

Memo

To: Phillip Drujak
From: Squire Patton Boggs LLP
Date: June 20, 2019
Subject: Miami-Dade Monthly Reports 2019

This memorandum provides highlights of the federal representation performed by Squire Patton Boggs on behalf of Miami-Dade County to date in 2019.

Currently, Congress is in session and working to finalize a budget agreement for FY 2020, while the House is attempting, despite the absence of an overarching budget agreement, to bring all of its FY 2020 appropriations bill to the floor before the end of June. This week, the House is completing action on the first minibuss, comprised of the Defense/State-Foreign Ops/Energy and Water/Labor-HHS-Ed bills, and, next week, will take up the second minibuss, comprised of the Commerce-Justice-State/Agriculture/Interior-Environment/Transportation-HUD/Military Construction-VA bills. The Senate is considering a stand-alone \$4.5 billion supplemental appropriations bill to address the surge of migrants on the southern border. Previously, after many delays, Congress passed a \$19.1 billion disaster aid package to respond to a recent spate of hurricanes, wildfires, and floods. Still to come is resolution on how Congress will raise the debt ceiling in order to avoid a default in the fall. The Treasury has been using “extraordinary measures” to extend the government’s borrowing authority since hitting the debt limit in early March. This will likely be tied to the FY 2020 budget agreement when finalized.

The failure of President Trump’s most recent meeting with Democratic Congressional leadership has stalled, perhaps permanently, this Congress’s chances of getting a deal on infrastructure, something that was viewed as a potential area of agreement between House Democrats and the Administration.

Possible future actions this year by Congress include: Reauthorization of the National Flood Insurance Program (which expires September 30th); the National Defense Authorization Act; the Violence Against Women Act (which expired in February); tax extenders; and consideration of the United States-Mexico-Canada Agreement (USMCA).

January

The 116th Congress began the year with a partial shutdown of the federal government, which Squire Patton Boggs continuously monitored for the County, including updates on the progress

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of negotiations for a resolution and on how the shutdown was affecting federal agencies like the Department of Housing and Urban Development. Early in January, we provided the County with a 2018 end-of-year update on all issues affecting local governments.

Because Democrats had taken control of the House of Representatives, we monitored the organization of the House as well as the Adoption of the Rules for the House under Democratic control. We analyzed and recommended federal priorities for the County Commission in light of the potential for action in the new Congress, in consultation with the County's Intergovernmental team.

Additionally, with the start of a new year, we provided the County with a detailed analysis of federal grant opportunities that the County might want to pursue in the coming months. We also provided updates on litigation concerning Federal Communications Commission (FCC) actions on 5G deployment, as well as on the introduction of Land and Water Conservation Fund reauthorization. We also reviewed potential options for legislative changes, such as removal of the cap regarding Airport Passenger Facility Charges, for Miami International Airport.

February

During February, the partial government shutdown was resolved, and Squire Patton Boggs prepared a summary of the final FY 2019 appropriations numbers for programs of interest to the County. In particular, we reviewed the status of the funding for the New Starts and Small Starts programs, including communications with the Federal Transit Administration, and the potential for federal funding for County transit priorities.

In anticipation of a potential infrastructure package (which could have included broadband, housing, electric grid, water and sewer, in addition to transportation infrastructure), we covered a House Transportation and Infrastructure Committee hearing on "The Cost of Doing Nothing: Why Investing in our Nation's Infrastructure Cannot Wait." We also covered and analyzed Congressional hearings on such matters as 5G deployment, climate change, homelessness, and IRS regulations on Opportunity Zones. We provided the County with House and Senate Committee membership directories as soon as Committee assignments were complete.

During this month, we provided updates on the movement of Land and Water Conservation Fund reauthorization, the introduction of the "Green New Deal" in the House, and the Department of Health and Human Services interest in reforming the Emergency Triage and Transport model. The House of Representatives took action on gun legislation by passing the Bipartisan Gun Safety Act.

Additionally, we looked into opportunities to fund housing for the County's K9 unit at MIA and explored a potential public/private partnership. We also polled several other airports to learn about their K9 unit kennels.

