

WASHINGTON WEEKLY REPORT
November 14TH – November 18TH, 2011

Below is an informal overview of the Washington D.C. activities of the Office of Intergovernmental Affairs:

THE SENATE WAS IN SESSION THIS WEEK

THE HOUSE WAS IN SESSION THIS WEEK

3% WITHHOLDING REPEAL PASSES CONGRESS – PRESIDENT WILL SIGN INTO LAW...

On Wednesday, the House passed by a vote of 422 to 0 the Senate amended version of H.R. 674. The bill now goes to the White House for the President's signature. Congressmen Wally Herger and Earl Blumenauer and Senators Scott Brown and David Vitter spearheaded the effort to pass the legislation that was supported by the entire Florida Congressional Delegation. The repeal bill passed the Senate by a vote of 95-0 last week with the provisions of the president's jobs bill for veterans attached. The House passed a nearly identical version two weeks ago by a 405-16 vote without the veterans' piece.

A large coalition of local governments and small businesses, of which Miami-Dade County has been part of, has long advocated for the legislation. The bill repeals a section of the federal tax code requiring State and Local governments that expend more than \$100 million per year in outside contracts to withhold three percent of all payments for goods and services, remit that to the IRS, and adhere to new reporting requirements.

The passage of this bill marks a significant legislative accomplishment for Commissioner Sally Heyman, who has been a leading advocate, and was among the first elected officials from across the country, in support of the bill. The County strongly supported the passage of the 3% withholding measure. OIA, along with Commissioner Heyman, Director Miriam Singer and the Federal Lobbying Team worked tirelessly to help secure the bill's passage.

...VETERANS JOBS BILL PASSES CONGRESS – PRESIDENT WILL SIGN INTO LAW

The 3% repeal bill was amended to also include measures to boost veterans' unemployment by providing tax credits of up to \$9,600 to firms that hire veterans with service connected disabilities who had been unemployed for at least six months out of the past year. The measure also would extend existing tax credits for hiring veterans through 2012 and would require the Department of Veterans Affairs to establish a

veterans' retraining program by July 1, 2012. All of these provisions were included in the President's jobs bill which has seen other elements stall in the Senate.

SENATORS RUBIO, NELSON AND MENENDEZ BLOCK SPENDING BILL OVER OBJECTIONS TO CUBA PROVISIONS

On Tuesday, Senators Rubio, Nelson and Menendez blocked an attempt by the Senate to unanimously pass a "minibus" funding bill that included a provision that would have lowered trade barriers with Cuba. This language would have been included in the Senate Energy and Water, Financial Services and State and Foreign Operations minibuss spending bill, and would have allowed cash exchanges between Cubans and U.S. banks.

The bipartisan trio objected to Senate action on the bill, citing a violation of the Standing Rules of the Senate. The rules clearly state that appropriations bills are barred from containing legislative language. The senators also argued that *"the dictatorial ruling regime in Cuba is teetering and that lowering trade barriers could bolster its grip on power."* The following excerpt from media reports highlights the parliamentary intrigue:

"The parliamentarian sustained the senators' objection and Reid quickly offered a second version of the legislation without the Cuba measure that included number of minor changes including one that would ensure all amendments remain germane.

That version however was shot down by Sen. Jim Moran (KAN), the author of the Cuba provision, who commented that the new version was not the version that had come out of committee. Sen. David Vitter (LA.) also objected, complaining that bill spent too much and would fund abortion in Washington D.C. and around the world.

Because Reid could not find agreement on keeping the amendments germane, he "filled the tree" before attaching clean versions of the spending bill to the water and energy bill."

CONGRESS PASSES, PRESIDENT SIGNS "MINIBUS" FUNDING BILL AND AVOIDS FEDERAL GOVERNMENT SHUTDOWN

President Obama signed* into law the conference report for the first FY12 appropriations package (H.R. 2112), which contains three of the 12 annual spending bills: Agriculture, Commerce-Justice-Science and Transportation-HUD. H.R. 2112 is the first yearlong spending measure enacted this fiscal year. It also includes a continuing resolution that would fund all other federal programs through December 16 at current levels. *(The White House used an autopen to sign the legislation since the President is traveling abroad.)

MAJOR PROVISIONS

Discretionary spending levels adhere to the overall cap established in the Budget Control Act of 2011 (P.L. 112-25) - \$19.8 billion for Agriculture; \$52.7 billion for Commerce-Justice-Science and \$55.6 billion for Transportation-Housing and Urban Development.

