

## Memorandum

**TO:** Miami-Dade County

**FROM:** Greenberg Traurig

**DATE:** August 31<sup>st</sup>, 2023

**RE:** August 2023 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 August. If you have any questions, or if we can be of any further assistance, please let us know.

### *Overview*

Throughout the month of August, 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 Appropriations/Budget, Public Safety, Economic Development, Justice, WRDA, Housing, Broadband/5G, 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, Congressional Agenda outlines 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*

Senate leaders are considering putting a combination appropriations package on the floor in September, pairing the fiscal 2024 Military Construction-VA and Agriculture bills with a supplemental for the war in Ukraine, disaster relief and the border, sources familiar with their thinking said. It's possible that initial procedural moves to set up floor consideration could occur as soon as the Senate returns in September, but no final decisions have been made on the package's content or timing. For instance, another option was to keep the supplemental separate from the regular spending bills.

The Senate Appropriations Committee has approved all 12 fiscal 2024 appropriations bills, but none have gone to the floor. The Military Construction-VA (S 2127) and Agriculture (S 2131) bills were the first two bills the panel marked up, with both approved 28-0 on June 22. Senate

Appropriations Chair Patty Murray, D-Wash., and ranking member Susan Collins, R-Maine, have been eager to demonstrate bipartisan support for their bills on the floor and Senate leaders have said they will bring measures to the floor that won't get bogged down in procedural objections. Separately, Senate appropriators have been working on tweaks to the White House's request for \$40.1 billion in emergency spending. Biden's supplemental request, in its current form, has run into objections from Republicans who want to split off disaster relief so that it moves more quickly, who have critiqued sending more aid to Ukraine and who characterize the border package as focused more on encouraging undocumented immigrants to enter the country than on security. The Biden supplemental request also includes \$24 billion for the war effort in Ukraine and other foreign assistance to U.S. allies, and \$12 billion for the Federal Emergency Management Agency's disaster relief fund.

Sen. Rick Scott, R-Fla., whose home state is getting battered by Hurricane Idalia, has called for separating the FEMA money into a stand-alone measure to avoid it getting stuck in the larger supplemental debate. The fiscal 2024 Military Construction-VA and Agriculture bills were the first two out of the gate in Senate Appropriations for a reason: there were no partisan fireworks in committee and they should get strong support on the floor. However, an open amendment process in the Senate could always slow things down.

Meanwhile, the Senate will need to pass a temporary stopgap funding bill at some point next month. Majority Leader Charles E. Schumer, D-N.Y., and House Speaker Kevin McCarthy, R-Calif., are eyeing a Dec. 8 end date, though that could change. And House conservatives haven't yet gotten on board with a unified strategy for dealing with even that short-term bill. As for regular appropriations bills, the two chambers remain far apart and haven't made much progress on the floor. The House passed its Military Construction-VA bill (HR 4366) before the August recess, and the Rules Committee is planning to consider the Defense (HR 4365) and Homeland Security (HR 4367) bills when it returns the week of Sept. 11. Any of those could also carry the stopgap funding bill, though that would likely spark a back-and-forth process with the Senate as time dwindles before the end of the fiscal year Sept. 30. A partial government shutdown would begin at midnight Oct. 1 if Biden hasn't signed a continuing resolution into law by then.

### ***Farm Bill***

Congress will still deliver a farm bill but it won't be in September, Senate Minority Leader Mitch McConnell told the Kentucky Farm Bureau during August Recess, voicing what was already looking inevitable as Congress runs out of legislative days left before the Sept. 30 expiration of the current law. McConnell, a Senate Agriculture Committee member, is the most prominent lawmaker to date to say the timeline is shifting to beyond September for reauthorizing the five-year bill that sets policy for farm, conservation, nutrition, research and other areas overseen by the Agriculture Department. "We'll figure it out," McConnell said. The current bill (PL 115-334) expires on Sept. 30, but the new deadline for a 2023 farm bill appears to be Dec. 31. On Jan. 1, 2024, some farm policy would revert to controls on production and costly price supports adopted in the 1940s.

Even the final three months of the calendar year could prove a heavy lift as lawmakers work on fiscal 2024 spending bills and other high-priority legislation. But pushing the

farm bill into 2024 raises other challenges because it's a presidential election year and members of both parties will be battling for control of the House and Senate. Senate Agriculture Chairwoman Debbie Stabenow, D-Mich., has shifted the time horizon for a finished bill ready for the president's signature to December without flatly declaring the Sept. 30 deadline moot. The Senate Agriculture Committee circulated Stabenow's general comments about the farm bill when asked if she agreed with McConnell's statement on Thursday. "The committee is continuing to work toward a bipartisan bill that can be signed into law by the end of the calendar year," Stabenow has said, according to the committee. "It is not uncommon for Congress to pass the September 30th deadline without passing an extension of the Farm Bill. This is what happened in 2018, when Congress did not pass an extension, and the Farm Bill was signed into law in December."

The Supplemental Nutrition Assistance Program, which will account for more than 80 percent of farm bill spending, could continue without an extension if appropriators provide funding. The crop insurance program is permanently authorized and doesn't expire. Some conservation programs have had their expiration dates extended to fiscal 2031 under a 2022 law (PL 117-169). SNAP, a perennial point of division, is again an issue this year. Republicans, having already achieved tighter work requirements for able-bodied recipients without children in the debt ceiling law (PL 118-5), are looking for further tightening in the fiscal 2024 Agriculture Appropriations bill (HR 4368). Democrats are opposed, and even House Agriculture Chairman Glenn "GT" Thompson, R-Pa., has urged his Republican colleagues not to take on the food stamp issue in the spending bill.

