

Memorandum

TO: Miami-Dade County

FROM: Greenberg Traurig

DATE: June 30, 2018

RE: June Monthly Report

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

Budget & Appropriations

Earlier this week the Senate Appropriations Committee voted 30-1 to advance a \$179.3 billion spending measure for the departments of Labor, Education, and Health and Human Services. With approval of the bill, the committee has now advanced all 12 government spending measures for full Senate consideration. The bill would provide \$12.1 billion for the Labor Department, a \$92 million decrease in fiscal 2019 compared to the current year; \$71.4 billion for the Education Department, a \$541 million increase; and \$90.1 billion for HHS, a \$2.3 billion increase. The bipartisan process in the Senate is in contrast with the House, where a markup of its \$177.1 billion Labor-HHS-Education spending bill has been postponed twice in as many weeks. The House bill would fund HHS at \$89.2 billion, a \$1.25 billion increase compared to fiscal 2018; Education at \$71 billion, a \$43 million increase; and Labor at \$12.1 billion, an \$89 million decrease. To speed up the appropriations process this year, congressional leaders have largely abandoned the practice of taking up spending bills individually on the House and Senate floors. Instead, they have begun assembling them into bundles in hopes of saving time. 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 House passed, 396-14, a bill (HR 6) that will serve as the legislative vehicle for many of the 55 other House-passed bills designed to curb opioid addiction, ending two weeks of floor votes on opioids measures. The catchall bill would incorporate a number of proposals from the Energy and Commerce and the Ways and Means committees relating to Medicaid, Medicare, and public health. The Medicaid parts of the bill include language to block state Medicaid programs from ending a juvenile's medical coverage eligibility because of incarceration. Another provision would allow former foster youth previously enrolled in Medicaid to retain coverage under the program until they turn 26. It would also have the Centers for Medicare and Medicaid Services issue guidance on ways to treat neonatal abstinence syndrome under Medicaid. The bill includes offsets that would change Medicaid and Medicare. One proposal would give states a financial incentive to

require Medicaid managed care organizations to spend at least 85 percent of the money they get from the government on actual medical care rather than on administrative costs and profits. Those that fall short of that percentage, known as a medical loss ratio, would have to pay some money back to states and the federal government. Managed care plans have expressed concerns about the idea. The Senate Health, Education, Labor, and Pensions Committee and the Senate Judiciary Committee already advanced their own legislation. 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 passed its farm bill last month by a vote of 86-11, after rejecting a proposal that would have reduced food stamp benefits for able-bodied adults. The vote clears the path for a Senate-House conference committee after Congress returns from the weeklong Fourth of July recess. Unlike the House version, the Senate bill steers clear of controversial changes to the Supplemental Nutrition Assistance Program, formerly known as the food stamp program. It also includes provisions that would legalize industrial hemp production, encourage exports to Cuba, extend the flood insurance program and allow grazing on some conservation lands. However, it does not include the much debated provision by Sen. Bob Corker, R-Tenn., to check the president over tariffs he imposes on allies because of national security concerns. The Senate passed the House bill (HR 2) after adopting a substitute amendment that contained 18 measures. The Senate also adopted an additional 15 amendments by unanimous consent. The substitute amendment, which included the Senate's version of the bill (S 3042), was approved by voice vote. The upcoming conference will be on the House version and the Senate version of HR 2.

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. If you have any questions or need anything, please let us know.

Thanks,

Greg

Today at a Glance: June 22, 2018

Top Stories for the Day

- The House will wait until next week to take up what is billed as a compromise GOP immigration bill.
- Senators won't reach the finish line on the three-bill spending package this week, but will likely vote Monday.
- OMB Proposal Would Move Nutrition Programs to Health Department.
- House GOP Farm Bill Passes; Compromise With Senate Next.

House: Convenes at 9 a.m. to consider a bill (HR 6) that would be a vehicle for many opioid-related measures passed in the last two weeks.

