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Memorandum

From: Jane Sargent
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To: Chairman Joe A. Martinez
Board of County Commissioners

CC: Joe Rasco

Date: July 29, 2011

Subject: July 2011 Monthly Report

FY2012 Commerce-Justice-Science Appropriations:

On July 13, the full House Appropriations Committee marked up the FY2012 Commerce-Justice-Science (CJS) Appropriations bill. As we reported, the bill makes significant cuts to local state and law enforcement programs. The bill provides no funding for the State Criminal Alien Assistance Program (SCAAP) and the Community Oriented Policing Services (COPS) program and makes significant cuts to the Byrne Justice Assistance Grant (JAG) Program.

SCAAP provides money to states and local governments for the cost of incarcerating undocumented immigrants who have committed crimes. Full funding for SCAAP was a priority for the County's Corrections Department this year. An amendment was offered during the full committee mark up to add money for SCAAP but it was later withdrawn. At the markup, the CJS Subcommittee Chairman Frank Wolf committed to try and add money back for the SCAAP program later in the process.

Democrats tried several times to add funding for the COPS program as well, but their attempts failed. COPS provides support to local law enforcement agencies with hiring, technology, training and security grants. Again, Subcommittee Chairman Wolf committed to trying to allocate funding for the COPS Program later in the process. Because both SCAAP and COPS are popular programs, it is expected that when the bill goes to the House floor, attempts will be made to add money for them. Funding could also be added for the programs when CJS bill

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goes to conference with the Senate.

The bill also includes a 16 percent cut from the current level in the Byrne JAG Program. According to the Miami Dade Police Department, JAG funding is one of the most important grants awarded annually to department because the program provides them flexibility to identify priorities based on the changing crime situation and current needs of the County. The MDPD and County support full funding for the program in FY2012.

Because these programs are a priority for the County, we drafted a letter for Mayor Gimenez to the Miami Dade Congressional delegation urging them to restore the proposed funding cuts for state and local law enforcement programs critical to Miami Dade County. We stressed in the draft letter the importance of these programs to the County. We also emphasized that these federal law enforcement programs help local governments continue meeting their public safety needs during these difficult economic times.

The Commerce-Justice-Appropriations bill will now be referred to the full House for consideration. The House is not expected to take up the legislation before they adjourn for the August recess. It may be scheduled for floor consideration when the House reconvenes in September.

The House and Senate are currently scheduled to adjourn on August 5 and plan to be out of session until after Labor Day. The House is currently debating the FY2012 Interior-Environment Appropriations bill, which they will try to complete before they adjourn next week. The House has finished its work on six other FY2012 appropriations bills – Agriculture, Defense, Energy and Water, Homeland Security, Legislative Branch, and Military Construction/Veterans Affairs.

The House Appropriations Committee has completed its action on two other bills – Commerce-Justice-Science, and Financial Services. That leaves 3 of the 12 appropriations bills left to be taken up by the House Appropriations Committee – Transportation-HUD, State-Foreign Operations, and Labor-HHS-Education. The Committee put off consideration of these bills until after an agreement on the debt ceiling was reached.

August 2nd is the deadline for Congress to approve another increase in the debt ceiling. Assuming they are able to reach a deal by the deadline, Congress is expected to adjourn late next week. The Appropriations Committee is not expected to take up any more bills before adjourning for the August recess. They will be considered by the Committee when they return in September.

The Senate has approved only one FY2012 appropriations bill – Military Construction/VA. The Senate Appropriations Committee has not marked up any other bills. They have been waiting for the Senate to reach an agreement on the debt ceiling before proceeding with any of the other bills. When they reconvene in September, they are expected to begin consideration of the remaining FY2012 bills.

The current fiscal year ends on September 30. None of the FY2012 appropriations bills will be completed by October 1 when the new fiscal year starts. Therefore, Congress will have to pass

a Continuing Resolution (CR) to keep the government operating until they can complete the FY2012 bills.

Olinda Park:

In July, we worked with the OIA staff on the Olinda Park issue. As you are aware, the County was forced to close a section of the park after routine testing by the U.S. Environmental Protection Agency and the Miami Dade County Department of Environmental Resources Management found a high level of contamination from lead, arsenic and barium in the park's soil. Approximately one-third of the soil at the park will need to be cleaned up.

The County provided free testing to children who may have been exposed to these contaminants while playing in the park. During a July 15th visit to Miami, Senator Nelson stopped at a health center where these tests were being conducted and offered to assist the County with the clean up efforts.

We worked with the OIA staff to draft two letters from Mayor Gimenez to federal officials on the issue. The first letter was to Senator Nelson thanking him for his offer of assistance and requesting that he work with the County to identify and access any available federal resources through the Department of Health and Human Services (HHS), Environmental Protection Agency (EPA), and any other appropriate federal agencies to assist the County with its environmental cleanup efforts.

