



CUPA-HR Washington Update: An Overview of the Midterms

Thursday, November 17, 2022 | 12:00 p.m. ET

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Presenters



Basil Thomson
Government Relations
Team,
CUPA-HR



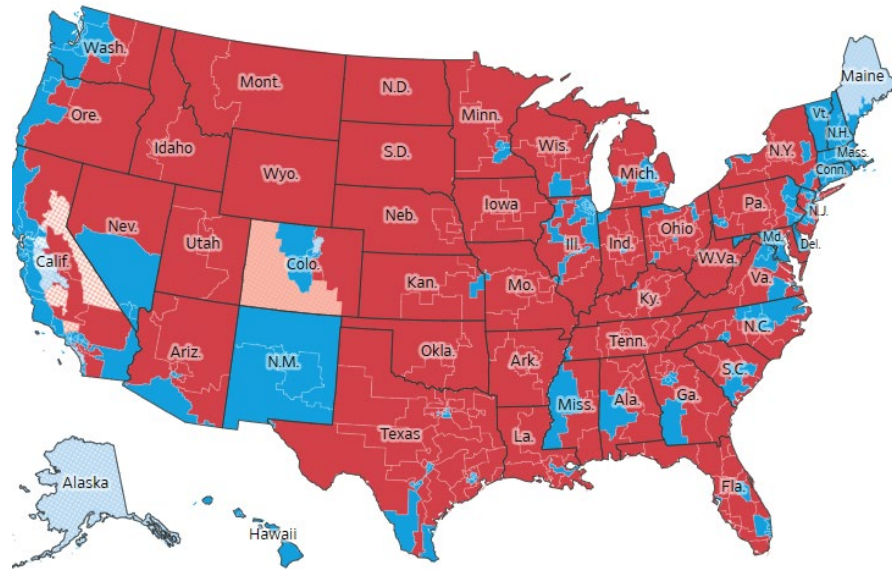
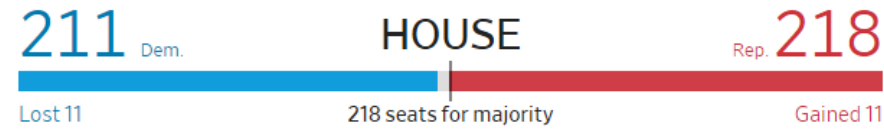
Jonathan Fansmith
Assistant Vice President,
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Agenda

1. Election Results
2. House and Senate Leadership Outlook
3. Legislative and Regulatory Outlook



Election Outcomes – House of Representatives

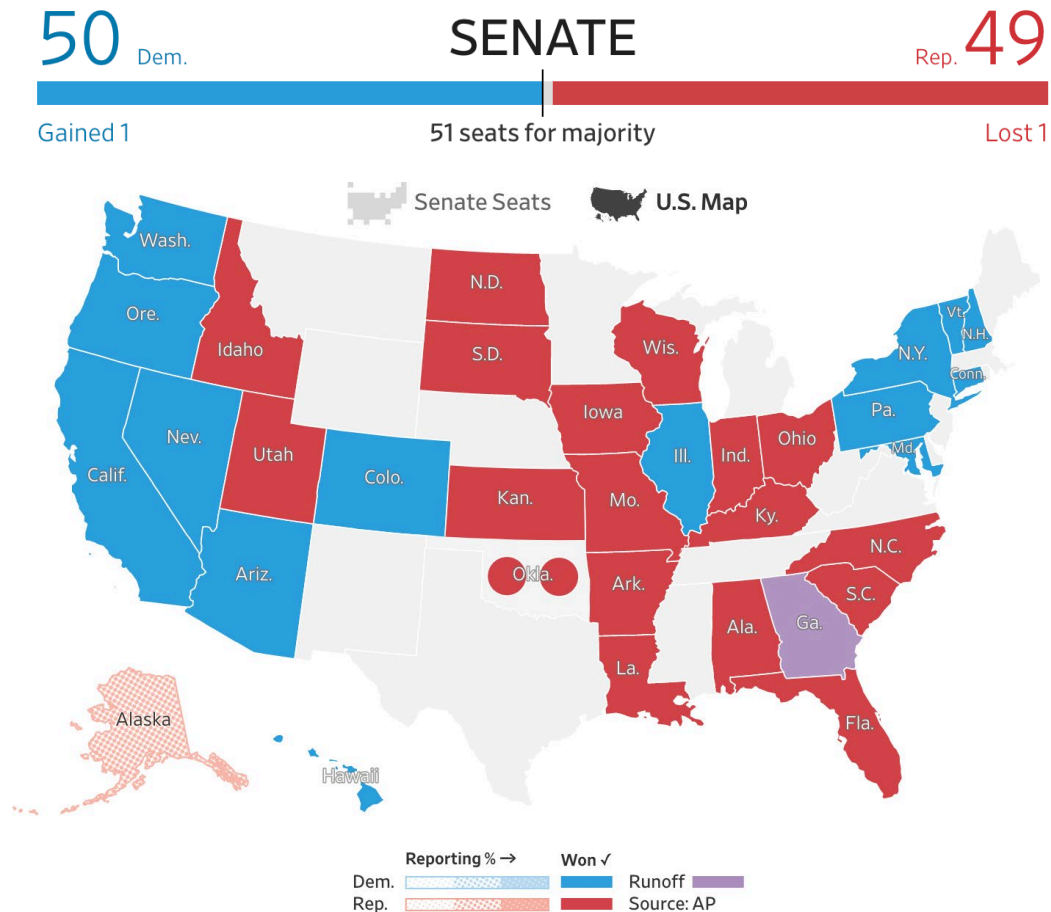


- Republicans Flip House
- 6 seats remain to be called
- Slim Majority

*As of November 16 at 8 PM

Source: [Wall Street Journal](#)

