

Memorandum**TO:** Miami-Dade County**FROM:** Greenberg Traurig**DATE:** April 30, 2024**RE:** April 2024 Monthly Report

Below please find a summary of Greenberg Traurig's efforts on behalf of Miami-Dade County and the latest news stories and updates in Washington from the month of April. If you have any questions, or if we can be of any further assistance, please let us know.

Overview

Throughout the month of April, GT has kept Miami-Dade County staff up-to-date on the latest breaking news and developments in Washington with an on the ground presence in the nation's capital. GT has also helped County staff navigate the 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. GT's efforts on behalf of the County have focused on issues such as Appropriations/Budget, Public Safety, Economic Development, Equity, Justice, WRDA, Housing, Broadband/5G, Immigration, Infrastructure, and Transportation issues among many others.

Our team features former Congressional and White House staff whose strong connections in Washington can enable Miami-Dade County staff to maximize their opportunities to discuss specific high-level priorities with the top decision-makers in the Federal government. Through these connections, GT has also provided County staff with relevant "Dear Colleague" letters, draft versions of legislation, legislative analysis, Congressional Agenda outlines and other insights not available through public means. GT continued to cultivate these relationships in the Federal government this month and maintains an open dialogue with Members of the Florida delegation, Congressional leadership, and key contacts within the Administration.

Budget & Appropriations

Senate Appropriations Chair Patty Murray, D-Wash., pledged to mark up a new set of spending bills for the upcoming fiscal year, seemingly putting to rest speculation in some corners that her party would skip "regular order" given major partisan disagreements and election-year jockeying. But first, lawmakers must settle on topline spending levels and work through a familiar dynamic from past budget cycles, with Republicans angling for more defense spending and Democrats saying any increase needs to be matched on the nondefense side. Murray said she will insist on "parity" in talks with ranking member Susan Collins, R-Maine, agreeing with Republicans that there needs to be more national security spending but only if matched with commensurate boosts for domestic programs. Last summer's debt limit law (PL 118-5), negotiated by President Joe Biden and ex-Speaker Kevin McCarthy, R-Calif., set spending caps for two years, including 1 percent increases for defense and nondefense

discretionary accounts in fiscal 2025. Democrats in both chambers were never happy with those numbers, and many Republicans, particularly in the Senate, were bothered by the defense limit. On a bipartisan basis, Senate appropriators added \$14 billion in emergency funds, including \$8 billion for defense, to their fiscal 2024 bills before being forced to scale back in the final packages (PL 118-42; PL 118-47).

Senate Republicans are now re-upping their push to blow through the defense cap. “Our country faces tremendous challenges from a national security point of view, and it means that we need more capabilities to defend ourselves, and you’re not going to get that with flatline spending or a 1 percent increase when inflation is what it is,” said Sen. Jerry Moran, R-Kan., a member of the Defense Appropriations Subcommittee. That gives Democrats an opening to insist that domestic and foreign assistance programs get taken care of as well, though Senate Minority Leader Mitch McConnell, R-Ky., pushed back on the need for “parity” during a Sunday talk show appearance over the weekend.

FAA Reauthorization

House and Senate negotiators in late April revealed a bill to reauthorize the Federal Aviation Administration at a total of \$105 billion over five years that resolves some of the policy snags that have held it up for months. But other hot-button issues, like raising the pilot retirement age, may be hashed out via amendments as the bill moves to the Senate floor. The timing of the agreement provides a window for passage before the authorization expires on May 10. The current authorization (PL 115-254) had been set to expire Sep. 30, 2023, but it was extended three times as lawmakers disagreed over the final version. The compromise bill clocks in at more than 1,000 pages and uses the House-passed FAA bill (HR 3935) as a vehicle for consideration in the Senate. It would increase authorizations for FAA operations to \$66.7 billion in total for five years, starting at \$13 billion for fiscal 2024, which ends Sept. 30. That’s up from \$11.5 billion in fiscal 2023. From there, top-line authorizations hew closer to levels proposed by the House, reaching \$14 billion for operations in fiscal 2028. The Senate had proposed ending at \$14.4 billion. “Now more than ever, the FAA needs strong and decisive direction from Congress to ensure America’s aviation system maintains its gold standard, and we have reached a bipartisan, bicameral, comprehensive agreement to do just that,” the lead negotiators said in a statement. They are Senate Commerce, Science and Transportation Chair Maria Cantwell, D-Wash., and ranking member Ted Cruz, R-Texas; House Transportation and Infrastructure Committee Chair Sam Graves, R-Mo., and ranking member Rick Larsen, D-Wash.

