

Memorandum

TO: Miami-Dade County

FROM: Greenberg Traurig

DATE: April 1, 2019

RE: March Monthly Report

Below please find a summary of Greenberg Traurig's efforts on behalf of Miami-Dade County and news stories in Washington from the month of March. Washington Updates are provided by CQ Roll Call. If you have any questions, or if we can be of any further assistance, please let us know.

Budget & Appropriations

House Democrats announced that they don't plan to revive home-state earmarks during the upcoming appropriations process, though they expect to continue discussing the issue with their Republican colleagues. "Unfortunately, there is currently not the necessary bipartisan, bicameral agreement to allow the Appropriations Committee to earmark," Chairwoman Nita M. Lowey wrote in a letter sent to members of the panel. "For that reason, I do not expect fiscal year 2020 House spending bills to include congressionally-directed spending." Earmarks have been banned in the House since former Speaker John A. Boehner, R-Ohio, received enough support to add the prohibition to the House GOP rules package in Jan. 2011 when his party regained control of that chamber. Democrats have continued with the practice since taking the majority in January, even though they have not formally adopted a ban. Ever since the ban was put in place, there has been a discussion about how lawmakers could bring back earmarks, without returning to the days where they received negative press attention for what many viewed as unnecessary or frivolous spending. Soon after Senate leaders announced their intention to follow the House and keep earmarks out of spending bills.

The Senate has agreed to take up a long-delayed disaster aid package but its fate appears dicey. Partisan clashes over aid for hurricane-ravaged Puerto Rico and a Trump administration effort to invalidate the 2010 health care law threatened to hold up progress on the \$13.45 billion package, which was introduced as a substitute amendment to a House-passed bill (HR 268). After the Senate agreed to proceed to the measure on a voice vote, Senate Majority Leader Mitch McConnell, R-Ky., loaded up the bill with minor, non-substantive amendments to prevent others from being considered, a maneuver known as "filling the tree." McConnell then filed a cloture petition to limit debate on the substitute amendment offered by Senate Appropriations Chairman Richard C. Shelby, R-Ala. McConnell then filed cloture on the underlying bill.

Senate Minority Leader Charles E. Schumer, D-N.Y., sought to offer an amendment aimed at blocking the Justice Department from taking legal action to invalidate the Obama administration's

health care overhaul (PL 111-148, PL 111-152). President Donald Trump told Senate Republicans he opposed additional aid to Puerto Rico, saying the island wastes too much money. "I think that unfortunately the Republican leader blocked any amendments by filling the tree. I think that's a mistake," Leahy said. "I think it's unfortunate to have a take-it-or-leave-it bill, especially when it excludes Puerto Rico." Trump must bend on Puerto Rico aid for the disaster bill to pass, Schumer said on the floor. "The bill they are trying to pass here is never going to pass the House," where Democrats control the majority, he said. The Senate voted 90-10 to cut off debate on the motion to proceed, which could be construed as a desire to get the measure through the chamber and into a conference with the House. But Leahy wasn't showing his cards, saying that whether Senate Democrats block cloture on the Shelby bill or allow it to go to conference is an "interesting question."

If Republicans can't get 60 votes for cloture, under an agreement reached with Democratic leaders the chamber would move off of the disaster aid measure and hold a vote to cut off debate on a resolution (S Res 50) that would reduce post-cloture time for debate on Executive Branch nominees. McConnell has since filed a cloture motion on the nominees resolution. Democrats in the House have already vowed to shape the disaster bill to make it more in keeping with the version that passed that chamber in January. That measure contains \$14.2 billion, including an extra \$500 million to rebuild damaged water and sewer systems through EPA revolving loans, an additional \$150 million in Community Development Block Grant funds, and \$68 million in Medicaid assistance for American Samoa, Guam and the Northern Mariana Islands. Democrats are also pushing a provision in the House bill that would also restore a full 100 percent Federal Emergency Management Agency contribution to the cost of removing debris, repairing roads and buildings, and restoring utilities in Puerto Rico and the U.S. Virgin Islands, which FEMA had cut to 90 percent or lower in some instances.

