GT GreenbergTraurig

Memorandum

TO: Miami-Dade County

FROM: Greenberg Traurig

DATE: August 31st, 2022

RE: August 2022 Monthly Report

Below please find a summary of Greenberg Traurig's efforts on behalf of Miami-Dade County and the latest news stories and updates in Washington from the month of August. If you have any questions, or if we can be of any further assistance, please let us know.

Overview

Throughout the month of August, GT has kept Miami-Dade County staff up-to-date on the latest breaking news and developments in Washington with an on the ground presence in the nation's capital. GT has also helped County staff navigate the Congressional Budget and Appropriations process. Our team continues to work with the Delegation and Congressional leadership to advocate for funding and support for programs that are important to the County.

GT's efforts on behalf of the County have focused on issues such as Public Health related to the COVID-19 pandemic, Economic Development, Justice, WRDA, Housing, Broadband/5G, Appropriations/Budget, Immigration, Infrastructure, and Transportation issues among many others.

Our team features former Congressional and White House staff whose strong connections in Washington can enable Miami-Dade County staff to maximize their opportunities to discuss specific high-level priorities with the top decision-makers in the Federal government. Through these connections, GT has also provided County staff with relevant "Dear Colleague" letters, draft versions of legislation, legislative analysis, and other insights not available through public means. GT continued to cultivate these relationships in the Federal government this month and maintains an open dialogue with Members of the Florida delegation, Congressional leadership, and key contacts within the Administration.

Budget & Appropriations

While out of Washington for the August recess, House Democratic leaders are working on a tentative plan to take up a temporary spending bill when they return the week of Sept. 12 that would extend current government funding levels through Dec. 16. That end date is the House's adjournment target for the 117th Congress, and it could still shift in talks with Senate leaders, who are currently planning to be in session a few extra days, through Dec. 21. Either way, it signals a seriousness about getting an omnibus appropriations package for the upcoming fiscal year done before the new Congress is seated, when control of one or both chambers could shift. It's not yet clear what add-ons would be attached to the stopgap funding measure, which is needed because lawmakers haven't sent any of the dozen fiscal 2023 appropriations bills to President Joe Biden's desk. Anything that can't get 60 votes in the evenly divided Senate will need to be dropped or risk being unable to pass a continuing resolution by Oct. 1, which would lead to a partial government shutdown just weeks before the midterm elections.

Both chambers are scheduled to be in session for most of the last three weeks of September, with a brief break for the Jewish high holidays, giving lawmakers some time to work out any differences. In the past, passage of stopgap spending measures has often come down to the wire. This year, lawmakers are in a hurry to get back to their districts and states to campaign given the stakes of the November election.

Meanwhile, Republicans are hoping to capture control of the House in the midterm election. But in recent weeks, the political landscape has become more competitive in part because several issues, including abortion, have energized Democratic voters according to some polls. Whether this translates into votes in November remains to be seen.

GOP leaders are still discussing the prospects of wrapping up a fiscal 2023 omnibus package in December versus simply extending the CR into the new year to allow them to shape the final bill more to their members' liking. The mid-December timeline also gives some extra time for hotly contested races to play out, including the Georgia Senate race, which might be instrumental in determining Senate control.

Reconciliation – The Inflation Reduction Act

On August 16th, President Biden signed a massive climate, tax and health care package (The Inflation Reduction Act of 2022) into law, celebrating that key planks of his domestic agenda finally made it across the finish line with congressional Democrats at his side. “With unwavering conviction, commitment and patience, progress does come. . . . And when it does like today, people’s lives are getting better, their future becomes brighter and the nation can be transformed,” Biden said during a ceremony in the White House State Dining Room. West Virginia Sen. Joe Manchin III stood by Biden as he signed the bill, along with Senate Majority Leader Charles E. Schumer, D-N.Y., House Majority Whip James E. Clyburn, D-S.C., and Reps. Frank Pallone Jr., D-N.J., and Kathy Castor, D-Fla., while some of Biden’s Cabinet members were in the audience. The prospects of the bill looked dim until late last month, when Sen. Joe Manchin III, D-W.Va., struck a surprise deal with Senate Majority Leader Charles E. Schumer, D-N.Y. After some final tweaks to appease the Senate's other centrist holdout, Kyrsten Sinema, D-Ariz., party leaders had all but secured a win that had proved elusive for the better part of a year.

