



County of Los Angeles
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WILLIAM T FUJIOKA
Chief Executive Officer

May 25, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Board of Supervisors
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First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

WASHINGTON, D.C. UPDATE ON FISCAL YEAR 2013 APPROPRIATIONS

This memorandum is to update your Board on actions taken by Congress earlier this month on the Federal Fiscal Year (FFY) 2013 Homeland Security and Commerce-Justice-Science (CJS) appropriations bills, which provide funding for first responder and law enforcement grants to state and local governments.

Despite this progress, a Continuing Resolution will be needed to temporarily fund Federal programs and operations from the start of FFY 2013 on October 1, 2012 until after the November elections. Reconciling the differences between House and Senate versions of the 12 FFY 2013 appropriations bills, which fund discretionary programs, will be complicated by the fact that the House is using an overall FFY 2013 discretionary spending limit of \$1,027.9 billion for its appropriations bills instead of the \$1,047 billion FFY 2013 spending limit, enacted under the Budget Control Act of 2011, which is being used by the Senate. As a result, funding in the 12 House appropriations bills will total \$19.1 billion more than the Senate bills. The current House FFY 2013 Homeland Security appropriations bill is \$397 million more than the Senate version while the House CJS appropriations bill is \$731 million more than the Senate bill.

FFY 2013 Homeland Security Appropriations Bill

The Senate Appropriations Committee reported its FFY 2013 Homeland Security appropriations bill (S. 3216) on May 22, 2012, and the House Appropriations Committee reported its version (H.R. 5855) on May 16, 2012. Both bills significantly increase funding for the Federal Emergency Management Agency's (FEMA) State and Local Programs account, which fund all FEMA grants to state and local governments except

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for Firefighting Assistance, Emergency Management Performance Grants, Disaster Mitigation Grants, and disaster aid. The Senate bill increases FEMA State and Local Program funding from \$1.350 billion in FFY 2012 to \$1.645 billion in FFY 2013 while the House bill increases its funding to \$1.763 billion. Total available funding for state and local grants, however, will be roughly the same under both bills because the House, but not the Senate, bill authorizes FEMA to transfer up to 7 percent of total funding from the State and Local Programs account to cover FEMA administrative costs. Such transfer authority, which also has been included in past years' appropriations bills, reduces available funding for grants. Despite the funding increase for FFY 2013, State and Local Programs still would be funded far below its funding level of \$3.380 billion in FFY 2011 and \$4.165 billion in FFY 2010.

The State and Local Programs account includes funding for the Urban Area Security Initiative (UASI), State Homeland Security Grant Program (SHSGP), Port Security, and Transit Security Grants. The Senate and House both rejected the Obama Administration's budget proposal to consolidate all state and local programs into a single new National Preparedness Grant Program. Similar to the omnibus FFY 2012 appropriations act, H.R. 5855 does not include specific funding levels for these individual programs. The House bill, instead, provides FEMA the authority to decide how funding would be distributed among individual programs.

The Senate bill, however, does specify funding levels for individual programs: UASI is funded at \$663.9 million in FFY 2013, compared to \$490.4 million in FFY 2012, \$662.6 million in FFY 2011, and \$832.5 million in FFY 2010; and SHSGP is funded at \$415.0 million in FFY 2013, compared to \$294.0 million in FFY 2012, \$526.9 million in FFY 2011, and \$842.0 million in FFY 2010. While total UASI funding has been sharply cut since FFY 2010, the Los Angeles Urban Area's percentage share of total UASI funding has grown significantly from approximately 8.4 percent of total funding in FFY 2010 to 10.6 percent in FFY 2011, and 13.0 percent in FFY 2012 when it received a \$61 million allotment. Our area, therefore, is likely to receive a sizable share of any UASI funding increase.

Funding levels for other FEMA programs of County interest include:

- Firefighting Assistance Grants are funded at the same level (\$675 million) as in FFY 2012 under S. 3216 while H.R. 5855 reduces its funding by \$5 million;
- Emergency Management Performance Grants (EMPG) are funded at the same level (\$350 million) as in FFY 2012 under both bills, but \$9.45 million less would be available for grants to state and local government under the House bill

because it includes language authorizing FEMA to use 2.7 percent of total EMPG funding for administrative costs;

- Pre-Disaster Mitigation Grants are funded at the same level (\$35.50 million) as in FFY 2012 under S. 3216 but is cut to \$14.33 million under H.R. 5855; and
- Urban Search and Rescue Response funding is reduced from \$41.25 million to \$35.18 million in FFY 2013 under S. 3216 and \$27.51 million under H.R. 5855.

FFY 2013 Commerce-Justice-Science Appropriations Bill

The House passed its FFY 2013 Commerce-Justice-Science (CJS) appropriations bill (H.R. 5326) on May 10, 2012. Before passing the bill, the House approved, 206 to 204, a floor amendment which increased Community-Oriented Policing Services (COPS) Hiring Grant funding by \$126 million above the \$40 million that had been included in H.R. 5326, as reported by the House Appropriations Committee on April 26, 2012. The \$126 million in increased COPS funding was financing by cutting funding for the National Aeronautics and Space Administration by a like amount. The Senate Appropriations Committee approved its FFY 2013 CJS appropriations bill (S. 2323) on April 19, 2012.

Overall funding for the State and Local Law Enforcement Assistance account, which includes the State Criminal Alien Assistance Program (SCAAP), Byrne Justice Assistance Grants (JAG), and DNA Backlog Reduction Grant, would be cut from \$1.163 billion in FFY 2012 to \$1.059 billion in the Senate bill and \$962.5 million in the House bill. The State and Local Law Enforcement Assistance account was funded at \$1.535 billion in FFY 2010 before being cut \$1.118 billion in FFY 2011.

The House bill reduces SCAAP funding from \$240 million in FFY 2012 to \$165 million while S. 2323 increases SCAAP funding to \$255 million, which still is far below its prior years' funding levels. SCAAP funding has declined each year since FFY 2008 when it was funded at \$410 million. The County received its all-time low SCAAP payment of \$9.88 million in FFY 2011 when SCAAP funding totaled \$273 million, nationally. SCAAP payments for FFY 2012 have not yet been awarded.

Other funding in the FFY 2013 CJS appropriations bills of County interest includes:

- Formula funding for JAG increases from \$352 million in FFY 2012 to \$361 million in the House bill and \$375.4 million in the Senate bill;

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- COPS Hiring Grant funding increases from \$141 million in FFY 2012 to \$190 million in S. 2323 and to \$166 million in H.R. 5326;
- The Juvenile Accountability Block Grant (\$30 million), Border Prosecutor Initiative (\$10 million), and John R. Justice Student Loan Repayment Grants (\$4 million) are funded at the same level as in FFY 2012 in the Senate bill, but are not funded in the House version; and
- The DNA Backlog Reduction Grant is funded at the same level (\$117 million) as in FFY 2012 in both bills.

We will continue to keep you advised.

WTF:RA
MR:MT:lm

c: All Department Heads
Legislative Strategist