

Memorandum

TO: Miami-Dade County

FROM: Greenberg Traurig

DATE: May 31, 2018

RE: May Monthly Report

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

Budget & Appropriations

The House in June will take up a "minibus" appropriations package after returning from the weeklong Memorial Day recess, including three fiscal 2019 spending bills to fund energy and water projects, the legislative branch, military construction and veterans programs. A senior House Republican aide said the plan is to take up the minibuss the first week back from recess. The three measures included in the package — Energy-Water, Military Construction-VA and Legislative Branch — are typically among the less controversial annual spending bills and are usually at the front of the pack each year as Congress begins taking up appropriations measures. The Senate Appropriations panel has approved the fiscal 2019 Energy-Water and Agriculture measures, while their House counterparts are out in front a bit, having reported half of the 12 annual spending bills to the floor: Energy-Water, Agriculture, Military Construction-VA, Legislative Branch, Commerce-Justice-Science and Transportation-HUD. 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 Energy and Commerce Committee approved 57 bills related to the epidemic last month, with most of them advancing with bipartisan support. The House Ways and Means Committee also held an opioid markup last week, with seven bills all approved by voice vote. House Majority Leader Kevin McCarthy, R-Calif., announced that he would reserve floor time in June for an opioids package, and it's likely that action will occur in both chambers before the August recess. Energy and Commerce Chairman Greg Walden, R-Ore., has pushed for a similar timeline, originally hoping to have bills through the full House by Memorial Day. 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.

FAA and Flood Insurance

A dispute over possible new uses for federal disaster aid is the latest in a string of holdups to a long-term reauthorization of the Federal Aviation Administration, which has run on a series of stopgaps since 2015. Environmental groups and low-income housing advocates concerned about pricey development oppose the disaster aid title, however, and the White House objects to potentially shelling out more taxpayer dollars for preventive measures. It would allow the president to bolster existing Federal Emergency Management Agency pre-disaster hazard mitigation accounts with up to 6 percent of other FEMA funds made available after a disaster declaration, for projects such as elevating homes, buying out flood-prone properties, purchasing generators and retrofitting buildings to withstand high winds and earthquakes. Currently, grants for such projects are funded at the discretion of Congress. The provision would also enable the president to take back unused funds after three fiscal years and give them to states and localities that have adopted the latest building codes and "hazard-resistant designs."

Farm Bill

Agriculture Committee Chairman K. Michael Conaway said Monday night the House will have another shot to vote on the 2018 GOP-written farm bill on June 22, just over a month after the measure was defeated on the floor over conservative demands for a vote on immigration legislation. GOP House leaders want to save the farm bill (HR 2) which includes provisions to toughen food stamp work and eligibility requirements that Speaker Paul D. Ryan sees as part of his political legacy on welfare overhaul. The farm bill went down to defeat on the floor last month on a 198-213 vote. Democrats who objected to the proposed changes to the Supplemental Nutrition Assistance Program, formerly known as food stamps, voted as a bloc against it. A total of 30 Republicans, including several moderate Republicans opposed to SNAP changes or farm program provisions and Freedom Caucus conservative Republicans dissatisfied with leadership's promise of a future vote on immigration bills, brought the bill down.

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,
Katie

Today at a Glance: May 24, 2018

Top Stories for the Day

- The full Senate Appropriations Committee marks up its first two spending bills (and will release the text): Agriculture and Energy & Water.
- The House Appropriations Committee on a partisan 29-22 vote Wednesday approved a full slate of fiscal 2019 spending allocations that would direct over 70 percent of increases above this year's discretionary spending levels toward defense, homeland security and veterans' programs.
- The House Ways and Means Committee plans to finish work Thursday on a partisan bill that would reauthorize the Temporary Assistance for Needy Families program for five years and make significant changes to the program — including a new name.
- A bill combining the Department of Veterans Affairs' seven community care programs easily cleared the Senate Wednesday on a vote of 92-5. The measure now heads to President Donald Trump, who is expected to sign it.
- House is plowing through debate on the defense authorization bill, and amendments are accumulating in both the rejected and adopted piles.

House: Convenes at 9 a.m. to complete consideration of the fiscal 2019 defense authorization bill (HR 5515).

