



DAILY BRIEFING

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In Today's Edition

- NCHER Daily Briefing Publishing on Abbreviated Schedule This Week
- Weekly Rundown
- Political Observers Weigh-In on Final Election Forecast Before Tomorrow's Midterms
- Supreme Court Justice Barrett Denies Application to Block Federal Student Loan Forgiveness Plan - Again
- Department of Education Issues Dear Colleague Letter on FAFSA Simplification
- Federal Reserve Releases Consumer Credit Report, Increases at Annual Rate of 6.4 Percent
- U.S. Department of Education News
- General News

NCHER Daily Briefing Publishing on Abbreviated Schedule This Week

The *NCHER Daily Briefing* will publish on an abbreviated schedule consisting of today and Thursday while most of Congress remains in recess. Both chambers are expected to return to legislative business next week.



Weekly Rundown

The NCHER Weekly Rundown, which includes the latest information on important events in Washington, DC, is available today and can be downloaded from the [NCHER website](#).

Political Observers Weigh-In on Final Election Forecast Before Tomorrow's Midterms

Over the weekend, several political observers have begun weighing-in on the final election forecast before voters head to the polls tomorrow for the midterm election. Currently, Democrats have a 5-seat majority in the U.S. House of Representatives while Democrats have a 1 seat majority in the 50-50 U.S. Senate because of Vice President Kamala Harris. An overwhelming number of observers, including experts from *Politico*, *Cook Political Report*, and *Sabato's Crystal Ball*, believe that Republicans are significantly likely to pick up the majority in the House, though the Senate remains a toss-up. Steve Shepard with *Politico* said that he believes Republicans are likely to gain around 15 House seats, but could also win nearly 30 seats if independents and undecided voters break for the opposing party. With that said, Democrats have maintained strong poll numbers in consequential statewide races that may help them retain control of the U.S. Senate and limit losses in the House. As of press time, Republicans are favored to win the Senate races in Nevada (Republican Adam Laxalt vs. Democratic Sen. Catherine Cortez Masto) and Wisconsin (Republican Sen. Ron Johnson vs. Democrat Mandela Barnes). Democratic Sen. Maggie Hassan is narrowly favored in New Hampshire against Republican Don Bolduc but the race has tightened significantly in recent days. Three other races are true toss-ups: Arizona, Georgia, and Pennsylvania. Five governor's races are toss-ups going into election day: Arizona, Kansas, Nevada, Oregon, and Wisconsin. Republicans have a slight edge in Arizona and Nevada, and Democrats have a slight edge in Kansas.

Here are the final comments from select political observers on the race for the House:

Steve Shepard, *Politico*: "Including the latest shifts, 216 seats are now in the 'Solid,' 'Likely' or 'Lean Republican' category — meaning Republicans are only two seats away from the majority, according to the forecast. By comparison, just 194 districts are in the 'Solid,' 'Likely' and 'Lean Democratic' categories. There are 26 seats rated as 'Toss Up' — races

where neither party has a significant advantage. The current breakdown of the House (allocating vacant seats to the party that last won them) is 222 Democrats and 213 Republicans. Even if Republicans fail to win any of the 26 'Toss Up' races — just 2 of the 26 would give them the majority — they are currently projected to gain 3 seats. An even, 50-50 split of the 'Toss Up' districts would translate to a 16-seat Republican gain. A GOP sweep of those 'Toss Up' races would represent a gain of nearly 30 seats, and it's not unusual for one party to win the lion's share of competitive contests. In 2020, Republicans won 26 of the 27 seats rated as 'Toss Up' by Politico. In 2018, Democrats won 15 of the 22 Toss Up' contests in their 40-seat wave election.

David Wasserman, *Cook Political Report*: "Heading into Election Day, 212 seats are at least Lean Republican, 188 seats are at least Lean Democrat and there are 35 Toss Ups. If those Toss Ups were to split evenly down the middle, Republicans would wind up at around 230 seats (+17). We believe a Republican gain of 15 to 25 seats is most likely, but it wouldn't be terribly surprising if the Toss Ups broke mostly their way, pushing GOP gains even higher."

Kyle Kondick, *Sabato's Crystal Ball*: "Republicans +24"

For additional coverage of tomorrow's midterm elections, see these articles from [Politico](#) and [Roll Call](#).