DEPARTMENT OF JUSTICE (DOJ)

- State and Local Law Enforcement Grants: \$2.2 billion (\$2.77 billion in FY2011)
- Byrne JAG: \$470 million
- Byrne Competitive: \$15 million
- Victims of Trafficking Grants: \$10.5 million
- Drug Courts: \$35 million
- Prescription Drug Monitoring: \$7 million
- Second Chance / Offender Reentry: \$63 million
- State Criminal Alien Assistance Program: \$240 million
- Bulletproof Vests: \$24 million
- Juvenile Justice Programs: \$263 million (\$276 million in FY2011)
- Youth Mentoring Grants: \$78 million
- Community-Based Violence Prevention Initiatives: \$8 million
- COPS: \$199 million (the House zeroed out the program; COPS received \$496 million in FY2011)
- COPS Hiring: \$166 million (\$200 million in FY2011)

DEPARTMENT OF TRANSPORTATION (DOT)

- The conference agreement provides \$17.941 billion in regular appropriations to DOT in FY2012, which is \$329 million (1.9 percent) above the gross FY2011 total.
- National Infrastructure Investments (TIGER): \$500 million (\$27 million less than FY2011)
- DOT may spend up to \$20 million for administrative expenses, leaving a minimum of \$480 million for competitive grants and credit assistance
- 35% of these funds may be used for TIGER TIFIA payments
- No more than 25% of funds may be awarded to projects in a single State
- Grant size: \$10 million minimum and \$200 million maximum
- The Federal share of a project's cost is capped at 80%
- At least \$120 million must be awarded to projects located in rural areas – the federal share for these grants may exceed 80% and the minimum grant size is \$1 million

- Types of eligible projects include, but are not limited to: highway, bridge, public transportation, passenger rail, freight rail, and port infrastructure investments
- The Secretary is directed to give priority to projects that demonstrate interconnectivity between modes
- Transportation Planning, Research, and Development: \$9 million (\$800,000 less than FY2011)
- Federal-aid Highways (limits on obligations): \$39.1 billion, the annualized level of contract authority under the latest extension of SAFETEA-LU (\$1.96 billion less than FY2011)
- Federal-aid Highways (Emergency Relief): \$1.662 billion from the general fund for emergency relief highways (compared to \$0 in FY2011)
- Waives the per-State, per-disaster cap of \$100 million for certain disaster events that occurred in FY2011 including Hurricane Irene and flooding of the Missouri River
- High Speed Rail: No funds are provided for High Speed Rail
- FTA Formula and Bus Grants: \$8.361 billion, the amount funded under the latest extension of SAFETEA-LU (\$18 million more than FY2011)
- FTA Capital Investment Grants (New Starts and Small Starts): \$1.955 billion (\$358 million more than FY2011)
- The bill also includes a provision that would shift BRT Capital Investments Grants included in the President's FY2012 Budget Proposal to the Bus and Bus Facilities program.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Community Development Block Grant: \$2.95 billion plus \$400 million for disaster relief (\$3.34 billion in FY2011); administrative program coverage remains at twenty percent.

Tenant-Based Rental Assistance (Sec. 8): \$18.914 billion (\$552 million more than FY2011)

- Voucher Renewals: \$17.242 billion
- Tenant Protection Vouchers: \$75 million
- HUD-VASH Incremental Vouchers: \$75 million
- Section 811 Vouchers: \$112 million
- Family Self-Sufficiency Coordinators: \$60 million

Public Housing Capital Fund: \$1.875 billion (\$125 million less than FY2011)

The conference agreement also provides \$50 million for supportive services, service coordinators and congregate services (including \$20 million for emergency capital needs and \$10 million for public housing financial and physical assessment activities of REAC)

Public Housing Operating Fund: \$3.962 billion (\$638 million less than FY2011)

Choice Neighborhoods Initiative: \$120 million (In FY2011, \$99.8 was reserved for the HOPE VI program, of which up to \$65,000,000 was set-aside for Choice Neighborhoods)

Housing Opportunities for Persons with AIDS: \$332 million

Sustainable Communities: No funds are provided for the Sustainable Communities Initiative. However, the conference agreement does not include language prohibiting the use of any funds for the Sustainable Communities Initiative (as was proposed by in the House T/HUD bill). Report language reminds the Secretary and CDBG formula fund recipients that sustainable activities are an eligible use of formula funds.

Home Investment Partnerships Program: \$1 billion (\$606 million less than FY2011)

Self-Help and Assisted Homeownership Opportunity Program: \$53.5 million (\$28.336 million less than FY2011)

- Self-Help Homeownership Program (SHOP): \$3.5 million
- Capacity Building for Community Development and Affordable Housing Program: \$35 million for second, third and fourth tier capacity building activities (with \$5 million going for rural capacity building) – an additional \$5 million is provided for capacity building activities by national organization with expertise in rural housing.

