

**Memorandum**

**TO:** Miami-Dade County

**FROM:** Greenberg Traurig

**DATE:** September 30, 2018

**RE:** September Monthly Report

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

***Budget & Appropriations***

With 5 of 12 FY 19 appropriations bills signed into law along with a CR that goes through December 7th, FY 19 is off to a quiet start. However, things could get messy during the lame duck session. The 4-bill package (Ag/Interior/FS/ THUD) is close to being wrapped up but among the 3 remaining bills, Homeland Security may be the one that doesn't move beyond a CR status. In other news, the federal government may soon operate on a fiscal year that begins on Jan. 1, if the GOP co-chair of a special committee charged with overhauling the budget and appropriations process has his way. But Democrats on the panel are not sold, throwing into doubt tentative plans to release a full slate of recommendations this month. The select committee was formed in February when lawmakers reached agreement on a two-year spending deal (PL 115-123). Its members are supposed to "reform the budget and appropriations process" with consensus recommendations agreed to by Nov. 30. A majority of Democrats and Republicans on the panel have to agree to report out the plan as legislative text, which would then go to the Senate floor for expedited consideration. However, the measure would need 60 votes to advance in that chamber. In the six months since its creation, the select committee held five public hearings and a series of closed-door meetings to discuss how Congress could meet its spending deadlines and reduce members' frustration with the current process. GT has kept Miami-Dade County up-to-date on the FY 2018 and 2019 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 consensus legislation, 393-8, that is intended to help combat the opioid crisis. The legislative compromise was finalized in the final week of September, and now heads to the Senate for a final vote. The two chambers came to an agreement, but made additional changes to the bill (HR 6) after the Congressional Budget Office initially estimated that the bill would increase the deficit by \$44 million over the next 10 years. The revised agreement adds two additional

offsets to help pay for the bill. Senate Health, Education, Labor, and Pensions Chairman Lamar Alexander, R-Tenn., had previously signaled that he hopes the Senate will quickly vote on the agreement after House approval. The measure could reach the Senate floor by the first week of October. 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 Country officials keeping them up to date on the latest actions taken by Washington on the opioid crisis.

### ***Farm Bill***

Dozens of programs for military veterans turned farmers, small rural businesses and expanding foreign markets for agriculture will end by October 1<sup>st</sup> if lawmakers do not extend the expiring 2014 farm bill. Senate Agriculture Chairman Pat Roberts, R-Kan., said that "it'll be a tall order" to get a replacement for the current law (PL 113-79) completed and enacted before the midterm elections in November. Roberts said he wants to avoid a farm bill extension because interest groups will use the time to lobby more for their positions and make it more difficult for Roberts and his ranking member, Sen. Debbie Stabenow, D-Mich., along with House Agriculture Chairman K. Michael Conaway, R-Texas, and ranking member Rep. Collin C. Peterson, D-Minn., to reach a consensus. The four are the principal negotiators trying to bridge differences between the House and Senate versions of the farm bill (HR 2). Without an extension, major programs such as crop insurance and the Supplemental Nutrition Assistance Program, formerly known as the food stamp program, would continue without a new farm bill because they have permanent authority and permanent funding baselines. Funding for some farm programs would expire over several months, with the dairy program becoming the first to lapse, in December. Lawmakers are still trying to reach a consensus on SNAP. Rep. Peterson said negotiations have focused on waivers provided to states. The waivers exclude single able-bodied adults without dependents from current SNAP work requirements and ease limits on how long this group of beneficiaries can receive food aid. Changing to the waiver process would give USDA authority to limit waivers given to states and thereby reduce the number of SNAP recipients excluded from current work requirements under the program. Agriculture Secretary Sonny Perdue recently said restricting state SNAP waivers would be a step forward in ending what he considers to be a weakening of work requirements for a segment of SNAP recipients ages 18 to 49.

