

Memorandum

TO: Miami-Dade County

FROM: Greenberg Traurig

DATE: July 31, 2018

RE: July Monthly Report

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

Budget & Appropriations

Congress begins a summer sprint to pass more spending bills before the new fiscal year begins on Oct. 1. Both chambers already have passed their respective versions of three of the 12 annual appropriations bills as a package: the Energy-Water, Military Construction-VA and Legislative Branch measures (HR 5895). The House also passed its Defense spending bill (HR 6157) just before the July 4 recess. While President Donald Trump continues to threaten a government shutdown over border wall funding, GOP leaders on Capitol Hill have little choice but to soldier on and keep working through the "regular order" appropriations process. Senate Majority Leader Mitch McConnell, R-Ky., told reporters he backs Trump's wall funding request but that it would be the subject of further negotiations. He went on to note that the chamber continues to move through the 12 annual appropriations bills, with an agreement to take up a roughly \$857 billion combined Defense (S 3159) and Labor-HHS-Education (S 3158) measure when the chamber reconvenes the week of Aug. 13. If that bill passes, after a \$154.2 billion, four-bill package (HR 6147) expected to see final floor votes this week, it would mean the Senate has passed nine of the 12 bills before Labor Day. "We hope to be able to conference those bills with the House and send the president a series of conference reports covering those nine of 12 appropriations bills early after we get back from the Labor Day weekend break," McConnell said. This ambitious strategy would appear to leave the Commerce-Justice-Science, State-Foreign Operations and Homeland Security measures — the latter being the vehicle for wall funding and perhaps other immigration-related policy changes — funded in a stopgap bill at current levels beyond the Sept. 30 deadline until after the midterm elections. 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

At a late July hearing, House Energy and Commerce Oversight Subcommittee members expressed interest in limiting dubious advertising for potential patients looking to get treatment for their

substance abuse disorder. Competition for potential patients seeking addiction treatment has resulted in some questionable marketing and advertising practices that are largely unregulated at the federal level. Republicans and Democrats both wanted to explore how pervasive these problems are and how to identify good practices from dubious ones. “We need to make sure existing practices are not making it more difficult for people seeking treatment,” said Oversight ranking member Diana DeGette, D-Colo. Approximately 21 million people over the age of 12 needed substance use disorder treatment in 2016, but only 3.8 million people actually received such treatment, according to data from the Substance Abuse and Mental Health Services Administration. “We need to do everything we can to help more Americans access this treatment,” said Energy and Commerce ranking member Frank Pallone Jr., D-N.J., during opening remarks. “Unfortunately, there are companies preying on individuals in desperate need of treatment services.” The House is likely to go to conference after the Senate votes on its own opioid package, which has not yet been finalized. Senate health committee Chairman Lamar Alexander, R-Tenn., said the Senate is likely to act on its opioid package as soon as it is completed. 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.

Farm Bill

The Senate agreed by voice vote to go conference with the House to negotiate a new version of the farm bill (HR 2) before the current legislation expires, even if that means working through the summer recess. Senate Majority Leader Mitch McConnell said that he was hopeful the farm bill conference report would be ready for a vote after Labor Day. The Senate is expected to name nine negotiators, five Republicans and four Democrats. The House named 47 conferees on July 18, 29 Republicans and 18 Democrats. Twenty-three are from the House Agriculture Committee and the rest from eight committees that have jurisdiction over portions of the bill’s 12 titles. Both chambers’ bill versions would authorize and set policies for agricultural research, conservation, nutrition, trade promotion, crop insurance and other programs. The current farm bill (PL 113-79) expires Sept. 30. The Senate bill would keep the current 20-hour work requirements for able-bodied adults and would incorporate findings from 10 state pilot projects that approach work and education for work-age adults. The bill would fund an additional eight state demonstration projects that focus on SNAP recipients with problems finding work. The legislation would make it easier for state agencies to work with the private sector in training SNAP recipients for jobs. It would also end a bonus program that rewarded states with low error rates in benefit payments because of Justice Department concerns that several states manipulated data to collect rewards. The House bill would expand work mandates to able-bodied adults aged 18 to 59 that they must meet in order to keep their food benefits. The 20-hour weekly requirement would gradually be increased to 25 hours. The legislation also would tighten eligibility requirements, change the way monthly benefits are calculated, and shift billions of dollars from food benefits into funding for state SNAP job-training and education programs.

