GT GreenbergTraurig

Memorandum

TO: Miami-Dade County

FROM: Greenberg Traurig

DATE: February 28th, 2023

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

Overview

Throughout the month of February, 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

House Republican appropriators have banned earmarks from the Labor-HHS-Education, Financial Services and Defense bills and put fresh restrictions on "community project funding" in new rules regulating the process on that side of the Capitol. House Appropriations Chairwoman Kay Granger, R-Texas, announced the new rules in late February. Earmark spending will be capped at 0.5 percent of total discretionary spending in the House's fiscal 2024 bills, and members will have to submit a written statement describing the "federal nexus" for their earmark requests. The fiscal 2023 omnibus (PL 117-328) included $15.3 billion in earmarks, which accounted for around 0.9 percent of discretionary spending. If House Republicans are able to follow through on their pledge to cut total fiscal 2024 appropriations back to levels enacted two years ago, earmarked funds in

House spending bills would drop to about $7.4 billion. That's less than half of what was appropriated in this fiscal year's omnibus, and about 10 percent less than the $8.2 billion included in last year's initial House bills. But the Senate’s new earmark guidelines allow for a continuation of the current 1 percent cap on overall earmarked funds, so the final number for home-state projects — if there’s an eventual fiscal 2024 spending agreement — could ultimately still approach last year’s haul.

Additionally, Republicans have banned memorials, museums and commemoratives — projects named for an individual or entity — from being eligible for earmarks. Other rules already in place for the process, which Senate and House Democrats brought back during the fiscal 2022 appropriations process, remain in place. For-profit recipients are banned, and members are required to disclose their requests and certify they do not have a financial interest in their projects. The Government Accountability Office will continue to audit a sampling of enacted projects. The guidelines keep in place the limit of 15 requests per member that the House had last year. Along with the new bans for the Defense, Financial Services and Labor-HHS-Education bills, the State-Foreign Operations and Legislative Branch subcommittees will continue to disallow earmarks.

Ranking Member Rosa DeLauro, D-Conn., in a statement said she is "saddened" that Republicans are preventing earmarks in the Labor-HHS-Education, Financial Services and Defense bills. “This is not about Democrats or Republicans. It is about communities that need federal support,” she said. “By excluding these subcommittees, they are decreasing opportunities for Members to help people in their districts to meet urgent needs directly.” DeLauro said that by barring earmarks in the Labor-HHS-Education bill, health centers, hospitals, community colleges and other postsecondary institutions across the country that received funding last year will no longer be eligible. She said those projects included "hundreds" requested by Republicans, calling out a handful secured by GOP appropriators like Robert B. Aderholt, R-Ala., the new chairman of the Labor-HHS-Education subcommittee; Tony Gonzales of Texas; Ashley Hinson of Iowa and Stephanie Bice of Oklahoma. The deadlines for programmatic and language requests, and for earmark requests in bills that are accepting them, are:

- Agriculture: March 24
- Commerce-Justice-Science: March 31
- Defense: March 29
- Energy-Water: March 31
- Financial Services: March 24
- Homeland Security: March 29
- Interior-Environment: March 24
- Labor-HHS-Education: March 24
- Legislative Branch: March 24
- Military Construction-VA: March 31
- State-Foreign Operations: March 24
- Transportation-HUD: March 31

The enhanced restrictions are part of an effort by appropriators to get members of the conference to support spending bills, Aderholt said Tuesday. “I think the bottom line is that we have a lot of our members that are very concerned about some of the abuses that have happened in earmarks in the past, especially when they really find it a stretch from the federal nexus," he said. "And I think [Labor-HHS-Education] had more of those than any of the other appropriations bills." While GOP appropriators are cutting back in a number of areas, the new guidance also expands earmark eligibility in certain places. For example, Republicans are now allowing rural water projects to qualify for Agriculture bill funding, provided they are located in communities with a population of 10,000 or less and local recipients pony up 25 percent of the cost. And port and rail infrastructure accounts in the Transportation-HUD measure would be opened up for community project funds. The Labor-HHS-Education bill in the fiscal 2023 omnibus included $2.7 billion in earmarks, second only to the Transportation-HUD measure, which had $5.6 billion. The Financial Services bill had the second lowest tally of the bills that accepted earmarks, with $230 million total, and Defense had the lowest amount of earmarks, with $54 million.