Senate: Not in session. The Senate returns Monday at 3 p.m.

(Daily news clips provided by CQ Roll Call)

Immigration Vote Delayed in House

The House GOP immigration debate looks set to continue for at least a few more days, after leaders delayed to next week a vote they'd already delayed to today.

That vote — on a bill (HR 6136) that's a compromise among competing GOP factions — was originally supposed to happen Thursday, after members voted on a competing proposal favored by conservatives (HR 4760). The more conservative bill lost out, 193-231. It would have granted legal status to "Dreamers" enrolled in the expiring Deferred Action for Childhood Arrivals program while authorizing funds for President Donald Trump's proposed U.S.-Mexico border wall and cracking down on asylum seekers.

The compromise GOP immigration bill includes many of the same enforcement provisions. But instead of granting Dreamers legal status, it would create a merit-based visa program that they could use to gain eventual citizenship. It's unclear whether it can pass, especially given the multiple delays.

The swirling controversy over family separations only muddies the bill's prospects further.

Veterans Funds Unresolved as Mega Spending Bill Slips to Monday

But with Senate passage of the three-bill spending package (HR 5895) already on hold until Monday, there was seemingly little appetite for an additional fight given a desire to move on to other matters,

like the farm bill (S 3042), next week. Senate Majority Leader Mitch McConnell late Thursday announced a vote on final passage of the three-bill spending package would be held at 5:30 p.m. Monday.

The delay comes even after leaders quashed a time-consuming fight Thursday over water pollution rules — a perennial controversy in both chambers that could have spoiled consensus on the measure.

Sen. Lamar Alexander, R-Tenn., said earlier Thursday that work on the nearly \$147 billion combined appropriations bill, which contains the fiscal 2019 Energy-Water, Military Construction-VA, and Legislative Branch measures, could wrap up by the end of the day. He said there are "15 to 20 amendments that are agreed to for a manager's package that seems to be bipartisan."

Ultimately, 32 amendments made it into the managers' amendment, adopted by unanimous consent late Thursday. But as always, senators lining up to make their concerns heard on a variety of policy matters — not to mention a desire to get out of town as Thursday progressed into late afternoon — made it difficult to expedite a final vote.

'WOTUS' Fight

Among the issues balling up debate for a few hours was the water regulation amendment related to an Obama-era rule affecting where clean water regulations can be applied, for instance. Around 2:30 p.m., Alexander warned that disagreement remained over insistence from Sen. Mike Lee, R-Utah, on his amendment that would void what's known as the "Waters of the United States" rule, or WOTUS.

Senators voted to table, or kill, Lee's amendment on a 62-34 vote, but the situation was a big reason why the chamber is likely to adjourn for the week without completing work on the underlying bill. The holdup over Lee's amendment push "created some consternation," Cornyn said, adding that "just like everything else around here, it never seems to happen as fast as you expect."

Despite backing among Republicans for the policy change, 20 Republicans joined forces with Democrats to oppose legislating on a spending bill in hopes of moving the process along more quickly. Lee protested that it "is not entirely unusual to have policy in an appropriations bill," noting the repeal was part of the House-passed version of the three-bill package.

McConnell also gave the move to table a push: "This is the first test here," the Kentucky Republican said. "This amendment needs to be tabled because this is not the right place to offer it."

He added that was "not because I support the Waters of the United States [rule] but because that's being taken care of and we want to have regular order passage of appropriations bills this year."

The more contentious policy riders, the more likely it is that final agreement would be delayed and wrapped into one giant omnibus package opposed by President Donald Trump. "We want an appropriations process, we do not want an omnibus appropriations bill," Alexander said before the vote to table Lee's amendment.

The regulation at issue has been a familiar target for the Energy-Water spending bill for the last few fiscal years. The so-called WOTUS rule is a joint Obama-era rulemaking between the Army Corps of Engineers and EPA that expanded the federal jurisdiction for clean water enforcement.