Key provisions of the bill include a wide array of climate and energy spending programs and tax credits, corporate tax increases, money for the IRS to step up tax collection, prescription drug price negotiation and an extension of more generous health insurance subsidies. Numerous priorities from the original House measure were dropped, including an expanded child tax credit, paid family and medical leave, universal pre-kindergarten, child care for kids under 6, higher education assistance, affordable housing, immigration relief and expansions of Medicaid and Medicare. Among the first provisions of the new law to take effect is a requirement that electric vehicles have final assembly take place in North America for consumers to be eligible for tax credits. Treasury officials confirmed that the requirements will not be in effect for vehicles for which a binding contract was in place ahead of Biden's signing the law. Consumers will be able to access an Energy Department website with vehicles that are expected to qualify for the $7,500 tax credit for model years 2022 and 2023, although there may be some exceptions, so the Department of Transportation is launching a tool for checking vehicle identification numbers.

The package that Biden signed into law spends more than $450 billion to address climate change, promote U.S. energy production and lower health care costs, primarily by extending subsidies for another three years for buying health insurance on marketplaces created under the Obama administration's health care overhaul. Biden campaigned on a promise to address climate change, and some independent experts say the Democrats' package would put the United States within "striking distance" of his goal of cutting U.S. greenhouse gas emissions in half by 2030, compared with 2005 levels. That's due to initiatives such as a $270 billion package of clean energy tax credits and a fee on methane emissions from oil and gas sites.

The package is estimated to cut the federal deficit by about $300 billion over the next decade, thanks to revenue raisers that include a 15 percent minimum tax on the largest corporations, a 1 percent tax on companies' stock buybacks and measures to lower prescription drug costs for seniors. The legislation also adds almost $80 billion to the IRS budget over 10 years to ramp up tax collection. Senator Manchin addressed Republican criticisms of the bill, saying he'll make sure that "the IRS doesn't harass anybody" and that there's no overreach by the Environmental Protection Agency. While the nonpartisan Congressional Budget Office found the bill's immediate impact on inflation would be "negligible," Manchin said its deficit reduction, investments in increasing U.S. energy production and measures to bring down drug costs would help Americans facing inflated costs.

SNAP Funding

On August 15, the Food and Nutrition Services (FNS) issued guidance to assist Supplemental Nutrition Assistance Program (SNAP) state agencies planning for the October 2022 expiration of the federal COVID-19 Public Health Emergency (PHE) and corresponding administrative flexibilities authorized under the Families First Coronavirus Response Act (FFCRA; PL 116-127). Counties operating SNAP often contribute significant levels of local funds to meet the administrative and supplemental costs of running the program.

When the federal PHE ends, state and county SNAP agencies may face many challenges with corresponding expiration of administrative flexibilities that have eased operational burdens during the pandemic. Many SNAP agencies have integrated systems with Medicaid, which will be subject to additional requirements with Medicaid redeterminations when the PHE unwinds. This will greatly impact county workforce capacity and resources to re-determine the eligibility of current individuals participating in these programs and determine the eligibility of new applicants. To ease the transition, FNS will allow states to apply for certain administrative waivers within the eligibility certification processes. The new waivers for post-pandemic program operations will be available to states for a limited period in the 12 months following the end of the federal PHE.

The waiver options include:

- ❖ Streamlining recertification procedures: State agencies may use periodic report procedures to establish a new certification period in lieu of routine recertification requirements.

- ❖ Waiving the certification interview: State agencies may waive interviews at initial application or recertification, provided that the applicant's identity has been verified and all other mandatory verifications have been completed.

- ❖ Adjusting follow-up procedures when a household's address changes and updated shelter costs is not reported: To promote better alignment with Medicaid, if the state agency has verified and cleared information that a household's address changed but the updated shelter costs are unknown, the state agency may adjust follow-up procedures on address changes.

- ❖ Allowing alternative methods for recording telephonic signatures: Allows for recording telephonic signatures through means other than creating an audio recording of the client's verbal attestation. The state agency will document the verbal attestation in the case file and provide the client a written copy of the completed application, with instructions for correcting errors or omissions.

Broadband Funding

On August 6, the United States Department of Agriculture (USDA) Rural Utilities Service (RUS) issued a Funding Opportunity Announcement (FOA) for the second funding round of the Rural eConnectivity Program (ReConnect Program) for Fiscal Year 2022 (FY 22). The ReConnect Program, now in its fourth rounding of funding since inception in 2018, offers grants and loans to provide funding for the construction, improvement, or acquisition of facilities and equipment needed to provide broadband service in eligible rural areas. The FOA provides a total of $1.15 billion in eligible grant and loan opportunities, made available through the Bipartisan Infrastructure Law (BIL), and counties can apply beginning on September 6, 2022 through November 2, 2022 at 11:59am EST.

