

Memorandum

TO: Miami-Dade County

FROM: Greenberg Traurig

DATE: July 29th, 2022

RE: July 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 July. If you have any questions, or if we can be of any further assistance, please let us know.

Overview

Throughout the month of July, 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

On July 20th House Democrats passed six of the 12 fiscal 2023 appropriations bills, though it remains unclear if the remaining measures will advance before the August recess. The spending package (H.R. 8294) covering Agriculture-FDA, Energy and Water, Financial Services, Interior-Environment, Military Construction-VA, and Transportation-HUD appropriations — was passed by a 220-207 party-line vote, with Republicans opposing funding levels and the omission of policy riders, particularly on abortion.

House Democrats still hope to pass more fiscal 2023 spending bills before leaving town, according to House Speaker Nancy Pelosi. But that goal could fall off the pre-recess radar depending on the timing of other priorities. House Majority Leader Steny Hoyer's forecast for the last week of July didn't mention the State-Foreign Operations, Labor-HHS-Education and Commerce-Justice-Science spending bills, which had previously been seen as measures lawmakers could vote on. But a written notice from his office left room to maneuver, noting that additional legislative items are possible.

Meanwhile Democrats on the Senate Appropriations Committee debuted all 12 of their annual spending bills on July 28th to fund the government in fiscal 2023, proposing a more than 10 percent increase in non-defense spending and a nearly 9 percent boost in defense funding. The rollout isn't expected to push Congress any closer to passing a bipartisan funding package before the next government shutdown deadline on Sept. 30, less than 10 weeks away. The bills, which were drafted without a bipartisan agreement on funding levels, amount to a wish list of \$1.67 trillion in discretionary spending for fiscal 2023, which begins Oct. 1. The evenly divided Senate Appropriations Committee has not planned any markups for the bills this election year because of the partisan impasse over spending levels.

Without a cross-party agreement on overall totals and controversial policy issues, Republicans are forecasting a continuing spending resolution that keeps the government running on static funding levels well beyond the Oct. 1 start of the new fiscal year "Here we go again," Sen. Richard Shelby (R-Ala.), his party's top Senate appropriator, said in response to the 12-bill rollout. "Today's effort shows we have a long way to go. Democrats need to get serious or, regrettably, I believe we will end up with a long-term CR."

Brief highlights of the Senate package include:

- Taking action to address the Supreme Court *Dobbs* decision by providing resources to help women where abortion is restricted access care in states where abortion remains legal and protected, eliminates the Hyde and Weldon amendments, and provides significant increases for reproductive health care programs.
- Provides billions of dollars to address the climate crisis, including \$2 billion to support FEMA efforts to incorporate climate adaptation, \$1.6 billion for the Green Climate Fund, and nearly \$4 billion invested in energy efficiency and renewable energy.
- Expands access to affordable housing by investing billions of dollars in constructing new homes, lowering the cost of rent, reducing heating and cooling costs, and provides the resources to help house hundreds of thousands of people experiencing homelessness in our country.
- Supports efforts to address the ongoing opioid and substance abuse crisis, which dramatically worsened during the pandemic and claimed 108,000 lives last year.
- Spurs innovation by investing in science, research and development including \$10.3 billion for the National Science Foundation, and \$48 billion for the National Institutes of Health.

- Invests in the education and care of our children and young people by providing \$20.137 billion for Title I-A grants, \$12.036 billion for Head Start, and \$7.165 for Child Care Development Block Grants among other investments.
- Expands access to health care and mental health care including \$10.5 billion for the Centers for Disease Control, and \$1.42 billion for the Mental Health Block Grant.
- Tackles food insecurity by fully funding benefits for the 43.5 million Americans who access the Supplemental Nutrition Assistance Program (SNAP) every month.
- Provides billions of dollars to respond to natural disasters.

Any new bipartisan deal on spending is unlikely to materialize before the November elections, likely leaving appropriations on the to-do list of a lame-duck Congress in November or December.

Water Resources Development Act (WRDA)

The House and Senate have now each passed a different version of The Water Resources Development Act, a water policy bill to allow the Army Corps of Engineers to carry out dozens of projects and studies on a host of topics, including ecosystem protection, flooding, navigation and infrastructure. The Senate passed the House version of the legislation (HR 7776) on July 28th after amending it, meaning the bill will need another vote in that chamber before it heads to President Joe Biden's desk.

