

The background of the slide is a close-up, slightly blurred image of the American flag, showing the stars and stripes in detail. The stars are white on a dark blue field, and the stripes are red and white.

# Election 2020: Potential Impacts **Local Government**

**Eve Maldonado O'Toole | Leslie Pollner | Lauri Hettinger**

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**Holland & Knight**

# Speakers



**Eve Maldonado O'Toole**  
Senior Policy Advisor



**Leslie Pollner**  
Senior Policy Advisor



**Lauri Hettinger**  
Senior Policy Advisor

# Supreme Court Nomination

- The passing of Supreme Court Justice Ruth Bader Ginsburg and the nomination of her replacement has thrown the congressional schedule into question. Senate Majority Leader Mitch McConnell now has the Republican votes needed to approve a replacement before the November election. Timeline for confirmation remains unclear.



# Where We Are At In Congress

	Congress End of the Year Key Deadlines	Program Deadline Dates
<b>September</b>	<ul style="list-style-type: none"> <li>Legislative Session</li> <li>Fiscal Year (FY) 2020 ends on Sept. 30</li> <li>FY 2020 appropriations expire; Continuing Resolution (CR) through December 11</li> </ul>	<p><b>September 30:</b> FY 2020 funding, as well as other major programs expire, including:</p> <ul style="list-style-type: none"> <li>National Defense Authorization Act (NDAA)</li> <li>Surface transportation authorization (FAST Act)</li> <li>National Flood Insurance Program (NFIP)</li> <li>National Institutes of Health authorization</li> <li>Every Student Succeeds Act</li> <li>Workforce Innovation and Opportunity Act</li> <li>Child Care and Development Block Grant (CCDBG)</li> <li>Payroll Support Program for aviation workforce</li> </ul>
<b>October</b>	<ul style="list-style-type: none"> <li>Election Season Recess</li> </ul>	<p><b>October 2:</b> Congress is scheduled to adjourn for recess before returning for one week of voting on November 16</p>
<b>November</b>	<ul style="list-style-type: none"> <li>Nov. 3: Election Day</li> <li>Lame Duck Session, with focus on FY 2021 appropriations</li> </ul>	<p><b>November 20:</b> Congress will leave for recess on November 20 before returning December 10 before the holiday break</p> <p><b>November 30:</b> Health extenders, Temporary Assistance for Needy Families (TANF) program</p>
<b>December</b>	<ul style="list-style-type: none"> <li>Lame Duck Session</li> <li>Government funding will run out December 11; CR likely to be extended</li> <li>WRDA conference report</li> </ul>	<p><b>December 6:</b> Extra \$300 per week federal pandemic unemployment benefit</p> <p><b>December 11:</b> Congress is scheduled to adjourn through the end of the year</p> <p><b>December 31:</b> Tax extenders and several coronavirus response programs, including:</p> <ul style="list-style-type: none"> <li>Student loan repayment and interest accrual suspension</li> <li>Emergency sick, family leave, and other pandemic unemployment assistance programs</li> <li>Federal payroll tax payment deferral for employees</li> </ul>

# Where We Are At In Congress (continued)

- **Congress Expected to Pass Stopgap Spending Measure**
  - House Speaker Nancy Pelosi (D-Calif.) has released a continuing resolution (CR) to continue funding federal government agencies through December 11 since Congress has not collectively passed any of its FY 2021 appropriations bills.
  - Democrats agreed to drop a request to extend the Census Bureau's December 31 deadline to turn over apportionment data used to divvy up House seats to the President. The bill also extends the surface transportation authorization bill (FAST Act) and the National Flood Insurance Program for a year.
  - Originally, the House was going to consider it today; however, the House just postponed the vote. The CR does not include farm aid requested by the White House, which has raised the risk of opposition from the White House and Senate Republicans.



