

The background features a large, abstract geometric composition. A white, angular shape, resembling a folded piece of paper or a modern architectural element, dominates the left and center. Within this shape, a painting of the Washington Monument is visible, set against a blue sky with light clouds. To the right of the white shape, there are vertical bands of color: a dark brown band, a light green band, and a dark brown band. In the top left corner, there is a small green square. In the top right corner, there is a larger green square containing the text 'Hogan Lovells'.

Hogan  
Lovells

# Second Session of the 116<sup>th</sup> Congress

Hogan Lovells

American Academy of Pediatric Dentistry  
Public Policy Advocacy Conference – March 2020  
C. Michael Gilliland

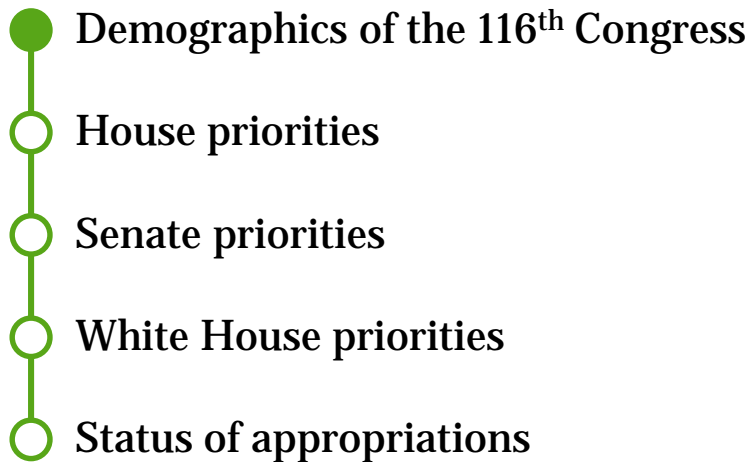
# WELCOME TO WASHINGTON

---



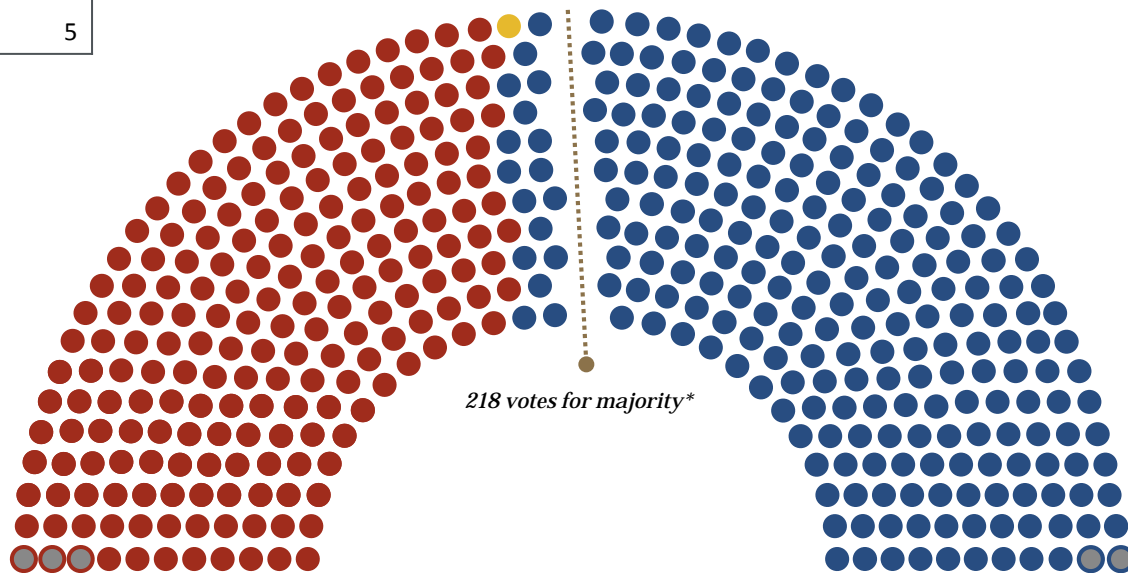
# Roadmap

---

- 
- Demographics of the 116<sup>th</sup> Congress
  - House priorities
  - Senate priorities
  - White House priorities
  - Status of appropriations

# Composition of the 116th Congress: House

Republican	197
Democrat	232
Independents	1
Vacancies	5



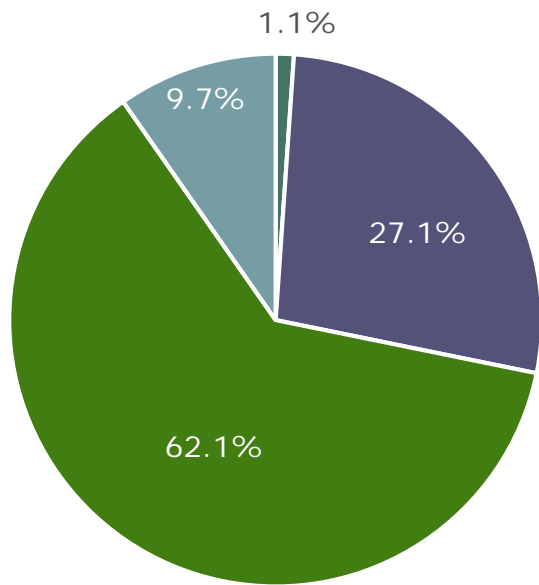
\*If no vacancies and all members vote.

