

Memorandum

TO: Miami-Dade County

FROM: Greenberg Traurig

DATE: January 31st, 2023

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

Overview

Throughout the month of January, 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

Speaker Kevin McCarthy's promise to House conservatives to cap the fiscal 2024 appropriations bills at levels enacted two years earlier during his effort to become speaker is already heightening tensions before the next appropriations process kicks off in earnest. The Republicans' slim hold over the House, combined with Democratic control of the Senate and White House, imperils the prospects of bipartisan appropriations bills. That calculation becomes even more hairy with McCarthy's promised cap, which would lead to an 8 percent, or \$131 billion, overall discretionary spending cut. McCarthy's pledge has some Republicans, including House Appropriations Chair Kay Granger, R-Texas, clarifying in recent days that they do not support cutting defense spending. Steve Womack, R-Ark., an appropriator, said he would never support a bill bringing

defense spending to the fiscal 2022 level, calling it a “bright red line” for him. However, if defense is spared from the cuts to the fiscal 2022 level, nondefense programs would face a nearly 18 percent reduction. That figure would top 20 percent if popular veterans' spending were excluded, all of which would be untenable to Democrats and potentially some moderate Republicans. The new Congress will have until the end of the current fiscal year in September before it has to fund the government, as the 117th Congress passed the mammoth \$1.7 trillion fiscal 2023 omnibus (PL-117 328) in the waning days of 2022.

On the Senate side, Sens. Patty Murray, D-Wash, and Susan Collins, R-Maine, are taking over the top of the committee from retired Sens. Patrick J. Leahy, D-V.t. and Richard C. Shelby, R-Ala. Murray and Collins' rise to the top of the committee means that for the first time, all four of the top appropriators will be women, with Granger and DeLauro on the House side. Granger is the first Republican woman to lead the committee. DeLauro said she is excited to work with three other women as the “four corners” of appropriations. Murray and Collins have pledged to mark up appropriations bills and bring them to the floor in a return to regular order. That's be a big change from recent practices; during the past three years, Senate Appropriations has marked up only three bills — all in one early August 2021 session during the fiscal 2022 cycle — and brought none to the floor during that time. If Murray and Collins can pull off that feat, it could make talks with the House go slightly more smoothly, where Republicans have pledged not to negotiate unless the Senate takes up its own spending bills. McCarthy and Granger have both pledged to pass each of the 12 annual appropriations bills individually through the House. McCarthy has said the Senate cannot sit back and expect to “jam” the House with an omnibus after not considering individual appropriations bills.

Mario Diaz-Balart, R-Fla., is expected to move from Transportation-HUD to State-Foreign Operations. He's been a member of the State-Foreign Operations subcommittee previously, so the learning curve may not be as steep. Diaz-Balart said the Appropriations Committee will decide how to allocate the reduced pot of money, and the first step is to be able to get the votes to report individual bills to the floor. He said the panel was not looking at across-the-board reductions that would hit each program, defense and nondefense, evenly. "I don't think anybody should expect to see across-the-board cuts, because there may be areas that we have to cut a lot more than others. There may there may be areas where we have to increase spending," Diaz-Balart said. "The reality is ... that we were going to do some heavy lifting. And I don't expect the Democrats to be helping us in a lot of that heavy lifting."

Emergency Rental Assistance Funds

On January 24, the U.S. Department of the Treasury announced that 89 state and local grantees have been awarded \$690 million in reallocated funds under the second round of Emergency Rental Assistance Program (ERA2) funding to assist renters facing financial hardship. To date, Treasury has reallocated over \$3.5 billion of ERA funds, redeploying funds to areas with high demonstrated need and creating an incentive for communities to expeditiously connect households and families with this federal aid. Miami-Dade County was of the counties awarded reallocated \$98.61 million in ERA funds.

Early in the deployment of the ERA program, Treasury established a series of benchmarks for spending ERA funds, reallocating unused funds to grantees with demonstrated need and program capacity. Treasury prioritized the reallocation of funds within each state to grantees with

demonstrated need so that, where possible, the same pool of renters in need could benefit from funds even if a local or state program struggled administratively to implement the program rapidly. ERA grantees also have the option to reallocate their funds voluntarily. For example, if a state program was successful in quickly deploying funds to the residents of a specific county, that county could decide to work with Treasury to voluntarily send its funds to the state ERA program—or vice versa.

Environment

On January 10, the U.S. Environmental Protection Agency (EPA) announced the availability of \$100 million in environmental justice funding through two new grant programs, including \$70 million through the [Environmental Justice Government-to-Government \(EJG2G\) Program](#) and \$30 million through the [Environmental Justice Collaborative Problem-Solving Cooperative Agreement \(EJCPS\) Program](#). Funded Authorized under the [Inflation Reduction Act](#) (IRA), the two programs award grants for environmental justice projects in underserved communities. Counties are directly eligible to receive funding through the EJG2G program and applicants for the EJCPS program are encouraged to partner with local governments. Applications for both programs are due April 10.

