

WASHINGTON WEEKLY REPORT

October 31ST – November 4TH, 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 – UPDATE

On Tuesday Senator Scott Brown (MA) held a 'Repeal 3% Withholding Tax' press conference to urge the Senate to take action to repeal the withholding tax. Last week the House repeal bill, HR 674, was overwhelmingly approved with support from the entire Florida Congressional delegation and has been joined with a bipartisan, Administration-supported offset. The bill has been sent to the Senate, where the U.S. Chamber of Commerce's Government Withholding Relief Coalition, of which Miami-Dade County is a member, is lobbying Majority Leader Harry Reid to schedule a clean vote on HR 674 as soon as possible. OIA, along with the Federal lobbying team, have contacted several additional Senators as part of the coordinated lobbying effort in support of passage of the bill.

On Thursday evening, Senate Majority Leader Harry Reid (NEV) filed cloture on a motion to proceed to HR 674. A cloture vote is set for Monday. The House passed the measure Oct. 27.

Commissioner Sally Heyman has been a strong advocate of the bill and the County strongly supports passage of a 3% withholding measure. OIA, along with Commissioner Heyman, Director Miriam Singer and the *Greenberg Traurig Federal Lobbying Team* continue to work to help secure the bill's passage.

In a floor speech last week, Rep. David Rivera voiced his strong support for the bill, stating that "The three percent withholding rule has already been postponed once, and President Obama has suggested delaying it another year. This is an area where House Republicans can find common ground with the White House and the Senate to better our nation's economy and job climate. If the three percent withholding rule is bad enough to continuously delay, it's bad enough to repeal."

Two weeks ago the Senate took up Minority Leader Mitch McConnell's version of the 3% withholding bill and in a procedural motion (i.e. cloture vote) to close debate on the bill, the Senate voted 57 to 43 to reject the motion, effectively stalling the measure in the upper chamber. Importantly, the motion did include votes in favor of the measure by Senators Marco Rubio, Bill Nelson and nine other Democratic Senators. The President threatened a veto of McConnell's bill because it contained a \$30 billion rescission that

the White House said would “cause serious disruption in a range of services supported by the federal government.”

COUNTY SUBMITS APPLICATIONS FOR TIGER III GRANTS

Miami-Dade County submitted two project applications to the U.S. Department of Transportation for TIGER III grant funding. Miami-Dade Transit and the Aviation Department submitted the following two projects for consideration:

- *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.

The first project is the SR-836 Express Enhanced Bus Service. It will provide premium transit service along the State Road 836 and State Road 90/SW 8th Street East-West corridor, from west Miami-Dade County to the Miami Intermodal Center (MIC), at Miami International Airport (MIA) via SW/NW 107th Avenue and SR-836. Access to Metrorail and to Miami International Airport from this area is characterized by extended travel times along heavily congested corridors primarily because existing routes provide more localized service and do not utilize SR-836. The proposed alignment will provide fewer stops approximately every mile along the 13-mile route and more frequent service with 10-minute peak headways during weekday rush hours. Additionally, the project will generate approximately 610 jobs with an environmental impact that will reduce gas emissions by encouraging approximately 1,874 single occupant vehicles to use transit reducing vehicle trips annually.

Miami-Dade County, Miami-Dade Transit and OIA, in conjunction with Florida International University (FIU) are working to secure the grant funding for SR-836 Express Enhanced Bus Service project. The service will include linking 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 second project is the Perimeter Road Widening and Realignment Project reconstructs. It widens Perimeter Road along the south side of MIA to a 4-lane median divided road from NW 57th Avenue to NW 15th Street. It constructs a new replacement 4-lane low profile bridge over the Tamiami Canal connecting and diverting vehicular traffic to NW 45th Avenue and NW 14th Street through a new roadway extension of NW 13th Street to NW 42nd Court and LeJeune Road. The project will improve the intersections of Perimeter Road and NW 45th Avenue with NW 15th Street, the roadway conditions, traffic signalization, insufficient capacity, substandard geometry (lane width and turning radii) and high traffic. The project will generate approximately 640 jobs. The impact to the environment will be an improved road that will enable great vehicle performance, reduce vehicle emissions and greenhouse gases.

OIA, along with MDT, the Office of Management and Budget - Grants Coordination Division for Miami-Dade County and the *Alcalde & Fay and Greenberg Traurig Federal Lobbying Teams* have begun advocating for these important projects. The Congressional delegation has agreed to voice their support to Secretary LaHood and the U.S. Department of Transportation.