Senate: Convenes at 9:30 a.m. and will resume consideration of the nomination of Jelena McWilliams to be a chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, with a vote expected at noon. There will also be a cloture vote at 1:45 p.m. on the nomination of James R. Evans to be U.S. ambassador to Luxembourg.

(Daily news clips provided by CQ Roll Call)

Senate Spending Bills Headed to the Floor

Senate appropriators gather this morning for their first full committee markup of the fiscal 2019 season, where they'll take up the Agriculture and Energy-Water proposals (10:30 a.m., 106 Dirksen).

Energy-Water: The fiscal 2019 proposal would fund the Energy Department, Army Corps of Engineers and other agencies at \$43.8 billion, a \$566 million increase from fiscal 2018 levels and a \$7.2 billion increase from the Trump administration's request. The Senate bill, like the House proposal (HR 5895), does not include drastic reductions in applied research programs, something the Trump administration had proposed.

Agriculture: The bill would fund the Agriculture Department at \$23.24 billion, which is \$6.2 billion above President Donald Trump's fiscal 2019 budget request and \$710 million below the fiscal 2018 enacted level. The bill would continue funding for international food aid programs that the request sought to eliminate.

Full Set of Spending Allocations Gets House Appropriators' Nod

The House Appropriations Committee on a partisan 29-22 vote Wednesday approved a full slate of fiscal 2019 spending allocations that would direct over 70 percent of increases above this year's discretionary spending levels toward defense, homeland security and veterans' programs.

Democrats complained they were shut out of the process of dividing up the \$1.244 trillion pie for fiscal 2019 set by the February budget deal (PL 115-123). They said Republicans kept the numbers from them in order to hide the likelihood that domestic services would be shortchanged in favor of proposals like President Donald Trump's U.S.-Mexico border wall.

"This committee should do more to help Americans struggling to make ends meet and put a roof over their heads, not waste taxpayer dollars on Trump's boondoggle of a wall," said House Appropriations ranking member Nita M. Lowey, D-N.Y.

The House-proposed "302(b)" allocations are broadly in line with the spending caps deal, with equal increases of about \$18 billion each for the defense and nondefense subcategories above fiscal 2018.

But not all nondefense bills are created equal under the House GOP-drafted allocations.

Nondefense boosts are largest in the Homeland Security measure, with a 10.1 percent increase, and the State-Foreign Operations, with a 9.5 percent jump from fiscal 2018 levels. But the State-Foreign Operations boost may just be an increase on paper. A source familiar with the allocations said GOP appropriators plan to slash \$4 billion from cap-exempt Overseas Contingency Operations accounts within State Department and foreign aid programs, in line with the February budget deal, which would leave funds effectively flatlined at current-year levels.

Overall, the Military Construction-VA bill would see a 4.4 percent increase, not counting \$921 million in OCO funding. The bulk of the increase in that measure, or \$3.9 billion, would go to the Department of Veterans Affairs.

Between Homeland Security, Defense and Military Construction-VA, under the House GOP allocations the three bills eat up \$26 billion, or 72 percent, of the total \$36 billion increase above fiscal 2018 in "base" discretionary accounts, not counting OCO or other cap exemptions.

'Deep Concern'

The Labor-HHS-Education bill would be funded at the same overall allocation as in fiscal 2018, at \$177.1 billion. "I have to express a deep concern about what is going to happen on the Labor, Health and Human Services side, as some of the rest of our subcommittees are plussed up perhaps too much," said Rep. Marcy Kaptur, D-Ohio.

Funding for the Labor-HHS-Education bill could actually be cut if Congress passes Trump's proposed "rescissions" package (HR 3). That measure would trim \$7 billion from unspent Children's Health Insurance Program funds, which Democrats and some Republicans would rather preserve as offsets to increase fiscal 2019 appropriations for other health care programs.

House Labor-HHS-Education Subcommittee Chairman Tom Cole, R-Okla., sought to reassure panel members by pointing out that the National Institutes of Health and Centers for Disease Control and Prevention were slated for increases in his bill. He also noted that in fiscal 2018, the measure received \$16 billion, or 10 percent, more funding than in the prior budget year.