# Where We Are At In Congress (continued)

- **COVID Relief**

- **Senate Republican “skinny” COVID relief bill:** On September 10, Senate Democrats blocked a \$500 billion Senate Republican so-called “skinny” COVID bill. Senators voted 52-47 (required 60 votes) on advancing the bill. The measure did not include direct relief for state and local governments or funding for transportation agencies.
- **House Bipartisan Centrist COVID Proposal:** On September 15, the Problem Solvers Caucus announced a \$1.5T relief package. Their proposal includes:
  - Another round of \$1,200 stimulus checks
  - \$100 billion for COVID-19 testing
  - \$500 billion for state and local governments (\$250 billion for state loss revenue; \$120 billion for local lost revenue; and \$130 billion for future looking expenses similar to funding under the CARES Act)
  - \$25 billion for rental and mortgage assistance, and new money for schools – including \$30 billion for higher education.
  - Supplemental unemployment insurance at \$450 per week for the first eight weeks and \$600 per week after that, but capped at 100 percent of a person’s salary.
- House Democratic leadership voiced opposition, saying the proposal falls short of what is needed, and Republican Minority Leader Kevin McCarthy expressed concerns that this package would not gain support from the full Republican delegation.

# Where We Are At In Congress (continued)

- **COVID Relief**

- **President’s Reaction:** On September 16, the President urged the GOP in a tweet to “Go for the much higher numbers” in a new COVID relief package. He followed up at a White House news conference by saying he liked “the larger numbers” in the \$1.5T bipartisan compromise. Republicans responded with concern over whether there is enough GOP support to move forward with additional measures before Election Day.
- The White House/Senate Republicans and Democratic leadership remain far apart not only on the price tag of the next COVID measure but also on significant policy issues including unemployment benefits and more money for state and local governments.
- Despite continued negotiations, another major relief package is unlikely until after the November elections.

# Post-Election COVID Relief Scenarios

- **Trump Win/Senate Republican Majority:** Continuation of current political dynamics; possibility of compromise on smaller package or piecemeal legislation
- **Trump Win/Senate Flip to Democrats In Control:** Continuation of current political dynamics with increased pressure to get something done and Dems holding to \$2.2T offer
- **Biden Win/Senate Republican Majority:** House holds on \$2.2T; pressure in Senate increases as the Republican majority is likely narrowed as a result of the elections, possibility of package closer to \$2.2T
- **Biden Win/Senate Flip to Democrats In Control:** \$2.2T package at a minimum, with a likely significantly larger package that includes direct state and local assistance and unemployment benefits as centerpieces



# Second Term Trump Administration

- **Stimulus/Infrastructure**
- **Outlined His Priorities During The August Republican Convention:**
  - **Create Jobs:** Create 10 million new jobs in 10 months; Create 1 million new small businesses; Cut taxes; Enact fair trade deals; Expand Opportunity Zones
  - **Eradicate COVID-19:** Develop a vaccine; Return to normalcy in 2021; Refill stockpiles and prepare for future pandemics
  - **End Reliance On China:** Bring back manufacturing jobs from China; Tax credits for companies that bring back jobs from China; No federal contracts for companies who outsource to China
  - **Defend Police:** Fully fund and hire more police; Increase criminal penalties for assaults on law enforcement officers; Prosecute drive-by shootings as acts of domestic terrorism
  - **End Illegal Immigration And Protect American Workers:** Block illegal immigrants from becoming eligible for taxpayer-funded welfare, healthcare, and free college tuition; Mandatory deportation for non-citizen gang members; End sanctuary cities; Prohibit American companies from replacing United States citizens with lower-cost foreign workers
  - **Innovate For The Future:** Launch Space Force; Establish permanent manned presence on the moon and send the first manned mission to Mars; Win the race to 5G and establish a national high-speed wireless internet network
- **Healthcare?**

