated these requests with Congresswoman Capps and Congressman Gallegly, as well as Senator Boxer and Senator Feinstein. Their support was critical to the inclusion of the earmarked funding in the final bill. H.R. 1105 was signed into law by President Obama on March 11.

Stimulus Funding for County Priorities

The enactment of the American Recovery and Reinvestment Act (ARRA) provided a unique opportunity to fund infrastructure projects through the Army Corps of Engineers (ACOE) and Bureau of Reclamation, and we worked extensively with the agencies and our local Congressional Delegation to ensure that the County’s projects received maximum consideration. County staff held extensive discussions with the local Corps District Office, which we supported on an as-needed basis. During his February trip to Washington, D.C., we arranged and participated in a meeting between Supervisor Carbajal and County staff and ACOE Director of Civil Works Steve Stockton to advocate for the funding of County projects through ARRA. We stressed the urgent need for these public safety improvements and their shovel-ready status. We also participated in a meeting with Assistant Secretary of the Army for Civil Works Woodley in which Public Works Director McGolpin and Deputy Director Fayram specifically advocated for Pentagon support for the Santa Maria Levee project.

In late spring, the Corps and the Bureau announced the projects to be included in their respective ARRA expenditure plans. They included funding for the following projects of high priority to Santa Barbara County:

- \$40 million for improvements to the Santa Maria Levee
- \$3.3 million for Lake Cachuma Water and Sewage Treatment Plants
- \$600,000 for work on Lower Mission Creek
- \$487,000 for retrofitting Lake Cachuma facilities to meet ADA requirements

In late August, the County learned that a non-Federal cost-share for the improvements to the Santa Maria Levee would be required for the Federal funding obtained through ARRA. We immediately contacted the Corps to protest this action, emphasizing the probability that it would kill the project. We worked with County staff and the City of Santa Maria's Washington, D.C., representative to develop a coordinated plan to obtain an exception to this requirement. We also engaged the assistance of Congresswoman Capps' staff, who contacted the Office of the Assistant Secretary of the Army for Civil Works to underscore the need for an exception to the policy requiring a cost-share. County staff provided an extensive rationale for the exception to the Corps, and on October 6 the Army Corps informed us that an exception to the cost-share requirement would be granted.

FY 2010 Appropriations Requests

We worked throughout 2009 with our local Congressional delegation and Senators Feinstein and Boxer regarding support for the County's specific funding proposals in the FY 2009 appropriations process. Early in the year we met with their respective offices on behalf of the County to discuss support for those proposals, which include the Santa Maria Levee, the Mission Creek Project, Lake Cachuma, Goleta Beach, and renovation of the Lompoc Veterans Memorial Building. We also arranged and participated in meetings for Supervisor Carbajal to advocate for the requests with the local Congressional delegation offices and appropriations committee staff during his February advocacy trip to Washington, D.C.

With completion of the FY 2009 Omnibus Appropriations Act, the respective House and Senate Appropriations Committees turned their attention to the FY 2010 process. The issue of earmarks continued to be a controversial flashpoint, and both Congress and the Administration instituted additional requirements to assure transparency in the process, including requiring members to post specific information about their requests on the Internet. We worked with Congresswoman Capps, Congressman Gallegly and Senators Feinstein and Boxer regarding support for the County's specific funding proposals, and worked with both their staff and County staff to ensure that all necessary information and forms were provided in a timely manner. House Republican leadership once again required that members obtain an additional "certification" regarding use of funds, including a detailed financial plan and justification for use of Federal taxpayer dollars. We worked with County staff to complete the certifications and submit them by the deadline.

Because of the amount of stimulus funding allocated to projects through the American Recovery and Reinvestment Act (ARRA) as discussed above, the respective House and Senate Appropriations Committees were very conservative in funding projects, and many were not included in this year's bill. However, when the House Energy and Water Appropriations Subcommittee marked up and approved the *FY 2010 Energy and Water Development Appropriations* bill just before the July 4th recess, it included proposed funding for the County's Goleta Beach Park Coastal Access and Recreation Enhancement project, as requested by Congresswoman Capps. The version of the legislation drafted and approved in the Senate included funding for the Lower Mission Creek Flood Control Project as requested by both Senators Boxer and Feinstein, and also contained report language directing the

Army Corps of Engineers to support the Goleta Beach project through the Section 103 Shoreline Protection Program.

As the October 1 beginning of the FY 2010 Federal Fiscal Year approached, we began contacting members of the House and Senate Appropriations Subcommittees to reiterate the County's priorities in anticipation of the joint House/Senate conference committees on the appropriations bills of importance to the County, including the Energy and Water Development measure. It was one of the first funding bills to go to conference, and we continued to work with the local Congressional delegation in support of the County's requests. Again, because of the amount of stimulus funding allocated to water projects through ARRA, conferees were very conservative in funding projects, but the final conference agreement reached on September 30 included:

- An additional \$99,000 for the Lower Mission Creek Flood Control Project
- Language directing the Army Corps of Engineers to support the Goleta Beach project through the Section 103 Shoreline Protection Program.

Economic Stimulus

As the 111th Congress was sworn in and began work on proposals to address the ongoing financial crisis and recession, we continued our advocacy on issues of significance to the County regarding a potential economic stimulus package. We reiterated the County's projects, priorities and concerns to the local Congressional delegation and Senators Boxer and Feinstein, and urged that funding for ready-to-go infrastructure projects come directly to the County whenever possible. We also joined with NACo, CSAC, CWDA, and other partner stakeholders to advocate in support of proposals to provide relief for local governments from the tight bond market, increase the Federal financial participation percentage for programs such as Medicaid, Title IV-E Foster Care, and Disproportionate Share Hospital (DSH) funding, repeal or postpone the 3% withholding tax mandate on State and local governments, and restore public safety and child support funding diminished over the last several years.