CHAIRMAN MARTINEZ, DIRECTOR LOFTUS TO MEET WITH AMBASSADOR BROWNFIELD

OIA and House Foreign Relations Committee Chairwoman Ros-Lehtinen's committee staff set up meetings next week between Chairman Martinez, MDPD Director Loftus and Mayor Carlos Gimenez's staff and Ambassador William Brownfield, the Assistant Secretary of State who heads up the U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL). Ambassador Brownfield will be in Miami participating in the Central America and Caribbean Chiefs of Mission Conference with U.S. Southern Command from November 7-8. The Ambassador requested the meeting to discuss INL's work and explore potential opportunities for cooperation and partnership between the County and INL. INL is the U.S. State Department's entity responsible for formulating policies and developing programs to combat criminal activity throughout the world.

CONGRESSMAN RIVERA VOICES SERIOUS CONCERNS OVER CUBA DEEPWATER OIL DRILLING

On Wednesday, Rep. David Rivera, along with Reps. Ileana Ros-Lehtinen, Mario Diaz-Balart and Albio Sires (NJ-13), sent a letter to President Obama expressing concerns over "Cuba's plans to drill for oil 90 miles from America's shores, and questioning whether prohibitions on exports to Cuba are being enforced to prevent American oil drilling technology from reaching Cuba and extending an economic lifeline to a State Sponsor of Terrorism."

During a House Subcommittee on Energy and Mineral Resources Oversight hearing titled, "North American Offshore Energy: Mexico and Canada Boundary Treaties and New Drilling by Cuba and Bahamas", Rep. Rivera questioned Michael Bromwich, Director of the Bureau of Safety and Environmental Enforcement and Vice Admiral Brian Salerno, Deputy Commandant for the U.S. Coast Guard.

The Congressman raised concerns about the Bureau's inspection of the Repsol oil rig, expected to be conducted later this year, as Director Bromwich noted that it would not be an accurate assessment of the rig because it would not take place in the location where the rig would be drilling. The Congressman questioned "whether the rig complied with U.S. sanctions against Cuba, and expressed disappointment that the only evidence of such compliance is self-reports from Repsol itself. He also noted, based on Director Bromwich's testimony, that even if Cuba were an ideal neighbor—not a State Sponsor of Terror that is holding an American citizen hostage, and the United States were to lift

the embargo and other sanctions, the United States would still not have enforcement or compliance capabilities in their national waters.”

Following the hearing, Congressman Rivera said, “Cuba is designated as a State Sponsor of Terrorism by our own government, a nation that has as much regard for environmental safety as it does for human rights. We have to enforce existing economic sanctions against the Castro regime and not give unilateral concessions that will provide them with a greater opportunity to drill less than 90 miles from our shores, and will grant the Castro regime an economic lifeline.”

REP. DIAZ-BALART MEETS WITH THREE CUBAN POLITICAL PRISONERS

Congressman Mario Diaz-Balart held media availability on Thursday following a meeting with three former Cuban political prisoners who were among those arrested during the infamous 2003 Black Spring. The former prisoners, Independent journalist Normando Hernández González, Regis Iglesias Ramírez of the Varela Project, and former Nueva Prensa Cubana Director José Luís García Paneque, all dissidents, were exiled by the Cuban regime to Spain in 2010 and remain influential leaders of Cuba's growing pro-democracy movement.

EPA RELEASES STATEMENT ON FLORIDA'S PROPOSED RULE FOR ADDRESSING NUTRIENT POLLUTION

On Wednesday, the U.S. Environmental Protection Agency (EPA) sent a letter to Hershel Vinyard, Secretary of the Florida Department of Environmental Protection (FDEP), outlining the Agency's preliminary evaluation of FDEP's proposed rule establishing numeric criteria for Florida waters. This preliminary evaluation indicates that the State's proposed rule is consistent with the requirements of the Clean Water Act.

According to a press release by the EPA, “The letter also noted that EPA will be ready to withdraw its federal standards for those Florida waters covered by the FDEP's rule, provided that the current version of FDEP's rule is approved by the Florida Environmental Regulatory Commission (ERC) and ratified by the Florida State Legislature. The Agency cautioned that posture could change if the rule or related documents relied upon by the State change as the rule is considered and potentially amended by the ERC or state legislature.”