Project-Based Rental Assistance: \$9.4 billion (\$75 million more than FY2011)

Housing for the Elderly: \$374.6 million (\$24.6 million less than FY2011)

Housing for Persons with Disabilities: \$165 million (\$15.3 more than FY2011)

Housing Counseling Assistance: \$45 million (not included in FY2011)

Rental Housing Assistance (Section 236): \$1.3 million (\$14.682 less than FY2011)

SEN. RUBIO INTRODUCES BIPARTISAN JOBS BILL

On Tuesday, Senators Marco Rubio and Chris Coons (DE) introduced a bipartisan jobs bill titled, "The American Growth, Recovery, Empowerment and Entrepreneurship (AGREE) Act. The bill draws on various provisions which are included within the jobs

proposals thus far offered by President Obama, and the Congressional Republican and Democratic caucuses.

The bipartisan duo scored a publicity bonanza upon introduction of the bill, issuing a joint press release, engaging in a colloquy on the floor of the U.S. Senate, appearing on the major cable news networks, and an appearance on the Sunday news show, *This Week*, to drum up support for the bill. The bill has received praise from both sides of the political spectrum and a public thirsting for bipartisan cooperation in tacking the crisis of joblessness in the United States.

Senators Kirsten Gillibrand (D – NY) and Roy Blount (R – MO) have also signed on as co-sponsors of the AGREE Act, and a House version of the bill has been introduced by Representatives Richard Hanna (R – NY) and William Keating (D – Mass). The bill is now pending before the Senate Finance Committee.

The major provisions of the bill would:

- Provide a three year extension of 100 percent bonus depreciation for the full cost of qualified investments such as equipment and property.
- Provide a three year extension of Section 179 expensing levels for small businesses.
- Provide a three year extension of eliminated taxes on certain small business stock.
- Extend the Research & Development tax credit until 2013, increase the Alternative Simplified Credit (ASC) from 14 percent to 20 percent, and makes the ASC permanent.
- Establish an enhanced research credit for domestic manufacturers to encourage job creation at home.
- Provide veterans with a tax credit equal to 25% of the fee associated with starting a franchise up to \$100,000.
- Provide a five-year exemption from Section 404(b) of Sarbanes-Oxley for the first five years of a company going public, or for those below \$250 million in total gross revenue (whichever comes first).
- Eliminate the per-country numerical limitation for employment-based immigrant visas and adjusts the limitations on family based visa petitions from 7% per country to 15%.
- Protect intellectual property by clarifying the Trade Secrets Act, and making it explicitly clear that it is not a crime for federal officials, in the performance of their

duties, to share information about suspected infringing products with the right holder of a trademarked good.

SEN. NELSON REQUESTS, RECEIVES PUBLIC FIELD HEARING ON FLORIDA ELECTION LAW CHANGES

The U.S. Senate Judiciary Committee will hold a field hearing in Florida on the proposed new election laws passed by the Florida Legislature and signed into law by Gov. Scott earlier this year. The laws are currently being challenged in court.

Sen. Dick Durbin (IL), Chairman of the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights, which has jurisdiction over all constitutional issues, and all legislation and policy related to civil rights, civil liberties and human rights, agreed to hold the hearing at the request of Sen. Bill Nelson.

No specific time or location has been set for the hearing.

REP. WILSON HONORS SPACE PIONEERS - RECIPIENTS OF THE NEW FRONTIER CONGRESSIONAL GOLD MEDAL

Rep. Frederica Wilson attended the Congressional Gold Medal Ceremony honoring four American space pioneers, the Honorable John Glenn, Neil Armstrong, Michael Collins, and Buzz Aldrin. The Congresswoman is a member of the Subcommittee on Space and Aeronautics on the House Committee on Science, Space, and Technology. "These individuals have pushed the frontiers of knowledge and technology through their pioneering work in space exploration," said Congresswoman Wilson. "I'm honored to attend the new Frontier Congressional Gold Medal Ceremony to recognize their accomplishments and dedication to our country, and will continue to fight to make sure Florida remains at the forefront of our space industry."

REP. RIVERA GRILLS SEC. SALAZAR ABOUT COMPANIES DOING BUSINESS WITH CUBA

On Wednesday during a hearing of the House Committee on Natural Resources today, Rep. David Rivera questioned Secretary of the Interior Ken Salazar about the steps that the Obama Administration has taken to discourage foreign government-owned oil companies from doing business with Cuba and the Castro regime, designated by the U.S. State Department as a State Sponsor of Terrorism.