The following is a summary prepared by GT of the President's Budget proposal released in March relative to the top priorities of the County:

Department of Agriculture (USDA)

- Requests \$22.8 billion for USDA, a 6% decrease in discretionary spending from fiscal 2019 (PL 116-6).
- Provides \$69.1 billion for the Supplemental Nutrition Assistance Program (SNAP), \$23.9 billion for Child Nutrition Programs, and \$5.75 billion for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). The budget would reduce food stamp spending by \$17.4 billion in FY2020.
- Proposes streamlining SNAP work requirements by creating a single work requirement for all able-bodied adults ages 18 to 65, unless these adults qualify for specific exemptions. Under the proposal, those subject to the work requirement would need to work or participate in specific work preparation activities at least 20 hours per week, averaged to 80 hours per month, in order to continue to receive SNAP benefits. This proposal is expected to save \$45 billion over 10 years.
- Focuses on combating the opioid challenge facing rural America by providing \$44 million in distance learning and telemedicine grants, of which \$20 million would be dedicated to projects that combat the opioid crisis. In addition, the Budget proposes \$60

million in community facilities grants, which can be used to support treatment centers and other community needs.

- Provides \$528 million in funding for water and wastewater grants and loans that support \$1.2 billion in water and wastewater direct loans, \$5.5 billion in electric loans, and \$690 million in telecommunications loans for rural communities.

Department of Commerce (DOC)

- Requests \$12.3 billion overall, an increase of roughly \$900 million from fiscal 2019 spending levels.
- Provides \$7.2 billion for the Census Bureau, an increase of \$3.4 billion from enacted levels, as the agency prepares for the 2020 count.
- Proposes the elimination of the Economic Development Administration, which Trump said had “limited measurable impacts and duplicates other federal programs.”

Department of Education (ED)

- Requests \$62 billion for the Department of Education, an \$8.5 billion or 12% decrease compared to the 2019 enacted level (including cancellations of Pell Grant unobligated balances).
- Requests \$500 million to open and expand charter schools, and \$107 million to increase magnet schools.
- The budget also formalized a proposal backed by Education Secretary Betsy DeVos to make \$5 billion in tax credits available annually for donations to private school scholarships, part of her school choice policy push. States would choose whether to participate.

Department of Energy (DOE)

- Requests \$31.7 billion overall, an 11% decrease from the 2019 enacted level that would shrink funding for clean energy programs and support for automakers to build more efficient cars.
- Provides \$5.5 billion in science funding for cutting-edge research and development as well as state-of-the-art facilities at DOE’s National Laboratories.
- Provides \$2.3 billion to secure energy independence and fund innovations for more affordable, reliable, and efficient energy sources.
- Provides \$23.7 billion to modernize the aging U.S. nuclear deterrent and stockpile, continue progress at major nuclear cleanup sites, and strengthen grid cybersecurity.
- Provides \$1.7 billion in early-stage technology research and development for affordable, reliable, and efficient renewable energy, nuclear energy, and fossil energy. This includes a \$127 million increase in funding for new nuclear and fossil energy investments.
- Provides \$562 million for the Office of Fossil Energy Research & Development an increase of \$60 million from the FY 2019 Budget Request.
- Requests \$158 million for the Advanced Energy Storage Initiative, a coordinated effort jointly led by the Office of Electricity and the Office of Energy Efficiency and Renewable Energy (EERE) to advance energy storage R&D as a key to increasing energy security, reliability, and resilience.
- Requests \$59 million for the Harsh Environment Materials Initiative, a coordinated effort led by the Office of Nuclear Energy and the Office of Fossil Energy, in coordination with

the Advanced Manufacturing Office within EERE, to exploit synergies in materials and component manufacturing R&D for advanced thermoelectric power plants. This initiative leverages activities related to advanced reactor technologies and high efficiency low emissions modular coal plants to align the R&D of novel materials, integrated sensors, and manufacturing processes relevant for advanced thermoelectric power plants.