Work on the stimulus package accelerated following the inauguration of President Obama, and on January 28 the House approved its version as H.R. 1, the *American Recovery and Reinvestment Act (ARRA)*. The package included a myriad of proposals of significance to the County. It provided substantial infrastructure investment, increased the Federal matching percentage for Medicaid - bringing an estimated \$11 billion to California - and provided significant funding for local public safety priorities, State and local public health departments, and hazardous fuels reduction. It also included several provisions intended to specifically assist local governments through enhancing the municipal bond market. The Senate passed its version of ARRA on February 10, and a joint House-Senate conference committee sent the final bill to President Obama for his signature on February 17.

Throughout the year, we have continued to provide support to County staff as they explore and determine opportunities through the myriad of funding streams in the stimulus package, including requesting support for specific projects with the assistance of the local Congressional delegation. While most of the ARRA funding is

being distributed through existing formulas, certain Federal agencies have been given discretion in determining specific projects to be funded. We also urged our local delegation to support H.R. 2182, the *Oversight of State and Local Economic Recovery Act*, which would provide State and local governments with the ability to use stimulus funds in their efforts to meet ARRA's extensive and complex oversight provisions. The House approved H.R. 2182 by voice vote on May 20. Additionally, the Office of Management and Budget (OMB) issued a memorandum enabling States to utilize up to 0.5% of stimulus funds for these purposes.

Adult Protective Services

We lobbied the House and Senate committees of jurisdiction in support of the *Elder Justice Act*, which would establish grant programs aimed at reducing physical abuse, financial exploitation and neglect of elderly people by family members or personnel in institutions and residential care facilities. The measure was introduced in the House by Congressman King (R-NY) as H.R. 2006 and in the Senate by Senator Hatch (R-UT) as S. 795, and we urged our local Congressional delegation and Senators Boxer and Feinstein to support the respective versions of the measure. While there has been no committee action on H.R. 2006, S. 795 was incorporated into the Senate Finance Committee's version of health care reform legislation.

We also urged our local Congressional delegation to support Congressman Sestak's (D-PA) H.R. 448, the *Elder Abuse Act*, which would provide Federal resources to strengthen State, local, and community-based efforts to fight elder abuse. The measure would authorize funding for specialized elder justice police and prosecution units, as well as regional emergency crisis response teams to provide services to elder victims. Since it is similar to legislation approved last year, it was taken directly to the House floor for consideration without going through the committee process. All five members of our delegation voted in favor of H.R. 448, and it was approved by the full House. In the Senate, we contacted the Senate Committee on the Judiciary to advocate in support of companion legislation introduced by Senator Kohl (D-WI) in October as S. 1821. The Senate committee has not yet scheduled action on the *Elder Abuse Act*.

We also asked the House and Senate Appropriations Committees to adequately fund OAA programs in the *FY 2010 Labor, HHS, Education, and Related Agencies Appropriations* bill. When the House committee drafted its version of the measure, it increased funding for the Agency on Aging to \$1.53 billion, including \$371 million for supportive services and senior centers, and \$21 million for grants to States for protection of vulnerable older Americans. In the Senate's Labor-HHS spending measure, it provided \$1.49 billion for the Agency on Aging, including \$361 million for supportive services and senior centers, and \$22 million for grants to States for protection of vulnerable older Americans. A conference committee has not yet been convened to negotiate the final spending allocations.

Coastal Issues

Based on your Board's April 7, 2009, action adopting a resolution opposing new offshore oil leasing, we contacted members of the House Committee on Natural Resources to advocate for Congresswoman Capps' H.R. 1906, the *California Ocean and Coastal Protection Act*, which would permanently prohibit oil and gas leasing

off the coast of the State of California. While Congresswoman Capps serves on the committee, hearings have not yet been scheduled on the proposal. Companion legislation has not been introduced in the Senate.

We urged the House and Senate Interior Appropriations Subcommittees to include provisions to reinstate the previous moratorium against new activities on the California outer continental shelf (OCS) when they drafted the *FY 2010 Interior and Environment Appropriations* bill. Until FY 2008, the moratorium on offshore oil and natural gas drilling had been extended under Interior appropriations measures since 1978. However, actions on the moratorium were not taken by either the House or Senate Appropriations Committees during their respective markups of the Interior spending bill, and the final conference agreement on the Interior spending bill signed into law by President Obama late in October does not include provisions to reinstate it.

Emergency Preparedness and Response

FY 2010 Federal Funding

As Congress began hearings on the FY 2010 appropriations process, we advocated the County's homeland security and emergency response priorities with members of the House and Senate Appropriations Committees, and also asked the members of our local Congressional delegation and Senators Boxer and Feinstein to support those priorities. We urged them to adequately fund local homeland security and disaster preparedness and response activities, including funding to address the needs of public safety, public health, emergency management personnel, and communications infrastructure. We also asked them to fund the Assistance to Firefighters Grant program – including the Staffing for Adequate Fire and Emergency Response (SAFER) grants – and emphasized the critical importance of Emergency Management Performance Grants (EMPG) funding to the County's emergency preparedness responsibilities. The final version of the *FY 2010 Department of Homeland Security Appropriations Act* \$950 million for State Homeland Security and Law Enforcement Terrorism Prevention Grants and \$810 million for Firefighter Assistance Grants, including \$420 million for SAFER. It increases EMPG by \$40 million to \$340 million, and provides \$100 million for the National Pre-disaster Mitigation Fund. It also includes \$60 million for grants to upgrade, equip, and construct Emergency Operations Centers.

