

## Memorandum

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From: Rick Spees, Jane Sargent and Jose Villalobos  
To: Board of County Commissioners  
CC: Phillip Drujak  
Date: September 8, 2023  
Subject: August 2023 Monthly Report

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### **Appropriations Update:**

So now we are getting down to the end game. Fiscal Year 2024 starts on October 1st—less than four weeks away. As you will recall from previous reports, before that date, Congress needs to pass twelve appropriations bills. Each one covers parts of the government and together they make up the entire federal discretionary budget. If Congress misses the September 30th deadline to get its work done, they usually pass what is called a Continuing Resolution (CR) which keeps the federal agencies operating at last year's levels. If they don't pass either the appropriations bills or a CR, a government shutdown occurs.

To date Congress has not passed any of the twelve appropriations bills. The House has passed one bill and reported another nine bills out of the House Appropriations Committee. Those bills are ready for consideration on the House floor. In the Senate the Senate Appropriations Committee has marked up and reported out all twelve bills. All twelve still need to pass on the Senate floor.

In most years, passing a CR is easy. The only disagreement that occurs is over the length of time the CR will run. But this year may be different. Both the Speaker of the House and the Senate leadership of both parties agree that a CR is necessary and that it should run until December 8th. But there are roughly 30-45 very conservative House Republicans that will not accept a straightforward CR. They want the bill to cut spending, to add Southern border security

measures, defund the prosecution of former President Trump and eliminate what they call are “woke” policies at the Defense Department. Needless to say, such a bill will never pass the Senate and would never be signed into law by the President if it reached his desk.

So, what will happen? As I prepare to make my political predictions, I think about what my neighbor told me. She said, “I wish I was a weather reporter on the television. I could constantly be wrong, but everyone still wants my opinion.” It is the same way with political predictions. Here is the issue. If a clean CR was brought up in the House, it would get at least 350 votes. It would get a majority of the House Republicans. But such a bill would greatly anger the conservatives. They would vote against the bill and would be outraged that Democrats supported it. In their minds, all the Republicans should stick together and that means all the House members should support their extremely restrictive bill, even though the bill will not pass the Senate. In their minds, if the Republicans all stick together, they can get more concessions from the White House.

So here are my predictions. First the Speaker will have a meeting of all the House Republicans. He will try to see if they will all back the conservative measure. He will argue to them that this is only the first step in the process and compromises will happen later in the process. He will try to secure the votes of moderate Republicans that do not like all the parts of the conservative bill. If he succeeds, he will bring the conservative CR up on the floor and will pass it with just Republican votes—no Democrat will support it. The bill will go the Senate where it will be amended to become a clean CR that keeps the government running at current levels. It will go back to the House where the bill will pass with moderate Republican and Democratic votes over the strong opposition of the conservatives. Then the conservatives will take out their knives and carve up the Speaker.

Having said that there are still three weeks to go and both sides are trying to do all they can to pass as many of the twelve regular bills as possible. Next week the House intends to pass two or three of their versions of the bills. They are focusing on passing the Defense bill, the Homeland Security bill, and the State Department funding bill. In the Senate next week, they intend to combine three of the regular bills into one big package and hope to pass it. The package will include the bill that funds the VA, the bill that funds the Department of Agriculture, and the bill that funds the Departments of Transportation and Housing and Urban Development. In the following week they will try to pass another package. While these efforts will reduce the number of outstanding issues, it will not eliminate the need for a CR.

On top of all this, there is another issue outstanding. The Administration has requested another \$44 billion in emergency funding that would be spent in addition to the total funding in all the regular FY 2024 bills. Technically the Administration is asking that the money be enacted in September and be applied to the FY 2023 budget, but the reality is that the money will not be spent until after the first of October. The money goes for a number of purposes, but the major ones are for additional aide for Ukraine and for wildfire and hurricane relief. The Senate seems

prepared to enact the additional spending, while the House has a significant number of Republicans that are opposed.

