

## *2022 Midterms Post-Election Outlook and Analysis*

Friends and Colleagues-

The red wave that wasn't could be enough to shift control of the House to Republicans, whose possible narrow majority heading into next year may present new challenges for governance but no less of an oversight headache for the Biden administration. Meanwhile, for the second election in a row, Senate control appeared as of Wednesday morning to run through Georgia, where neither incumbent Sen. Rafael Warnock nor Herschel Walker had reached the 50 percent threshold needed to avoid a Dec. 6 runoff. Either way, the Biden administration may be forced to curb its congressional agenda as the president redoubles his use of executive authority and his administration's power to pursue measures through the regulatory process and Executive Orders.

House Republicans have been clear about their own agenda, releasing their [Commitment to America](#) plan earlier this year. Under a Republican majority the House will focus on budget bills designed to curb the federal spending that they blame for high inflation, reversing regulations that limit domestic energy production and delaying permitting, moving supply chains away from mainland China, strengthening border security, and expanding parental rights and school choice. Aggressive oversight of government programs and spending will be a new daily reality for agencies and appointees that have operated under a relatively light touch for the past two years. Corporate America will not be immune from this congressional oversight and investigative onslaught.

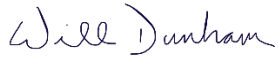
With Senate control still unknown, the administration can hope to preserve its ability to confirm high profile agency nominees and lifetime judicial appointments to Article Three Courts. However, if Republicans prevail, judicial appointments will slow to a trickle and agency nominees will require bipartisan support. More generally, a Senate under longtime party leader Sen. Mitch McConnell (R-KY) would be sure to focus on what Leader McConnell has often referred to as "items between the 40-yard lines," and would aim to avoid or sidestep crises moments from which Republicans rarely benefit politically.

Under Republican control, Senate committees would join their Republican counterparts in the House in aggressive oversight activity, with a likely emphasis on COVID-19 relief and response at the Senate Homeland Security and Governmental Affairs Committee; the Senate Committee on Health, Education, Labor and Pensions; and the Senate Finance Committee, as well as a new focus on corporate environmental, social and governance (ESG) policies at the Senate Banking Committee.

A Democratic Senate led by Leader Chuck Schumer (D-NY) would continue his long-standing tradition as a dealmaker. Leader Schumer will seek to pass less controversial bills on a bipartisan basis, similar to what he accomplished with the CHIPS Act, the Infrastructure Investment and Jobs Act and gun control. Jointly, a Democratic-run Senate and administration will work to protect entitlements such as social security, Medicare and Medicaid.

Whatever the results ultimately dictate, the Brownstein team remains as confident as ever in our ability to navigate new leadership, the new environment and new opportunities in the 118th Congress.

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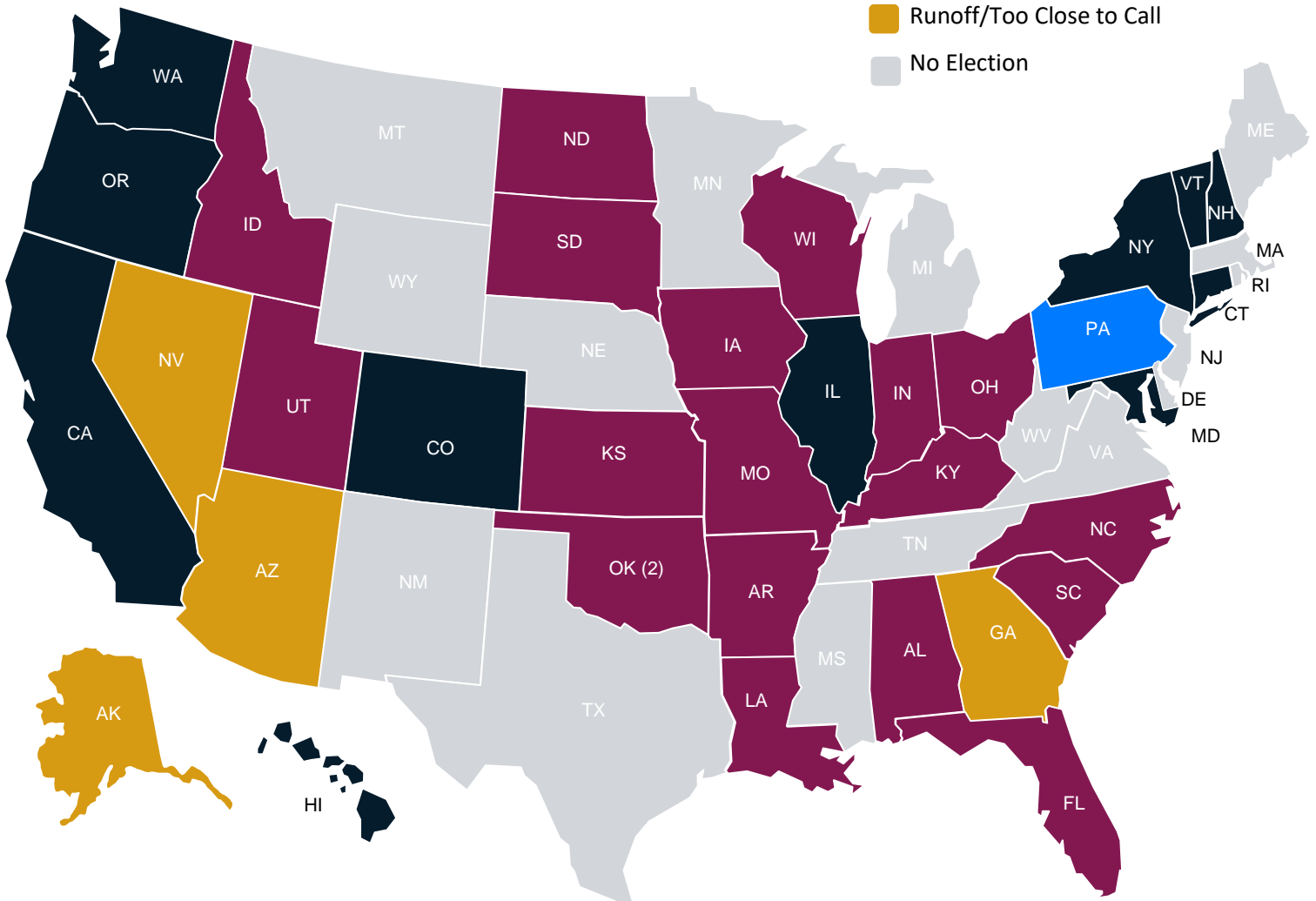


## Senate Election Results

Results as of 8:45 a.m. on Nov. 9, 2022

### Current Results:

- **Republican Holds: 19**
- **Republican Pickups: 0**
- **Democratic Holds: 11**
- **Democratic Pickups: 1**
- **Runoff or Too Close To Call: 4**



**Incumbent Democratic Holds:** Michael Bennet (D-CO), Richard Blumenthal (D-CT), Tammy Duckworth (D-IL), Maggie Hassan (D-NH), Patty Murray (D-WA), Alex Padilla (D-CA), Brian Schatz (D-HI), Chuck Schumer (D-NY), Chris Van Hollen (D-MD), Ron Wyden (D-OR)

