

2024 Post-Election Outlook and Analysis

Friends and Colleagues-

President-elect Donald Trump declared victory overnight after convincing wins in Georgia, North Carolina and Pennsylvania; further electoral gains this morning could preview a true red wave this cycle, pending results in additional House races. Senate Republicans secured a clear majority, successfully defending incumbents and gaining at least three additional seats with victories in Montana, Ohio and West Virginia. Several key Senate races that will determine Republicans' final margin of control in the chamber remain too close to call this morning.

As expected, it may take days or weeks to officially determine control of the House next session. The fate of the House will determine the full slate of powers available to Republicans—chief among them: whether they can use budget reconciliation to enact legislation next year. Budget reconciliation is an invaluable tool, and its viability is particularly compelling as Washington prepares for expansive negotiations on tax policy, including the expiring provisions of the Tax Cuts and Jobs Act. Governing dynamics will differ notably in a Republican trifecta scenario versus continued divided government, but the incoming administration is expected to move swiftly to freeze and potentially rollback various Biden-era rulemakings regardless of congressional makeup.

While Republican control of the Senate is assured, the conference must convene next week to decide on a new era of leadership in the chamber. Longtime party leader Mitch McConnell (R-KY) will pass the baton to a successor—and soon-to-be majority leader—determined by his members. In any scenario, the Senate agenda will feature a steady stream agency of appointees and judicial nominees, mixed with proposals that aim to reduce federal spending, roll back regulatory burdens, enhance border security and curb the influence of China, among other priorities. A Republican House would coalesce around similar policy goals, but a Democratic House could focus heavily on oversight of the new administration.

As ever, Brownstein maintains strong ties to leaders on both sides of the aisle and the incoming administration, with multiple former Trump administration officials among our ranks. Please read on for key race results and our analysis of the lame duck session and leadership in the 119th Congress.

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Senate Election Results

Results as of 9:30 a.m. on Nov. 8, 2024

Current Results:

• Republican Holds: 11

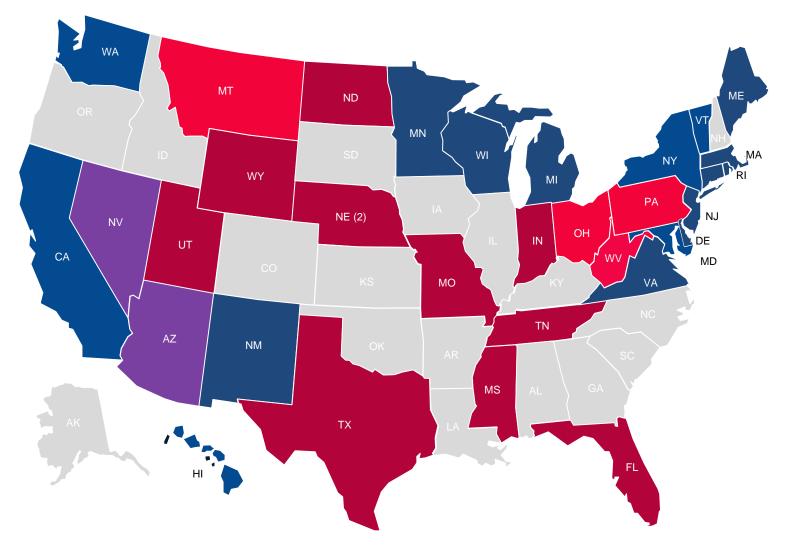
• Republican Pickups: 4

• Democratic Holds: 17

• Democratic Pickups: 0

• Runoff or Too Close To Call: 2





Incumbent Democratic Holds: Maria Cantwell (D-WA), Kirsten Gillibrand (D-NY), Martin Heinrich (D-NM), Mazie Hirono (D-HI), Tim Kaine (D-VA), Angus King (I-ME), Amy Klobuchar (D-MN), Chris Murphy (D-CT), Bernie Sanders (I-VT), Elizabeth Warren (D-MA), Sheldon Whitehouse (D-RI), Tammy Baldwin (D-WI)

Democratic Hold (New Members): Angela Alsobrooks (D-MD), Lisa Blunt Rochester (D-DE), Andy Kim (D-NJ), Adam Schiff (D-CA), Elissa Slotkin (D-MI)

Arizona (Too Close to Call): Gallego (D) leads Lake (R) – 49.8% to 48.1%

Nevada (Too Close to Call): Rosen (D) leads Brown (R)– 47.8% to 46.5%

Incumbent Republican Holds: John Barrasso (R-WY), Marsha Blackburn (R-TN), Kevin Cramer (R-ND), Ted Cruz (R-TX), Deb Fischer (R-NE), Josh Hawley (R-MO), Pete Ricketts (R-NE), Rick Scott (R-FL), Roger Wicker (R-MS)

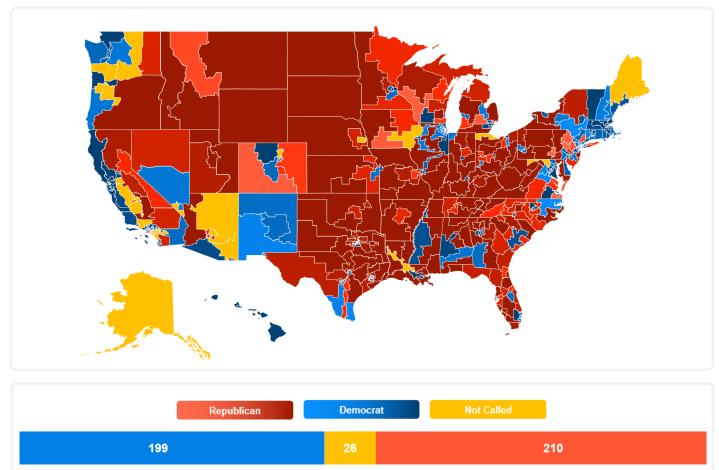
Republican Holds (New Members): Jim Banks (R-IN), John Curtis (R-UT)

Republican Pickups: Jim Justice (R-WV), Dave McCormick (R-PA), Bernie Moreno (R-OH), Tim Sheehy (R-MT)



Results as of 9:30 a.m. on Nov. 8, 2024.

Current Results:



In the following results tables:

- *Denotes a new seat created by redistricting.
- **Denotes an incumbent running in a different existing district due to redistricting.

