

**Memorandum**

**TO:** Miami-Dade County

**FROM:** Greenberg Traurig

**DATE:** February 28, 2018

**RE:** February Monthly Report

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

***Budget & Appropriations***

A short and inconsequential government shutdown was resolved on February 9<sup>th</sup> when President Trump signed a sweeping \$320 billion budget agreement and stopgap funding through March 23. House members cleared the measure by a 240-186 vote at about 5:30 a.m., bringing closer to an end the funding lapse that began at midnight after Sen. Rand Paul, R-Ky., delayed Senate debate on the continuing resolution (HR 1892.) For the moment, appropriators are optimistic they can wrap up all 12 spending bills into an omnibus package that can pass before the latest round of stopgap funding expires on March 23. But they know they have a heavy workload ahead and a fairly short amount of time to complete it. Appropriators have about two and a half weeks to wrap up their bills, so that they can be on the floor the week leading into March 23 — unless lawmakers decide they need more time and elect to pass a sixth continuing resolution. The policy issues that need to be worked out are varied and often steeped in years of partisan tension. They include matters ranging from Title X family planning grants, whether veterans should be allowed to access medical marijuana, a request from the Trump administration for \$1.6 billion in funding to begin construction of a wall along the U.S.-Mexico border and whether the Centers for Disease Control and Prevention should be allowed to study gun violence. 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, including public safety programs. 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, including public safety programs.

***Infrastructure***

President Donald Trump called for public and private financing of a trillion-dollar infrastructure agenda in an address to a joint session of Congress, acknowledging for the first time the federal government would invest in such a program. Lawmakers have said they are waiting to see details of the \$1 trillion plan that Trump has been talking about since the campaign. He has said most of

the money could be provided by private investors, an option that has skeptics in both parties worried about funding that flows to projects that could generate profits.

GT provided County officials with an in-depth analysis of the President's plan and outlined how the plan would be received by Congress.

### ***Aviation***

Members of both parties on the House Transportation and Infrastructure Subcommittee on Aviation supported an overhaul of the agency's certification process at the first congressional hearing of the year on FAA reauthorization. The current authorization (PL 114-190) expires on Sept. 30.

A proposed six-year reauthorization bill in 2016 included provisions that aimed to reduce certification times, but that bill never received a floor vote because it included a controversial section that would have spun off air traffic control from the FAA to a non-government entity.

### ***Farm Bill***

The Trump administration is taking "a preliminary but important step" towards moving certain adults out of the food stamp program and into the workforce by seeking public recommendations for changes, according to the Agriculture Department official who oversees the program.

The 45-day comment period on the advanced notice of proposed rulemaking will lay the ground for changes to the Supplemental Nutrition Assistance Program (SNAP) rules that govern the 9 percent of recipients who fall into the category of single, able-bodied adults without children. SNAP served an average of 42.1 million people a month in fiscal 2017.

GT recently created a report for the County outlining the President's new budget proposal and a proposed overhaul to SNAP changing the way SNAP recipients would receive their benefits.

### ***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 Washington Updates, which are sent to County officials every day.)

Good Morning,

Below is a look at today's news and events in DC. If you have any questions or need anything, please let us know.

Thanks,

Katie

### **Today at a Glance: February 26, 2018**

#### **Top Lines for the Day**

- There's plenty of spending and budget to-dos this week as Congress returns.
- A special committee to examine the budget process has its House members, and will soon get its senators.
- The Senate has more nominations on the floor this week.
- A gas tax is being considered as an infrastructure package pay-for.
- On guns, neither side is getting what it wants from Congress.

**House:** Meets at 2 p.m. today for legislative business, with votes expected this evening on seven bills under suspension of the rules. The House will consider measures Tuesday on operational risk capital requirements (HR 4296) and on online sex trafficking (HR 1865). No votes are expected the rest of the week; the late Rev. Billy Graham lies in honor in the Rotunda on Wednesday and Thursday.

**Senate:** Convenes at 3 p.m. to consider the nomination of Elizabeth L. Branch to be U.S. circuit judge for the 11th Circuit, with a vote at 5:30 p.m. on a motion to invoke cloture on the nomination.