We advocated for adequate funding for local bioterrorism programs with the House and Senate Labor, Health and Human Services and Education Appropriations Subcommittees, reiterating the critical role that the County's public health infrastructure plays in responding to biological, chemical, and conventional threats. We specifically asked them to fully fund CDC's State and Local Capacity program and HRSA's National Bioterrorism Hospital Preparedness Program. When the House approved its version of the *FY 2010 Labor, HHS, Education, and Related Agencies Appropriations* bill, it included \$761.0 million for upgrading State and local bioterrorism preparedness capacity, and \$426 million for bioterrorism hospital grants. While the Senate Appropriations Committee proposed the same level of funding in its bill, a joint House-Senate conference committee must still be convened to deter-

mine the final allocations for the programs funded by the Labor/HHS spending measure.

After the County submitted its proposal to FEMA for \$1 million to assist in the construction of a new emergency operations center, we contacted Congresswoman Capps' office to request her support for the proposal. We worked with her staff to draft a letter of support for the County's request to Acting FEMA Administrator Nancy Ward, and the letter was sent on May 4.

Wildfire Prevention and Response

After the President's budget for FY 2010 proposed reducing the U.S. Forest Service's (USFS) hazardous fuels reduction program by 4 percent, we urged the House and Senate Appropriations Committees to instead increase funding for the program. We cited the need for ongoing resources for the removal of dead, dying and diseased trees. Senator Feinstein chairs the Senate Interior Appropriations Subcommittee, and we specifically thanked her for her leadership in statements opposing the President's proposal. When the House committee drafted its version of the *FY 2010 Interior, Environment and Related Agencies Appropriations* bill, it recommended increasing hazardous fuels funding by \$91 million, or 17%. Senator Feinstein's subcommittee drafted its bill on June 25 and included a total of \$556 million for hazardous fuels reduction work on federal lands, an increase of \$36 million, or 7%, above the budget request. The final version of the *FY 2010 Interior, Environment and Related Agencies Appropriations* bill, signed into law on October 30, includes the Senate-proposed increase for hazardous fuels removal to \$556 million.

We contacted the House and Senate committees of jurisdiction to advocate in support of the *Federal Land Assistance Management and Enhancement (FLAME) Act*, and urged members of the local Congressional delegation and Senators Boxer and Feinstein to support the proposal. Introduced in the House by Natural Resources Chairman Rahall (D-WV) as H.R. 1404 and in the Senate by Energy and Natural Resources Chairman Bingaman (D-NM) as S. 561, the measure proposed a new funding account specifically for catastrophic emergency wildland fire suppression activities, as well as requiring the Secretaries of the Interior and Agriculture to develop a cohesive wildland fire management strategy. It also targeted resources to reduce the risk of wildfire in fire-ready communities. In March, the full House approved the legislation, with both Congresswoman Capps and Congressman Gallegly supporting it. This fall, Senator Bingaman offered the text of S. 561 as an amendment during Senate floor debate on the *FY 2010 Interior and the Environment Appropriations* bill. The amendment was approved by voice vote, and we immediately contacted Senator Feinstein and other members of the joint Senate/House conference committee on the Interior spending bill to advocate for the inclusion of the FLAME Act in the final conference agreement. The final *FY 2010 Interior and the Environment Appropriations Act* signed into law by President Obama included the provisions.

Health Issues

Health Care Reform

Throughout the year, we have been closely monitoring Congressional action on health care reform, and coordinating with NACo and other local government advocacy groups to determine potential impacts on the County. As action accelerated this fall, we joined NACo and other County lobbyists in meeting with House Speaker Pelosi's Senior Health and Budget Policy Advisor Wendell Primus, to discuss the County perspective on health care reform as both an employer and as the local health authority.

In the House, the principle jurisdiction for health care reform is divided among the Committees on Education and Labor, Ways and Means, and Energy and Commerce. Last July they released the first inclusive version of the legislation as H.R. 3200, *America's Affordable Health Choices Act*, and we provided it to County staff for analysis. Committee action on the bill proceeded throughout the summer, and this autumn the final package was re-introduced by House Speaker Pelosi (D-CA) as H.R. 3962, the *Affordable Health Care for America Act*. Amongst other provisions, the proposal would expand Medicaid eligibility to 150% of the Federal poverty level, establish a public health insurance option, mandate employer coverage, and prohibit employers from reducing retirees' health benefits. Despite both partisan opposition and divisions within the Democratic majority over the scope of the public option and language regarding funding for abortions, the measure was approved by the full House on November 7 by a margin of 220-215.

In the Senate, the Committee on Health, Education, Labor, and Pensions approved S. 1679, the *Affordable Health Choices Act* in July, and we sent it to county staff for analysis. S. 1679 would require all individuals to have health insurance, and allow the uninsured and small businesses to purchase insurance through state-based "exchanges," providing subsidies to low-income individuals and small business to help with the purchase. It would also establish a "public operated" insurance plan as an alternative to the private sector insurance industry. The Senate Finance Committee approved its version of health care on October 13, and Senate Majority Leader Reid (D-NV) took the lead in merging the two substantially different versions into a single, omnibus bill. On November 18, he released the *Patient Protection and Affordable Care Act*, which would cost \$849 billion, cut the deficit by \$127 billion, and cover an additional 31 million people over the next decade. The bill contains numerous substantive changes made to attract more potential votes, and Majority Leader Reid was working to try to secure enough votes to bring it to the Senate floor after the Thanksgiving recess.