# Younger generations acquired a larger share of the House in the 2018 elections

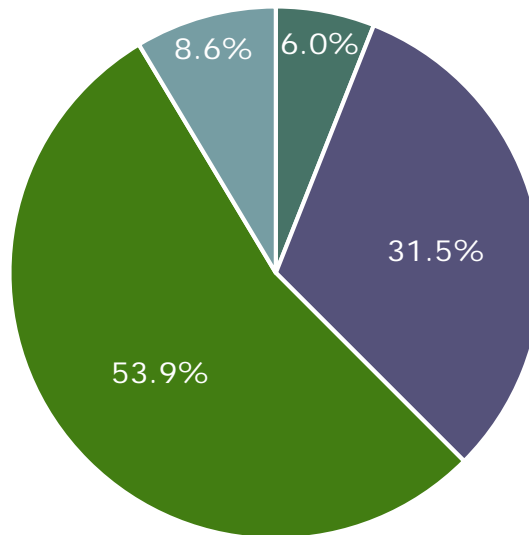
## Generational breakdown of the incoming and incumbent representatives

■ Millennial (1981-1996) ■ Gen X (1965-1980) ■ Boomer (1946-1964) ■ Silent (1928-1945)

115<sup>th</sup> Congress

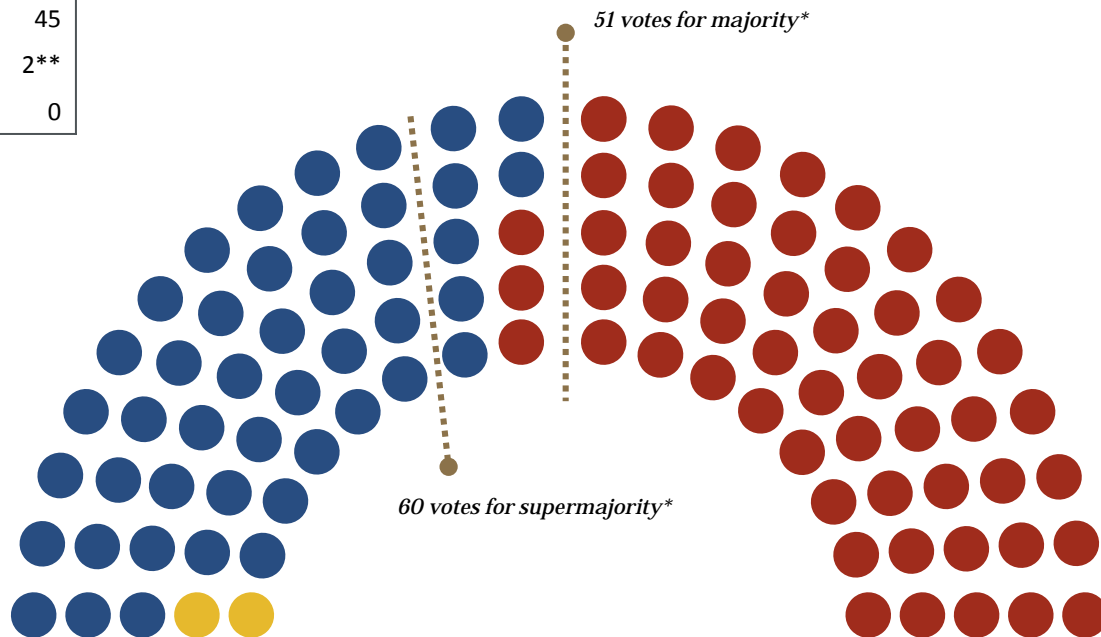


116<sup>th</sup> Congress



# Composition of the 116th Congress: Senate

Republican	53
Democrat	45
Independents	2**
Vacancies	0

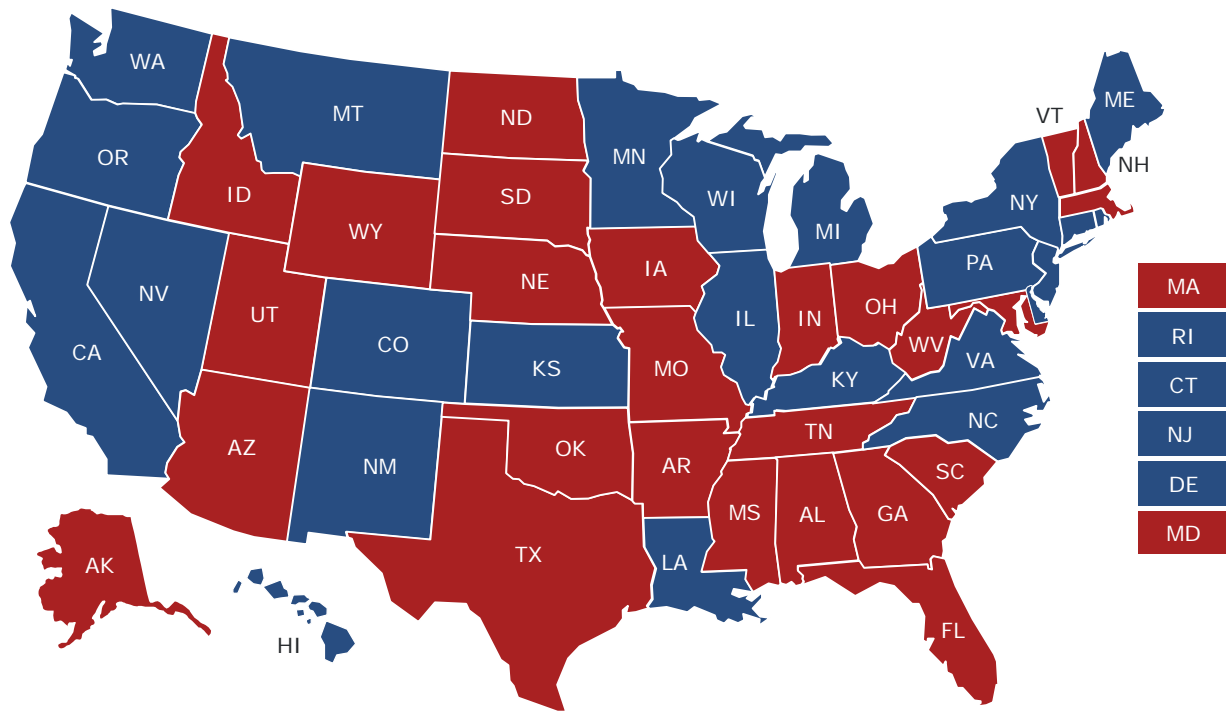


\*If no vacancies and all members vote

\*\*The two independent senators (Sanders - VT and King - ME) caucus with the Democrats