Environmental Protection Agency (EPA)

- Requests \$6.1 billion for EPA for fiscal year 2020, a 31% reduction over this year's enacted funding of \$8.8 billion.
- Eliminates a \$4 million program to monitor river water contaminated by the Gold King mine spill.
- Requests \$425 million for EPA's activities to control air pollution and radiation exposure.
- Provides \$1 billion for the Hazardous Substance Superfund Account to address the release of hazardous substances and clean up hazardous waste sites.
- Includes an increase of \$3 million, including 14 FTE, to execute a delegation to states and to develop and implement a permit program for coal combustion residuals.
- Eliminates the Coalbed Methane Outreach Program, a program that works with the coal mining industry to reduce coal mine methane (CMM) emissions.
- Provides increases in resources and FTE that are allocated to support states in the development and implementation of a coal combustion residual permit program.

Health and Human Services (HHS)

- Requests \$12.5 billion overall, a 3.8% decrease from the \$13 billion enacted in the fiscal 2019 spending measure (PL 116-6) signed into law on Feb. 15.
- Provides \$55 million to support FDA's opioids activities.
- Calls for a \$1.5 trillion cut to the growth of Medicare and an \$818 billion cut in Medicaid over the next decade.
- Requests \$6.1 billion for the FDA, which would be a \$643 million increase over 2019. The new money for FDA would include a new fee on e-cigarette makers, which would total \$100 million in its first year.
- Provides \$140 million for the CDC to work with state and local health departments, and an additional \$120 million for the \$2.3 billion Ryan White HIV/AIDS care program, which would include expanding access to HIV-prevention drugs.
- Requests \$120 million for RCORP, which supports treatment and prevention of substance use disorder, including opioid abuse, in the highest-risk rural communities.

Housing and Urban Development

- Requests \$44.1 billion overall, approximately \$8.7 billion less than the 2019 Annualized Continuing Resolution.
- Requests \$37.9 billion in rental assistance, maintaining services for all currently HUD-assisted households.
- Reiterated calls to eliminate the Community Development Block Grant program, the Public Housing Capital Fund, and the HOME Investment Partnerships Program. CDBG

received \$3.4 billion, the PHCF got \$2.8 billion, and HOME Investment Partnerships \$1.4 billion.

Department of the Interior

- Requests \$12.5 billion overall, a 3.8% decrease from the \$13 billion enacted in the fiscal 2019 spending measure (PL 116-6) signed into law on Feb. 15.
- Requests \$4.8 billion for Army Corps of Engineers, a \$2.2 billion or 31% decrease from the 2019 enacted level.
- Requests \$24.7 million for the Abandoned Mine Reclamation Fund.
- Eliminates discretionary Abandoned Mine Land economic development grants that overlap with existing mandatory reclamation grants.
- Encourages more energy development on federal lands and waters as it pursues its "energy dominance" agenda, including oil and gas exploration in the Arctic National Wildlife Refuge
- Promotes economic security and energy dominance by developing "domestic energy resources."
- Calls for reorganization at Interior, requesting \$28 million for changes that include moving the agency's headquarters staff from Washington to a western state that is "closer to the public that they serve and the resources they manage."

Department of Justice (DOJ)

- Requests \$29.2 billion overall, a 5.5% decrease from the 2019 enacted level.
- Provides \$290.5 million in program enhancements and transfers to fight the opioid crisis and support law enforcement safety.
- Provides \$132 million in program enhancements to address critical national security and cyber threats.

Department of Labor (DOL)

- Requests \$10.9 billion overall, a 9.7% decrease from the 2019 enacted level.
- The Budget maintains targeted investments in the Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) aimed at preventing worker fatalities, injuries, and illnesses through enforcement, outreach, and compliance assistance.
- Provides \$365.24 million for the Black Lung Disability Trust Fund, a 13% increase from FY 2019 enacted levels.
- Requests \$43,216,000 and 171 FTE for The Black Lung Benefits Act. The Black Lung Benefits Act program provides compensation and medical benefits to coal miners totally disabled by pneumoconiosis stemming from mine employment, and monetary benefits to their dependent survivors.
- Includes \$252,640,000 for the new budget Mine Safety and Health enforcement activity, consolidating the Coal Mine Safety and Health and the Metal and Nonmetal Mine Safety and Health budget activities. The new enforcement structure will provide the flexibility to address industry changes and maximize the efficient use of MSHA's resources.
- Includes funding for additional OSHA inspectors to conduct more inspections in high-hazard industries and for protecting whistleblowers' rights.