With this tangle of issues and bills, the big question in Washington this week is—will there be a government shutdown? My prediction is that there will be a shutdown. To me, there is just no way that the CR will get through the process in time. And frankly, there are some House Republicans that are saying that a shutdown is better than too much spending. That is not the majority opinion, even within the Republican party, but it demonstrates the difficulty the Speaker faces—if members of his party see no downside to a shutdown, they will be more willing to risk one.

The shutdown will not last too long. Perhaps two or three weeks, followed by passage of a CR that is relatively clean. That will get us through September and October, but it sets up another fight when the CR expires, and the rest of the FY 2024 budget bills need to get done.

### **FY 2024 Appropriations Bills:**

With the Senate Appropriations Committee having marked up all of its FY 2024 bills and the House Appropriations Committee having marked up most of its as well, we wanted to provide you highlights the bills where they currently stand in the process. These numbers will not be finalized until the bills are completed later this year.

### **Department of Justice**

Community Oriented Policing Services (COPS) Programs: The Senate bill includes \$534.9 million for COPS programs, including \$285 million for COPS Hiring Grants. This is below the President's budget request of \$651 million for COPS programs, including \$537 million for COPS Hiring Grants. It is also below the FY 2023 level of \$662.88 million for COPS programs, including \$324 million for COPS Hiring Grants. The House Appropriations Committee has not yet marked up its version of the FY 2024 Commerce, Justice, Science Appropriations bill. However, the draft bill released by the Committee prior to the August recess includes \$670.6 million for COPS programs, including \$330.95 for COPS Hiring Grants.

Byrne Justice Assistance Grants (JAG): The Senate bill including \$799 million for the Byrne JAG program. This includes \$159.1 million for Community Project Funding as well as \$20 million for Project Safe Neighborhoods (\$20 million below the budget request). This is above the President's budget request of \$542.63 million for the Byrne JAG program. The draft House bill includes \$670.5 million for Byrne JAG, including \$214.5 million in proposed Community Project Funding. The FY 2023 level for Byrne JAG is \$770.805 million, which includes \$229.551 million for Community Project Funding so the budget actually increases the amount for the program. The County advocates for maximum funding for the Byrne JAG program.

State Criminal Alien Assistance Programs (SCAAP): The Senate bill and President's budget request do not propose FY 2024 funding for SCAAP, which provides federal payments to state and local governments for the costs of incarcerating undocumented immigrants. The draft House bill includes \$234 million for SCAAP, which is the same as FY 2023 level.

DNA Analysis Grants: The Senate bill includes \$170 million for DNA analysis grants (\$23 million more than the budget request but the same as FY 2023), including \$130 million for Debbie Smith DNA Backlog Grants (\$18 million more than the budget request but the same as FY 2023) and \$20 million of State and Local Forensic Activities (\$1 million more than the budget request but the same as FY 2023). The draft House bill includes \$195 million for DNA grants, including \$130 million for Debbie Smith grants and \$55 million for state and local forensic activities.

Coverdell Forensic Science Grants: The Senate, draft House bill, and budget request include \$35 million for these grants (same as FY 2023).

Opioid Initiative: The Senate bill and draft House bill include \$445 million (\$34 million more than budget request but the same as FY 2023) for programs to reduce opioid abuse authorized under the Comprehensive Addiction and Recovery Act (CARA) of 2016. This includes \$190 million for the Comprehensive Opioid Abuse Program (same as the budget request and FY 2023).

Juvenile Justice and Delinquency Prevention Programs: The Senate bill includes \$415 million for juvenile justice programs (\$345 million below the budget request but \$15 million above FY 2023). The draft House bill would eliminate the separate account for juvenile justice programs. While the draft House bill continues to propose funding for certain programs, such as Youth Mentoring grants, it eliminates funding for others, including Delinquency Prevention Incentive Grants.

Domestic Violence and Sexual Assault Grants: The Senate bill includes \$732 million for Violence Against Women Act (VAWA) Prevention and Prosecution Programs (\$268 million below the President's budget). The draft House bill includes \$700 million for VAWA programs, the same as FY 2023.

Victims of Trafficking Grants: The Senate bill includes \$97 million for these grants (\$7 million more than the budget request). The draft House bill includes \$95 million, the same as FY 2023.

