

THE 2018 MIDTERMS

ELECTION RESULTS AND POLICY IMPLICATIONS

NOVEMBER 8, 2018



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ELECTION ANALYSIS

2018 Election Results

- **Return to Divided Government**

- **With 3 races outstanding, Senate Republicans poised to increase majority to 53-47 (2-seat pick-up)**
if current leads hold
 - ◆ Republicans defeat Democratic incumbents in Indiana, Missouri, North Dakota
 - ◆ Democrats defeat Republican incumbent Dean Heller in Nevada
 - ◆ Arizona too close to call (Democrat leading) and Florida headed for a recount (Republican leading)
 - ◆ A runoff in Mississippi is expected to keep the seat in GOP hands

- **House Democrats return to power, with a likely 230-205 majority (37-seat pick-up)**
if current leads hold
 - ◆ 12 races outstanding – Democrats lead in 5, Republicans in 7
 - ◆ House returns to Democratic control for first time since 2010

- **Democrats gained 7 Governorships for a total of 23 to Republicans' 27**
 - ◆ Democrats won some key states in the upper Midwest, but Republicans held onto the Governorships in perennial presidential battlefields Ohio and potentially Florida (headed for a recount)
 - ◆ Georgia yet to be called, but Republican candidate Brian Kemp leading

- **President Trump emboldened**

- ◆ Big Senate and Gubernatorial wins in key states; felt House loss was limited compared to historic waves
- ◆ But, facing Democratic House with subpoena power and pent up desire to investigate

The 116th Congress: Overview

- 2019 will bring the 3rd divided Congress out of the past 8 Congresses
- Comparison of recent Congressional majorities:

President George W. Bush's
2nd midterm election:
Dems flipped the House
and Senate

President Barack Obama's
1st midterm election:
Republicans flipped
the House

President Barack Obama's
2nd midterm election:
Republicans flipped
the Senate

President Donald Trump's
1st midterm election:
Democrats flipped
the House

Majorities	109 th (2005-2006)	110 th (2007-2008)	111 th (2009-2010)	112 th (2011-2012)	113 th (2013-2014)	114 th (2015-2016)	115 th (2017-2018)	116 th (2019-2020)
House*	R+31	D+31	D+79	R+49	R+33	R+59	R+47	D+25 <i>expected</i>
Senate**	R+10	D+2	D+18	D+6	D+10	R+8	R+2 <i>started as R+4</i>	R+6 <i>expected</i>
President	Bush	Bush	Obama	Obama	Obama	Obama	Trump	Trump

*House totals based on November election day results

**In the 109th Congress, the Democratic total included 1 independent who caucused with the party; in each subsequent year, it included 2 independents

Were the Polls Accurate?

- The polls captured the restless suburbs and called the House flip
- At the same time, they underestimated the strength of Republican support in some key states (similar to 2016)

	House Forecast (as of Monday 11/5)	Senate Forecast (as of Monday 11/5)
FiveThirtyEight ("Classic" model)	87% chance Dems win control Democratic pick-up of 39 seats	83% chance GOP holds Republican pick-up of 1 seat
Sabato	Democratic pick-up of 34 seats	Republican pick-up of 1 seat
Cook Political Report	Democratic pick-up of 30-40 seats	Republican pick-up of 1-2 seats

2018 Midterm Elections: Overview

The story of the 2018 midterms, part 1: Gender.

- The 116th Congress will include a record number of women
 - At least 123 women – the previous record is 112, held by the current Congress
 - ◆ Includes 30 newly-elected female Democratic Members of the House and three new female Senators
 - Notable milestones
 - ◆ 42 percent of all Democratic Congressional and Gubernatorial candidates were female
 - ◆ Five states will have all-female Senate delegations (CA, MN, NV, NH, and WA)
 - ◆ The incoming House will include 40 women of color, the first Muslim women elected to the House, and the first Native American women elected to the House
 - ◆ Tennessee elected its first female Senator; South Dakota and Maine elected their first female Governors
 - ◆ The Nevada Assembly will be the first state legislature in U.S. history with more women than men
- Additionally, female *voters* drove the election toward Democrats
 - Women accounted for 52% of the electorate
 - According to exit polls, women preferred Democratic candidates by 19 points – 59% to 40%
 - ◆ The gender gap was the largest since 1982

2018 Midterm Elections: Overview

The story of the midterms, part 2: A Divided America.