A broadly popular legislative task every Congress, passing legislation to authorize a swath of Army Corps of Engineers projects draws bipartisan support in large part because water projects are nearly ubiquitous across the country, touching every state and congressional district. The Environment and Public Works Committee, chaired by Sen. Thomas R. Carper, D-Del., approved its version of the bill (S 4136) unanimously in May.

The House on June 8th passed H.R. 7776 by a 384-87 vote, which came a day after Rep. Chip Roy, R-Tex., forced the delay by requesting a roll call vote rather than voting by voice. The House Transportation and Infrastructure Committee advanced the bill in May. It would authorize more than 100 environmental infrastructure projects, including projects on wastewater, stormwater and water access.

Beyond authorizing dozens of projects including dredging, flood mitigation, invasive species, debris removal, locks, dams, water storage, ecosystem restoration and more, the bill requires the Government Accountability Office to examine delays of corps projects. The bill also authorizes \$75 million annually through fiscal 2028 to manage invasive species. Separately, it reauthorizes the Tribal Partnership Program through fiscal 2023 and the Levee Safety Initiative for 10 more years.

Except for the period between 2007 and 2014, Congress has approved the bill, known as the Water Resources Development Act, or WRDA, every two years since the 1980s.

Farm Bill

A congressional panel held a hearing titled “An Examination of the USDA Hemp Production Program” on Thursday, July 28th that touched on a wide range of hemp issues, with lawmakers and witnesses—including two state agriculture commissioners and industry representatives—highlighting reforms they would like to see made as part of the 2023 Farm Bill. The House Agriculture Subcommittee on Biotechnology, Horticulture, and Research has jurisdiction over areas of specific, limited hemp policy matters, but members took the opportunity to discuss broader issues such as proposals to allow marketing of products containing derivatives like CBD, increase the THC limit for legal crops and eliminate Drug Enforcement Administration (DEA) lab testing requirements.

Hemp was federally legalized as part of the 2018 Farm Bill, but while that bipartisan achievement was welcome news for advocates and industry stakeholders, opening up what’s become a massive market in the U.S., many have pointed out challenges with the implementation of the current law by the U.S. Department of Agriculture (USDA) and Food and Drug Administration (FDA) that they say can be fixed with future legislative reforms.

“While markets for hemp products such as fiber, grain and flower are developing, they are still volatile and uncertain,” Chair Stacey Plaskett (D-USVI) said in her opening remarks. “To support farmers and producers in the ongoing development of this emerging sector, it’s crucial that USDA continue to work to support and expand hemp production and the hemp industry.” Ranking Member Jim Baird (R-IN) said that “while we are certain to hear about successes in the hemp industry, it’s important to note that we have many challenges.” He also said it would have been useful to have representatives of USDA and FDA present at the hearing and expressed hope that federal officials would appear before the panel in the future. Rep. Glenn Thompson (R-PA), ranking member of the full Agriculture Committee, echoed that latter point, expressing frustration that USDA and FDA were “missing in action” at the hearing despite the central role they play in hemp regulatory matters.

Meanwhile, House Appropriations Committee leaders recently released spending legislation for the U.S. Department of Agriculture (USDA) that calls for multiagency coordination to create guidance on hemp manufacturing and also recommends that the department work with the Drug Enforcement Administration (DEA) to resolve concerns about enforcement actions for so-called “hot hemp” that exceeds the 0.3 percent THC limit during extract processing.

The last farm bill, passed in 2018, **is set to expire in September 2023**. The package included funding and programs addressing crops and livestock, nutrition, forestry and research.

Reconciliation Bill

Senator Joe Manchin and Senate Majority Leader Chuck Schumer on July 27th reached a surprise deal on a bill that includes energy and tax policy, a turnaround after the two deadlocked earlier this month in talks on Democrats' marquee party-line agenda. In a joint statement, the two Democrats said the legislation will be on the Senate floor the first week of August. It includes roughly \$370 billion in energy and climate spending, \$300 billion in deficit reduction, three years of subsidies for Affordable Care Act premiums, prescription drug reform and significant tax changes.