Bulletproof Vest grants: The Senate bill, draft House bill, and budget request include \$30 million for these grants (same as FY 2023)

Body Worn Camera Partnership Program: The Senate bill includes \$30 million for these grants (\$5 million below the budget request and FY 2023). The draft House bill includes \$20 million for this program.

Missing and Exploited Children Programs: The Senate bill includes \$108 million for these programs, including the Internet Crimes Against Children (ICAC) program. This is \$22 million below the budget request but \$3 million above FY 2023. The draft House bill includes \$130.4 million for these programs.

Project Safe Neighborhoods (PSN) Block Grants: The Senate bill and draft House bill include \$20 million (same as FY2023 but \$20 million less than the budget request) for this program which aims to create safer neighborhoods through sustained reductions in gang violence and gun crime. The program is based on partnerships of federal, state, and local agencies led by the U.S. Attorney in each federal judicial district.

Victims of Crime Act (VOCA) Funds: The Senate bill, draft House bill, and budget request proposes to distribute \$1.2 billion from the Crime Victims Fund. VOCA funds are used to provide federal support to state and local programs that assist victims of crime. This is below the FY 2023 VOCA distribution cap of \$1.9 billion and the FY 2022 cap of \$2.6 billion.

Miami-Dade County Pending Community Project Funding in the Draft House Bill: The County has a pending CPF request that was submitted by Congresswoman Wilson to the House Appropriations Committee. It is for \$2,625,000 for the Miami-Dade County Peace & Prosperity: Youth Development and Empowerment project. The project falls under the Department of Justice. However, the Committee postponed its markup of the FY 2024 Commerce-Justice-Science Appropriations Bill until after the August recess. We will keep you posted on the County's CPF request as the bill moves through the process.

## **Department of Commerce**

Economic Development Administration: The Senate bill includes \$396 million for Economic Development Assistance Programs (\$308.5 million below the budget request and \$34 million less than FY 2023). The draft House bill includes \$211 million for EDA Assistance Programs.

## **Department of Housing and Urban Development**

Community Development Block Grants (CDBG): The Senate, House and President's budget all propose \$3.3 billion for CDBG formula grants (same as FY 2023). The County advocates for maximum funding for this program.

HOME: The Senate bill includes \$1.5 billion for the HOME Investment Partnerships program (\$300 million below the budget request but the same as FY 2023). The draft House bill includes \$500 million for the program.

Homeless Assistance Grants: The Senate bill includes \$3.9 billion for Homeless Assistance Grants, which is \$179 million above the House bill, \$159 million above the budget request, and \$275 million above FY 2023.

Emergency Solutions Grants: The Senate, House and budget request include \$290 million for the ESG program (same as FY 2023).

Housing Opportunities for People with AIDS: The Senate, House and budget request include \$505 million for HOPWA (\$6 million above FY 2023)

Choice Neighborhoods: The Senate bill includes \$150 million for the Choice Neighborhood Initiative, which helps to revitalize underserved communities. This is \$35 million less than the budget request and \$200 million less than FY 2023. The House bill proposes to eliminate funding for the program.

HUD-Veterans Affairs Supportive Housing: The Senate bill includes \$30 million to expand the HUD-VASH program. The budget request and House bill include funding to renew approximately 80,000 HUD-VASH vouchers for veterans, but do not propose funding for new vouchers like the Senate bill. The FY 2023 amount is \$50 million for HUD-VASH.

Public and Indian Housing: The Senate bill includes \$42.1 billion for the Office of Public and Indian Housing, which is \$1.02 billion more than the House bill, \$977 million less than the budget request, and \$4.4 billion more than FY 2023. Within this amount, the Senate bill provides \$31.7 billion, an increase of \$4.1 billion over FY 2023, Tenant-Based Rental Assistance. The House bill proposes \$31.1 billion for this assistance. In FY 2021, the Public Housing Capital Fund and Public Housing Operating Fund were consolidated into the new Public Housing Fund. The Senate bill includes \$8.875 billion for the Public Housing Fund (\$512 million more than the House, \$18 million less than the budget request, and \$361 million more than FY 2023). Within this amount, the Senate bill provides \$30 million for public housing emergency capital needs and not less than \$10 million of this amount is to be used for safety and security measures in public housing. The House bill and budget request include \$40 million for emergency capital needs, which is \$10 million less than FY 2023. The County advocates for maximum funding for these programs.

