Tuesday, October 23, 2018

Session Three

Title: Washington Update

Presented by: John Colbert, Capitol Hill Partners
WASHINGTON UPDATE - THE MIDTERM ELECTIONS
AND THEIR IMPACT ON ADULT EDUCATION
JOHN COLBERT, ESQ.
AREAS OF DISCUSSION

• FY 18 and 19 funding and beyond
• Looking ahead – the direction of Congress and the Administration
• What happens legislatively if Dems win the House?
• Elections Outlook
HOW DID EDUCATION AND WORKFORCE PROGRAMS AVOID FY 18 CUTS?
FY18 FUNDING AGREEMENT

Bipartisan funding agreement

13% overall funding Increase

Increased defense funding:
• $80 billion more in FY 18
• $85 billion more in FY 19

Increased funding domestic funding:
• $63 billion more in FY 18
• $68 billion more in FY 19
FY 18 FUNDING

With this additional overall funding:

- Congress restores
  - $9 billion in cuts proposed by the Administration to the Department of Education
  - $12 billion in proposed cuts to HHS
  - Adult Education receives $35 million increase
FY 19 FUNDING
FY 19 funding

- Second (and final) year of fiscal agreement expanding domestic funding by 13%
- Agreement was huge help in protecting funding for education and workforce programs in FY 18.
What has happened this year?

FY 19 appropriations process

- Last month the Labor-HHS-Education Appropriations bill was completed
- First time on time Labor-HHS bill in 22 years

Why?

- Second year of two year budget agreement - top line funding already in place
- Senate committed to bipartisan process
FY 19 House Labor-HHS bill

- No overall funding increase above FY 18
- Party line vote in Committee - no floor action

***Advice from House Chairman Tom Cole***
FY 19 House Labor-HHS bill

Department of Education

- Adult Education level funded
- Pell Grants level funded
- CTE +102 million
FY 19 House Labor-HHS bill

DOL funding

• ETA cut by $216 million
• WIOA Title I programs level funded
• Apprenticeships +5 million
Richard Shelby (R-AL) – new full Committee Chair

Commitment to bipartisanship

Passed Senate Labor-HHS bill on the floor – the first time in over a decade

Moved Labor-HHS in combination with DOD bill – top priority for passage before September 30th.
FY 19 Senate Labor-HHS bill

$2 billion overall increase above FY18

- Provided a $25 million increase for Adult Education
- $100 increase for Pell Grant
- Level funded CTE
- Maintained WIOA Title I funding at current levels
- Increased Apprenticeship state grants by $15 million
FY 19 Labor-HHS Appropriations bill

House-Senate Conference agreement

Department of Education - $581 million increase

Department of Health and Human Services - $2.3 billion increase

• $2 billion increase for NIH
FY 19 Labor-HHS Appropriations bill

House-Senate Conference agreement

Department of Education

- Increased WIOA Title II adult education by $25 million
- Increased Pell Grant by $100
FY 19 Labor-HHS Appropriations bill

House-Senate Conference agreement

Department of Labor

- Maintained WIOA Title I funding at current levels
- Increased Apprenticeship state grants by $15 million
Upcoming challenge – FY 20 and beyond

• Two year budget agreement expiring at conclusion of FY 19

Unless there is a new budget agreement:
  ➢ FY 20 – 9.3% below FY 19 overall domestic funding
  ➢ FY 21 – 7.1% below FY 19 overall domestic funding

• Unknown - How will new Congress address this shortfall – particularly if House and Senate governed by different parties?
Upcoming challenges – FY 20 and beyond

Overall goal

- **Sustainability** - building long term support for adult education among policymakers regardless of the party in power.

Challenges for us:

- Protecting our funding in an environment where significant cuts
THE ROAD FORWARD FOR FEDERAL WORKFORCE POLICY
KEY THEMES IN WASHINGTON FOR EDUCATION AND WORKFORCE POLICY

• Education in preparation for work
• Provide employers with skilled workers
• More job openings than workers – effort to have all available workers enter employment
• Enhanced work based learning opportunities
• Support for evidenced based approaches
• Work in exchange for benefits
TRUMP ADMINISTRATION PRIORITIES
White House – “Pledge to the American Worker”

- 110 employers have committed to hiring or retraining 4.3 million workers over the next five years.
- Spearheaded by Ivanka Trump - next step in the president's economic agenda, building on deregulation and tax cuts.
- Signed Executive Order to coordinate federal workforce strategies
WH – Pledge to the American Worker

