

Memorandum**TO:** Miami-Dade County**FROM:** Greenberg Traurig**DATE:** December 31st, 2022**RE:** December 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 December. If you have any questions, or if we can be of any further assistance, please let us know.

Overview

Throughout the month of December, 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

President Joe Biden signed a \$1.7 trillion omnibus spending package on December 29th providing appropriations for the remainder of the fiscal year that runs through September. The 4,126-page legislation features a total of \$1.65 trillion in regular discretionary spending for fiscal 2023, \$47 billion for Ukraine as it fights Russia's invasion and roughly \$38 billion for hurricane and other disaster relief. The bill (HR 2617) includes \$858.4 billion in defense spending, a 10 percent increase over the previous fiscal year, and \$787.4 billion in nondefense spending, close to an 8 percent increase. The Senate passed the legislation in a bipartisan 68-29 vote Dec. 22, followed by the House the next day in a 225-201 vote that fell mostly along party lines.

House Republican leadership had urged its members to vote against the legislation, arguing that the spending level is too high and the appropriations process is broken. Senate Republican supporters of the measure highlighted the package's increase in defense spending compared to the smaller increase for nondefense spending, while Democrats pointed out wins on the nondefense side, including increases for the National Labor Relations Board, nutrition programs for low-income children and expanding affordable housing. The bill also served as a legislative capstone for Senate Appropriations leaders Patrick J. Leahy, D-Vt., and Richard C. Shelby, R-Ala., both of whom are retiring at the end of this Congress.

Because Congress had not come close to enacted any of its 12 annual appropriations bills for FY 2023, which began on Oct. 1, lawmakers in September enacted stopgap FY 2023 funding (PL 117-180) to keep the government fully operating through Dec. 16. Serious discussions between the two parties on reaching an agreement for a detailed, full-year spending package didn't begin until weeks after the vir elections, once it became clear that Republicans had won the House majority for the next Congress and Democrats had maintained their Senate majority and also held on to their Georgia seat in a runoff election.

The omnibus also funds the 988 suicide and crisis line, reauthorizes Community Mental Health Services Block Grants, and funds maternal mental health.

Under the measure, base FY 2023 funding is provided as follows:

- **Agriculture** — \$25.5 billion in net discretionary spending, \$355 million (1.4%) more than comparable FY 2022 funding
- **Commerce-Justice-Science** — \$82.4 billion in net discretionary spending, \$6.7 billion (9%) more than FY 2022.
- **Defense** — \$797.7 billion in net discretionary spending, \$69.3 billion (10%) more than FY 2022.
- **Energy-Water** — \$54.0 billion in net discretionary spending, \$1.1 billion (2%) more than FY 2022.
- **Financial Services** — \$27.6 billion in net discretionary, \$2.1 billion (8%) more than FY 2022.
- **Homeland Security** — \$60.7 billion in net discretionary spending, \$3.2 billion (6%) more than FY 2022.
- **Interior-Environment** — \$38.9 billion in net discretionary spending, \$850 million (2%) more than FY 2022.
- **Labor-HHS-Education** — \$207.4 billion in base net discretionary spending, \$10.4 billion (5.3%) more than FY 2022.
- **Legislative Branch** — \$6.9 billion in net discretionary spending, \$976 million (16%) more than FY 2022 funding.
- **Military Construction-VA** — \$154.2 billion in net discretionary spending, \$26.6 billion (21%) more than FY 2022.
- **State-Foreign Operations** — \$59.7 billion in base net discretionary funding, \$3.6 million (6%) more than FY 2022.
- **Transportation-HUD** — \$87.3 billion in base discretionary spending, 8% more than FY 2022 (but \$164.9 billion in total resources including trust fund releases, 6% more than comparable FY 2022).

The agreement also includes a wide variety of legislative provisions unrelated to appropriations, including the following:

- **Electoral Count Act** — Clarifies that the role of the vice president in overseeing the count of presidential electoral votes in Congress is simply "ministerial," and it raises to one-fifth of the members of each chamber the threshold for objections to a state's slate of electors.
- **Encourage Retirement Savings** — To make saving for retirement easier, requires employers to automatically enroll workers in certain retirement plans, provides a small business startup credit to help with administrative costs, and allows small employers to band together for better retirement plan options, among many provisions.
- **Health Care** — Includes numerous provisions, including those to increase Medicare reimbursements to physicians, extends certain Medicare and Medicaid authorities, and extends dozens of mental health programs, enhances certain authorities of the Food and Drug Administration.
- **TikTok Ban** — Bans the use of the social media application TikTok on federal government smart phones.
- **Pregnancy Accommodations** — Requires public employers and private employers with at least 15 employees to make reasonable accommodations to employees for known limitations related to pregnancy, childbirth or related medical conditions.

State, Local Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act

The bipartisan State, Local Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act, passed in late December as an amendment to the Fiscal Year 2023 omnibus appropriations bill. The act makes significant investments in local governments that will help counties improve communities and residents' lives. Championed by Senators John Cornyn (R-Texas) and Alex Padilla (D-Calif.), the amendment will grant additional flexibility to county governments in investing resources from the American Rescue Plan's Coronavirus State and Local Fiscal Recovery Fund, including infrastructure, community development, and disaster response. It will also provide the U.S. Treasury with much-needed resources to assist counties in deploying recovery funds.