House: Blue Wave

- Suburban revolt
 - ◆ Suburban, educated women a major tipping point
- Urban voters voted Democratic by a 2 to 1 margin
- Increased younger voter turnout
- House Democrats won the popular vote by 7%
- Voters who said health care was the country's top challenge favored Democrats 75% to 23%
- Record-setting diversity in the House

Senate: Red Wall

- Trump Effect
 - ◆ In almost every state with a competitive Senate or Governor's race, President Trump's approval rating *exceeded* 50%
 - ◆ Exceptions were NV, WI, TX
- Republicans carried rural voters by a 56-42 percent margin
- Voters who said immigration was the country's top challenge favored Republicans 75% to 23%
- Supreme Court Justice Kavanaugh's confirmation battle a motivating factor in certain states

Analyzing the Electorate

- A pre-election *WaPo/ABC News* poll asked registered voters about key issues and which party they trusted more
- Voters wanted depolarization ... and voted for divided government

Issue	Important to vote?	Trust GOP more?	Trust Dems more?
Health care	78%	34%	50%
Economy	76%	48%	39%
Reducing divisions	69%	31%	46%
Immigration	67%	42%	47%
Taxes	66%	45%	41%
Border security	59%	49%	39%
Climate	48%	24%	56%

Source: WaPo, 11/4/18

Analyzing the Electorate

- Key Issues
 - Health Care
 - ◆ Remarkable shift from 2010 when Republicans campaigned on and won the House based on their opposition to the Affordable Care Act
 - ◆ Health care was by far the most important issue, with 41% of voters saying it is the country's top challenge – these voters overwhelmingly went Democratic
 - ◆ Additionally, voters in three red states (Idaho, Nebraska, Utah) voted to expand Medicaid
 - Economy
 - ◆ It's NOT the economy, stupid...
 - ◆ With unemployment at 3.7% and almost 70 percent of voters rating the economy as excellent or good... the House still flipped
 - ◆ Notably, the 22 percent of voters who said the economy was the most important issue preferred Republicans 63 percent to 34 percent
 - Immigration
 - ◆ The focus of President Trump's "closing arguments," 23 percent of voters cited immigration as the top issue – and more than ¾ of them voted for Republicans

Analyzing the Electorate

- Generic ballot
 - In the final NBC/WSJ poll ahead of the election (November 1-3), Democrats held a 7-point advantage among likely voters (50% to 43%) – their advantage was 9 points a month prior
 - Exit polling showed about a 10 percentage point Democratic advantage
- Direction of the country
 - Looking at polling over the past year, the “right direction” number has been trending upward and was at about 40 by Election Day – gaining almost ten points since November 2017, but still under water
- Voter intensity
 - Both parties saw heightened enthusiasm this year
 - Leading up to the election, 85% of likely Democratic voters expressed “high” interest in the midterms — either a “nine” or “10” on a 10-point scale — versus 82% for Republicans (NBC/WSJ)
 - 70% of all registered voters were highly interested – that number was 61% in 2006 and 2010

Analyzing the Electorate

- Turnout and Demographics
 - Turnout was massive on both sides, with 114 million votes cast in House races – up from 83 million in the 2014 midterms
 - ◆ By Monday “Election Eve,” more than 36 million people had cast early or absentee ballots – a 132% increase over 2014 and a midterm election record
 - ◆ Overall, 49% of eligible voters participated – midterm participation hasn’t been that high since 1966
 - The number was 39% in 2014 and 41% in 2010
 - Non-white voters accounted for 28 percent of votes cast, the highest ever for a midterm and just a point shy of the all-time record set in 2016
 - ◆ They backed Democrats 76 percent to 22 percent
 - Independents backed Democrats by 13 percentage points
 - ◆ Previously, they’d backed Republican Presidential and Congressional candidates in every national election since 2010 – and President Trump won them by 4 points in 2016
 - Young people
 - ◆ Approximately 31% of people aged 18-29 voted – still low, but 10 points higher than 2014
 - ◆ They broke for Democrats 67% to 32%, the largest gap in at least a quarter century