Flood Insurance

The Senate cleared legislation in July that will extend the National Flood Insurance Program through Nov. 30, preventing the program from lapsing in the middle of the Atlantic hurricane season. Senators voted 86-12 to concur in a House amendment to a bill (S 1182) to extend the program's current authorization for four months just hours before the program was set to expire. President Donald Trump signed it into law soon after. The extension is the seventh short-term NFIP extension passed by Congress since last September. While the House passed a full five-year reauthorization bill (HR 2874) in November, the Senate has not acted on it or on any other full NFIP reauthorization legislation. Our team has provided analysis of National Flood Insurance program reform legislation, and has continued to track related bills on behalf of the County.

Aviation

Senators are working on a package of 46 amendments to the chamber's Federal Aviation Administration reauthorization bill in an effort to pave the way to floor action on the bill, Sen. John Thune said. Thune, the chairman of the Senate Commerce, Science and Transportation Committee and the lead sponsor of the bill (S 1405), said he's running a "hotline" among Republicans to see if any object to the proposed manager's amendment that comprises 46 other amendments. The South Dakota Republican said the process would take "a couple days" and was hopeful Democrats would follow with their own hotline. In a recent change at the request of Democrats, a "clean" tax title that includes only FAA-related provisions was moved from the manager's package to a substitute amendment for the base bill, Thune said. A bill that would provide a regulatory framework for autonomous vehicles (S 1885), also sponsored by Thune and approved by his committee, was not among the 46 included in the manager's package, Thune said. It was still unclear if that bill could be among the amendments that could be considered. The current FAA authorization (PL 115-141) expires at the end of September. Lawmakers are trying to agree on a long-term reauthorization to avoid the sixth extension since the most recent full authorization in 2012 (PL 112-95). With a floor vote on a four-bill appropriations package likely slipping to next month and the amendments to FAA authorization bill still being negotiated, it appears unlikely the bill will be considered on the floor before Aug. 3, when the Senate begins an abbreviated summer recess. A committee spokesman said the goal is still to vote on the bill "as soon as possible." Thune said feedback to the proposal is still coming in. Ultimately, floor consideration may depend on members accepting that not all their priorities can be addressed in the bill

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 Afternoon,

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: July 11, 2018

Top Stories for the Day

- Family separations at the southern border will likely dominate today's House Appropriations markup of the largest nondefense discretionary spending measure, which funds the departments of Labor, Health and Human Services, and Education.
- Supreme Court nominee Brett Kavanaugh is getting to know Capitol Hill.
- The Senate may turn to its next appropriations package the week of July 23, according to Senate Appropriations Chairman Richard C. Shelby.
- The Trump administration will pursue an additional \$200 billion in tariffs on Chinese imports to pressure Beijing to change trade practices and policies, a decision the Senate Finance Committee chairman called "reckless."

House: Convenes at noon to consider a fisheries bill (HR 200) that would give greater authority to regional fishery management councils and the fishing industry for restoration of overfished areas. The House will also consider a bill (HR 2075) under suspension of the rules that would exclude approximately 830 acres of federal land along the Deschutes River in Oregon from future consideration as potential wilderness.

Senate: Convenes at 10 a.m. and at noon will proceed to three votes in relation to the three-bill spending package (HR 5895), including instructing conferees.

Committee hearings of interest today:

- *Digital Commerce and Consumer Protection Subcommittee (Chairman Bob Latta, R-Ohio) of House Energy and Commerce Committee hearing on "Examining Drug-Impaired Driving." Wednesday, 1pm.*
- *Asia and the Pacific Subcommittee and Terrorism, Nonproliferation, and Trade Subcommittee joint hearing on "China's Predatory Trade and Investment Strategy." Wednesday, 2pm.*
- *Senate Environment and Public Works Committee (Chairman John Barrasso, R-Wyo.) hearing on "The Long-term Value to U.S. Taxpayers of Low-cost Federal Infrastructure Loans." Wednesday 10am.*
- *Social Security, Pensions, and Family Policy Subcommittee (Chairman Bill Cassidy, R-La.) of Senate Finance Committee hearing on "Examining the Importance of Paid Family Leave for American Working Families." Wednesday, 3pm.*

(Daily news clips provided by CQ Roll Call)

Family Separations Likely to Dominate House Spending Markup

The Trump administration's policy of separating migrant families at the southern border will likely dominate Wednesday's House Appropriations markup of the largest nondefense discretionary spending measure, which funds the departments of Labor, Health and Human Services, and Education.