In addition, as lawmakers on both sides mentioned, the Senate's top Labor-HHS-Education appropriator, Sen. Roy Blunt, R-Mo., has already confirmed a \$2 billion increase for his version in the Senate's allocations, which have yet to be released. "I suspect things will change [in House-Senate negotiations], so I suspect it's a little early to hit the alarm bells," Cole added.

Other bills that are flat-funded from fiscal 2018 levels are the Financial Services and Interior-Environment measures, with Agriculture getting a very slight \$14 million increase, or less than 1 percent.

The allocations are as follows:

- Agriculture: \$23.273 billion, an increase of \$14 million over fiscal 2018 enacted levels.
- Commerce-Justice-Science: \$62.52 billion, up \$2.92 billion or 4.9 percent from fiscal 2018.
- Defense: \$606.512 billion, a \$17.06 billion or 2.9 percent increase.
- Energy-Water: \$44.7 billion, up \$1.5 billion or 3.5 percent.
- Financial Services: \$23.423 billion, flat-funded from current levels.
- Homeland Security: \$52.541 billion, up \$4.818 billion or 10.1 percent.
- Interior-Environment: \$35.252 billion, flat-funded from current levels.
- Labor-HHS-Education: \$177.1 billion, flat-funded from current levels.
- Legislative Branch: \$4.88 billion, an \$18 million or 3.8 percent increase.
- Military Construction-VA: \$96 billion, up \$4 billion or 4.4 percent (the official allocations also include \$921 million in fiscal 2019 OCO funding for technical reasons, but that money is excluded here to provide a more accurate comparison).
- State-Foreign Operations: \$46 billion billion, up \$4 billion or 9.5 percent — not counting OCO cut of the same amount.
- Transportation-HUD: \$71.8 billion, a \$1.5 billion or 2.1 percent increase.

Welfare Overhaul Markup Bleeds Into Thursday

The House Ways and Means Committee plans to finish work Thursday on a partisan bill that would reauthorize the Temporary Assistance for Needy Families program for five years and make significant changes to the program — including a new name.

The panel began debating the bill (HR 5861) Wednesday, but did not get through all of the proposed amendments by the time Chairman Kevin Brady, R-Texas, wrapped up debate around 6:30 p.m. The committee plans to reconvene at 9 a.m. Thursday to vote on additional amendments and report the bill to the floor.

During Wednesday's markup, clear partisan lines emerged on how to revise the TANF program.

"This bill represents a missed opportunity for our committee to help struggling parents to get good jobs and lift their families into the middle class," ranking member Richard E. Neal, D-Mass., said.

TANF has been around in its current incarnation since a major overhaul of family assistance programs in 1996, intended to move individuals off of government support and into gainful employment (PL 104-193). TANF provides a range of services to low-income families through block grants to states. The program is most recognizable for cash assistance to families with young children, and also includes grants that promote marriage and discourage out-of-wedlock pregnancies.

The GOP bill by Rep. Adrian Smith, R-Neb., would increase the amount of funding for states to provide child care assistance to \$3.5 billion per year, up from \$2.9 billion in fiscal 2018, as well as extending through fiscal 2023 family assistance grants and grants to promote responsible parenting, re-entry services for incarcerated fathers and relationship skills for marriage.

It also proposes some new restrictions, such as limiting TANF eligibility to families with incomes below 200 percent of the federal poverty level.

One of its more sweeping changes would eliminate work participation standards and replace them with employment outcome measures. Currently, TANF usually requires states to ensure that 50 percent of all families and 90 percent of two-parent families meet participation standards, although the figures can be adjusted for a reduction in a state's caseload.

The legislation doesn't include any new funding for TANF, keeping the program's funding flat for another five fiscal years. Democrats took exception to the static funding, asking their Republican colleagues how states are supposed to do more without more money.

Chairman Kevin Brady, R-Texas, said that he would work with Democrats to try to reach a compromise before a floor vote is held.

"I want to be clear, I think there is far more in common than disagreement on this bill," Brady said. "I will assure you . . . where we find common ground after this bill leaves, we are more than open to continue to have these discussions before the bill moves to the floor to see if we can accommodate some of those changes."

Republicans said the bill would help get more out-of-work TANF recipients into the workforce by providing states more flexibility to use their federal allotments, and putting in place a scoring system to show recipients how well they're doing getting into the job market.