Factors Influencing the Election

- Money
 - 2018 far surpassed previous midterm election spending
 - ◆ According to the *Center for Responsive Politics*, candidates will have spent a combined \$5.2 billion (the previous record was \$4.2 billion in 2010)
 - ◆ The Texas Senate race *alone* accounted for \$94 million – with the Florida Senate race close behind at \$91 million
 - Outside money also played a large role – with groups on both sides spending more than \$1 billion
 - 2018 also saw record spending by “partially-disclosed” groups – these groups accounted for 31% of all outside spending (*Center for Responsive Politics*)
 - ◆ Group with no disclosure – so-called “dark money groups” – were responsible for 38 percent of TV ads this cycle
 - ◆ More “dark money” was spent backing Democrats than Republicans
 - Trend to watch? Democratic candidates not accepting campaign donations from corporate PACs
 - ◆ This cycle, 185 Democratic candidates pledged to not accept corporate PAC money
 - ◆ And some 2020 contenders are leading the charge: Warren, Gillibrand, Harris, Booker

Factors Influencing the Election

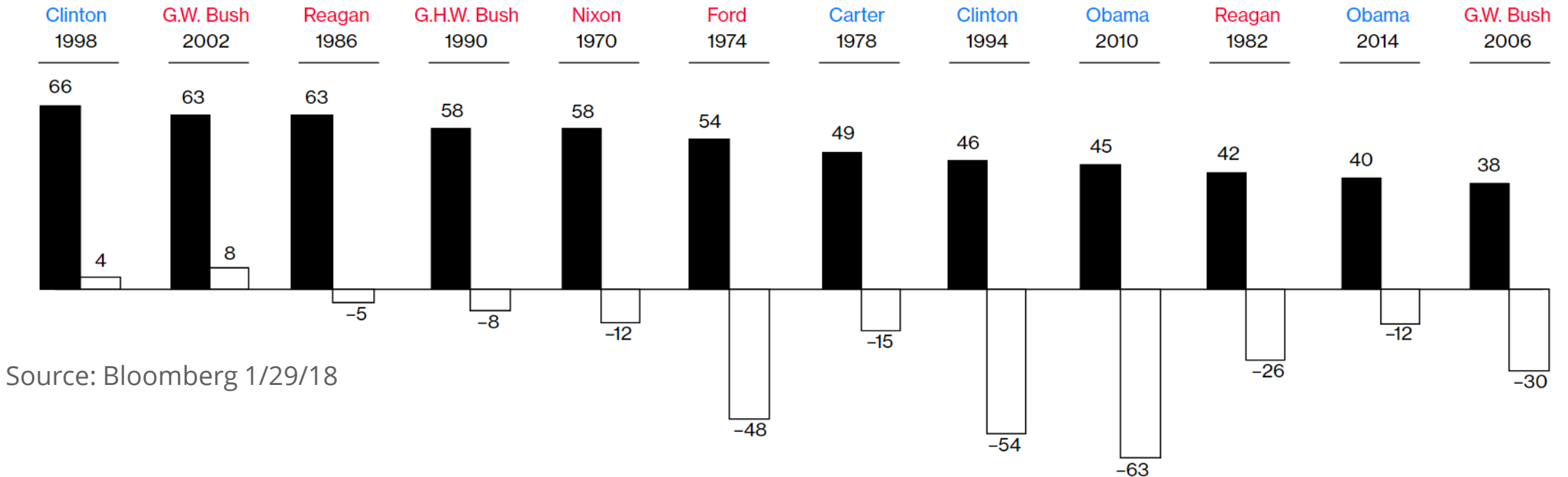
- Referendum on Trump?
 - According to a pre-election NBC/WSJ poll, 40% of registered voters said their vote would be “a signal of opposition to Trump” – 32% said it would be a vote of support
 - Despite the strong economy, almost 60% of registered voters said they wanted a “great deal” or “quite a bit” of change in direction from President Trump’s leadership
 - ◆ The NBC/WSJ polls in 1994 and 2010 saw similar numbers...
- Trump Effect
 - President Trump campaigned heavily in the weeks leading up to the election – in the six days leading up to the election alone, he held 11 rallies in eight states
 - ◆ He held 30 rallies between Labor Day and Election Day
 - ◆ Messaging largely focused on immigration and border security and, to a lesser extent, the economy
 - Evidence that his messaging may have helped Republican Senate and Gubernatorial candidates