Democratic Pickups

AL-2 (open): Figures def. Dobson

GA-6 (open): McBath def. Criswell**

NY-4: Gillen def. D'Esposito **NY-19:** Riley def. Molinaro

NY-22: Mannion def. Williams

PR-AL (open): Hernández Rivera def. Villafañe

Democratic Holds (New Members)

AZ-3 (open): Ansari def. Zinc MO-1 (open): Bell def. Jones

CA-16 (open): Liccardo def. Low
CA-29 (open): Rivas def. Bernal

NH-2 (open): Goodlander def. Williams
NJ-3 (open): Conaway def. Mohan

CA-30 (open): Friedman def. Balekian
CA-31 (open): Cisneros def. Martinez
DE-1 (open): McBride def. Whalen
MD-2 (open): Olszewski def. Klacik

NJ-9 (open): Pou def. Prempeh
NY-16 (open): Latimer def. Flisser
OR-3 (open): Dexter def. Harbour
TX-18 (open): Turner def. Centonze

MD-3 (open): Elfreth def. Steinberger

MI-8 (open): McDonald Rivet def. Junge

TX-32 (open): Johnson def. Day

VA-7 (open): Vindman def. Anderson

MN-3 (open): Morrison def. Jude

VA-10 (open): Subramanyam def. Clancy

Republican Pickups

MI-7 (open): Barrett def. Hertel NC-6 (open): McDowell def. Hayes

PA-7: Mackenzie def. Wild

PA-8: Bresnahan def. Cartwright

Republican Holds (New Members)

AL-1 (open): Moore def. Holmes**

AZ-8 (open): Hamadeh def. Whitten

CO-3 (open): Hurd def. Frisch

CO-4 (open): Boebert def. Calvarese

CO-5 (open): Crank def. Gassen

FL-8 (open): Haridopolos def. Kennedy

GA-3 (open): Jack def. Keller

IN-3 (open): Stutzman def. Adolph

IN-6 (open): Shreve def. Wirth

IN-8 (open): Messmer def. Hurt

KS-2 (open): Schmidt def. Boyda

MI-10: James def. Marlinga

MO-3 (open): Onder def. Mann

MT-2 (open): Downing def. Driscoll

NC-10 (open): Harrigan def. Scott

NC-8 (open): Harris def. Dues

ND-AL (open): Fedorchak def. Hammer OH-2 (open): Taylor def. Meadows

SC-3 (open): Biggs def. Best

TX-12 (open): Goldman def. Hunt

TX-26 (open): Gill def. Lineberger

UT-3 (open): Kennedy def. Wright **VA-5 (open):** McGuire def. Witt

WA-5 (open): Baumgartner def. Conroy

WI-8 (open): Wied def. Lyerly

WV-2 (open): Riley def. Wendelin

Too Close to Call/Results Pending

AK-1: Begich (R) leads Peltola (D) 49.5% to 45.4%

AZ-1: Schweikert (R) leads Shah (D) 51.9% to 48.1%

AZ-2: Crane (R) leads Nez (D) 53.6% to 46.4%

AZ-4: Stanton (D) leads Cooper (R) 52.6% to 45.8%

AZ-6: Engel (D) leads Ciscomani (R) 48.9% to 48.8%

CA-9: Harder (D) leads Lincoln (R) 50.7% to 49.3%

CA-12 (open): Simon (D) leads Tran (D) 62.9% to

37.1%

CA-13: Duarte (R) leads Gray (D) 51.4% to 48.6%

CA-21: Costa (D) leads Maher (R) 50.6% to 49.4%

CA-22: Valadao (R) leads Salas (D) 55.0% to 45.0%

CA-27: Garcia (R) leads Whitesides (D) 50.7% to

49.3%

CA-39: Takano (D) leads Serpa (R) 55.3% to 44.7%

CA-41: Calvert (R) leads Rollins (D) 51.5% to 48.5%

CA-45: Steel (R) leads Tran (D) 51.9% to 48.1%

CA-47 (open): Baugh (R) leads Min (D) 50.1% to

49.9%

CA-49: Levin (D) leads Gunderson (R) 51.1% to 48.9%

CO-8: Caraveo (D) leads Evans (R) 49.0% to 48.2%

IA-1: Miller-Meeks (R) leads Bohannan (D) 50.1% to

49.9%

MD-6 (open): McClain Delaney (D) leads Parrott (R)

50.6% to 49.4%

ME-02: Golden (D) leads Theriault (R) 50.0% to 49.7%

OH-9: Kaptur (D) leads Merrin (R) 48.1% to 47.8%

OR-5: Bynum (D) leads Chavez-DeRemer (R) 47.7% to

45.3%

OR-6: Salinas (D) leads Erickson (R) 53.3% to 46.7%

WA-3: Gluesenkamp Perez (D) leads Kent (R) 51.5% to

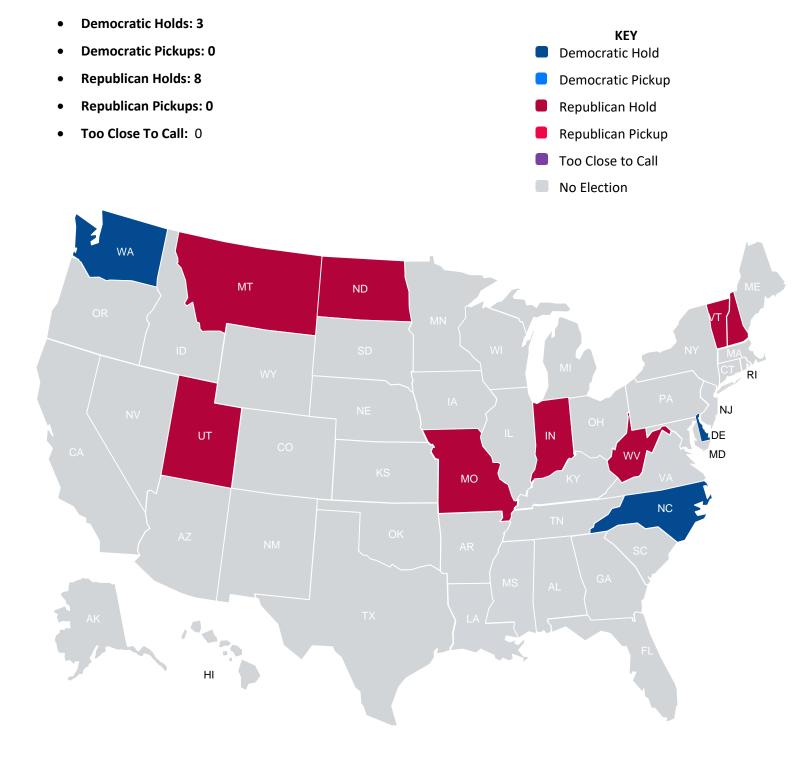
48.5%

WA-4: Newhouse (R) leads Sessler (R) 52.0% to 48.0%

Gubernatorial Election Results

Results as of 9:30 a.m. on Nov. 8, 2024

Current Results:



Democratic Holds (New Members): Delaware (Matt Meyer), North Carolina (Josh Stein) and Washington (Bob Ferguson)

Incumbent Republican Holds: Montana (Greg Gianforte), Utah (Spencer Cox) and Vermont (Phil Scott)

Republican Holds (New Members): Indiana (Mike Braun), Missouri (Mike Kehoe), New Hampshire (Kelly Ayotte), North Dakota (Kelly Armstrong) and West Virginia (Patrick Morrisey)