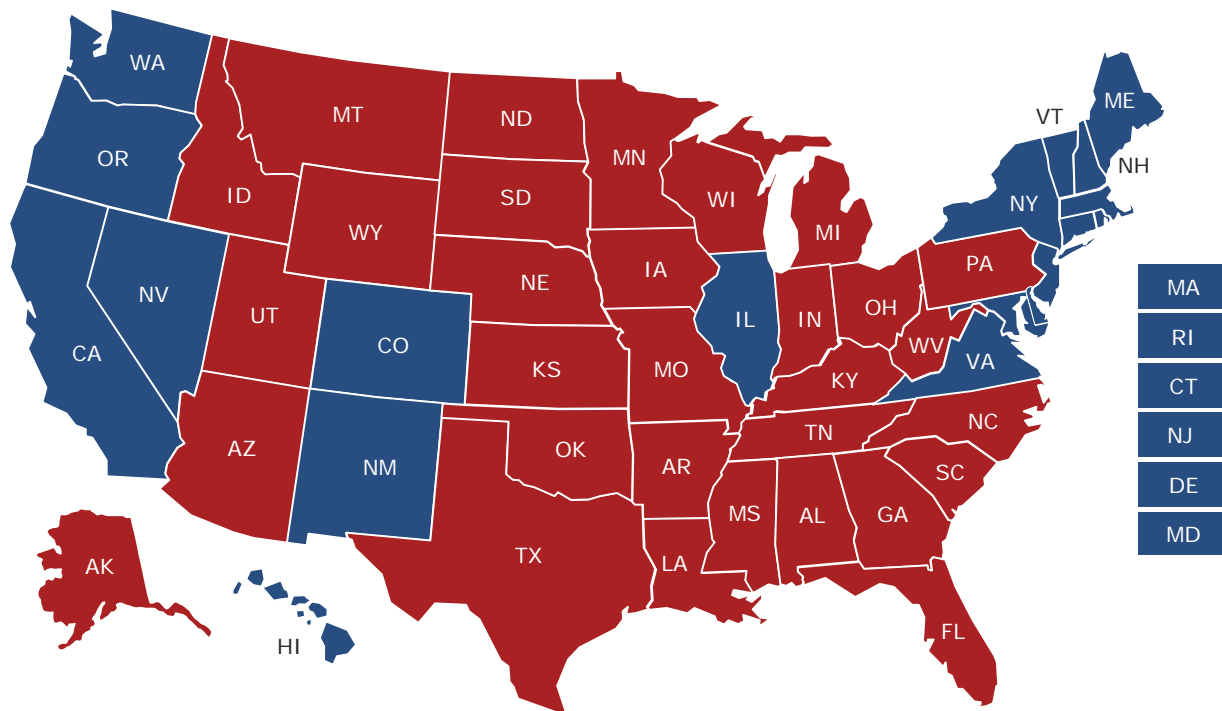
# Republicans control 26 US governorships, while Democrats control 24

■ Democratic governor ■ Republican governor



# Partisan control of state legislatures: Senate

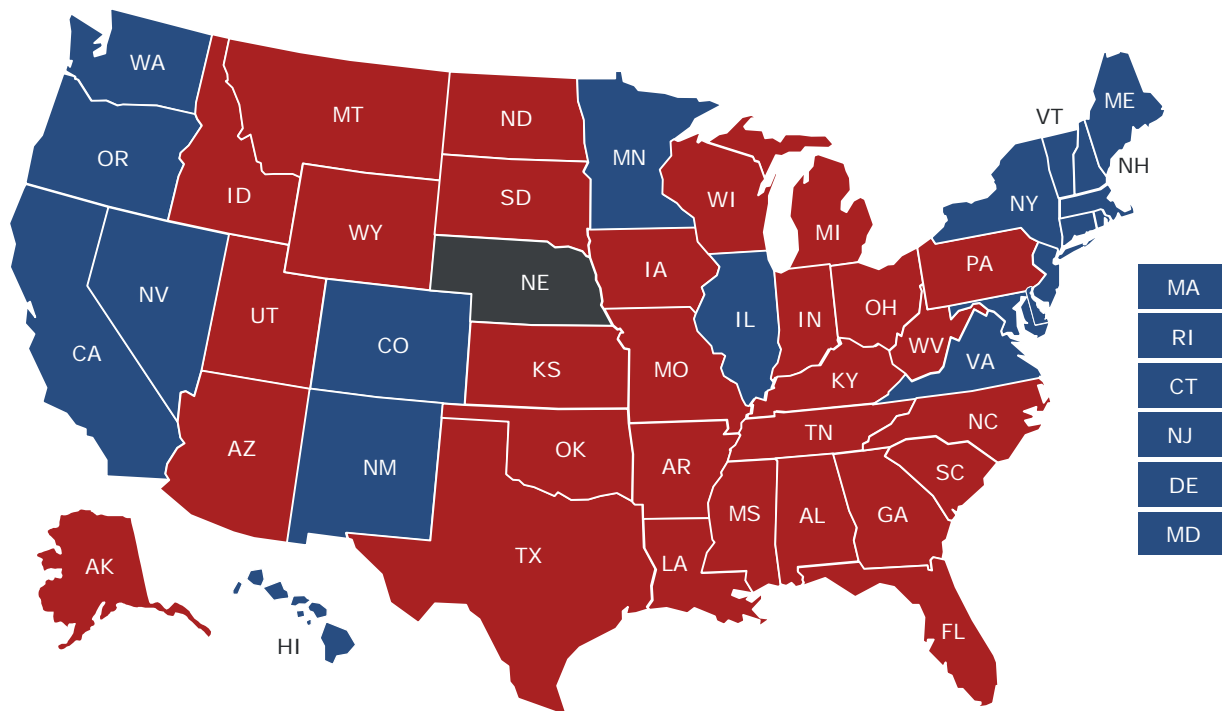
■ Democratic state senate ■ Republican state senate