The duo said their bill, dubbed “[The Inflation Reduction Act of 2022](#),” would “fight inflation, invest in domestic energy production and manufacturing, and reduce carbon emissions by roughly 40 percent by 2030.” Moreover, as part of the agreement, Schumer and Speaker Nancy Pelosi agreed to pass legislation governing energy permits. Following Manchin's stated interest in limiting a party-line domestic policy bill to health care and lowering prescription drug prices, Democrats were expecting to pursue a bill that did not include climate or energy provisions. But Manchin and Schumer quietly continued negotiating behind the scenes, mostly through staff, leading to a surprise breakthrough while Manchin was sidelined with COVID.

The agreement mirrors roughly what Manchin first laid out earlier this year, albeit with a more limited tax title. Democrats will raise revenues for the legislation by imposing a 15 percent corporate minimum tax, increasing IRS enforcement, reducing drug prices and closing the so-called carried interest loophole. Notably, the legislation also extends the Affordable Care Act subsidies through the 2024 election and the first term of Joe Biden’s presidency, taking a big political headache off the table for Democrats. It does not include surtaxes on people making more than \$10 million a year, ending the campaign of most Democrats to make the wealthy pay higher rates.

House leaders are currently cramming this week to finish a laundry list of legislative priorities before the five-week August recess. Although, Majority Leader Steny Hoyer has warned that House members may return early, likely in the last two weeks of August, if the Senate passes the reconciliation bill, sending it to the House for a vote.

Infrastructure/Transportation

The Department of Transportation (DOT) announced this month that they are now accepting applications for the Reconnecting Communities Pilot discretionary grant program. The \$1 billion RCP Program was established under President Biden’s Bipartisan Infrastructure Law that passed late last year. It is the first-ever Federal program to reconnect communities cut off from opportunities by transportation infrastructure, such as highways and rail lines, through solutions like high-quality public transportation, infrastructure removal, and community and main street revitalization. Eligible applicants include States, Local and Tribal governments, metropolitan planning organizations, nonprofit organizations, and transportation facility owners. The application submission deadline is Thursday, October 13, 2022 on grants.gov.

Also this month, DOT issued a [Notice of Proposed Rulemaking](#) (NPRM) to modernize the Disadvantaged Business Enterprise (DBE) and Airport Concession DBE (ACDBE) program regulations. Spanning nearly 40 years and mandated by Congress, the DBE and ACDBE programs are intended to prevent discrimination, and remedy the continuing effects of past discrimination, against small businesses owned and controlled by disadvantaged individuals.

By modernizing the existing regulations, the NPRM would help further level the playing field for small, disadvantaged businesses seeking to compete for federally assisted aviation, highway, and transit contracts as well as airport concession opportunities. “For far too long, small and disadvantaged businesses have faced discrimination that costs them economic opportunities,” said U.S. Transportation Secretary Pete Buttigieg. “These critical updates

would help ensure that small and disadvantaged businesses continue to have a fair chance to compete for federally assisted contracts.” USDOT’s Departmental Office of Civil Rights and counterparts at the Federal Aviation Administration, Federal Highway Administration, and Federal Transit Administration carefully crafted these proposed changes after considering feedback from a broad range of stakeholders and conducting internal research following the ACDBE program regulation updates in [2012](#) and the DBE program regulation updates in [2014](#).

A summary of the NPRM can be accessed [here](#). Some of the proposed updates to the DBE and ACDBE program regulations include:

- Increasing the personal net worth (PNW) limit from \$1.32 million to \$1.6 million and excluding retirement assets from PNW calculations
- Amending overly prescriptive ownership and control certification eligibility requirements
- Simplifying the interstate certification process
- Formally adopting COVID-19 flexibilities such as virtual on-site visits
- Reducing reporting requirements for some Federal Transit Administration funding recipients
- Empowering certified firms to better market themselves to prime contractors via expanded State directories
- Helping more small businesses participate in Federal Aviation Administration-assisted airport projects by requiring airports to proactively remove obstacles and adopt more race-neutral strategies
- Strengthening prompt payment monitoring and oversight requirements to help ensure that DBEs in all subcontracting tiers are promptly paid