Looking Forward: Lame-Duck Calendar

Key Dates and Weeks to Remember for the Lame-Duck Session and January 2025

Lame Duck	Schedule, Key Dates and Deadlines
Nov. 12–22	 House and Senate reconvene for lame-duck session (Nov. 12) House GOP Leadership Candidate Forum and Election (Nov. 13) Senate GOP Leadership Election (Nov. 13) House Conference Rules Amendment Forum (Nov. 14) House 119th Organizing Conference – Conference Rules (Nov. 14) House 119th Organizing Conference – Conference Rules and Steering Committee Structure Ratification (Nov. 15) House Democratic Leadership Candidate Forum and Election (Nov. 19) Senate Democratic Leadership Election (expected) Certain special election seats sworn in
Nov. 25–29	House and Senate recess for Thanksgiving holiday
Dec. 2–19	 Chambers reconvene post-Thanksgiving holiday (Dec. 2) Certificates of ascertainment due (Dec. 11) Electoral College certifies results (Dec. 17) House scheduled to adjourn for the year (Dec. 19) NDAA Conference Report anticipated for consideration
Dec. 20	Continuing resolution expiresSenate scheduled to adjourn for the year
Dec. 31	Health care extenders, Farm Bill program extensions and additional calendar year programs lapse
January 2025	 Debt limit reinstated, Treasury Department begins deploying extraordinary measures (Jan. 2) 119th Congress start date (Jan. 3) Congress counts electoral votes (Jan. 6) Inauguration Day (Jan. 20) Committee assignments finalized (expected by late January)

Looking Forward: Lame-Duck Agenda

The House and Senate return to session on Nov. 12, beginning the final stretch of the 118th Congress. In the remaining weeks, lawmakers must balance preparing for the 119th Congress with addressing the few remaining must-pass legislative items, including the annual National Defense Authorization Act (NDAA) and the expiration of government funding. There are also several notable programs and authorizations set to expire at year-end that may ultimately be addressed in conjunction with government funding, such as health care extenders and the Farm Bill. These priority items will consume much of the available floor time, and the potential for delayed election results could further complicate matters. Other pieces of legislation with bipartisan support could still advance independently or with one of the moving vehicles, but the field of contenders is relatively small.

Must-Pass Items – The following measures must be addressed before the conclusion of the 118th Congress to provide stable funding broadly for the U.S. government and security measures.

- Government Funding In September, the House and Senate passed a three-month continuing resolution (CR) until Dec. 20, giving lawmakers five session weeks post-election to prepare a full-year government funding package or resort to another CR. The current CR is a "clean" extension of fiscal year (FY) 2024 funding, with only a few exceptions and modifications for technical budgetary issues and certain extensions and authorities, such as increased funding for the Secret Service. Before recessing in October, the House passed only four of the 12 appropriations bills and the Senate failed to pass any. The bills considered by both Appropriations committees also adhere to the topline allocations set forth under the Fiscal Responsibility Act (FRA) of \$1.606 trillion. However, the House did not include side deals in topline funding allocations, whereas the Senate provided additional emergency funding for nondefense and defense programs beyond FRA levels. A bicameral agreement on topline totals will take up a significant portion of time during lame duck. Chamber leadership is also striking different notes; Senate Majority Leader Chuck Schumer (D-NY) said that the bipartisan CR vote would set the tone for constructive work on government funding, but House Speaker Mike Johnson (R-LA) has vowed that there will not be an end-of-year "Christmas omnibus," indicating Congress could pass a series of minibuses and/or another CR into February or March 2025. Any solution is expected to play host to a range of expiring authorizations and potentially some narrow bipartisan policy proposals.
- National Defense Authorization Act (NDAA) Congress has passed the NDAA every year since 1961, and that streak will continue this year. The FY 2025 NDAA is currently in the conference process to resolve differences between the House and Senate versions of the bill. The House passed (217-199) its version of the FY25 NDAA in June. The Senate Armed Services Committee (SASC) released an executive summary of its FY25 NDAA in June, followed by bill text in July. The bill has not been considered by the full Senate, but committee leaders filed a manager's package in September that included 93 amendments agreed to on a bipartisan basis by SASC leadership and, together with the SASC's executive summary, is being used as the Senate's conferencing position to the House bill. The most significant difference between the two bills is SASC's bipartisan amendment to add \$25 billion to the authorization, resulting in the SASC bill's topline reaching \$923.3 billion in defense discretionary spending, while the House's bill is \$895.2 billion. The SASC version of the FY25 NDAA also takes a notably different approach to several key issues in the House version, including reproductive care, diversity and climate change. Beyond the toplines, conferees will have to manage numerous partisan provisions included in the House-passed bill to secure bicameral support and ultimate passage. It is anticipated that all items will be conferenced, and the bill will be posted during the last week of November, followed by House passage the first week of December and Senate passage the second week of December.

Expiring Programs and Authorizations – Should Congress adjourn without enacting extensions of the following items, there would be repercussions for various agencies, programs and businesses, especially relating to agriculture, nutrition and health care programs.

- Health Care Extenders Funding for several health care programs is set to expire by Dec. 31, including funding for Community Health Centers (CHCs), the National Health Service Corps, the No Surprises Act Implementation Fund, the Special Diabetes Program and teaching health centers that operate graduate medical education (GME) programs. Additional notable programs that expire at the end of the year include the Medicaid Disproportionate Share Hospital (DSH) allotment reduction delay, Medicare Inpatient Prospective Payment System (IPPS) adjustment for low-volume hospitals, the Medicare-dependent hospital (MDH) program, Acute Hospital Care at Home waivers and work geographic adjustments under the Medicare physician fee schedule. There is bipartisan, bicameral interest in Congress to ensure these health care extenders do not lapse in funding and are included in an end-of-year package. Bipartisan House members are pushing to include language in a package protecting physicians from proposed Medicare payment cuts in 2025. Telehealth flexibilities for Medicare beneficiaries are also set to expire on Dec. 31. These flexibilities were created during the COVID-19 pandemic and extended for two years post-pandemic. This includes reimbursement for telehealth services in any geographic area, allowing patients to remain in their homes for telehealth visits and delivering telehealth using audio-only technology if a patient cannot use both audio and video, among other flexibilities. Multiple committees have already proposed bipartisan legislation to extend telehealth coverage for at least two years or make it permanent, which will likely be reconciled and addressed.
- Farm Bill The Farm Bill governs and reauthorizes numerous agricultural and food programs and is typically renewed every five years. The most recent Farm Bill was passed in 2018. In November 2023, Congress enacted a one-year extension through Sept. 30, though many key programs are funded through the end of the year. This includes crop insurance and other vital programs such as the Supplemental Nutrition Assistance Program (SNAP), which were funded by the CR through Dec. 20. Senate Agriculture, Nutrition and Forestry Committee Chairwoman Debbie Stabenow (D-MI) and Ranking Member John Boozman (R-MT) released competing Farm Bill frameworks in May and June, respectively, but no legislative text has been published. House Agriculture Committee Chairman G.T. Thompson (R-PA) introduced and advanced a Farm Bill (H.R. 8467) in May, primarily along party lines (33-21). Reauthorizing the Farm Bill will require overcoming partisan differences, especially related to commodity programs, crop insurance, conservation, nutrition assistance and reference prices. House Agriculture Committee Ranking Member David Scott (D-GA) has stated that he and other leaders are still pressing for a Farm Bill deal; Speaker Mike Johnson (R-LA) previously tried to add a one-year extension of the Farm Bill to the House Republican CR, but Chairman Thompson objected, maintaining that he sees a path to a full bill this year. Staff-level negotiations continued during the October recess, and committee leadership in both chambers are facing renewed pressure to secure a deal before year-end.
- <u>Additional Programs in Limbo</u> The current CR also included a limited number of temporary extensions, which expire on Dec. 20. For example, the CR provided an extension of the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP). Unless Congress reauthorizes the program, the authority to provide new flood insurance contracts will expire, and the authority for NFIP to borrow funds from the Department of the Treasury will be reduced from approximately \$30 billion to \$1 billion, which would require FEMA to adjust and pay claims instead through the National Flood Insurance Fund (NFIF) or reserve funds. The Temporary Assistance for Needy Families (TANF) extension also expires on Dec. 20, which provides federal grants to states to offer income support and services to help families achieve economic self-sufficiency. Other extensions expiring on Dec. 20 include the U.S. Parole Commission, EBT benefit fraud prevention and other programs operated by the Department of Health and Human Services (HHS) and Department of Veterans Affairs.