According to the committee, "This hearing focused on two separate policies by the Administration dealing with onshore and offshore oil and gas issues. For onshore the hearing will focus on new rules coming from the Administration to deal with the process of hydraulic fracturing in the development of domestic resources. On offshore, the hearing will focus on the recently announced 5 year plan put forward by the Administration. The Committee has questions about the direction the Obama

Administration is taking our nation's energy policy and its effect on job creation, our economy and national security."

This issue comes in response to a Spanish-owned oil company, Repsol, which is preparing to drill off the coast of Cuba. Secretary Salazar met with officials from Repsol in June, and said that his focus was not to discourage the company's actions in Cuban waters, but to ensure that the drilling was done to protect the environment and the people of the United States. Congressman Rivera feels the best way to do that is by discouraging companies from drilling in Cuba, not by enabling them.

Congressman Rivera introduced the Foreign Oil Spill Liability Act of 2011 earlier this month. The bill, as described by the Congressman, "would apply the same Oil Pollution Act responsibilities and liabilities, as well as Clean Water Act penalties that a domestic responsible party would face, to a foreign responsible party for an oil spill that pollutes U.S. waters and shores. The liabilities under the Oil Pollution Act and the penalties under the Clean Water Act would triple in the event that the spill originates in the waters of a State Sponsor of Terrorism. Currently the burden is much lower on foreign spillers, forcing American taxpayers to cover the cleanup costs."

TIGER GRANT DEMAND FAR EXCEEDS AVAILABLE FUNDING

U.S. Department of Transportation (DOT) Secretary Roy LaHood announced this week that DOT received an overwhelming demand for TIGER III grants that far exceeds available funding. DOT received 828 applications from all 50 states totaling \$14.1 billion, which exceeds the \$527 million set aside for the program by Congress.

Earlier this month, President Obama directed DOT to expedite application review and award the TIGER III grants by the end of 2011 – months ahead of schedule. Miami-Dade County submitted two project applications for the TIGER III grant funding program from Miami-Dade Transit and the Aviation Department. The projects included:

- *SR-836 Express Enhanced Bus Service*, including a grant request of \$18.3M;
- *Perimeter Road Widening and Realignment Project*, which includes a grant request of \$19.2M.

OIA, along with MDT and Aviation, the Office of Management and Budget - Grants Coordination Division for Miami-Dade County and the *Alcalde & Fay and Greenberg Taurig Federal Lobbying Teams*, along with Florida International University (FIU) are working to advocate and secure the TIGER III grant funding. The FIU and county partnership is for the SR-836 Express Enhanced Bus Service project which would link FIU's Modesto A. Maidique Campus, the FIU Engineering Center and the MIC. This partnership is the result of several components of the project impacting the MIA Mover to MIA, Tri-Rail, Metrorail, Metrobus and Airport Flyer to many Miami-Dade County metropolitan area destinations. The Congressional delegation has agreed to voice their support of these projects to Secretary LaHood and the U.S. Department of Transportation.

*On Thursday, House Speaker Boehner and Chairman Mica unveiled the House Republican proposal for a long-term surface transportation reauthorization bill. OIA and the Federal Lobbying Team will report on the details of this bill next week.

HOUSE PASSES NATIONAL CONCEAL CARRY BILL

On Wednesday, the House passed H.R. 822 by a vote of 272-154. The bill would allow permit holders to carry concealed handguns across state lines. The House rejected repeated attempts by Democrats to scale back the reach of the legislation; in the end, forty three Democrats voted for the bill.

H.R. 822 would require those carrying concealed handguns into a state to comply with a state's concealed carry laws, except for regulations that determine who is eligible to have a firearm in the first place. Opponents of the bill take issue with that exception, arguing it will encourage individuals to get permits from states with the most permissive concealed carry laws and carry handguns into states with stricter eligibility requirements. They cite varying state standards on such issues as background checks, firearms training, age restrictions and convictions for certain misdemeanors.

The bill is opposed by the Mayors Against Illegal Guns, the Brady Campaign, the International Chiefs of Police, the Police Foundation and the Major Cities Chiefs Association. There is currently no Senate version of this legislation.

HOUSE HOLDS HEARING ON INTERNET GAMBLING

On Friday morning, the House subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled "Internet Gaming: Regulating in an Online World." The hearing focused on the debate over legalizing Internet gambling. According to the committee, only two states, Hawaii and Utah, are without legalized gambling. Additionally, 48 other states allow charitable gaming, 43 states and the District of Columbia have lotteries, 40 states permit pari-mutuel betting and 29 states have Indian casinos, while another 28 states have stand-alone casinos or racetrack casinos.