# Partisan control of state legislatures: House

■ Democratic state house ■ Republican state house ■ Unicameral



# Preliminary 2020 presidential primary schedule

■ Primary for both parties ■ Democratic primary ■ Republican Primary

February							March							April							May							June						
						1	1	2	3	4	5	6	7				1	2	3	4						1	2		1	2	3	4	5	6
2	3	4	5	6	7	8	8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
9	10	11	12	13	14	15	15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
16	17	18	19	20	21	22	22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
23	24	25	26	27	28	29	29	30	31					26	27	28	29	30			24	25	26	27	28	29	30	28	29	30				
																					31													

Feb. 3: IA  
Feb. 11: NH  
Feb. 22: NV (D)  
Feb. 29: SC (D)

**March 3 - Super Tuesday:**  
AL, American Samoa (D), AR, CA, CO, MA, ME, MN, NC,  
OK, TN, TX, UT, VT, VA (D), Dems Abroad (D)  
**March 10:** ID, MI, MS, MO, ND (D), WA  
**March 12:** Virgin Islands (R)

**March 14:** Guam (R), Northern Mariana (D),  
WY (R)  
**March 17:** AZ (D), FL, IL, Northern Mariana  
(R), OH  
**March 24:** American Samoa (R), GA  
**March 27:** ND (R)  
**March 29:** Puerto Rico (D)

**States that have cancelled  
the Republican primary or  
caucus:**  
AK, AZ, HI, KS, NV, SC, VA

**April 4:** AK (D), HI (D), LA, WY (D)  
**April 7:** WI  
**April 28:** CT, DE, MD, NY, PA, RI

**May 2:** KS (D), Guam (D)  
**May 5:** IN  
**May 12:** NE, WV  
**May 19:** KY, OR

**June 2:** DC, MT, NJ, NM, SD  
**June 6:** Virgin Islands (D)  
**June 7:** Puerto Rico (R)


**Democratic National Convention:** July 13-16

**Republican National Convention:** August 24-27



# Roadmap

---

- 
- Demographics of the 116<sup>th</sup> Congress
  - House priorities
  - Senate priorities
  - White House priorities
  - Status of appropriations

# Status of House Democrats' legislative priorities for the 116th Congress

■ Progress   ■ Stalled in the Senate   □ No progress



## Reform campaign ethics and voting rights

- The Democratic House passed H.R. 1 – For the People Act of 2019
- The legislation addresses voter access, election integrity and security, political spending, and ethics for the three branches of government
- The bill passed the House in March 2019, but has made no headway in the Senate



## Address climate change

- Rep. Alexandria Ocasio-Cortez (D-NY-14) and Sen. Ed Markey (D-MA) introduced a Green New Deal resolution in February 2019; the resolution ultimately failed in the Senate
- In May 2019, the House passed H.R.9 – Climate Action Now Act, which requires the president to uphold its commitments made in the Paris Climate Agreement



## Reduce drug prices

- Speaker Pelosi announced the introduction of H.R. 3 – Elijah E. Cummings Lower Drug Costs Now Act
- The proposal allows CMS to negotiate for lower prices on a number of the most expensive drugs, requires drug manufacturers pay rebates for covered drug costs above government price maximums, and caps seniors' out-of-pocket drug costs
- The bill passed the House in December 2019



## Revamp US infrastructure

- At the end of January, House Democratic leaders unveiled a \$760 billion, five-year infrastructure package that includes measures to boost broadband availability and combat climate change



## Roll back GOP tax reforms

- Increase the corporate tax rate from 21% to as high as 28%; increase rates for high-earning individuals




## Raise the minimum wage

- The House passed H.R. 582 – Raise the Wage Act, which would increase federal minimum wage to \$15 an hour in six years; the Senate bill has not made progress

# Roadmap

---

- 
- Demographics of the 116<sup>th</sup> Congress
  - House priorities
  - Senate priorities
  - White House priorities
  - Status of appropriations

# Status of Senate GOP's legislative priorities for the 116th Congress

■ Progress   ■ Stalled in the Senate   ■ No progress

## Confirm Trump's nominees

- The Senate continues to confirm Trump's circuit court nominees at a faster rate than at this point in previous presidencies
- As of February 25, 2020, the Senate has confirmed over 180 judicial nominees and over 500 key positions in the administration

## Repeal the federal estate tax

- Senators have sought to repeal the federal estate tax; Sen. John Thune (R-SD) introduced S.215 – Death Tax Repeal Act of 2019 in early 2019 with 34 cosponsors

## Improve infrastructure


- House Speaker Nancy Pelosi (D-CA-12), Senate Minority Leader Chuck Schumer (D-NY), and President Trump agreed in April to a \$2 trillion infrastructure plan – however developments have stalled
- The plan would include funding for road and bridge repairs, water projects, and broadband

## Roll back Obamacare

- After numerous efforts to repeal the Affordable Care Act in Congress, the ACA now remains in the hands of the Judiciary
- The panel in the Fifth Circuit Court of Appeals ruled that the individual mandate is unconstitutional, sending the case back to a district judge to conduct an inquiry into how much of the ACA can remain in place without this individual mandate

