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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: June 3, 2011

Subject: May 2011 Monthly Report

On May 19, Rick Spees, Jane Sargent and Nick Falvo of Akerman met with Bill Couch and Phillip Drujak to discuss the County's agenda for this year. We discussed the issues and departments assigned to us and provided any relevant updates. Below is an update on our issues for May:

Fire Rescue – FY2012 Department of Homeland Security Appropriations Bill:

In May, the House Appropriations Committee began working on the Fiscal Year 2012 appropriations bills. One of the first bills it marked up was the Department of Homeland Security appropriations bill.

Subcommittee Markup: The Homeland Security Appropriations Subcommittee marked up its version of the FY2012 Homeland Security appropriations bill on May 13. We provided a summary of the relevant provisions to the County following the mark up, including the significant cuts to Federal Emergency Management Agency (FEMA) state and local grants.

The bill approved by the subcommittee funded state and local government grants at \$1 billion, a reduction of \$2.1 billion from current funding. State and Local Programs include such programs as the State Homeland Security Grant Program, Urban Area Security Initiative (UASI), Metropolitan Medial Response System, Citizens Corps Program, Public Transportation Security Assistance and Railroad Security Assistance, Over-the-Road Bus Security Assistance, Port

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security Grant, Driver's License Security Grants Program (REAL ID), Interoperable Emergency Communications Grant Program. The bill did not provide a specific funding level for these grant programs. It simply provided a lump sum of \$1 billion for all State and Local Programs.

The bill also included a provision that limited UASI funding to the top 10 highest risk urban areas. Based on the criteria used by DHS, Miami-Dade County does not qualify as one of the ten areas to have the highest risk of terrorist attacks so this provision was of particular concern to the County.

The subcommittee bill also funded firefighting grants at \$350 million, a significant cut from FY2011 levels. This includes \$200 million for Assistance to Firefighters (FIRE) Grant Program and \$150 million for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program. These programs were funded at \$810 million (\$405 million for each) in FY2011.

The subcommittee bill provided an increase of \$850 million to the Disaster Relief Fund (DRF) for a total of \$2.65 billion to address the costs of known and expected disasters in FY2012.

Full Committee Markup: On May 23, the full House Appropriations Committee marked up the FY2012 Homeland Security Appropriations Bill. There were attempts to increase funding for state and local programs and firefighter grants during the full Committee mark up, but they were unsuccessful. One amendment would have provided an additional \$1.6 billion for state, local and firefighter grants. The other amendment would have provided an additional \$460 million for the firefighter program. The Appropriations Committee also rejected an amendment to provide \$725 million for the Urban Area Security Initiative (UASI). There were no changes during the full Committee mark up to the language limiting UASI funding to the top 10 highest risk urban areas.

However, the full Committee did approve an amendment that added \$1 billion in emergency spending to FEMA's Disaster Relief Fund to help with FEMA's response to the recent natural disasters – including the tornados and flooding in the Midwest and South. The amendment was offset by unused money from the Advanced Technology Vehicles Manufacturing Loan Program at the Department of Energy.

House Floor Debate: The FY2012 Homeland Security Bill was referred to full House for consideration. Floor debate on the bill began on June 1 and several amendments were offered to the bill. The House passed the bill on June 2 on a nearly party line vote of 231 to 188. Democrats largely opposed the bill because of the level of spending cuts. Overall, the FY2012 Homeland Security Appropriations bill provides \$40.6 billion in discretionary funds to DHS, a 2.6 percent decrease from FY2011 and 6.8 percent less than the President's FY2012 budget request.

During the floor debate, some Members were successful in restoring some of the proposed cuts to the bill related to homeland security and first responder grants. We are pleased to report that the House passed an amendment offered by Representatives Clarke/Higgins/Tonko striking the language from the bill that would have limited UASI grants to the top 10 highest risk urban areas.

Removing this provision from the bill and ensuring that Miami Dade County remained eligible for UASI funding was critical to the County. With the amendment scheduled for a vote on June 2, we worked with the OIA staff on the issue. We contacted the offices of Representatives Ileana Ros-Lehtinen, Mario Diaz-Balart, Frederica Wilson, Debbie Wasserman Schultz, David Rivera, and Alcee Hastings to express the County's support for the amendment and urge them to vote for it. We were able to report back to OIA staff that all members of the delegation supported the amendment.

We also contacted other Florida members, including Representatives Corrine Brown and Daniel Webster, to urge their support for the amendment since they also represent urban areas that were going to be negatively impacted by the provision in the bill. We stayed in contact with the OIA staff about our efforts and worked with them on passage of the amendment. The House approved the amendment by a vote of 273 to 150.

In addition to the UASI amendment, other amendments critical to first responders were adopted during the House floor debate. On June 1, the House adopted an amendment to increase FEMA firefighting grants by \$320 million. The amendment was offset by reductions in DHS administrative accounts. As discussed above, the original bill only included \$350 million for these grants.

The House adopted another amendment offered by Representative Price (D-NC) that extends waivers that allow FEMA's Staffing for Adequate Fire and Emergency Response (SAFER) grants to be used for retaining firefighters and rehiring laid-off firefighters in addition to hiring new staff.