- Proposes new premiums to the PBGC multiemployer pension program, raising approximately \$18 billion in premiums over a ten-year window.
- Aims to rebalance premiums in the single-employer program, which insures pension plans that are maintained by individual employers. The Budget proposes to freeze for one-year premium rates for well-funded plans, which have faced numerous premium increases since 2012, and shift the premium burden to underfunded plans that pose a greater solvency risk to PBGC.

Department of Transportation (DOT)

- Requests \$21.4 billion overall, a decrease of 19.2% from fiscal 2019 spending levels.
- Requests \$2 billion to fund transportation grants in the BUILD and INFRA programs (in addition to the \$1 billion for the INFRA program provided by the FAST Act.)
- Requests \$1.4 billion in resources for FAA's NextGen program.
- Provides \$300 million for a competitive program for rural bridges.
- Cuts discretionary mass transit capital investment grants by \$1 billion, and transit infrastructure grants by \$200 million.
- Cuts Airport infrastructure grants by \$500 million.
- Cuts \$3 billion in discretionary highway aid distributed by formula to the states.
- Requests \$330 million in rail grants, and \$550 million in transitional grants to States to implement a transformative restructuring of the Amtrak long-distance network.

Health Care

The outgoing Food and Drug Administration commissioner suggested to senators some areas that are ripe for legislation if they want to achieve certain public health goals. In a wide-ranging hearing before the Senate Appropriations Agriculture Subcommittee, which provides funding for the FDA, Commissioner Scott Gottlieb told lawmakers that the agency needed a new framework for the way it approves prescription opioid painkillers to ensure that new products would have to represent improvements over existing ones. He also suggested that lawmakers might want to legislate on how the agency should handle products containing cannabidiol, or CBD, which the 2018 farm law (PL 115-334) essentially legalized, but at the same time created difficult new questions for the FDA.

Congress recently granted new authorities to the FDA in the 2018 opioid response law (PL 115-271) including giving the agency the power to require that certain drugs be sold in blister packs that contain one- or two-day doses. The FDA can also now require long-term studies on a drug's effectiveness, to see if opioids become less effective as painkillers over time.

Gottlieb suggested that Congress could go further by giving the FDA the power to only approve a new opioid if it represents an improvement over existing products. Currently, the standard for opioids and other drugs is that a product be safe and effective in its own context. Usually, broader public health implications of side effects like addiction aren't an explicit approval consideration.

Also this month, the Trump administration called for trillions in cuts to the growth of Medicare and Medicaid over the next decade, marking the second year in a row that the president sought massive reductions in the growth of those entitlement programs. The cuts in growth would total \$1.5 trillion

over a decade for Medicaid and \$818 billion for Medicare, according to an agency budget document. Last year the administration made similar proposals, which would have resulted in \$1.4 trillion and \$530 billion cuts over a decade to Medicaid and Medicare, respectively. The new budget released by the Office of Management and Budget also requested a 12 percent decrease in the Health and Human Services Department's discretionary funding, even as it called for new funding to end HIV transmission in the United States and to care for unaccompanied migrant children coming to the southern border with Mexico. Most of the Medicaid and Medicare changes are unlikely to go anywhere in the current political environment. The main source of Medicaid savings would replace the federal contribution to state Medicaid programs with block grants, which would lead to \$1.4 trillion in savings compared to current Medicaid projections.

The budget also proposed giving states more flexibility on Medicaid requirements, such as enabling states to consider an individual's savings when assessing eligibility and allowing them to increase cost-sharing for nonemergency uses of emergency rooms. The administration envisions long-term changes to Medicare that could result in around \$818 billion less in spending over a decade. Most of that would come from what the administration deems wasteful spending

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.