# Early Biden Administration

- **Address COVID-19:** Potential coronavirus relief package; Ramp up Defense Production Act to increase testing & PPE; Creation of a “Pandemic Board” to provide clear guidance; Increase vaccine production efforts and global coordination; Encourage national mask mandate
- **Infrastructure/Economic Stimulus:** Invest \$2 trillion over four years in a green energy economy; Broad economic recovery plan
- **Climate:** Rejoin Paris Climate Agreement; Rescind Trump Executive Orders (EOs) (e.g. CAFE; mercury rule); Sen. Booker’s Environmental Justice Act through an EO
- **Immigration:** Dream and Promise Act; Rescind public charge; Restore TPS; Renew asylum program
- **Gun Control:** Repeal liability protection for gun manufacturers; Closing background check loopholes
- **Affordable Care Act:** Reverse Trump Administration’s efforts to end the Affordable Care Act; Start to reinvigorate the law (potential Medicare Expansion/public option)
- **Police Reform:** Create a police oversight commission
- **Housing/Homelessness:** Create a taskforce to develop a plan to end homelessness; Make Section 8 an entitlement program
- **Rescind 2017 Tax Cuts:** Will put rescinding 2017 tax cuts for corporations and the wealthy forward as a way to pay for programs

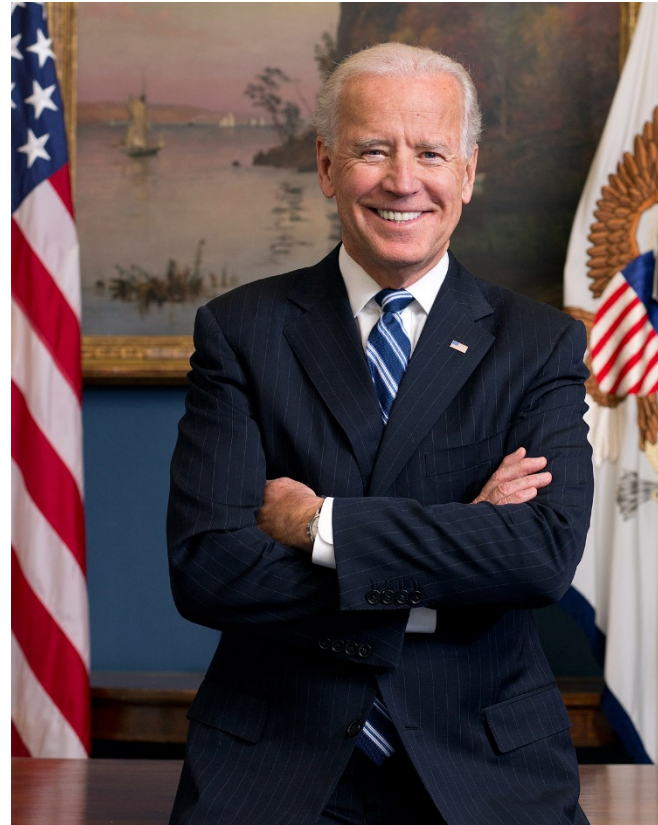
# Next Congress

- Status Quo: Trump Administration, Republican controlled Senate, and Democratic controlled House
  - Stimulus Bill
  - FY22 Appropriations
  - Transportation Bill
  - Tax Extenders
  - Healthcare?



# Next Congress

- Biden Administration: Republican controlled Senate and Democratic controlled House
  - COVID package
  - Stimulus Bill in First Quarter
  - Police Reform
  - Dream Act
  - Transportation Bill
  - Marijuana



# Next Congress

- Biden Administration: Democratic controlled Senate and Democratic controlled House
  - Stimulus bill in first quarter
  - Robust COVID bill
  - Transportation Bill
  - Police Reform
  - Dream Act
  - Climate Change
  - Healthcare
  - Gun Control
  - Marijuana



# Trends to Watch

- Lingering effects of Supreme Court battle (pack the court; DC statehood; end electoral college)
- Presidential nominee process and Senate confirmation
- Continued use by Trump or Biden Administration of EOs to get around Congress
- Growing tension between Moderate and Progressive Democrats
- Relationship between Trump and Republican caucus in 2<sup>nd</sup> term
- Emphasis on social/racial justice underlying Democratic agenda

**Questions?**

**Thank You**



# Eve Maldonado O'Toole



**Eve Maldonado O'Toole**

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Washington, D.C.