Unfortunately, another amendment that would have increased funds for State and Local grant programs by \$337 million failed, mainly due to the fact that the offset would have come from border security fencing, infrastructure and technology funds.

Now that the House has passed the bill, it will be referred to the Senate for consideration. The Senate has not released its mark up schedule for the FY2012 bills. We will keep the County posted on any relevant developments with the bill.

Fire Rescue/USDA Property Acquisition:

We are continuing to work with the OIA staff on the legislation that was introduced during the last session of Congress to permit the County to purchase property from the U.S. Department of Agriculture to build a new fire station to serve Pinecrest, Palmetto Bay, Cutler Bay, and surrounding communities. H.R. 3175 was introduced by Representative Lincoln Diaz-Balart in July 2009. The House passed the bill in September 2009. In March 2010, Senator Nelson introduced the companion bill (S.3050) in the Senate. S. 3050 was referred to the Senate Agriculture Committee. The Committee did not take any action on the bill before the 111th Congress adjourned in December 2010, and the legislation died when the session ended.

The legislation needs to be re-introduced this session. We have had discussions with OIA staff this week as well as one of the County's other lobbying firms previously assigned to this issue about efforts to date on the legislation and our strategy for getting the legislation re-introduced

and through the legislative process. Meetings have already been held with Senator Nelson and Representatives Ileana Ros-Lehtinen and Mario Diaz-Balart about re-introducing the bill. There has been positive feedback from members of the delegation. We are working with Bill Couch and the OIA staff to confirm the County's intent to re-introduce the same legislative language. If the County decides to pursue any changes to the bill, we will need to work with the USDA and other interested parties to obtain their support for the bill. We will continue to work on this issue with OIA staff and the Congressional delegation on the bill.

Police/Law Enforcement:

We notified the County that the application period for FY2011 COPS Hiring Program (CHP) opened on May 2, 2011. The application deadline was May 25, 2011. Over \$200 million is available under the FY2011 CHP for the hiring and rehiring of additional career law enforcement officers. We provided the County with information about the FY2011 grant program, including additional requirements for this year's grant and how to apply for it.

Million Trees Miami Initiative:

In May, we were asked by OIA to do some research on any available grants or funding opportunities to assist with the "Million Trees Miami" initiative, which is pursued by the County's Office of Community Image. As you know, the program aims to achieve 30 percent tree canopy County-wide by 2020 by planting 1 million trees.

We provided information to the County about the U.S. Department of Agriculture Forest Service's Urban and Community Forestry Program (UCFP). The UCFP provides technical, financial and educational assistance to cities and towns nationwide so they can improve the condition and extent of their trees and forests to achieve the full range of benefits and services from these resources.

The President's FY2012 budget request includes over \$32 million for the Urban & Community Forestry Program. Funding for the USDA Forest Service is funded through the Interior-Environment Appropriations bill, not the Agriculture Appropriations bill. The House Appropriations Committee is scheduled to begin marking up the FY2012 Interior-Environment bill in July. We will keep the County informed of the Committee's actions and the funding level for the program for next year.

In addition to the information about the UCFP grant programs we provided to the County, we also provided information about other organizations and resources that might be useful to the County such as the National Arbor Day Foundation and its Tree City USA program. We will continue to work with the OIA staff in trying to identify other potential funding opportunities for this initiative.

Health Care Issues/Jackson Health System:

On May 25, the House considered legislation of interest to Jackson Health System. However, the bill, H.R. 1216, is not expected to be considered by the Senate is not cause for real concern. The legislation is part of a series of House Republican leadership bills aimed repealing or

adjusting mandatory funding for programs under the health care reform law, the Patient Protection and Affordable Care Act (PPACA), signed into law last year.

H.R. 1216 would shift the mandatory appropriation for certain Graduate Medical Education (GME) programs to an authorization of appropriations, making the spending in effect subject to annual approval by the Congress. As you know, Jackson Health System has approximately 1100 residents. The GME program provides money to teaching hospitals, including Jackson, to help cover the costs of training medical residents. Because of the number of residents at Jackson, the GME program in general is of particular interest to Jackson and any changes to its funding would be of concern.

However, this bill is not expected to be considered by the Senate. Previous measures to repeal or cut off funding for the health care reform law have not been successful in the Senate. The President also issued a veto threat on H.R. 1216 so the legislation is not expected to go any further in the process.

For your reference, the three other bills considered so far in the series of five bills the House Republican leadership has proposed to "de-fund" the health care reform law includes legislation to eliminate mandatory funding for school-based health center construction, legislation to repeal mandatory funding for a fund to invest in programs aimed at preventing tobacco use, obesity, health, stroke and cancer, and legislation blocking funding for the health insurance exchanges created in the PPACA. The House passed all three bills, but the Senate is not expected to take them up and the White House issued veto threats against all three bills.

Activities for June:

The Senate was out of session this week. The House will be out of session next week. When they return, the House will continue working on the FY2012 appropriations bills. The Senate Appropriations Committee is continuing to hold hearings on the FY2012 budget, but has not yet released its mark up schedule for the FY2012 bills. We will continue to work with the County on our issues providing any relevant updates and will work with County on re-introducing the USDA land acquisition legislation.