SNAP

USDA should withdraw a proposed rule that would limit state officials' ability to exempt food stamp recipients from time limits and work requirements for their food aid, 47 senators said this month in a letter to Agriculture Secretary Sonny Perdue.

Public comment on the draft rule closed on Tuesday, April 2. The House Agriculture Subcommittee on Nutrition and Oversight planned a hearing on April 3 to examine the potential effects of the rule, which would make it more difficult for states to receive waivers from the Agriculture Department. Those waivers now allow states to extend benefits beyond a three-month limit every three years that an able-bodied adult can get aid. The 43 Democrats, two Republicans and two independents argue in their letter that the proposal will not improve the economic independence of low-income adults without dependents who are enrolled in the Supplemental Nutrition Assistance Program, formerly called food stamps. Instead, the lawmakers write that "the proposed changes would take food assistance away from Americans struggling to find stable employment while doing nothing to help them to actually become permanently employed."

The letter says poor people in rural or remote areas may have a difficult time finding work, people of color may face discrimination in employment, and people with limited education and skills have higher jobless rates that may be masked by overall low unemployment rates for an area. The lawmakers also note that many adults receiving SNAP already work but have jobs that may be seasonal or have irregular hours that keep them from meeting minimum work requirements.

GT will continue to send SNAP updates as more information becomes available.

Transportation

The Senate overwhelmingly confirmed Nicole R. Nason, a veteran of multiple federal departments and onetime congressional aide, to be administrator of the Federal Highway Administration, a post that has been vacant since Donald Trump became president. The 95-1 vote marks a return to the Department of Transportation for Nason, who had served as an assistant secretary of State. She previously won voice-vote confirmation in the Senate to be assistant secretary of Transportation for government affairs in 2003 and to run the National Highway Traffic Safety Administration in 2006. Sen. Bernie Sanders, I-Vt., opposed the nomination.

There has not been a confirmed administrator of FHWA since Trump took office in 2017. An earlier nominee, Paul Trombino III, was approved by the Senate Environment and Public Works Committee but withdrew from consideration in December 2017.

At Nason's confirmation hearing before the Environment and Public Works Committee in January, she said she would emphasize making highways safer, especially in rural areas, and would work with Congress to find a solution to the looming shortfall of funding in the Highway Trust Fund. The current five-year highway and transit funding law (PL 114-94), which expires at the end of September 2020, filled the shortfall by transferring \$70 billion from the general budget. The Congressional Budget Office estimates that maintaining the same level of spending from 2021 through 2025 would require finding \$94 billion. Environment and Public Works Chairman John Barrasso, R-Wyo., said he and ranking Democratic Sen. Thomas R. Carper of Delaware have begun preliminary steps of drafting the next version of that law.

GT will continue to monitor and provide analysis on transportation and infrastructure hearings and proposals as more information becomes available.

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 individual's 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 each 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.

Today at a Glance: March 26, 2019

Top Stories for the Day

- The House plans to vote to override the president's veto on a resolution that would terminate his national emergency declaration.
- The Green New Deal is up for a procedural vote in the Senate, as Republicans pressure Democrats to take sides.
- A handful of Cabinet secretaries and agency officials testify before committees on the Trump administration's budget request (see hearing list below).
- Talks aimed at producing a bipartisan disaster aid bill have broken down, further stalling congressional efforts to get billions of dollars in federal assistance to states and territories that have been damaged by recent hurricanes, wildfires and other natural disasters.
- The House passed by voice vote a bipartisan health care bill on Monday that would extend funding for three Medicaid programs as well as fund a program for children with complex medical conditions.

House: Convenes at noon to consider President Donald Trump's veto on a measure (H J Res 46) that would invalidate his national emergency declaration. The House will also consider two bills under suspension of the rules.

Senate: Convenes at 10 a.m. to resume consideration of the nomination of Bridget Bade to be a U.S. circuit court judge, with a confirmation vote expected at 2:15 p.m. The Senate is then expected to consider a motion to proceed to a joint resolution (S J Res 8) supporting the Green New Deal, with a cloture vote expected at 4 p.m. The Senate will recess from 12:30 to 2:15 p.m. for weekly caucus lunches.