Of the \$70 million provided for the EJG2G program, \$20 million is available for local governments. In order to be eligible for funding, counties must apply in partnership with a community-based nonprofit organization. The EJG2G program aims to integrate environmental justice into governmental operations and processes. Eligible projects under the program must focus on:

Reducing greenhouse gas emissions through community-led air and other pollution monitoring, prevention and remediation low- and zero-emission resilient technology and infrastructure and workforce development initiatives Mitigating risks to human health and the climate from urban heat islands, extreme heat, wood heater emissions and wildfire and promoting climate adaptation and resiliency Reducing indoor air pollution and toxics Ensuring the involvement of marginalized communities in local government decision making EPA intends to award 20 grants of up to \$1 million under the EJG2G program.

Healthcare

The White House has announced that it will end the twin COVID-19 emergencies on May 11, beginning the final transition back to normal three years after the pandemic began. The notice came in a statement of administration policy for two House Republican measures that would end the national emergency (H J Res 7) and the public health emergency (HR 382) scheduled for floor votes this week. The closely watched public health emergency is currently scheduled to end April 11, and the administration has pledged to give at least 60 days' notice before letting it expire. The separate national emergency is more open-ended, remaining in effect as long as the president issues a continuation annually, but the current declaration was scheduled to expire March 1. The Democratic-majority Senate voted twice to end the national emergency last year. The White House opposed the two bills, which would end the emergencies

immediately, saying doing so would “create wide-ranging chaos and uncertainty throughout the health care system.”

Ending the emergency could also play into the legal and political saga around the end of the Title 42 policy at the southern border, the pandemic-related directive that has been used for nearly three years to expel asylum seekers at U.S. borders. The Biden administration statement says the Title 42 policy would end immediately if the public health emergency bill becomes law. The Biden administration has sought to lift the Trump-era Title 42 policy, but has been blocked by the courts, and the Senate has had several showdowns on a push to require the administration to keep it in place. “The Administration supports an orderly, predictable wind-down of Title 42, with sufficient time to put alternative policies in place,” the White House said. Despite the debate over Title 42, Republicans cheered the decision as overdue. “It probably should have ended a long time ago, huh?” said Sen. Bill Cassidy, R-La., the likely ranking Republican on the Senate Health, Education, Labor and Pensions Committee. Sen. Tim Kaine, D-Va., was cautiously supportive. “I’ve yet to hear, ‘OK, here is the rationale,’” he said. “And I’m sure they have one, I just haven’t heard it yet.”

Housing

House Republicans’ vow to use the debt ceiling negotiations to extract spending concessions from Democrats has housing advocates worried about cuts targeting crucial programs amid a strained supply and elevated rents. The stakes are especially high for the Department of Housing and Urban Development because the costs of maintaining some of its biggest programs, such as rental vouchers, at their existing level increases each year as rents rise, advocates said. “Depending on how they do it, it could result in resources being taken away from households that are already receiving housing assistance,” said Sarah Saadian, the National Low Income Housing Coalition’s senior vice president of public policy. “At a time where we’re seeing rising rents, eviction rates that are reaching pre-pandemic levels, homelessness is on the rise in many communities, this is the exact time where Congress should be expanding resources, expanding housing resources, not cutting them back.” At stake is billions of dollars HUD uses to fund housing programs each year, including maintenance of the public housing system, rental vouchers, homelessness assistance, and grant programs for state and local affordable housing and other community initiatives. In fiscal 2023, Congress provided HUD with \$58.2 billion in discretionary spending (PL 117-328), with about half going to subsidize rent for 2.3 million low-income households through the Section 8 voucher program.

Although Republicans control only one chamber of Congress, they’ve vowed to use the threat of default to extract spending concessions from the White House and Senate Democrats in negotiations to raise the debt ceiling. Treasury Secretary Janet L. Yellen told Congress in a letter that the “extraordinary measures” she took this month to stave off default may not last beyond early June. “If past is prologue, we have a lot to be worried about,” Saadian said, referencing the 2011 standoff between President Barack Obama and House Republicans that resulted in a decade of discretionary spending caps (PL 112-25) in exchange for raising the debt limit. “The last time we had a Republican-controlled House, and a Democratic Senate and White House, we still ended up with the Budget Control Act and 10 years of spending caps,” she said in an interview. “I think that this Republican Congress seems to be even more willing to threaten default on the debt ceiling or government shutdowns than Republicans back in 2011.”

Top appropriators said it's too early to say how spending fights will shake out, or which programs they will prioritize. Rep. Tom Cole, R-Okla., chairman of the House Transportation-HUD Appropriations Subcommittee, said without topline budget numbers it's too early to know whether housing assistance would continue in fiscal 2024 for everyone already receiving it. "It's too early for me to say," he said in an interview. "Until I have a number, I can't give you much of a definitive" answer. Rep. Rosa DeLauro, D-Conn., House Appropriations ranking Democrat, said cuts would "wreak havoc on people's lives," citing one Republican proposal that would pare back spending by about \$130 billion, to fiscal 2022 levels (PL 117-103). "Housing would be one of those issues, which is a very critically important area," she said in an interview. "I know from the state of Connecticut, we're looking at housing, and the shortage of housing and affordable housing."

Non-Governmental Partners and Coalitions

Throughout January, 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.