

Memorandum

TO: Miami-Dade County

FROM: Greenberg Traurig

DATE: November 30th, 2022

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

Overview

Throughout the month of November, 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

Republican negotiators have offered an overall ceiling for fiscal 2023 spending that's in line with the roughly \$1.65 trillion that Democrats have previously proposed, but how to split those funds between defense and nondefense remains a key sticking point. An agreement on those allocations is critical to secure bipartisan buy-in on a package that can get the 60 Senate votes needed to advance. Republicans are pushing for a bigger increase for the Pentagon and other security-related programs while seeking to keep domestic and foreign aid spending down after the big partisan reconciliation packages (PL 117-2, PL 117-169) of the last two years. Senate Appropriations ranking member Richard C. Shelby said he floated the overall spending ceiling and proposed

subdivisions — which he wouldn't divulge — to Leahy earlier in the day. "We made him a substantial offer," Shelby, R-Ala., said according to sources. "We're talking about the president's number; we like that." The \$1.65 trillion figure is what both President Joe Biden and House Democrats proposed for fiscal 2023 appropriations, not counting spending on the war in Ukraine, disaster aid and other "emergency" items. But Shelby proposed a higher base funding target for defense-related agencies than the president proposed, and less for nondefense programs. Regarding nondefense, Shelby said Democrats have "already gotten so much money because of reconciliation." "They don't want to count what they already got, and they got billions," he said.

Democrats wouldn't get into any more details but aren't ready to accept what Republicans are proposing. "I'm not getting into what his offer is," Senate Majority Leader Charles E. Schumer, D-N.Y., said. "We're trying to come together [on] something everyone can agree on. We're not there yet." Schumer's comments came after a meeting in Speaker Nancy Pelosi's office which House Appropriations Chair Rosa DeLauro, D-Conn., and Senate Appropriations Chairman Patrick J. Leahy, D-Vt., also attended. Leahy left the meeting suggesting that Republicans have yet to begin seriously negotiating "We've given [Shelby] offers, and I hope they sit down and start meeting with us," he said. "The door is open to his staff. It's time for the committee to sit down and talk."

Democrats have appeared more eager to reach an omnibus deal than Republicans, who will take control of the House when the new Congress convenes in January. And both sides have warned they still do not know if a deal can come together in time. Leahy and DeLauro have begun writing an omnibus they hope can get bipartisan support. Leahy said Tuesday that Democratic staff was still working on it so he hasn't shared it with Republicans yet, but that they're welcome to join in the writing process anytime. DeLauro blamed Republicans for months of inaction on appropriations that were needed when the current fiscal year began on Oct. 1. She said it's possible talks don't really start up until after the Dec. 6 runoff in Georgia between Democratic Sen. Raphael Warnock and GOP challenger Herschel Walker.

Broadband Funding

On November 21, the Federal Communications Commission (FCC) announced the Notice of Funding Opportunity (NOFO) for the Affordable Connectivity Outreach Grant Program (Outreach Grant Program) and the Your Home, Your Internet (YHYI) Program. BHYI is designed to increase awareness of the Affordable Connectivity Program (ACP) among households receiving federal housing assistance. The Outreach Grant Program, appropriated through the Bipartisan Infrastructure Law (BIL), is designed to enlist trusted community messengers to develop innovative outreach strategies to reach historically unserved and underserved communities. Grant awards will range from \$50,000 to \$1,000,000, and county governments are eligible and encouraged to apply. In order to receive funding, applications must be submitted by January 9, 2023.

As of November 28, 2022, 15 million households have signed up for the ACP, yet it is estimated that over 20 million more are eligible yet not enrolled. The Outreach Grant Program allows for trusted local government and community organizations to take an active role in promoting the ACP. Awareness of the ACP and the BHYI Pilot Program is vital to the participation in and success of the ACP consumer benefit.

The FCC has highlighted the following goals for the program:

- To expand and support diverse and impactful outreach efforts nationwide to reach eligible ACP households, including but not limited to people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality
- To strengthen outreach partners nationwide by empowering them to mobilize people and organizations to help raise awareness about the ACP
- To increase enrollment in the ACP, particularly in areas served by the outreach grants, by underrepresented, underserved, and low-income households

The ACP provides eligible households with up to \$30 off their monthly internet service bill or \$75 if the household is on tribal lands. It also provides a one-time \$100 discount on purchasing a laptop, desktop computer, or tablet from participating providers. To enroll in the program, households must submit an application to confirm their eligibility and contact their provider to select a plan and have the discount applied to their bill.