Non-Governmental Partners and Coalitions

Throughout July, 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



Today at a Glance: July 18, 2022

Top Stories for the Day

- The House plans to **vote this week on half of its fiscal 2023 spending bills**. Appropriations Chair Rosa DeLauro, D-Conn., wants to pass all 12 bills before the recess set to begin July 29. Majority Leader Steny H. Hoyer, D-Md., set a goal of passing the six-bill appropriations package and then bringing at least three more spending bills to the floor the week of July 25. First up is the six-bill, roughly \$405 billion package. The vehicle is the Transportation-HUD (HR 8294) measure, which will also carry the Agriculture (HR 8239), Energy-Water (HR 8255), Financial Services (HR 8254), Interior-Environment (HR 8262) and Military Construction-VA (HR 8238) bills. The Rules Committee meets today (1 p.m., H-313) to approve a rule to govern debate on the bill and determine which of the 600 amendments submitted as of Friday afternoon will be considered on the floor. But passage won't mean lawmakers are marching steadily along to complete work on fiscal 2023 spending. Bipartisan, bicameral appropriations negotiations have stalled, and without a topline deal, timely funding for the federal government looks out of reach, meaning potential use of a short-term continuing resolution come October.
- Sen. Joe Manchin III's decision to oppose, at least for now, provisions in his party's climate and social programs bill that would reduce fossil fuel emissions presents a dramatic but not necessarily fatal setback for the legislation. For months, Manchin and Democratic leaders in the Senate have been negotiating passage of some scaled-down version of the **House budget bill (HR 5376)** that passed that chamber in November. Manchin appeared to leave a sliver of hope for passing climate legislation this year, but said it would have to wait until the current inflation surge abates. And the provisions he said he'll support are, according to nonpartisan climate scientists and policy analysts, inadequate to avert some of the worst outcomes of climate change. In addition to

representing West Virginia, which still relies on coal for significant employment and most of its electricity generation, Manchin has reportedly received substantial income and campaign cash from fossil fuel industries. Without a strong federal climate law, the country is likely to fall short of the goal to reduce greenhouse gas emissions by 50 percent below 2005 levels by 2030 that President Joe Biden announced at the United Nations at the start of his term, Lashof said. "Without a robust federal package and a clear pathway to meet the 2030 target President Biden adopted just last year, it certainly weakens our position" at climate talks, such as the summit scheduled for the winter in Egypt. Biden also set a goal of reaching net-zero carbon emissions by 2050. Manchin has argued those goals are unachievable with current technology and that sustaining the U.S. economy will require burning fossil fuels — coal, oil and natural gas — for decades to come.

- Senate Majority Leader Charles E. Schumer, D-N.Y., has told senators to expect a procedural vote as early as Tuesday on a yet-to-be-unveiled bill that would provide \$52 billion in subsidies for semiconductor chip manufacturers and possibly investment tax credits. Sen. Joe Manchin III's blockade of a climate and tax reconciliation package appears to have greased the wheels for Senate Republicans to back a slim chips-related measure. Manchin's decision "will green light proceeding this week to **shore up the dangerous vulnerability of US supply chain** for advanced semiconductors," Sen. John Cornyn, R-Texas, tweeted Sunday. It could also include pieces of the earlier, broader competition package (S 1260, HR 4521) if there is bipartisan support, according to a Democratic source who is familiar with the plan. The Biden administration pushed hard for the chips money in closed-door briefings last week, saying semiconductor companies may open plants overseas unless they get subsidies to build in the U.S.

House: Convenes at 2 p.m. to consider 10 measures under suspension of the rules, including one (H Res 1130) in support of Finland and Sweden joining NATO.

Senate: Convenes at 3 p.m. to resume consideration of the nomination of Nina Nin-Yuen Wang to be a U.S. district judge, with a cloture vote at 5:30 p.m.

COMMITTEE ACTIVITY:

- **THUD/Energy and Water/Finance/Interior/VA-MilCon Appropriations**
House Rules Committee - Full Committee Business Meeting
July 18, 1 p.m., H-313, U.S. Capitol
- **Underserved Communities/Emergency Management**
House Homeland Security - Subcommittee on Emergency Preparedness, Response and Recovery Committee - Subcommittee Hearing
July 19, 9 a.m., 310 Cannon Bldg.

- **Infrastructure Bill Implementation**
House Transportation and Infrastructure Committee - Full Committee Hearing
July 19, 10 a.m., 2167 Rayburn Bldg.
- **Farm Bill**
House Agriculture - Subcommittee on General Farm Commodities and Risk Management Committee - Subcommittee Hearing
July 20, 10 a.m., 1300 Longworth Bldg.
- **Affordable Housing/Tax Incentive Role**
Senate Finance Committee - Full Committee Hearing
July 20, 10 a.m., 215 Dirksen Bldg.