Factors Influencing the Election

- President Trump's approval on Election Day: 44%
- Seats lost: 37

President's Midterm Party Losses

■ Presidential job approval at midterm □ Midterm election House seats gained or lost by President's party



Source: Bloomberg 1/29/18

DETAILED RACE RESULTS

2018 Election Results: Senate

Senate Republicans Increase their Majority

	TOTAL	GAIN / LOSS
Republicans	54*	+3
Democrats (Including 2 independents)	46	-3

*If Republican candidates hold leads in outstanding races

- Republicans picked up at least three seats
 - Mike Braun (R) defeated Joe Donnelly (D) in Indiana
 - Josh Hawley (R) defeated Claire McCaskill (D) in Missouri
 - Kevin Cramer (R) defeated Heidi Heitkamp (R) in North Dakota
- Democrats picked up at least one seat
 - Jacky Rosen (D) defeated Dean Heller (R) in Nevada
- Races not decided – Republicans leading all
 - Florida: Senator Nelson (D) vs. current Governor Scott (R); recount to be completed by November 10
 - Arizona: Rep. McSally (R) vs. Rep. Sinema (D) too close to call
 - Mississippi: Senator Hyde Smith (R) vs Mike Espy (D) – headed for November 27 runoff

2018 Election Results: Senate

- A Red Wall
 - The electoral map was never in Senate Democrats favor
 - 26 of the 35 Senate races this year were for seats held by Democrats
 - ◆ Of the 10 Democratic incumbents from states that Trump carried in 2016 – at least three and at most four (Florida TBD) lost re-election
 - Trump, seeking to put as many “bricks” in the Senate GOP wall as possible, held 44 rallies in support of Republican candidates – mostly those for Senate
 - ◆ This year, he held multiple rallies in key Senate states
 - Indiana (4), Montana (4), Florida (3), Nevada (3), Ohio (3), Tennessee (3), and West Virginia (3)
- House to Senate
 - Reps. Cramer (R-ND), Rosen (D-NV), and either Sinema (D-AZ) or McSally (R-AZ) will cross the Rotunda to join the other 50 Senators who are former House members

2018 Election Results: Senate





*Indicates change in party control

KEY RACES	STATE	INCUMBENT/CHALLENGER	WINNER
	Florida	Bill Nelson (D) vs. Rick Scott (R)	Recount (Scott leading)
	Indiana	Joe Donnelly (D) vs. Mike Braun (R)	Braun (R)*
	Minnesota	Tina Smith (D) vs. Karen Housley (R)	Smith (D)
	Missouri	Claire McCaskill (D) vs. Josh Hawley (R)	Hawley (R)*
	Montana	Jon Tester (D) vs. Matt Rosendale (R)	Tester (D)
	Nevada	Dean Heller (R) vs. Jacky Rosen (D)	Rosen (D)*
	North Dakota	Heidi Heitkamp (R) vs. Kevin Cramer (R)	Cramer (R)*
	New Jersey	Bob Menendez (D) vs. Bob Hugin (R)	Menendez (D)
	Texas	Ted Cruz (R) vs. Beto O'Rourke (D)	Cruz (R)
	West Virginia	Joe Manchin (D) vs. Patrick Morrissey (R)	Manchin (D)




