

Memorandum

TO: Miami-Dade County

FROM: Greenberg Traurig

DATE: May 31st, 2022

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

Overview

Throughout the month of May, 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, Fire Safety and PPE, Justice and Safety, Flooding, WRDA, Disaster Aid, 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

The new fiscal year begins in less than five months, and appropriators have not yet decided how much they want to spend across the 12 annual bills they need to begin drafting soon. While it's not uncommon for the top four Appropriations Committee leaders to take their time negotiating topline spending levels, they had hoped to reach a quick agreement this year to provide a semblance of regular order.

But instead the four corners are still caught up in fiscal 2022 work on a variety of supplemental funding bills. They include a \$40 billion Ukraine aid package (HR 7691) that is set to become law, a stalled \$10 billion measure needed to restock COVID-19 therapeutics, vaccines and other supplies (HR 4373) and a \$28 million bill (HR 7790) to help the Food and Drug Administration address baby formula shortage and safety concerns.

Senate Appropriations Chairman Patrick J. Leahy, D-Vt., said he and Shelby, both of whom are retiring at the end of the year, have met twice to talk about fiscal 2023 appropriations “at length.” He said neither side gains an advantage if federal agencies and programs are left flat-funded under stopgap spending bills that simply continue the prior fiscal year's policies and spending rates. “We both would like to get it done on time,” Leahy said. “Nobody’s helped by [delay] because if we go to continuing resolutions, everything everybody wants is left out. I mean lower defense, lower nondefense.”

Leahy said he doesn’t see the COVID-19 and baby formula supplementals — two bills that require further Senate negotiation to get enough GOP support to pass — as holding up fiscal 2023 progress. “If we want to we can get both of those things done in two days,” he said. “At some point somebody’s got to start being legislators out here.” House Appropriations Chair Rosa DeLauro, D-Conn., who has led on the \$28 million formula measure and is now expected to do the same on a third iteration of the COVID-19 supplemental after the \$10 billion measure stalled in the Senate, admits there’s been an impact on fiscal 2023 preparations. “Has it pushed stuff back? Yeah, it has,” DeLauro said. “But we’re going to try to keep up the schedule, see what we can do.”

The House Appropriations Committee has tentatively scheduled June 13-22 for subcommittee markups and June 22-30 for full committee markups. That schedule, if it holds, would allow for House floor action in July.

DeLauro would not commit to having topline spending levels agreed to before her panel begins marking up bills. House Democrats wrote bills to their own preferred spending levels in fiscal 2022 amid an impasse on bipartisan negotiations and could do so again for fiscal 2023 bills if needed to get the process moving. The Senate is typically less eager to release and mark up bills without bipartisan agreement on topline. Appropriators are hoping to reach spending agreements quicker than they did for fiscal 2022. A \$1.5 trillion omnibus package (PL 117-103) wasn't enacted into law until March, more than five months after the current fiscal year began.

Water Resources Development Act (WRDA)

The House Transportation and Infrastructure Committee advanced a water policy bill in mid-May that would authorize the Army Corps of Engineers to complete dozens of studies and projects on a range of issues, including flood control, navigation, dredging and more. Following about five hours of debate over the legislation (HR 7776) and amendments, the committee agreed by voice vote to send the bill to the full House.

“We expect to go to the floor in June,” said Transportation and Infrastructure Chairman Peter A. DeFazio, D-Ore. “I think we put ourselves in a very, very strong position.”

The Senate Environment and Public Works Committee approved its version of the bill (S 4136), known as the Water Resources Development Act, or WRDA, on May 4. The measure has won bipartisan support in every Congress since 2014.

The House bill would greenlight 72 new feasibility studies on corps projects, authorize eight studies on modifying existing corps projects, and approve the construction of 16 pending projects at the agency that have been proposed. Reps. Brian Mast, R-Fla., who represents a district northeast of the Everglades, and Garret Graves, R-La., whose home state is synonymous with the loss of coastal ecosystems, offered a series of individual amendments, at times drawing support from DeFazio to work together to address water issues.

The committee adopted a Mast amendment that would require federal officials to place letters in the files of corps employees, either in the military or not, who are exposed to “microcystin,” a potent liver toxin better known as an algal bloom, during their work. Members rejected, 16-39, an amendment Mast proposed that would ban the corps from using glyphosate, a pesticide with potential links to cancer and kidney and liver damage, and a separate amendment that would require the corps to notify local communities when water they release from Lake Okeechobee contains toxic algal blooms. “The corps owes a warning if they’re sending toxic water,” Mast said.

Rep. Scott Perry, R-Pa., offered one amendment that would strike a section of the bill requiring a federal study on the opportunities of installing solar panels on corps sites. Members rejected it, 20-38. Another Perry amendment, which the panel rejected in a 24-34 vote, would bar commissions for the Susquehanna, Delaware and Potomac river basins from adopting new rules on hydraulic fracturing, or fracking.

Fire Safety Funding

A \$5.4 billion funding infusion from the bipartisan infrastructure law puts the Forest Service in a good position in the long term, but short-term challenges like hiring enough firefighters still lie ahead for this wildfire season, Forest Service Chief Randy Moore told appropriators in early May.

