



Akerman LLP
The Victor Building
750 9th Street, N.W., Suite 750
Washington, DC 20001

T: 202 393 6222
F: 202 393 5959

Memorandum

From: Jane Sargent, Rick Spees and Jose Villalobos

To: Chairwoman Audrey Edmonson
Board of County Commissioners

CC: Joe Rasco

Date: April 1, 2019

Subject: March 2019 Monthly Report

Appropriations:

The Congress is working hard on the Fiscal Year 2020 federal budget. The President's budget, which is his recommendation of how he wants to fund federal agencies next year, was released in summary form on March 11. More details were released on March 18, although, even today, some federal agencies have not yet made their budgets public.

We do know the big picture. The President has recommended increasing the funding for the Defense Department, going from \$716 billion to \$750 billion. At the same time, he is proposing large cuts in non-defense spending. Needless to say, this proposal is facing massive opposition in Congress, from many Republicans and all the Democrats. But the picture is more complicated. In 2011, Congress passed legislation to address the deficit that set in law binding spending caps for 10 years. For FY 2020, those caps would require cuts of \$126 billion from the levels in the FY 2019 budget now in place. The caps set defense spending at \$643 billion and \$542 billion for non-defense spending. The President's budget is calling Congress to agree to the non-defense cuts for FY 2020, but to basically ignore them for defense spending. Again, this proposal is going nowhere in Congress.

So Congress will ignore the President's budget. They will try to write their own budget which will spend more for defense and non-defense accounts. But to succeed, they must eventually

repeal, amend, or waive the caps set in the law. To do this, they need to get the President's signature on legislation. It is not clear if the President will do this. He does want to spend more on defense, but otherwise he wants to claim that he is trying to cut federal spending. He wants to paint the Democrats as budget busting.

Here is the bottom line. The President wants to spend more on defense and less on non-defense. Some conservative Republican members of the House agree with this. But the vast majority of members of both parties in Congress want to spend more on both defense and non-defense programs. They need to raise the budget caps to do this. It is not clear if the President will agree to do this. Right now he is saying he will not.

So in typical Congressional fashion, the current plan is for the House and Senate Appropriations Committees to write their versions of the FY 2020 budget AS IF the President has agreed to raise the caps, and hope they can work things out later this year. Because kicking political decisions down the road seems like a good idea.

There are twelve appropriations bills that make up the federal budget. There are twelve appropriations subcommittees in the House and Senate Appropriations Committees, each which writes up one bill. Currently the subcommittees are reviewing the President's budget, and taking testimony from the public and other members of Congress, regarding the need for spending. The subcommittees are hoping to start marking up the FY 2020 bills later this spring – while they try to work out the big picture cap problem.

Also, in March, appropriations requests for FY2020 were due to the Miami-Dade Congressional delegation. We worked with the OIA to complete and submit seven of the County's programmatic appropriations requests to the delegation for FY2020. This included requests for homeland security, law enforcement, community development, public housing and health priorities. We helped the OIA staff with drafting the necessary appropriations forms and letters. Members will submit their programmatic and language requests to the Appropriations Committee in April. The House and Senate Appropriations Committees will likely begin working on the FY2020 appropriations bills in May. Throughout the FY2020 appropriations process, we will work with the County to weigh in on the items it supports and opposes in the President's budget, and help to secure funding for the County's priorities.

FY2020 Budget Proposal:

As mentioned above, on March 11, President Trump released an overview of his budget proposal for FY2020. Further budget details were released the week of March 18. As in the previous two years, the President again proposes severe cuts to programs of interest to local governments. Congress rejected many of his proposed cuts in the FY2018 and FY2019 budget process. We expect that Congress will again be making substantial changes to his request in FY2020.

We have highlighted below programs that may be of interest:

Department of Justice

State and Local Law Enforcement Activities: The budget proposes the following funding for State and local law enforcement and crime prevention programs:

Community Oriented Policing Services (COPS) Programs: The 2020 budget proposes \$99 million for COPS Hiring Grants and also proposes to merge the COPS Office into the Office of Justice Programs. However, of the \$99 million, \$30 million would be set aside for specific activities such as tribal law enforcement, Smart Policing and Regional Information Sharing Systems. This is a significant cut from the current funding level. For FY2019, COPS received \$303.5 million, including \$228.5 million for COPS Hiring Grants.

Byrne Justice Assistance Grants (JAG): The President proposes \$405.2 million for the Byrne JAG program. Within this amount, there several set-asides for other programs, including \$22.5 million the Body Worn Camera grant program (same as FY2019) and \$22.5 million for Bulletproof Vest grants (\$2.5 million below FY2019). For FY2019, Byrne JAG received \$423.5 million.

State Criminal Alien Assistance Programs (SCAAP): Same as last year, the President's budget proposes to eliminate funding for this program, which was funded at \$243.5 million in FY2019. The SCAAP program provides federal payments to state and local governments for the costs of incarcerating undocumented immigrants.