### ***Aviation***

The Senate, by unanimous consent, cleared a weeklong extension of Federal Aviation Administration authority during the last week of September, providing extra time as the fight over Brett Kavanaugh's Supreme Court confirmation process continued to tie up other work in the chamber. Shortly afterward, Senate Leader Mitch McConnell, R-Ky., filed cloture on the long-term reauthorization, likely setting up a floor vote on final passage in the first week of October. With the backing of senators from both parties, the bill is not expected to see significant opposition once it reaches the floor. Current FAA authority expires the last day of September. The extension (HR 6897) runs through Oct. 7. The House passed it, just after passing a five-year

authorization (HR 302) that includes \$1.7 billion in hurricane relief funding and a host of other provisions.

### ***Media Updates***

GT continues to send daily media updates on legislative and political issues to the County in order to ensure that the Commission and staff remain up-to-date on developments within the Beltway. Our team has continued to send those interested individuals information regarding issues such as tax reform, health care, and appropriations, among others. We will continue to monitor the issues most relevant to the County and provide timely and accurate information in order to make certain that the County is aware of any developments which may provide an opportunity to accomplish established goals.

(Below is an example of one of GT's Washington Updates, which are sent to County officials everyday.)

Good Morning,

Below is a look at today's news and events in DC. We will not be sending updates until Monday of next week, as both the House and Senate are in recess for the rest of the week. If you have any questions or need anything, please let us know.

Thanks,  
Katie

### **Today at a Glance: September 25, 2018**

#### **Top Stories for the Day**

- The path to FAA reauthorization enactment before a Sunday deadline remains uncertain as several other important votes compete for floor time in the Senate.
- The top Farm Bill negotiator sees no chance for new Farm Bill before deadline.
- The House considers bills on "gag clauses" and federal health emergency preparedness.
- Lawmakers are still working to reach a deal on a four-bill spending package and expect to have a plan for how to proceed shortly.
- With two days to go and more allegations swirling, the key players are still discussing the details.

**House:** Convenes at 2 p.m. to consider more than three dozen bills under suspension of the rules, including a number of small-business and lands-related bills, a measure (HR 6511) to allow the Energy Department to lease excess space in the Strategic Petroleum Reserve and a bill

(HR 5433) that would require the State Department to design a program to allow researchers to search for security weaknesses in its computer networks.

**Senate:** Convenes at 10 a.m. to consider the nomination of Peter A. Feldman to be a commissioner of the Consumer Product Safety Commission. The Senate will recess from 12:30 to 2:15 p.m. for weekly caucus lunches.

*(Top stories and agenda for the day provided by CQ Morning Briefing, Erin Bacon, September 25, 2018)*

### **FAA Passage Likely, But Timing Unclear in Senate To-Do List** *Sept. 25, 2018 – 5:00 a.m. By Jacob Fischler, CQ*

Even after lawmakers in both chambers took a major step toward a long-term Federal Aviation Administration authorization over the weekend, the path to enactment before a Sunday deadline remains uncertain as several other important votes jockey for floor time in the Senate.

The House is scheduled to vote this week on the five-year bill (HR 302), which members of the House and Senate from both parties agreed to early Saturday morning, but the Senate schedule is less certain. Senate Commerce, Science and Transportation Chairman John Thune and aides on both sides of the Capitol outlined three possibilities for Senate action: the chamber could pass the bill this week, senators could work into the weekend, or they could pass a short-term extension and hold a final vote next week.

House Majority Leader Kevin McCarthy's schedule allows for a floor vote in that chamber as early as Wednesday.

Thune, R-S.D., said the Senate would take it up after House passage, which he expected either Wednesday or Thursday morning. Majority Leader Mitch McConnell, R-Ky., would likely try to vote on a water resources bill (S 3021) earlier in the week, and timing could also be affected by events related to Supreme Court nominee Brett Kavanaugh, Thune, the No. 3 Senate Republican, said as he entered the leader's office.

A Senate vote on the FAA bill would depend on when leaders could find time to "slot it in," Thune said. He added that staying through the weekend may improve the chances.