Committee hearings of interest today:

- Energy and Water Development, and Related Agencies Subcommittee hearing on "Budget: Department of Energy." Tuesday, 10am.
- Financial Services and General Government Subcommittee of House Appropriations Committee hearing on "Office of Management and Budget Request for FY2020." Tuesday, 10am.
- House Armed Services Committee hearing on "The FY2020 National Defense Authorization Budget Request from the Department of Defense." Tuesday, 10am.
- House Budget Committee hearing on "Department of Health and Human Services FY2020 Budget." Tuesday, 10am.
- Oversight and Investigations Subcommittee of House Financial Services Committee hearing on "The Administration of Disaster Recovery Funds in the Wake of Hurricanes Harvey, Irma, and Maria." Tuesday, 10am.

- Border Security, Facilitation, and Operations Subcommittee of House Homeland Security Committee hearing on "The Department of Homeland Security's Family Separation Policy: Perspectives from the Border." Tuesday, 10am.
- House Transportation and Infrastructure Committee hearing on "The Cost of Doing Nothing: Why Investment in our Nation's Airports Matters." Tuesday, 10am.
- Labor, Health and Human Services, Education and Related Agencies Subcommittee of House Appropriations Committee hearing on "Department of Education Budget Request for FY2020." Tuesday, 10am.
- Senate Banking, Housing and Urban Affairs Committee hearing on "Chairman's Housing Reform Outline: Part I." Tuesday, 10am.
- Interior, Environment, and Related Agencies Subcommittee of House Appropriations Committee hearing on "Budget: Department of the Interior." Tuesday, 10:30am.
- Homeland Security Subcommittee of House Appropriations Committee hearing on "FY2020 Budget Hearing - United States Coast Guard." Tuesday, 1pm.
- Military Construction, Veterans Affairs, and Related Agencies Subcommittee of House Appropriations Committee hearing on "Military Installations and BRAC Overview Budget Hearing." Tuesday, 2pm.

(Toplines from: March 26, 2019 – 5:02 a.m. By Erin Bacon, CQ)

House Takes on Trump Veto

March 26, 2019 – 5:02 a.m. By Erin Bacon, CQ

The House plans to issue a final say on President Donald Trump's declaration of a national emergency to fund his border wall today.

The chamber will consider whether to override the president's veto of a resolution (H J Res 46) passed by Congress that would cancel the emergency declaration.

There doesn't seem to be enough support in either chamber to muster the two-thirds majority needed to override the veto, particularly with Republican control of the Senate, but that won't stop House Democrats from setting up a vote on it.

And lawmakers are already looking ahead at the next wall funding fight.

The same day the chamber votes on overriding the veto, the House Military Construction-VA Appropriations Subcommittee will grill defense officials on wall funding in Trump's fiscal 2020 budget request (2 p.m., 2359 Rayburn).

Of the Pentagon's proposed budget increase, more than one-fifth would go toward the border wall. Part of that funding would be directed at backfilling military construction projects targeted by the White House in the emergency declaration.

Green New Deal Gets First Vote in Senate

March 26, 2019 – 5:02 a.m. By Erin Bacon, CQ

The Green New Deal, Democrats' massive climate change policy plan, will get its first vote in Congress today as Senate Majority Leader Mitch McConnell, R-Ky., moves to force Senate Democrats to take a position heading into 2020.

The Senate plans to vote to limit debate on a resolution (S J Res 8) supporting the government's role in the plan that Republicans have framed as an economy-killer.

Democrats crafted the package as an economic stimulus plan that would not only confront climate change but also the systematic issues such as income inequality that a warming world would aggravate,.

The sponsors — Rep. Alexandria Ocasio-Cortez, D-N.Y., and Sen. Edward J. Markey, D-Mass. — propose that the plan would right “racial, regional, social, environmental and economic” wrongs.

The package calls for cutting greenhouse gas emissions in the agriculture sector, implementing “sustainable farming and land use” practices and transitioning quickly to a carbon-free power system.