**Democratic Hold (New Member):** Peter Welch (D-VT)

**Pennsylvania (Democratic Pickup):** John Fetterman (D) defeats Mehmet Oz (R) – 50.3% to 47.3%

**Alaska (Too Close to Call):** Kelly Tshibaka (R) leads Lisa Murkowski (R) – 44.4% to 42.7%

**Arizona (Too Close to Call):** Mark Kelly (D) leads Blake Masters (R) – 51.9% to 45.9%

**Georgia (Too Close to Call):** Raphael Warnock (D) leads Herschel Walker (R) – 49.4% to 48.5%

**Nevada (Too Close to Call):** Adam Laxalt (R) leads Catherine Cortez Masto (D) – 49.9% to 47.2%

**Incumbent Republican Holds:** John Boozman (R-AR), Mike Crapo (R-ID), Chuck Grassley (R-IA), Ron Johnson (R-WI), John Hoeven (R-ND), John Kennedy (R-LA), James Lankford (R-OK), Mike Lee (R-UT), Jerry Moran (R-KS), Rand Paul (R-KY), Marco Rubio (R-FL), Tim Scott (R-SC), John Thune (R-SD), Todd Young (R-IN)

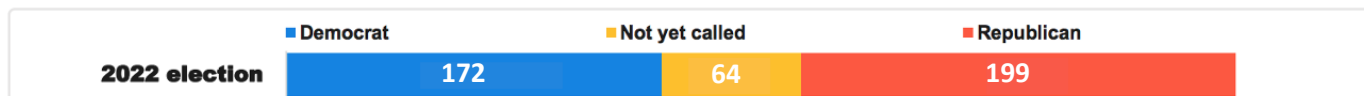
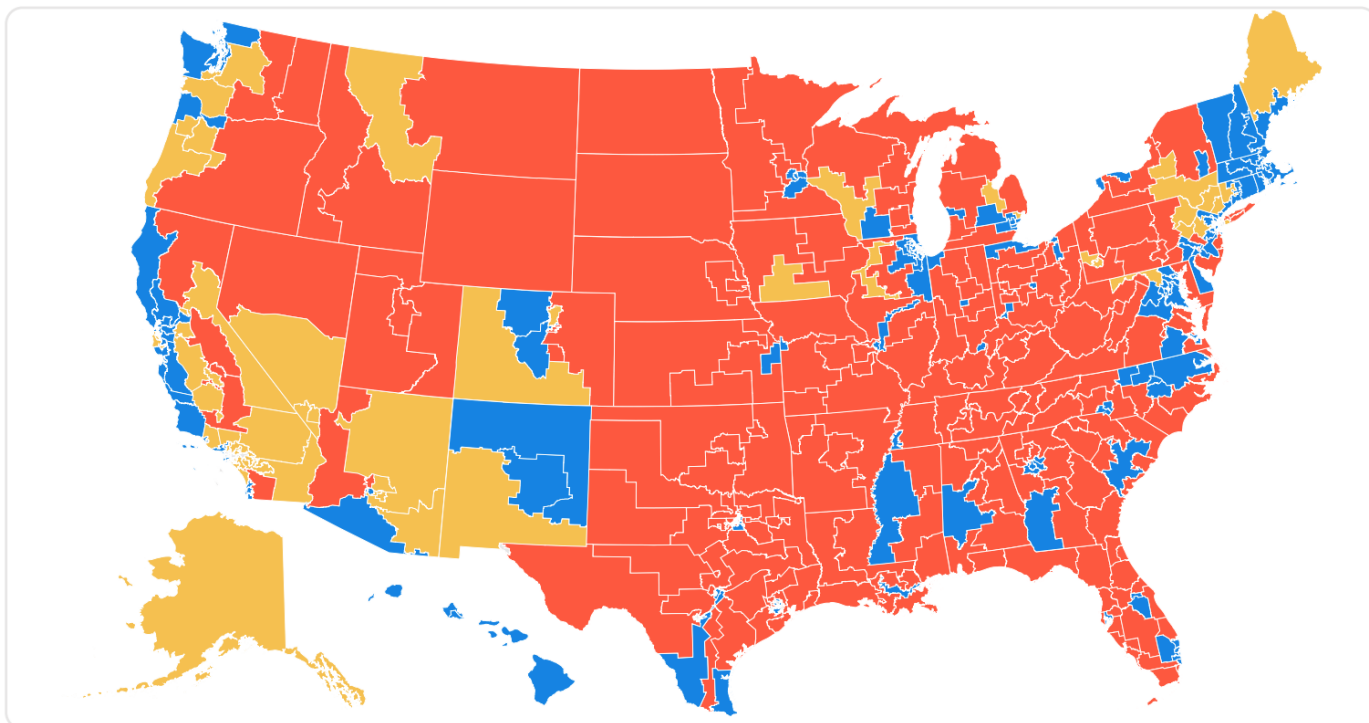
**Republican Holds (New Members):** Katie Britt (R-AL), Ted Budd (R-NC), Markwayne Mullin (R-OK), Eric Schmitt (R-MO), JD Vance (R-OH)

**Republican Pickups:** N/A

## House Election Results

Results as of 8:45 a.m. on Nov. 9, 2022.

### 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

**AZ-4 (open):** Stanton def. Cooper\*\*  
**CA-4 (open):** Thompson def. Brock\*\*  
**CA-8 (open):** Garamendi def. Recile\*\*  
**CA-42 (open):** Garcia def. Briscoe\*\*  
**CA-50 (open):** Peters def. Gustafson\*\*  
**FL-10 (open):** Frost def. Wimbish  
**IL-13 (open):** Budzinski def. Deering  
**MI-3 (open):** Scholten def. Gibbs

**MI-6 (open):** Dingell def. Williams\*\*  
**MI-7 (open):** Slotkin def. Barrett\*\*  
**NC-13 (open):** Nickel def. Hines  
**NC-14 (new seat):** Jackson def. Harrigan  
**OH-1:** Landsman def. Chabot  
**TX-34:** Gonzalez def. Flores\*\*  
**TX-37 (new seat):** Doggett def. Sharon\*

## Democratic Holds (New Members)

**CO-7 (open):** Pettersen def. Aadland  
**FL-22 (open):** Frankel def. Franzese\*\*  
**FL-23 (open):** Moskowitz def. Budd  
**GA-7 (open):** McBath def. Gonsalves\*\*  
**HI-2 (open):** Tokuda def. Akana  
**IL-1 (open):** Jackson def. Carlson  
**IL-3 (open):** Ramirez def. Burau  
**IL-17 (open):** Sorensen def. King  
**KY-3 (open):** McGarvey def. Ray  
**MD-4 (open):** Ivey def. Warner  
**MI-12 (open):** Tlaib def. Elliott\*\*

**MI-13 (open):** Thanedar def. Bivings  
**NC-1 (open):** Davis def. Smith  
**NC-4 (open):** Foushee def. Geels  
**NJ-8 (open):** Menendez def. Arroyo  
**NY-10 (open):** Goldman def. Hamdan  
**NY-12 (open):** Nadler def. Zumbulskas  
**OH-13 (open):** Sykes def. Gesiotto Gilbert  
**RI-2 (open):** Magaziner def. Fung  
**TX-30 (open):** Crockett def. Rodgers  
**TX-35 (open):** Casar def. McQueen  
**VT-AL (open):** Balint def. Madden

## Republican Pickups

**AZ-9 (open):** Gosar (uncontested)\*\*  
**CA-5 (open):** McClintock def. Barkley\*\*\*  
**CA-20 (open):** McCarthy def. Wood\*\*  
**FL-5 (open):** Rutherford (uncontested)\*\*  
**FL-7 (open):** Mills def. Green  
**FL-13 (open):** Luna def. Lynn  
**FL-21 (open):** Mast def. Balderramos Robinson  
**GA-6 (open):** McCormick def. Christian  
**IN-9 (open):** Houchin def. Fyfe  
**MI-5 (open):** Walberg def. Goldberg\*\*