The infrastructure law (PL 117-52) will provide the additional funding over five years and legislation (PL 116-152) to permanently fund the Land and Water Conservation Fund would provide the Forest Service with an estimated \$1.4 billion to address a maintenance backlog over five years. Moore appeared before the Senate Interior-Environment Appropriations Subcommittee and presented a fiscal 2023 budget request for \$9 billion. The budget would include \$2.2 billion for wildfire suppression and \$743 million in mandatory funding for permanent and trust funds. Moore told Chairman Jeff Merkley, D-Ore., and ranking member Lisa Murkowski, R-Alaska, that the 2023 request includes nearly \$1.2 billion to expand the firefighting force and support personnel as well as to make good on the Biden administration’s directive that firefighters be paid at least \$15 an hour. But Moore said hiring for this year’s fire season, at 10,200 nationwide, is still short of the 11,300-person goal. He said the Forest Service will continue hiring and supplement any shortfall with contract hires. Although the Forest Service is boosting pay, Moore said the agency faces competition from state and local forest agencies that pay much more.

GT continues to maintain a working dialogue with congressional staff focused on public safety, and we continue to monitor fire safety funding, legislation, and other related initiatives.

Non-Governmental Partners and Coalitions

Throughout May, 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!



Today at a Glance: May 26, 2022

Top Stories for the Day

- Senate Democrats could hold votes when the chamber returns from its Memorial Day break on House-passed background check legislation after the deadliest school shooting

in nearly a decade. At a Senate Judiciary Committee hearing Wednesday, Chairman Richard J. Durbin, D-Ill., who is also majority whip, said there would likely be a floor vote on those bills (HR 8, HR 1446) after the Senate returns. The first bill would expand background checks for gun sales, and the other would increase to 10 days the time a purchaser must wait for that background check. Majority Leader Charles E. Schumer, D-N.Y., took procedural steps this week to open up options for the two bills, including the possibility of floor votes. But Democrats have been unable to garner enough Republican support to pass any sort of gun legislation following similar shootings, leaving the chances of getting 60 votes slim. And in floor remarks, Minority Leader Mitch McConnell, R-Ky., made no mention of the Senate taking action after the school massacre in Uvalde, Texas. “The investigation is still underway. The authorities will continue to learn exactly what happened and how,” McConnell said. In the House, Majority Leader Steny H. Hoyer, D-Md., said the chamber will vote on gun-related legislation when it returns in June, pointing to a red flag bill (HR 2377) by Rep. Lucy McBath, D-Ga. Meanwhile, Republicans are focused on increasing federal funds for school security measures, or school “hardening,” following the Texas carnage. Schumer threw cold water on the idea that Democrats would be satisfied with that approach. The debate comes as senators hold a procedural vote today on domestic terrorism legislation (HR 350) that was prioritized after a mass shooting earlier this month in Buffalo, N.Y. The measure is expected to be blocked.

- Lawmakers are facing increased pressure to pass a comprehensive mental health and substance use package but are unlikely to make an initial goal of advancing legislation before the implementation of a three-digit suicide hotline in July. At least four congressional committees have committed to advancing a swath of bipartisan mental health bills under their jurisdiction. But lawmakers have not yet unlocked the puzzle of how to incorporate existing and new programs dedicated to treatment, prevention, education, crisis care, drug interdiction and the workforce. The House Energy and Commerce Committee advanced its package (HR 7666) to reauthorize grant programs under the Substance Abuse and Mental Health Administration and Health Resources and Services Administration last week, but no date for a floor vote has been set. Those programs expire with the fiscal year. The Senate Health, Education, Labor and Pensions Committee, which also has jurisdiction on the programs, has not yet scheduled a markup. The Senate Finance Committee released a discussion draft of the telehealth portion of its package today. The Senate draft included two telehealth priorities that lawmakers on both sides of the aisle have emphasized.
- The federal budget deficit for the current fiscal year will shrink to roughly \$1 trillion from nearly \$2.8 trillion a year earlier, according to the latest Congressional Budget Office outlook. That would mark a \$118 billion improvement from projections made last July — but over the course of the decade, deficits are set to increase by \$2.4 trillion.
- President Biden is nearing a decision on student loan debt forgiveness, with the president and his team zeroing in on canceling \$10,000 per borrower, with some potential caveats. White House officials cautioned no decision has been finalized as

Biden continues to weigh his options. The president is scheduled to speak at the Naval Academy's commencement ceremony on Friday and at the University of Delaware's ceremony on Saturday. Multiple reports indicated Biden considered using the weekend commencement ceremonies to announce some student debt forgiveness, with The Washington Post reporting the timing was changed in the wake of a school shooting in Uvalde, Texas, that left 19 children dead. A White House official disputed that was the case, however. "No decisions have been made yet — but as a reminder no one has been required to pay a single dime of student loans since the president took office," deputy press secretary Vedant Patel said. Multiple sources reported in late April that Biden was looking at canceling at least \$10,000 in student debt, and indications are the White House appears to have settled on that number even as they work through potential limits on who the loan cancellation would benefit. The Washington Post reported that the latest iteration of the plan called for capping the debt forgiveness to individuals who earned less than \$150,000 last year, or \$300,000 for married couples. It is also unclear if the cancellation would apply to all student loan debt, or just undergraduate students.

House: Not in session.

Senate: Convenes at 10 a.m. and will resume consideration of a motion to invoke cloture related to a bill to combat domestic terrorism (HR 350). Other votes are expected.

COMMITTEE ACTIVITY:

- **Manufactured Housing**
House Appropriations - Subcommittee on Transportation, Housing and Urban Development, and Related Agencies Committee - Subcommittee Hearing
May 26, Noon
- **State of the TSA**
House Homeland Security - Subcommittee on Transportation and Maritime Security Committee - Subcommittee Hearing
May 26, 2:30 p.m.