Supplemental Spending for Disaster Victims Stuck in Senate

March 25, 2019 – 4:54 p.m. By Jennifer Shutt and Kellie Mejdrich, CQ

Talks aimed at producing a bipartisan disaster aid bill have broken down, further stalling congressional efforts to get billions of dollars in federal assistance to states and territories that have been damaged by recent hurricanes, wildfires and other natural calamities.

Democrats blamed Senate Republican leaders for attempting to shortchange the needs of Puerto Rico and other U.S. territories. Though it wasn't immediately clear what package the Senate would be voting on this week, Senate appropriators on both sides of the aisle negotiated through last week's recess to achieve common ground.

Those talks appear to have been unsuccessful, judging from a blistering statement released Monday by the top Democratic appropriators in both chambers.

“Three weeks ago, we made a common sense offer that provided a path forward to compromise from the House-passed bill,” House Appropriations Chairwoman Nita M. Lowey and Senate Appropriations Committee ranking member Patrick J. Leahy said in their statement. “Had Senate Republicans accepted our compromise, this much-needed disaster supplemental could have been public law weeks ago. Instead, Senate Republican leadership is considering bringing to the Senate floor a bill that does not adequately address the needs of the American citizens of Puerto Rico and other territories.”

The House passed a \$14.2 billion disaster aid bill (HR 268) in January, but Senate Majority Leader Mitch McConnell, R-Ky., has yet to bring that bill to the floor. He filed cloture on the motion to proceed to the House-passed bill, which ripens Tuesday. That measure was expected to be the shell bill for a substitute amendment negotiated by Senate appropriators, with input from their House counterparts.

GOP Sens. Johnny Isakson and David Perdue, both from Georgia, introduced their own \$13.6 billion supplemental bill (S 572) in February to address disaster recovery, which contains \$610 million in nutrition assistance to restore cuts in food stamp benefits for Puerto Rico residents that kicked in earlier this month. Similar funds are contained in the House-passed bill.

Senate GOP appropriators earlier in the year introduced a \$12.8 billion version, which got caught up in the government shutdown fight in January, as an amendment to the House-passed bill that did not contain the Puerto Rico money.

Senate Appropriations Chairman Richard C. Shelby, R-Ala., had been negotiating with Leahy on a tweaked version that would address some additional items, but he also criticized Democrats prior to the St. Patrick's Day recess for expanding their list of demands.

A House Democratic aide told CQ on Monday that those talks have broken down. The aide said Democrats want to ensure that all territories affected by natural disasters, including Guam and the Northern Mariana Islands, receive recovery assistance.

Senate Republican leadership was preparing to put a GOP-drafted bill on the Senate floor, according to the House aide. It wasn't clear if that not-yet-introduced measure could get over the 60-vote threshold to advance, but even if it did it appeared likely headed for a conference with the House that will further delay an aid package.

A McConnell aide declined to comment on the negotiations.

Meanwhile congressional investigators released a report showing a substantial chunk of the \$35 billion in Community Development Block Grant funds provided for 2017 disasters had not yet been spent.

A Government Accountability Office report released Monday showed only a tiny fraction of these disaster-related block grant funds allocated in response to hurricane damage had been actually drawn down from accounts.

GAO studied the four highest grant awards for the 2017 storms, which went to Texas, Florida, Puerto Rico and the U.S. Virgin Islands, and were officially allocated in Feb. 2018.

But as of January, Texas had only drawn \$18 million of \$5 billion provided and Florida had only drawn \$1 million of \$616 million. Puerto Rico and the U.S. Virgin Islands had not drawn any of the \$1.5 billion and \$243 million the two island territories had been allocated respectively.

Lawmakers provided these funds in a number of supplemental spending measures including a 2017 disaster package with \$7.4 billion in community block grant funds (PL 115-56), and a 2018 package with another \$28 billion (PL 115-123).

Another \$1.7 billion in CDBG funding was provided in last year's Federal Aviation Administration reauthorization bill (PL 115-254) to help North Carolina and South Carolina residents rebuild after Hurricane Florence in 2018. And the new disaster package contemplates additional block grant funds for 2018 disasters: The House-passed bill contains \$1.16 billion, while the Senate versions contain \$1.06 billion.