**MI-9 (open):** McClain def. Jaye\*\*  
**NJ-7:** Kean def. Malinowski  
**NY-3 (open):** Santos def. Zimmerman  
**NY-23 (open):** Langworthy def. Della Pia  
**OH-7 (open):** Miller def. Diemer  
**TN-5 (open):** Ogles def. Campbell  
**TX-15:** De La Cruz def. Vallejo  
**TX-38 (new seat):** Hunt def. Klussmann  
**VA-2:** Kiggans def. Luria  
**GU-AL (open):** Moylan def. Von Pat

## Republican Holds (New Members)

**AL-5 (open):** Strong def. Warner-Stanton  
**FL-4 (open):** Bean def. Holloway  
**FL-15 (open):** Lee def. Cohn  
**FL-18 (open):** Franklin def. Hayden\*\*  
**GA-10 (open):** Collins def. Johnson-Green  
**IN-2 (open):** Yakym def. Steury  
**IN-9 (open):** Houchin def. Fyfe  
**MI-2 (open):** Moolenaar def. Hilliard\*\*  
**MI-4 (open):** Huizenga def. Alfonso\*\*  
**MO-4 (open):** Alford def. Truman  
**MO-7 (open):** Burlison def. Radaker Sheaffer  
**MS-4 (open):** Ezell def. DuPree

**NC-8 (open):** Bishop def. Huffman\*\*  
**NC-9: (open):** Hudson def. Clark\*\*  
**NC-11 (open):** Edwards def. Beach-Ferrara  
**OH-7 (open):** Miller def. Diemer  
**OK-2 (open):** Brecheen def. Andrews  
**SC-7 (open):** Fry def. Scott  
**TX-1 (open):** Moran def. Jefferson  
**TX-3 (open):** Self def. Srivastava  
**TX-8 (open):** Luttrell def. Jones  
**WV-1 (open):** Miller def. Watson  
**WY-AL (open):** Hageman def. Grey Bull

## Too Close to Call/Results Pending

**AK-AL:** Peltola (D) leads Palin (R) 47.1% to 26.6%  
**AZ-1:** Hodge (D) leads Schweikert (R) 50.9% to 49.1%  
**AZ-2:** Crane (R) leads O'Halleran (D) 52.8% to 47.2%  
**AZ-4:** Stanton (D) leads Cooper (R) 56.8% to 43.2%  
**AZ-5:** Biggs (R) leads Ramos (D) 54.2% to 39.3%  
**AZ-6 (open):** Engel (D) leads Ciscomani (R) 50.2% to 49.8%  
**CA-3 (open):** Kiley (R) leads Jones (D) 53.1% to 46.9%  
**CA-6:** Bera (D) leads Hamilton (R) 55.8% to 44.2%  
**CA-9:** Harder (D) leads Patti (R) 56.4% to 43.6%  
**CA-13 (open):** Duarte (R) leads Gray (D) 50.1% to 49.9%  
**CA-15 (open):** Mullin (D) leads Canepa (D) 55.9% to 44.1%  
**CA-16:** Eshoo (D) leads Kumar (D) 58.4% to 41.6%  
**CA-21:** Costa (D) leads Maher (R) 53.4% to 46.6%  
**CA-22:** Valadao (R) leads Salas (D) 54.0% to 46.0%  
**CA-23:** Obernolte (R) leads Marshall (D) 56.6% to 43.4%  
**CA-25:** Ruiz (D) leads Hawkins (R) 61.6% to 38.4%  
**CA-26:** Brownley (D) leads Jacobs (R) 53.9% to 46.1%  
**CA-27:** Garcia (R) leads Smith (D) 57.6% to 42.4%  
**CA-28:** Chu (D) leads Hallman (R) 63.8% to 36.2%  
**CA-29:** Cardenas (D) leads Duenas (D) 62.0% to 38.0%  
**CA-31:** Napolitano (D) leads Martinez (R) 55.0% to 45.0%  
**CA-33:** Aguilar (D) leads Porter (R) 60.0% to 40.0%  
**CA-34:** Gomez (D) leads Kim (D) 53.1% to 46.9%  
**CA-35:** Torres (D) leads Cargile (R) 57.4% to 42.6%  
**CA-37 (open):** Kamlager (D) leads Perry (D) 64.5% to 35.5%  
**CA-38:** Sanchez (D) leads Ching (R) 53.3% to 46.7%  
**CA-39:** Takano (D) leads Smith (R) 60.4% to 39.6%  
**CA-40:** Kim (R) leads Mahmood (D) 59.1% to 40.9%  
**CA-41:** Rollins (D) leads Calvert (R) 56.2% to 43.8%  
**CA-45:** Steel (R) leads Chen (D) 55.3% to 44.7%  
**CA-46:** Correa (D) leads Gonzales (R) 58.1% to 41.9%  
**CA-47:** Porter (D) leads Baugh (R) 50.3% to 49.7%  
**CA-49:** Levin (D) leads Maryott (R) 51.0% to 49.0%  
**CO-3:** Frisch (D) leads Boebert (R) 50.9% to 49.1%  
**CO-8 (new seat):** Caraveo (D) leads Kirkmeyer (R) 49.0% to 47.1%\*