Committee Democrats are planning to offer dozens of amendments — potentially 50 or more — across the \$177.1 billion spending bill's broad jurisdiction, with many of them devoted to family separations.

The HHS Office of Refugee Resettlement, which oversees a program for unaccompanied migrant children, has been in charge of caring for the children being separated from their families. HHS is working with the Homeland Security Department in an effort to reunite children whose parents are in the United States.

But even if there are amendments on the issue that win enough support from both parties to be adopted, Congress might not be able to do all that much through a spending bill. Rep. Tom Cole, R-Okla., who oversees Labor-HHS-Education spending on the Appropriations Committee, told CQ on Tuesday the administration had not asked for more money to address the issue. Cole was also loathe to use the spending process to enact any broad policy overhauls.

"If we're going to need different kind of facilities to hold people, there needs to be an authorization for that, not us just making up something on the fly," he said. "If we're going to have different periods of time that people can be detained while their case is being adjudicated, that to me would also need some sort of congressional action."

He thought it was likely that the committee would use its bill to "make it clear that we don't favor the separation of families," though. He also expected an amendment that would call for a study to examine the issue.

Family Separation Concerns

The markup of the fiscal 2019 Labor-HHS-Education spending bill was already postponed twice. First, it conflicted with a congressional charity softball game on June 20, and then on June 26, many Republican committee members were called to the White House to discuss border wall funding. Democrats alleged that Republicans were mainly trying to avoid a debate on the family separation issue until public interest in it faded.

It hasn't. A court ordered HHS to reunite 102 children in its custody under five years old with their parents by Tuesday. The agency said it had only reunited four children with their families, but that it was working to reunite 34 more by the end of the day and had 16 others in the process. An HHS official told reporters Tuesday that five individuals who claimed to be parents admitted to being frauds when asked to take DNA tests.

Republicans in the House and Senate are working on legislative solutions to the family separation problem. The Trump administration says it is being forced to separate the families because of a court ruling that says children can't be held in detention, so the GOP is working on several bills (S 3091, S

3093, HR 6190) that would allow children and families to be held together for the duration of criminal or civil immigration proceedings.

Connecticut's Rosa DeLauro, the top Democrat overseeing Labor-HHS-Education funding, said in an interview with CQ on Tuesday that she spoke with HHS Secretary Alex Azar a day earlier. She said he did not give her any confidence that HHS would reunite the families.

"There is no plan," she said, arguing the DNA tests were evidence the administration did a poor job keeping track of who was related to whom. "They didn't really have any concern with what the consequences are," she said. "They're scrambling now."

She said the issues Democrats planned to raise in June were still being considered for Wednesday's markup, with lawmakers likely to offer amendments on reunifications, providing mental health services for the children, keeping siblings together, and calling for additional oversight.

Rep. Mark Pocan, D-Wis., plans to offer an amendment expressing a sense of Congress that immigrant children should not be separated from their parents, and that separated families should be immediately reunited, according to his spokesman.

Since Republicans and Democrats in Congress generally agree that the administration should not separate migrant families, it's possible that some amendments could be adopted.

During the Senate markup of its fiscal 2019 Labor-HHS-Education spending bill (S 3158), members from both parties agreed to include language calling on HHS to provide public weekly updates of how many children were reunited with family members. That followed a House Energy and Commerce panel adopting similar language to an unrelated health preparedness bill.

Other Issues

Many other issues are likely to be up for debate. Broadly, Democrats are likely to press Republicans on why, when overall nondefense discretionary spending was supposed to increase by \$18 billion compared to fiscal 2018, the Labor-HHS-Education bill didn't get an increase, even though it is the largest of the nondefense spending bills.

Some members view many programs as being shortchanged, which will likely be reflected in the amendments offered. Democrats are concerned that the bill would eliminate the \$286 million family planning program known as Title X, as well as a separate \$108 million teen pregnancy program.

On the other hand, while the bill already prohibits federal funding for abortions, except in cases of rape or incest or if the pregnancy threatens the life of the woman, Cole said he expected some Republicans to push for additional restrictions on abortion as well.

The bill also would not provide specific funding for research into gun violence at the Centers for Disease Control and Prevention, even though the Trump administration has said it would do the research if it had the money. Amendments on that issue may be offered.

Democrats are also likely to take issue with \$300 million the bill would provide for a public health emergency response fund because unlike most emergency funds, it would be funded from within the budget caps and therefore represent money that could be spent elsewhere.