The bill "restores the promise of the 1996 welfare reforms by requiring states to engage everyone — and I mean everyone who is work eligible — meaning no family in need gets left behind," Brady said. The measure "also re-envision[s] the Temporary Assistance for Needy Family Program so more parents can get a job. But, also importantly keep that job through allowing states more flexibility to provide transportation, child care and work support."

The measure would also change the name of the program to "Jobs and Opportunity with Benefits and Services," or simply JOBS.

Senate Clears Veterans Health Care Bill for Trump's Signature

A bill combining the Department of Veterans Affairs' seven community care programs easily cleared the Senate Wednesday on a vote of 92-5. The measure now heads to President Donald Trump, who is expected to sign it.

The bill (S 2372) also extends the VA Choice Program — which allows veterans to seek care from private providers under certain circumstances — for a year while the programs are combined. The measure infuses the Choice program with an additional \$5.2 billion just days before funding is expected to dry up on May 31.

The measure strikes a balance between expanding private care while also increasing funding to recruit more doctors to the VA, winning over members on both sides of the aisle.

The bill would end a provision requiring that veterans must face a wait of more than 30 days for doctor appointment or live more than 40 miles from a VA facility in order to see a private doctor. Instead, veterans can now seek private care if they need a service not offered by the VA in their area or if their doctor decides it's in their best interest.

Additionally, the bill provides for a comprehensive review of the VA's medical facilities and other assets. The review program worried some lawmakers, such as GOP Sen. Mike Rounds of South Dakota, who said it may further threaten rural facilities.

Senate committee leaders sought to tamp down House Democrats' concerns over the bill's funding Tuesday evening by promising a solution to fix congressional spending caps that could limit the bill's implementation.

Appropriations Chairman Richard C. Shelby, R-Ala., and ranking member Patrick J. Leahy, D-Vt., said in a written colloquy they would offer an amendment to fix the caps when the fiscal 2019 Military Construction-VA appropriations bill comes to the floor later this summer. The program would run out of funds in May 2019 if nothing is done.

"I will not stand in the way of the new policy created in the bill, as I do believe it creates a better Community Care program," Leahy said, "but Chairman Shelby and I have a proposal that will help us

fulfill our promise to our veterans by allowing for an adjustment to the caps to help us pay for this program.”

Regulations implementing the new program will be closely watched. The overhaul will require effective leadership at the department’s helm, something the VA has lacked in recent months. Trump last week nominated Acting Secretary Robert Wilkie to be the permanent head after the president’s physician Ronny Jackson withdrew over allegations of inappropriate conduct.

Wilkie already has his hands full with a \$10 billion overhaul of the department’s medical records system, a long-stymied deal to make VA records interoperable with those of private providers and the Department of Defense. House Veterans' Affairs Chairman Phil Roe, R-Tenn., said Wednesday he was considering convening a separate subcommittee just to oversee the VA deal with electronic health records giant Cerner.

“We’re going to have to keep that close an eye on it,” he said at a panel discussion, adding of Wilkie, “I’m glad it’s him and not me.”

House Approves Dozens of NDAA Amendments

The House on Wednesday afternoon worked through amendments to the fiscal 2019 defense authorization bill on everything from nuclear weapons to Pentagon silverware, inching ever closer to a likely Thursday vote on the massive Pentagon policy bill.

Across the Capitol, the Senate Armed Services Committee finished marking up its draft fiscal 2019 defense authorization bill on Wednesday evening, a knowledgeable committee aide told CQ on condition of anonymity.

The aide said the panel will issue a statement Thursday with detailed highlights of its mark, which was written almost entirely in closed sessions.

The House debate on the measure (HR 5515) centered on a second tranche of 168 amendments approved for floor consideration by the House Rules Committee Tuesday night. Members quickly dispensed with 49 of those in an en bloc package. The chamber later cleared two more en bloc packages.

Wrapped into the first package Wednesday was a Coast Guard authorization bill offered by California Republican Duncan Hunter, chairman of the House Transportation and Infrastructure subcommittee that oversees the service branch. The Coast Guard measure (HR 2518) authorizes spending in fiscal 2018 and 2019 at levels that are 3 percent higher than fiscal 2017 and requires the creation of a drone program for the Coast Guard.