"If we are here through the weekend, however, then my guess is we'll have, hopefully, a chance to get on it and get it done before the deadline," he said.

Lawmakers may also pass a short-term extension this week, which could be easier for the Senate to advance than the full authorization. Thune said, as he has for weeks, he'd prefer to just pass the authorization bill instead of an extension.

“I’ve said all along we don’t want to do that,” he said. “If we had to, it’d be very short. Because when we do get it from the House, then it’s just a question of us finding time to slot it in and get it voted on here.”

In his floor statement Monday, McConnell said the Senate would “soon” take up the FAA and water resources bills.

In addition to providing the first long-term FAA authority since 2012 (PL 112-95), the bill would authorize:

- \$1.7 billion for aid to areas affected by Hurricane Florence.
- An overhaul of Federal Emergency Management Administration payouts.
- A reauthorization of the National Transportation Safety Board, and the first-ever authorization of the Transportation Security Administration.

It also includes some foreign policy provisions and legislation on sports medicine licensing, which provided the original legislative shell for all the other measures

Although airport interest groups were unhappy with the bill, other groups in the transportation and aviation sectors – including airlines, labor groups, drone manufacturers and a truck safety group – praised the agreement.

Airports Council International-North America and the American Association of Airport Executives said in a joint statement Monday they would not support the bill, but declined to explicitly say they’d actively oppose it. The bill did not change a \$4.50-per-flight federal cap on passenger facilities charges. Airports use the PFC money to fund construction and had sought an increase to the cap. The bill did include language mandating a study of the issue.

Similarly, Sen. Edward J. Markey, D-Mass., said Saturday he was disappointed the bill did not include his measure that would have capped the fees airlines can charge for changing reservations.

The considerable support from far-ranging interest groups likely means the bill will become law in the near future. McCarthy, R-Calif., scheduled it for a vote under suspension of the rules, which requires a two-thirds majority, indicating House leaders at least are confident of passage.

### **Top Negotiator Sees No Chance for New Farm Bill Before Deadline**

*Sept. 24, 2018 – 8:25 p.m. By Ellyn Ferguson, CQ*

Farm bill negotiators are unlikely to hammer out a deal before the current law expires on Sunday, Senate Agriculture Chairman Pat Roberts said Monday night.

That would mean some farm bill programs for military veterans turned farmers, small rural businesses, and those growing agricultural exports would expire. Roberts, R-Kan., said the goal now is to try for a vote on a compromise bill before the midterm elections in November.

"I'm afraid we're going to go past the Sept. 30 date," Roberts told reporters.

Roberts, ranking member Sen. Debbie Stabenow, D-Mich., House Agriculture Chairman K. Michael Conaway, R-Texas, and ranking member Rep. Collin C. Peterson, D-Minn., have been leading talks to come up with a compromise between the two chambers. All have said previously that extending the expiring 2014 farm bill (PL 113-79) was unlikely.

"I don't want to talk about an extension. It gives people time to weigh in again," Roberts said, arguing that interest groups would lobby for changes that would make it more difficult for the principals to reach final agreements.

Roberts added that "it'll be a tall order" to get a vote on a conference report done before the midterm elections.

The four principals are awaiting cost estimates for proposals they have discussed. Roberts said he doesn't think the estimates will come soon enough, adding that they have run out of time for putting together a summary by Sept. 30 for the 52 other House and Senate conferees.

Roberts said he could not predict whether a vote could occur before midterm elections given the shifting schedules for both chambers.

Differences between the House and Senate bills (HR 2), particularly over the Supplemental Nutrition Assistance Program, formerly known as the food stamps program, remain unresolved, as do some issues around farm programs, Roberts said.