Republicans deemed it an executive overreach by the Obama administration, and called it an undue regulatory burden on farmers and those living in rural areas. Detractors say the rule's unclear definition could be applied to ditches or agricultural ponds where rain gathers after a storm, leading to pollution enforcement that's an unreasonable intrusion for farmers. Democrats said it was needed to ensure pollution did not feed into major waterways.

House Republicans attached a policy rider to its version of the fiscal 2019 Energy-Water spending bill that would repeal WOTUS outright, which Democrats have called a "poison pill."

The rider would speed up a rule repeal process already underway. The EPA last week sent a final repeal rulemaking to the Office of Management and Budget for interagency review, the last step before it can announce its final repeal regulation in the Federal Register. That would still be subject to a public comment, delaying the implementation date.

Veterans Budget Carveout

Lawmakers had also been poised to adopt an amendment on the Military Construction-VA title that would set the Senate and House at odds over how new spending on veterans' medical care is treated under budget law setting discretionary spending limits. Those caps were most recently modified in the February budget agreement (PL 115-123).

The Senate change, presented in an amendment from Senate Appropriations Chairman Richard C. Shelby, R-Ala., and ranking member Patrick J. Leahy, D-Vt., as well as Senate Veterans' Affairs Chairman Johnny Isakson, R-Ga., and that panel's ranking member Jon Tester, D-Mont., appeared likely to be adopted on the floor. But their favored policy was in direct contrast to the House, where the leadership simply added \$1.1 billion to VA discretionary accounts and appropriators later took funding from the Homeland Security subcommittee's allocation in exchange.

The Senate amendment would have increased discretionary spending caps for fiscal years 2019 through 2021 to account for new spending authorized in the recently enacted private care overhaul (PL 115-182). Under the amendment, discretionary caps would be adjusted upward so that spending required under the new law — up to \$1.6 billion in fiscal 2019, \$8.67 billion in fiscal 2020, and \$9.5 billion for fiscal year 2021 — wouldn't violate budget rules or require offsets elsewhere.

One of the major policy changes in the law touted by House Republicans is that spending on private care programs became the responsibility of appropriators to fit within existing budget limits. The bipartisan Senate amendment would put that change on hold for three years, setting up a House-Senate fight in conference. And GOP conservatives in the Senate, as well as the White House, had voiced enough concern that it made swift adoption of the veterans amendment on the floor unlikely.

OMB Proposal Would Move Nutrition Programs to Health Department

The Trump administration is proposing to move certain nutrition assistance programs into a renamed health department as part of a broad proposal to reorganize the federal government.

Many of the proposals would require approval from Congress, and several Republican senators were resistant or noncommittal after the proposal was released Thursday. The proposal stems from an executive order signed by President Donald Trump last year.

The reorganization would create a Permanent Council on Public Assistance within the health department to include all agencies that offer public assistance programs, including the Agriculture Department, the Centers for Medicare and Medicaid Services and the Housing and Urban Development Department, which would have the authority to set policies across various programs. A primary focus would be new work requirements for people who get benefits, which the administration approved for states' Medicaid programs for the first time this year.

The administration's proposal would move public programs including the Supplemental Nutrition Assistance Program, or food stamps, the nation's largest food aid program for the poor, into the health department. The administration says that would simplify coordination across public programs for reporting requirements and setting up work requirements.

The government's current structure, with food-oriented benefits administered by the Department of Agriculture but cash benefits regulated by HHS, "actually creates burdens for the states and frankly takes away resources that should be going to needy families," Margaret Weichert, the deputy director for management at the Office of Management and Budget, told reporters.

The Office of Management and Budget said moving SNAP makes sense because HHS already operates means-tested programs for low-income people such as Temporary Assistance for Needy Families, the federal cash welfare program. Putting SNAP under HHS authority also would streamline reporting requirements for states and make it easier to devise uniform work requirements for SNAP recipients, OMB said.