Election Outcomes - Senate



- Democrats will control the Senate regardless of Georgia runoff election on Dec. 6

*As of November 14 at 12 PM
Source: [Wall Street Journal](#)

Election Takeaways

- Democrats performed better than expected for several potential reasons:
 - **Candidates Matter**
 - Trump-aligned candidates won primaries over moderate conservatives
 - Some helped by Democrats
 - Stronger Statewide GOP Candidates Stayed out of Senate Races
 - Moderate/Independent voters turned away from candidates viewed as extreme
 - **Issues Matter**
 - *Dobbs* decision and its aftermath played major role in swing states
 - 2nd most important issue to voters
 - 2020 Election
 - Election denial hurt candidates amongst independents
- Trump states went red/ Biden states went blue

House Leadership- 118th Congress

- Kevin McCarthy (R-CA) likely choice for Speaker of the House
 - Could face opposition from certain factions
 - Efforts underway to solidify behind him, especially with very slim majority
- Unknown if Nancy Pelosi (D-CA) will run for Minority Leader
 - Rumored she would retire if Democrats lost House, but slim Republican majority could change that
 - House Democratic Caucus Chair Hakeem Jeffries (D-NY) regarded as frontrunner for position

Senate Leadership – 118th Congress

- Majority Leader Chuck Schumer (D-NY) will likely remain in this position in the 118th Congress
- Mitch McConnell (R-KY) was reelected Minority Leader for the 118th Congress
 - Sen. Rick Scott (R-FL) challenged McConnell with backing from former President Trump

House Education and Labor/Workforce Committee

117th Congress

- Rep. Bobby Scott (D-VA) serves as Chairman and Rep. Virginia Foxx (R-NC) as Ranking Member

118th Congress

- Rep. Scott will likely remain the top Democrat on the committee
- Rep. Foxx is term limited from serving as the top Republican but is seeking a term limit waiver to Chair the committee

Senate HELP Committee

117th Congress

- Sen. Patty Murray (D-WA) serves as Chair, Sen. Richard Burr (R-NC) Serves as Ranking Member
- Chair Murray is in line to lead Appropriations Committee and RM Burr is retiring

118th Congress

- Sen. Bernie Sanders (I-VT) next in line for Committee leadership
- Sen. Rand Paul (R-KY) next in line for Committee leadership

Legislative Outlook – Higher Education Policy

House Ed and (Workforce):

- Oversight of ED
 - Biden Administration's Loan Cancellation plan
 - Student loan repayment/PSLF
 - Title IV regulations
- Title IX and Campus Safety
 - Biden Regulations
- “Workforce Pell” and non-degree pathways
- Free Speech and Divisive Concepts

Senate Committee on Health, Education, Labor and Pensions

- Campus mental health
- Foreign influence and research security

House Appropriations Committee

117th Congress

- Rep. Rosa DeLauro (D-CT) serves as Chair, Rep. Kay Granger (R-TX) Serves as Ranking Member

118th Congress

- Rep. Granger (R-TX) will take the chair
- Rep. DeLauro (D-CT) will shift to Ranking Member

Senate Appropriations Committee

117th Congress

- Sen. Patrick Leahy (D-VT) serves as Chair, Sen. Roy Blunt (R-MO) Serves as Ranking Member

118th Congress

- Sen. Patty Murray (D-WA) next in line for Committee leadership
- Sen. Susan Collins (R-ME) next in line for Committee leadership

Legislative Outlook – Higher Education Appropriations Policy

- Double Pell
- Institutional Support
 - Esp. for HBCUs, TCUs and MSIs
- Financial Aid Programs
- Research Funding
- Project Funding (aka Earmarks)

House Ways and Means Committee

117th Congress

- Rep. Richard Neal (D-MA) serves as Chairman and Rep. Kevin Brady (R-TX) as Ranking Member

118th Congress

- Rep. Brady is retiring. Unclear who will take chairmanship. Between Rep. Vern Buchanan (R-FL) and Rep. Jason Smith (R-MO)
- Rep. Neal will likely return as Ranking Member

Senate Finance Committee

117th Congress

- Sen. Ron Wyden (D-OR) serves as Chairman and Sen. Mike Crapo (R-ID) as Ranking Member

118th Congress

- Sen. Wyden will return as Chair
- Sen. Crapo will return as Ranking Member

Legislative Outlook – Higher Education Tax Policy

- Taxability of Pell
- Endowment Tax
- Telehealth and Mental Health
- IRS Oversight

Regulatory Outlook – Workforce Policy

- President Biden will rely on Executive Orders and regulatory action to push his agenda forward
 - a continuation of the administration's all-of-government approach toward labor and employment objectives.
- Regulatory Actions Underway or Expected Soon:
 - Department of Labor
 - Overtime Rulemaking – NPRM Imminent
 - Strengthening Wage Protections for Foreign Workers – NPRM Imminent
 - Independent Contractor Status – NPRM proposed on Oct. 11
 - National Labor Relations Board
 - Joint-Employment – NPRM issued Sep. 6
 - Election Protection Rule – NPRM issued Nov. 3
 - Equal Employment Opportunity Commission
 - Workplace Wellness Rules

Lame-Duck Congress Convenes

- Must/Will Do:
 - Government Funding
 - Runs out Dec 16
 - Defense Funding
 - Nominations
- Solid Chance
 - Respect For Marriage Act
 - Retirement
 - Electoral Count Act Reform
- Fingers Crossed
 - DACA Deal

Have a Question?



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