House Votes to Renew Health Programs

March 25, 2019; Updated 8:26 p.m. By Sandhya Raman, CQ

The House passed by voice vote a bipartisan health care bill on Monday that would extend funding for three Medicaid programs as well as fund a program for children with complex medical conditions.

The bill (HR 1839) comes as some of these programs are slated to run out of funding at the end of the month on Sunday, but it's unclear if the Senate will act before then.

The new bill, which mirrors a separate bill the House overwhelmingly passed last year, would provide funding to keep those and other programs afloat.

The Senate did not act on that House bill last year, so Congress cleared short-term extensions for two of the programs through a January law (PL 116-3) that expires at the end of March. Those programs were Medicaid spousal impoverishment protections, which protect some of the income of an individual whose spouse is covered by Medicaid for long-term care, and another Medicaid grant program known as Money Follows the Person.

The new bill would extend spousal impoverishment protections through the end of the fiscal year.

The bipartisan Money Follows the Person program provides funding to seniors and disabled individuals who are able to move from assisted living back into their community. The program helps these individuals afford needs such as an apartment downpayment or transportation. The House bill would increase funding by \$20 million, from \$112 million to \$132 million.

The bill would also provide a short extension for two of the eight states participating in a pilot program in which community mental health centers receive enhanced Medicaid payments and bonuses for achieving certain outcomes.

The mental health centers are meant to provide coordinated care of various services for individuals with a wide range of mental illnesses and substance abuse disorders. The pilot, established by a 2014 law (PL 113-93), is set to expire on March 31 in Oregon and Oklahoma.

The new bill would extend the funding for those states until June 30, which is when it expires in the six other states. Bipartisan groups in the House and Senate are working on a longer-term extension of the program and are hoping to expand it to additional states (HR 1767, S 824).

The legislation also includes language that would help children that have complex medical needs, or at least two chronic health conditions, receive coordinated care.

The bill would establish a Medicaid option for states to create health homes for these children and would provide enhanced federal funds to states that choose to do so for two fiscal quarters.

In the Senate, Finance Chairman Charles E. Grassley, R-Iowa, and Michael Bennet, D-Colo., have supported this provision.

Over 30 children's health organizations wrote on Monday to six lawmakers involved with different iterations of the bill, urging them to pass it.

"It is an important step in fixing the current fragmented system for children with complex medical conditions, ensuring ready access to care and reducing the burden on their families," wrote the groups, including March of Dimes and the American Academy of Pediatrics.

Supporters of the House bill said more action is needed.

"Programs like Money Follows the Person and protections against spousal impoverishment create better outcomes and have proven successful," said Rep. Debbie Dingell, D-Mich. "While I am pleased these programs will be extended through the end of September and not allowed to lapse, this is only a partial victory. Both the Money Follows the Person program and Spousal Impoverishment protections need to be extended for the long-term, not a few months at a time."

Republican leaders on the Energy and Commerce Committee agreed.

"While we would have preferred to extend these programs out further, today's bipartisan vote speaks to the dedication of Members from both sides of the aisle to deliver necessary funding for these vital programs," said Energy and Commerce ranking member Greg Walden, R-Ore., and Health Subcommittee ranking member Michael C. Burgess, R-Texas, in a joint statement.

Offsets

The health package includes three main offsets to pay for the program extensions over 10 years, according to a Congressional Budget Office estimate released Friday.

The bill includes language that would give the secretary of Health and Human Services the authority to prevent the misclassification of drugs under the Medicaid drug rebate program.

If a drug company misclassifies a drug as a generic in order to receive a larger government rebate, it could face a penalty.

A House Democratic aide said this has been a recommendation from the nonpartisan Medicaid and CHIP Payment and Access Commission. A similar proposal was floated by Grassley and Senate Finance ranking member Ron Wyden, D-Ore., last year.

The second offset would increase the number of days from 90 to 100 that a state is able to delay payments for Medicaid services for children with medical support orders – which allow a child to receive health coverage under a non-custodial parent's plan.

The final offset would prohibit Medicaid from paying for vacuum erection systems or penile implants that are deemed not medically necessary.

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