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## Memorandum

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From: Jane Sargent, Rick Spees, Nick Falvo, and Jose Villalobos

To: Chairman Joe A. Martinez  
Board of County Commissioners

CC: Joe Rasco

Date: September 4, 2012

Subject: August 2012 Monthly Report

### **Appropriations:**

Congress has been out of session for most of the month of August and will return on September 10. Before adjourning, House and Senate leaders reached a tentative agreement on a Continuing Resolution that will keep the government operating for the first six months of Fiscal Year 2013 until March 31, 2013.

The 2013 fiscal year starts on October 1. Congress cannot complete its work on the 12 appropriations bills that taken together make up the federal budget by that date. Both the House and Senate Appropriations Committees have marked up 11 of the 12 bills, but the full House has only passed 6 bills and the full Senate has passed none of the bills.

Under the agreement, the Continuing Resolution will keep the federal government running at roughly current funding levels. The Appropriations Committees will be drafting the bill over the next couple of weeks. They want to keep the bill as "clean" as possible to avoid any controversy and ensure it passes both chambers. However, there may be a few special exceptions to address any urgent needs the federal government may have.

The House is scheduled to be out of session the last week of September so they will need to pass the Continuing Resolution before they leave town on September 21. If the bill is not finished by then, they will need to pass a Continuing Resolution to give themselves a few extra days to complete the bill. We expect them to finish the Continuing Resolution and any other pre-election work no later than October 5.

It is unclear what Congress will do about the FY2013 appropriations next March when the

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Continuing Resolution expires. If Republicans take control of the White House and Senate, conservatives will likely push for bigger spending cuts in the second half of the fiscal year. However, if Democrats maintain control of the White House and Senate, they will continue to push for the spending level agreed to in last year's debt ceiling law.

Completing the Continuing Resolution is one of the few bills Congress must pass before adjourning for the November elections. With the spending bills off the table until March, the lame duck will be focused on extending the expiring tax cuts, postponing the automatic sequestration scheduled to take effect in January, and delaying the scheduled cuts to Medicare physicians payments that take effect at the end of the year.

#### **Fire Rescue/USDA Property Acquisition:**

We have been working with the County on the legislation to permit the County to purchase property from the U.S. Department of Agriculture to build a new fire. Legislation (H.R. 2825/S. 3390) has been introduced in the House and Senate to authorize the land transfer.

Representative Ros-Lehtinen was also able to get the measure included in the House version of the farm bill (H.R. 6083, Section 7521). The House Agriculture Committee marked up the farm bill in July. However, concerns from conservative Republicans and Democrats over the funding levels in the bill have kept the House Republican leadership from scheduling the five-year farm bill for floor consideration.

Before adjourning for the August recess, the House Republican leadership considered taking up a one-year extension of the farm bill along with disaster assistance for farmers. However, there were significant objections to the one-year extension, and the House passed a standalone disaster aid bill instead.

The current farm bill expires on September 30. Congress will need to reach an agreement on a five-year reauthorization bill before then or will need to pass a temporary extension. The Senate and House Agriculture Committee would like to see Congress complete a five-year bill, but it is not clear at this point whether there is enough time to do that. They may need to pass a temporary extension if they cannot reach a deal before September 30.

If Congress passes an extension and puts off consideration of the five-year farm bill that includes the County's land transfer, we will need to continue to push for Congress to take up our standalone bill before the end of the session.

#### **Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012:**

On August 1, the House passed H.R. 6062, the Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act. The bill reauthorizes the Byrne JAG program for 5 years at \$800 million per year. It has been referred to the Senate for consideration.

As we have previously reported, H.R. 6062 provides the authorization for the program, but money has to be appropriated annually for the Byrne JAG program, which is typically less than the authorized amount. The program is funded through the Commerce-Justice-Science (CJS)

Appropriations bill. The House and Senate versions of the FY2013 CJS bill include \$392.4 million for the Byrne JAG program, which is an increase over the FY2012 level of \$370 million. Funding for this and other Justice Department programs will be covered under the Continuing Resolution (discussed above) for the first six months of the 2013 fiscal year.