"We commend Florida's focus on reducing nitrogen and phosphorus pollution in its inland and estuarine waters," said Gwendolyn Keyes Fleming, Regional Administrator. "The FDEP's proposed rule reflects significant progress in protecting the state's critical aquatic resources and we are hopeful that it will be fully enacted without modification. We look forward to seeing this rule through a process that in the end puts in place pollution-cutting standards that are based on the requirements of the Clean Water Act and the best science."

Nitrogen and phosphorus pollution is one of the largest causes of the water quality problems in Florida. Limiting nutrient pollution across the state will help protect the health of Floridians and also preserve Florida's greatest asset-clean water. Florida's tourism industry employs nearly one million Floridians and pumps billions into the state's economy each year. Many of these tourists come to Florida to fish, boat and jet ski and, in an average year, tourists spend more than \$60 billion in the state, generating thousands of jobs as well over \$3 billion in taxes.

This issue has been of particular importance to Commissioner Lynda Bell, who has spoken directly with several members of the Miami-Dade County Congressional delegation, including Sen. Bill Nelson.

CONGRESSIONAL APPROPRIATIONS – UPDATE

CONGRESS PASSES FY2012 “MINIBUS”

The new fiscal year began on October 1. Congress did not complete any of the Fiscal Year 2012 appropriations bills by that date so they passed a Continuing Resolution (CR) to keep the government operating. The current CR expires on November 18.

In October, the Senate took up a package of three FY2012 appropriations bills. The package or "minibus" includes the Agriculture, Commerce-Justice-Science, and Transportation-HUD appropriations bills.

The Senate Appropriations Committee approved the Commerce-Justice-Science (CJS) bill in September. It includes \$2.3 billion for DOJ grants for state and local law enforcement, including \$232 million for Community Oriented Policing Services (COPS) grants. The House CJS bill provides no funding for COPS. The Senate bill also provides \$395 million for Byrne Justice Assistance Grants and \$273 million for State Criminal Alien Assistance Program (SCAAP). The House bill has no funding for SCAAP and cuts the Byrne program by 16 percent. The Senate bill also includes \$251 billion for juvenile justice and delinquency prevention programs.

The Senate was not able to finish its bill before its October 24th weeklong recess. The Senate reconvened this week. On November 1, the Senate returned to consideration of the Agriculture-CJS-Transportation/HUD appropriations minibus. The Senate considered a number of amendments that were still pending from before the recess. All of the amendments failed. **The Senate passed the minibus by a final vote of 69-30. The bill has been referred to a conference between the House and Senate.**

The Senate named its conferees earlier this week. Yesterday, the House announced their conferees, and the conference committee held their first meeting to discuss the final version of the minibus.

The Senate's version of the bill is \$128 million, which is higher than the House-passed bills. The conferees are expected to go with the higher spending levels in the Senate bills, which are consistent with the discretionary spending levels set by Congressional leaders and the White House in the debt ceiling agreement reached in August. **On Thursday, the House adopted a nonbinding motion to instruct conferees to insist on the highest level of funding for the COPS program. As mentioned above, the House CJS bill does not include funding for the COPS program, while the Senate version has \$232 million.**

The Agriculture-CJS-THUD minibuss will likely be approved the week of November 14 as the House is out of session next week. The Senate is in session next week and is expected to move to another minibuss that combines the Energy & Water, Financial Services, and State-Foreign Operations bills.

The schedule for the remaining appropriations bills is unclear, but it's all but certain that Congress will be unable to finish all of the bills by November 18 when the current CR expires. It is expected that the Agriculture-CJS-THUD minibuss will likely include a CR that keeps the government running through mid-December. *(Prepared by Akerman Senterfitt Federal Lobbying Team)*

LOOKING AHEAD IN CONGRESS

LEGISLATIVE ACTIVITY IN NOVEMBER:

The House is scheduled to be out of session the weeks November 7th and November 21st. Congress will be working on the Continuing Resolution and the remaining FY2012 appropriations bills. The Joint Select Committee on Deficit Reduction (the "supercommittee") must vote on a final package of deficit reductions by November 23, 2011. A majority of the committee members must approve the package before it can be submitted to the House and Senate for consideration. Both chambers must vote on the final deficit reduction package by December 23, 2011. If the joint committee deadlocks or Congress fails to pass the package, it would trigger across-the-board cuts for defense and non-defense spending beginning in fiscal year 2013. OIA and the Federal Lobbying Team will keep the County posted on any relevant developments with this and our assigned issues. *(Prepared by Akerman Senterfitt Federal Lobbying Team)*