The House version would expand SNAP work requirements to able-bodied adults up to age 59 and parents of children age 6 and older. The Senate bill focuses on greater accountability from states in providing training for SNAP recipients to meet current work requirements. "We're still exploring ways to address the whole nutrition situation, the work requirements," Roberts said, adding that negotiators are talking about giving USDA authority to limit waivers issued to states that allow them to extend food aid benefits to single able-bodied adults ages 18-49 and exclude them for work requirements.

"If we can get the waiver challenge behind us working with the administration would really be very helpful," Roberts said. "If we do that I think we could probably get ourselves to a farm bill."

## **House Takes Up Bills on "Gag Clauses" and Health Emergency Preparedness**

*Sept. 25, 2018 – By Erin Bacon, CQ*

The House plans to consider a handful of health bills today, including Senate-passed legislation that would eliminate so-called "gag clauses" on pharmacists.

The bills would prevent insurers from restricting pharmacists from telling patients when prescription drugs would be cheaper if paid for without insurance. One measure applies to individual and employer insurance markets (S 2554), while the other enforces the same rules in Medicare plans (S 2553).

Another bill (HR 6378) on the House docket would renew programs designed to prepare for health emergencies, including one that invests in promising vaccines, antibiotics and other treatments that could be needed during emergencies but don't have much of a market otherwise.

The measure would also authorize higher funding for the nation's stockpile of medical supplies and give an official at the Health and Human Services Department shared responsibility with the Centers for Disease Control and Prevention for managing the stockpile.

It likely won't be the only day this week that lawmakers vote on health-related legislation. The House is likely to vote Thursday or Friday on a conference report for opioids-related legislation (HR 6).

### **Clock Winds Down on Four Spending Bills in Conference**

*Sept. 24, 2018 – 6:46 p.m. By Kellie Mejdrich and Jennifer Shutt, CQ*

Reaching consensus on a package of four spending bills for the upcoming fiscal year worth roughly \$154 billion appears elusive, though there's still a small window to seal a deal before House members go home to campaign.

Top Senate appropriators said negotiations are ongoing on the sprawling bill, covering five Cabinet departments and various smaller agencies ranging from the EPA to the Small Business Administration.

“Our staffs have been working and trying to see if they can resolve this. This is a pivotal week for that. We hope we can do it. It depends on the House. We've got offers and counteroffers,” Senate Appropriations Chairman Richard C. Shelby, R-Ala., said Monday. “But I'm hopeful.”

Shelby and Senate Appropriations ranking member Patrick J. Leahy, D-Vt., plan to meet Tuesday to discuss the situation, according to Leahy, who also wasn't giving up on completing the four-bill measure this week.

The package (HR 6147) covers the Interior-Environment, Financial Services, Agriculture and Transportation-HUD measures, an unusual construct that started as just the Interior and Financial Services bills in the House but expanded in the Senate.

“We are so close and within the next 24 hours we are going to get this resolved between the House and Senate, or we're going to go to a [continuing resolution],” said Senate Financial Services Appropriations Subcommittee Chairman James Lankford, R-Okla. “And I wish I could

tell you which way it's going to go. I'm still hoping we can get this worked out in the next 24 hours and be able to have this done."

Appropriators have indicated that most issues associated with the Agriculture and Transportation-HUD titles are either resolved or can be worked out fairly easily. But the Financial Services and Interior-Environment bills, perennial sources of partisan disputes in recent years, remained stuck mainly on policy riders.

Whether to wall off \$585 million for a special "Fund for America's Kids and Grandkids" favored by House Financial Services Appropriations Subcommittee Chairman Tom Graves, R-Ga., until deficits are eliminated have gummed up talks on that title of the bill. Graves is a candidate for the top GOP slot on House Appropriations after retiring Chairman Rodney Frelinghuysen, R-N.J., departs after this Congress, and is the favored candidate of many House conservatives.

In addition, the House and Senate have been at odds over whether federal civilian employees should receive a pay raise on Jan. 1, 2019. The Senate version would allow for a 1.9 percent boost, while the House version would allow President Donald Trump's proposed pay freeze to go through.