Medicare Reimbursement Rates for FQHCs

We contacted the House and Senate committees of jurisdiction to advocate in support of the *Medicare Access to Community Health Centers (MATCH) Act*. Introduced in the House by Congressman Lewis (D-GA) as H.R. 1643 and in the Senate by Senator Bingaman (D-NM) as S. 648, the proposal would establish a Medicare prospective payment system (PPS) for Medicare-covered services provided by Federally Qualified Health Centers (FQHCs), such as those operated by the County's Department of Public Health. It would establish new, more equitable rates for

FQHCs, and enable rates to be adjusted if the scope of services changes. We also urged the members of our local Congressional delegation and Senators Boxer and Feinstein to support the legislation, and to consider signing on as cosponsors. While hearings were not scheduled on the *MATCH Act*, we learned that Senator Bingaman would offer the proposal as an amendment during the Senate Finance Committee markup of its draft health care reform bill, the *America's Healthy Future Act*. We urged members of the committee to support Senator Bingaman's amendment, and it was approved by voice vote.

Influenza Pandemic

We closely monitored the Federal response to the H1N1 influenza virus outbreak, including providing County staff with updated CDC guidance provided by the Department of Health and Human Services (HHS). We joined NACo, the National Association of County and City Health Officials (NACCHO) and other Washington, D.C. local government advocates in meeting with officials from the Department of Homeland Security and HHS regarding the outbreak. President Obama requested \$1.5 billion to enhance the capability to respond to the outbreak in H.R. 2346, the *FY 2009 Emergency Supplemental Appropriations* bill, and we joined NACo and other advocates in lobbying for additional funding for local public health agencies to prepare and respond to an influenza pandemic. When the House took action on the supplemental spending measure, it included \$350 million above the President's request specifically for State and local governments to prepare and respond to a pandemic. As House and Senate conferees met to negotiate the final version of H.R. 2346 in June, we continued to advocate in support of the funding proposed by the House for additional resources for local public health agencies. The final version of the funding bill signed into law by President Obama provided the \$350 million for State and local governments, in addition to the \$1.5 billion for expanding detection efforts, supplementing federal stockpiles, and developing, purchasing and administering vaccines.

FY 2010 Funding for Health Care Programs

As work progressed on the FY 2010 appropriations measures, we contacted members of the House and Senate Labor, HHS, Education and Related Agencies Appropriations Subcommittees to advocate in support of public health funding that impacts the County. The House-approved version of the *FY 2010 Labor, HHS, Education, and Related Agencies Appropriations* bill would provide \$2.2 billion for community health centers, \$1.78 billion for substance abuse block grants, \$665 million for Maternal and Child Health Block Grants, \$496.8 million for immunizations, \$420.7 million for mental health block grants, \$156.3 million to address pandemic influenza, and \$102 million for preventative health services block grants. The version approved by the Senate Appropriations Committee proposes \$2.19 billion for community health centers, \$1.81 billion for substance abuse block grants, \$662 million for Maternal and Child Health Block Grants, \$469.8 million for immunizations, \$420.7 million for mental health block grants, \$156.3 million to address pandemic influenza, \$102 million for preventative health services block grants. A conference committee has not yet been convened to determine the final allocations for the programs funded by this spending measure.

Medicaid Regulations

We joined NACo and other stakeholders in advocating for the extension of the existing moratoria on a series of administrative actions by the Centers for Medicare and Medicaid Services (CMS) that would have adversely impacted Medicaid funding, including a new, highly restrictive limit on Medicaid payments to governmental providers, and limitations on funding for case management services for a variety of programs of significance to County responsibilities. We contacted the various House and Senate Committees of jurisdiction to urge their support for extending the moratoria, and asked the members of our local Congressional delegation to also support the efforts. In May, CMS issued a proposed rule to permanently rescind the majority of the regulations covered by the moratoria, and in June, HHS Secretary Sebelius announced that all of the regulations were being rescinded.

Medicare Physician Rates

We contacted the House and Senate committees of jurisdiction to advocate in support of the *GPCI Justice Act of 2009*. Introduced in the Senate by Senator Feinstein as S. 1236 and in the House by Congressman Farr (D-CA) as H.R. 2820, the measure would require the use of metropolitan statistical areas (MSAs) as fee schedule areas for the physician fee schedule in California under the Medicare program. Under the current, archaic system, Santa Barbara is considered a rural County, resulting in local physician rates that are seven percent lower than actual costs. We argued that this makes physicians in the County reticent to take Medicare patients, resulting in a shift of costs to local hospital emergency rooms. While hearings have not yet been scheduled in either the House or the Senate, there remains the possibility that the proposal could be considered under the context of health care reform.

Ryan White CARE Act

We contacted the House and Senate committees of jurisdiction to advocate in support of reauthorization of the Ryan White CARE Act, citing the 978 HIV/AIDS cases in the County, and emphasizing the importance of Part C, the Early Intervention Services Program, to the County's efforts. We also urged the committees to continue the existing exemption to allow California and other States to complete the transition to the reporting of data by patient name. In October, the *Ryan White HIV/AIDS Treatment Extension Act of 2009* was introduced in the House as H.R. 3792, and companion legislation was introduced in the Senate as S. 1793. The proposal reauthorizes Ryan White programs through 2013 and provides an exemption until 2012 for California's reporting system. The House Energy and Commerce Committee approved its version early in October, and on October 20, the full Senate approved S. 1793. Subsequently, the House took up the Senate bill on its suspension calendar, and sent the legislation to President Obama for signature. President Obama signed the reauthorization into law on October 30.