Other Policy Priorities – Many stand-alone measures are being readied for possible floor consideration or floated as potential additions to a government funding package or NDAA. Although the outcome of the election, procedural obstacles and limited remaining floor time will hinder their progression, some priorities could make it across the finish line at the end of the year.

• Pharmacy Benefit Manager (PBM) Transparency — Several key congressional committees have passed bipartisan legislation aimed at increasing transparency for PBMs to reduce overall health care costs. Although there has been no reconciliation between chambers, lawmakers are pushing for PBM reform to be included in an end-of-year package as a pay-for to offset the cost of other policies. The House passed the Lower Costs, More Transparency Act (H.R. 5378) by a 320-71 vote under suspension of the rules in December. The bill would require PBMs to semiannually provide employer-sponsored health plans with data on prescription drug spending, ensure that PBMs contracting with Medicaid managed care organizations (MCOs) are prohibited from spread pricing, require Medicare Advantage (MA) organizations to report to HHS information on providers, PBMs and pharmacies they share ownership with, require the Medicare Payment Advisory Committee (MedPAC) to study and report on vertical integration among PBMs and enhance requirements for PBMs to disclose their compensation to plan fiduciaries, among other provisions. The Senate has yet to pass its own PBM bill on the floor, but the Senate Finance Committee advanced the bipartisan Better Mental Health Care, Lower-Cost Drugs and Extenders Act (S. 3430) and Modernizing and Ensuring PBM Accountability Act (S. 2973) out of committee. The Senate Health, Education, Labor and Pensions (HELP) Committee also advanced the bipartisan Pharmacy Benefit Manager Reform Act (S. 1339).

<u>China's Influence</u> – In September, the House held a long-awaited "China Week" to vote on legislation targeting aspects of the U.S.-China relationship. The bills addressed national security, economic relations, technology, the pharmaceutical industry and other key sectors. The most notable bills voted on were the BIOSECURE Act (H.R. 8333) and the ROUTERS Act (H.R. 7589), in addition to the Countering CCP Drones Act (H.R. 2864) and the Protecting American Agriculture from Foreign Adversaries Act (H.R. 9456). The BIOSECURE Act bans five China-based biotech companies, and potentially other biotech companies from countries of concern, from operating in the United States and from contracting with the federal government, with exceptions. The ROUTERS Act would require the Department of Commerce to conduct a study of the national security risks posed by routers, modems or devices that are designed, developed, manufactured or supplied by China, among other countries. Most of the bills passed in an overwhelming bipartisan effort, highlighting support for increasing U.S. capabilities to counter the threat posed by the Chinese Communist Party (CCP). Some of the bills, particularly the BIOSECURE Act or ROUTERS Act, may be taken up by the Senate or attached to the NDAA. With the potential for a Republican trifecta increasing, a package addressing China's influence may not be addressed in the lame duck session, with action moving to the first 100 days of President-elect Trump's term.

- De Minimis Exemption The de minimis threshold allows duty-free entry to products valued at \$800 or less. Congress remains interested in combatting the significant increase in the number of shipments entering the United States claiming the de minimis exemption. China-founded e-commerce platforms and other foreign companies may be taking advantage of de minimis treatment to import low-cost retail items and unsafe products into the United States. In April, the House Ways and Means Committee Republicans passed the End China's De Minimis Abuse Act (H.R. 7979), which would end the de minimis exemption for any good subject to Section 301 tariffs. Rep. Earl Blumenauer (D-OR) introduced a competing bipartisan proposal, the Import Security and Fairness Act (H.R. 4148), which aims to exclude China entirely from the de minimis program. A bipartisan group of senators have also announced a compromise bill the FIGHTING for America Act of 2024. Speaker Johnson continues to build consensus on de minimis reform and hopes to bring legislation to a floor vote during the lame duck session. Senate Finance Committee members have also called for further action to fully address the de minimis exemption, arguing that recent regulatory proposals will be insufficient to stem the flow of illicit products.
- <u>Children's Data Privacy</u> In July, the Senate passed (91-3) a package targeting children and teen's online privacy protections (S. 2073), which included the much-watched Kids Online Safety Act (KOSA) and Children and Teens' Online Privacy Protection Act (COPPA 2.0). KOSA would provide children and parents with tools, safeguards and transparency to protect against online harms, such as establishing a duty of care mandate for online platforms and requiring them to activate the most protective settings for children by default, and COPPA 2.0 would ban online companies from collecting personal information from users under 17 years old without their consent, among other provisions. The House Energy and Commerce Committee advanced both bills in September; the

House version of KOSA notably includes changes to the duty of care section and only applies to "high impact" platforms, but the House COPPA 2.0 text contains fewer changes. Despite lawmakers' ongoing desire to enact data privacy-focused legislation this Congress, significant hurdles remain to getting the bills over the finish line.