The shift would move a big portion of the Agriculture Department's budget to HHS. The program costs about \$70 billion a year and accounts for more than half of USDA's mandatory funding. The food stamp program serves more than 40 million people a year.

The reorganization plan also would move the Women, Infants and Children program as well as the Child and Adult Care Food Program and the Farmers Market Nutrition Program to HHS. USDA would keep the school lunch and breakfast program, the emergency food assistance program and the commodity food supplemental program.

The reorganization also would move USDA rental housing loan guarantee and rental assistance programs to the Housing and Urban Development Department.

'We're Not Doing That'

The idea received strong pushback from Senate Agriculture Committee Chairman Pat Roberts.

"We're not doing that," the Kansas Republican told CQ. "You'd never have a farm bill."

"We administer it better than HHS would do, and it dovetails right in to farmers, ranchers and growers and hunger," he added.

Sen. John Hoeven, the top Republican on the Appropriations subcommittee overseeing Agriculture, the FDA and other agencies, said the proposals were more of a long-term consideration.

"We'll look at this. That may be a longer-term proposition," the North Dakota Republican said, adding that he hadn't seen the proposal before its release.

Sen. Roy Blunt, chairman of the Appropriations subcommittee overseeing the Labor, HHS and Education departments, suggested the agencies' jurisdictions seem to work fine now.

"I'm unaware of any significant administrative problems that those agencies have had that they haven't been able to deal with," he said. "It seems to me that HHS has a lot to do, but let me look at what they've proposed."

Food Safety

Regulation of food safety would fall to a new federal agency, the Federal Food Safety Agency, within the Department of Agriculture.

OMB officials said shifting food safety responsibilities from the Food and Drug Administration to USDA would end confusion about the demarcation of the agencies' duties. USDA oversees the safety of meat, poultry and egg products while the FDA regulates everything else. But the administration says the division of jurisdictions are inefficient.

For example, OMB said the FDA regulated any eggs you cracked yourself, but the USDA was responsible if you poured from a carton of liquid eggs. The FDA regulates chicken feed while the USDA inspects chickens at slaughter.

The reorganization would move a \$1.3 billion budget and 5,000 full-time employees to USDA's Food Safety Inspection Service which has a budget of \$1 billion and 9,000 full-time employees.

House Agriculture Chairman K. Michael Conaway, R-Texas, said he was focused on assuring floor passage of the committee's 2018 farm bill and had not seen the reorganization proposal.

"Putting all the food safety under USDA seems like a good idea. Again, I haven't seen any of the details or any of the rationale as to why they want to make the changes. I want to keep as open mind as I can and not be the guy who says no to everything," Conaway said.

"We'll get the farm bill done then we'll have a chance to look at the reorganization," Conaway said.

House GOP Farm Bill Passes; Compromise With Senate Next

The House Thursday passed 213-211 the GOP-written farm bill that seeks to restructure the Supplemental Nutrition Assistance Program, after a stinging defeat in May when the legislation became embroiled in an unrelated battle over immigration legislation.

The vote "was about providing certainty to farmers & ranchers who have been struggling under a 5yr recession & about providing our neighbors in need w/ more than just a hand out, but a hand up," House Agriculture Chairman K. Michael Conaway wrote on Twitter after the bill (HR 2) passed. There was no floor debate.

Conaway, R-Texas, thought he had the votes for the bill heading to the floor but it was unclear at the time how votes on two unrelated immigration bills could affect farm bill support from conservatives. Conaway stood on the floor during the vote and looked around, he said, to make sure all his supporters had voted. Conaway credited five to six weeks of talking to colleagues and shoring up support for the victory. The House voted on the farm bill after the defeat and delay of the two immigration bills (HR 4760, HR 6136).

The Congressional Budget Office estimates the 2018 bill will cost \$430 billion over five years and \$868 billion over a 10-year scoring window.

