

Memorandum**TO:** Miami-Dade County**FROM:** Greenberg Traurig**DATE:** February 29, 2024**RE:** February 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 February. If you have any questions, or if we can be of any further assistance, please let us know.

Overview

Throughout the month of February, 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

Congressional leaders reached an agreement on final fiscal 2024 appropriations bills on February 28, that will pave the way for lawmakers to wrap up the process in two packages in the coming weeks. Funding for agencies covered by the Agriculture, Energy-Water, Military Construction-VA and Transportation-HUD bills would be extended from March 1 through March 8 in a stopgap bill. Those agencies' full-year bills would then join the Interior-Environment and Commerce-Justice-Science bills in the first tranche to be voted on in early March. Stopgap funding for the remaining six bills, which had been set to lapse after March 8, would last through March 22, giving lawmakers enough time to finish turning the deal into legislative text and getting the bills through both chambers. That package would consist of the Defense, Labor-HHS-Education, Homeland Security, Financial Services, State-Foreign Operations and Legislative Branch measures.

The stopgap bill will give the Appropriations committees time “to execute on this deal in principle, including drafting, preparing report language, scoring and other technical matters, and to allow members 72 hours to review,” a joint statement from congressional and appropriations leadership read. Speaker Mike Johnson, R-La., pushed for a global agreement on major sticking points of the spending bills before agreeing to the stopgap measure. Negotiators were said to be “close” on finalizing the last six bills, and one source familiar with the talks said they could be done “well in advance” of March 22.

Johnson, Senate Majority Leader Charles E. Schumer, D-N.Y., House Minority Leader Hakeem Jeffries, D-N.Y., and Senate Minority Leader Mitch McConnell, R-K.y., along with the "four corners" of appropriations leadership in both chambers, announced the agreement. The "deal in principle," as the leadership called it in their joint statement, is a major step forward in the fiscal 2024 appropriations process. The stopgap measure lawmakers are expected to clear appears likely to be the final one. It is the fourth continuing resolution since the fiscal year began last October.

Johnson and Schumer announced a topline agreement in January, and appropriators reached agreement on final subcommittee allocations a few weeks later. Since then, subcommittees have been negotiating how their allocations will be split, and kicking any open issues up the chain to leadership. The deal marked resolution of those issues. With all four congressional leaders on board, it appears likely that the packages will pass. However, the House will have to take up the packages under suspension of the rules, as it is unlikely House Republicans would be able to adopt a rule for two enormous spending packages that conservatives are poised to oppose. Johnson is almost certain to face blowback from the right flank of the House Republican Conference, however, which has been pushing him to take a harder line in the negotiations.

FAA Reauthorization

The House, on the last day of February, finally passed a third extension of the Federal Aviation Administration’s funding authority, with the Senate expected to do the same before a March 8 deadline. The extension (HR 7454), approved 401-19, would provide for a simple extension of the FAA’s current funding authority (PL 115-254) through May 10, without any policy riders. That gives lawmakers an extra two months to hammer out differences between the House FAA reauthorization bill (HR 3935) and the Senate version (S 1939), which currently stand far apart on topics like consumer protections and pilot retirement age. House Transportation and Infrastructure Chairman Sam Graves, R-Mo., who introduced the extension, said in a floor speech before passage that he is confident this extension will be the last. FAA’s funding authority was initially set to expire on Sept. 30, but lawmakers have extended it twice over the past few months.

Without an extension, the FAA would lose its authority to collect revenues from the Airport and Airway Trust Fund, which is financed by excise taxes on passengers, cargo and fuel and pays for airport infrastructure projects and other aviation programs. Graves said on the floor that a lapse would add to the national debt by more than \$50 million each day and would threaten aviation safety. “It’s clear that enacting a long-term FAA reauthorization bill remains the goal of both chambers, and we are on track to do that,” Graves said. “I plan to work expeditiously with our Senate counterparts so that this is the last short-term extension before we send a comprehensive,

long-term reauthorization bill to the president's desk." Senate Commerce, Science and Transportation Chair Maria Cantwell, D-Wash., said that the Senate is poised to pass the extension, allowing "more than enough time" to reach an agreement. Cantwell added that she still has plans to bring the Senate FAA reauthorization bill to the floor as it currently stands, even though senators have already begun negotiations with the House to reconcile differences between the bills. The Senate bill would set out much stronger provisions aimed at boosting airline ticket price transparency and refund protocols. The House bill includes language that would raise the pilot retirement age from 65 to 67 years old, a move voted down by senators in committee, and the measures differ on contentious proposals to add extra flight slots to Ronald Reagan Washington National Airport.

