

Memorandum

From: Rick Spees, Jane Sargent and Jose Villalobos

To: Board of County Commissioners

CC: Phillip Drujak

Date: August 3, 2023

Subject: July 2023 Monthly Report

Appropriations Update:

Congress has adjourned for its annual summer recess, or as they call it, district work period. The House is scheduled to come back on September 12th and the Senate will return on September 5th. At that time both houses will need to focus on the appropriations bills as the new fiscal year starts on October 1st. In other words, Congress will have roughly three weeks to complete action on the twelve appropriations bills that make up the federal budget.

In June and July, the House reported out ten of the appropriations bills from the Appropriations Committee. There are two that remain to be done. The first funds the Departments of Labor, Health and Human Services, and Education. The second bill funds the Departments of Justice, Commerce, and the nation's scientific agencies such as NASA and the National Science Foundation. Those bills are two of the most contentious bills every year. Further the House passed one of the bills—the one that funds the Department of Veterans Affairs—on the House floor. At the same time the Senate Appropriations Committee marked up and reported out all twelve of their bills. Sound promising??

While on the surface it looks like the Congress made progress on the budget bills, actually things got much worse. As you will recall, earlier this year, the White House and the Speaker worked out a deal to increase the debt ceiling while at the same time cutting back spending for FY 2024 and actually rescinding some monies appropriated in past years. It was a difficult set of

negotiations and both sides had to compromise. The compromise bill passed both the House and Senate and became law. But the hardcore conservatives in the House objected that the spending cuts were not deep enough, and they threatened to vote against the appropriations bills. To placate them, the Speaker called for deeper cuts in the bills—deeper than agreed to in the debt ceiling deal. The members of the Appropriations Committee went along and wrote bills with far less spending. They also agreed to add a number of very controversial policy amendments to the bills. The Democrats in the House were outraged. They accused the Republicans of going against a deal they had just agreed to. The Speaker responded that the budget deal did set spending limits, but they could be treated as a cap and the appropriators were free to spend less.

So, in the House, nine bills are ready for floor action. The Democrats will all vote against the bills. That means the bills must pass with only Republican votes. But the Speaker only has a majority of four votes. The conservatives are saying they will vote against the bills unless there are more cuts. The moderate Republicans say the bills have cut enough. Some of them come from marginal seats and will lose if they continue to vote for large spending cuts. In short, as of today the Speaker does not have any way to get the bills passed on the House floor.

In the Senate, things have gone much more smoothly. The Appropriations Committee wrote their versions of the bills at the levels set in the debt ceiling bill. Both sides have worked together well. Only one or two Republicans have voted against the bills in Committee. They are expected to pass on the Senate floor.

What happens next? The Senate will have 12 bills passed with higher numbers. The House will either pass the bills with far less spending or they won't be able to pass the bills at all. In that case the House leadership is saying that the conference should occur between the Senate passed bills and the House reported bills. If that happens, even if the final versions of the bills split the difference between the two versions, they will have more spending than the conservatives say they will accept. The Senate and the White House will absolutely not accept the House versions of the bills. This mess will take weeks and weeks to sort out.

However, the new fiscal year starts on October 1st. Since the bills will not be done, one of two things will happen. Either the Congress will pass a Continuing Resolution (CR) that will keep the government operating for a number of weeks, or there will be a government shutdown. While we are hoping that a CR will pass, we believe the chances are good that there will be a shutdown for few weeks. Once the consequences of the shutdown are apparent, we believe they will pass a CR and then will pass compromise bills.

Community Project Funding (CPF):

The County and a number of its departments submitted several Community Project Funding or earmark requests to the Miami-Dade House Members. The Members then submitted their CPF requests to the House Appropriations Committee this spring and then pushed to get them included in the appropriations bills marked up by Committee. With the fierce competition for

funding this year, Members are not able to get all of their CPF requests funded. Having said that, the Miami-Dade Members were successful in getting several of the County's CPF projects in the bills marked up by the House Appropriations Committee in July. A complete list of the CPF projects that were included in the House bills can be found here:

<https://appropriations.house.gov/fiscal-year-2024-community-project-funding>.

It should be noted that getting CPF projects in the House bills is a critical step in the process, but funding for the project 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.

The projects included in the House bills for Miami-Dade County include:

FY 2024 Transportation-HUD Appropriations Bill:

- \$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
- \$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
- \$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

FY 2024 Interior-Environment Appropriations Bill:

- \$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

The County has another 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 requests as the bills move through the process.

National Flood Insurance Program (NFIP):

The current law that authorizes the NFIP, the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 122-141), originally expired on September 30, 2017. Congress has continued to extend the existing law since then, while they work on a reauthorization. Last session, a number of bills were introduced in the House and Senate to reform and reauthorize the program. However, there was no consensus on the competing bills so last December Congress passed another extension of the program until September 30, 2023.

Members have been working on this issue again this session. In June, the "National Flood Insurance Program Reauthorization Act of 2023" (NFIP-RE, H.R. 4349/S. 2142) was introduced in Congress. The legislation is currently pending before the House Financial Services Committee and the Senate Banking, Housing and Urban Affairs Committee. The bill has bipartisan co-sponsors in both the House and Senate, including Senator Rubio (R-FL), and has been endorsed by the National Association of Counties (NACO) and the National League of Cities (NLC). The legislation has several provisions to help address the affordability of flood insurance, solvency of the overall program, and improvements to FEMA's mapping process. The bill includes a cap on annual premium increases to protect policyholders against rate hikes and means-tested affordability vouchers to help low- and middle-income policyholders pay for flood insurance premiums.

The current law expires at the end of September. Congress will need to pass a reauthorization bill before then or another temporary extension of the current law until they can reach agreement on a reauthorization bill.

USDOT Reconnecting Communities and Neighborhoods (RCN) Program:

USDOT has released a joint [Notice of Funding Opportunity \(NOFO\)](#) for the [Reconnecting Communities Pilot \(RCP\)](#) and [Neighborhood Access and Equity \(NAE\)](#) programs. Both program aim to improve access to jobs, education, healthcare, food, and recreation, and reconnect communities by removing or retrofitting transportation infrastructure that creates

barriers to community connectivity. The grant types include Capital Construction, Community Planning or Regional Partnerships Challenge. The deadline to apply is September 28, 2023.

Activities for August:

The House and Senate are out of session for the August recess. The Senate will reconvene on September 5th and the House will reconvene on September 12th. The current fiscal year expires on September 30th. Congress will not be able to complete the FY 2024 appropriations bills by then. They will need to pass a Continuing Resolution (CR) to keep the government operating into the new fiscal year. If they do not pass a CR before October 1st, the federal government will be forced 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. 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, Social Security and Medicare. Given the strong objections to the appropriations process so far by very conservative House Republicans, a shutdown is a real possibility. When the House reconvenes, they are only scheduled to be in session for 11 days before the fiscal year ends. Congress will be focused on passing a CR when they reconvene. Other legislation that must be dealt with or extended before the end of September includes the Farm Bill, FAA Reauthorization, and the extension of the NFIP. We will continue to monitor and report on legislative and executive branch developments of interest to the County.