

Memorandum

TO: Miami-Dade County

FROM: Greenberg Traurig

DATE: April 30, 2018

RE: April Monthly Report

Below please find a summary of Greenberg Traurig's efforts on behalf of Miami-Dade County in April. If you have any questions, or if we can be of any further assistance, please let us know.

Budget & Appropriations

Lawmakers threw cold water on a proposal from the White House that asked Congress to cut previously enacted spending, including from the \$1.3 trillion spending bill that President Donald Trump signed last month. There is no timeline from the White House about when it plans to send the request to Congress or how much they'll propose to eliminate from the spending bill, but GOP officials have said next month is a target timeframe. If the House passed a rescissions bill, there is a strong chance that the Senate would change the package or that it would stall. Senate Republicans control 51 of the chamber's 100 seats, and all of them would likely need to be on board in order to pass a rescissions measure. With Democrats and several GOP appropriators opposed, it appears there could be a real numbers problem. Senate Majority Whip John Cornyn, R-Texas, wouldn't commit to putting a rescission package on the Senate floor. "I'm interested in what they're proposing, and I think it depends on what the package looks like," Cornyn said of the plan pushed by House Majority Leader Kevin McCarthy, R-Calif. Office of Management and Budget Director Mick Mulvaney said that the administration may send its "rescission" requests to Congress in a series of packages, instead of all at once. GT has kept Miami-Dade County up-to-date on the FY 2018 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.

Opioids

The Senate Finance Committee hosted its first hearing on the crisis, focusing on improving Medicaid and Medicare. The week before, the Senate Judiciary Subcommittee on Crime and Terrorism and the House Oversight Committee Subcommittee on Healthcare, Benefits, and Administrative Rule held their own hearings. The administration and Congress have focused on the opioid epidemic since President Donald Trump declared it a public health emergency last fall. The Department of Health and Human Services renewed the opioids public health emergency declaration last month as well. The Senate Health, Education, Labor and Pensions Committee advanced a bipartisan opioids package that the chairman predicted may get a floor vote within the next few months. The bill, which includes over 40 proposals related to ways to combat the opioid

epidemic, was written after seven committee hearings on the crisis with input from various agencies and state officials. The House also held a series of markups, and considered over 60 bills in the House Energy and Commerce Health Subcommittee. Both chambers are eager to advance bills to combat the crisis on an aggressive timeline, with an eye toward demonstrating action before the election on an issue that affects voters representing most demographics and districts. GT continues to work with the County's congressional delegation to advance legislation that tackles mental health reform and the nation's opioid addiction crisis, and has kept Miami-Dade updated on the status and outlook for these pieces of legislation. Our team has also been sending a weekly "Opioid Update" to County officials keeping them up to date on the latest actions taken by Washington on the opioid crisis.

Aviation

The House overcame administration concerns last month to pass, 393-13, a bill reauthorizing aviation programs through fiscal 2023. The measure (HR 4) would authorize \$97 billion for aviation programs from fiscal 2019 through fiscal 2023. "It's the first piece of the president's infrastructure bill," said House Transportation and Infrastructure Chairman Bill Shuster, R-Pa. He said a Senate version (S 1405) could move on that chamber's floor in the first two weeks of May. The current authorization (PL 115-141) expires Sept. 30, 2018. The White House stopped short of threatening to veto it in a statement of administration policy laying out several concerns.

Farm Bill

When House members return from recess, the Rules Committee could face a test of its willingness to accept amendments from lawmakers critical of the farm bill that could be up for a floor vote in mid-May. Democratic lawmakers expressed concern over the possibility that the panel could limit amendments to the wide-ranging farm bill to lawmakers who back the legislation (HR 2), following comments by Agriculture Chairman K. Michael Conaway. Many Democrats oppose the GOP-written farm bill because of proposed limits on eligibility and greater emphasis on work requirements for able-bodied adults receiving food aid through the Supplemental Nutrition Assistance Program (SNAP).

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. Our team has continued to send those interested individuals information regarding issues such as tax reform, health care, and appropriations, among others. 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.

(Below is an example of one of GT's daily updates that were sent to the County)

Good Morning,

Below is a look at today's news and events in DC. Congress is out of town next week and updates will resume the week of May 7. If you have any questions or need anything, please let us know.