SNAP Benefits

At the end of February, the temporary boost to Supplemental Nutrition Assistance Program (SNAP) benefits known as emergency allotments came to an end. In response to the COVID-19 pandemic, these increased monthly benefits were authorized in 2020 by the Families First Coronavirus Response Act (FFCRA, P.L. 116-127) and provided vulnerable households with additional grocery benefits to help mitigate the negative economic impacts caused by the pandemic. While these benefits were originally slated to end alongside the Public Health Emergency (PHE) on May 11, the recently passed the Consolidated Appropriations Act of 2023 (P.L. 117-328) included language to accelerate the expiration of emergency allotments to allow permanent nationwide funding for the Summer Electronic Benefit Transfer program, which provides families whose children are eligible for free and reduced-price school meals with grocery benefits during the summer months.

The expiration of emergency allotments—which were still active in 32 states—will mean an immediate decrease in benefits for nearly all of SNAP's 41.5 million participants, with the average decrease per household amounting to $82 per month. Combined with the impacts of high inflation on food prices, many low-income county residents may see increased of hunger and food insecurity as they transition back to pre-COVID benefit levels. The expiration of the emergency benefits may increase demand for federal, state and local safety-net resources, including those funded by county governments. We will continue to monitor administrative changes to the SNAP program over the coming months as Congress negotiates the reauthorization of the 2023 Farm Bill.

Farm Bill

Agriculture Secretary Tom Vilsack last month said his department will be in the role of adviser as lawmakers write a 2023 farm bill, but he hopes Congress considers a need for viable revenue sources for small farmers and the challenges faced by low-wage workers who receive food stamps. The House and Senate Agriculture committees are working to produce a new farm bill before the 2018 farm law (PL 115-334) expires Sept. 30. Vilsack said his department's job during the farm bill cycle is "not to set up lines in the sand. It is important for us to work collaboratively together." Vilsack made his remarks during a press conference on the opening day of the 99th annual USDA Agricultural Outlook Forum, the first in-person session since the COVID-19 pandemic began in 2020.

The far-ranging farm bill also includes the Supplemental Nutrition Assistance Program, formerly known as the food stamp program. The Congressional Budget Office released a 10-year baseline projection this month that SNAP spending could increase by $93 billion from fiscal 2023 through 2033. Overall, the agency said SNAP outlays would total $1.2 trillion over that period. Senate Agriculture ranking member John Boozman, R-Ark., and House Agriculture Chairman Glenn "GT" Thompson, R-Pa., cited the Agriculture Department's decision in 2021 to increase monthly food benefits for low-income households as a contributing factor to a more expensive program. Boozman said the higher SNAP price tag could make it difficult to get a farm bill through Congress. Vilsack and the department have defended the decision, citing a directive in the 2018 farm bill to update the Thrifty Food Plan and help SNAP households afford more nutritious foods.

Transportation

The Federal Highway Administration has revised a memo providing states guidance on using federal highway funding after Republicans in Congress accused the Biden administration of using the document to exceed its authority over state spending priorities. In the revised memo FHWA Administrator Shailen Bhatt acknowledged that "different states have different needs" for infrastructure law (PL 117-58) funding and that the administration "recognizes the authority and the role of the states in deciding how to use their federal aid highway dollars." "We also recognize that states, territories and local governments are on the front line of building and maintaining transportation infrastructure," Bhatt wrote. But he clarified that the federal government still holds goals for the funding, like addressing environmental impacts of infrastructure, promoting new technology like electric vehicles and promoting safety. The revised memo also notes that it does not have the "force and effect of law," nor does it "affect the rights or obligations of states or the public in any way" — a note not included in the original memo, published in December 2021. The original memo had encouraged states to put federal cash towards upgrading their streets, highways and bridges before they launch new infrastructure projects. It also asked states to focus on making their infrastructure more safe, accessible, sustainable and resilient to climate change. Lawmakers had considered adding similar language to the 2021 infrastructure law as it was being crafted, but it was not included in the final iteration.