Rep. Katherine M. Clark, D-Mass., expects to offer an amendment that would undo the bill's restrictions on funding for Planned Parenthood. Pocan is planning an amendment that would remove language preventing federal money from being spent on research using human tissue from aborted fetuses, which potentially have uses in medical research.

Pocan also plans to offer an amendment that would extend by two years the Perkins loan program, which offers low-interest education loans for undergraduates and graduate students by two years but has constantly been on the verge of expiration.

Kavanaugh Must Make His Case, Senate Democrats Say

As Supreme Court nominee Brett Kavanaugh made his first appearances on Capitol Hill Tuesday, several Senate Democrats said the judge has to earn their support.

Sen. Patrick J. Leahy of Vermont, a senior member of the Judiciary Committee that will oversee Kavanaugh's confirmation hearing, pressed Republicans to use their own standard for Elena Kagan, a Supreme Court justice nominated by former President Barack Obama.

Judiciary members should seek "all of his writings and memos from his time at the White House. And, of course, Republicans said they had to do that with Elena Kagan," Leahy said, noting that search turned up "hundreds of thousands of pages."

"And I agreed with them," he told reporters Tuesday. "So, I'm sure they wouldn't want to have a different standard for him than they had for her." Kagan worked in the Clinton White House and was solicitor general under Obama; Kavanaugh worked in both the elder and younger Bush White Houses.

At one point while the nominee was upstairs meeting with Vice President Mike Pence and Senate Majority Leader Mitch McConnell, R-Ky., one of the vulnerable Senate Democrats the White House has signaled it will lean on, North Dakota's Heidi Heitkamp, walked quickly — practically jogging — to get to her next destination as a throng of reporters asked about Kavanaugh.

Alabama Democratic Sen. Doug Jones, who soon will cast his first vote on a Supreme Court nominee, appeared bemused that reporters wanted to know his thoughts on Kavanaugh and his extensive paper trail of policy views and legal opinions less than 24 hours after President Donald Trump revealed him as his pick.

"I want to do my investigative work," the former U.S. attorney said as reporters followed him up an escalator.

Before Pence and Kavanaugh arrived at the Capitol, GOP Sen. Lindsey Graham of South Carolina said he received a call from Trump about the nomination before the president departed for a week-long European swing.

"I talked to him this morning. He was very pleased with his pick. And I said, 'You should be,'" Graham said. "This guy is sort of a once-in-a-generation legal mind. I said, 'You've given us a lot to work with here, Mr. President, it was really a home run pick.'"

With Democrats releasing a flurry of statements either declaring immediate opposition or deep skepticism about Kavanaugh's previous writings, decisions and policy stances, Graham issued something of a warning to the opposition party.

"I voted for [Sonia] Sotomayor and Kagan not because I would have chosen them, but because I thought they were qualified," he said. "I dare any Democrat to tell me this man's not qualified."

Graham said he expects Kavanaugh will be confirmed — after a fight — rather easily with some Democrats joining Republicans in supporting the nomination. So, too, does Sen. Jeff Flake, the Arizona Republican who at times has harshly criticized Trump.

"It's a strong pick. I've seen nothing disqualifying," Flake said.

Shelby: Next Spending Package Likely to Hit Floor in Two Weeks

The Senate may turn to its next appropriations package the week of July 23, according to Senate Appropriations Chairman Richard C. Shelby.

"We're working toward bringing some more bills to the floor," the Alabama Republican said Tuesday. "We don't know exactly yet, but we're hoping it's going to be a number of bills."

Shelby hinted that the fiscal 2019 Defense appropriations bill (S 3159) will likely be part of that package.

"I am hoping it will be on the floor before [the end of] July," Shelby said, cautioning that leaders haven't made a final decision about floor time or what additional spending bills will be added to the Defense spending bill.

Shelby as well as several other appropriators have been advocating for the Labor-HHS-Education spending bill (S 3158) to be added to the Defense bill. And while Senate Majority Leader Mitch McConnell, R-Ky., hasn't made a final decision, Shelby said the two have had good conversations about the possibility.

"I would like to see us rope Defense and HHS together," he said.

Sen. Richard J. Durbin, the top Democrat on the Defense subcommittee, is also advocating for the Defense and Labor-HHS-Education bills to be packaged. "[It] makes sense to me to do that," he said.

The Illinois Democrat doesn't expect the confirmation process for Supreme Court nominee Brett Kavanaugh will curb bipartisanship within the appropriations process.