- **Executive Order** – establishes:
  - **National Council for the American Worker** – interagency federal task force tasked with developing national workforce strategies for the President.
  - Working with public and private sector to address skills gap and needs of demand driven industries
  - **American Workforce Policy Advisory Board** – 25 national private sector leaders. Advisory body for the National Council. Applications due to Commerce Department by October 1st
  - **Report due in January** – lead staffer Rosemary Lahasky
THE ROAD AHEAD – ADMINISTRATION - WORK REQUIREMENTS

- Administration and Hill Republicans believe they have a winning issue – polling strongly supports work in exchange for program benefits
- Work requirement an emerging trend in red states
- Democrats in opposition
WORK REQUIREMENTS: STATE MEDICAID WAIVER REQUESTS

Leading regulatory issue in debate over work in exchange for benefits

• Work requirements for able bodied recipients.
• Four waivers approved - KY, IN, AR, and NH
• Federal court rejected KY’s waiver – work is not core component of Medicaid program
• KY plan now being rewritten

Pending state waivers: Arizona, Kansas, Maine, Mississippi, Ohio, South Dakota, Utah, and Wisconsin
ISSUES TO WATCH: STATE MEDICAID WAIVERS WITH WORK REQUIREMENTS

• Different approaches in the states for who is “able bodied”
• Several state workforce agencies leading effort to train place Medicaid recipients in many of states with waivers.
THE ROAD AHEAD – ADMINISTRATION – CTE IMPLEMENTATION

- Enacted this summer
- More closely aligns vocational education and WIOA programming
- Increased work based learning opportunities.
- Focus on demand occupations and career pathways
- Utilizes WIOA performance measures
- CTE state plan may be combined with WIOA plan
- No regulations will be offered
- ED will provide guidance
EDUCATION AND WORKFORCE RELATED PRIORITIES IN CONGRESS
Outlook – area of potential consensus between the parties

- Multiple hearings this year – great interest in expanding work based learning

Challenge - Registered Apprenticeships v. business led apprenticeship programs

- Adequate funding for scaling
Outlook – uncertain for the coming year

- House Republicans passed party line TANF reauthorization through Committee
- Bipartisanship on most policy reforms – fractured because no new TANF funding
- No movement in Senate – new Finance Committee Chair next year
ISSUES TO WATCH: TANF REAUTHORIZATION

• House bill – the “JOBS Act” - framed as workforce legislation
• Reinforces purpose of TANF funding is to transition participants to work
• All able bodied beneficiaries required to work, or be engaged in education and training
ISSUES TO WATCH: TANF REAUTHORIZATION

- More flexibility for states in programmatic design
- Holistic approach to services
- Allows up to 50% of a state’s TANF allocation transferred to:
  - WOIA
  - Child Care and Development Fund,
  - Child Welfare (up to 10%)

- Many of these program elements will return if Republicans maintain control of the House or a bipartisan bill is crafted
THE ROAD AHEAD – FARM BILL AND SNAP WORK REQUIREMENTS

Outlook - actively being negotiated in Conference

- At the forefront on the debate over work requirements in social service reauthorizations.
ISSUES TO WATCH: FARM BILL (INCLUDES SNAP)

House bill – passed by only one vote on House floor
Why?

• **New work requirement** - able bodied beneficiaries required to work, or be engaged in education and training.
• Provides $1 billion in new funding for training.
• **Highly partisan issue** – Democrats opposed bill due to work requirements.
ISSUES TO WATCH: SAFETY-NET SNAP

Senate bill
• Passed on Senate floor this summer
• Bipartisan effort
• No work requirements

• President Trump – supports work requirements
• However, insiders tell us that Senate does not have votes to pass the bill if work requirements included

Outlook - Unclear if sides can come to agreement in Lame Duck session
Outlook – uncertain, multiyear effort likely

- House Education and Workforce Committee passed PROSPER Act on party lines
- No House floor action
- Senate – bipartisan efforts failed
- However, both chambers recognize that higher ed in preparation for work – closer workforce ties
HOW WOULD CONGRESS CHANGE IF DEMOCRATS GAIN CONTROL OF THE HOUSE?
HOUSE DEMOCRATIC MAJORITY?

CAMPAIGN TRAIL

• House Democrats platform:
  ➢ Checks and balances
  ➢ Health care
  ➢ End corruption

• Democrats campaign chair – “Don’t mention Trump”
HOUSE DEMOCRATIC MAJORITY?