We also contacted the House and Senate Appropriations Committees to advocate for funding for Part C of the Ryan White Care Act in the *FY 2010 Labor, Health and Human Services, Education and Related Agencies Appropriations* bill. Both the House and the Senate included \$206.8 million for the program.

Women's Health Issues

We contacted the House and Senate committees of jurisdiction to advocate for revising the formula for allocating Title V Maternal and Child Health Block Grant funds, citing the existing funding inequity for California. Current allocations are based on data that is roughly 20 years old, and we requested that the formula be updated to reflect the most recent Census data. We also urged the House and Senate Appropriations Committees to increase funding for Title V when they draft the *Labor, HHS, Education Appropriations* bill. When the House subcommittee drafted its version of the *FY10 Labor-HHS* spending measure, it proposed \$665 million. The Senate subcommittee subsequently proposed \$662 million in its bill. A conference committee still must be convened to determine the final funding level.

We urged the House Energy and Commerce Committee to expedite consideration of 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. Similar legislation sponsored by Congresswoman Capps was approved by the 110th Congress last year, but never taken up in the Senate. We have also contacted members of the Senate Health, Education, Labor and Pensions Committee to advocate in support of action on this year's Senate version of the proposal, Senator Stabenow's (D-MI) S. 422. Action has not yet been scheduled on either measure.

We continued to advocate in support for proposals for resources to address the obesity epidemic. Several committees in both the House and Senate have held hearings on the issue already this year, and we urged them to take legislative action on the issue. Additionally, we contacted the relevant committees of jurisdiction in both the House and Senate to advocate in support of the *Improved Nutrition and Physical Activity (IMPACT) Act*. The proposal was introduced in the House by Congresswoman Bono-Mack (R-CA) as H.R. 2276 and in the Senate by Senator Gillibrand (D-NY) as S. 1503, and we urged our Congressional delegation and Senators Boxer and Feinstein to support the measures. There has been no committee action scheduled on either bill.

Homelessness

We urged Senators Boxer and Feinstein to support a floor amendment to S. 896, the *Helping Families Save Their Homes Act* intended to reauthorize the McKinney-Vento Homeless Assistance Act. The proposal, which was essentially the provisions from Senator Reed's (D-RI) S. 808, the *Homeless Emergency Assistance and Rapid Transition to Housing (or HEARTH) Act*, represented the first reauthorization of the emergency assistance and transitional housing provisions of the Act since 1994, and included a streamlining of those programs to create a single point of continuous contact for participants. It also authorized \$2.2 billion for targeted assistance grants to provide more flexibility in the use of Federal funds on the local level to address housing for the homeless. Senators Boxer and Feinstein supported the amendment, and it was included in the final version of S. 896. The legislation was signed into law by President Obama on May 20.

Marine Vessel Emissions and Clean Air

We closely monitored Congressional action on climate change, and provided County staff with draft legislation for review. Using EPA's finding linking climate change to public health as a catalyst, the House Energy and Commerce Committee took the lead in moving forward on the issue, and began holding a series of extensive hearings, followed by closed-door negotiations with several other committees of jurisdiction. During his winter advocacy trip to Washington, D.C., we arranged and participated in a meeting for Supervisor Carbajal regarding emissions from ocean-going marine vessels, and also arranged for him to meet with officials at the Environmental Protection Agency on the issue. Subsequently, we contacted the numerous House and Senate committees of jurisdiction over climate change to advocate the County's support for the inclusion of provisions that would reduce emissions from ocean-going marine vessels, arguing that they represent a major source of uncontrolled air pollution. We also urged Congresswoman Capps and Congressman Gallegly to support the proposal. Just before the 4th of July break, the House approved H.R. 2454, the *American Clean Energy and Security Act*, a broad ranging measure that includes provisions to reduce emissions from ocean-going marine vessels. The bill also would implement a Federal cap-and-trade program to reduce emissions, national standards for energy efficiency of new buildings, and renewable energy and energy efficiency programs.

As action on climate change moved to the Senate, we contacted Chairwoman Boxer and the Senate Environment and Public Works Committee to reiterate the County's support for the provisions regarding ocean-going marine vessels contained in H.R. 2454. We also arranged and participated in a meeting for Supervisor Carbajal with Senator Boxer's committee staff on the issue during his fall advocacy trip to Washington, D.C.. In October, Chairwoman Boxer and Senator Kerry (D-MA) introduced S. 1733, the *Clean Jobs and American Power Act*, which is intended to create clean energy jobs, promote energy independence, and reduce global warming pollution. While Chairwoman Boxer's committee took formal action on S. 1733 in November, she, Senator Kerry, and several other key members of the Senate are negotiating behind the scenes on the bill. It has recently been reported that Congressional leadership will likely delay further action on major climate change legislation until the spring of next year.

We contacted the House and Senate Appropriations Committees to advocate in support of funding for EPA's Section 103 and Section 105 grants to State and local agencies in the *FY 2010 Interior and Environment Appropriations* bill, citing its importance to local mandated clean air efforts. The final conference agreement on the measure approved by the House and Senate included \$226.5 million for the grants, a slight increase over FY 2009.

Public Safety

SCAAP

Last spring we contacted the Bureau of Justice Assistance (BJA) regarding FY 2009 reimbursements under the State Criminal Aliens Assistance Program (SCAAP), and provided County staff with information on BJA's application process, which was once again on-line. In October, we were informed that the County of Santa Barbara

will receive \$712,938 as its share of the reimbursements to offset the costs of incarcerating criminal illegal aliens, a 27% increase over FY 2008.