BALANCED BUDGET AMENDMENT:

The Budget Control Act (P.L. 112-25) mandated that the House and the Senate each vote on a balanced-budget amendment between September 30 and December 31, 2011. The House Judiciary Committee held a hearing on October 4 to discuss the balanced-budget amendment which included testimony from former Congressional Budget Office Director Douglas Holtz-Eakin, among others. Two versions of a balanced-budget amendment have been proposed in the House: H.J. Res. 1 which in addition to balancing the budget would cap federal spending at 18 percent of the gross domestic product and require a super-majority vote in both chambers to increase the debt limit;

this version currently has 133 co-sponsors, only one of which is a Democrat. A less restrictive version, H.J. Res. 2, which does not include the spending cap and debt limit provisions, has garnered 242 cosponsors and is the more likely of the two to gain the two-thirds majority required to pass a balanced-budget amendment.

A House vote is scheduled the week of Nov. 14. If all 242 Republicans vote in favor, then the amendment will need 48 Democrats to obtain the necessary two-thirds of required votes for a constitutional amendment. However, reports have recently surfaced that House Democratic Leadership would encourage their caucus to not support the measure, thus imperiling its chances at passing Congress. *(Prepared by Patton Boggs Federal Lobbying Team and OIA)*

CLIMATE COMMUNITIES

Climate Communities held their weekly webinar Thursday titled “Dubuque's ‘Smarter City’ Partnership with IBM.” The webinar focused on the City of Dubuque, Iowa, and IBM announced a partnership in 2009 to better understand energy use in the community and develop a replicable, sustainability model for cities of 200,000 and under. Dave Lyons, the City’s Smarter Sustainable Dubuque project manager, provided an overview of the IBM “Smarter City” partnership, and highlighted the water and energy conservation benefits already being achieved.

According to Climate Communities and Mr. Lyons, “The Smarter Sustainable Dubuque project is engaging Dubuque residents and businesses who, through advanced technology, will be able to voluntarily better manage their use of resources like water, electricity, natural gas and vehicle miles traveled. Ultimately, the goals of the initiative are to save residents and businesses money; reduce the wasteful use of water, electricity, natural gas and oil; reduce greenhouse gas emissions; create new jobs; and educate the community about sustainable best practices.”

Mr. Lyons went on to say, that to date, “a new water use monitoring system, utilizing locally manufactured water meters, has been installed to provide residents and businesses the most accurate water usage measurements possible.” IBM and Dubuque and IBM have launched a web site where pilot participants can monitor water and energy use and calculate the savings.

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 7TH – NOVEMBER 11TH

The House will be in recess next week

The Senate will be in session next week

LIST OF MINIBUS CONFEREES AS OF 11/03/2011

House Republicans

Robert B. Aderholt (Ala.)
Jo Bonner (Ala.)
John Carter (Texas)
John Culberson (Texas)
Jo Ann Emerson (Mo.)
Jack Kingston (Ga.)
Tom Latham (Iowa)
Steven C. LaTourette (Ohio)
Jerry Lewis (Calif.)
Harold Rogers (Ky.)
Frank R. Wolf (Va.)

Senate Democrats

Sherrod Brown (Ohio)
Dianne Feinstein (Calif.)
Tom Harkin (Iowa)
Daniel K. Inouye (Hawaii)
Tim Johnson (S.D.)
Herb Kohl (Wis.)
Barbara A. Mikulski (Md.)
Patty Murray (Wash.)
Ben Nelson (Neb.)
Mark Pryor (Ark.)

C.W. Bill Young (Fla.)

House Democrats

Rosa DeLauro (Conn.)
Norm Dicks (Wash.)
Sam Farr (Calif.)
Chaka Fattah (Pa.)
John W. Olver (Mass.)
Ed Pastor (Ariz.)
David E. Price (N.C.)
Adam B. Schiff (Calif.)

Senate Republicans

Roy Blunt (Mo.)
Thad Cochran (Miss.)
Susan Collins (Maine)
John Hoeven (N.D.)
Kay Bailey Hutchison (Texas)
Mitch McConnell (Ky.)
Jerry Moran (Kan.)
Richard C. Shelby (Ala.)