

2022 Elections: State of Affairs and Predictions for the Business Community

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Legislative Accomplishments in the 117th Congress

- **American Rescue Plan**
 - \$1.9 trillion stimulus package intended to combat the Covid-19 pandemic, including the public health and economic impacts
- **Infrastructure Investment and Jobs Act**
 - Authorizes \$1.2 trillion for transportation and infrastructure spending with \$550 billion of that figure going toward “new” investments and programs
- **FY 2022 Consolidated Appropriations Act**
 - \$1.5 trillion government funding package, including the largest increase in domestic discretionary spending in the past four years

Legislative Priorities for the Remainder of the 117th Congress

■ **Build Back Better Act**

- Key part of Biden administration's agenda that originally started as a \$3.5 trillion "social infrastructure" proposal
- In November 2021, the House passed a \$1.7 trillion version of the Build Back Better Act, which included targeted individual tax relief such as an expanded child tax credit and clean energy incentives, along with increased spending on health care, education, child care, and other programs
 - Did not include PRO Act
- Would be paid for with more than \$1.5 trillion in business, international, and individual tax increases
- Currently stalled in the U.S. Senate, and path forward remains unclear

Legislative Priorities for the Remainder of the 117th Congress

■ Additional Legislation

- China competition
 - Legislation providing funding for semiconductor production and research, as well as for future efforts to develop key technology areas; includes proposals to address supply chain issues and promote fair trade
- Retirement
 - Proposals to expand opportunities for Americans to increase their retirement savings, improve workers' long-term financial well-being, and build on the SECURE Act
- Voting rights
 - Legislation to expand voting rights, change campaign finance laws to reduce the influence of money in politics, ban partisan gerrymandering, and create new ethics rules for federal officeholders

Importance of ASA Advocacy Efforts

- **Ex: Nurse staffing agency pricing**
 - Congressional letters to the Biden administration
 - House Energy and Commerce Oversight and Health Subcommittee outreach
 - House Energy and Commerce Consumer Protection and Commerce Subcommittee hearing

Potential Regulatory Action

■ **Noncompete Agreements**

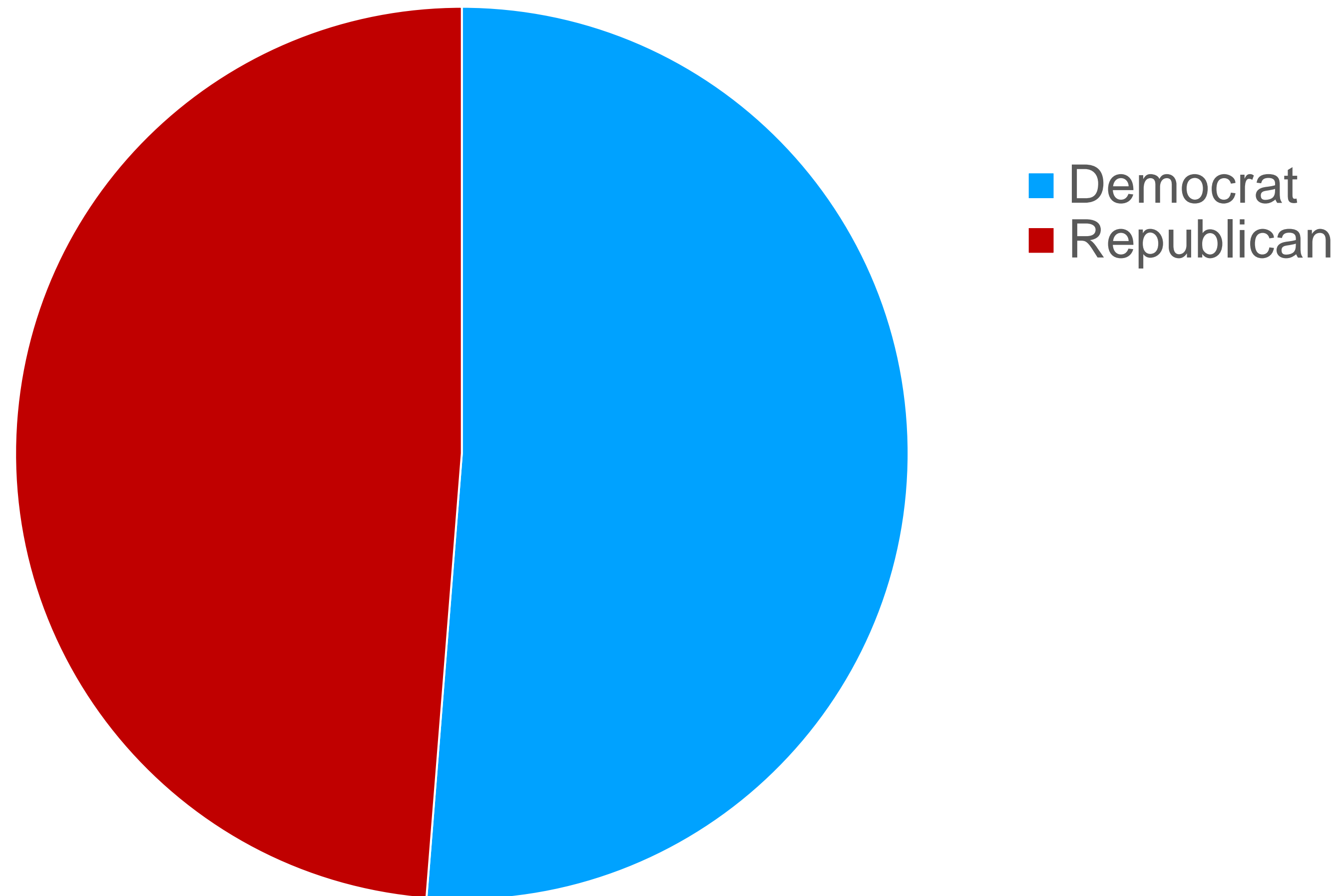
- The FTC has received requests to adopt rules prohibiting noncompete clauses and exclusionary contracts by dominant firms
- At first would likely focus on “areas where rules of the road simply did not keep up with rapid changes in technology or markets”
- There are questions whether the FTC has the authority to engage in substantive rulemaking on this issue