Complicating matters is that it's possible the House will cut its scheduled work period even shorter for members to go home and campaign. House lawmakers could leave as early as Friday; it has not been formally announced but multiple GOP lawmakers and aides expect that to be the case. The majority leader's official schedule has the House in for business until Oct. 12.

Senate Financial Services Appropriations ranking member Chris Coons, D-Del., told CQ on Monday that he's "optimistic" lawmakers can reach a deal. He said he and Lankford have submitted a bipartisan proposal to the House they hope can break the logjam.

"It is my hope that in negotiations that have been ongoing in recent days the House has seen the wisdom of the balanced proposal that we have made," Coons said. "There are very few issues left. Just a few."

The White House hasn't issued a veto threat of the legislation, but it's unclear what the administration's appetite is to try to get Trump to sign yet another hefty spending bill that would leave out his U.S.-Mexico border wall.

A stopgap continuing resolution tied to the Labor-HHS-Education and Defense bill (HR 6157) would be in place for agencies covered by the four bills if negotiations don't finish in time. That huge \$855 billion package is set for a final vote in the House after the Senate adopted the conference report on a 93-7 vote last week.

Senate Labor-HHS-Education Appropriations Subcommittee Chairman Roy Blunt, R-Mo., said Shelby and Leahy "are making a major effort" to get the other four bills in conference done this week.

But Blunt acknowledged the possibility those four might not become law in time to start the new fiscal year. "You wouldn't want to bet your house on it," he said.

### **Kavanaugh Undeterred by Sexual Assault Allegations**

*Sept. 24, 2018; Updated 2:26 p.m. By Todd Ruger, CQ*

President Donald Trump and Senate Republicans showed no signs of faltering support for embattled Supreme Court nominee Brett Kavanaugh, who again insisted Monday that he wanted to clear his name at a public hearing this week after a second allegation of sexual misconduct emerged Sunday night.

As hundreds of protesters gathered at different spots on Capitol Hill to oppose his confirmation, Kavanaugh sent a letter to the Senate Judiciary Committee to say he would not withdraw his nomination and looks forward to the hearing set for Thursday. The federal appeals court judge characterized allegations of sexual misconduct against him as "smears, pure and simple."

Kavanaugh cast himself as making a principled stand for "good people of all political persuasions" who would want to serve but would fear the threat of such "character assassinations."

"I will not be intimidated into withdrawing from this process," Kavanaugh wrote. "The coordinated effort to destroy my good name will not drive me out. The vile threats of violence against my family will not drive me out. The last-minute character assassination will not succeed."

Senate Majority Leader Mitch McConnell, R-Ky., announced Monday afternoon that there "will be" a confirmation vote, "up or down," on Kavanaugh "in the near future." The move heaps political pressure onto the Republican senators thought most likely to waver on support: Sens. Susan Collins of Maine and Lisa Murkowski of Alaska.

"Senate Democrats and their allies are trying to destroy a man's personal and professional life on the basis of decades-old allegations that are unsubstantiated and uncorroborated," McConnell said. "This is what the so-called resistance has become. A smear campaign, pure and simple."

That prompted a response Monday night from an attorney for Ford, who sent a letter to Judiciary Committee Chairman Charles E. Grassley that pointed out that McConnell's rhetoric contrasted with the chairman's stated desire to have a "fair and credible" process that treats Ford respectfully.

Republican Sen. Orrin G. Hatch of Utah called for a committee vote after Thursday's hearing, which will also have testimony from Christine Blasey Ford, who alleges that Kavanaugh sexually assaulted her decades ago, when he was a 17-year-old high school student.

Fellow Republican Sen. Lindsey Graham of South Carolina tweeted that the Supreme Court confirmation process "is being replaced by a game of delay, deception, and wholesale character

assassination.” And Trump pushed back against the new allegation of sexual misconduct as “political,” even as the Judiciary Committee began the work of contacting more people who say they have information about Kavanaugh’s past.