If Democrats regain the majority:

- Pelosi – “targeted oversight”
  - Almost every Congressional Committee has an Oversight Subcommittee
  - Will place each federal agency and the White House under the microscope
  - Investigations have dramatic impact on daily workings of federal agencies, particularly when already understaffed
POTENTIAL INVESTIGATIONS BY DEMOCRATS

Core oversight
- James Comey's firing
- 2020 Census decision
- Transgender ban in the military
- Travel ban
- Family separations
- WH security clearances

Corruption and good governance
- 2016 election payments
- Trump's dealings with Russia
- Personal email use in the White House
- Election security
- Trump Organization

Waste, fraud and abuse
- Treasury Secretary Mnunchin's dealings
- Cabinet secretary travel
- EPA
- Trump's tax returns
- Puerto Rico disaster response
If Democrats regain the majority:

- Top three overall legislative items:
  - **Health care** – preexisting conditions
    -- “Medicare for all”
  - **Infrastructure**
  - **End corruption** -- ethics, campaign finance, and lobby reform
HOUSE DEMOCRATIC MAJORITY?

If Democrats regain the majority –

• Minority Whip Hoyer – top education and workforce related items
  ➢ Apprenticeships – bipartisan?
  ➢ Skills – greater access to education and training
    ➢ Expanding Pell
    ➢ Dual enrollment programming
    ➢ Stackable credentials
    ➢ Pell for Prisoners
HOUSE DEMOCRATIC MAJORITY?


- Focus on affordability
- Greater investment in federal student aid
- Wraparound services for students to enhance on time graduation
- Accountability for institutions - completion and workforce participation rates.
- Cracks down on low performing for profits
WHAT DOES THIS MEAN FOR KEY CONGRESSIONAL COMMITTEES

**House Ed and Workforce**
Chair – Virginia Foxx (R-NC)
Ranking Member – Bobby Scott (D-VA)

**House Labor-HHS Appropriations**
Chair – Tom Cole (R-OK)
Ranking Member – Rosa DeLauro (D-CT)
Midterms are difficult on the President’s party
Since the Civil War, the president’s party has lost:
• House seats in 92% of midterms

Over the past 100 years the president’s party has lost:
• Senate seats in 73% of midterms
• Governors seats in 93% of midterms
• State legislative seats in 90% of midterms
2018 ELECTIONS – TWO WEEKS AWAY

**Turnout for both parties is crucial**
- Midterms - 40% less voters than in Presidential election years

**Generic vote** - Democrats have generic lead of 7.2%

**Right track/Wrong track** – minus 13%
**Views of both parties underwater** – minus 11%
2018 ELECTIONS – PRESIDENTIAL APPROVAL
LAST EIGHT MIDTERM ELECTIONS

• When the President’s approval rating was 56 percent or higher.
  ➢ Incumbent party losses were minimal.

• When the President’s approval rating stood at 46 percent or lower.
  ➢ Seven-seat average net loss in the Senate, and 40 seats in the House.
Democrats need 23 seats to take control of the House

- President Trump’s approval rating is currently 43% - similar to last two wave elections 2006 and 2010.
  - 2010 – Obama 45% - lost 63 House seats and 2 Senate seats
  - 2006 – G.W. Bush 39% - lost 31 House and 6 Senate
2018 ELECTIONS – PRESIDENTIAL APPROVAL – LARGEST DIVIDE BETWEEN PARTIES EVER

- 85% of Republicans
- 36% of independents
- 8% of Democrats.
Gallup measured intensity of voters opinion of the President

- Those who approved, ratio of strong to moderate was 2-to-1.
- Those who disapproved, ratio of strong to moderate was 3-to-1.
2018 ELECTIONS – “REAL SWING VOTERS”- WARNING SIGN FOR REPUBLICANS

Those who disapprove of both parties lean Democrat— (D+14)

- 18% of electorate
- Tilted to Trump in 2016
- **Today**, 68% disapprove of Trump
- 63% are enthusiastic about midterms v. 55% of all voters

NBC/Wall Street Journal Poll 7/24/18
OPEN QUESTION – WILL FIGHT TO CONFIRM JUSTICE KAVANAUGH CONTINUE TO ENERGIZE REPUBLICANS?

