

Memorandum

TO: Miami-Dade County

FROM: Greenberg Traurig

DATE: March 31st, 2023

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

Overview

Throughout the month of March, 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

As House Republican appropriators work on identifying how to slash spending back to the fiscal 2022 levels, there are some concerns that the scale of the proposed cuts will jeopardize the House's ability to pass its bills. Financial Services Appropriations Subcommittee Chairman Steve Womack said he believes House Republicans will need support from some Democrats to pass appropriations bills, as he thinks there are some Republicans who will never support any. Womack, R-Ark., said if the Defense, Military Construction-VA and Homeland Security bills are spared from cuts, the other bills will face severe restrictions. I'm concerned about writing to the fiscal 2022 levels based on making those cuts come out of a handful of agencies," he said. "How we are able to execute our work and still maintain enough support to move them over the floor of

the House, is problematic.” The House needs to pass spending bills to have leverage in negotiations with the Senate, Womack said.

Speaker Kevin McCarthy, R-CA., promised holdouts of his bid for speaker that the chamber would write the fiscal 2024 appropriations bills at a fiscal 2022 topline level. That would require about \$142 billion in cuts, or 9 percent, if regular nondefense spending appropriators agreed to designate as "emergency" funds at the end of last year are counted. If Republicans exempt the military, veterans health care and border security funds, discretionary cuts required to all other agencies could jump to more than 22 percent. Womack said appropriators are working on identifying cuts to that level as they await word on an official topline figure, though he said that number is not set in stone amid the lingering uncertainty around raising the debt ceiling.

House Appropriations ranking member Rosa DeLauro, D-Conn., has been sounding the alarm about the potential effects of the proposed cuts in recent weeks. DeLauro drew a parallel between the current appropriations process and in the first few years after Republicans took back the House in the 2010 midterms. From 2011 through 2014, House GOP appropriators didn't even mark up a Labor-HHS-Education bill, let alone bring one to the floor. “Democrats and Republicans alike refused to vote for the kinds of cuts that were being suggested,” DeLauro said of that period.

Making things even harder on Womack and Aderholt: a leadership decision to scrap all home-state earmarks from the Financial Services and Labor-HHS-Education bills this year. That could give wavering members one more reason not to vote for those bills. Appropriations Chairwoman Kay Granger, R-Texas, said House Republicans will reduce spending without affecting defense, veterans “or the services that Americans depend on” in a statement last week. Womack said in an ideal world, a House budget resolution would set the topline number appropriators would then work off of. But he said he does not expect the House Budget Committee to produce a budget resolution in the near future. House Budget Chairman Jodey C. Arrington, R-Texas, has said a budget resolution is “forthcoming” but has not offered a timeline.

Debt Ceiling

House Republicans are not ready to give up on President Biden agreeing to negotiate on the debt limit, but if he doesn't engage, they say they will act on their own. Republicans are seeking fiscal policy changes to pair with a debt limit increase, but Democrats say they won't bargain on such conditions and are insisting on a clean bill. Speaker Kevin McCarthy, R-CA., and President Biden have exchanged letters doubling down on those positions. McCarthy's letter floated a nonexhaustive list of policy options Republicans are prepared to discuss, including energy and border policy measures as well as fiscal restraints like nondefense discretionary spending curbs and work requirements for benefit programs.

McCarthy said that Biden “apparently doesn't want to meet” and “needs to change his behavior, go back to the person he said he was, [believing] you need to sit down.” But the speaker said if Biden doesn't reverse course soon, Republicans are coalescing around a debt limit bill they could bring to the floor that would reflect the positions outlined in his letter. “The conference is very close, and if the president doesn't act, we will,” he said. McCarthy said he still wants to meet with Biden but expressed frustration at the president's intransigence. “He is making the decision that he wants to put the economy in jeopardy,” the speaker said. “I would bring the lunch to the

White House. I would make it soft food if that's what he wants... whatever it takes to meet." While Biden has said he won't negotiate on the debt ceiling, he did offer to meet with McCarthy to discuss fiscal issues once Republicans produce a budget blueprint. McCarthy dismissed that condition. "A budget resolution doesn't even go to the president. And a budget resolution doesn't raise the debt limit," he said. For now, other Republicans are largely on board with McCarthy's strategy of continuing to try to put pressure on Biden to negotiate, especially since they'll need bipartisan support to get a bill through the Senate. "We can't avert a crisis without a deal. And we can't cut a deal without a partner," Republican Main Street Caucus Chairman Dusty Johnson, R-S.D., said.