Miami-Dade County Pending Community Project Funding for HUD/Economic Development Initiatives:

- \$4,190,000 for Miami-Dade County for Roadway Resurfacing Project for Segments of NW 12 ST to NW 25 ST, from NW 107 Ave to NW 87 Ave requested by Congressman Diaz-Balart out of the HUD Economic Development Initiatives account.

## **Department of Transportation**

FTA Formula and Bus Grants: The House and Senate bills include \$13.99 billion (same as the budget request and \$356 million more than FY 2023) for FTA transit formula grants as authorized by the Infrastructure Investment and Jobs Act (IIJA).

FTA Transit Infrastructure Grants: The House bill includes \$130.8 million these grants. The Senate bill includes \$268.26 million. The budget does not propose additional discretionary funding for transit infrastructure grants. However, there is IIJA funding available for these grants in FY 2024. The FY 2023 discretionary funding for these grants is \$541.6 million.

FTA Capital Investment Grants: The House bill includes \$392.2 million for the New Starts/Small Starts program. This is substantially below the Senate level of \$2.45 billion, the President's budget request of \$2.85 billion, and the FY 2023 level of \$2.21 billion.

USDOT National Infrastructure Investments (RAISE) Grants: The House bill does not include funding for another round of RAISE grants (formerly TIGER/BUILD grants). The Senate bill includes \$800 million, which is the same as FY 2023 but \$200 million below the budget request.

Highways: The House and Senate bills provide \$60.8 billion federal-aid highways, roads, tunnels, and bridges consistent with the IIJA (same as the budget request and \$2 billion more than FY 2023).

Aviation: The Senate bill includes \$20.278 billion for the Federal Aviation Administration, which is \$726 million more than the House, \$471 million more than the budget request and \$1.26 billion more than FY 2023). This includes \$3.35 billion for Grants-In-Aid for Airports, which is the same in the Senate, House, budget request and FY 2023. The IIJA included \$3 billion annually for Airport Infrastructure grants and \$1 billion annually for the Airport Terminal Program from FY 2022 to FY 2026.

### Miami-Dade County Pending Community Project Funding for Transportation Projects:

- \$3,000,000 for Vision Zero MDC Safety Improvements for East 4th Avenue requested by Congressman Diaz-Balart out of the Highway Infrastructure Programs account
- \$5,000,000 for Roadway Improvements to SW 157 Avenue Project requested by Congressman Gimenez out of the Highway Infrastructure Programs account
- \$3,000,000 for the Card Sound Road Improvement Project requested by Congressman Gimenez out of the Highway Infrastructure Programs account
- \$1,000,000 for Roadway Resurfacing along SW 152 Avenue Project requested by Congressman Gimenez out of the Highway Infrastructure Programs account
- \$3,000,000 for the Miami-Dade County – Seaport Decarbonization & Electrification Master Plan for the Miami Dade County Seaport requested by Congresswoman Salazar out of the Port Infrastructure Development Program account

- \$500,000 for the North Corridor: Reconnecting Communities - Station Area Master Analysis requested by Congresswoman Wilson for the Transportation & Public Works Department under Transit Infrastructure Grants account

## **Department of Health and Human Services**

Ryan White HIV/AIDS Programs: The Senate bill includes \$2.571 billion (\$125 million less than the budget request but the same as FY 2023) to provide HIV-related services. The County advocates for maximum funding for these programs. The House Appropriations Committee has not yet marked up its version of the FY 2024 Labor, Health and Human Services, and Education Appropriations bill. However, the Committee has released a draft bill that includes funding details for some programs but not all of them. The draft House bill does include \$2.332 billion for Ryan White programs.