OPEN SEATS	STATE	RETIRING SENATOR	WINNER
	Arizona	Jeff Flake (R)	Martha McSally (R) leading Kyrsten Sinema (D)
	Tennessee	Bob Corker (R)	Marsha Blackburn (R)
	Utah	Orrin Hatch (R)	Mitt Romney (R)





2018 Election Results: Senate

STATE	NEWLY-ELECTED SENATOR	
Arizona <i>Not Yet Called; Sinema leading</i>		<p>Martha McSally (R) is currently serving her 2nd term in the House, representing Arizona's 2nd Congressional district. She serves on the Armed Services and Homeland Security Committees. While in the Air Force, McSally was the first female to fly in combat.</p>
		<p>Kyrsten Sinema (D) is currently serving her 3rd term in the House, representing Arizona's 9th Congressional district. She is a member of the conservative Blue Dog coalition and serves on the Financial Services Committee. She is a former social worker and state legislator and holds a law degree and PhD. She is the first openly bisexual person elected to Congress.</p>
Florida <i>Not Yet Called (Recount with Sen. Nelson)</i>		<p>Rick Scott (R) is finishing his second term as Governor of Florida, first elected in 2010. He is an attorney and former health care executive and venture capitalist.</p>
Indiana		<p>Mike Braun (R) defeated incumbent Senator Joe Donnelly (D). Braun is the president and CEO of Meyer Distributing and holds an MBA from Harvard. He served in the Indiana House from 2014-2017.</p>

2018 Election Results: Senate

STATE	NEWLY-ELECTED SENATOR	
Missouri		<p>Josh Hawley (R) defeated incumbent Senator Claire McCaskill (D). He is currently Missouri's Attorney General. Hawley previously clerked for Supreme Court Justice Roberts and taught at the University of Missouri Law School. He also worked for the Becket Fund for Religious Liberty. He will be the youngest Senator.</p>
Nevada		<p>Jacky Rosen (D) defeated incumbent Dean Heller (R). Rosen is currently serving her first term in the House, representing Nevada's 3rd Congressional district (Las Vegas). Rosen serves on the Armed Services and Science, Space & Technology Committees.</p>
North Dakota		<p>Kevin Cramer (R) defeated incumbent Heidi Heitkamp (D). Cramer is currently serving his 3rd term in the House as North Dakota's only Member of the House. He serves on the Energy and Commerce Committee. Cramer previously chaired the North Dakota Republican Party, served as Tourism Director, and Economic Development Director and also served on the state's Public Service Commission from 2003-2012.</p>

2018 Election Results: Senate

STATE	NEWLY-ELECTED SENATOR	
Tennessee		<p>Marsha Blackburn (R) won the open seat to succeed retiring Senator Corker (R). Blackburn is currently serving her 8th term in the House, representing Tennessee's 7th Congressional district. She serves on the Energy and Commerce Committee where she chairs the Communications and Technology Subcommittee. Blackburn served in the Tennessee Senate, including as minority whip. She is also a small business owner.</p>
Utah		<p>Mitt Romney (R) won the open seat to succeed retiring Senator Hatch (R). Romney was the Republican nominee for President in 2012. He served as the Governor of Massachusetts from 2003-2007. While governor, he helped develop the state's health care reform law. Romney is the former CEO of Bain & Company and president of Bain Capital. He also ran the Salt Lake Organizing Committee for the 2002 Winter Olympics.</p>

2018 Election Results: House

Democrats Win Control of the House

	TOTAL	NET GAIN / LOSS
Democrats	230	+37
Republicans	205	-37

*If current leads stand in outstanding races

- Democrats are likely to net 37 seats (23 were needed for the majority)
 - Incumbent Republicans in suburban districts were the biggest casualty
- 12 races yet to be determined:

GOP Incumbent Leading	Dem Challenger Leading
CA-10: Rep. Denham (R)	CA-25: Rep. Knight (R)
CA-39: OPEN (R)	CA-48: Rep. Rohrabacher (R)
CA-45: Rep. Walters (R)	NJ-03: MacArthur (R)
GA-07: Rep Woodall (R)	NY-22: Rep. Tenney (R)
ME-02: Rep. Poliquin (R)	UT-04: Rep. Love (R)
NY-27: Rep. Collins (R)	
TX-23: Rep. Hurd (R)	

2018 Election Results: House

- Was it a wave in the House?
 - Democrats are projected to win the national popular vote by nearly 7 percentage points, which is close to the GOP “waves” in 1994 (+7.9%), 2010 (+6.8%) and 2014 (5.7%) and the Democratic “wave” in 2006 (+8%)
 - Districts that flipped to Democrats had an average shift of 21 points; the average district nationwide moved 10 percentage points to the left
 - ◆ In the most recent Republican wave (2010), districts shifted more than 19 points to the right (*NYTimes*)
- Shifts in Delegations
 - Pennsylvania, largely due to court-ordered redistricting, saw a 6-seat Republican advantage shrink to even
 - Republican delegations in East Coast states saw their ranks dwindle further
 - ◆ New York: Democrats may flip as many as four GOP seats
 - ◆ Virginia: Democrats flipped three GOP seats
 - ◆ New Jersey: If Democratic candidates maintain their leads, there will be just one Republican (Chris Smith) in the 13-Member delegation
 - Minnesota will have five new members (3D, 2R) out of 8 seats
 - New Mexico becomes the only all “blue” Western state with all Democrats in the state’s House and Senate delegation

2018 Election Results: House

- Suburbs / Trump Country
 - Of the 25 Clinton-won GOP districts, Democrats have won at least 14 and very likely will win several more
 - Democrats flipped two seats in Iowa, a state Trump won in 2016 by 9 points
 - Notable upsets in districts that Trump won in 2016 by an average of +12: Dan Donovan (R, NY-11), Steve Russell (R, OK-5) and the Open Republican seat in South Carolina's 1st District (Sanford)
- Demographics
 - At least 113 women have been elected to the U.S. House – the most ever
 - Representatives-Elect Ocasio-Cortez (D-NY) and Finkenauer (D-IA), both 29, will become the youngest women to serve in the House
 - Representatives-Elect Escobar and Garcia become the 1st Latinas to represent Texas in Congress
 - Representatives-Elect Hayes (D-CT) and Pressley (D-MA) become the 1st women of color elected from their states
 - Representatives-Elect Haaland (D-NM) and Davids (D-KS) are the first Native American women elected to Congress

2018 Election Results: House

- Newly-elected Democrats who received endorsements from PACs affiliated with Congressional Caucuses: Progressives (liberal), New Democrats (centrist), and Blue Dogs (conservative)

Progressives (20 as of 11/8/18)			
CA-49 – Levin	MA-07 – Pressley	NM-01 – Haaland	PA-04 – Dean
CO-02 – Neguse	MI-09 – Levin	NV-04 – Horsford	PA-05 – Scanlon
CT-05 – Hayes	MI-13 – Tlaib	NY-14 – Ocasio-Cortez	PA-07 – Wild*
FL-26 – Mucarsel Powell*	MN-02 – Craig*	NY-19 – Delgado	TX-06 – Escobar
IL-04 – Garcia	MN-05 – Omar	NY-25 – Morelle	TX-29 – Garcia

New Democrats (24 as of 11/8/18)			
AZ-02 – Kirkpatrick	MI-08 – Slotkin	NJ-11 – Sherrill*	TX-07 – Fletcher
AZ-09 – Stanton	MI-11 – Stevens	NM-02 – Torres Small*	TX-16 – Escobar*
CO-06 – Crow	MN-02 – Craig*	NV-03 – Lee	TX-32 – Allred
FL-26 – Mucarsel-Powell*	MN-03 – Phillips	NY-11 – Rose*	VA-02 – Luria
IL-06 – Casten	NH-01 – Pappas	PA-06 – Houlahan	VA-07 – Spanberger*
KS-03 – Davids	NJ-07 – Malinowski	PA-07 – Wild*	VA-10 – Wexton