That the timetable for a new farm bill is after the expiration date is no surprise. The House and Senate Agriculture committees are working on their respective draft bills over the August recess. McConnell, R-Ky., said Republicans and Democrats have different priorities in writing the new bill. He wrapped politics and policy into his message to the farm bureau as he portrayed Republicans as the champions of agriculture in a government where Democrats control the Senate and the White House and the GOP controls the House. McConnell said a resolution of the farm bill will come "not before Sept. 30, but we'll all put that together and look out as best we can for rural and small-town America priorities." Thompson said earlier in August that his committee could hold a markup on its draft bill in September, but he acknowledged the possibility of an extension without specifically saying a final farm bill would be late. "The extension will not be because we have not done our job," Thompson said after an Aug. 14 farm bill listening session in Missouri. "There's a lot of competition for weeks on the floor in September with the appropriations bills and bills that expire just like the farm bill does."

### ***Gun Violence – Supreme Court***

The Supreme Court could undermine decades of congressional efforts to prevent gun violence if they agree with a lower court decision that struck down a nearly 30-year-old gun control law, two groups of lawmakers told the justices. The members of Congress filed briefs Monday in a case now at the high court that is seen as a test on the limits of a 2022 decision, *New York State Rifle & Pistol Association v. Bruen*, that expanded

Second Amendment rights. That decision kicked off a flood of litigation over firearms restrictions, changed the way federal judges evaluate the constitutionality of gun control laws. In some cases judges have struck them down. That includes a decision from the U.S. Court of Appeals for the 5th Circuit that tossed a federal restriction on firearm possession for people subject to domestic violence restraining orders. The three-judge 5th Circuit panel wrote that the Bruen decision meant the court had to find specific historical laws to justify modern firearm restrictions — and no colonial-era law dealt with firearms of domestic abusers.

A brief from Sen. Amy Klobuchar, D-Minn., Rep. Brian Fitzpatrick, R-Pa., and Rep. Debbie Dingell, D-Mich., told the justices that upholding the 5th Circuit decision wipes out an effective tool to prevent domestic violence and “jeopardizes decades of bipartisan efforts to protect some of our country’s most vulnerable citizens.” “The Court must not stymie further work by Congress in this crucial area of law and policy. It should reverse,” that brief states. Congress has gathered evidence that shows survivors of domestic violence “are safer when abusers subject to restraining orders do not have unfettered access to deadly weapons,” the brief states. “This is, frankly, common sense. And nothing in the text or history of the Second Amendment says or requires otherwise.” Another brief from Connecticut Sen. Richard Blumenthal, California Rep. Mike Thompson and 169 other Democrats in Congress argued that the 5th Circuit’s approach to evaluating gun laws would “unduly shackle Congress to the past, rendering it unable to develop innovative solutions for the benefit of the public.” The Democrats also argued that the 5th Circuit approach would let judges toss any gun law they thought didn’t have a specific enough analogue from the founding era and “allow courts to substitute their policy judgments for those of Congress.”

If the justices do not reverse the 5th Circuit, then the “already overburdened” courts will be flooded with challenges to federal gun laws, the Democrats’ brief argues. “That deluge has already begun. This Court must stem the tide if it does not want courts to relitigate Bruen for years to come,” the brief states. Those briefs, along with three dozen others filed Monday, backed the Biden administration’s position to preserve the federal ban on firearm possession. The Biden administration made a similar argument in its brief filed last week, saying the justices “emphatically rejected demands for an exact historical match” that the 5th Circuit sought. The Biden administration brief pointed out that the 5th Circuit’s approach could “wreak havoc” on federal firearm laws and has already pushed the court to invalidate a federal ban on firearm possession for users of illegal drugs.

Court decisions on gun laws after the Bruen decision sparked numerous congressional hearings and calls among Democrats to tighten firearm restrictions, but those efforts have so far not attracted much Republican support.

### ***USDA Announces Local Food Systems Funding***

On August 21, the U.S. Department of Agriculture Rural Development (USDA RD) announced a new round of funding for meat and poultry producers through the Meat and Poultry Processing Expansion Program (MPPEP). An additional \$123 million in grants have been made

available through the program, building upon \$200 million that was distributed last year in the program's initial round of funding. MPPEP grants are intended to assist producers and their partners to expand operations, improve the food supply chain and create better markets for producers. This program is part of ongoing efforts to promote a fairer, more competitive and more resilient meat and poultry supply chain. MPPEP grants can be used by eligible applicants to build or modernize facilities and equipment, make use of new technologies, expand their workforce, as well as other uses. Counties are considered eligible to apply for these funds through MPPEP. Successful applicants are eligible to receive grant awards between \$250,000 and \$10 million. However, project sponsors must be able to cover 70 percent of the total project cost.

Applications for the MPPEP can be submitted [here](#) by November 22, 2023. Details on eligibility requirements are available on the same webpage. Counties are eligible to apply for funding through MPPEP and can work with local partners to help strengthen local food systems. Counties can use this program to develop robust local food systems. By expanding and supporting local meat and poultry processors, counties can help build meat and poultry processors which are more resilient in the face of crises.

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

Throughout August, 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.