

## Memorandum

**TO:** Miami-Dade County

**FROM:** Greenberg Traurig

**DATE:** September 30<sup>th</sup>, 2022

**RE:** September 2022 Monthly Report

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

### *Overview*

Throughout the month of September, 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*

The House cleared a temporary spending bill ([HR 6833](#)) needed to avoid a partial government shutdown ahead of the month-end deadline, giving lawmakers a reprieve until after the midterm elections when they'll need to figure out a longer-term funding plan before the new Dec. 16<sup>th</sup> deadline. The continuing resolution (CR) passed on a 230-201, mostly party-line vote. The Senate passed the measure Thursday, 72-25, after that chamber resolved some last-minute holds. Many Republicans opposed extending interim appropriations levels through Dec. 16, arguing Democrats have refused to negotiate with them on higher defense spending and money to secure the southern border, including against drug traffickers. They said the new deadline would set up another

funding showdown during the lame-duck session after Democrats may have lost control of the chamber, risking a shutdown. But roughly half the Senate Republican Conference agreed that Congress should wrap up the fiscal 2023 spending bills this year, including several who are retiring such as Richard C. Shelby of Alabama, the Senate Appropriations Committee's ranking member. And the urgency of helping Ukraine as it pushes back against Russia's invasion and an initial round of disaster relief for hurricane-stricken communities — with more to come probably in the lame-duck session — was enough to put the measure over the top. Not to mention lawmakers were eager to get out of Washington and onto the campaign trail with the midterm elections around the corner.

Democrats didn't get everything they wanted in the stopgap bill. Republicans forced them to drop nearly \$27 billion in emergency funds the Biden administration sought for COVID-19 and monkeypox response efforts, which was a top priority for House Appropriations Chair Rosa DeLauro, D-Conn. “Despite these shortcomings, the investments included in this bill are urgent and necessary to avoid disruptions to vital federal agencies, to help communities get back on their feet, to ensure we have the time needed to negotiate a final funding agreement that meets the needs of hard-working people,” DeLauro said on the floor. Democrats included additional funds above the Biden request for winter heating aid, doubling the amount to \$1 billion, and tacked on a little extra for Department of Housing and Urban Development disaster aid grants, for a total of \$2 billion. The measure also contains a variety of expiring program extensions, mostly for the duration of the CR although the measure would extend core FDA user fee programs for five years. Short-term extensions range from mandatory livestock price reporting to Federal Communications Commission spectrum auction authority to the National Flood Insurance Program.

The biggest roadblock to getting the continuing resolution done on time, Sen. Joe Manchin's, D-W.Va.'s permitting legislation, was dropped in the Senate earlier this week. Over 80 House Democrats had called for that effort to be separated from the must-pass government spending bill. Senate Majority Leader Charles E. Schumer, D-N.Y., had promised Manchin a vote on his legislation by the end of September during negotiations for the Democrats' climate, tax and health care law. Manchin asked Schumer to pull the legislation from the continuing resolution when it became clear he did not have the 60 votes necessary to pass it amid bipartisan opposition. After the stopgap measure advanced in the Senate with 72 votes on a procedural motion earlier in the week, it became clear it was only a matter of time before final passage.

### ***Social Security***

Lawmakers say they're getting close to agreement on a bipartisan package to bolster U.S. retirement savings, setting the stage for broader tax negotiations after the midterm elections. Tax writers on both sides of the aisle thus far have projected optimism for striking a deal when they return to Washington in mid-November, after taking a month and a half recess to focus on campaigning. The House's top tax writers believe they're close to agreement specifically on addressing the “windfall elimination provision,” which lowers Social Security payouts for individuals who qualify for pensions from their work as teachers, police officers, government employees and other public sector jobs and for Social Security benefits from separate employment. Eliminating the windfall elimination provision would boost benefits for about 2 million individuals and cost about \$88 billion through fiscal 2032, according to the Congressional Budget Office. Monthly benefits would increase by an average of \$330 starting

in December 2023, the CBO said, with monthly payouts rising for a shrinking number of beneficiaries over time. A second provision that limits Social Security payments for spouses of beneficiaries, or their survivors, who have their own government pensions would cost almost \$107 billion to repeal. If the "government pension offset" were eliminated, benefits would increase by an average \$670 a month for 410,000 spouses and by \$1,150 a month for 370,000 spouses in December 2023, the CBO said. Average payments would rise steadily over time, with the number of beneficiaries rising initially before declining.