Tax Package

Sen. Michael Crapo, the top Senate Finance Republican, said he's working to narrow down changes GOP colleagues would need to support a House-passed \$79 billion package of tax breaks, after brushing off criticism from the panel's Democratic chairman earlier in the day. Crapo, R-Idaho, met with committee Republicans after clapping back at Senate Finance Chairman Ron Wyden, calling the Oregon Democrat's efforts to get him to "rubber stamp" the family and business tax breaks "counterproductive." Crapo struck a more conciliatory tone following the meeting, saying he's figuring out what could be cut or added to the package (HR 7024) to earn the backing of the majority of Senate Republicans. "There's a very strong feeling in our caucus that we don't want to move without having it at least be a majority position in the caucus," Crapo said. "We're not there yet, but we're working on it."

The tax bill, negotiated by Wyden and House Ways and Means Chairman Jason Smith, R-Mo., would expand the child tax credit, though not to pandemic-era levels sought by Democrats. It also would revive a trio of widely popular business tax breaks, including full upfront deductions for research and development costs. The bill's cost would be offset by scaling back a pandemic-era employee retention tax credit that has been subject to fraud by ending the processing of claims early.

The bill sailed out of the House late last month on a 357-70 vote. Wyden, who wanted the package enacted by late January for tax filing season, expressed frustration with Republicans, who he said refused to lay out their concerns on the bill. "We've never even gotten a piece of paper that says, 'These are the things that we want and if we get these things, then it'd be possible for us to vote for it.' It's now time to get to 'yes,'" Wyden said of Senate Republicans.

WRDA 2024

This year's Water Resources Development Act (WRDA) that would authorize a range of Army Corps of Engineers projects and studies will be less focused on policy than its predecessors to allow agency officials to continue implementing mandates from prior bills, senators said at a recent hearing. At a Senate Environment and Public Works Committee hearing, Chairman Thomas R. Carper, D-Del., and ranking member Shelley Moore Capito, R-W.Va., said the 2024 Water Resources Development Act will instead

focus on authorizing new studies and projects or modifying existing ones, as well as necessary technical changes to prior bills. “Senator Capito and I are in agreement that WRDA 2024 will focus on individual project solutions, giving the corps the ability to dedicate more time and resources to fully implement the changes we have already made in past bills,” Carper said in his opening statement. Capito said that this means it “will not be a policy-heavy bill.”

The 2022 WRDA passed the Senate 93-1 before it was ultimately signed into law as part of the 2023 defense authorization (PL 117-263). That bill authorized 25 construction projects and 94 feasibility studies. After each WRDA bill passes, the corps develops implementation guidance. Michael L. Connor, assistant secretary of the Army for Civil Works, said that the corps has completed the implementation guidance for 31 of 35 provisions in the 2020 WRDA, and six of the 12 provisions in the 2022 version. Connor said that some guidance has been delayed because it intersects with other areas of the federal government, and because it's considered “significant guidance” requiring notice and comment. He added that funding also presents an issue, with fiscal 2024 appropriations still unresolved.

The 2022 WRDA included requirements that the corps launch four advisory committees, and report on the time it takes to complete the environmental review process required under the National Environmental Policy Act. Officials said they have made progress on both, but that work continues. Chief of Engineers Lt. Gen. Scott A. Spellmon said that it may be necessary for his staff to meet with Capito's to fully understand the intent of the environmental review requirement. The corps had previously suggested completing this requirement would require an additional \$3 million.

During the hearing members largely focused on projects in their districts, seeking assurances from Connor and Spellmon that the corps would continue working on port improvement, dredging and coastal replenishment projects. Carper referred to WRDA as a “shining example of the bipartisanship that is too often overlooked” and members expressed their hopes that this year’s bill would also be passed with strong bipartisan support. To date, the committee leaders have received more than 1,200 requests from their colleagues. Carper said these requests have identified consistent themes, including communities asking the corps to do more to address extreme weather and climate change. He also found that they are asking for corps projects to be more affordable, and for nonfederal sponsors to have more flexibility when working with the corps. Capito said flexibility “is key to ensuring that the corps can identify and carry out solutions that are tailored to the needs of each individual community.”

Non-Governmental Partners and Coalitions

In mid-February, GT attended the 2024 NACo Legislative Conference. This year’s conference drew nearly 2,000 elected and appointed county officials from across the United States. The primary objective of this conference was to delve into federal policy matters that directly affect counties and their residents. Through this platform, attendees had the opportunity to engage in in-depth policy sessions, gaining insights and exchanging ideas on crucial issues facing the County.

At the conference, held in Washington D.C., GT met with Miami-Dade County Commissioners, County staff, Federal government officials, and NACo staff at many formal and informal meeting engagements. Through this conference, GT and County staff had valuable interactions with federal agency officials, fostering collaboration and understanding between county governments and national agencies. These interactions are instrumental in building bridges and fostering partnerships that can lead to more effective governance and improved outcomes for County residents.

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.