Thanks,
Katie

Today at a Glance: April 27, 2018

Top Stories for the Day

- The House votes on final passage of the six-year aviation program authorization.
- Recess Ahead. The House and Senate are both out of town next week.
- The Senate on Thursday narrowly confirmed secretary of State nominee Mike Pompeo.
- EPA's Pruitt denies wrongdoing, blames staff and critics.

House: Convenes at 9 a.m. to finish consideration of a bill (HR 4) to reauthorize the Federal Aviation Administration.

Senate: Not in session.

(Daily news clips provided by CQ Roll Call)

House Heads to Final Vote on FAA Reauthorization Friday

The House adopted dozens of amendments Thursday as it worked toward a vote on a bill that would reauthorize the Federal Aviation Administration through fiscal 2023.

Members will consider up to 15 more amendments Friday, out of the 116 made in order, and then vote on final passage before heading off on a recess next week.

Members of both parties spoke from the House floor throughout the day to support the bill (HR 4) that would authorize \$97 billion for the FAA from fiscal 2019 through fiscal 2023. The bill includes provisions to speed up the FAA's aircraft certification process, integrate drones into U.S. airspace, boost authorized spending for FAA programs and authorize more than \$1 billion per year for a new grant program for improvements at certain airports.

House Transportation and Infrastructure Chairman Bill Shuster's manager's amendment was adopted by voice vote after he removed some provisions that would have changed the air traffic control system.

The removal of those provisions — which would have had the chief operating officer for air traffic control report directly to the secretary of Transportation and created an advisory board that included

private sector members to advise on air traffic control — was enough to flip Transportation and Infrastructure ranking member Peter A. DeFazio, D-Ore., to support the manager's amendment.

The bill includes no major changes to the air traffic control system. Shuster, R-Pa., had proposed removing air traffic control from the FAA, but abandoned that goal in February after resistance from members of both parties.

The bill would provide long-term authorization for the FAA for the first time since 2015. Congress passed five subsequent extensions, including one attached to the fiscal 2018 omnibus spending bill (PL 115-141) that expires Sept. 30. The long-term certainty led business and labor groups to support the bill. Shuster touted that aspect as well.

"That uncertainty was one reason I initially pushed for air traffic control reform: to separate the modernization of our system from the unreliable federal budget process," he said from the House floor. "In that regard, this bill only maintains the status quo. I still strongly believe Congress must soon pass real air traffic control reform for the U.S. to finally develop the most modern, advanced aviation system in the world. Right now, we can't make that claim."

After Shuster removed air traffic control provisions from the manager's amendment, the conservative Heritage Action for America urged members to vote against the bill for not providing enough change to the FAA.

The bill would authorize \$5.3 billion for the new airport grant program from fiscal 2019 through fiscal 2023 and would pay for runways and airfield improvements, just as the Airport Improvement Program does. But the new grant program would not apply to major airports or those in major cities. It would favor airports participating in a pilot program of private sector ownership and those proposing projects with lower federal share.

The new money would be separate from the Airport Improvement Program, which would remain consistent at fiscal 2018 levels of \$3.35 billion over the life of the bill.

DeFazio said he would introduce a separate bill to provide more funding for airports. He said the current bill only "modestly" funded airports and only in certain areas. And because the money would be drawn from the General Fund, it may not be guaranteed, he said.

"This falls short of meeting the needs of all airports and all gates and all terminal work we need," he said.

The bill also includes a title to modify disaster response and mitigation policy, including by focusing on improving pre-disaster planning and mitigation so that communities are better prepared for disasters.

Truckers Hours

The House adopted, 222-193, an amendment from Rep. Jeff Denham, R-Calif., to pre-empt state laws governing meal and rest breaks for truck drivers. Two Democrats, California's Jim Costa and Texas' Henry Cuellar, co-sponsored the measure, but labor groups and most Democrats opposed it. The House has passed similar provisions in spending bills, but the Senate has blocked enactment.

Larry I. Willis, president of the Transportation Trades Department of the AFL-CIO, said the debate over trucker hours did not belong in the aviation bill. He also opposed the substance of the amendment, saying it was unnecessary.

“We don’t really understand why state laws that simply provide some wage and leave protections for truck drivers need to be completely preempted by federal law,” he added.

The Senate has yet to consider its aviation bill (S 1405) on the floor. Senate Commerce, Science and Transportation Chairman John Thune, R-S.D., said this week that he would look for floor time for the Senate version next month.