# Roadmap

---

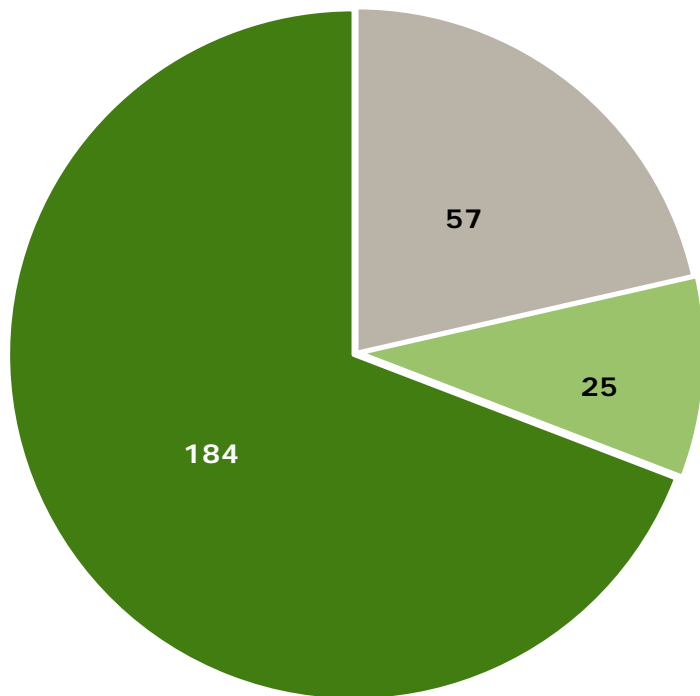
- 
- Demographics of the 116<sup>th</sup> Congress
  - House priorities
  - Senate priorities
  - White House priorities
  - Status of appropriations



# President Trump has confirmed 184 federal judges, while 25 await confirmation

AS OF FEBRUARY 13, 2020

■ No nominee   ■ Awaiting confirmation   ■ Confirmed



President Trump inherited **108** federal judge vacancies

As of February 13, 2020:

**160** judiciary positions have opened up during Trump's presidency and either remain vacant or have been filled

Total:

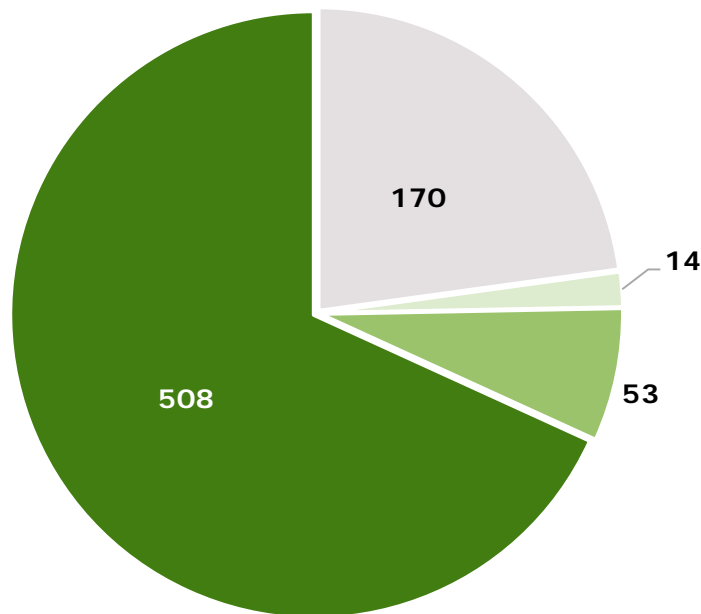
**268 potential Trump nominations**

# 53 nominees to key positions are awaiting confirmation, while 170 positions have no nominee

## Status of key positions requiring Senate confirmation

AS OF FEBRUARY 24, 2020

■ No nominee   ■ Awaiting nomination   ■ Awaiting confirmation   ■ Confirmed



### Vacant cabinet secretaries:

- Department of Homeland Security (no nominee)
- Office of the Director of National Intelligence (no nominee)

### Departments without a deputy secretary:

- Department of Energy (Mark Wesley Menezes announced)
- Department of Homeland Security (no nominee)
- Department of Housing and Urban Development (Brian D. Montgomery nominated)
- Department of Transportation (no nominee)
- Department of Veterans Affairs (no nominee)
- Department of the Interior (no nominee)

### Departments without an administrator:

- National Oceanic and Atmospheric Administration (Neil Jacobs announced)
- Drug Enforcement Administration (no nominee)
- Federal Transit Administration (no nominee)
- National Highway Traffic Safety Administration (no nominee)
- Federal Motor Carrier Safety Administration (no nominee)

### Departments without a deputy administrator:

- Environmental Protection Agency (Douglas Benevento nominated)
- Small Business Administration (no nominee)
- Drug Enforcement Administration (no nominee)
- Federal Emergency Management Agency (no nominee)
- Resilience, Federal Emergency Management Agency (no nominee)

# Key takeaways from the State of the Union (1/2)

---

1

## **The economy**

- President Trump began his speech by praising the state of the economy, tax cuts, deregulation, and the recently signed United States-Mexico-Canada Agreement (USMCA) which will replace the North American Free Trade Agreement (NAFTA)
- He touted the country's unemployment rate, which is currently the lowest in half a century

2

## **Health care policy**

- Trump addressed two main topics: surprise billing and prescription drug pricing
- He highlighted an executive order signed in June that requires price transparency from hospitals in an attempt to prevent patients from receiving surprise bills
- After stating that he met with Sen. Grassley (R-IA) to discuss lowering the price of prescription drugs, he instructed Congress, "get a bill on my desk, and I will sign it into law immediately"