COVID-19 National Emergency Order

The Senate voted in late March to terminate a COVID-19 pandemic national emergency order implemented by former President Donald Trump in 2020 that was due to be terminated in May anyway. The 68-23 vote on the measure came after the House voted 229-197 in February, with 11 Democrats joining 218 Republicans in support. A statement of administration policy issued in January that covered House measures to end both the national emergency and a related public health emergency said "an abrupt end to the emergency declarations would create wide-ranging chaos and uncertainty throughout the health care system — for states, for hospitals and doctors' offices, and, most importantly, for tens of millions of Americans." It did not, however, include a direct veto threat if Congress passed the measures. President Biden will sign the resolution, even as the White House continued to say he is opposed.

"The President strongly opposes H J Res 7, and the administration is planning to wind down the COVID national emergency and public health emergency on May 11," a White House official said. "If this bill comes to his desk, however, he will sign it, and the administration will continue working with agencies to wind down the national emergency with as much notice as possible to Americans who could potentially be impacted." Sen. Roger Marshall, who has led the effort in the Senate to roll back the national emergency, said it was time for Congress to end the designation, which he said "allowed the administration to justify increased spending and push harmful mandates." The Kansas Republican noted that Biden said in a "60 Minutes" interview last year that the pandemic was over. "Emergency powers are given to the executive branch so the commander in chief has the flexibility to quickly act in the event of a crisis," Marshall said on the Senate floor before the vote. "That declaration was appropriate in 2020, but now it's time for the proper constitutional checks and balances to be restored. It's time to end any and all authoritarian control and unilateral spending decisions without congressional consent."

The Senate voted 62-36 in November, during the previous Congress, to terminate the emergency, with a dozen Democratic caucus members supporting the resolution. But that measure never came up for a vote in the House, which was controlled by Democrats at the time. Republicans pointed to Biden's decision to sign the resolution as another sign of discord between the White House and Democrats on Capitol Hill, weeks after a similar situation when Biden said he would not veto a measure blocking a D.C.'s revised criminal code. "Once again, House Democrats are showing voters how extreme they

really are, while House Republicans continue keeping their promises to the American people,” Courtney Parella, communications director for the Congressional Leadership Fund, said in a statement. Both the national emergency and the public health emergency that began in 2020 are set to end in May. While ending the public health emergency would unwind several policy changes that have been in place for the last three years, such as the Title 42 border policy allowing federal agents to turn back migrants at the border, ending the national emergency would have fewer broad implications.

Examples of the impact of ending the national emergency include the termination of some waivers meant to help health care providers serve patients during the pandemic. One such waiver from the Centers for Medicare and Medicaid Services allowing hospitals to screen patients for COVID-19 off-campus would expire, while another requiring private Medicare Advantage plans to cover services at out-of-network facilities would also expire. Another waiver allowed hospices to not provide physical or occupational therapy during the national emergency.

Public Safety

In the final days of March, the U.S. Department of Transportation posted a Notice of Funding Opportunity (NOFO) for the [Safe Streets and Roads for All \(SS4A\) competitive grant program](#). Funded by the Bipartisan Infrastructure Law (BIL), \$1.18 billion is available now for eligible entities – restricted to only local governments, metropolitan planning organizations and Tribes – to develop safety action plans or to implement existing approved plans at an 80 percent federal match. Counties are directly eligible to apply for this program through USDOT until July 10, 2023.

In FY 2023, USDOT added an additional \$177.2 million in FY 2022 carryover funds to the SS4A program, which is authorized at \$1 billion annually through FY 2026 by the BIL. SS4A grants are intended to support the “planning, infrastructure, behavioral, and operational initiatives to prevent death and serious injury on roads and streets involving all roadway users, including pedestrians; bicyclists; public transportation, personal conveyance, and micromobility users; motorists; and commercial vehicle operators.”

