

MEMORANDUM

To: Chairman Joe A. Martinez, Board of County Commissioners
cc: Joe Rasco, Phillip Drujak, Bill Couch, Tiffany Machado
From: Patton Boggs LLP
Date: June 7, 2011
Subject: May 2011 Monthly Report

Below please find an update of our activities on behalf of Miami Dade County for the month of May:

Miami Dade Transit

Patton Boggs reviewed documents pertaining to the transit issue and situation. Patton Boggs then spoke with high level FTA staff regarding the Miami Dade transit financial management issue, and potential positive next steps. We also discussed keeping funds flowing to the system. We arranged a meeting for Chairman Martinez and County Manager Hudak with FTA Administrator Rogoff which will occur on June 15th. We have coordinated our activities with Representative Diaz Balart's office, due to his service on the House Appropriations Subcommittee on Transportation and HUD.

Urban Area Security Initiative

The House version of the FY2012 Department of Homeland Security appropriations bill was released in May. The bill funded FEMA State and Local Programs at \$1 billion, a \$1.2 billion decrease from FY2011. The committee attributed this reduction to the lack of grant accountability and evaluation at the agency, as well as nearly \$13 billion in unobligated appropriations dating back to FY2005. The committee also identified three reforms for the State and Local Program which included limiting the UASI program to the highest risk top ten jurisdictions.

Under the bill, \$1 billion for State and Local Programs is to be distributed at the discretion of the Secretary for the programs listed below, several of which were previously appropriated as separate program line items with specific amounts identified, such as UASI funding. However, out of the \$1 billion, \$193 million is directed to National Programs. \$55 million is also directed to Operation Stonegarden. This leaves approximately \$800 million in total for the following:

- State Homeland Security Grant Program (SHSGP) (\$527 million in FY2011)
- UASI (\$662 million in FY2011)
- Metropolitan Medical Response System (MMRS) (\$35 million in FY2011)
- Citizen Corps Program (\$10 million in FY2011)
- Public Transportation Security Assistance and Railroad Security Assistance
- Over-the-Road Bus Security Assistance
- Port Security Grants (\$250 million in FY2011)
- Driver's Licenses Security Grants (\$45 million in FY2011)
- Interoperable Emergency Communications

25% of SHSGP and UASI funds are to be used for Law Enforcement Terrorism Prevention activities. The committee also provides that the installation of communications towers is not considered construction of a building or other physical facility under the eligibility requirements of SHSGP or UASI.

Other funding highlights –

- Firefighter Assistance Grants: \$350 million, \$150 million of which is for SAFER grants (\$405 million each in FY2011)
- Emergency Management Performance Grants (EMPG): \$350 million (\$340 million in FY2011)
*The committee also directs an emphasis on all-hazards activities and the inclusion of personnel expenses and Emergency Operations Centers as eligible uses of EMPG funding.
- National Predisastr Mitigation: \$40 million (\$50 million in FY2011)
- Emergency Food and Shelter: \$120 million (\$120 million in FY2011)

One of the "reforms" instituted by the Committee was to reorganize the State and Local Grant Program so that funds are allocated at the discretion of the Secretary and directed towards areas with the highest need and greatest risk, as demonstrated by the committee's recommendation to limit UASI funding to the top 10 highest risk urban areas.

In FY 2010 64 jurisdictions received UASI funds and in May, the Department of Homeland Security released the FY 2011 funding levels in which they limited the UASI jurisdictions to 31. In FY 2010, Miami Dade was listed as number 16. In the 2011 round, DHS combined Miami Dade County with Broward County. Clearly, under the FY12 bill Miami Dade would no longer receive UASI funding. While it was unlikely that the Senate would concur on this provision, it was deemed advisable to remove it in the House, if possible.

Patton Boggs led the effort to circulate a letter to the House Appropriations Committee leadership which was signed by over twenty two jurisdiction, including Miami Dade, urging that the language to limit UASI be struck from the bill. This letter was shared with the congressional delegations of the affected jurisdictions, including the Miami Dade and Florida delegation. We coordinated closely with the Miami Dade congressional delegation offices and were in contact with the Governor's DC

office. As floor action for the DHS appropriations bill drew near, Patton Boggs worked with the prime sponsors of an amendment (Reps. Clarke, Higgins, Reichert, Tonko, Capps, Wasserman Schultz, Ellison, Cuellar, Moore, Fudge, Wilson, Reyes, Berkley, Brown, Matsui, Himes, Heck, Blumenauer, Pierluisi, Slaughter, Rigell) to strike the language of the provision limiting UASI to ten jurisdictions. We worked with the Miami Dade congressional delegation to seek their support for the amendment. The entire delegation supported the amendment. On June 2, the House passed the UASI amendment by 273-150, after more than 50 Members switched their votes from nay to yea when they saw that the amendment was passing. This was a huge victory for Miami Dade and those other communities who were to lose their UASI status and funding.

In addition to the UASI amendment (striking the limitation language), several additional amendments were approved by the House that directly impact locals --

- (1) An additional \$320 million for firefighter grants: LaTourette (R-OH) /Pascrell (D-NJ) The amendment increases FEMA state and local firefighter assistance grants by \$320 million, offset by a \$63.3 million reduction in the Office of the Secretary of DHS, a \$117.5 million reduction in the Office of the Undersecretary for Management, and a reduction of \$139.2 million reduction in the Office of the Chief Information Officer. The amendment was adopted on a vote of 333-87.
- (2) SAFER grant retention / rehiring eligibility: Price (D-NC) The amendment prohibits funds from being used to enforce requirements for cost sharing, spending restrictions, and program requirements on FEMA's firefighter grants (SAFER), making the program into an operating subsidy for firefighter retention. The amendment passed on a vote of 264-157.
- (3) Additional funding for ICE 287(g) training: Royce (R-CA) The amendment cuts funding in the Office of the Secretary at DHS by \$1 million, and increases Immigration and Customs Enforcement (ICE) by \$1 million for the 287g program, which helps state and local entities investigate, detain, and arrest aliens on civil and criminal grounds. The amendment passed on a vote of 268-151.

Miami International Aerospace Show

Patton Boggs had continued to provide feedback to and work with the Beacon Council in their efforts with vendors and the USAF to create the Miami International Aerospace Show.

Miami Dade Housing Authority

Patton Boggs has worked closely with the entire Miami Dade delegation on the issue of the PHA's disproportionate rescission of funds in FY2009. We sought to have a Member of Congress insert a programmatic language request in the FY 2012 Transportation/HUD appropriations bill (the deadline for which was May 20th) to redress the unfair rescission of funds. Representative Wilson submitted the request but has not yet received a response from the Subcommittee as to whether it will be included in the legislation. A mark up of the THUD bill in Subcommittee is expected in mid July.

We have also worked with Congressman Diaz Balart's office, who serves on the THUD Appropriations Subcommittee, to seek additional information from HUD in response to Chairman Martinez's letter to HUD Secretary Donovan and Executive Director Gregg Fortner's email to HUD requesting detailed information on the HUD decision to rescind funds in FY 2009. Congressman Diaz Balart will seek an opportunity to discuss this situation with HUD officials.

We have heard that HUD has prepared a draft letter in response to Chairman Martinez's letter but at this point, the letter remains a draft and we are seeking to expedite its delivery.