Also included in that amendment package was a measure from Illinois Democrat Daniel Lipinski that requires the Pentagon to issue a report on Iran’s military spending on “terrorist activities outside the country.” The amendment mandates that the report be submitted annually until the secretary of State determines that Iran no longer supports terror.

Lawmakers sparred over a handful of amendments throughout the afternoon, including one offered by Colorado Democrat Jared Polis that would have cut the authorized funding levels for the National Nuclear Security Administration's Weapons Account by \$198 million to match the president's budget request.

Polis, like the House Armed Services Committee's top Democrat Adam Smith of Washington, believes that the U.S. nuclear arsenal, capable of destroying the world multiple times, is more than enough to deter America's adversaries. The amendment faced stiff opposition, though, from Republicans, including Armed Services Strategic Forces Chairman Mike D. Rogers of Alabama who argued on the floor that the United States shouldn't fall behind potential adversaries like Russia and China in nuclear modernization.

The amendment was ultimately defeated 174-239.

House lawmakers soundly rebuked Burmese government officials who are responsible for the ethnic cleansing of the Rohingya people by adopting 382-30 a measure from the House Foreign Affairs Committee's top Democrat Eliot L. Engel of New York that authorizes sanctions against the perpetrators. Engel's amendment also restricts U.S. military and security assistance with Burma.

While the House was mostly unified on the Engle amendment, Republicans sparred among themselves over amendments that would have forced the Pentagon to buy its dinnerware and flatware from U.S. manufacturers.

"Last year it was knives and forks and spoons," Armed Services Chairman Mac Thornberry said in opposition to amendments from David B. McKinley, a Republican from West Virginia, which would compel the Pentagon to buy its dinnerware from American producers and a similar amendment from New York Republican Claudia Tenney that would require domestic sourcing for stainless steel flatware.

Tenney, who is in a tough re-election battle, represents New York's 22nd District, home to Liberty Tabletop, which bills itself as producing the only flatware made domestically. Meanwhile, Fiesta Dinnerware is located in McKinley's district.

Thornberry's chief concern with the proposals is that it could force the Pentagon to spend more than it needs on silverware and related items. Where the Pentagon buys such goods, he argued, poses no national security risk.

Additionally, Thornberry argued, if the Pentagon were forced to buy higher-priced plates and utensils and spend time and money on compliance with the measures, they would be throwing away money that could be used on Pentagon priorities like ammunition.

"Do we keep rolling with this and go all the way to the hand soap and the toilet paper in the bathroom?" Thornberry continued. "I don't know where it stops."

The House defeated McKinley's amendment 160-252 and Tenney's amendment 174-239.

The House adopted a handful of other amendments early Wednesday evening, including one from Mark Amodei, R-Nev. that would expedite the review process for certain domestic mine projects if the minerals are deemed necessary for strategic or national security purposes. The amendment was approved on a 229-183 vote.

The chamber also voted, 408-1, in favor of an amendment from Jim McGovern, D-Mass. that requires the Pentagon to produce a service medal to honor retired and former members of the armed forces who participated in radiation-risk activities.

Prior to launching Wednesday's debate, the House wrapped up work on four amendments that were debated on Tuesday.

The House first shot down 62-351 an amendment from Minnesota Democrat Rick Nolan that would have eliminated the Pentagon's entire \$69 billion war spending account. Lawmakers then voted down 60-355 an amendment from Hawaii Democrat Tulsi Gabbard that would have deleted a section of the bill that requires the Pentagon to deliver Congress a strategy for countering Iran in the Middle East.

An amendment from California Democrat Pete Aguilar that would have required the Pentagon to provide Congress the cost to acquire and operate each bomb, missile, submarine and plane in the U.S. nuclear arsenal over a 20-year span was rejected 198-217. And an amendment from California Democrat John Garamendi that would have cut off some of the \$65 million authorized by the bill for a modified submarine-launched nuclear weapon with a lower explosive yield than other submarine-launched nuclear weapons also fell short, 188-226.

The House will return Thursday to finish debate on the remaining 76 amendments to the bill, the majority of which will be included in en bloc packages.