3

## **Foreign policy**

- Trump pointed to the "massive theft of America's jobs" as one of the reasons for imposing tariffs on China
- He highlighted the assassinations of Abu Bakr al-Baghdadi, the leader of the Islamic State, and General Qasem Soleimani, an Iranian commander
- The president expressed a desire to remove U.S. troops from Afghanistan, stating that it is not the country's "function to serve other nations as a law enforcement agency"

4

## **Threat of socialism**

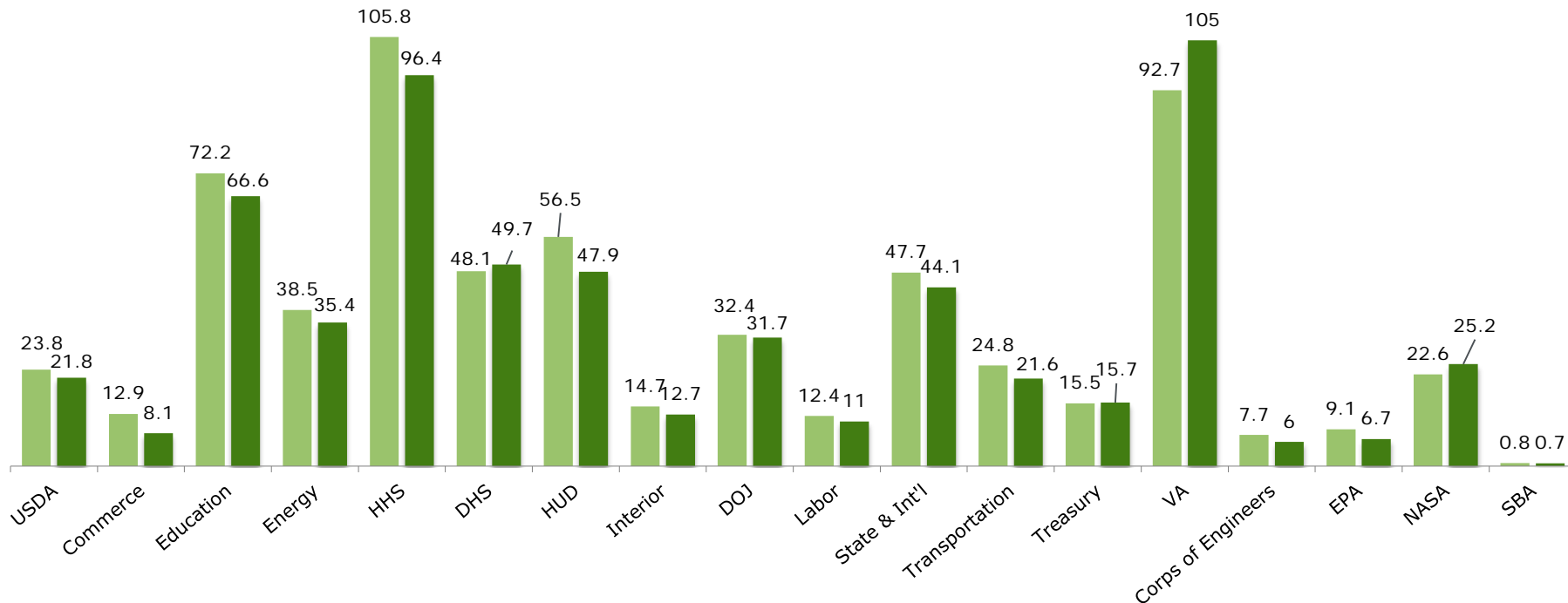
- Pres. Trump warned against a "socialism takeover" that would transform the health care system by creating a "Medicare for all" system to replace private health insurance. He proudly said "we will never let socialism destroy American health care"
- He took time to welcome one of his guests, Venezuelan opposition leader Juan Guaidó, who received a standing ovation

# FY2021 budget request by cabinet department and major agency

## FY21 budget request, non-defense


IN BILLIONS OF US DOLLARS

■ FY20 enacted ■ FY21 request



# Roadmap

---

- 
- Demographics of the 116<sup>th</sup> Congress
  - House priorities
  - Senate priorities
  - White House priorities
  - Status of appropriations

# The Five-Step Federal Budget and Appropriations Process

---

The federal budget process begins and ends in the Executive Office with the President submitting a budget request in February and signing the budget Congress returns before the fiscal year begins Oct. 1. The process is typically broken into five steps:

## **STEP 1: President submits budget request**

- The President is supposed to send a budget request to Congress on the first Monday in February for the coming fiscal year. This year the President sent his budget to Congress on February 11th. This budget request typically sketches out an administration's fiscal philosophies, economic policies and budget priorities, not just for the coming fiscal year, but for the years to come. It generally features three components.
- Identifies how much money the federal government should spend on public purposes and how much the federal government should collect in tax revenues.

## The Five-Step Federal Budget and Appropriations Process cont'd.

---

- Spells out the administration's priorities for federal programs by spelling out how much should be allocated in the coming fiscal year to each discretionary program, such as defense, agriculture, education, health, social programs.
  - For example, in his FY21 budget the President proposes to cut the Department of Health and Human Services by 9%. HHS includes NIH, CDC and, of course, funding for Title VII.
- Forwards proposed tax policy changes that can influence tax revenues and proposed legislation regarding mandatory spending programs, such as changes to eligibility criteria and levels of individual benefits.

### **STEP 2: Congress adopts a “Budget Resolution”**

- The President's budget request is submitted to House and Senate budget committees for preliminary review, which includes calling upon administration officials to discuss proposals in public hearings.