202.419.2505

[eve.otoole@hklaw.com](mailto:eve.otoole@hklaw.com)

**Eve Maldonado O'Toole** is leader of Holland & Knight's Local Government Group. She brings more than 20 years of federal lobbying experience, with substantial background in local government/public sector advocacy, regulatory, appropriations and policy development, and in establishing and executing local public-private partnerships, successful grassroots campaigns and coalitions, and positioning state and local officials and municipalities nationally.

With close working ties to Congress and the executive branch, Ms. O'Toole has a strong record of advancing a wide range of public interests. These include transportation and infrastructure, energy, environment, water, natural resources, community and economic development, public safety, housing and homelessness, health and human services, workforce, education, civil rights, telecommunications and technology, homeland security, emergency preparedness and recovery, defense and base reuse, and public finance.

Among other key local government/public agency and public-private partnerships, Ms. O'Toole currently represents cities from San Francisco to Philadelphia, Port of Los Angeles, Los Angeles County, San Mateo County's transportation agencies and the 480-member League of California Cities, where she previously served as head of its Washington, D.C., office. She also leads and manages the advocacy for several national coalitions, including Mayors and CEOs for U.S. Housing Investment, Mayors Against LGBTQ Discrimination and the Water Agency Leaders Alliance.

# Leslie Pollner



**Leslie Pollner**

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Washington, D.C.

202.469.5149

[Leslie.Pollner@hklaw.com](mailto:Leslie.Pollner@hklaw.com)

**Leslie Pollner** is a senior policy advisor in the firm's Public Policy & Regulation Group. Ms. Pollner focuses on several key industries, including transportation, economic development and housing. Her extensive experience in government at both the federal and local level allows her to help clients develop innovative solutions and advocacy strategies to achieve results.

Prior to joining the firm, Ms. Pollner was the deputy mayor for federal affairs in Los Angeles under Mayor Antonio Villaraigosa. She led the city of Los Angeles' office in Washington, D.C., directed its federal advocacy efforts, and managed lobbying teams at the Los Angeles port, airport and public utilities commissions. Ms. Pollner was also the principal liaison with the U.S. Conference of Mayors while Mayor Villaraigosa was the president of the organization and worked with mayors across the country on key issues, including building a coalition to support the transportation reauthorization bill.

Prior to that, Ms. Pollner was a two-time chief of staff for U.S. Reps. Suzanne Kosmas and Tim Mahoney, both of Florida. She has also worked in public affairs consulting and crisis communications support for Fortune 500 companies and helped develop communications strategies for the Bill & Melinda Gates Foundation, concentrating on the nonprofit's education investments.

# Lauri Hettinger



**Lauri Hettinger**

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Washington, D.C.

202.469.5134

[Lauri.Hettinger@hklaw.com](mailto:Lauri.Hettinger@hklaw.com)

**Lauri Hettinger** is a senior policy advisor in the Public Policy & Regulation Group in the Washington, D.C., office of Holland & Knight. Ms. Hettinger advocates for local government municipalities' and industry's infrastructure needs, including surface transportation, water resources, economic development and Army Corps of Engineers. Prior to joining Holland & Knight, Ms. Hettinger served as staff director for the Senate Environment and Public Works Committee's Subcommittee on Transportation and Infrastructure Ranking Member, George Voinovich (R-OH). In this role, she served as his primary advisor on transportation, water infrastructure, environment, Army Corps of Engineers and economic development. Ms. Hettinger also served as a legislative assistant to Senator Norm Coleman (R-MN), handling his infrastructure, environment, energy and appropriations issues. During the 2002 election cycle, Ms. Hettinger was a senior research analyst for the National Republican Senatorial Committee. She started her legislative career in the office of Senator Strom Thurmond as a legislative correspondent.