The guidance triggered an outcry from Republican lawmakers who charged the administration with "discouraging states from moving forward with projects that add highway capacity," Majority Leader Mitch McConnell, R-Ky., Sen. Shelley Moore Capito, R-W. Va. and other GOP lawmakers wrote in a letter to FHWA in February 2022. "The policies outlined in the memorandum reflect a decidedly different approach that appears to restrict the flexibility of states and impose a one-size-fits-all solution to solving communities' transportation challenges," they wrote. Rep. Sam Graves, R-Mo., also accused the administration of trying to get a "second bite at the apple" after passing the infrastructure law, and a Graves spokesperson added that the memo was an example of the "administration twisting the intent of [the law] to focus on their own climate-focused priorities." And as Republicans won a majority in the House in November, many vowed to focus oversight activities on White House spending of infrastructure law cash. Graves, who now leads the Transportation and Infrastructure Committee, devoted the panel's first hearing of the 118th Congress to infrastructure oversight. Capito praised the FHWA for "admitting they're wrong" with the revised memo. "We're pleased FHWA recognized that when it comes to legislation of any kind that is passed and signed into law, an administration cannot ignore the role and will of Congress," Capito said. "We will continue to conduct rigorous oversight and ensure the infrastructure law is being implemented as Congress intended." Democrats have continued to support the Biden administration's guidance, tout infrastructure law funding and stress that the 2021 memo was not legally binding. "States are still free to make their own investment choices, but being a good steward suggests we should focus on the ones we've built first," said Rep. Jake Auchincloss, D-Mass, said in a February hearing. "We need to manage more intelligently the roadways that we have."

State and Local Tax (SALT) Deduction

A bipartisan group of House members relaunched a "SALT" caucus on Wednesday as lawmakers on both sides of the aisle prepare for another fight over scrapping a $10,000 limit on deducting state and local taxes.The caucus is planning to meet and attempt to coalesce around specific policies to deliver constituents relief from the SALT cap, and to serve as the go-to unit for any negotiations to come. "The first thing we're gonna do is hopefully find legislation that we can all agree on to address this," caucus co-chair Andrew Garbarino, R-N.Y., said at a news conference. "And two, hopefully we can all stand together to make sure that any proposed extension of this cap doesn't happen. That is very important because people are already talking about it." He's leading the group with fellow Republican Young Kim of California and Democrats Josh Gottheimer of New Jersey and Anna G. Eshoo of California.

Republicans set the $10,000 cap in their 2017 tax law (PL 115-97), losing some GOP votes in the process. Lawmakers on both sides of the aisle from high-tax, blue states like New York, New Jersey, California and Illinois – and particularly in cities and suburbs where the cost of living is high – are now pressing for relief. They could see some momentum thanks to a narrow Republican majority.

Still, as House Democrats found during their two years of control in Washington, forcing SALT relief into a tax package runs into obstacles from both Democrats and Republicans who argue relief is a giveaway to the wealthy. Caucus members at the press conference argued the cap is an unfair double tax that exacerbates high costs for middle-class families. At a minimum, the new SALT Caucus plans to be an obstacle itself, refusing an extension of the current limit that's now set to sunset after 2025. Garbarino pointed out that time is on cap opponents' side given the expiration date, and that he believes the caucus will have a meaningful seat at the table on any SALT discussions moving forward. Republicans' slim House majority could easily allow the group to block bills they oppose. "I like the odds of having a bunch of new Republicans from states that need to restore SALT," said Gottheimer, whose "no SALT, no dice" mantra was a common refrain during budget reconciliation talks over the past two years.

Non-Governmental Partners and Coalitions

Throughout February, 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.