#### **Committee hearings of interest this week:**

- Workforce Protections Subcommittee of House Education and the Workforce Committee hearing on "A More Effective and Collaborative Occupational Safety and Health Administration (OSHA): A View from Stakeholders." Tuesday, 10am.
- Energy Subcommittee of House Energy and Commerce Committee hearing on "State of the Nation's Energy Infrastructure." Tuesday, 10am.
- House Oversight and Government Reform Committee hearing on "Federalism Implications of Treating States as Stakeholders." Tuesday, 10am.
- Senate Health, Education, Labor and Pensions Committee hearing on "The Opioid Crisis: The Role of Technology and Data in Preventing and Treating Addiction." Tuesday, 10am.
- House Budget Committee hearing on "CBO (Congressional Budget Office) Oversight: The Role of Behavioral Modeling in Scoring and Baseline Construction." Tuesday, 10:30am.
- Higher Education and Workforce Development Subcommittee of House Education and the Workforce Committee hearing on "Strengthening Access and Accountability to Work in Welfare Programs." Wednesday, 10am.
- Health Subcommittee of House Energy and Commerce Committee hearing on "Combating the Opioid Crisis: Helping Communities Balance Enforcement and Patient Safety." Wednesday, 10am.
- Water Resources and Environment Subcommittee of House Transportation and Infrastructure Committee hearing on "America's Water Resources Infrastructure: Projects and Policies." Wednesday, 10am.
- Senate Environment and Public Works Committee hearing on "The Administration's Framework for Rebuilding Infrastructure in America." Thursday, 10am.

### **Walking (Fiscal 2018) and Chewing Gum (Fiscal 2019) at the Same Time**

Lawmakers return today for a congressional work period that runs until March 23, which is also when the current continuing resolution expires. That gives Congress just under a month to complete fiscal 2018 spending work.

Late last week Appropriations subcommittees announced they have enough information on their 302(b) allocations to begin working on the final versions of the 12 fiscal 2018 annual spending bills, which lawmakers hope to roll into an omnibus. The subcommittee allocations are, however, still not final and may change before the bills are finished, according to appropriations staff.

There's another year on the horizon, and President Donald Trump got the ball rolling two weeks back with his fiscal 2019 budget proposal. This week features a number of related committee events.

Several committees are expected to adopt their "views and estimates" letters, which report their budgetary preferences for agencies and programs under their jurisdiction, traditionally in response to the administration's budget request, and are forwarded to their chamber's Budget Committee. And the State Department's budget request will get a hearing in both chambers.

### **Budget, Appropriations Process Overhaul Panel Members Announced**

Congressional leaders Friday began announcing members on the select committee tasked with overhauling the budget and appropriations process before Nov. 30, starting with eight named by House leaders.

House Speaker Paul D. Ryan named House Budget Chairman Steve Womack, R-Ark., House Rules Chairman Pete Sessions, R-Texas, and GOP Reps. Rob Woodall of Georgia and Jodey C. Arrington of Texas. House Minority Leader Nancy Pelosi selected House Appropriations ranking member Nita M. Lowey, D-N.Y., Budget ranking member John Yarmuth, D-Ky., Lucille Roybal-Allard, D-Calif., and Derek Kilmer, D-Wash.

Senate Minority Leader Charles E. Schumer, D-N.Y., is expected to announce his picks this week, according to his office. Senate Majority Leader Mitch McConnell, R-Ky., plans to announce his picks on Monday, according to McConnell spokesman David Popp.

These 16 lawmakers will meet for the first time within the next two weeks — before Sunday, March 11 as required by the law (PL 115-123) that established the committee.

Just coming up with bipartisan proposals will be challenging enough for an evenly divided panel, but they'll have to do it during a politically tense election year. Their work will also be going on during an exceptionally busy year for the appropriation committees, which not only have to complete work on fiscal 2018 before March 23 when the stopgap spending bill (PL 115-123) expires, but attempt to wrap up fiscal 2019 as well.

The panel, if it can make substantive changes, offers a valuable chance to overhaul the annual budget and appropriations process for the first time since it was established by the 1974 budget law (PL 93-344). But the depth and breadth of its task will make the work challenging.

"I'm not terribly optimistic that we're going to get some sort of fundamental budget process reform out of this," said Molly Reynolds, a fellow at the Brookings Institution. "Congress did not choose to give that committee's proposal any sort of procedural protection in the Senate, so we're not in the world of the 'super committee' here — where something would come to the floor under filibuster protections."