- <u>Digital Assets</u> House Financial Services Committee Chairman Patrick McHenry (R-NC) maintains that there is an opportunity for cryptocurrency or stablecoin legislation to move in lame duck, but neither effort has a clear path to becoming law. Stablecoin legislation has been the subject of lengthy negotiations between Chairman McHenry and Ranking Member Maxine Waters (D-CA), who recently voiced her support for a "grand bargain," though a compromise agreement remains elusive. Chairman McHenry's Financial Innovation and Technology for the 21st Century Act (H.R. 4763) cleared the House in May in a surprisingly bipartisan vote (279-136), but continued opposition from key Senate Democrats makes further progress unlikely.
- <u>Permitting Reform</u> The Energy Permitting Reform Act of 2024 (S. 4753) advanced (15-4) out of the Senate
 Energy and Natural Resources Committee in July and remains outgoing Chairman Joe Manchin's (I-WV) top
 priority. The bill aims to support clean energy projects, as well as traditional resources like oil and gas and mining
 projects, by streamlining federal permitting processes and providing more certainty for domestic producers.
 Chairman Manchin will likely make one last push to attach it to a must-pass package, but past attempts were
 unsuccessful.
- <u>Disaster Relief</u> The devastation caused by Hurricane Helene and Hurricane Milton has underscored the need for increased disaster relief funding. A potential \$10 billion increase to FEMA's disaster relief fund was left out of the previous CR, which also lacked disaster relief funding for the Small Business Administration (SBA). Lawmakers from impacted states have called for swift action on an emergency aid package to deal with the aftermath of the hurricanes, and Speaker Mike Johnson (R-(LA) and top appropriators pledged to act quickly upon returning to Washington.
- <u>Public Health Programs</u> Reauthorizations for several public health programs lapsed last year, including the SUPPORT Act and Pandemic and All-Hazards Preparedness Act (PAHPA). Many lawmakers have expressed a desire to include provisions from both in an end-of-year package. The SUPPORT Act (H.R. 4531) passed out of the House in a bipartisan vote 386-37. The bill would reauthorize key programs for patients with substance use disorder and permanently extend required Medicaid coverage for medication-assisted treatments. The Senate HELP Committee also advanced its own reauthorization bill (S. 3393) out of committee with slight differences, such as not permanently extending required Medicaid coverage for medication-assisted treatments. Similarly, the House and Senate have different versions of PAHPA. House Republicans omitted drug shortage provisions in their version (H.R. 4420/H.R. 4421), while the Senate HELP Committee passed a version (S. 2333) containing drug shortage provisions. These host of differences would need to be reconciled for the bills to have a chance at final passage before year-end.
- <u>Artificial Intelligence (AI)</u> Congress has become increasingly interested in addressing the rise of artificial intelligence (AI), with Senate Majority Leader Schumer (D-NY) calling for extensive legislative efforts around the technology. However, few bills have progressed out of committee and/or been considered by a full chamber. Lawmakers could look to move Senate Commerce Committee bills that were reported out in July related to AI, such as the Future of AI Innovation Act (S. 4178), National Science Foundation AI Education Act (S. 4394) or Small Business AI Training Act (S. 4487). Additionally, the DEFIANCE Act of 2024 (S. 3696), which would stop the proliferation of nonconsensual "deepfakes," passed the Senate by unanimous consent in July, and the AI Accountability Act (H.R. 3369), which would require a study on AI accountability measures, passed out of the House Energy and Commerce Committee last July. While AI-related provisions may feature in funding measures and NDAA, no standalone movement is likely before year-end.

- <u>Debt Limit</u> The Fiscal Responsibility Act (FRA) was signed into law in June 2023 and temporarily suspended the debt limit and established statutory discretionary spending limits for FY 2024 and FY 2025 for both defense and non-defense discretionary spending. The FRA included a provision to incentivize Congress to enact regular, full-year appropriations legislation instead of relying on short-term CRs. If discretionary appropriations that exceed a statutory limit for a fiscal year are enacted, a sequester is triggered, making across-the-board reductions to nonexempt spending to eliminate spending above the limit within the applicable category. The FRA suspended the debt limit until Jan. 2, 2025, when it will then reset to the amount of outstanding debt at that time. The Treasury Department would then begin deploying "extraordinary measures," with the agency projected to exhaust its resources sometime mid-2025. Congress is not expected to act before the end of the year, instead leaving debt limit negotiations to the 119th Congress.
- <u>Judicial Nominations</u> Any available floor time during negotiations over legislation will likely be used by Senate Majority Leader Chuck Schumer (D-NY) for the processing of high-priority lifetime positions on Article Three courts.

Leadership in the 119th Congress

U.S. Senate

Senate leadership will undergo some notable shifts next session as Republicans prepare to lead the chamber. On the Republican side, Sen. Mitch McConnell (R-KY) is stepping down from his long-held leadership post. As a result, Republican Whip Sen. John Thune (R-SD); former Republican Whip Sen. John Cornyn (R-TX); and Sen. Rick Scott (R-FL) are in the running to become Senate majority leader. Sen. John Barrasso (R-WY), Republican Conference chairman, is running unopposed for the No. 2 position in the conference vacated by Sen. Thune. Continuing the domino effect, Sens. Joni Ernst (R-IA) and Tom Cotton (R-AR) are running to be Republican Conference chair, the third-highest post, and Sen. Shelley Moore Capito (R-WV) is seeking to replace Sen. Ernst as Republican Policy Committee chairwoman.

Less turnover is expected on the Democratic side, where Sen. Chuck Schumer (D-NY) will continue leading the chamber's Democrats, accompanied by Sen. Dick Durbin (D-IL) as the Democratic whip. However, there are more members of Democratic leadership up for reelection this cycle compared to Republican leadership, including: Sen. Elizabeth Warren (D-MA), vice chairwoman of Conference; Sen. Amy Klobuchar (D-MN), chairwoman of Steering Committee (D-MN); Sen. Bernie Sanders (I-VT), chairman of Outreach; and Sen. Tammy Baldwin (D-WI), secretary of the Conference (D-WI). Democratic leaders that are not up for reelection include Sen. Mark Warner (D-VA), vice chairman of Conference; Sen. Catherine Cortez Masto (D-NV), vice chairwoman of Outreach; Sen. Cory Booker (D-NJ), vice chairman of Policy and Communications Committee; and Sen. Brian Schatz (D-HI), deputy conference secretary. Still, there will be some shuffling among the ranks as Sen. Debbie Stabenow (D-MI) and Sen. Joe Manchin (I-WV), chairwoman and vice chairman of Democratic Policy and Communications Committee (DPCC), are not seeking reelection. Sens. Klobuchar and Booker have both announced their intentions to run for the role of chairperson of the DPCC, the No. 3 position in Senate leadership.

U.S. House of Representatives

Shifts in House leadership will also likely be considerable. Current Speaker of the House Mike Johnson (R-LA) will be the natural frontrunner to remain speaker or minority leader, but others in the party may challenge him, including current Republican Leader Steve Scalise (R-LA) and Rep. Jim Jordan (R-OH). Republican Conference Chairwoman Elise Stefanik (R-NY) and Rep. Tom Emmer (R-MN), Republican whip, could remain in their roles or seek elevation depending on the circumstances. Rep. Gary Palmer (R-AL), the Republican Policy Committee chairman, may also maintain some form of leadership position. Republican Steering Committee leaders Reps. Richard Hudson (R-NC) and Blake Moore (R-UT) could also make a bid for Republican leadership.