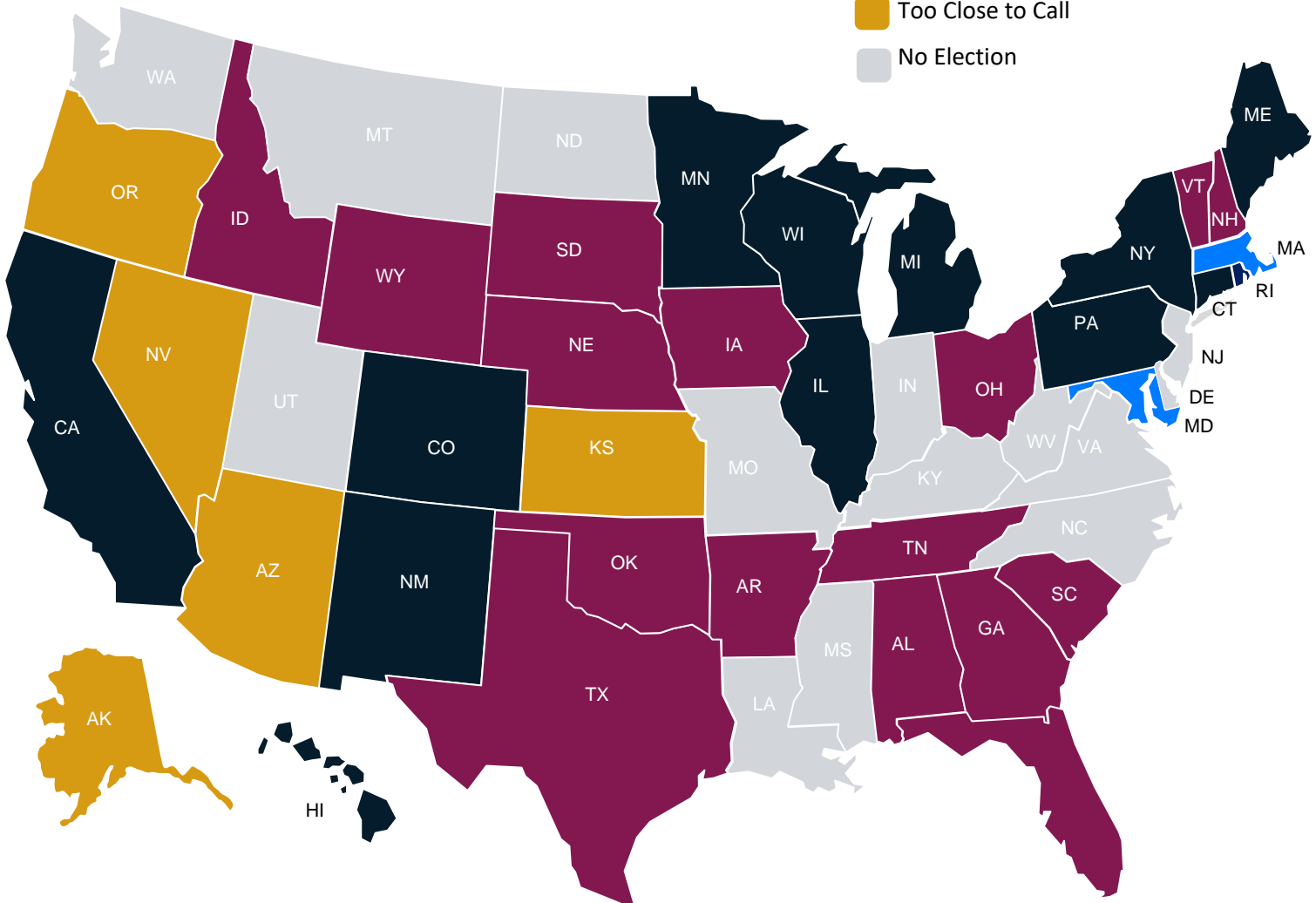
**CT-5:** Hayes (D) leads Logan (R) 50.3% to 49.7%  
**IL-17:** Sorensen (D) leads King (R) 51.7% to 48.3%  
**IA-3:** Nunn (R) leads Axne (D) 50.3% to 49.7%  
**ME-2:** Golden (D) leads Poliquin (R) 48.9% to 44.2%  
**MD-6:** Parrott (R) leads Trone (D) 51.1% to 48.9%  
**MI-8:** Kildee (D) leads Junge (R) 51.3% to 44.5%  
**MI-10 (open):** James (R) leads Marlinga (D) 48.8% to 48.3%  
**MT-1 (open):** Zinke (R) leads Tranel (D) 49.9% to 46.3%  
**NV-1:** Titus (D) leads Robertson (R) 50.3% to 47.4%  
**NV-3:** Lee (D) leads Becker (R) 50.4% to 49.6%  
**NV-4:** Horsford (D) leads Peters (R) 51.5% to 48.5%  
**NM-2:** Vasquez (D) leads Herrell (R) 50.3% to 49.7%  
**NY-4 (open):** D'Esposito (R) leads Gillen (D) 51.9% to 48.1%  
**NY-17:** Lawler (R) leads Maloney (D) 50.6% to 49.4%  
**NY-18:** Ryan (D) leads Schmitt (R) 50.4% to 49.6%  
**NY-19 (open):** Molinaro (R) leads Riley (D) 51.1% to 48.9%  
**NY-22 (open):** Williams (R) leads Conole (D) 50.6% to 49.4%  
**OR-4 (open):** Hoyle (D) leads Skarlatos (R) 51.2% to 43%  
**OR-5 (open):** Chavez-DeRemer (R) leads McLeod-Skinner (D) to 52% 48%  
**OR-6 (new seat):** Salinas (D) leads Erickson (R) 50.1% to 47.7%\*  
**PA-7:** Wild (D) leads Scheller (R) 50.8% to 49.2%  
**PA-8:** Cartwright (D) leads Bognet (R) 51.2% to 48.8%  
**PA-12 (open):** Lee (D) leads Doyle (R) 55.7% to 44.3%  
**PA-17 (open):** Deluzio (D) leads Shaffer (R) 52.3% to 47.7%  
**WA-3 (open):** Gleusenkamp Perez (D) leads Kent (R) 52.9% to 47.1%  
**WA-8:** Schrier (D) leads Larkin (R) 52.9% to 47.1%  
**WA-10:** Strickland (D) leads Swank (R) 57% to 43%  
**WI-3 (open):** Van Orden (R) leads Pfaff (D) 52% to 48%

## Gubernatorial Election Results

Results as of 8:45 a.m. on Nov. 9, 2022

### Current Results:

- **Democratic Holds:** 13
- **Democratic Pickups:** 2
- **Republican Holds:** 16
- **Republican Pickups:** 0
- **Too Close To Call:** 5





**Incumbent Democratic Holds:** California (Gavin Newsom), Colorado (Jared Polis), Connecticut (Ned Lamont), Illinois (J.B. Pritzker), Maine (Janet Mills), Michigan (Gretchen Whitmer), Minnesota (Tim Walz), New Mexico (Michelle Lujan Grisham), New York (Kathy Hochul), Rhode Island (Daniel McKee) and Wisconsin (Tony Evers)

**Democratic Holds (New Members):** Hawaii (Josh Green) and Pennsylvania (Josh Shapiro)

**(Democratic Pickup):** Maryland (Wes Moore) and Massachusetts (Maura Healey)

**Alaska (Too Close To Call):** Mike Dunleavy (R) leads Les Gara (D) - 52.0% to 23.1%

**Arizona (Too Close to Call):** Katie Hobbs (D) leads Kari Lake (R) – 50.9% to 49.1%

**Kansas (Too Close to Call):** Laura Kelly (D) leads Derek Schmidt (R) – 49.2% to 47.7%

**Nevada (Too Close to Call):** Joe Lombardo (R) leads Steve Sisolak (D) – 50.6% to 45.8%

**Oregon (Too Close to Call):** Tina Kotek (D) leads Christine Drazan (R) – 45.7% to 44.7%

**Incumbent Republican Holds:** Alabama (Kay Ivey), Florida (Ron DeSantis), Georgia (Brian Kemp), Idaho (Brad Little), Iowa (Kim Reynolds), New Hampshire (Chris Sununu), Ohio (Mike DeWine), Oklahoma (Kevin Stitt), South Carolina (Henry McMaster), South Dakota (Kristi Noem), Tennessee (Bill Lee), Texas (Greg Abbott), Vermont (Phil Scott) and Wyoming (Mark Gordon)

**Republican Holds (New Members):** Arkansas (Sarah Huckabee Sanders) and Nebraska (Jim Pillen)

**Republican Pickups:** N/A

## Looking Forward: Lame Duck Calendar

*Key Dates/Weeks to Remember for the Lame-Duck Session and January 2023*

Lame Duck	Schedule, Key Dates and Deadlines
<b>November 14</b>	<ul style="list-style-type: none"> <li>• House reconvenes for lame-duck session</li> <li>• House Republicans host leadership candidate forum</li> <li>• New House member orientation day</li> </ul>
<b>November 15</b>	<ul style="list-style-type: none"> <li>• House Republican leadership elections</li> </ul>
<b>November 16</b>	<ul style="list-style-type: none"> <li>• House Republican organizing meeting (conference rules)</li> <li>• Senate convenes for leadership elections (expected)</li> </ul>
<b>November 21–25</b>	<ul style="list-style-type: none"> <li>• House and Senate recess for Thanksgiving holiday</li> </ul>
<b>November 28 – December 15</b>	<ul style="list-style-type: none"> <li>• Chambers reconvene post-Thanksgiving</li> <li>• NDAA Conference Report anticipated for consideration</li> </ul>
<b>December 6</b>	<ul style="list-style-type: none"> <li>• Runoff election for Georgia’s Senate seat (if neither candidate secures 50% of the vote in the Nov. 8 election)</li> </ul>
<b>December 16</b>	<ul style="list-style-type: none"> <li>• Continuing resolution expires</li> <li>• Programs temporarily extended by the CR expire</li> <li>• House scheduled to adjourn for the year</li> </ul>
<b>December 21</b>	<ul style="list-style-type: none"> <li>• Senate scheduled to adjourn for the year</li> </ul>
<b>December 2022</b>	<ul style="list-style-type: none"> <li>• House Democrats’ leadership elections</li> </ul>
<b>January 2023</b>	<ul style="list-style-type: none"> <li>• Jan. 3 – 118th Congress gavels in, Speaker of the House elected</li> <li>• Late January – Committee assignments finalized</li> </ul>