Supreme Court Justice Barrett Denies Application to Block Federal Student Loan Forgiveness Plan - Again

Late Friday, U.S. Supreme Court Justice Amy Coney Barrett denied the application by several plaintiffs to block the U.S. Department of Education from implementing its federal student loan forgiveness plan. As a refresher, on October 21, 2022, U.S. District Court for the Southern District of Indiana Judge Richard Young in *Garrison et al. v. U.S. Department of Education* denied the plaintiffs' motion for a temporary restraining order and preliminary injunction and dismissed the case. The plaintiffs, who claimed the Department's action was unlawful because it would result in the imposition of tax liability under Indiana law, filed an emergency appeal to Justice Barrett, who handles emergency matters for applications arising from the U.S. Court of Appeals for the Seventh Circuit. Justice Barrett denied the application without comment. Previously, she denied a similar emergency motion in a separate case brought by a Wisconsin taxpayer association. Justice Barrett's denial will not have an immediate impact on the federal loan forgiveness scheme as the U.S. Court of Appeals for the Eighth Circuit granted a temporary stay in a separate case

prohibiting the Department from discharging any student loan debt until the 8th Circuit rules on the motion from six states for an injunction pending appeal of the District Court's dismissal of the case. The complaint in that case is generally viewed as the case which has the best chance of success. For further coverage, see these articles from [USA Today](#) and [Forbes](#).

Department of Education Issues Dear Colleague Letter on FAFSA Simplification

On Friday, the U.S. Department of Education issued a [Dear Colleague Letter](#) announcing changes authorized under the FAFSA [Free Application for Federal Student Aid] Simplification Act. The changes include:

- Providing more clarity and detail to individual cost of attendance components. Language has been updated for clarity, like changing “room and board” to “food and housing” and moving the purchase of equipment and supplies from “tuition and fees” to a broader category of “books, course materials, supplies, and equipment.” Definitions have also been updated to incorporate these edits. Institutions must implement these changes for the 2023-2024 award year.
- Distinguishing between different categories of professional judgment - special circumstances (financial situations that justify adjusting data elements in the cost of attendance) and unusual circumstances (conditions that justify adjustments, like refugee status or incarceration). The FAFSA Simplification Act provides new flexibility for helping applicants with special or unusual circumstances and creates new requirements for processing and communicating with students who request an adjustment because of an unusual circumstance. It also updates the types of adequate documentation that schools can request from students applying with these circumstances. These changes will go into effect for the 2024-2025 award year.

Institutions of higher education now have additional guidance on the timing of determinations of independence for certain student populations, like homeless youth, foster care youth, orphans, wards of the court, and students with unusual circumstances. The FAFSA Simplification Act also codifies previous guidance from the Department providing flexibility for financial aid administrators to use professional judgment during a disaster, emergency, or economic downturn.

Federal Reserve Releases Consumer Credit Report, Increases at Annual Rate of 6.4 Percent

Today, the Federal Reserve released its monthly [Consumer Credit - G.19 Report](#), which found that consumer credit increased at a seasonally adjusted annual rate of 6.4 percent in September. According to the report, total outstanding consumer credit stood at \$4.701 trillion at the end of September, up \$25 billion from August. Revolving credit (mostly credit card debt) increased by 8.4 billion and nonrevolving credit (mostly student and auto loans) increased by \$16.6 billion. Nonrevolving debt owned by the federal government (mostly Direct Loans) increased by \$9.4 billion. The report says that the total amount of outstanding student loans of all types stood at \$1.769 trillion at the end of the third quarter.

U.S. Department of Education News

For today's Federal Register, click [here](#).

The following announcements were posted to the Federal Student Aid's Knowledge Center Website:

- ([GEN-22-15](#)) [FAFSA® Simplification Act Changes for Implementation in 2023-24](#)
- [FAFSA Simplification Act Implementation 2023-2024](#)
- ([GENERAL-22-82](#)) [Veterans Day Federal Holiday Processing and Customer Service Hours](#)

General News

[insideARM](#) reports that the Consumer Financial Protection Bureau responded to the ruling by the U.S. Court of Appeals for the Fifth Circuit that its funding mechanism was unconstitutional – it called the ruling “neither controlling nor correct” and “mistaken.”

BDO, a consultant group, released a [survey](#) examining college leaders strategies and goals for the upcoming year.

[CBS News](#) asks why college is so expensive and examines several possible solutions to control rising college costs.

[The Denver Post](#) publishes an op-ed by Association of Public and Land-Grant Universities urging colleges and universities to consider how students view education through the prism of return on investment.

Niche released a [survey](#) of high school seniors that found diversity was the top aspect they want in a potential college.

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National Council of Higher Education Resources

1050 Connecticut Ave NW #65793

Washington, DC 20035

Phone: **(202) 822-2106**

Fax: (202) 822-2142

MailPoet