■ **Restrictions on Licensing Requirements**

- The Obama Labor Department directed federal departments and agencies to ensure that federally issued occupational licenses are not presumptively denied on the basis of a criminal record
- FTC efforts could focus on occupational licensing programs that narrow the practice scope of a certain profession and limit competition. This could include identifying “unnecessary” licensing requirements such as (1) citizenship and a clean criminal record; (2) programs that require training, education, and examinations that are not in line with the requisite skill sets; (3) high fees or frequent license renewals

2022 Midterm Elections

Makeup of the 117th Congress: House



2022 Elections: House of Representatives

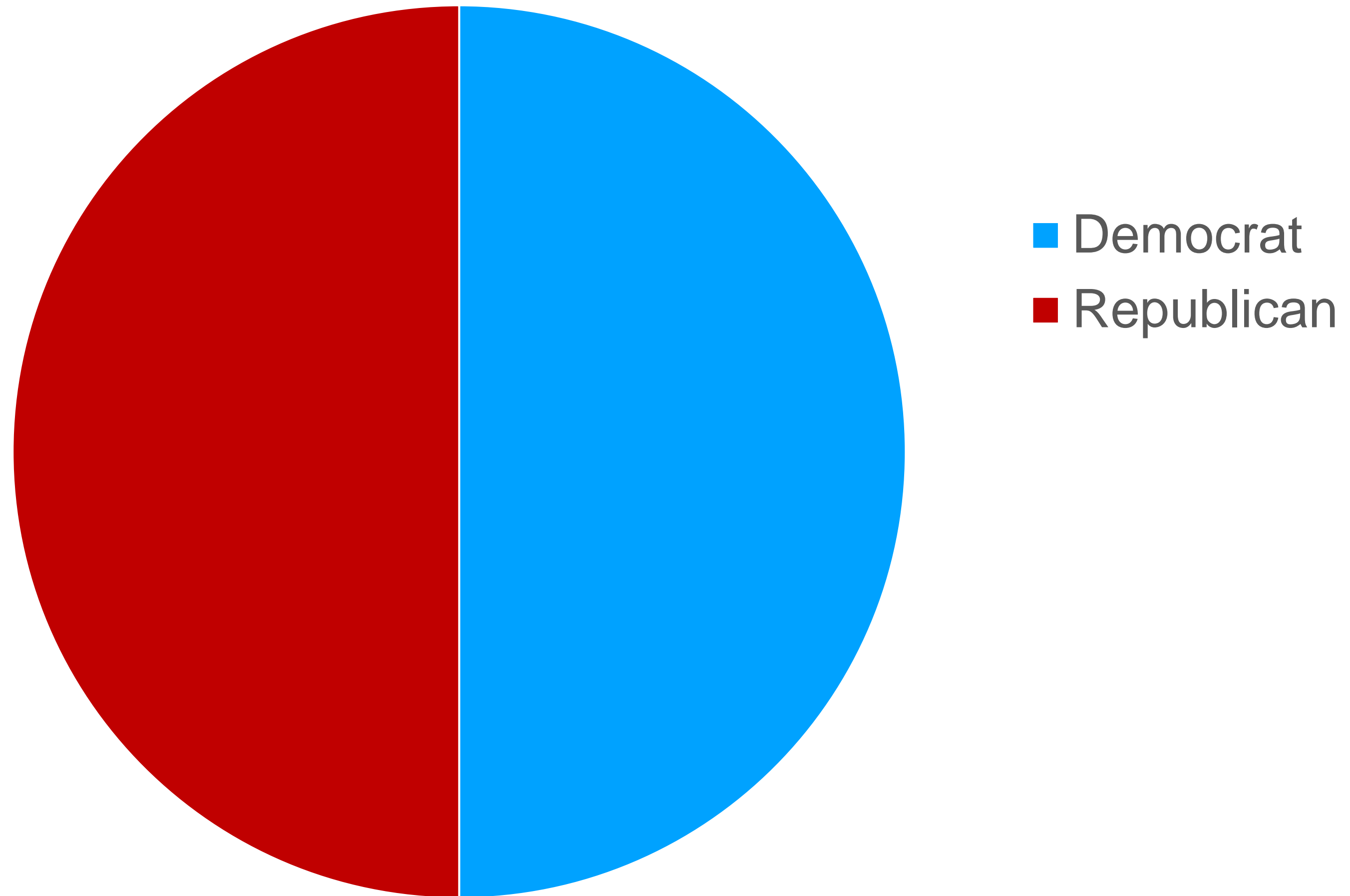
- **Democrats (223 seats)**
 - **Safe seats: 148**
 - **Likely Democrat: 13**
 - **Lean Democrat: 11**
 - **Toss-Up: 18**
 - **Worse:**
 - **Likely GOP: 3**
 - **Lean GOP: 5**
- **GOP (212 seats)**
 - **Safe seats: 177**
 - **Likely Republican: 14**
 - **Lean Republican: 1**
 - **Toss-Up: 8**
 - **Worse:**
 - **Likely Democrat: 1**
 - **Lean Democrat: 0**

* 41 seats remain subject to redistricting

2022 Midterm Elections: House

- Net pickup of 6 seats delivers control of House to GOP
- **Factors in GOP Favor**
 - History
 - Current conditions
 - Redistricting following 2020 census: 41 seats still undecided
 - Incumbents leaving the House
 - Democrats: 31
 - Republicans: 18
- **Factors in Democrats' Favor**
 - Redistricting: Not as bad as it could have been; several GOP maps still pending
 - The GOP
 - The Trump factor