Additional information about the ACP and the Outreach Grant Program can be found at [FCC.gov](https://www.fcc.gov)

Census

The U.S. Census Bureau in November resumed its Population Estimates Challenge Program that allows counties to request reviews of their population estimates. The U.S. Census Bureau proposed changes to the process in which counties can challenge population estimates for the decade following the 2020 Census. Counties support accurate and fair census data, which impacts the distribution of funding across numerous federal programs.

On November 22, the U.S. Census Bureau resumed its Population Estimates Challenge Program and proposed changes to the challenge process for Population Estimates throughout this decade. This program provides governmental entities, including counties, with an opportunity to submit requests challenging the Census Bureau's population estimate of their jurisdiction beginning with the population estimates for 2022, known as the "Vintage 2022" series, that is set to be released in 2023.

Challenges must currently be received by the Census Bureau within 90 days after the release of the estimate series, and these challenges must include a letter and supporting evidence. Revised estimates may occur due to a challenge if technical errors in processing input data or producing estimates are found and/or incorrect input data was used in the process of determining the estimates. In regard to its proposed changes, the Census Bureau recently announced intentions to update references to the input data used to produce the official population estimates and revise the evidence required to support a challenge.

Written comments on these proposed changes must be submitted by December 22, 2022, and additional information on this process can be found [here](#).

Mental Health

On November 29, the U.S. House of Representatives overwhelmingly approved the bipartisan Justice and Mental Health Collaboration Reauthorization Act of 2022 (S.3846/H.R. 8166), by a vote of 389 to 22. The bill was passed by unanimous consent by the U.S. Senate in June 2022.

The Justice and Mental Health Collaboration Reauthorization Act will reauthorize the Justice and Mental Health Collaboration Program (JMHCP) through Fiscal Year (FY) 2026. Other important provisions of relevance to counties include:

- Strengthening support for mental health courts and crisis intervention teams
- Supporting diversion programming and training for state and local prosecutors
- Strengthening support for co-responder teams
- Supporting the integration of 988 into the existing public safety system
- Amending allowable uses for grant funds to include suicide prevention in jails and information-sharing between mental health systems and jails/prisons
- Amending allowable uses to include case management services and supports
- Clarifying that crisis intervention teams can be placed in 911 call centers

The JMHCP is a critical program that provides federal funding to assist counties in improving outcomes for individuals with mental health conditions who are involved in the criminal justice system. An estimated two million individuals with serious mental health conditions are booked into county jails each year. With JMHCP funds, counties can create or expand community-based treatment programs, fund jail diversion programs and mental health courts, and provide in-jail treatment and transitional services to help these individuals.

Energy

On November 29, the U.S. Department of the Treasury released initial guidance on the prevailing wage and apprenticeships requirements for energy tax credits authorized under the Inflation Reduction Act (IRA). A recipient must fulfill these requirements to qualify for credit enhancements for certain clean energy tax incentives under the IRA and apply to qualifying projects, facilities, property or equipment if construction starts on or after January 30, 2023.

Both the prevailing wage and apprenticeship enhancement requirements apply to the following tax credits:

- Advanced Energy Project Credit
- Alternative Fuel Refueling Property Credit
- Credit for Carbon Oxide Sequestration
- Clean Fuel Production Credit
- Credit for Production of Clean Hydrogen
- Energy Efficient Commercial Buildings Deduction
- Renewable Energy Production Tax Credit

- Renewable Energy Property Investment Tax Credit

Only the prevailing wage enhancement requirements apply to the following tax credits:

- New Energy Efficient Home Credit
- Zero-Emission Nuclear Power Production Credit

PREVAILING WAGE REQUIREMENTS

To benefit from an enhanced credit amount, those claiming the credit must ensure that any laborer or mechanic employed in the construction, alteration or repair of a facility, property, project or equipment are paid a prevailing wage.

A prevailing wage is the hourly wage and fringe benefits paid to a worker in a specific category within a certain geographical area, as defined by the U.S. Department of Labor.

APPRENTICESHIP REQUIREMENTS

To meet the apprenticeship requirements, those claiming the credit must meet certain standards related to labor hours, ratio and participation. Those claiming the credit must ensure that the “applicable percentage” (12.5 percent for facilities that begin construction on or after January 30, 2023 and before January 1, 2024, and 15 percent thereafter) of the total hours of construction are performed by apprentices and any entity claiming the credit, as well as any contractor or subcontractor that employs four or more individuals to perform construction, alteration or repair work, must employ at least one apprentice.

Additionally, Treasury included a “Good Faith Effort Exception” where the entity claiming the credit will not be deemed to have failed to meet their apprenticeship requirements if they submit a request to a registered apprenticeship program and are denied an apprentice or if the apprenticeship program fails to respond within five business days.

Non-Governmental Partners and Coalitions

Throughout November, 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.