The ReConnect Program offers three types of funding opportunities for broadband deployment in rural areas: loans; grants; and loan/grant combinations. For an area to be eligible for ReConnect Program funds, applicants must submit evidence that at least 50% of the households in the proposed service area lack access to broadband service reliably providing 100 Mbps download / 20 Mbps upload. If a proposed funded service area is receiving or under consideration to receive other Federal funds, it is eligible for ReConnect funding so long as an entity has not received final approval to receive other Federal funding to construct terrestrial facilities providing at least 100/20 Mbps service as of September 6, 2022.

The funding breakdown for the ReConnect Program is as follows:

Funding Category	Award Type	Amount Made Available
100 Percent Loan – General	Loans	$150 million
50 Percent Loan / 50 Percent Grant – General	Loan/Grant Combination	$300 million
100 Percent Grant – General	Grants, 25% matching requirement	$150 million
100 Percent Grant – ANCs*, Tribal Governments, Colonias, Persistent Poverty Areas, Socially Vulnerable Communities	Grants, no matching requirement	$350 million
Projects serving areas where 90% of households lack 100 Mbps/ 20 Mbps broadband	Grants, no matching requirement	$200 million

Non-Governmental Partners and Coalitions

Throughout August, GT continued to work with organizations like NACo, the Large Urban County Caucus, the National League of Cities, and the United States Conference of Mayors to push for additional state/local aid that would benefit Miami-Dade County and their residents.

GT staff have attended many meetings and been on regular calls with the organizations mentioned above and others this month on the County's behalf. Partnering with these and other organization allows Miami-Dade County officials the opportunity to amplify their voices and help attain County policy priorities at the federal level.

Media Updates

GT continues to send daily media updates on legislative and political issues to the County in order to ensure that the Commission and staff remain up-to-date on developments within the Beltway. We conduct careful daily monitoring of the federal legislative calendar, executive orders, and other policy directives from the White House, action by the federal regulatory agencies, and key decisions issued by the federal courts. We will continue to monitor the issues most relevant to the County and provide timely and accurate information in order to make certain that the County is aware of any developments which may provide an opportunity to accomplish established goals.

(Below is an example of one of GT's Washington Updates, which are sent to County officials each day.)

Good Morning –

Below is a look at today's news and events in DC. If you have any questions or need anything, please let us know.

Thanks!
Greg

GT GreenbergTraurig

Today at a Glance: August 5, 2022

Top Stories for the Day

- On Thursday, Senate Majority Leader Chuck Schumer (D-N.Y.) said that he is expecting a vote on the motion to proceed to HR 5376 the Inflation Reduction Act on Saturday afternoon, following a nomination vote scheduled for 12:30 p.m. that day. If they are able to secure the motion to proceed, which just needs a simple majority, they will move to up to 20 hours of debate before a "vote-a-rama" in which senators can offer unlimited amendments and motions to delay the process. On Thursday evening, moderate Sen. Kyrsten Sinema (D-Ariz.) secured the removal of a $13 billion tax increase on investment fund managers, which would have targeted carried interest. If the Senate passes the reconciliation bill, the House is planning to return early from August recess to vote on it.

- President Biden is scheduled to sign HR 4346 on Tuesday. The bill aims to shore up the U.S. semiconductor industry in the name of national security. However, chief human resources officers of nine major U.S. semiconductor chip makers urged Congress to pass immigration policies that would make it easier to attract and retain high-skilled foreign workers. These companies asked Congress to exempt immigrants with advanced STEM degrees from annual green card limits. This provision was included in the House version of the bill, but was left out of the Senate version, which is the version headed to the President's desk.

- On Thursday, the Department of Health and Human Services declared monkeypox a national public health emergency. This declaration aims to help direct more funds toward stemming the outbreak and gives agencies more flexibility to set nationwide policies. As of Wednesday evening, more than 6,600 cases of monkeypox were recorded by the CDC. However, federal and state public health officials say the actual number is likely higher due to testing limitations. HHS needs more money from Congress to get 11 million vaccines that are currently in storage and ready for use.

House: Not in session.

Senate: Not in session. Senators return on Saturday at noon and are expected to vote on agreeing to a motion to proceed to the fiscal 2022 budget reconciliation bill (HR 5376) later in the afternoon.

COMMITTEE ACTIVITY:

N/A due to the August recess