Finally, we began to coordinate with County staff on the preparations for the annual programmatic appropriations requests that the County makes to the Congressional Delegation.

March

In March, the FY 2020 budget and appropriations season got underway in a serious fashion. The President released his FY 2020 "Skinny Budget" (delayed from the usual February timeline because of the partial government shutdown at the beginning of the year). Squire Patton Boggs

analyzed the budget, and, in consultation with the County's Washington, DC office, prepared half of the County's FY 2020 Appropriations forms and letters, which were submitted to the Congressional delegation, outlining the County's key funding priorities for the year. Included among them were programmatic funding requests for homelessness and emergency housing, EPA National Priorities research on water issues, the New Starts program, and the BUILD program.

The Democratic House was anticipating working with the Administration on an infrastructure package and we kept the County apprised of strategies, hearings, and issues being identified by the House Transportation and Infrastructure Committee, as well as House Leadership in this regard. We summarized the first hearing in many years by the House Ways and Means Committee on the federal gas tax and attended a small meeting with Ways and Means Chairman Neal (D-MA) on infrastructure funding. In addition, we provided a summary of a House hearing on airport funding, particularly focused on Passenger Facilities Charges.

We also provided the County with updates on the Department of Labor Overtime Rule. We covered a Transportation and HUD Appropriations Subcommittee hearing on affordable housing preservation and a Financial Services Committee hearing on housing finance reform. We worked with NACo regarding a White House event on Opportunity Zones. At the request of the County, we worked to seek out cosponsors of Senator Rubio's legislation, S. 852, the Anti-Semitism Awareness Act of 2019.

April

There was heightened activity on infrastructure in April, in anticipation of the late April meeting between Democratic Congressional leaders and President Trump. The meeting went extremely well, with agreement on all sides to an extensive \$2 trillion infrastructure package. The parties agreed to reconvene in May to discuss funding sources.

Meanwhile, the House began working on moving FY 2020 appropriations bills, while Congress tried to finalize a \$19 billion disaster package to address hurricanes, wildfires, and floods. Squire Patton Boggs provided the County with updates on those developments in addition to: a House Climate Change hearing; DHS 2019 Preparedness Grants; impacts of shifting Customs and Border Patrol personnel to the southern border on airports; House passage of the Save the Internet Act; and 5G deployment along with other FCC developments. We provided the County with the Notice of Funding Opportunity for the Better Utilizing Investments to Leverage Development (BUILD) grant program and highlighted the release of the second tranche of regulations for the Opportunity Zone program. On behalf of the County, we attended the Federal Permitting Council meeting tasked with improving federal infrastructure permitting.

Most importantly, in April, Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced an additional Water Infrastructure Finance and Innovation Act (WIFIA) loan of \$99 million total to finance advanced wastewater infrastructure in Miami-Dade County. This built on previous work by Squire Patton Boggs, which included participating in the creation of the WIFIA program in 2014, securing the first appropriations for the program, and working with the County and EPA to secure a previous WIFIA loan for the same project from the very first round of designations in 2017.

May

In early May, Squire Patton Boggs provided the County with our first 2019 Quarterly Local Government Report on all activities of interest to local governments occurring in the first quarter of the year.

We also researched grant programs at the Institute of Museum and Library Services and the Department of Defense for funding that might be applicable to a museum focused on veterans to be located in Miami-Dade County.

The House started marking up FY 2020 appropriations bills, while the House and Senate tried to come to agreement on a final disaster supplemental appropriations bill. As House Subcommittees marked up their bills, we kept the County apprised of funding levels and updates on the movement of the legislation. Additionally, we provided the County with real time updates on developments in the infrastructure package and proposals regarding raising the gas tax, as well as sending an analysis of the energy portion of the infrastructure package, the LIFT America Act. We also provided updates on a Border Security hearing, the U.S.-Mexico-Canada trade agreement (USMCA, the follow-on to NAFTA), and HUD Secretary Ben Carson's testimony before the House Financial Services Committee.

Additionally we held one of our regular meetings with the County's Washington, DC representative, Phillip Drujak.