## Looking Forward: Lame Duck Agenda

*The House and Senate return to session on Nov. 14 and Nov. 9, respectively, kicking off a sprint to the end of the year. While preparing for the organizational changes the next Congress will bring, lawmakers will also address the two must-pass items that remain outstanding: funding the government via another continuing resolution (CR) or potentially an omnibus package, and enacting the National Defense Authorization Act (NDAA). Work on these packages will dominate the remaining congressional calendar, leaving little room for other items to move except as riders to a CR/omnibus or NDAA. Items that may be incorporated into one of these packages include a host of expiring authorizations and programs, and a range of issues with relatively bipartisan support. The Senate Democrats are expected to dedicate any other available times to processing judicial and other administrative nominees.*

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

- **Government Funding.** The CR enacted earlier this year will fund the government until Dec. 16, giving lawmakers roughly one month to prepare a full-year funding bill. Circumstances may warrant the need for Congress to pass a second, short-term CR to extend the funding cliff further into December and allow them additional time to negotiate a final deal. Both the chair and ranking member of the Senate Appropriations Committee are retiring this year, and with Rep. Rosa DeLauro (D-CT) completing her first term at the helm of the House Appropriations Committee, the group is eager to achieve passage of a full-year funding bill. An omnibus bill also would present an opportunity for lawmakers to attach a range of expiring authorizations and bipartisan policy proposals to the package. If they fail to reach an agreement on a long-term funding package, lawmakers will be forced to approve another CR to keep the government operational into 2023, which effectively would punt the range of policy issues hoping to ride along into next year. Given the organizational hurdles presented by a new session, the CR would likely extend existing funding levels into February or March 2023.
- **National Defense Authorization Act.** The Senate will resume its work on the 2023 NDAA next week. The House passed its version earlier this year, but the Senate is in the final stages of approving its counterpart. A substitute amendment was offered to the bill by Senate Armed Services Committee leaders during the recess, setting up floor consideration in mid-late November. Over 900 amendments were filed on the bill, but only a fraction of those were included in the Senate manager's package. Senate committee staff continued to wade through amendments and negotiate with House counterparts while lawmakers departed for their districts in the hopes of expediting the completion of a bipartisan, bicameral NDAA in the lame-duck session. The NDAA has been enacted for over 60 consecutive years, and retiring Sen. Jim Inhofe (R-OK), the top Republican on the Senate Armed Services Committee, is eager to enact his final NDAA. Like an omnibus funding bill and with similar limitations, the NDAA is a moving vehicle to which lawmakers will try to attach other priorities, but the window for including extraneous provisions is expected to close before members return to Washington.

**Expiring Programs and Authorizations.** Should Congress adjourn without enacting extensions of these items, there would be repercussions for various agencies, programs and businesses. However, the functioning of the government would not be compromised.

- ***Tax Extenders.*** A host of tax and health care provisions that expired at the end of 2021 are set to lapse on Dec. 16 with the CR or will expire at the end of the year. Congress commonly tacks extensions of these provisions onto moving vehicles in a lame-duck session as an extenders package. On the tax side, Democrats favor extending or reviving individual tax credits like the enhanced Child Tax Credit (CTC), and there is bipartisan interest in extending businesses' ability to immediately deduct research and development (R&D) costs. Republicans may push to extend other expiring business incentives, originally passed through the Tax Cuts and Jobs Act. For example, before 2022, the deduction for net business interest expenses under section 163(j) was limited to a maximum of 30% of a taxpayer's earnings before interest, taxes, depreciation and amortization (EBITDA). This year, the provision reverted to allow taxpayers to deduct only net business interest expenses up to 30% of their earnings before interest and taxes (EBIT)—not taking into account depreciation or amortization. Republican lawmakers will likely insist on a retroactive extension of previous law to avoid the investment decline that could result from the shift to EBIT. Additionally, Republicans will also push to include a delay of the phaseout of the current 100% bonus depreciation on certain fixed assets. The inclusion of Republicans' preferred extenders likely necessitates a compromise on the CTC, Democrats' top priority on this front.
- ***Health Care Programs.*** Medicare cuts under the Budget Control Act (BCA) are back in effect at 2% for the next nine years. While it does not appear likely that Congress will waive BCA, it could possibly delay sequester this year in exchange for adding another year at the end of the budget window. The 4% cut to Medicare under PAYGO is likely to go into effect late January/early February, so Congress could wait to deal with PAYGO until the next legislative session if it does not make it into a year-end bill. Bipartisan adjustments to the Medicare Dependent Hospital Program and Low-Volume Hospital Payment are also strong candidates for inclusion.
- ***Other Programs and Agencies in Limbo.*** The current CR also carried a limited number of temporary extensions, including the Federal Emergency Management Agency's National Flood Insurance Program, the U.S. Parole Commission, and the Department of Housing and Urban Development's Mark-to-Market program, as well as other programs operated by the departments of Health and Human Services and Veterans' Affairs, all of which will expire on Dec. 16. Further extensions and/or reauthorizations could feature in an omnibus package. In addition, legislation to reauthorize the Coast Guard for fiscal years 2022 and 2023 could be included. Proposals exist to reauthorize the Workforce Innovation and Opportunity Act and complete the Child Nutrition Reauthorization, but both are partisan and likely will not make it into a package this year.

**Other Policy Priorities.** Many stand-alone pieces of legislation to advance specific policy priorities are being readied for possible floor consideration or floated as potential additions to an omnibus package or NDAA. While procedural obstacles remain and limited remaining floor time will hinder their progression, some may make it across the finish line this year.