Reynolds was referring to the Joint Select Committee on Deficit Reduction, which became known as the "super committee," after being set up under the 2011 deficit reduction law (PL 112-25) to find \$1.2 trillion in 10-year deficit reduction measures. The panel's failure led to the sequestration budget cuts that Congress has been digging out of in two-year increments, most recently with the discretionary cap-raising law establishing the new process overhaul panel.

Paul Winfree, a former Trump administration domestic policy official now with the Heritage Foundation, says he doesn't believe the new budget panel will be able to come up with consensus recommendations — that their meetings will amount to little more than an "airing of grievances."

### *Toothless Committee?*

The law setting up the select panel does have provisions for expedited consideration, but any bill will still have to reach the Senate's 60-vote cloture threshold rather than meet a lower simple majority bar. "That is something Congress could have done if it really wanted to give this committee teeth. They didn't," Reynolds said.

Further complicating the committee's work is the general suspicion each party has for the opposite party's overhaul proposals. Each party also, ultimately, wants the process to help it achieve its policy goals, not those of the other party.

"Under the heading of budget process reform both sides really see it as 'what does a change to the process mean for me trying to get the policy outcomes I want?,'" Reynolds said. "Democrats in particular are quite wary of many process reforms that are supported by Republicans, because they see them as ways to potentially cut entitlement programs."

Regardless of the challenges, the legislative package that formed the "Joint Select Committee on Budget and Appropriations Process Reform" requires the panel to hold at least five public meetings, with a minimum of three public hearings. The panel needs to vote before Nov. 30 on a report that includes its recommendations as well as legislation.

In order to pass, those two items will need to have a majority of support from the members appointed by Republicans as well as a majority of the votes of the lawmakers appointed by Democrats. If the changes pass the select committee, the law calls for a Senate vote on a motion to proceed on the panel's bill before the end of the 115th session of Congress. There are no parameters requiring a House vote.

Congressional leaders on Friday also named 16 members to the select committee on pension plans, also set up by the budget law, which is tasked with improving "the solvency of multiemployer pension plans and the Pension Benefit Guaranty Corporation." The agency insures pension plans against default backed by premium income received by employers.

That panel, sought by Sen. Sherrod Brown, D-Ohio and other Democrats in the budget negotiations, is organized in the same fashion and has the same timeline as the budget and

appropriations overhaul panel. Multiemployer pension plans cover about 10.6 million unionized workers in the trucking, retail food, garment, construction and mining industries, according to the PBGC.

The agency's liabilities outweighed assets by \$65 billion at the end of fiscal 2017, however, and PBGC says the multiemployer program has a greater than 50 percent chance of running out of money in fiscal 2025, at which point benefits for participants in insolvent plans would see their benefits slashed. The Trump administration in its fiscal 2019 budget request has proposed allowing PBGC to hike premiums to help shore up its multiemployer program.

House members named to the joint panel on multiemployer plans include: House Education and the Workforce Chairwoman Virginia Foxx, R-N.C., Phil Roe, R-Tenn., Vern Buchanan, R-Fla., David Schweikert, R-Ariz., House Ways and Means ranking member Richard E. Neal, D-Mass., House Education and the Workforce ranking member Robert C. Scott, D-Va., Donald Norcross, D-N.J., and Debbie Dingell, D-Mich.

### **Nominations on Tap in the Senate**

The Senate is expected this week to push through more of Trump's nominees, first taking up the nomination of Elizabeth Branch to be a judge on the 11th Circuit. She currently sits on the Georgia Court of Appeals, is an alumna of the George W. Bush administration, and appears relatively uncontroversial, given that she advanced from the Judiciary Committee with only two "nay" votes (from Democrats Kamala Harris of California and Cory Booker of New Jersey).

Once action is completed on Branch, senators will turn to the nomination of Russell Vought to be deputy director of the Office of Management and Budget. That nomination had previously stalled due to senators' concerns about disaster aid. After that, debate on four district court picks is expected.

### **How to Pay for Infrastructure Is the Key Question**

In a recent meeting with lawmakers to discuss his campaign proposal to rebuild American infrastructure, President Donald Trump reportedly said he'd back a gas tax increase.

The White House, though, has declined to confirm it, perhaps because of the dispute over a hike between business groups and fiscal conservatives. Business is willing to raise taxes to provide stability for the Highway Trust Fund and get to the \$1.5 trillion Trump wants for new infrastructure spending over 10 years.