Potential Democratic control of the House would be expected to yield Minority Leader Hakeem Jeffries (D-NY) as speaker, Whip Katherine Clark (D-MA) as Democratic leader, and Rep. Pete Aguilar (D-CA), current Democratic Caucus chairman,

as the new whip. If Republicans control the House, they will retain their current roles. Additional shuffling is also likely among Rep. Ted Lieu (D-CA), Democratic Caucus vice chairman; Rep. Joe Neguse (D-CO), assistant Democratic leader; and the current Democratic Policy and Communications Committee Chairs: Veronica Escobar (D-TX), Debbie Dingell (D-MI), Lori Trahan (D-MA) and Lauren Underwood (D-IL). Reps. Robin Kelly (D-IL) and Sara Jacobs (D-CA) are also reportedly seeking Democratic leadership spots.

Senate Committee Leadership Projections¹

Senate Committee	Current Leadership	119th Congress Democratic Lead	119th Congress Republican Lead	Brownstein Insights
Aging	<u>Chair</u> : Bob Casey (D-PA) <u>Ranking</u> : Mike Braun (R- IN)	en. Kirsten Gillibrand (NY)	Sen. Rick Scott (FL)	Sen. Kirsten Gillibrand (D-NY) is likely to replace Sen. Bob Casey (R-PA) as the top Democrat after he lost his re-election bid. ² Sen. Mike Braun (R-IN) is retiring, and Sens. Tim Scott (R-SC) and Marco Rubio (R-FL) are expected to lead the Banking and Intelligence committees, leaving Sen. Rick Scott (R-FL) as the next most senior committee member.
Agriculture, Nutrition, and Forestry	<u>Chair</u> : Debbie Stabenow (D- MI) <u>Ranking</u> : John Boozman (R-AR)	ien. Amy Klobuchar (MN)	Sen. John Boozman (AR)	Sen. Debbie Stabenow (D-MI) is retiring. Sen. Amy Klobuchar (D-MN) is next in line to replace Sen. Stabenow, though she may choose to remain chairwoman of the Rules Committee. That would leave Sen. Michael Bennet (D-CO) as the most senior Democrat. Sen. Mitch McConnell (R-KY) could replace Sen. John Boozman (R-AR) since he is stepping down from leadership and is more senior to Sen. Boozman. However, Sen. McConnell may opt to take over the Defense Appropriations Subcommittee if he does not bump Sen. Susan Collins (R-ME) in the full Appropriations Committee.

¹ Our analysis takes into account Republican committee rules, which state that a senator can serve a cumulative six years as chair, plus six years as ranking member of the same committee. Republican senators who serve six years as a chair are fully term-limited, even if they would otherwise have time remaining as a ranking member.

² As of this writing Sen. Bob Casey (D-PA) has not conceded to David McCormick, despite the AP and several major news outlets calling the race in McCormick's favor. The Casey campaign has cited to a statement from Pennsylvania Secretary Al Schmidt that there are at least 100,000 ballots remaining to be adjudicated, including provisional, military, overseas, and Election Day votes.

Senate Committee	Current Leadership	119th Congress Democratic Lead	119th Congress Republican Lead	Brownstein Insights
Appropriations	<u>Chair</u> : Patty Murray (D-WA) <u>Ranking</u> : Susan Collins (R-ME)	Sen. Patty Murray (WA)	Sen. Susan Collins (ME)	Sen. Patty Murray (D-WA) will likely retain her position as the top Democrat on the committee. The top Republican on the committee may change as Sen. Mitch McConnell (R-KY) could replace Sen. Susan Collins (R-ME), since he is stepping down from leadership. However, Sen. McConnell may opt to lead an Appropriations subcommittee instead.
Armed Services	<u>Chair</u> : Jack Reed (D-RI) <u>Ranking</u> : Roger Wicker (R- MS)	Sen. Jack Reed (RI)	Sen. Roger Wicker (MS)	Unlikely to change.
Banking, Housing, and Urban Affairs	<u>Chair</u> : Sherrod Brown (D-OH) <u>Ranking</u> : Tim Scott (R-SC)	en Elizabeth Warren (MA)	Sen. Tim Scott (SC)	Sen. Sherrod Brown (D-OH) lost his re-election bid. Sen. Jack Reed (D-RI), the next most senior Democrat, chairs Armed Services, and Sen. Mark Warner (D-VA) is the top Democrat on Intelligence, leaving Sen. Elizabeth Warren (D-MA) as the next most likely candidate to succeed Sen. Brown. Sen. Tim Scott (R-SC) will likely remain the top Republican.
Budget	<u>Chair</u> : Sheldon Whitehouse (D-RI) <u>Ranking</u> : Chuck Grassley (R-IA)	Sen. Jeff Merkley (OR)	Sen. Lindsay Graham (SC)	Sen. Sheldon Whitehouse (D-RI) may yield his Budget chair to lead Democrats on EPW, leaving Sen. Jeff Merkley (D-OR) as the most senior committee Democrat without another chairmanship taking precedence. If Republicans win the Senate, Sen. Chuck Grassley (R-IA) will bump Sen. Lindsay Graham (R-SC) from the top spot on Judiciary, and the two will flip positions.

Senate Committee	Current Leadership	119th Congress Democratic Lead	119th Congress Republican Lead	Brownstein Insights
Commerce, Science, and Transportation	<u>Chair</u> : Maria Cantwell (D- WA) <u>Ranking</u> : Ted Cruz (R-TX)	ien. Maria Cantwell (WA)	Sen. Ted Cruz (TX)	Since Republicans gained control of the Senate, Sen. John Thune (R-SD) could bump Sen. Ted Cruz (R-TX) as the top Commerce Republican if Sen. Thune loses the leadership race. Sen. Thune formerly served two terms as chairman from 2015— 2019 and has one term remaining before reaching the limit.
Energy and Natural Resources	<u>Chair</u> : Joe Manchin (I-WV) <u>Ranking</u> : John Barrasso (R-WY)	en. Martin Heinrich (NM)	Sen. Mike Lee (UT)	Sen. Joe Manchin (I-WV) is retiring and will likely be replaced by Sen. Martin Heinrich D-NM). Sen. John Barrasso (R-WY) is running unopposed for the No. 2 role in Republican leadership, leaving Sen. Mike Lee (R-UT) as the next likely candidate for the top Republican spot.
Environment and Public Works	<u>Chair</u> : Tom Carper (D-DE) <u>Ranking</u> : Shelley Moore Capito (R-WV)	ien. Sheldon Whitehouse (RI)	Sen. Shelley Moore Capito (WV)	Sen. Tom Carper (D-DE) is retiring and Sen. Sheldon Whitehouse (DRI) is the most likely successor. Sen. Shelley Moore Capito (R-WV) Capito will likely remain the top Republican.
Ethics	<u>Chair</u> : Chris Coons (D-DE) <u>Ranking</u> : James Lankford (R- OK)	Sen. Chris Coons (DE)	Sen. James Lankford (OK)	Unlikely to Change
Finance	<u>Chair</u> : Ron Wyden (D-OR) <u>Ranking</u> : Mike Crapo (R-ID)	Sen. Ron Wyden (OR)	Sen. Mike Crapo (ID)	Unlikely to Change
Foreign Relations	<u>Chair</u> : Ben Cardin (D-MD) <u>Ranking</u> : Jim Risch (R-ID)	en. Jeanne Shaheen (NH)	Sen. Jim Risch (ID)	Sen. Ben Cardin (D-MD) is retiring. The next most senior member, Sen. Jeanne Shaheen (D-NH), is expected to succeed him. Sen. Jim Risch (R-ID) will likely retain his position.