“There’s a chance that this could be one of the single most unfair, unjust things to happen to a candidate for anything,” Trump said on the sidelines of a United Nations conference in New York. “And for people to come out of the woodwork from 36 years ago and 30 years ago, and never mention it, and all of a sudden it happens, in my opinion, is totally political.”

Trump, the White House and Kavanaugh have attacked the latest allegation from Deborah Ramirez — published in *The New Yorker* on Sunday night — as lacking corroboration. She told the magazine that she was inebriated at a Yale College dormitory party in the 1980s when Kavanaugh exposed himself, thrust his penis in her face, and caused her to touch it without her consent as she pushed him away.

The *New Yorker* reported it has not confirmed with other eyewitnesses that Kavanaugh was present at the party. A White House aide cited a “damning” excerpt from a *New York Times* story about its own reporting efforts to confirm Ramirez’s claim.

“The Times had interviewed several dozen people over the past week in an attempt to corroborate her story, and could find no one with firsthand knowledge,” The *New York Times* wrote in the story that the White House sent to media. “Ms. Ramirez herself contacted former Yale classmates asking if they recalled the incident and told some of them that she could not be certain Mr. Kavanaugh was the one who exposed himself.”

Senate Majority Whip John Cornyn of Texas said he expected Ramirez to talk to the committee, but indicated it may not be during Thursday’s hearing.

“In Ms. Ramirez’s case, she’s already said she’s not sure if she’s got the right guy, so I’m not sure whether that warrants a public hearing,” Cornyn said.

Kavanaugh, in a statement, said the event did not happen. He said he looks forward to testifying Thursday before the Judiciary Committee to clear his name.

Ford wrote Grassley a personal note Saturday that explained how she came forward — her original intent was to be a helpful citizen in a confidential way — and said her one motivation is to tell the truth.

“Mr. Kavanaugh’s actions, while many years ago, were serious and have had a lasting impact on my life,” Ford wrote. “I thought that knowledge of his actions could be useful to you and those in charge of choosing among the various candidates.”

Grassley responded and added a handwritten note at the bottom: “PS: I look forward to your testimony.”

Staff wrote to Ford's attorney Monday to say Republican members have hired "an experienced sex-crimes prosecutor to serve as an investigative staff counsel" to question Ford and Kavanaugh on their behalf Thursday.

"I think we're leaning towards a staff lawyer, an outside lawyer, rather than have 11 members question for five minutes each," Cornyn said.

In the meantime, Senate Democrats and liberal advocacy groups have pointed to the new allegation to call for a halt to the confirmation process or for Kavanaugh to withdraw. Protestors rallied on Capitol Hill and outside the state offices of Senate Republicans such as Sen. Susan Collins of Maine and Jeff Flake of Arizona. By late morning Monday, a swarm of protestors lined the hallway outside Flake's office.

Democratic Sens. Richard Blumenthal of Connecticut and Chris Coons of Delaware, along with Del. Eleanor Holmes Norton, D-D.C., and more than 100 Yale Law School students will host a news conference Monday afternoon calling for a delay on a confirmation vote.

"It's not every nominee that's been accused of attempted rape," said Mazie Hirono, D-Hawaii. "I think we need to spend the time to make sure we have as much information as we can and the fact that the Republicans are stonewalling just the most basic kind of investigations raises huge questions as to why. I think it's because they're afraid of what an investigation would reveal."

A spokesman for Grassley said that the staff will attempt to evaluate these latest claims, including an allegation apparently from a third woman who had information about Kavanaugh's behavior at parties at high school parties and wanted to testify as well.

"It increasingly appears that [Democrats] are more interested in a political takedown than pursuing allegations through a bipartisan and professional investigative process," committee spokesman Taylor Foy said.

Michael Avenatti, the lawyer who rose to fame by aggressively taking on Trump on behalf of his client Stormy Daniels, last night said the third woman wanted to testify, but he did not offer any evidence of claims. He said he would bring forward evidence over the next few days.