- *Retirement.* A handful of bipartisan retirement reform bills—the EARN Act (S. 4808) and RISE and SHINE Act (S. 4353) in the Senate, and the Securing a Strong Retirement Act (H.R. 2954) in the House—are being consolidated into one package, generally referred to as SECURE 2.0. The original SECURE Act was enacted via an omnibus appropriations bill in 2019. However, the trio of bills have several notable differences that must be addressed, including provisions around employer-matching requirements and early withdrawals.
- *Energy Prices.* There is bipartisan interest in moving legislation to counter the Organization of Petroleum Exporting Countries’ (OPEC+) decision to slash production levels in November. The No Oil Producing and Exporting Cartels Act (S. 977), NOPEC, would prohibit foreign entities from taking collective action to affect the market, supply or distribution of oil, gas and other petroleum products in the United States. President Biden also recently called on Congress to tax excess profits earned by oil and gas companies, a proposal that is unlikely to gain widespread support.
- *Electoral Count Act Reform.* Bills to reform election processes exist in both the House, the Presidential Election Reform Act (H.R. 8873), and in the Senate, the Electoral Count Reform Act (S. 4573). The House-passed bill is generally opposed by Republicans, but the bipartisan Senate version could gain steam in the lame duck. A regular-order process in the Senate resulted in that chamber’s version of the bill passing out of the Senate Rules Committee on a 14-1 vote in late September.
- *Mental Health and Insulin.* The Senate Finance Committee is working to include its comprehensive mental health package in an omnibus bill. The committee is also seeking to integrate proposals relating to building the behavioral health workforce, integrating primary and mental health care and enforcing parity laws. Senate Majority Leader Schumer (D-NY) has repeatedly voiced plans to bring an insulin reform bill to the floor, but the timeline keeps slipping. The updated bill would cap consumer copays for insulin in the commercial market and incentivize drugmakers to lower list prices.
- *Marriage Equality.* Following the House’s passage of a bill to protect same-sex marriage, Senate Majority Leader Chuck Schumer (D-NY) is planning to consider a bipartisan same-sex marriage deal in the lame-duck session. The Senate version is led by Sens. Dianne Feinstein (D-CA), Tammy Baldwin (D-WI) and Susan Collins (R-ME), and lawmakers are hopeful that it will gain enough Republican support to pass after the election.
- *Permitting Reform.* Sen. Joe Manchin’s (D-WV) efforts to secure permitting reform legislation were unsuccessful earlier this fall; he is expected to push for these reforms in any moving vehicle during the lame-duck session and if unsuccessful at year-end, revive the effort in the new Congress. However, Leader Mitch McConnell (R-KY) and other senior Republicans have indicated their unwillingness to allow this legislation to pass this Congress.
- *Disaster Relief.* Sens. Rick Scott (R-FL) and Marco Rubio (R-FL) want the Senate to approve a standalone supplemental appropriation to support Florida’s recovery efforts from Hurricane Ian, but funding needs are still being evaluated. Relief funding could be bundled into an omnibus appropriations package.

- *SAFE Banking*: Leader Chuck Schumer (D-NY) has indicated his strong desire to pass this legislation post-election, and he continues to negotiate quietly with Republicans to expand the scope of the bill. However, varying interests within the Democratic Caucus and the Republican Conference in the Senate are providing a challenging environment where a final compromise can be reached quickly.
- *Judicial Nominations*. Any available floor time during negotiations over legislation will likely be used by Leader Chuck Schumer (D-NY) for the processing of high-priority lifetime positions on Article Three courts.

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## Leadership in the 118th Congress

### *U.S. Senate*

Senate leadership is not likely to undergo significant shifts next session, regardless of party control. On the Democratic side, Sen. Chuck Schumer (D-NY) is expected to continue leading the chamber's Democrats, accompanied by Sen. Dick Durbin (D-IL) as whip. Sen. Patty Murray (D-WA) will also return as assistant Democratic leader after defeating a Republican challenger this cycle. Sen. Debbie Stabenow (D-MI) is expected to retain her role as Democratic Policy Committee chair.

None of the following members of Senate Democratic leadership are in cycle: Sens. Amy Klobuchar (D-MN), chair of the Steering Committee; Sen. Bernie Sanders (I-VT), chair of Outreach; and Sens. Joe Manchin (D-WV) and Cory Booker (D-NJ), vice chairs of the Policy and Communications Committee. However, outgoing Sen. Patrick Leahy (D-VT) will have to be replaced as president pro tempore of the Senate. This is traditionally the most senior member of the chamber's majority party—likely either Sen. Dianne Feinstein (D-CA) or Chuck Grassley (R-IA).

Similarly, Sen. Mitch McConnell (R-KY) is expected to continue leading his party in the minority or majority with the support of Sen. John Thune (R-SD) as whip and Sen. John Barrasso (R-WY) as conference chair. There will be some movement on the Republican Policy Committee, as the current chair, Sen. Roy Blunt (R-MO), is retiring this year. The position will likely go to the current conference vice chair, Sen. Joni Ernst (R-IA), making her the fourth-ranking member of the Senate Republican Leadership team. Sen. Steve Daines (R-MT) is expected to secure a spot as chairman of the National Republican Senatorial Committee, replacing Sen. Rick Scott (R-FL). Sen. Shelly Moore Capito (R-WV) is expected to make a run for a leadership post as well.

### *House of Representatives*

With Republicans poised to win control of the chamber, the leadership shifts in the House will be considerable. Minority Leader Kevin McCarthy (R-CA) is expected to secure the speakership. The Freedom Caucus, which has been a thorn in the side to top House Republicans in the past, is lobbying its conference leadership on an array of issues, ranging from committee appointments to policy positions to procedural rules. However, Rep. McCarthy has improved relationship with the Freedom Caucus in recent years, recently describing Rep. Jim Jordan (R-OH), the caucus' founder, as his "biggest advocate."

The race is also on for majority whip, with current whip Rep. Steve Scalise (R-LA) expected to move up as majority leader. Reps. Jim Banks (R-IN), chair of the Republican Study Committee; Drew Ferguson (R-GA), chief deputy whip; and Tom Emmer (R-MN), chair of the National Republican Campaign Committee; are competing for the role. Conference Chair Elise Stefanik (R-NY) and Policy Committee Chair Gary Palmer (R-AL) will likely retain their current roles, while Rep. Mike Johnson (R-LA) is hoping to become vice chair of the conference, and while Reps. Richard Hudson (R-NC) and Darin LaHood (R-IL) are squaring off for NRCC chair.

The three most senior members of House Democratic leadership—Speaker Nancy Pelosi (D-CA), Majority Leader Steny Hoyer (D-MD) and Majority Whip Jim Clyburn (D-SC)—are all returning next session. The trio have led Democrats in the House from various senior positions for decades. While they have not directly commented on their plans for the 118th Congress in recent months, Speaker Pelosi previously indicated that the 117th Congress would mark her last at the helm of the Democratic Caucus. Still, some combination of Pelosi, Clyburn and Hoyer may seek the minority equivalents of their current positions—leader, whip and assistant leader, respectively—on the grounds that they are best equipped to lead the party through the forthcoming transition. The key dilemma Democrats now face is that the minority party has one less position available for its top six leaders.

The field of up-and-coming Democrats likely will seek continued leadership roles next session, including Rep. Katherine Clark (D-MA), assistant speaker; Rep. Hakeem Jeffries (D-NY), chair of the House Democratic Caucus, and Rep. Pete Aguilar (D-CA), vice-chair of the House Democratic Caucus. Should Pelosi, Hoyer and Clyburn all retain their leadership roles, Rep. Jeffries, who is term limited as caucus chair, or Rep. Clark, may move to challenge one of them. Alternately, Rep. Clark could face off with Rep. Aguilar to become caucus chair. Rep. Adam Schiff (D-CA), who rose to national attention during the impeachment trial of former President Donald Trump, also is seriously contemplating a bid for a House leadership slot next session. The four co-chairs of the House Democratic Policy and Communications Committee (DPCC) are additional contenders for continued or future leadership roles—Reps. Matt Cartwright (D-PA), Debbie Dingell (D-MI), Ted Lieu (D-CA) and Joe Neguse (D-CO). Notably, Cartwright, Dingell and Lieu are all term-limited in their roles on the DPCC. Neguse has expressed interest at chairing DPCC or running for vice-chair. Reps. Chrissy Houlahan (D-PA) and Adriano Espaillat (D-NY) have declared intentions to run for seats on DPCC.

Ultimately, the extent of the churn within House Democratic leadership next session rests with whether Rep. Pelosi decides to remain in leadership.