Additionally, the amendment extends eligibility to consolidated city-county governments to receive allocations from the \$1.5 billion Local Assistance and Tribal Consistency Fund, authorized under the American Rescue Plan Act, for counties facing fiscal challenges due to the presence of federal public lands within their boundaries. Beyond this amendment, the omnibus bill included full funding for the Payments in Lieu of Taxes (PILT) program and significantly invests in the RECOMPETE pilot program and technology hubs authorized by the bipartisan CHIPS and Science Act. These programs and others funded by the bill, including a \$550 million increase in wildland fire suppression, will enable counties to provide critical services and plan

for economic sustainability and growth in 2023.

Healthcare

The FY2023 Omnibus appropriations bill permanently grant states the option to provide 12 months of Medicaid coverage for postpartum women and children. Recent legislative and administrative federal government action shows a focus on improving maternal health outcomes. On December 23, 2022, Congress passed the Fiscal Year (FY) 2023 omnibus appropriations bill, which included a provision that would permanently grant states the option to provide 12 months of Medicaid coverage for postpartum women and children. The provision was originally included as a time-limited provision in the American Rescue Plan Act of 2021 (ARPA/P.L. 117-2) and is aimed at reducing maternal death by providing access to life-saving health care coverage a full year after birth.

This policy change is one of several key policy measures aimed at mitigating the worsening maternal health crisis across the United States. In 2020, over 800 women died due to pregnancy or childbirth related complications, of which at least 80 percent of deaths were preventable, according to the Centers for Disease Control and Prevention (CDC). Data on maternal mortality also points to significant racial and ethnic disparities, suggesting that black and indigenous birth people die at 2-3 times the rate of their white counterparts. And while rates of maternal death were at an all-time high in 2020, access to maternity care declined, with more than half of rural counties lacking hospitals with labor and birthing services and the number of counties considered to be maternity care deserts growing above 1,100.

Broadband

The Senate extended the Federal Communications Commission's authority to auction wireless spectrum by less than three months after declining to consider an amendment backed by Sen. Maria Cantwell and others to the fiscal 2023 spending bill. The amendment by Cantwell, D-Wash., would have extended the FCC's authority by four years. The fiscal 2023 spending bill (HR 2617) passed by the Senate includes an extension only to March 9, 2023. The agency authority to auction wireless spectrum is seen as essential to an expansion of 5G telecom connectivity as well as to critical services such as telehealth visits and remote learning tools that depend on high-speed wireless connection. Congress last authorized the agency's auction authority in 2012. Since that expired on Sept. 30, the authority has been extended through continuing resolutions. The amendment by Cantwell, who chairs the Senate Commerce Committee, had the support of Sens. Ben Ray Lujan, D-N.M., Brian Schatz, D-Hawaii, Amy Klobuchar, D-Minn., and John Hickenlooper, D-Colo. The amendment would have extended the FCC's authority through Sept. 30, 2026.

In August, Lujan, chair of the Senate Commerce Subcommittee on Communications, Media, and Broadband, and subcommittee ranking Republican Sen. John Thune, R-S.D., said at a hearing that they favored a short-term extension of the authority while Congress studied a longer-term plan. The House in July, with bipartisan support, passed legislation (HR 7624) that would extend the agency's authority to March 31, 2024. Some industry advocates such as the

American Action Forum, a Republican-leaning group led by Douglas Holtz-Eakin, the former director of the Congressional Budget Office, have backed shorter extensions, saying that allows Congress to study which unused frequencies can be freed up for commercial use. The auctions have raised more than \$258 billion in non-inflation adjusted net revenue for the Treasury since 1994, former FCC Commissioners Robert M. McDowell and Mignon L. Clyburn wrote in Roll Call in early September, and they called on lawmakers to reauthorize the authority.

Spectrum typically refers to radio waves that travel through space at different frequencies. The FCC sells access to those airwaves to commercial companies offering mobile phone and broadband services, raising money for the Treasury in the process. All unused frequencies are controlled by the U.S. government. The Cantwell amendment also would have required the White House Office of Science and Technology Policy, the Pentagon and the National Telecommunications Information Administration to figure out how much of the unused spectrum held by the U.S. government can be freed up for commercial use, and whether doing so would pose national security risks.

Farm Bill

Lawmakers will almost certainly give climate change a higher profile in the 2023 farm bill discussions than in the past, but that doesn't mean they'll find enough common ground to build it into the Agriculture Department's conservation programs. Rep. Glenn "GT" Thompson, R-Pa., expected to be House Agriculture chairman in the 118th Congress, questions the level of spending on climate goals and is wary of efforts to focus more on greenhouse gas reductions in conservation programs rather than economic benefits to farmers. His view puts him at odds with the administration and congressional Democrats who backed \$20 billion in a 2022 reconciliation bill (PL 117-169) to encourage farm, ranch and forest environmental practices to reduce greenhouse gas emissions. Agriculture Secretary Tom Vilsack also has tapped the Commodity Credit Corporation for \$3.1 billion for grants to what the department calls 141 climate-smart pilot projects to cut greenhouse gas emissions in commodity production.

Thompson and Senate Agriculture Chairwoman Debbie Stabenow, D-Mich., are expected to have some sharp differences as they write their respective bills. Stabenow was a chief co-sponsor of Indiana Republican Sen. Mike Braun's legislation (S 1251) that would establish a USDA framework to move farmers, ranchers and private forestland owners into voluntary carbon credit markets. The Senate passed the bill in 2021. The farm bill — the current one (PL 115-334) has 12 titles — is Congress' most wide-reaching effort to shape policy that includes not just conservation but also nutrition programs for low-income households, subsidized crop insurance, trade promotion, agricultural research and farm income support. The current farm bill expires Sept. 30, 2023.

Non-Governmental Partners and Coalitions

Throughout December, 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.