We were disappointed when the Department of Justice, as in the previous Administration, recommended no funding for the State Criminal Alien Assistance Program (SCAAP) when it released its detailed FY 2010 Budget in Brief in May. We immediately contacted the House and Senate Appropriations Subcommittees of jurisdiction, members of the County's local Congressional delegation, and Senators Boxer and Feinstein to urge their continued support for SCAAP, reiterating the Federal responsibility to control the borders. When the House Appropriations Subcommittee drafted its version of the *FY 2010 Commerce, Justice, Science (CJS) Appropriations* bill, it rejected the Administration's proposal, but provided only \$300 million for the program, compared to \$400 million in FY 2009. We continued to work with other stakeholders on an amendment to identify appropriate offsets and increase SCAAP funding, and CJS Subcommittee Chairman Mollohan (D-WV) successfully offered the amendment to reinstate SCAAP funding at the FY 2009 level during floor debate. When the Senate Appropriations Committee subsequently drafted its version of the CJS measure, it recommended only \$228 million for SCAAP. We are lobbying House and Senate conferees on the CJS spending to hold firm on the House-proposed level in the final bill.

We urged the Senate Judiciary Committee to expedite action on Senator Feinstein's S. 168, the *SCAAP Reimbursement Protection Act*. S. 168 would broaden SCAAP to allow for reimbursements for incarcerating illegal aliens *charged* with a crime rather than convicted of a crime, reversing an Administration policy interpretation that caused the County's SCAAP payments to plunge from \$1.04 million in FY 2001 to \$358,424 in FY 2003. Last year, companion legislation introduced by Congresswoman Sanchez (D-CA) was approved by the full House, and we urged the Congresswoman to reintroduce her bill in the 111th Congress. She did so as H.R. 1314, and we have urged the House Judiciary Committee to take action on the measure as soon as possible.

Public Safety Funding

We worked with members of our local Delegation and Senators Feinstein and Boxer on funding requests for the County's public safety needs in the *FY 2010 Commerce, Justice and Science (CJS) Appropriations* bill. We also contacted members of the House and Senate Appropriations Subcommittees regarding the County's public safety funding priorities, urging them to provide the highest level of funding possible for local law enforcement activities, as well as youth delinquency prevention, local law enforcement technology needs, domestic abuse programs, offender reentry, and drug treatment. The House bill proposes \$3.42 billion overall for State and local public safety initiatives, a \$200 million increase over FY 2009. It included \$529 million for the Edward Byrne Justice Assistance Grants; \$400 million for violence against women prevention and prosecution programs; \$385 million for juvenile delinquency prevention and accountability programs, a \$11 million increase; \$45 million for drug courts; \$40 million for the Southwest Border Prosecution Initiative; \$15 million for competitive grants to reduce gang violence; and \$12 million for treatment of mentally ill offenders. It recommends \$802 million for Community Oriented Policing Services (COPS), including \$123 million for law enforcement

technologies, \$151 million to eliminate DNA analysis backlogs; \$100 million for offender re-entry; and \$32 million for meth hot spots. The Senate-approved bill includes \$510 million for the Edward Byrne Justice Assistance Grants; \$435 million for violence against women prevention and prosecution programs; \$407 million for juvenile delinquency prevention and accountability programs; \$40 million for drug courts; \$25 million for the Southwest Border Prosecution Initiative; and \$10 million for treatment of mentally ill offenders. It would also provide \$658.5 million for Community Oriented Policing Services (COPS), including \$187 million for law enforcement technologies and interoperability, \$166 million to eliminate DNA analysis backlogs; \$100 million for offender re-entry; \$39.5 million for meth hot spots, and \$15 million for violent gang and gun crime reduction. We have reiterated the County's priorities to members of the joint House-Senate conference committee negotiating the final funding levels in the CJS bill.

In anticipation of floor action, we urged members of the local Congressional delegation to vote in favor of H.R. 1139, the *COPS Improvements Act of 2009*, which would reauthorize COPS through 2014, increasing the authorized level of funding for the program and expanding the authorized uses of the funding to include a variety of critical law enforcement functions, including forensic analysis. Similar legislation passed the House in the 110th Congress, but was never taken up by the Senate. H.R. 1139 was approved by the full House on April 23, 342-78. Companion legislation has been introduced in the Senate by Senator Kohl (D-WI) as S. 167, but the Judiciary Committee has not yet scheduled hearings on the legislation.

Gang Prevention and Juvenile Justice

We are closely monitoring Congressional activity on legislation to address gang violence. Senator Feinstein has reintroduced her gang-related proposal from last year as S. 132, the *Gang Abatement and Prevention Act*. The proposal, which was approved by the Senate in the 110th Congress but never taken up by the House, would enhance law enforcement resources committed to investigation and prosecution of violent gangs, revise and enhance criminal penalties for violent crimes, and expand gang prevention programs. Meanwhile, rival legislation has been introduced in the House by Judiciary Subcommittee on Crime Chairman Scott (D-VA) as H.R. 1064, the *Youth PROMISE Act*. H.R. 1064 would provide for evidence-based practices for programs related to juvenile delinquency and criminal street gang activity prevention and intervention. We have discussed the County's support for additional Federal resources to address gang violence with both Senator Feinstein's office and Congressman Scott's staff. While we have been informed that their offices have held discussions regarding a possible compromise proposal, youth sentencing provisions remains a contentious issue between the two.