The second letter was to HHS Secretary Kathleen Sebelius and EPA Administrator Lisa Jackson, following up on a letter sent by Senator Nelson requesting their assistance with the situation. The letter requested that they work closely with the County to assist with the environmental clean up and assessing the potential health risks to the children who may have been exposed to the contaminants in the park. The letter asked them to identify any available resources and explained that the County wanted to move quickly on this issue to ensure prompt clean up of the site and to minimize any potential risks to the children and local residents. We will continue to work closely with the OIA staff and Senator Nelson's office on the Olinda Park issue.

Law Enforcement Congressional Badge of Bravery:

On July 27, we were asked to assist the County with this issue. The Miami Dade Police Department (MDPD) has nominated two outstanding officers for the Law Enforcement Congressional Badge of Bravery (CBOB) for exceptional acts of bravery they performed while in the line of duty.

Congress passed the Law Enforcement Congressional Badge of Bravery Act of 2008 (Public Law 110-298) creating the Federal Law Enforcement Congressional Badge of Bravery and the State and Local Law Enforcement Congressional Badge of Bravery. The act establishes an award to honor exceptional acts of bravery in the line of duty by federal, state, and local law enforcement officers. The act of bravery must have occurred in the calendar year immediately preceding the application deadline. The badges are to be awarded annually by the U.S. Attorney General and are presented by the recipients' Congressional representatives.

Applications for the 2010 CBOB awards were due by February 15, 2011. This is the first round of awards to be given to recipients.

The program is administered by the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. We contacted the Program Administrator for the Law Enforcement Congressional Badge of Bravery (CBOB) program to determine where the department is in the nomination review process. Under the CBOB Act, two boards were created to review nominations – one for the Federal Law Enforcement CBOB and one for the State and Local Law Enforcement CBOB. Those boards will make recommendations for recipients to the U.S. Attorney General.

We were informed by the Program Administrator that no final decision on the 2010 CBOB recipients had been made and that there is no precise timeline for this stage of the process. They explained that once a decision is made, the public release of that information will be coordinated with the Congressional Offices involved. We also contacted Congresswoman Ros-Lehtinen's office to have them make an inquiry to Justice Department about the status of the CBOB process.

The two officers who have been nominated reside in Congressman Mario Diaz-Balart's and Congresswoman Ros-Lehtinen's Congressional districts. We drafted letters for Mayor Gimenez to both Members about the MDPD officers who have been nominated for this prestigious award. The draft letters expressed his support for the officers' nominations and ask the Members to provide any assistance they might be able to with these nominations.

We will continue to work with the OIA staff on this issue. The application period for next year's award should open on or about December 15, 2011. The application closing date should be on or about February 15, 2012. If the MDPD plans to submit any nominations for next year's awards, we will be happy to assist with getting support letters from the Congressional delegation. Nominating agency are permitted to submit supporting materials, including letters of support, along with the applications.

Federal Trade Agreements:

The County is interested in the long-stalled Free Trade Agreements (FTAs), particularly the Panama FTA. In July, both the House and Senate Committees with jurisdiction over trade issues held "mock" markups of the implementing legislation for the three pending FTAs. The implementing bills approve the South Korea, Colombia and Panama FTAs and establish the necessary conditions for their entry into force.

They are referred to as a "mock" markups because Congress cannot offer amendments to free trade agreements under the Trade Promotion Authority Act – also known as "fast track" – procedures. The mock Committee markups are the only opportunities for Congress to propose any amendments to the Administration's proposals. The Administration reviews the suggested amendments proposed through the informal markups by the Senate Finance Committee and the House Ways and Means Committee and then submits the final versions of the implementing bills to Congress for an up-or-down vote as required under Trade Promotion Authority.

The Senate Finance Committee was forced to cancel an initial "mock" mark up scheduled for June 30 after committee Republicans refused to participate over their objections to an extension of Trade Adjustment Assistance (TAA) being included in the implementing legislation. However, the Committee was able to proceed with a mark up the following week, and on July 7, the Senate Finance Committee approved their draft versions of the FTA implementing bills in a "mock" mark up. The South Korea implementing bill includes the controversial extension of TAA benefits.

TAA provides assistance to workers, firms and farmers affected by increased trade. The program helps small businesses maintain more jobs in the U.S. and provides training opportunities and other benefits for workers. The current TAA program expired in February 2011. The proposal would extend TAA through December 31, 2012, and would retroactively extend coverage to TAA petitions filed after February 12, 2011. Republicans have objected to tying the TAA benefits to the trade deals, which conservative Republicans believe are not effective and too expensive.