The hearing addressed the following questions based on whether or not Congress should legalize Internet gambling. They included:

- How effective is current enforcement of online gaming in jurisdictions that have legalized it? And how are states preparing to deal with the issue?
- What, if any, forms of interstate online gaming should Congress consider allowing?
- What consumer protections exist for online gaming and what new protections are needed?
- How would any easing of legal restrictions on Internet gaming affect American consumers and other stakeholders, especially federally recognized Native American tribes?

To date, gaming policies and regulations are normally handled by the states, although the federal government has taken an active role in shaping what is permissible. Chairwoman Mary Bono Mack (CA), in her opening statement, said:

“In 1988, gambling across the United States began to proliferate after Congress passed the Indian Gaming Regulatory Act, addressing the jurisdiction and authority of tribes to establish gaming on their lands. Since its passage, tribal gaming operations have seen tremendous growth with revenues last year exceeding \$26 billion. Of the 565 federally recognized tribes across the United States, nearly half of them operate casinos which provide a critically important source of funding for tribal operations and governance. In my own Congressional District, tribal gaming has been a huge plus, with seven casinos supporting thousands of jobs during these difficult economic times. The tribes have been great neighbors too, contributing regularly to charities and civic events. So as this debate continues to unfold, it’s very important to remember how tribal gaming has improved the lives of thousands of Native Americans and I want to make certain that they are not adversely impacted by online gambling – legal or otherwise.”

In 2006, to combat the proliferation of illegal Internet gambling, Congress passed the Unlawful Internet Gambling Enforcement Act, which effectively outlawed interstate online gaming in the United States by prohibiting gambling-related businesses from accepting payments in the form of checks, credit card payments, or electronic funds transfers.

Supporters argue that legalizing Internet gambling would actually allow the government to provide greater protection for consumers. But those who want to keep the ban on Internet gambling in place argue that repealing the current law will expose more Americans to serious problems such as compulsive gambling. They are also worried about an increase in fraud, money laundering, and organized crime.” The Congresswoman also points out that should the law be repealed it potentially could harm states by decreasing gaming revenue on legitimate operations. To date, seven states have enacted laws to prohibit online gambling. The hearing focused on whether Internet gambling across state lines is legal or illegal.

CLIMATE COMMUNITIES

On Thursday’s weekly Climate Communities webinar the grant opportunities from the U.S. Forest Service’s FY 2012 National Urban and Community Forestry Challenge Cost-Share grant program was discussed at length. Approximately \$900,000 in grant funds are expected to be awarded to support urban and community forestry projects that have a national or widespread impact. Nancy Stremple, a Program Specialist with the Forest Service, spoke in detail about the grant opportunity and highlighted the types of projects that the Forest Service is seeking. Additionally, Matt Kuharic, a Senior Climate Change Specialist with King County, Washington, discussed their initiative, the "Urban and Community Forestry Climate Preparedness and Response" program, which was funded by the National Urban and Community Forestry Challenge Cost-Share grant

program. This program provides incentives to private landowners to maximize the climate change mitigation and adaptation benefits of their lands.

According to Climate Communities and Forest Service grant applications should address one of the following strategic priority categories: (1) How Management of Urban and Community Forests Can Help Mitigate Greenhouse Gas Emissions or Help Communities Adapt to Climate Change, (2) The Influence of Urban and Community Forests upon Public Health and (3) Urban and Community Forestry as Economic Development. December 1, 2011 is the deadline for pre-proposals and those projects selected to submit full proposals are due March 18, 2012. Below is a link to the application.

http://www.fs.fed.us/ucf/supporting_docs/FY2012-NUCFAC-RFP-INSTRUCTIONS.pdf

GOP PRESIDENTIAL FIELD 2012

Michele Bachmann – U.S. Rep. from Minnesota
Herman Cain – former CEO of Godfather's Pizza
Newt Gingrich – former Speaker of the U.S. House of Representatives
Jon Huntsman – former Gov. of Utah & former Ambassador to China
Gary Johnson – former Gov. of New Hampshire
Ron Paul – U.S. Rep. from Texas
Rick Perry – Gov. of Texas
Buddy Roemer – former Gov. of Louisiana*
Mitt Romney – former Gov. of Massachusetts
Rick Santorum – former Sen. from Pennsylvania

*(*will not be on FL primary ballot)*

FEDERAL LOBBYIST REPORTS

Please use the following link to access the monthly lobbyist reports for the Washington D.C. lobbying team http://www.miamidade.gov/intergov/federal_lobbyist.asp

NEXT WEEK'S CALENDAR: NOVEMBER 21ST – NOVEMBER 25TH

The House and Senate will recess for the Thanksgiving Holiday late next week.