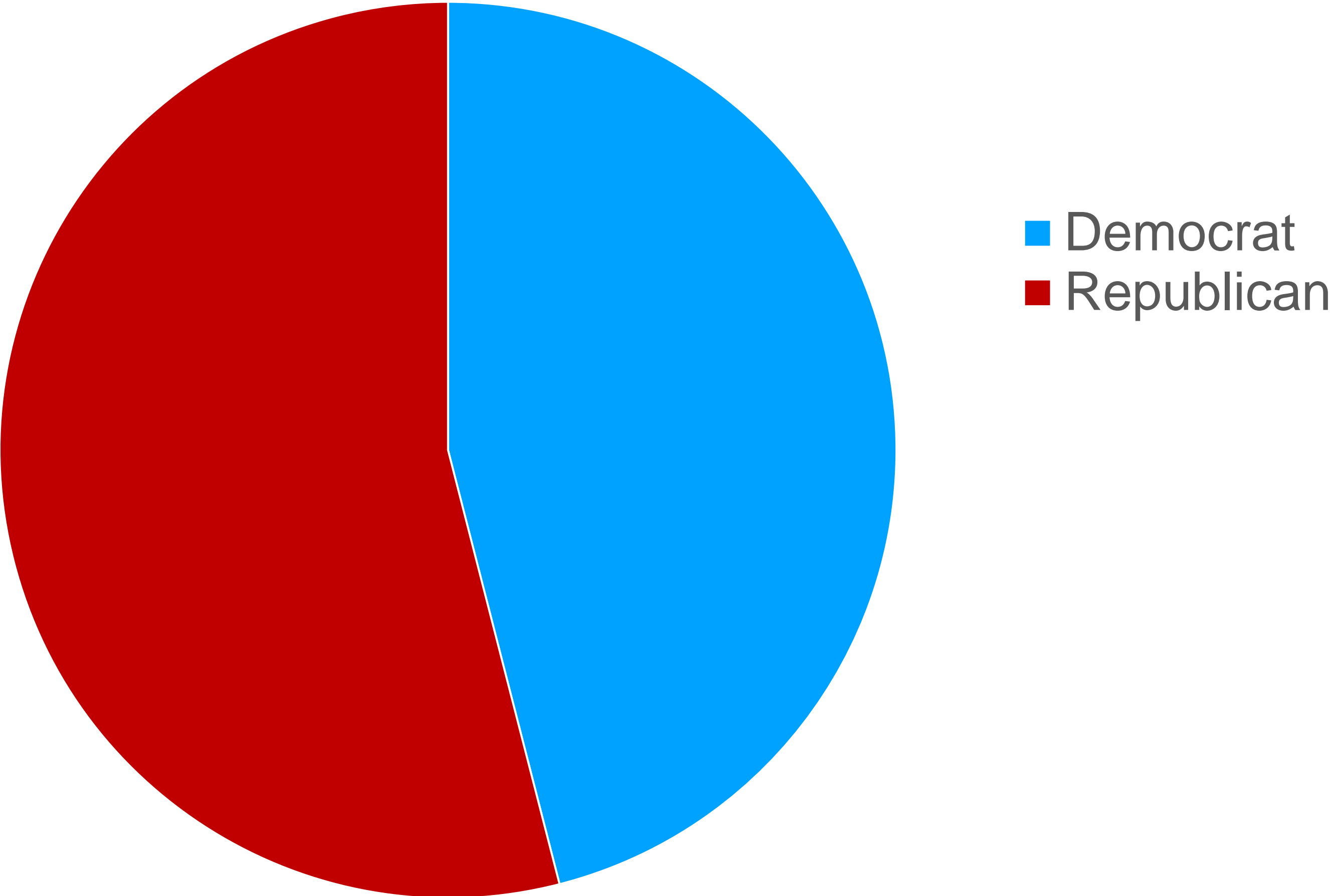
Makeup of the 117th Congress: Senate



2022 Elections: U.S. Senate

- **Democrats (14 seats)**
 - **Safe seats: 9**
 - **Likely Democrat: 1**
 - **Lean Democrat: 1**
 - **Toss-Up: 3 (AZ, GA, NV)**
- **GOP (21 seats)**
 - **Safe seats: 16**
 - **Likely Republican: 0**
 - **Lean Republican: 3**
 - **Toss-Up: 2 (PA, WI)**

United States Governors



2022 Elections: U.S. Governors

- **Democrats (16 seats)**
 - **Safe seats: 6**
 - **Likely Democrat: 4**
 - **Lean Democrat: 1 (NH)**
 - **Toss-Up: 5 (KS, MI, NV, PA, WI)**
- **GOP (20 seats)**
 - **Safe seats: 12**
 - **Likely Republican: 4**
 - **Lean Republican: 0**
 - **Toss-Up: 2 (AZ, GA)**
 - **Worse**
 - **Lean Democrat: 1 (MD)**
 - **Likely Democrat: 1 (MA)**

Questions?