Senate Committee	Current Leadership	119th Congress Democratic Lead	119th Congress Republican Lead	Brownstein Insights
Health, Education, Labor, and Pensions	<u>Chair</u> : Bernie Sanders (I-VT) <u>Ranking</u> : Bill Cassidy (R-LA)	Sen. Bernie Sanders (VT)	Sen. Bill Cassidy (LA)	Sen. Bernie Sanders (I-VT) will likely retain his role as the top HELP Committee Democrat. Sen. Bill Cassidy (R-LA) will likely retain his role unless Sen. Mitch McConnell (R-KY) bumps Sen. Susan Collins (R-ME) from her role on Appropriations, prompting her to bump Sen. Cassidy from HELP.
Homeland Security and Government Affairs	<u>Chair</u> : Gary Peters (D-MI) <u>Ranking</u> : Rand Paul (R-KY)	Sen. Gary Peters (MI)	Sen. Rand Paul (KY)	Unlikely to change
Judiciary	<u>Chair</u> : Dick Durbin (D-IL) <u>Ranking</u> : Lindsay Graham (R-SC)	Sen. Dick Durbin (IL)	Sen. Chuck Grassley (IA)	Sen. Dick Durbin (D-IL) will likely retain his role. Sen. Chuck Grassley (R-IA) will reclaim his leadership of the Judiciary Committee for the final two years of his term. He and Sen. Lindsay Graham (R-SC) will flip positions.
Rules and Administration (Rules)	<u>Chair</u> : Amy Klobuchar (D- MN) <u>Ranking</u> : Deb Fischer (R- NE)	Sen. Alex Padilla (CA)	Sen. Deb Fischer (NE)	Sen. Amy Klobuchar (D-MN) may assume the top Democrat spot on Agriculture, and the next most senior Democrat, Sen. Jeff Merkley (D-OR), is in line to replace Sen. Sheldon Whitehouse (D-RI) on Budget, leaving Sen. Alex Padilla (D-CA) as the next most-senior committee Democrat. Sen. Deb Fischer (R-NE) will likely retain her role.
Small Business and Entrepreneurship	<u>Chair</u> : Jeanne Shaheen (D-NH) <u>Ranking</u> : Joni Ernst (R-IA)	Sen. Ed Markey (MA)	Sen. Joni Ernst (IA)	Sen. Jeanne Shaheen (D-NH) is likely to replace Sen. Ben Cardin (D-MD) as the top Democrat on Foreign Relations, leaving Sen. Ed Markey (D-MA) as the next most likely candidate to assume the role on Small Business. Sen. Joni Ernst (R-IA) will likely retain her role.

Senate Committee	Current Leadership	119th Congress Democratic Lead	119th Congress Republican Lead	Brownstein Insights
Veterans' Affairs	<u>Chair</u> : Jon Tester (D-MT) <u>Ranking</u> : Jerry Moran (R-KS)	Sen. Richard Blumenthal (D-CT)	Sen. Jerry Moran (KS)	Sen. Richard Blumenthal (D-CT) is expected to claim the top Democratic spot after Sen. Jon Tester (D-MT) lost his re-election bid. Sen. Jerry Moran (R-KS) will likely continue his role.
Indian Affairs	<u>Chair</u> : Brian Schatz (D-HI) <u>Ranking</u> : Lisa Murkowski (R- AK)	Sen. Brian Schatz (HI)	Sen. Lisa Murkowski (AK)	Unlikely to change
Intelligence	<u>Chair</u> : Mark Warner (D-VA) <u>Ranking</u> : Marco Rubio (R-FL)	Sen. Mark Warner (VA)	Sen. Marco Rubio (FL)	Unlikely to change

House Committee Leadership Projections³

House Committee	Current Leadership	119th Congress Republican Lead	119th Congress Democratic Lead	Brownstein Insights
Administration	Chair: Bryan Steil (R-WI) Ranking: Joe Morelle (D-NY)	Rep. Bryan Steil (WI)	Rep. Joe Morelle (NY)	Unlikely to change. This is a speaker-appointed position.
Agriculture	<u>Chair</u> : GT Thompson (R-PA) <u>Ranking</u> : David Scott (D-GA)	Rep. GT Thompson (PA)	Rep. David Scott (GA)	Rep. GT Thompson (R-PA) will likely retain his role. Rep. David Scott (D-GA) may face pressure to step aside as top Democrat due to his age and acuity, leaving Rep. Jim Costa (D-CA) and possibly Rep. Bennie Thompson (D-MS) among those who could replace Rep. Scott.
Appropriations	<u>Chair</u> : Tom Cole (R-OK) <u>Ranking</u> : Rosa DeLauro (D-CT)	Rep. Tom Cole (OK)	Rep. Rosa DeLauro (CT)	Rep. Tom Cole (R-OK) recently assumed the position following Rep. Kay Granger's (R-TX) retirement. He is expected to retain the position. Rep. Rosa DeLauro (D-CT) is expected to retain her role.
Armed Services	<u>Chair</u> : Mike Rogers (R-AL) <u>Ranking</u> : Adam Smith (D-WA)	Rep. Mike Rogers (AL)	Rep. Adam Smith (WA)	Unlikely to change
Budget	<u>Chair</u> : Jodey Arrington (R-TX) <u>Ranking</u> : Brendan Boyle (D- PA)	Rep. Jodey Arrington (TX)	Rep. Brendan Boyle (PA)	Unlikely to change

³ Our analysis takes into account Republican committee rules, which state that a member is not eligible to serve more than six years as chair or ranking member of any standing committee.