Republicans who voted for the measure Thursday but had voted against it in May include Dave Brat, R-Va.; Ted Budd, R-N.C.; Warren Davidson, R-Ohio; Andy Harris, R-Md.; Darrell Issa, R-Calif.; Jim Jordan, R-Ohio; Mark Meadows, R-N.C.; and Bill Posey, R-Fla. Rep. Scott Perry, R-Pa., did not vote Thursday.

Senate Agriculture Chairman Pat Roberts, R-Kan., congratulated Conaway minutes after the House vote.

Roberts and ranking member Debbie Stabenow, D-Mich., advanced their version of the bill (S 3042) out of committee on a 20-1 vote on June 13. They hope to get the bill on the floor next week.

The House and Senate Agriculture committees will be working to have a compromise bill ready to replace the current farm law (PL 113-79), which expires Sept. 30.

"I would expect that to happen immediately," he said.

Collin C. Peterson, House Agriculture ranking member, continued to oppose the farm bill Thursday along with all Democrats who voted.

"The only upside to its passage is that we're one step closer to conference, where it's my hope that cooler heads can and will prevail," Peterson, D-Minn., said in a statement. "The Senate's version isn't perfect, but it avoids the hardline partisan approach that House Republicans have taken here today, and if it passes, I look forward to working with conferees to produce a conference report both parties can support, which is the only way to get a farm bill enacted."

As in May, the farm bill received no Democratic support because of provisions to reshape SNAP into a program that requires able-bodied adults who are not responsible for children aged 6 or younger to work at least 20 hours a week to keep their benefits. The bill also would tighten eligibility requirements and changes the way monthly benefits are calculated. The bill would move money from SNAP to work-related programs.

The Senate farm bill steers clear of controversial changes to SNAP, formerly known as the food stamps program.

The Congressional Budget Office estimates the 2018 House bill will cost \$430 billion over five years and \$868 billion over a 10-year scoring window. The Senate farm bill would cost \$428 billion for fiscal years 2019 through 2023 and \$867 billion for fiscal years 2019 through fiscal 2028, according to a CBO report released Thursday.

Tweaking Farm Programs

Before its passage, the House legislation tweaked the main farm programs, the Agriculture Risk Coverage and Price Loss Coverage, which would improve the chances of paying participating farmers if market prices continue a multi-year decline or their revenues drop. The bill also authorizes and sets policies for agricultural research, conservation, nutrition, trade promotion, crop insurance and other programs.

In the May vote, the bill fell short on the floor after a mix of moderate Republicans and conservative Freedom Caucus members joined Democrats in voting against it.

Several Freedom Caucus members, including Meadows voted against the bill in May to show their dissatisfaction with a deal offered by House leaders to finish the farm bill and then hold votes on immigration and border security legislation (HR 4760) by House Judiciary Chairman Robert W. Goodlatte, R-Va. The House rejected the immigration bill Thursday.

The immigration bill contained provisions on agricultural guest workers that Conaway says are unworkable. However, he said he expects that new language to be part of an immigrant guest worker bill Speaker Paul D. Ryan, R-Wis., has promised to put on the floor in July.

Earlier this week, Meadows said he would vote for the farm bill if Conaway and Roberts agree to look at concerns he has about the farm legislation. He did not specify what he meant, but Meadows acknowledged that farm subsidies in the bill worry him. However, he said other Freedom Caucus member had different concerns.

In the Senate, Roberts said he would be willing to hear the conservatives' concerns.

"I'm open to talking to anybody about the farm bill," Roberts said Wednesday. "Usually, you talk to any member of Congress or a senator about a farm bill, there's about an 11-second attention span.

He added: "We're in such a tough patch right now, with income down 50 percent, prices 40 percent, a trade policy nobody understands, and retaliation. So, we're just in a bad place, and so to provide predictability and certainty to farmers, that's the key issue. That's what we'll try to point out."