• Enthusiasm gap between parties has narrowed over confirmation vote

• Can Republicans continue this momentum?
HOUSE OF REPRESENTATIVES RACES
## HOUSE OF REPRESENTATIVES

### 14 COMPETITIVE DEMOCRATIC SEATS

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<thead>
<tr>
<th>Democrat held seat</th>
<th>Republican held seat</th>
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<tr>
<td>(8 Dem, 4 GOP)</td>
<td>(2 Dem, 12 GOP)</td>
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### 95 COMPETITIVE REPUBLICAN SEATS

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<th>(2 Dem, 29 GOP)</th>
<th>(24 GOP)</th>
<th>(1 Dem, 26 GOP)</th>
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### Cook Political Report ratings

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<th>House Race</th>
<th>Cook Political Report Ratings</th>
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<td>MN-1 Walz*</td>
<td>Likely Democrat</td>
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<td>MN-8 Nolan*</td>
<td>Lean Democrat</td>
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<td>CA-10 Denham</td>
<td>Lean Republican</td>
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<td>CA-25 Knight</td>
<td>Likely Republican</td>
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<td>CA-39 Royce*</td>
<td>Toss Ups</td>
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<td>CA-45 Walters</td>
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<td>CA-48 Rohrabacher</td>
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<td>KS-2 Jenkins*</td>
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<td>NC-9 Pittenger*</td>
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<td>AZ-2 McSally*</td>
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<td>WA-5 McMorris Rodgers</td>
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<td>WI-1 Ryan*</td>
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###合作共赢
MIDTERM: DEMOCRATIC TAKEOVER IN HOUSE?

50 Republicans are leaving the House, compared with 22 Democrats.

Many of the key House races are fights in affluent suburbs.

****white college educated Republican women the key target audience of both parties.
MIDTERMS: DEMOCRATIC TAKEOVER IN HOUSE – CONFLICTING TREND LINE

HOPE FOR DEMOCRATS
• Most retirements from a majority party since 1994
• Special elections
• Voter Intensity

HOPE FOR REPUBLICANS
• Incumbents run on average 7% ahead in competitive districts
• Kavanaugh hearings sparked base
• Economy
• Speaker Pelosi
HOUSE REPUBLICAN CAMPAIGN CHAIR’S MESSAGE TO REPUBLICAN MEMBERS

Strategy
• Motivate Trump voters to get out to vote
• Localize each race
• Peace and Prosperity – it’s the economy stupid
• Raise campaign funds
• Win among married women’s vote
• Tie among independents
• Compete in the suburbs
DEMOCRATS HOPE FUNDRAISING ADVANTAGE WILL PAY DIVIDENDS AT THE POLLS

In last three months:
• 92 House Republican incumbents outraised by Democratic opponent.
• 51 House Republicans were outraised at least 2-to-1
• 5 House Democrats were outraised by opponent.

Today:
• 33 GOP members have less cash on hand than opponents.
• No Democratic members have less cash on hand than opponents.
• Last four elections – 2/3 of incumbents with less cash on hand on October 1 lost their seats
SENATE RACES
MIDTERMS: DEMOCRATIC TAKEOVER IN SENATE?

- Republicans hold current majority 51-49

- **26 Democrats** up for election, only **9 Republicans**

- Democrats goal in midterms – recapture majority, likely to be elusive
MIDTERMS: DEMOCRATIC TAKEOVER IN SENATE?

Democrats defending seats in the Trumpiest states

- 10 of these states won by the President
- 5 of these states were won by the President by at least 19%
- 6 of 9 Republican seats are considered safe
THE FIGHT FOR SENATE CONTROL – NINE “TOSS UP” SEATS

- Solid Democrat
  - Feinstein (CA)
  - Murphy (CT)
  - Carper (DE)
  - Hirono (HI)
  - Warren (MA)
  - Cardin (MD)
  - King (ME)(I)
  - Klobuchar (MN)
  - Heinrich (NM)
  - Gillibrand (NY)
  - Whitehouse (RI)
  - Kaine (VA)
  - Sanders (VT)(I)
  - Cantwell (WA)

- Likely Democrat
  - Stabenow (MI)
  - Menendez (NJ)
  - Casey (PA)
  - Baldwin (WI)

- Lean Democrat
  - Smith (MN)
  - Brown (OH)

- Toss Up
  - Nelson (FL)
  - Donnelly (IN)
  - McCaskill (MO)
  - Heitkamp (ND)
  - Manchin (WV)
  - Tester (MT)
  - Flake (AZ)*
  - Heller (NV)
  - Corker (TN)*