"I think we are bound and determined on the Appropriations Committee to get it right and to bring matters to the floor, debate them, amend them in a timely way," Durbin said. "I don't think the Judiciary Committee will have an impact on that at all."

Durbin also sits on Judiciary, and is an avowed opponent of Kavanaugh's nomination.

While a Defense and Labor-HHS-Education package would only check two more bills off the Senate's to-do list, it would represent a pretty big down payment on the chamber's must-pass business for the year.

When combined, those two bills total \$786.42 billion, or 63 percent, of the \$1.24 trillion in discretionary spending for fiscal 2019, which does not include things like overseas war-fighting accounts that are exempt from budget caps. Including the Energy-Water, Military Construction-VA and Legislative Branch measures that the chamber already passed as a combined package (HR 5895), if the Senate is able to pass Defense and Labor-HHS-Education they will have approved about 75 percent of the fiscal 2019 discretionary pie.

More bills could come to the floor this month as well. Senate Transportation-HUD Chairwoman Susan Collins, R-Maine, told reporters that her \$71.42 billion bill (S 3023) could also be part of a package coming to the Senate floor.

"T-HUD is a candidate to be brought to the Senate floor as part of a second minibus. But it depends on what the House sends us," she said. "And the House next week is expected to take up [two] more bills, but T-HUD right now is not on the list. And the question is whether we would substitute T-HUD for one of those bills or just go with the three that were selected."

The House is set to debate and vote on its Interior-Environment (HR 6147) and Financial Services (HR 6258) spending bills next week as part of the same package, according to a notice on the Rules Committee website. But House GOP leaders haven't formally announced next week's schedule yet.

U.S. Ups Trade Ante on China, Drawing Ire of Key GOP Senator

The Trump administration will pursue an additional \$200 billion in tariffs on Chinese imports to pressure Beijing to change trade practices and policies, a decision the Senate Finance Committee chairman called "reckless."

A senior administration official said on Tuesday that "China has been nonresponsive" to U.S. calls for talks to resolve long-standing complaints about policies that force U.S. companies to enter joint ventures with Chinese partners and then transfer technology and proprietary information to them, among other practices that economically undermine American businesses.

The Trump administration is considering imposing a 10 percent tariff on a new list of Chinese imports, escalating the trade dispute with Beijing and possibly clearing the way for China to retaliate again.

"We gave China many, many opportunities to come in and talk to us and negotiate some of the concerns we raised here and in Beijing," an administration official said in a background briefing with reporters.

The official said Beijing's imposition of \$34 billion in tariffs on U.S. imports on July 6 was an unjustified response to \$34 billion in U.S. tariffs imposed on 818 product lines of Chinese imports the same day. An additional \$16 billion in tariffs on Chinese imports are undergoing review.

The senior official, who is unnamed as a condition for the briefing, said the U.S. duties were levied as part of a lawful procedure under Section 301 of the Trade Act of 1974. China's action had no legal justification and represented a tit-for-tat response, the official said.

"The appropriate action on China's part would have been to engage seriously with us and negotiate seriously with us and try to find a way to solve and address some of our concerns and end the harm that was being caused by China's unfair trade practices," the senior official said.

Senate Finance Chairman Orrin G. Hatch, R-Utah, said the administration has correctly identified problems with China's intellectual property theft but is using the wrong tool to force a solution.

"We cannot turn a blind eye to China's mercantilist trade practices, but this action falls short of a strategy that will give the administration negotiating leverage with China while maintaining the long-term health and prosperity of the American economy," Hatch said in a statement.

He said the administration's announcement on Tuesday "appears reckless and is not a targeted approach."

But U.S. Trade Representative Robert Lighthizer defended the action in a statement Tuesday. Lighthizer said the additional \$200 billion in U.S. tariffs represent "an appropriate response under the authority of Section 301 to obtain the elimination of China's harmful industrial policies."

He added, "USTR will proceed with a transparent and comprehensive public notice and comment process prior to the imposition of final tariffs, as we have for previous tariffs."

President Donald Trump asked USTR on June 18 to consider an additional \$200 billion in tariffs after China said it would pursue retaliation if the United States made good on its threat of duties on Chinese imports.

The Trade Representative's Office on Tuesday said it will hold public hearings Aug. 20-23 on the products and goods it proposes to impose tariffs on. A final decision on the tariffs will be made after Aug. 30.