The American Trucking Association published a proposal on Jan. 24 to raise federal fuel taxes by 20 cents per gallon over the next four years. That followed the U.S. Chamber of Commerce's rollout of a plan to raise the tax by 25 cents over five years. Both groups estimated such an increase would raise more than \$300 billion for the Highway Trust Fund. The current rate, in place since 1993, is 18.4 cents per gallon for gas and 24.4 cents per gallon for diesel.

But the truckers' proposal came one day after fiscally conservative groups came out against any new tax for infrastructure.

Americans for Prosperity and the Freedom Partners Chamber of Commerce sent a letter to the president dated Jan. 23 urging him to reject a gas tax increase. They argued it would undo the recent tax overhaul.

"Increasing the federal gas tax to fund new infrastructure projects would be the wrong approach," the letter said. "Not only would it undermine the benefits of recent tax-cut legislation, it would disproportionately hurt the least fortunate — who pay a higher percentage of their income in energy costs — and lead to higher prices on goods and services throughout the country."

But Neil Bradley, the U.S. Chamber's executive vice president and chief policy officer, said in an email statement that the group's proposal acknowledged the reality that spending on infrastructure would be costly.

"We're ready to work with anyone who is willing to get this done and we welcome alternative ideas to fund that investment," he said.

The Trump administration hasn't explained exactly where it'll find savings in the budget to pay for the plan. His budget does call for selling off Washington's two local airports to private owners and allowing states to add tolls on interstate highways.

## **On Guns, Neither Side is Getting What it Wants from Congress**

After the killing of 17 at a high school in Parkland, Fla., on Valentine's Day, gun control advocates again pronounced Congress complicit with the National Rifle Association, the gun rights group. In reality, however, Congress has done neither what the gun control advocates want, nor what the NRA wants.

Congress, for example, has not taken up the call of the NRA's Wayne LaPierre, who, after Adam Lanza killed 26 at the Sandy Hook Elementary School in Newtown, Conn., in December 2012, said, "The only way to stop a bad guy with a gun is with a good guy with a gun."

The NRA formalized that recommendation with a report calling for schools to increase security with the aid of the federal government's Community Oriented Policing Services program, which has since 1995 provided grants to communities to hire more police officers, and for a time, specifically to hire officers to guard schools.



The program, created by President Bill Clinton, has enjoyed not only the support of the NRA, but also of Democrats in Congress.

The Senate's Democratic Policy Committee has argued that program cuts led to increases in violent crime. And Rep. Katherine M. Clark, the Massachusetts Democrat who organized a sit-in on the House floor in June 2016 to protest Congress' inaction after Omar Mateen killed 49 people at an Orlando, Fla., nightclub, says that she wouldn't oppose trying LaPierre's idea. "I'm for trying anything," she says. "I'm not sure more police in schools is the answer but we have to find some common ground."

Clark also notes that Congress has not banned bump stocks, the devices that allow semi-automatic guns to fire more rapidly.

The NRA called for regulation after Stephen Paddock used them while killing 58 people at a Las Vegas country music concert in October. Two House bills (HR 4168, HR 3999), by Republicans Brian Fitzpatrick of Pennsylvania and Carlos Curbelo of Florida, to ban them are languishing.

On Feb. 20, Trump directed the Justice Department to propose a regulation to ban them, but the department has previously held that it lacked the legal authority to do so.

Clark says Republicans aren't even willing to do what the NRA is willing to do for fear of primary challenges. But it's hard to envision anyone making a campaign issue of hiring more police.

Still, in his budget President Donald Trump argues that Clinton's police hiring program is "not well targeted to achieve public safety outcomes." He wants to cut the budget from \$195 million this year to \$99 million next and give more money to the FBI to pursue high-profile criminals.

The NRA, in its post-Newtown report, notes that the GOP Congress of 2006 cut funding for the COPS in Schools program it created after 1999's school shooting at Colorado's Columbine High School, in which Eric Harris and Dylan Klebold killed 13 people.

Its report also cites research by Jack McDevitt of Northeastern University's Institute on Race and Justice, that found students felt safer with guards present, and by Barbara Raymond of the California Endowment, whose research indicates that even those reluctant to allow officers on campus were won over.