Pompeo Confirmed as Secretary of State

The Senate on Thursday narrowly confirmed secretary of State nominee Mike Pompeo, who will now be thrust into negotiations in Europe on strengthening allied responses to Iran and Russia and will formally begin preparations for a landmark spring summit with North Korean leader Kim Jong Un.

The vote, 57-42, was comparable to the 55-43 vote former Secretary of State Rex Tillerson received when he was confirmed in January 2017. But Pompeo received fewer Democratic caucus votes than he did when he was confirmed as CIA director in 2017 by a vote of 66-32.

That decline in support reflects both the higher-profile nature of the secretary of State position, as well as Democrats’ frustration with Pompeo’s refusal to discuss his role in the federal investigation into Russian election interference, contradictory statements about regime change in North Korea and past disparaging remarks about Muslims and the LGBT community.

“I remain skeptical of whether he will be forthcoming with members of Congress, how he will approach complex issues, and what that means for our foreign policy,” Foreign Relations Ranking Member Robert Menendez of New Jersey said in a Wednesday floor speech. “This lack of forthrightness ultimately leaves me wondering whether he would be willing to push back against the president’s worst instincts.”

Senate Minority Leader Charles E. Schumer, D-N.Y., said he had similar concerns when he announced his opposition to Pompeo on Wednesday.

“He didn’t convince me he would be the kind of secretary that most of us believe [Defense] Secretary [James] Mattis is, who is able to check the president successfully when the president might go off-base,” Schumer said.

Republicans accused Democrats of subjecting Pompeo to a political double-standard that his predecessors, including Hillary Clinton and John F. Kerry, were not held to. Both Clinton and Kerry, former senators who served during the Obama administration, were confirmed with broad bipartisan support.

“When those nominees are qualified and capable, the president has every right to have his team and have his team in place quickly,” said Foreign Relations member John Barrasso, R-Wyo.

Armed Services member Tom Cotton, R-Ark., said it was not fair for Democrats to hold against Pompeo his statements that he wouldn't resign if Trump did something that clearly contravened the rule of law. He noted that then-Secretary of State Henry Kissinger and Defense Secretary James Schlesinger did not resign from the Nixon administration at the height of the Watergate scandal.

"If that is to be the standard, have those Democrats asked Secretary of Defense Jim Mattis that question?" the staunch Trump ally said. "I bet they haven't."

But there were limits to the partisanship around Pompeo's nomination.

Democrats agreed on Wednesday to allow a confirmation vote to immediately follow a vote to end debate on his nomination in part to allow the former three-term Republican congressman from Kansas to be sworn in so he can attend a Friday meeting in Brussels of NATO foreign ministers.

Democrats could have stretched out the vote time to 30 hours, which would have caused Pompeo to miss the meeting, where confronting Russian aggression is a major agenda item.

In addition to receiving support from all Republicans, a handful of red and purple state Democrats gave Pompeo their support, including: Claire McCaskill of Missouri, Heidi Heitkamp of North Dakota, Joe Donnelly of Indiana, Joe Manchin III of West Virginia, Bill Nelson of Florida, Doug Jones of Alabama, as well as Angus King of Maine, an independent who caucuses with Democrats.

EPA's Pruitt Denies Wrongdoing, Blames Staff and Critics

EPA Administrator Scott Pruitt blamed the ethical and spending entanglements that have dogged him for weeks on the actions of his staff and on detractors intent on derailing President Donald Trump's deregulatory agenda, saying he had "nothing to hide."

Pruitt appeared at back-to-back hearings by the House Energy and Commerce Committee's Energy Subcommittee and the House Appropriations Interior-Environment Subcommittee Thursday to defend the House's \$6.1 billion budget request, which would reduce agency spending by 26 percent from 2017 levels and by 25 percent from the \$8.1 billion approved in the fiscal 2018 omnibus (PL 115-141).

Interior-Environment Appropriations Subcommittee ranking member Betty McCollum, D-Minn., chastised Pruitt for "deflecting responsibility" by placing blame on his staff in both hearings.

"How do you think these scandals are affecting staff morale? What are you going to do to regain the trust of the staff?" she said, later calling for his resignation.

But Pruitt appeared to retain the support of the committees' Republicans, who despite light criticism from some, praised his deregulatory actions and chastised Democrats for being tough on him.