Head Start: The Senate bill includes \$12.271 for Head Start (\$1.1 billion less than the budget request but the same as FY 2023). The draft House bill includes \$11.246 billion for Head Start programs.

Child Care: The Senate bill includes \$8.72 billion for Child Care and Development Block Grants (CCDBG) (\$278 million less than the budget request and \$700 million more than FY 2023). The draft House bill includes \$8.021 billion for CCDBG programs.

Preschool Development Grants: The Senate bill includes \$310 million (\$50 million less than budget request and \$5 million less than FY 2023) to support States' efforts to expand or create high-quality pre-school systems for 4-year-olds from low- and moderate-income families. The draft House bill would eliminate funding for these grants.

Healthy Start: The Senate bill includes \$145 million for the Healthy Start program (\$40 million less than budget request but the same as FY 2023).

Older Americans Act (OAA) Programs: The Senate bill includes \$2.55 billion for the Administration for Community Living (ACL) programs (\$503 million less than the budget request and \$13 million less than FY 2023). This includes \$1.058 million for Senior Nutrition programs, which provides congregate meals and meals on wheels to needy seniors, \$410 million for Home and Community-based Supportive Services, and \$26.3 million Preventive Health Services, \$8 million for Chronic Disease Self-Management Education and \$7.5 million for Elder Falls Prevention. The Senate bill also includes \$10 million (same as the budget and FY 2023) for Voting Access for People with Disabilities. The County supports maximum funding for OAA programs. The draft House bill includes \$2.4 billion for the ACL programs, but funding for the individual programs is not clear in the draft bill.



State Opioid Response Grants: The Senate bill includes \$1.595 billion for these grants authorized under the 21<sup>st</sup> Century Cures Act to combat the opioid epidemic (\$405 million less than the budget and \$20 million more than FY 2023).

Mental Health Block Grants: The Senate bill includes \$1.042 billion for the MHBG (\$610 million less than the budget request and \$35 million more than FY 2023).

## **Department of Labor**

Job Training: The Senate bill includes \$4.106 billion (\$404 million below the budget request and \$124 million below than FY 2023) for Training and Employment Services programs, which provide job training skills and assistance to low-skilled adults, dislocated workers, and low-income youth with barriers to employment. The bill includes \$115 million for Reentry Employment Opportunities, \$105 million for YouthBuild, \$885 million for Adult Employment and Training Activities, and \$1.1 billion for formula grants to states to provide WIOA dislocated worker services.

Veterans Employment and Training: The Senate bill includes \$335 million (\$12 million less than the budget request but the same as FY 2023) to expand employment services to transitioning service members, veterans with disabilities, and their spouses and caregivers.

## **Department of Homeland Security**

FEMA State and Local Programs: The House and Senate bills include the following for State and Local Programs:

- State Homeland Security Grant Program: The House bill includes \$530 million, which is more than the Senate bill amount of \$488.8 million, below the FY 2024 President's budget request of \$601.2 million, and above the FY 2023 level of \$520 million
- Urban Area Security Initiative (UASI): The House bill includes \$615 million, same as FY 2023, above the Senate level of \$578.1 million, and below the President's budget request of \$711.2 million
- Public Transportation Security Assistance, Railroad Security Assistance and Over-the-Road Bus Security Assistance: The House bill includes \$105 million, same as FY 2023, above the Senate level of \$98.7 million and the budget request of \$100 million
- Port Security Grants: The House bill includes \$100 million, same as FY 2023 and the budget request, and above the Senate level of \$94 million
- Education, Training, and Exercises: \$326.487 million, \$10 million more than the budget request and FY 2023, and \$16 million more than Senate bill
- Firefighters Assistance Grants: \$360 million (same as FY 2023) each for SAFER and Assistance to Firefighter Grants (AFG), above the Senate bill of \$338.4 million for each grant program, and below the budget request of \$370 million
- Emergency Management Performance Grants: \$355 million, same as FY 2023 and the budget request, and above the Senate level of \$333.7 million

- Emergency Food and Shelter Program: \$130 million, same as FY 2023 and the budget request, and above the Senate level of \$122.2 million
- FEMA Disaster Relief: \$20.4 billion for disaster relief to fund recent major disaster response and recovery activities (same as the budget request and \$461.34 million above FY 2023). The Senate bill includes \$20.26 billion for disaster relief.