DNA Analysis Grants: \$105 million is proposed for the DNA initiative, which is significantly below the FY2019 level of \$130 million.

Coverdell Forensic Science Grants: The budget proposes \$10 million for these grants, which are funded at \$30 million in FY2019.

Opioid Initiative: The budget proposes \$330 million for programs to reduce opioid abuse authorized under the Comprehensive Addiction and Recovery Act (CARA) of 2016. This includes \$145 million for the Comprehensive Opioid Abuse Grant Program (COAP). The FY2019 omnibus includes \$347 million for CARA activities, including \$157 million for COAP.

Juvenile Justice and Delinquency Prevention Programs: The budget proposes \$238.5 million for Juvenile Justice programs, a substantial cut from the FY2019 level of \$287 million.

Violence Against Women Prevention and Prosecution Programs: \$492.5 million is proposed for VAWA programs, a slight decrease from the FY2019 level of \$497.5 million.

Victims of Trafficking Grants: The budget proposed \$77 million for these grants, which is below the FY2019 level of \$85 million.

Missing and Exploited Children Programs: The President's budget proposes \$81 million (\$1 million less than FY2019) for these programs, including the Internet Crimes Against Children (ICAC) program.

Project Safe Neighborhoods (PSN) Block Grants: The budget proposes \$80 million for this new program, which will build on and expand the work of DOJ's PSN Initiative to create safer neighborhoods through sustained reductions in gang violence and gun crime. The program is based on partnerships of federal, state and local agencies led by the U.S. Attorney in each federal judicial district. The FY2019 omnibus included \$20 million for the PSN grant program.

Department of Housing and Urban Development

Community Development Block Grants (CDBG): The budget again proposes to eliminate funding for CDBG, which received \$3.3 billion in FY2019.

HOME: The budget does not request funding for the HOME Investment Partnership program in FY2020, same as last year. The HOME program received \$1.25 billion in FY2019.

Homeless Assistance Grants: The budget requests \$2.599 billion for Homeless Assistance Grants, which is below the FY2019 level of \$2.636 billion.

Housing Opportunities for People with AIDS: The budget proposes \$330 million for HOPWA, which is below the FY2019 level of \$393 million.

Emergency Solutions Grants: The budget proposes \$280 million for the ESG program, which is the same as FY2019.

Choice Neighborhoods: The budget does not request funds for the Choice Neighborhood Initiative, which helps revitalize underserved communities. The program was funded at \$150 million in FY2019.

HUD-Veterans Affairs Supportive Housing: The budget does not request funds for HUD-VASH, which received \$40 million in FY2019.

Public and Indian Housing: The budget proposes \$25.8 billion for Public and Indian Housing, which is below the FY2019 level of \$31 billion. Within this amount, Tenant-Based Rental Assistance is funded at \$22.2 billion (above the FY2019 level of \$20.3 billion). The budget requests no funding for the Public Housing Capital Fund, which is funded at \$2.8 billion in FY2019.

Department of Homeland Security

FEMA State and Local Programs: The President's budget proposes the following for State and Local Programs, including:

- State Homeland Security Grant Program: \$331.9 million is requested (significantly less than the FY2019 amount of \$525 million) for SHSGP.
- Urban Area Security Initiative (UASI): \$426.46 million is proposed for UASI (significantly less than the FY2019 level of \$640 million).
- Public Transportation Security Assistance, Railroad Security Assistance and Over-the-Road Bus Security Assistance: \$36.36 million is requested (significantly less than the FY2019 level of \$100 million).
- Port Security Grants: \$36.36 million is proposed (significantly less than the FY2019 level of \$100 million).
- Education, Training, and Exercises: \$150.5 million is requested (significantly less than the FY2019 level of \$276.7 million) for these programs.
- Firefighters Assistance Grants: \$344.3 million for SAFER (below the FY2019 level of \$350 million) and \$344.3 million for Assistance to Firefighter Grants (below the FY2019 level of \$350 million).
- Emergency Management Performance Grants: \$279.3 is proposed for EMPG (significantly less than the FY2019 level of \$350 million).
- Predisaster Mitigation: The budget proposes to eliminate funding for the Predisaster Mitigation Fund, which was funding at \$250 million in FY2019.
- Emergency Food and Shelter Program: The budget proposes to eliminate funding for this program, which was funded at \$120 million in FY2019.
- FEMA Disaster Relief: The budget proposes \$19.9 billion for disaster relief, which is above the FY2019 level of \$12 billion to fund recent major disaster response and recovery activities.

Customs and Border Protection (CBP): The budget proposes \$18.2 billion in discretionary appropriations for CBP, which is a significant increase over the FY2019 level of \$14.9 billion. The President's budget includes \$5 billion to support construction of approximately 200 miles of border wall system and an increase of \$163.6 million to recruit, hire and train 750 new Border Patrol Agents.

Immigration and Customs Enforcement (ICE): The budget proposed \$8.8 billion in discretionary appropriations for ICE, an increase over the FY2019 level of \$7.6 billion.