"I have, high, high, high confidence in his personal integrity," fellow Oklahoma Republican Rep. Tom Cole said at the House Appropriations hearing.

At the appropriations hearing, Chairman Ken Calvert, R-Calif., who praised Pruitt's deregulatory actions, pushed back on the extent of cuts proposed by the administration.

“While some reductions might be in order, cuts of this magnitude put important programs at risk,” Calvert said, citing proposed reductions to state grants, geographical programs and rural water assistance programs. “As we approve the fiscal year 2019 budget, I reiterate that the power of the purse remains with Congress.”

But the hearings, as expected, focused less on the budget and more on questions that have been raised about his spending at taxpayer expense, including on costly travel and a \$43,000 privacy booth for his office; real estate dealings in Washington and in Oklahoma; and reports of retaliatory actions he directed at staff who defied him.

“Administrator Pruitt has brought secrecy, conflicts of interest and scandal to the EPA,” Energy and Commerce ranking member Frank Pallone Jr., D-N.J., said in his opening remarks at his panel's hearing. “In any other administration, Republican or Democrat, you would be long gone by now.”

Pruitt, who appears to maintain the support of the White House, denied any wrongdoing and said the reports are stories twisted so far that they don't resemble reality.

“Facts are facts and fiction is fiction,” Pruitt said. “Those who have attacked the EPA and attacked me are doing so because they want to attack and derail the president's agenda. I'm simply not going to let that happen.”

When asked at the Energy and Commerce hearing by both Reps. Ryan A. Costello, R-Pa., and Tony Cárdenas, D-Calif., about a \$43,000 privacy booth that the Government Accountability Office has said was illegal, Pruitt denied any involvement and blamed it on his staff.

“Career individuals at the agency took that process through and signed off on it all the way through,” Pruitt said. “I was not involved in the approval of the \$43,000 and if I'd known about it, I'd have refused it.”

At the appropriations hearing, Pruitt told lawmakers that the EPA's general counsel didn't think it was necessary to notify congressional appropriators before the agency spent the money on the booth. But, he said, he would recognize “where faults have occurred” and make sure they don't happen again.

Questions Evaded

Democratic lawmakers did not appear to buy that explanation.

“If something happens in my office especially to the degree of \$43,000, I'd know about it, before, during and after,” Cardenas said, adding that it was “odd” for Pruitt not to know.

Pruitt also evaded questions about a below-market rental deal with a lobbyist couple on Capitol Hill that raised questions about “pay-for-play,” allegations of retaliation against employees who pointed out the ethical concerns regarding his spending, and whether he would reimburse taxpayers.

Instead, Pruitt, one of the most aggressive deregulators of the Trump administration, tried to focus his testimony on touting his “measurable achievements” and the regulatory reforms that he said have saved Americans \$8 billion.

“There is consequential and important work being done at the EPA since the beginning of the Trump administration, both in terms of improved environmental outcomes as well as substantial regulatory reforms,” Pruitt said. “We are stripping burdensome costs from the American economy at an unprecedented pace.”

He boasted of his move to replace the Clean Power Plan, the Obama administration’s ambitious rule to cut carbon emissions across the U.S. power sector, efforts to clean up Superfund sites, and undoing other regulations he described as “unnecessary” and “burdensome.”

Democrats also pressed him on recent policy decisions, including the agency's proposal on Tuesday to limit EPA’s use of science to only that which is publicly available and can be replicated, a move critics fear is a giveaway of decision-making to industry and politics.

Pruitt defended the policy as important for transparency, and had the backing of some Republicans on the panel, including Rep. Joe L. Barton, R-Texas.

“Is there anything wrong with that? I think it’s an excellent idea,” said Barton, who also defended Pruitt against the ethical allegations. “When you can't debate the policies in Washington, you attack the personality, and that's what's happening to you.”

While most Republicans on the panel were generally softer in their critiques or defended Pruitt, he was met with tough questioning from others, including from Rep. Leonard Lance, R-N.J., who said he was concerned about the excessive spending, and Rep. Gregg Harper, R-Miss., who demanded and received verbal assurance from Pruitt that all whistle blowers at the agency will be protected and not be subjected to retaliation.

“That is how we get better,” Pruitt said in response to Harper. “Ultimately as the administrator of the EPA, I have the responsibility to make changes . . . and show that we are committed to being good stewards of taxpayer resources.”