### **Juvenile Justice Issues:**

In August, we provided a brief update to the County on the current juvenile justice issues pending before Congress. This includes the FY2013 Commerce-Justice-Science (CJS) Appropriations bill, which provides funding for the Department of Justice's juvenile justice programs. The House CJS bill provides \$209.5 million for Juvenile Justice Programs, which is \$53 million below the FY2012 level. The Senate version of the CJS bill includes \$278 million for Juvenile Justice Programs, which is \$15.5 million above the FY2012 level and significantly more than the House CJS bill.

While the 2013 fiscal year begins on October 1, 2012, the CJS and other appropriations bills are not going to be completed by that date so Congress plans to pass a six-month Continuing Resolution. The bill will keep the government running at current funding levels through March 31, 2013. That means that the final FY2013 funding level for the juvenile justice programs will not be resolved until next spring when they finish the FY2013 bills. It also means funding for the formula programs and discretionary grants will be released later in the year than usual.

We also provided an update on two juvenile justice bills recently marked up by the House Judiciary Committee. In June, the Committee approved H.R. 6019, the Juvenile Accountability Block Grant Reauthorization and the Bullying Prevention and Intervention Act of 2012. The bill would reauthorize and expand the use of Juvenile Accountability Block Grants for programs to prevent and address occurrences of bullying, including cyber-bullying, and for gang-prevention programs. It authorizes \$40 million annually for the grants from FY2013 to FY2017. The bill was scheduled to be voted on by the House the week of July 9th, but the vote was postponed. It may be taken up in September when Congress reconvenes but the bill has recently drawn some criticism from both conservatives and liberals so it is not clear when the House may vote on it.

The House Judiciary Committee also marked up H.R. 3796, the Adam Walsh Child Protection and Safety Act Reauthorization Act, on July 18. The bill would reauthorize for five years grants that help states meet standards for monitoring sex offenders. The House passed the bill on August 1, and it has been referred to the Senate for consideration. The Senate may take it up in September.

In the Senate, Senator Lautenberg (D-NJ) re-introduced the JUMP Reauthorization Act (S. 3328) in June. The Juvenile Mentoring Program Act or JUMP Act authorizes grants for state and local education agencies or nonprofit organizations to implement mentoring programs that link at-risk youth with adult volunteers who provide supportive relationships and exposure to new experiences that enhance the youth's ability to become responsible citizens. We do not expect any action of the bill before the end of the year.

In general, the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP) continues to be the primary juvenile justice legislative issue before Congress. However, we do not expect any action on the reauthorization bill this year given the limited time remaining in the session.

**Africa Growth and Opportunity Act Extension (H.R. 5986):**

On August 2, the House and Senate passed H.R. 5986. The bill was signed into law on August 10 as Public Law 112-163. The law amends the "African Growth and Opportunity Act" (AGOA) to extend through 2015 the third-country fabric provision and to add South Sudan to the list of 48 sub-Saharan countries eligible for tariff exemptions under AGOA. It also makes technical changes to the Central American free trade agreement related to the textile and apparel rules of origin, and renews sanctions on Myanmar that were part of the Burmese Freedom and Democracy Act of 2003.

AGOA was signed into law in 2000. The third-party fabric provision in AGOA was set to expire on September 30, 2012. The provision gives apparel-producing companies in Africa an added benefit by allowing them to use fabric from other countries in their products and still get the special trade preference under AGOA. Extending this provision was a priority for U.S. industry groups, such as the U.S. Chamber of Commerce, several African governments, and the Foundation for Democracy in Africa. The County has been working with the Foundation this year, which is a development organization focused on promoting democracy and economic growth in Africa and has offices in Miami and several countries in Africa.

**Activities for September:**

The House and Senate will reconvene on September 10. The Congress will be in session for approximately 8 days in September, and will likely adjourn for the elections no later than October 5. In September, they will need to pass a Continuing Resolution to keep the government operating when the new fiscal year begins on October 1. They will also have to pass an extension of the farm bill. While there will be some other legislative activity, passing the Continuing Resolution will be the primary focus of Congress this month. All work not completed before they adjourn will be postponed until the lame duck session scheduled to begin on November 13.