- Lean Republican
  - Hyde-Smith (MS)
  - Fischer (NE)

- Likely Republican
  - Wicker (MS)
  - Hatch (UT)*
  - Barrasso (WY)

- Solid Republican
  - Tester (MT)
  - Flake (AZ)*
  - Heller (NV)
  - Corker (TN)*
TOSS UPS – HOW LEANING AT THE MOMENT?
(Status by incumbent party)

Potential Republican pickups
North Dakota -8.7%
Missouri –0.4% - trending R

Holding Democratic
West Virginia +9
Indiana +2.5
Montana +3
Florida +2.4%

Holding Republican
Arizona +0.3% – trending R
Nevada +1.7% - trending R
Tennessee +5.5%
Texas +7%
2020 ELECTION: BATTLEFIELD SHIFTS - REPUBLICANS DEFENDING MORE SENATE SEATS

**2020**
- 12 Democratic seats
- 21 Republican seats

**2022**
- 12 Democratic seats
- 22 Republican seats

*However, only two Republican incumbents currently vulnerable*
OUTLOOK FOR THE MIDTERM ELECTIONS

What to expect

• Razor thin margins next Congress

• **If the election was held today**
  
  • Democrats could gain 25-35 seats and control of the House
  
  • Senate landscape favors Republican pickup of 1-3 seats
  
  • Democrats must hold all incumbent seats **and** win two of Republican toss up seats to regain majority – unlikely without bigger wave.
OUTLOOK FOR THE MIDTERM ELECTIONS

**Likely scenario**

- Democrats gain seats in the House
- Republicans gain seats in the Senate
- If this occurs -- first midterm in 36 years in which the two chambers of Congress moved in different directions.
STATE RACES – A LOT ON THE LINE

2018 Balance of Power

Governors

Legislatures

33 16 1
Republican Democratic Independent

31 13 1 5
Republican Democratic Nonpartisan Split
STATE RACES – A LOT ON THE LINE

Governors races this year
• 36 states hold their gubernatorial elections
• 26 Republican seats
• 10 Democratic seats (nine Democrats plus one independent)

• 13 open governorships for GOP,
• 4 open governorships for Democrats
• 12 Republican seats competitive, 4 for Democrats
STATE RACES – A LOT ON THE LINE

State legislatures
• 82% of state legislative races on the ballot.
• 26 states GOP control of both chambers.
• 8 states Democrats control both chambers.
• 16 legislatures are divided.
REPUBLICANS GOVERNORS PLAYING DEFENSE –
UP TO 16 SEATS COULD FLIP – 12 HELD BY R’S

SolidDemocrat | Likely Democrat | Lean Democrat | Toss Up | Lean Republican | Likely Republican | Solid Republican
--- | --- | --- | --- | --- | --- | ---
3 | 2 | 3 | 9 | 5 | 10

CA – Brown*  
HI – Ige  
NY – Cuomo  
PA – Wolf  
RI – Raimondo

CO – Hickenlooper*  
CT – Malloy*  
CTM – Dayton*  
OR – Brown  
NM – Martinez*  
IL – Rauner  
WI – Walker

FL – Scott*  
GA – Deal*  
IA – Reynolds  
KS – Colyer**  
ME – LePage*  
MI – Snyder*  
NV – Sandoval*  
OH – Kasich*

AK – Walker (l)  
OK – Fallin*  
AZ – Ducey  
NH – Sununu  
SC – McMaster  
TN – Haslam*  
MD – Hogan

AL – Ivey  
AR – Hutchinson  
ID – Otter*  
MA – Baker  
NE – Ricketts  
OK – Fallin*  
SD – Daugaard*  
TX – Abbott  
WY – Mead*  
VT – Scott
TOSS UPS – HOW LEANING AT THE MOMENT?

(Status by incumbent party)

FL -3.7%
GA +2
IA -3.5%
KS +1%
ME tie
MI -9.2%
NV +0.6%
OH -2.7%
WI -3.6%

*Most vulnerable area for Republican governors is the Midwest - risk of clean sweep
OUTLOOK FOR STATE MIDTERM ELECTIONS

Challenges for Republicans

• Republicans are defending eight seats won by Clinton
• Democrats are defending only one state won by President Trump
• Republicans fighting historical trends
• **This year’s races are key to the future**
  ➢ Outcome of the 2018 state elections will determine future redistricting efforts.
QUESTIONS?

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