It would boost authorizations for the Airport Improvement Program, which funds new infrastructure, to \$4 billion a year, the first increase for a program that’s been set at \$3.4 billion annually for the past 10 years. The bill adopts the bulk of the provisions from the FAA bill that the House passed in July. Negotiators included much of the FAA and national airspace system operational overhauls set out in the House bill, including those that would require an advisory board to review the FAA’s guidance and policies for efficiency as well as direct the agency to assess upgrades or replacements for its automated surface observation systems. It includes provisions that officials deemed necessary in light of recent aviation mishaps, like the Boeing 737 Max 9 door plug blow-out and near-miss runway incursions. It aims for hiring the maximum number of air traffic controller trained through the FAA Academy and would require cockpit voice recorders on new aircraft to record at least 25 hours of data. The text would also retain a

title from Graves that focuses solely on general aviation as well as provisions aimed at introducing new technologies, like drones, into the airspace.

New DOT Airline Requirements

The Transportation Department on April 24th finalized a rule requiring airlines to automatically refund consumers for canceled or significantly delayed flights, and another that mandates disclosure of extra fees, like checked bag charges. The rules, flowing from the Biden administration's promises to crack down on so-called junk fees, have been heavily criticized by the airline industry as unnecessary and potentially costly to travelers. Transportation Secretary Pete Buttigieg said in a statement that the extra fee disclosure rule is expected to save consumers more than \$500 million annually. “Passengers deserve to know upfront what costs they are facing and should get their money back when an airline owes them — without having to ask,” he said. “Today’s announcements will require airlines to both provide passengers better information about costs before ticket purchase, and promptly provide cash refunds to passengers when they are owed — not only saving passengers time and money, but also preventing headaches.”

The extra fee disclosure rule directs airlines and ticket agents to display service fees “upfront clearly, conspicuously, and accurately” the first time the airfare is provided, according to a White House fact sheet. Airlines must explain their baggage, flight change and cancellation policies before ticket purchase, and — to crack down on deceptive seat selection fees — inform consumers that a seat is guaranteed without having to pay extra. The refund rule would require airlines to “promptly” administer full, cash refunds without the passenger having to request one.

The refunds would apply to flights that are canceled or “significantly changed” — defined as instances in which a flight is delayed more than 3 hours domestically and 6 hours internationally. It would also apply in cases of increased connections or changing of a departure or arrival airport, among other conditions. The rules mirror some of the language in the Senate Federal Aviation Administration reauthorization bill (S 1939), including a statutory definition of “significantly changed” as well as fee disclosures for checking a bag prior to booking. Those provisions have received backlash from some Republican lawmakers and the airline industry.

Healthcare

The Biden administration on April 22nd finalized a rule that would protect the sensitive health information of individuals who travel out of state to seek legal abortions and other reproductive health services. The final rule would build on Health Insurance Portability and Accountability Act, or HIPAA, protections by preventing a protected entity — such as insurance plans or a doctor — from releasing protected reproductive health information for the sole purpose of prosecuting or investigating a patient, medical provider or family member for seeking legal prenatal care, miscarriage management or abortion. This could extend to a woman traveling out of state to seek treatment for an ectopic pregnancy, or birth control, or a wellness checkup with an OB-GYN. Jennifer Klein, White House Gender Policy Council director, told reporters that the rule is

important in light of the Supreme Court's June 2022 decision to overturn *Roe v. Wade*. Since that decision, doctors and nurses in some states have been threatened with jail time for providing reproductive care, and patients worry that their private medical information could be shared or used against them without their permission. "Today's final rule . . . is an important step to ensure patient privacy and peace of mind. Because no one should have their health records used against them," Klein said. This rule, which will be enforced by the Department of Health and Human Services Office of Civil Rights, comes as abortion rights advocates have called for the administration to increase protections for data related to seeking an abortion, including search histories, geolocation data, and menstrual tracking apps. Consumer applications are not subject to the guardrails provided by HIPAA, which limits sharing personally identifiable medical information, and mobile apps designed for personal use and reproductive tracking are generally not HIPAA compliant.

HHS noted that commenters suggested the final rule allow health care providers to refuse to release private health information to any consumer health app if the information could lead to civil or criminal penalties, unless the app developer signs a binding agreement that protects them. HHS did not finalize this proposal, though. But agency officials said it's important for individuals to know the risks of releasing their private health information to apps not regulated by HIPAA. Federal law protects the right to interstate travel, meaning an individual living in a state that bans most abortions is eligible to travel to seek an abortion in a state where it is not limited. The final rule clarifies that an investigation seeking this type of protected health information would need to demonstrate how and why that information was needed. It also requires the health care provider or plan to get a signed attestation that the request for the health information is not for prohibited purposes.

Non-Governmental Partners and Coalitions

Throughout April, GT continued to work with organizations like NACo, the Large Urban County Caucus, the National League of Cities, and the United States Conference of Mayors to push for additional state/local aid that would benefit Miami-Dade County and their residents.

GT staff have attended many meetings and been on regular calls with the organizations mentioned above and others this month on the County's behalf. Partnering with these and other organization allows Miami-Dade County officials the opportunity to amplify their voices and help attain County policy priorities at the federal level.

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. We conduct careful daily monitoring of the federal legislative calendar, executive orders, and other policy directives from the White House, action by the federal regulatory agencies, and key decisions issued by the federal courts. 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.