Republicans have been the primary supporters of the FTAs since they were negotiated by the Bush Administration. The trade deals stalled after the Democrats took control of the Congress in 2007. President Obama was able to make some changes to the FTAs to gain more support and is now actively pushing for their ratification. However, the White House is also insisting that expanded TAA benefits be extended along with approval of the FTAs, which has drawn opposition from some conservative Republicans.

The proposal also extended both the Generalized System of Preferences, which expired in December 2010, and the Andean Trade Preference Act, which expired in February 2011, retroactively and through July 31, 2013. These programs lower costs for U.S. manufacturers importing from developing countries and give developing countries duty-free access to the U.S. market for certain products.

The Senate Finance Committee approved the South Korea FTA bill by a 13 to 11 vote. The Panama agreement passed by a vote of 22 to 2. The Columbia agreement passed by a vote of 18 to 6.

On July 7, the House Ways and Means Committee also held its "mock" mark up of the pending FTAs with South Korea, Columbia and Panama. The Committee approved their draft version on the implementing bills which did not include a renewal of the expired Trade Adjustment Assistance (TAA) benefits. While Chairman Dave Camp (R-MI) supports an extension of TAA benefits, he agreed not include it in their draft bills because of Republican opposition to TAA.

By party-line votes of 22 to 15, the committee approved amended versions of the draft implementing language for the Panama and South Korea trade agreements. The Colombia draft bill was approved 22 to 14 along party lines. The implementing bills were amended by voice vote to ensure that they comply with pay-as-you-go budget rules.

The draft implementing bills will be forwarded to the Obama Administration for their review. However, as explained above, under the President's "fast track" authority, the mark ups are only informal and nonbinding on the Administration. The mark ups allow Members to express

their concerns and make suggestions for changes. However, the Administration will prepare the final implementing bills for the three FTAs and submit them to Congress for an up-or-down vote. Members cannot amend or filibuster the bills.

This week, there was a renewed effort by supporters of the Columbia, Panama and South Korean FTAs to move the trade agreements before Congress adjourns for the August recess. On July 22, Senators Blunt (R-MO) and Portman (R-OH) presented a letter signed by 12 Republican Senators promising to vote with Democrats to move a TAA benefits bill, which the President has been planning to attach one of the FTAs. With those 12 votes, Democrats would be able to overcome any expected filibuster by Senate Republicans. However, it is unlikely that Congress will take up the FTAs before they adjourn, but this agreement will may make it easier to move the FTAs when they reconvene.

We will follow the development of the bills and let you know when the Administration plans to submit them to the Hill for consideration. Once the President transmits them to the Congress, they have no more than 90 days to approve the free trade agreements.

Fire Rescue/USDA Property Acquisition:

We are continuing to work with the OIA staff on legislation to permit the County to purchase property at the Subtropical Horticultural Research Station from the U.S. Department of Agriculture to build a new fire station to serve Pinecrest, Palmetto Bay, Cutler Bay, and surrounding communities. The legislation passed the House during the last session of Congress, but was not take up by the Senate so the bill needs to be re-introduced this session. We have been working with the County on getting the bill re-introduced. Representative Ros-Lehtinen has expressed interest in re-introducing the same legislation that the House previously passed. We have been working with OIA staff on this issue. It is our understanding that the USDA has no objections to the County pursuing the same legislation as last session.

We know that the County's Parks & Recreation Department is interested in changing the bill so that they can have additional land for baseball fields and other recreational activities. The current version of the bill would make available two acres, more or less, at market value to the County to construct a fire station. The Parks and Recreation Department is interested in changing the bill to require the USDA to transfer at no cost to the County 15 acres in another section of the research station to be developed for recreational activities.

We have been working with OIA staff to coordinate a meeting with USDA to discuss the Parks and Recreation Department's interest in obtaining more land. In July, we spoke to the External Affairs & Intergovernmental Affairs Director for USDA. She will work with us to arrange a meeting, when appropriate, for the OIA staff to meet with the Agriculture Research Service (ARS) in Washington, DC to discuss this. Getting the USDA's approval as well as the Congressional delegation's is essential if the County decides to pursue the Parks and Recreation Department's plan. We will continue to work with the County on getting the bill re-introduced and exploring the Parks and Recreation Department's plan for additional land.

Activities for August:

Congress is scheduled to adjourn on August 5. When they actually adjourn will depend on when they reach an agreement on the debt ceiling bill. The deadline for raising the debt limit is August 2, but they may not be able to reach an agreement on a long term extension by then. Once they adjourn, they are scheduled to be out of session until September 7. There will be minimal legislative activity while they are out of session. When they return, they will continue working on the FY2012 appropriations bills. They will also need to pass a Continuing Resolution before October 1 to keep the government operating until they can finish the FY2012 bills. We will continue to work with the County on our issues and any new matters as they arise.