For the purposes of the NOFO, rural communities are defined as “jurisdictions outside an Urban Area (UA) or located within Urban Areas with populations fewer than 200,000 will be considered rural.” In FY 2023, rural communities and other underserved areas are increasingly prioritized for SS4A funding. The SS4A program makes considerably more awards than other USDOT programs, and counties across the country successfully competed for SS4A awards in FY 2022, including 103 Action Plan grants and 8 Implementation Grants. In total, SS4A awarded \$127 million in county-led, SS4A-funded transportation safety projects in FY 2022. USDOT attributed county success in the first round of funding to several factors, including aligning closely with the goals of the program and providing benefits for all users of the roads, including pedestrians and cyclists.

WOTUS Resolution

The Senate voted 53 to 43 to pass a resolution disapproving of a recently finalized rule revising the definition of which bodies of water are subject to federal regulations, setting it up for a veto from President Biden. The Congressional Review Act resolution (HJ Res 27) would vacate the rule finalized in December by the EPA and U.S. Army Corps of Engineers that updated the definition for "waters of the U.S." that are subject to Clean Water Act regulations, and prevent the agencies from finalizing another rule that is "substantially similar." All Republicans voted in favor of the resolution and were joined by Democratic Sens. Jon Tester of Montana, Joe Manchin III of West Virginia, and Jacky Rosen and Catherine Cortez Masto, both of Nevada. Independent Sen. Kyrsten Sinema of Arizona, who caucuses with the Democrats, also voted for the resolution.

The resolution passed the House on March 9 by a vote of 227-198, with nine Democratic votes in favor, including from House Agriculture Committee ranking member David Scott, D-Ga. The White House said in a March 6 statement of administration policy that it would veto the resolution, arguing that not having the rule in place would create greater uncertainty for farmers and others. EPA Administrator Michael S. Regan said the agencies did not want to finalize a definition that went as far as the 2015 rule. The agency touted the rule as a return to pre-2015 regulations, with updates reflecting court rulings in the interim and the codification of eight exclusions for croplands and waste treatment systems. The rule took effect March 20 everywhere except Idaho and Texas, where it was blocked by a district court judge.

Firefight Grants

The Senate is set to vote to begin debate on a bill to reauthorize federal grant programs for local fire departments, spending valuable floor time on bipartisan legislation most senators would prefer to pass by unanimous consent. Sen. Rand Paul, ranking member of the Senate Homeland Security & Governmental Affairs Committee that has jurisdiction over the bill (S 870), is opposed to quick passage and is seeking amendments after his efforts to alter the bill in committee did not go as planned. The Kentucky Republican walked out of the committee markup two weeks ago before the panel voted by voice vote to report a similar bill (S 559) to the floor. Both versions of the bill would reauthorize the U.S. Fire Administration and firefighter assistance grant programs for local departments through fiscal 2030. The measure authorizes a nearly \$20 million annual boost for USFA's budget over those seven years, bringing the total to \$95 million per year. The grant programs would be flat funded.

During the committee markup, Paul offered amendments to block the funding from going to fire departments that fired employees over COVID-19 vaccine mandates or have associations with anyone in China that isn't employed by the U.S. government. He also offered an amendment to require the Treasury Department to identify unobligated COVID-19 relief funds that could be transferred to the USFA to offset its proposed funding increase. Senate Homeland Security and Governmental Affairs Chairman Gary Peters, D-Mich., offered second-degree amendments to water down Paul's proposals so they wouldn't tank support for the underlying bill. Those second-degree amendments were approved in party-line votes. Paul was perturbed Democrats didn't allow further debate on the merits of his proposals and decided to leave the committee markup before it was over. "I, for one, won't stay here — and would recommend that no Republican stay here — if we're going to have third-degree amendments that only the majority

gets to offer," he said during the markup.

Since the bill has bipartisan support, it's expected to get the 60 votes needed to invoke cloture on the motion to proceed. After adopting the motion to begin debate on the bill, senators can then debate the measure and any amendments offered. Senator Peters said he hopes the Senate can complete action on the bill quickly, which would require cooperation from Paul. Although Peters said he would prefer the bill be passed without amendment, he acknowledged a time agreement needed to move the bill quickly would require giving Paul votes on his amendments. "If he wants votes, we'll have to have votes on them," he said. "We'll see what he offers. I'm not sure what he's going to offer."

Non-Governmental Partners and Coalitions

Throughout March, 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.