Customs and Border Protection (CBP): The House bill includes \$19.9 billion for CBP, over \$3 billion more than the President's budget request and the FY 2023 level, including over \$2.1 billion for construction of a physical wall along the southwest border and \$496.2 million to fund 22,000 Border Patrol Agents. The Senate bill includes \$20.39 billion for CBP, which above both the House and budget request.

Immigration and Customs Enforcement (ICE): The House bill \$9.8 billion for ICE, which over \$1 billion more than the Senate bill, President's budget request and FY 2023, for immigration enforcement.

Transportation Security Administration (TSA): The House bill includes \$9.3 billion for the TSA (\$1.3 billion more than FY 2023 and \$160.4 million less than budget request), including \$111 million to continue staffing certain airport exit lanes, \$45.9 million for the Law Enforcement Officer Reimbursement Program, and \$34.1 million for the Canine Law Enforcement Officer Reimbursement Program. The President's budget request did not include funding for these programs. The Senate bill includes \$10.89 billion TSA for FY 2024.

## **Department of Interior**

The County has a number of pending Community Project Funding or earmark requests in the House appropriations bill that funds the Department of Interior, and the EPA in particular. Getting CPF projects in the House bills is a critical step in the process, but funding for the projects will not be finalized until the bills are completed. At this point, we are hoping that the bills will be completed in the December, but there is still a long way to go in the process.

### Pending Miami-Dade County CPF projects:

- \$1,000,000 Miami Dade County Seaport Stormwater Management Master Plan requested by Congressman Gimenez out of the EPA, STAG-Clean Water State Revolving Fund account
- \$593,600 for the Miami-Dade County Water Pollution Prevention Project requested by Congressman Gimenez out of the EPA, STAG-Clean Water State Revolving Fund account
- \$1,000,000 for the Miami-Dade County Stormwater Quality Improvement Project requested by Congresswoman Salazar out of EPA, STAG-Drinking Water State Revolving Fund account

### **Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Guidance:**

In August, the US Department of Treasury released its [Interim Final Rule](#) on the ARPA Flex that was enacted last December as part of the FY 2023 Consolidated Appropriations Act, which provides more flexibility for states and local governments to use their Coronavirus State and Local Fiscal Recovery Funds (SLFRF), established by the American Rescue Plan Act (ARPA). Under the interim final rule, there are three new categories for allowable expenditures: natural disaster relief, transportation infrastructure projects, and projects that would otherwise be eligible under HUD's CDBG program.

According to the interim final rule, states and local governments may use SLFRF funds for the new eligible uses for costs incurred beginning December 29, 2022. Funds must be obligated by December 31, 2024. For emergency disaster relief, those obligated funds must be expended by December 31, 2026. For transportation and CDBG projects, those obligated funds must be expended by September 30, 2026.

The Treasury Department has published a helpful overview of the proposed rule at: <https://home.treasury.gov/system/files/136/Overview-of-the-2023-Interim-Final-Rule.pdf>.

### **Activities for September:**

The Senate returned from the monthlong August recess this week. The House reconvenes on September 12<sup>th</sup>. As discussed above, Congress will be working to pass a Continuing Resolution (CR) before the end of September. If they cannot reach an agreement on a CR before October 1<sup>st</sup>, the government will have to shut down. Under those circumstances only those federal employees and activities that are deemed essential for the safety of human life, protection of property, and emergency response are allowed to continue operating. Also, those employees who work for agencies and programs that are not funded through the annual appropriations process are also exempt, such as the US Postal Service. While the Congressional leadership and the White House will be working to avoid a shutdown, it remains a possibility. In addition to the CR, Congress must deal with other legislation before the end of September. This includes the Farm Bill, FAA Reauthorization, and the extension of the National Flood Insurance Program, which are all set to expire on September 30<sup>th</sup>. We will continue to monitor and report on legislative and executive branch developments of interest to the County.