Inmate Health Care Costs

We contacted the House Ways and Means and Energy and Commerce Committees to advocate in support of Congressman Hastings' (D-FL) H.R. 2209, the *Restoring the Partnership for County Health Care Costs Act*. H.R. 2209 would remove the so-called "inmate exception" that prevents individuals from being eligible for Medicare, Medicaid, SSI and SCHIP benefits while they are in the County jail awaiting trial. We argued that this exception unfairly shifts the burden for otherwise eligible inmates' health care to the County, and is contrary to the presumption of innocence

in the American judicial system. We learned that Congresswoman Christensen (D-VI), a cosponsor of H.R. 2209 and member of the Committee on Energy and Commerce, was preparing to offer the text of the proposal as an amendment to H.R. 3200, the *America's Affordable Health Choices Act*, during the committee's markup of the health care reform bill. We immediately contacted California members of the committee to urge them to support the amendment when it was offered. However, Congresswoman Christensen withdrew the amendment and did not offer it during committee debate.

Juvenile Offenders in Custody

We contacted the Senate Health, Education, Labor and Pensions (HELP) Committee and Senators Boxer and Feinstein to express concerns with the House-passed version of H.R. 911, the *Stop Child Abuse in Residential Programs for Teens Act*, and discussed the measure with the committee's senior policy advisor on the bill. While not intended to include programs with a primary purpose of incarceration, it appears that the provisions of the measure may unintentionally impact juvenile camps and ranches operated by the County's Probation Department and 26 other probation departments in California, because of the rehabilitative services they are mandated to provide. In particular, it could place restrictions on the use of restraining devices and the monitoring of phone calls, creating safety issues. The committee may take up the bill in the fall, and we urged them to include language clarifying that it would not apply to facilities such as the County's where the minors are placed by court order after having been found to have committed a crime.

State Children's Health Program (SCHIP)

We urged our local Congressional delegation to vote for legislation to reauthorize and expand the State Children's Health Insurance Program (SCHIP). H.R. 2, the *Children's Health Insurance Program Reauthorization Act*, proposed expanding SCHIP to an additional 4 million uninsured children and adults nationwide, financed by an increase in the tax on cigarettes. It was essentially the same bill approved twice in the last Congress but vetoed by President Bush. Both the House and Senate approved their respective versions of the SCHIP authorization bill in late January, and President Obama signed the compromise legislation into law on February 4.

Transportation Funding

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) expired on September 30, 2009, and over the course of the year we have been in ongoing discussions with the key committees of jurisdiction and the local Congressional Delegation regarding the County's reauthorization priorities. In February, we arranged and participated in meetings for Supervisor Carbajal to advocate for the county's SAFETEA-LU requests in anticipation of Congressional reauthorization action. As Congress was leaving for the spring recess, the House Transportation and Infrastructure Committee released its parameters for member-requested High Priority Projects. We immediately provided this information to County staff, and contacted our local delegation offices to discuss their internal deadlines and requirements. We worked with County staff to ensure that all requirements were met, and that the proposals were submitted on time.

The draft House bill eliminates or consolidates 75 of 108 existing highway and transit programs, but does not include specific projects at this point. Under the current House version, the Federal Highway Bridge Program would be consolidated with several other programs into a Critical Asset Investment program, and the current off-system bridge set-aside would be eliminated. We contacted members of the House Transportation and Infrastructure Committee and the Senate Committee on Environment and Public Works to urge them to reject this proposal in order to maintain the present off-system set-aside, emphasizing that the program is an essential funding source for the replacement of 50 percent of the County's maintained bridges. We also requested our local Congressional Delegation and Senators Boxer and Feinstein to work to continue the set-aside in order to ensure the needed resources for bridges in the region.

As preliminary Congressional action began to move forward on the legislation, we continued to work in support of the County's proposals. We met with Senator Boxer's Environment and Public Works Committee staff regarding the Senate process for submission of local projects, and subsequently provided both Senator Boxer and Senator Feinstein with the required information on the County's projects. The Senate EPW Committee has yet to begin drafting its version of SAFETEA-LU reauthorization, and as a result, several short-term extensions of the law have been enacted, most recently through December 18. While Chairman Oberstar (D-MN) remains adamant about completing the bill this year, a funding mechanism for the \$450 billion, six-year proposal remains unclear.

Advocacy and Support

Agriculture – Pest Detection

We urged the House and Senate Agriculture Appropriations Subcommittees to include funding for the California County Pest Detection Augmentation Program in their respective versions of the *FY 2010 Agriculture Appropriations* bill, citing the County's agricultural industry, and the importance of additional resources for California counties to be able to adequately inspect for agricultural pests. When the House subcommittee marked up its bill on June 11, it provided \$581,000 for the augmentation program, and \$693,000 for import inspection in the State, the same levels of funding for both programs that were provided in FY 2009. The Senate proposed \$619,000 for the augmentation program, and \$738,000 for import inspection. When House and Senate conferees completed their work on the Ag funding bill on September 30, they provided \$619,000 for the California County Pest Detection program – a 6.5% increase over FY 2009 – and also increased funding for the California County Agricultural Import Inspection program by 6.5%, to \$738,000.

Child Support Administration

We continued to advocate for repeal of provisions from the Deficit Reduction Act (DRA) of 2005 that eliminated the ability of States and counties to use child support incentive awards as a match to draw down additional Federal funds to aid in the collection of child support payments. The provisions would reduce California's Title IV-D Child Support Program by approximately \$100 million annually, resulting in a significant loss of funding for the County's child support enforcement efforts. In February, provisions to allow the use of incentive payments for matching additional

Federal funds through the end of FY 2010 were included in the American Recovery and Reinvestment Act of 2009 signed into law by President Obama. This fall, Senator Rockefeller (D-WV) introduced S. 1859, the *Child Support Protection Act of 2009*, which would permanently reinstate Federal matching of State spending of child support incentive payments. We urged the Senate Finance Committee to take action on the proposal, and contacted the House committee of jurisdiction regarding companion legislation. We also asked members of our delegation and Senators Boxer and Feinstein to support enactment of the measure.