## The Five-Step Federal Budget and Appropriations Process cont'd.

---

- The committees formulate a “budget resolution,” which establishes the parameters for revenues, mandatory or direct spending and discretionary spending for the fiscal year.
- The budget resolution must pass both the House and Senate in a simple majority vote. Differences go to a joint conference committee and from it emerges the budget resolution.
- The 1974 Congressional Budget & Impoundment Control Act requires the House and Senate budget committees to adopt a budget resolution by April 15, although this deadline is rarely met.



# The Five-Step Federal Budget and Appropriations Process cont'd.

---

## **STEP 3: House and Senate Subcommittees Adopt Specific Appropriations Bills**

- With basic spending and revenue projections outlined in the budget resolution, 12 House and Senate appropriations subcommittees are tasked with determining the precise levels of spending for all discretionary programs.
- The 12 appropriation subcommittees are:
  - Agriculture, Rural Development, and Food & Drug Administration (FDA)
  - Commerce, Justice, and Science
  - Defense
  - Energy and Water Development
  - Financial Services and General Government
  - Homeland Security
  - Interior and Environment

# The Five-Step Federal Budget and Appropriations Process cont'd.

---

- **Labor, Health and Human Services, and Education-(includes Title VII program funding)**
- Military Construction and Veterans Affairs
- State and Foreign Operations
- Transportation and Housing and Urban Development
- Each of the 12 areas of federal responsibility receives allocation ceilings from the House and Senate budget committees in the budget resolution.
- The 12 subcommittees are responsible for producing a spending bill for agencies and programs in each of these areas.

## The Five-Step Federal Budget and Appropriations Process cont'd.

---

### **STEP 4: Appropriations bills are submitted to the House and Senate for approval**

- Each of the 12 bills must be passed by its subcommittee before being passed along to their respective chamber's full appropriations committee.
- Once each of the 12 proposed spending bills are passed, they are submitted to the House and Senate for further review, debate and, ultimately, adoption.
- If there are variations between a House and a Senate spending bill, they are submitted to a conference committee that irones out the differences before sending them back to the chambers for approval.
- When Congress can't agree on 12 separate appropriations bills, it will often adopt an omnibus bill — a single funding bill that encompasses all 12 areas.

## The Five-Step Federal Budget and Appropriations Process cont'd.

---

### **STEP 5: President signs each appropriations bill and the budget becomes law**

- When the President signs each of the 12 appropriations bills after they have passed Congress, the budget becomes law and the federal budget process is complete.

# The Academy's FY 2020 Appropriations Success

---

## **TITLE VII PEDIATRIC DENTISTRY FUNDING REQUEST**

- The Academy has been successful for many years in convincing Congress to provide direct funding in the Labor, HHS and Education Appropriations bill for pediatric dentistry training under Title VII. In FY 2020, the current fiscal year, Congress, at the Academy's request, agreed to appropriate over \$40 million for the HRSA Title VII Primary Care Dental Training Cluster and directed \$12 million for pediatric dentistry. Language was included giving a preference for the Dental Faculty Loan Repayment Program.
- This funding set aside for pediatric dentistry has been extremely important in the growth and expansion of residency training for pediatric dentists. The funding designated for pediatric dentists under Title VII in the appropriations bill ensures that funding will be set aside for that purpose.

# The Academy's FY 2021 Legislative Goals - Appropriations

---

1. The Academy's appropriations request for FY 2021 is \$40.677 million for the dental primary care cluster and \$12 million directed to pediatric dentistry that includes priority funding for the dental faculty loan repayment program.
- Achieving the designated funding for pediatric dentistry each year takes a lot of hard work. It all begins with your meetings with your Members of Congress. The relationships that you forge with your Members are very important in the process of achieving our legislative goals. Having someone from home who can talk about these issues from personal experience is vitally important. Through your meetings, we are building congressional allies who can be on our side on the issues important to pediatric dentists for years to come.
- In both the House and Senate ask Members on the Appropriations Committees to put the funding request on their priority list.

# The Academy's FY 2021 Legislative Goals - Appropriations

---

- In the House, ask your Member to sign the bipartisan Dear Colleague letter to the Appropriations Committee spearheaded again by Rep. Julia Brownley.
- In the Senate ask Senators not on the Appropriations Committee to support the funding request, including writing a letter to the Appropriations Committee making the request.

# The Academy's FY 2020 Legislative Goals – Tax

---

2. Pass legislation that would except the dental faculty loan repayment program from taxation to individual faculty recipients.
  - In the House, ask your Members to co-sponsor H.R. 996 introduced by Reps. Clarke, Simpson and Gosar.
  - In the Senate, ask your Senator to co-sponsor S. 359, introduced by Sens. Cardin and Wicker.



# The Academy's Legislative Success

---

- The Academy has been consistently successful in achieving its legislative and policy goals year after year, including urging Congress to direct millions of dollars to Title VII training programs.
- This has been achieved despite congressionally imposed budget caps and sequestration.
- Competition for federal dollars has become more intense each year as discretionary dollars continue to shrink. 2020 could see further cuts in federal non-defense discretionary funding. The President has requested cuts in HHS programs in order to fund the coronavirus response.

# The Academy's Legislative Success – Cont'd.

---

- There are several reasons why the Academy has continued to be so successful in achieving its legislative goals:
  1. Your involvement in the legislative process by taking time out of your busy practices to meet with your Members of Congress in Washington.
  2. The outstanding Academy leadership including John, Scott, Heber and the entire Academy staff and those of you who have served as leaders over the years.
  3. The excellent working relationship between the Hogan team and Dr. Heber Simmons. Heber's ability to build relationships with key Members of Congress is the envy of lobbyists all over DC. Hogan Lovells works closely with Heber and provides strategic legislative advice to the Academy and, along with Heber, performs direct advocacy on its behalf.