## Senate Committee Leadership Projections<sup>1</sup>

Senate Committee	Current Leadership	118th Congress Democratic Lead	118th Congress Republican Lead	Brownstein Insights
<b>Aging</b>	<u>Chair:</u> Casey (D-PA) <u>Ranking:</u> T. Scott (R-SC)	Sen. Bob Casey (PA)	Sen. Mike Braun (IN)	Sen. T. Scott (R-SC) is expected to leave the top slot on Aging to helm the Banking Committee. Sen. Braun (R-IN) is the next Republican by seniority who is not eligible for a competing post.
<b>Agriculture, Nutrition, and Forestry</b>	<u>Chair:</u> Stabenow (D-MI) <u>Ranking:</u> Boozman (R-AR)	Sen. Debbie Stabenow (MI)	Sen. John Boozman (AR)	<i>Unlikely to change</i>
<b>Appropriations</b>	<u>Chair:</u> Leahy (D-VT) <u>Ranking:</u> Shelby (R-AL)	Sen. Patty Murray (WA)	Sen. Susan Collins (ME)	Both current leaders are retiring. Sen. Murray (D-WA) is expected to lead the committee with Sen. Susan Collins (R-ME).
<b>Armed Services</b>	<u>Chair:</u> Reed (D-RI) <u>Ranking:</u> Inhofe (R-OK)	Sen. Jack Reed (RI)	Sen. Roger Wicker (MS)	Sen. Wicker (R-MS) is next in line to replace retiring Sen. Inhofe (R-OK), but he would have to give up his leadership role on the Commerce, Science, and Transportation (Commerce) Committee.

<sup>1</sup> 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.



# Brownstein

Senate Committee	Current Leadership	118th Congress Democratic Lead	118th Congress Republican Lead	Brownstein Insights
<b>Banking, Housing, and Urban Affairs</b>	<u>Chair</u> : Brown (D-OH) <u>Ranking</u> : Toomey (R-PA)	Sen. Sherrod Brown (OH)	Sen. Tim Scott (SC)	Sen. T. Scott (R-SC) is expected to take over the top Republican spot from Sen. Toomey (R-PA), who is retiring.
<b>Budget</b>	<u>Chair</u> : Sanders (I-VT) <u>Ranking</u> : Graham (R-SC)	Sen. Bernie Sanders (I-VT) Sen. Sheldon Whitehouse (RI)	Sen. Lindsey Graham (SC)	The panel's leaders are returning but if post-election shuffling leads Sen. Sanders (D-VT) to the Health, Education, Labor, and Pensions (HELP) Committee, Sen. Whitehouse (D-RI) is the next most senior Democrat without a conflicting leadership position.
<b>Commerce, Science, and Transportation</b>	<u>Chair</u> : Cantwell (D-WA) <u>Ranking</u> : Wicker (R-MS)	Sen. Maria Cantwell (WA)	Sen. Ted Cruz (TX)	Sen. Wicker (R-MS) may leave the Commerce Committee leadership for the Armed Services Committee. Sen. Cruz (R-TX) is next in line to lead Republicans on the Commerce panel in this scenario.
<b>Energy and Natural Resources</b>	<u>Chair</u> : Manchin (D-WV) <u>Ranking</u> : Barrasso (R-WY)	Sen. Joe Manchin (WV)	Sen. John Barrasso (WY)	<i>Unlikely to change</i>
<b>Environment and Public Works</b>	<u>Chair</u> : Carper (D-DE) <u>Ranking</u> : Moore Capito (R-WV)	Sen. Tom Carper (DE)	Sen. Shelley Moore Capito (WV)	<i>Unlikely to change</i>
<b>Finance</b>	<u>Chair</u> : Wyden (D-OR) <u>Ranking</u> : Crapo (R-ID)	Sen. Ron Wyden (OR)	Sen. Mike Crapo (ID)	<i>Unlikely to change</i>
<b>Foreign Relations</b>	<u>Chair</u> : Menendez (D-NJ) <u>Ranking</u> : Risch (R-ID)	Sen. Bob Menendez (NJ)	Sen. Jim Risch (ID)	<i>Unlikely to change</i>

# Brownstein

Senate Committee	Current Leadership	118th Congress Democratic Lead	118th Congress Republican Lead	Brownstein Insights
<b>Health, Education, Labor, and Pensions</b>	<u>Chair</u> : Murray (D-WA) <u>Ranking</u> : Burr (R-NC)	Sen. Bernie Sanders (VT)	Sen. Rand Paul (KY) Sen. Bill Cassidy (LA)	Sen. Burr (R-NC) is retiring. Sen. Paul (R-KY) is next in line by seniority on both HELP and Homeland Security. He may choose HELP, but may also very well choose to lead Republicans on Homeland Security, in which case Sen. Cassidy (R-LA) will succeed Sen. Burr on HELP. If Sen. Murray (D-WA) leaves for the Appropriations Committee, Sen. Sanders (I-VT) is next in line on the Democratic side.
<b>Homeland Security and Government Affairs</b>	<u>Chair</u> : Peters (D-MI) <u>Ranking</u> : Portman (R-OH)	Sen. Gary Peters (MI)	Sen. Rand Paul (KY) Sen. James Lankford (OK)	Sen. Portman (R-OH) is retiring. Sen. Johnson (R-WI) is next in line but previously chaired the committee. Sen. Paul (R-KY) would be next up but may choose to chair HELP. After Paul, the seat would pass to Sen. Lankford (R-OK).
<b>Judiciary</b>	<u>Chair</u> : Durbin (D-IL) <u>Ranking</u> : Grassley (R-IA)	Sen. Dick Durbin (IL)	Sen. Chuck Grassley (IA)	<i>Unlikely to change</i>
<b>Rules and Administration (Rules)</b>	<u>Chair</u> : Klobuchar (D-MN) <u>Ranking</u> : Blunt (R-MO)	Sen. Amy Klobuchar (MN)	Sen. Deb Fischer (NE)	Sen. Blunt (R-MO) is retiring, and with Sen. Cruz (R-TX) likely leading Republicans on the Commerce Committee, Sen. Fischer (NE) is the next most senior Republican on Rules.

# Brownstein

Senate Committee	Current Leadership	118th Congress Democratic Lead	118th Congress Republican Lead	Brownstein Insights
<b>Small Business and Entrepreneurship</b>	<u>Chair</u> : Cardin (D-MD) <u>Ranking</u> : Paul (R-KY)	Sen. Ben Cardin (MD)	Sen. Joni Ernst (IA)	Sen. Paul (R-KY) is likely to depart to lead Republicans on either HELP Committee or the Homeland Security and Government Affairs Committee. Sen. Ernst (IA) is the next Republican in line who is not up for another top committee slot.
<b>Veterans' Affairs</b>	<u>Chair</u> : Tester (D-MT) <u>Ranking</u> : Moran (R-KS)	Sen. Jon Tester (MT)	Sen. Jerry Moran (KS)	<i>Unlikely to change</i>
<b>Indian Affairs</b>	<u>Chair</u> : Schatz (D-HI) <u>Ranking</u> : Murkowski (R-AK)	Sen. Brian Schatz (HI)	Sen. Lisa Murkowski (AK)	<i>Unlikely to change</i>
<b>Intelligence</b>	<u>Chair</u> : Warner (D-VA) <u>Ranking</u> : Rubio (R-FL)	Sen. Mark Warner (VA)	Sen. Marco Rubio (FL)	<i>Unlikely to change</i>