Brady said lawmakers are closer to bipartisan agreement on the windfall elimination provision, which is cheaper to fix and affects more people. He said the model they agree to for addressing that provision could be used later to address the government pension offset. "I'm convinced the best opportunity to repeal the [windfall elimination provision] and get fairness back to these public servants is to act this year and to focus on the windfall elimination provision," said House Ways and Means ranking member Rep. Kevin Brady, who's retiring after this Congress. The Texas Republican said most of the work is done on getting to a bipartisan fix, which could then become part of a year-end tax package that would ride on an omnibus spending package or another legislative vehicle after November's midterm elections. Sen. Benjamin L. Cardin, D-Md., said lawmakers are working through about half a dozen issues they still need agreement on for a final retirement package, which would be based on a House-passed bill (HR 2954) and a pair of Senate committee-approved measures (S 4808, S 4353). "I think they're all resolvable — I really do," said Cardin, a Senate Finance panel member who's led bipartisan retirement proposals. "I think the greatest challenge is agreeing on the size and the pay-fors, but I think that too is going well." The bills are near-universally backed in Congress and similar, but differ in how they expand catch-up contributions allowed for savers nearing retirement, on a provision requiring certain new workplace plans to auto-enroll employees, and how they expand a tax credit for low-income savers. The Senate Finance Committee also added a revenue raiser during its markup of the legislation, tacking on a crackdown on property conservation transactions deemed abusive.

The House and Senate are set to leave town until Nov. 14. They'll return post-Election Day with weeks left in the year and a hefty list of issues they could try to wrap up, including the potential tax package. Election results will factor into the likelihood of a lame-duck tax deal. Extending widely backed, expiring tax provisions is often the top motivator of a year-end tax package, but Cardin said that's not driving negotiations this year to the same extent because "there's so few left." Democrats extended and expanded clean energy tax credits in their signature climate, health and tax package (PL 116-169), taking care of a significant number. Still, the retirement bill would remain a motivator. Brady and Finance member Sen. Rob Portman, R-Ohio, have championed retirement legislation and are both set to retire at the end of the year.

### ***Broadband***

On September 30<sup>th</sup>, Congress extended the Federal Communications Commission's authority to auction wireless spectrum for less than three months, leaving a decision about a longer extension for the lame duck session following the November midterm elections. Through the recently passed continuing resolution, Congress has extended the agency's expiring authority from September 30<sup>th</sup> to December 16<sup>th</sup>. The extension will expire less than three weeks before the 118<sup>th</sup> Congress begins. The White House proposed extending the auction authority to

September 30<sup>th</sup>, 2024, and the House, with bipartisan support, passed legislation (HR 7624) in July that would extend it to March 31<sup>st</sup>, 2024. A matching measure in the Senate (S 1117) has yet to make progress. Advocates of spectrum auctions have called on Congress to extend the FCC's authority. The spectrum enables wireless operators to provide services. Spectrum typically refers to radio waves that travel through space at different frequencies carrying energy and messages. The FCC sells access to those airwaves to commercial companies offering mobile phone and broadband services, raising money for the Treasury in the process.

Unlike previous, 10-year extensions of auction authority by Congress, most advocates have called on lawmakers to offer only a two-year extension this year. The FCC already has completed a series of auctions for 5G use beginning with high-end frequencies in the so-called millimeter wave bands, which can deliver extremely high speeds but can't travel far and are easily blocked by buildings and trees. The FCC has also auctioned so-called mid-band frequencies for 5G use, the last of which was concluded in early September. Sen. Ben Ray Lujan, D-N.M., chair of the Senate Commerce Subcommittee on Communications, Media, and Broadband, and ranking Republican Sen. John Thune, R-S.D., said in an August hearing that they favored a short-term extension of FCC's authority while Congress studied a longer-term plan. The two lawmakers have backed legislation (S 4117) that they have said would free up unused spectrum in the mid-band frequencies.

### *Infrastructure*

On September 27<sup>th</sup>, the Department of Transportation announced it had approved all 50 states' plans to build electric vehicle charging stations along 75,000 miles of highways, opening the spigot on \$1.5 billion from the Bipartisan Infrastructure Law to support the transition to EVs across the nation. The Biden administration's National Electric Vehicle Infrastructure Formula Program funded by the law (PL 117-58) plans to provide a total of \$5 billion over the next five years to reimburse states for updating and building out EV infrastructure. The administration has been targeting the transportation sector as part of its plan to reduce U.S. emissions by 50 percent below 2005 levels by 2030. President Joe Biden has set a goal to build 500,000 charging stations by 2030, provide tax incentives to consumers who buy EVs, replace 50,000 diesel transit vehicles and electrify at least 20 percent of the nation's public school bus fleet. The transportation sector is the largest emitter of greenhouse gases in the U.S., with over half of those emissions coming from light-duty, passenger vehicles. However, Republicans have voiced concerns about the EV tax credits and infrastructure overhaul citing the same reason — high oil and gas prices.

Those on the right have been critical of Biden's clean vehicle push, arguing that the Bipartisan Infrastructure Law paired with reconciliation bill tax credits is pushing a leftist agenda, with inadequate funding for traditional infrastructure. "The total amount of funding it would direct to roads, bridges, ports, waterways and airports combined adds up to less than what it would spend just on electric cars," said Senate Minority Leader Mitch McConnell said in a statement on the infrastructure law. "The far left sees a strong family resemblance between these proposals and their socialist 'Green New Deal.'" Despite spending pushback, all states and territories, including McConnell's Kentucky, have committed to the administration's electric vehicle infrastructure plans. The Federal Highway Administration is working to finalize a rule on minimum standards for the projects, which included requirements like 24/7 accessibility and real-time electricity price displays in the proposal.

### ***Non-Governmental Partners and Coalitions***

Throughout September, 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.