Transportation Security Administration (TSA): The budget proposes \$7.5 billion in discretionary spending for TSA, which is below the FY2018 level of \$8 billion.

Department of Transportation

FTA Formula and Bus Grants: The budget proposes \$10.15 billion for formula grants, which is slightly above the FY2019 level of \$9.9 billion.

Capital Investment Grants: The budget proposes \$1.5 billion for the New Starts/Small Starts program for projects with existing Full Funding Grant Agreements. This is below the FY2019 level of \$2.55 billion.

Transit Infrastructure Grants: The President's budget proposes \$500 million for these grants, which were funded at \$700 million in FY2019. Of the \$500 million, \$250 million is proposed for FTA's State of Good Repair formula grant program and \$250 million for the Bus and Bus Facilities competitive grant program.

BUILD Grants (formally TIGER): The budget requests \$1 billion for BUILD grants in FY2020, which is above the FY2019 level of \$900 million.

INFRA Grant: The budget proposes \$1 billion for the INFRA grant program, which provides funding for freight and congestion relief projects.

Highways: The budget proposes \$38.3 billion for federal-aid highways, which is below the FY2019 level of \$49.3 billion.

Aviation: The budget proposes \$17.1 billion for the Federal Aviation Administration, which is below above the FY2019 level of \$17.5 billion. This includes \$3.35 billion for airport grants (same as FY2019).

Department of Health and Human Services

Head Start: The budget proposes \$10.06 billion for Head Start (same as FY2019).

Child Care: The budget proposed \$5.276 billion for Child Care and Development Block Grants (CCDBG) (same at FY2019).

Community Service Block Grants: The budget proposes to eliminate funding for the CSBG program, which was funded at \$725 million in FY2019.

Ryan White HIV/AIDS Programs: The budget programs proposes for \$2.389 billion to provide HIV-related services (a slight increase from the FY2019 level of the \$2.32 billion).

Healthy Start: The budget proposes \$123 million for the program, a slight increase over the FY2019 level of \$122.5 million.

Preschool Development Grants: The President's budget proposes to eliminate funding for these grants, which were funded at \$250 million in FY2019. These grants support States' efforts to expand or create high-quality pre-school systems for 4-year-olds from low- and moderate-income families.

Senior Nutrition Programs: The budget proposes \$907 million (which is the same as FY2019) for senior nutrition programs, which provides congregate meals and meals on wheels to needy seniors.

Department of Labor

Job Training: The budget proposed \$2.8 billion for Workforce Investment Act Grants to States to provide job training skills and assistance to low-skilled adults, dislocated workers, and low-income youth with barriers to employment. This is below the FY2019 level of \$3.5 billion.

Veterans Employment and Training: The budget proposed \$256 million (less than the FY2019 level of \$300 million) to expand employment services to transitioning service members, veterans with disabilities, and their spouses and caregivers.

Department of Commerce

Economic Development Administration (EDA): The budget again proposes to eliminate funding for the EDA. The budget requests \$30 million to conduct an orderly closeout of the EDA beginning in 2020. The FY2019 omnibus provided \$265 million for Economic Development Assistance Programs, including \$117.5 million for Public Works, \$33 million for Partnership Planning, \$9.5 for Technical Assistance, and \$35 million for Economic Adjustment Assistance.

National Flood Insurance Program:

Congress has extended the National Flood Insurance Program until May. Over the past year, Congress has continued to extend the existing law while they work on a reauthorization of the program. The House passed a five-year renewal of the program during the last session of Congress, but it was not taken up by the Senate.

In March, the House Financial Services Committee, which has jurisdiction of the NFIP, held a hearing on the reauthorization of the program. Witness included a variety of stakeholders, including emergency planners, insurers, realtors and environmentalists. Since the hearing, House Financial Services Chairwoman Maxine Waters has released four draft bills that would reauthorize the NFIP for five years and make other reforms to the programs. The draft bills have been released for public comment. Stakeholders, including the local government organizations, will be working with the Committee to shape the proposed bills. Local governments have been concerned about the affordability of flood insurance, solvency of the overall program, and improvements to FEMA's mapping process, including local government input into flood maps.

Congress will continue working on the NFIP reauthorization bills. However, it is unlikely they will be able to reach an agreement on legislation before the current extension expires in May and will need to pass another short-term extension of the current law.

Activities for April:

Both the House and Senate will be out of session the weeks of April 14th and 21st. Congress will continue working on the FY2020 budget process, including holding hearings on the President's budget request. Member requests are due to the House and Senate Appropriations Committees in April. The House and Senate Budget Committees will be working on the FY2020 budget resolutions, which set the overall parameters of the budget, including the discretionary spending caps for defense and nondefense spending. Once those are set, the House and Senate Appropriations Committee will begin marking up the 12 annual appropriations bills based on those overall numbers. We will continue to monitor and report on Presidential actions and any other legislative developments of interest to the County.