# The Academy's Legislative Success - Cont'd.

---

4. The Academy's very focused message and reasonable legislative requests. The Academy never overreaches in its requests of Congress and is consistent year after year with its message and requests. Congressional Members and staff trust the Academy, trust those of us who represent the Academy before Congress and very much appreciate the very straight forward way in which the Academy conducts its legislative business.
5. Strong bipartisan support from both Republicans and Democrats in Congress. The Academy does not play partisan politics.
6. The AAPD Political Action Committee (PAC) is a very important part of the Academy's outreach to Congress. The PAC targets Members of Congress who support our legislative goals as well as Members we want to get to know.
7. The ability to show real results from the funding Congress has provided to Title VII and the Academy's other requests. We have made a positive difference.

# Conclusion

---

- As noted earlier, one of the reasons the Academy has been so successful with Title VII funding is that it has remained very focused in its request. In fact, before the Academy, no other group had been successful in convincing Congress to designate funding under Title VII. We not only paved the way for others to do the same, we have been more successful at it than any other group. Again, this is because we have remained focused.
- My advice is to remain focused on what you are here to do. We have a great story to tell and a very specific ask of Members of Congress.
- Here are just a few tips for the meetings that you will have with your Members of Congress.

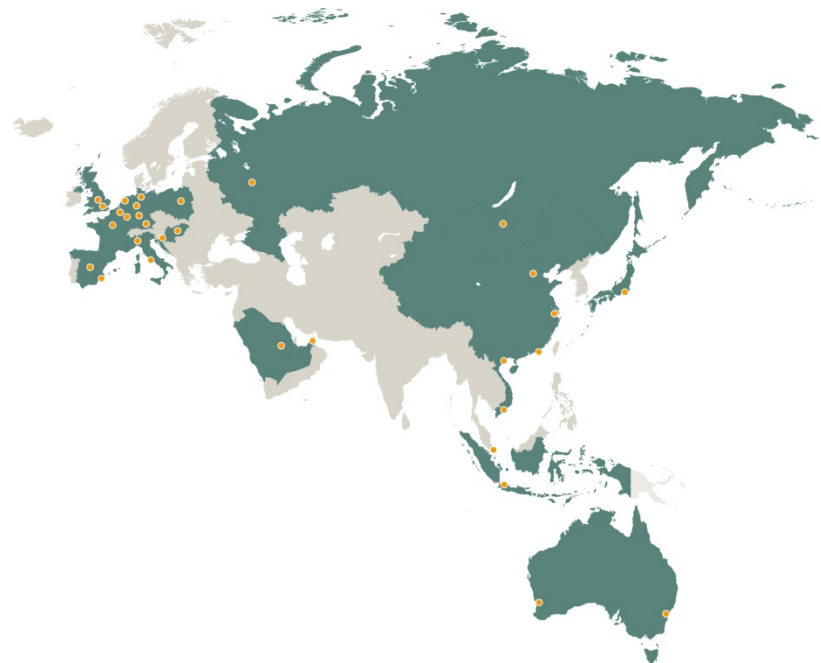
## Conclusion – Cont'd.

---

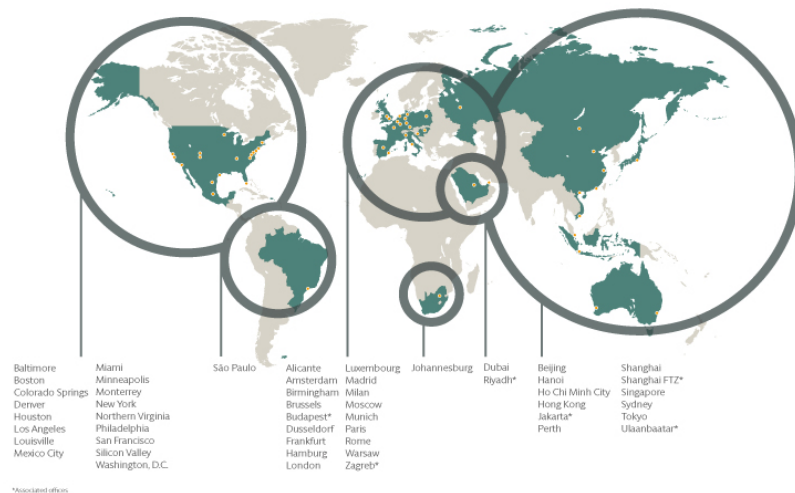
- First, as always, begin by thanking the congressional office for taking time to meet with you.
- If you are meeting with a staffer and not the Member treat the staffer exactly as you would the Member. The staff play a very important role in the legislative process.
- If you are meeting as a group, designate one person in the group to conduct the briefing.
- Be yourself.
- If you are meeting with the congressional office that has helped in the past on Title VII funding or other issues important to the Academy thank them for their help.
- Be passionate about the issue but don't come on too strong.
- Never assume that the staffer understands your issues. Be very basic in your briefing.
- Always make the ask.

# Map usage

## Our Offices



## Our global presence





[www.hoganlovells.com](http://www.hoganlovells.com)

"Hogan Lovells" or the "firm" is an international legal practice that includes Hogan Lovells International LLP, Hogan Lovells US LLP and their affiliated businesses.

The word "partner" is used to describe a partner or member of Hogan Lovells International LLP, Hogan Lovells US LLP or any of their affiliated entities or any employee or consultant with equivalent standing.. Certain individuals, who are designated as partners, but who are not members of Hogan Lovells International LLP, do not hold qualifications equivalent to members.

For more information about Hogan Lovells, the partners and their qualifications, see [www.hoganlovells.com](http://www.hoganlovells.com).

Where case studies are included, results achieved do not guarantee similar outcomes for other clients. Attorney advertising. Images of people may feature current or former lawyers and employees at Hogan Lovells or models not connected with the firm.

© Hogan Lovells 2017. All rights reserved