## House Committee Leadership Projections

House Committee	Current Leadership	118th Congress Democratic Lead	118th Congress Republican Lead	Brownstein Insights
<b>Administration</b>	<u>Chair</u> : Z. Lofgren (D-CA) <u>Ranking</u> : R. Davis (R-IL)	Rep. Zoe Lofgren (CA)	Rep. Bryan Steil (WI) Rep. Barry Loudermilk (GA)	Rep. Davis (R-IL) lost in his Republican primary and is one of only three Republicans on the committee (Davis, Loudermilk (R-GA) and Brian Steil (R-WI)). This position is appointed by the Republican Leader.
<b>Agriculture</b>	<u>Chair</u> : D. Scott (D-GA) <u>Ranking</u> : G. Thompson (R-PA)	Rep. David Scott (GA)	Rep. GT Thompson (PA)	<i>Unlikely to change.</i>
<b>Appropriations</b>	<u>Chair</u> : R. DeLauro (D-CT) <u>Ranking</u> : K. Granger (R-TX)	Rep. Rosa DeLauro (CT)	Rep. Kay Granger (TX)	<i>Unlikely to change.</i>
<b>Armed Services</b>	<u>Chair</u> : A. Smith (D-WA) <u>Ranking</u> : M. Rogers (R-AL)	Rep. Adam Smith (WA)	Rep. Mike Rogers (AL)	<i>Unlikely to change.</i>
<b>Budget</b>	<u>Chair</u> : J. Yarmuth (D-KY) <u>Ranking</u> : J. Smith (R-MO)	Rep. Brian Higgins (NY) Rep. Brendan Boyle (PA)	Rep. Jason Smith (MO)	Rep. Yarmuth (D-KY) is retiring. The Budget Committee is not bound by seniority, but Reps. Higgins (D-NY) and Boyle (D-PA) would be next in line. If Rep. Smith (R-MO) leaves to lead the Ways and Means Committee, Reps. Arrington (R-TX) and Smucker (R-PA) will vie for the top Republican spot.

# Brownstein

House Committee	Current Leadership	118th Congress Democratic Lead	118th Congress Republican Lead	Brownstein Insights
<b>Education and Labor</b>	<u>Chair</u> : B. Scott (D-VA) <u>Ranking</u> : V. Foxx (R-NC)	Rep. Bobby Scott (VA)	Rep. Virginia Foxx (NC) Rep. Jim Banks (IN) Rep. Tim Walberg (MI)	Rep. Foxx (R-NC) needs a waiver due to the Republican party's term limits. If she does not receive one, Rep. Walberg (R-MI) or Rep. Banks (R-IN) could succeed her, depending on the whip race outcome.
<b>Energy and Commerce</b>	<u>Chair</u> : F. Pallone (D-NJ) <u>Ranking</u> : C. Rodgers (R-WA)	Rep. Frank Pallone (NJ)	Rep. Cathy McMorris Rodgers (WA)	<i>Unlikely to change.</i>
<b>Financial Services</b>	<u>Chair</u> : M. Waters (D-CA) <u>Ranking</u> : P. McHenry (R-NC)	Rep. Maxine Waters (CA)	Rep. Patrick McHenry (NC)	<i>Unlikely to change.</i>
<b>Foreign Affairs</b>	<u>Chair</u> : G. Meeks (D-NY) <u>Ranking</u> : M. McCaul (R-TX)	Rep. Gregory Meeks (NY)	Rep. Michael McCaul (TX)	<i>Unlikely to change.</i>
<b>Homeland Security</b>	<u>Chair</u> : B. Thompson (D-MS) <u>Ranking</u> : J. Katko (R-NY)	Rep. Bennie Thompson (MS)	<i>Crowded field</i>	Approximately five Republicans are considering or formally seeking the slot vacated by Rep. Katko's (R-NY) retirement: Reps. Dan Crenshaw (R-TX), Mark Green (R-TN), Clay Higgins (R-LA), Dan Bishop (R-NC), and Scott Perry (R-PA)
<b>Judiciary</b>	<u>Chair</u> : J. Nadler (D-NY) <u>Ranking</u> : J. Jordan (R-OH)	Rep. Jerry Nadler (NY)	Rep. Jim Jordan (OH)	<i>Unlikely to change.</i>
<b>Natural Resources</b>	<u>Chair</u> : R. Grijalva (D-AZ) <u>Ranking</u> : B. Westerman (R-AR)	Rep. Raul Grijalva (AZ)	Rep. Bruce Westerman (AR)	<i>Unlikely to change.</i>

# Brownstein

House Committee	Current Leadership	118th Congress Democratic Lead	118th Congress Republican Lead	Brownstein Insights
<b>Oversight and Government Reform</b>	<u>Chair</u> : C. Maloney (D-NY) <u>Ranking</u> : J. Comer (R-KY)	Rep. Gerry Connolly (VA) Rep. Stephen Lynch (MA) Rep. Jamie Raskin (MD)	Rep. James Comer (KY)	Reps. Connolly (D-VA), Lynch (D-MA) and Raskin (D-MD) are all vying to succeed Rep. Maloney (D-NY), who was defeated in a member-on-member primary.
<b>Rules</b>	<u>Chair</u> : J. McGovern (D-MA) <u>Ranking</u> : T. Cole (R-OK)	Rep. Jim McGovern (MA)	Rep. Tom Cole (OK)	<i>Unlikely to change.</i>
<b>Science, Space, and Technology</b>	<u>Chair</u> : E. Johnson (D-TX) <u>Ranking</u> : F. Lucas (R-OK)	Rep. Suzanne Bonamici (OR)	Rep. Frank Lucas (OK)	Rep. Johnson (D-TX) is retiring, and Rep. Bonamici (D-OR) is the next most senior Democrat who does not already hold a leadership position.
<b>Small Business</b>	<u>Chair</u> : N. Velazquez (D-NY) <u>Ranking</u> : B. Luetkemeyer (R-MO)	Rep. Nydia Velazquez (NY)	<i>Developing Field</i>	Rep. Luetkemeyer (R-MO) is stepping down to focus on his Financial Services work. Rep. Williams (R-TX) may seek to succeed him.
<b>Transportation and Infrastructure</b>	<u>Chair</u> : P. DeFazio (D-OR) <u>Ranking</u> : S. Graves (R-MO)	Rep. Eleanor Holmes Norton (DC) Rep. Rick Larsen (WA)	Rep. Sam Graves (MO)	Rep. DeFazio (D-OR) is retiring and both Reps. Holmes Norton (D-DC) and Larsen (D-WA) are running for the top Democratic slot. Rep. Holmes Norton's status as a nonvoting delegate will likely factor into the race.
<b>Veterans' Affairs</b>	<u>Chair</u> : M. Takano (D-CA) <u>Ranking</u> : M. Bost (R-IL)	Rep. Mark Takano (CA)	Rep. Mike Bost (IL)	<i>Unlikely to change.</i>

# Brownstein

House Committee	Current Leadership	118th Congress Democratic Lead	118th Congress Republican Lead	Brownstein Insights
<b>Ways and Means</b>	<u>Chair</u> : R. Neal (D-MA) <u>Ranking</u> : K. Brady (R-TX)	Rep. Richard Neal (MA)	Rep. Vern Buchanan (FL) Rep. Adrian Smith (NE) Rep. Jason Smith (MO)	With Rep. Brady (R-TX) retiring, Reps. Buchanan (R-FL) and J. Smith (R-MO) are the frontrunners to replace him. Rep. A. Smith (R-NE) is also running. Rep. J. Smith would have to leave the top slot on Budget if chosen.
<b>Intelligence</b>	<u>Chair</u> : A. Schiff (D-CA) <u>Ranking</u> : M. Turner (R-OH)	Rep. Adam Schiff (CA)	Rep. Michael Turner (OH)	<i>Unlikely to change.</i>