House Committee	Current Leadership	119th Congress Republican Lead	119th Congress Democratic Lead	Brownstein Insights
Education and the Workforce	<u>Chair</u> : Virginia Foxx (R-NC) <u>Ranking</u> : Bobby Scott (D-VA)	Rep. Tim Walberg (MI) Rep. Burgess Owens (UT)	Rep. Bobby Scott (VA)	Rep. Virginia Foxx (R-NC) is term-limited and is unlikely to seek a second term-limit waiver to remain as the top Republican on Education and Workforce. Reps. Burgess Owens (R-UT) and Tim Walberg (R-MI) have expressed interest in the role. Rep. Bobby Scott (D-VA) will likely retain the top Democratic spot.
Energy and Commerce	<u>Chair</u> : Cathy McMorris Rodgers (R-WA) <u>Ranking</u> : Frank Pallone (D-NJ)	Rep. Brett Guthrie (KY) Rep. Bob Latta (OH) Rep. Richard Hudson (NC)	Rep. Frank Pallone (NJ)	Rep. Cathy McMorris Rodgers (R-WA) is retiring. Reps. Brett Guthrie (KY) and Bob Latta (R-OH) are currently running for the position. Rep. Richard Hudson (R-NC) is currently the NRCC chair, but he may opt to seek the E&C gavel depending on the election results. Rep. Frank Pallone (D-NJ) will likely remain the top Democrat.
Ethics	<u>Chair</u> : Michael Guest (R-MS) <u>Ranking</u> : Susan Wild (D-PA)	Rep. Michael Guest (MS)	Rep. Susan Wild (D-PA)	Rep. Michael Guest (R-MS) will likely remain the top Republican. Rep. Susan Wild's (D-PA) reelection is uncertain as her tossup race has not been called. In the event she loses, her replacement is unclear, but could include Reps. Veronica Escobar (D-TX) or Mark DeSaulnier (D-CA).
Financial Services	<u>Chair</u> : Patrick McHenry (R-NC) <u>Ranking</u> : Maxine Waters (D- CA)	Rep. French Hill (AR) Rep. Andy Barr (KY) Rep. Bill Huizenga (MI)	Rep. Maxine Waters (CA)	Rep. Patrick McHenry (R-NC) is retiring. Reps. French Hill (R-AR) and Andy Barr (R-KY) are the frontrunners for the top spot on the Republican side. Reps. Bill Huizenga (R-MI) and Frank Lucas (R-OK) are also in the race. Rep. Maxine Waters (D-CA) is expected to retain her role.

House Committee	Current Leadership	119th Congress Republican Lead	119th Congress Democratic Lead	Brownstein Insights
Foreign Affairs	<u>Chair</u> : Mike McCaul (R-TX) <u>Ranking</u> : Greg Meeks (R-NY)	Rep. Mike McCaul (TX) Rep. Ann Wagner (MO) Rep. Brian Mast (FL) Rep. Darrell Issa (CA)	Rep. Greg Meeks (NY)	Rep. Mike McCaul (R-TX) is term-limited. If he does not get a term-limit waiver, a number of members will be in the mix for the top Republican spot, including Reps. Ann Wagner (R-MO), Brian Mast (R-FL), Joe Wilson (R-SC) and Darrell Issa (R-CA). Rep. Greg Meeks (D-NY) is expected to retain his role.
Homeland Security	<u>Chair</u> : Mark Green (R-TN) <u>Ranking</u> : Bennie Thompson (D-MS)	Rep. Mark Green (TN)	Rep. Bennie Thompson (MS)	Rep. Mark Green (R-TN) is likely to retain his role after reversing his decision to retire. Rep. Bennie Thompson (D-MS) is expected to retain his role.
Judiciary	<u>Chair</u> : Jim Jordan (R-OH) <u>Ranking</u> : Jerry Nadler (D- NY)	Rep. Jim Jordan (OH)	Rep. Jerry Nadler (NY)	Unlikely to change.
Natural Resources	<u>Chair</u> : Bruce Westerman (R-AR) <u>Ranking</u> : Raul Grijalva (D- AZ)	Rep. Bruce Westerman (AR)	Rep. Raul Grijalva (AZ)	Rep. Bruce Westerman (R-AR) is expected to retain his role. Rep. Raul Grijalva (D-AZ) is likely to retain his role, although his concerns about his health or a challenge could move Rep. Jared Huffman (D-CA) to the top Democrat on the committee.
Oversight	Chair: James Comer (R- KY) Ranking: Jamie Raskin (D- MD)	Rep. James Comer (KY)	Rep. Jamie Raskin (MD)	Unlikely to change.
Rules	Chair: Michael Burgess (R-TX) Ranking: Jim McGovern (D-MA)	Rep. Guy Reschenthaler (PA)	Rep. Jim McGovern (MA)	Rep. Michael Burgess (R-TX) is retiring. Rep. Guy Reschenthaler (R-PA) is seen as a potential replacement, though no contenders have emerged as the spot is chosen by the speaker. Rep. Jim McGovern (D-MA) is expected to retain his role.

House Committee	Current Leadership	119th Congress Republican Lead	119th Congress Democratic Lead	Brownstein Insights
Science, Space, and Technology	<u>Chair</u> : Frank Lucas (R-OK) <u>Ranking</u> : Zoe Lofgren (D- CA)	Rep. Brian Babin (TX)	Rep. Zoe Lofgren (CA)	Rep. Frank Lucas (R-OK) is term-limited and is seeking the top GOP spot on the Financial Services Committee. Rep. Brian Babin (R-TX) is the only member in the running for the top Republican spot. Rep. Zoe Lofgren (D-CA) is expected to retain her role.
Small Business	<u>Chair</u> : Roger Williams (R- TX) <u>Ranking</u> : Nydia Velazquez (D-NY)	tep. Roger Williams (R-TX)	Rep. Nydia Velazquez (D-NY)	Unlikely to change.
Transportation and Infrastructure	<u>Chair</u> : Sam Graves (R-MO) <u>Ranking</u> : Rick Larsen (D- WA)	Rep. Sam Graves (MO) Rep. Rick Crawford (AR)	Rep. Rick Larsen (WA)	Rep. Sam Graves (R-MO) is term-limited. If he does not get a term-limit waiver, Rep. Rick Crawford (R-AR) is expected to be in the running. Rep. Rick Larsen (D-WA) is expected to retain his role.
Veterans' Affairs	<u>Chair</u> : Mike Bost (R-IL) <u>Ranking</u> : Mark Takano (D-CA)	Rep. Mike Bost (IL)	Rep. Mark Takano (CA)	Unlikely to change.
Ways and Means	<u>Chair</u> : Jason Smith (R-MO) <u>Ranking</u> : Richard Neal (D-MA)	Rep. Jason Smith (MO)	Rep. Richard Neal (MA)	Unlikely to change.
Intelligence	<u>Chair</u> : Mike Turner (R-OH) <u>Ranking</u> : Jim Himes (D-CT)	Rep. Mike Turner (OH)	Rep. Jim Himes (CT)	Unlikely to change. This is a speaker-appointed position.
Select China Committee	<u>Chair:</u> John Moolenaar (R-MI) <u>Ranking</u> : Raja Krishnamoorthi (D-IL)	₹ep. John Moolenaar (MI)	lep. Raja Krishnamoorthi (IL)	If the Select China Committee is reestablished in the 119th Congress, Rep. John Moolenaar (R-MI) is expected to retain his role as the top Republican on the committee. Rep. Raja Krishnamoorthi (D-IL) is also expected to retain his role if the committee is reestablished.