Employer-Provided Cellular Telephones

We continued to advocate in support of legislation to reclassify cell phones and personal digital assistants (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 *Modernize Our Bookkeeping In the Law for Employee’s (MOBILE) Cell Phone Act* was reintroduced this year by Congressman Johnson (R-TX) as H.R. 690, and by Senator Kerry (D-MA) as S. 144, and we contacted the House Ways and Means and Senate Finance Committees to advocate for the legislation. Hearings have not yet been scheduled on either measure. However, in June we provided County staff with an IRS bulletin requesting public comments for modifying and simplifying the substantiation requirements applicable to employee usage of employer-provided cell phones. IRS is taking this action because Congress has not yet taken action on the legislation, and IRS Commissioner Shulman and Treasury Secretary Geithner have issued a statement urging Congress to pass the *MOBILE Cell Phone Act*, saying that the current law is “obsolete.” Comments were due on September 4.

Energy Efficiency Block Grants

The County joined with a consortium of other California counties that were adversely impacted by the formula that the Department of Energy (DOE) utilized to distribute funding included in the American Recovery and Reinvestment Act (ARRA) for the Energy Efficiency and Conservation Block Grant (EECBG). Because of DOE’s interpretation of the original statute authorizing EECBG, the County was not given a direct allocation under the program despite having a population above the 200,000 threshold. Chairman Centeno joined the Chairs of other impacted counties in joint letters to members of Congress on this issue, and we followed up on that effort with our local Congressional delegation. In September, DOE issued a Request for Information (RF) regarding the competitive grant portion of the EECBG program, and the County joined Ventura, Alameda and Santa Clara’s Counties in submitting comments to DOE expressing concerns regarding the program. We shared those comments with Congresswoman Capps, Congressman Gallegly and Senators Boxer and Feinstein, and asked them to urge DOE not to promulgate regulations that might exclude the County from being eligible for the EECBG competitive grant program.

Flood Map Revision

We urged Chairman Frank (D-MA) and members of the House Financial Services Committee to take action on Congressman Costello’s (D-IL) H.R. 3415, which would suspend flood insurance rate map updates in geographic areas in which certain lev-

ees are being repaired. We cited the situation in the Santa Maria Valley where FEMA's maps would soon be obsolete with the completion of repairs to the levee, yet mandatory flood insurance would be imposed at annual premiums of \$2,500 or more. We also contacted Chairman Dodd (D-CT) of the Senate Banking, Housing, and Urban Affairs to urge him to take up similar legislation in his committee. Action has not yet been scheduled on H.R. 3415.

Housing and Community Development

Throughout the FY 2010 appropriations process, we advocated for funding for housing and community development programs of significance to the County with members of the House and Senate Appropriations Committees, our local Congressional delegation, and Senators Boxer and Feinstein to. The *FY 2010 Transportation, HUD Appropriations* bill approved by the House would increase CDBG by \$700 million over the FY 2009 level to \$4.6 billion, and would provide \$2 billion for HOME Investment Partnerships, \$1.85 billion for homeless assistance grants, \$1 billion in elderly housing, and \$350 million for HOPWA. The Senate bill proposes \$4.45 billion for CDBG, \$1.825 billion for HOME Investment Partnerships, \$1.875 billion for homeless assistance grants, \$785 million in elderly housing, and \$320 million for HOPWA. Conferees have not yet completed work on the final version of the bill.

Renewable Energy Bonds

We contacted the House Committee on Ways and Means to advocate the County's support for Congressman Thompson's (D-CA) H.R. 3525, which would allow the issuance of tax exempt bonds to finance renewable energy resource activities, citing their usefulness as long-term funding sources for local efforts to develop energy efficiency programs such as those authorized by the California's AB 811. We also asked Congresswoman Capps and Congressman Gallegly to support and cosponsor the legislation. While the Ways and Means Committee has not yet scheduled hearings on H.R. 3525, Congressman Thompson does serve on the committee, and his staff indicated they are hoping to attach the proposal to year-end tax legislation.

Social Services

We contacted the House and Senate Appropriations Committee, our local Congressional delegation, and Senators Boxer and Feinstein to advocate in support of Title XX Social Services Block Grant (SSBG) funding, emphasizing its importance to a variety of programs in the County, including In Home Supportive Services and Child Welfare Services. We also encouraged them to adequately fund the Community Services Block Grant (CSBG). The House and Senate both proposed \$1.7 billion for SSBG and \$700 million for CSBG in their respective versions of the *FY 2010 Labor, HHS, Education and Related Agencies Appropriations* bill.

We contacted the House Energy and Commerce and the Senate Commerce, Science and Transportation Committees to urge action on the *Calling for 2-1-1 Act*, which would authorize matching grants to implement and maintain 2-1-1 systems. The proposal was introduced in the House by Congresswoman Eshoo (D-CA) as H.R. 211 and in the Senate by then-Senator Clinton (D-NY) as S. 211. We also contacted our local Congressional delegation to request their support for the legislation. Congresswoman Capps is a cosponsor of the House bill, and Senators Boxer and Fein-

stein have signed on to the Senate bill. While the legislation has bipartisan support, with 164 cosponsors in the House and 55 in the Senate, hearings have not yet scheduled on either bill.