Blue Dogs (5 as of 11/8/2018)		
NJ-02 – Van Drew	NM-02 – Torres Small*	VA-07 – Spanberger*
NJ-11 – Sherrill*	NY-11 – Rose*	

**Note some candidates were endorsed by more than one PAC*

2018 Election Results: House

- Newly-elected Republicans who received endorsements from PACs affiliated with Congressional Caucuses: Main Street (moderate) and Tea Party or House Freedom Caucus (ultra-conservative)

Main Street Republicans		
OH-12 – Balderson	PA-13 – Joyce	WV-03 – Miller
OH-16 – Gonzalez	PA-14 – Reschenthaler	

Freedom Caucus / Tea Party	
FL-17- Steube	TX-06 – Wright
ID-01 – Fulcher	TX-21 – Roy
TN-07 – Green	VA-05 – Riggleman
TX-02 – Crenshaw	VA-06 - Cline

2018 Election Results: House GOP Open Seats

*Change in party control

SEAT	RETIRING	NEW MEMBER
FL-15	Ross (R)	Ross Spano (R)
FL-17	Rooney (R)	Greg Steube (R)
FL-27	Ros-Lehtinen (R)	Donna Shalala (D)*
KS-02	Jenkins (R)	Steve Watkins (R)
MI-11	Trott (R)	Haley Stevens (D)*
MS-03	Harper (R)	Michael Guest (R)
NJ-02	LoBiondo (R)	Jeff Van Drew (D)*
NJ-11	Frelinghuysen (R)	Mikie Sherrill (D)*
PA-06	Costello (R)	Chrissy Houlahan (D)*
PA-13	Shuster (R)	Dan Meuser (R)
SC-04	Gowdy (R)	William Timmons (R)
TN-02	Duncan (R)	Tim Burchett (R)
TX-02	Poe (R)	Dan Crenshaw (R)
TX-03	Johnson (R)	Van Taylor (R)
TX-05	Hensarling (R)	Lance Gooden (R)
TX-06	Barton (R)	Ron Wright (R)

SEAT	RETIRING	NEW MEMBER
TX-21	Smith (R)	Chip Roy (R)
VA-05	Garrett (R)	Denver Riggleman (R)
VA-06	Goodlatte (R)	Ben Cline (R)
WA-08	Reichert (R)	Kim Schrier (D)*
WI-01	Ryan (R)	Bryan Steil (R)

SEAT	SEEKING OTHER OFFICE	NEW MEMBER
AZ-02	McSally (R) – Senate	Ann Kirkpatrick (D)*
ID-01	Labrador (R) – Gov	Russ Fulcher (R)
IN-04	Rokita (R) – Senate	Jim Baird (R)
IN-06	Messer (R) – Senate	Greg Pence (R)
NM-02	Pearce (R) – Gov	Torres Small (D)*
ND-AL	Cramer (R) – Senate	Kelly Armstrong (R)
OH-16	Renacci (R) – Senate	Anthony Gonzalez (R)
PA-11	Barletta (R) – Senate	Redistricted – Smucker (R)
SD-AL	Noem (R) – Gov	Dusty Johnson (R)
TN-06	Black (R) – Gov	John Rose (R)
TN-08	Blackburn (R) – Senate	Mark Green (R)

2018 Election Results: House GOP Open Seats

*Change in party control

SEAT	VACANT	NEW MEMBER
FL-06	Vacant / DeSantis (R)	Michael Waltz (R)
OK-01	Vacant / Bridenstine (R)	Kevin Hern (R)
PA-05	Vacant	Mary Gay Scanlon (D)*
PA-07	Vacant	Susan Wild (D)*
WV-03	Vacant / Jenkins (R)	Carol Miller (R)

SEAT	LOST PRIMARY	NEW MEMBER
NC-09	Pittenger (R)	Mark Harris (R)
SC-01	Sanford (R)	Joe Cunningham (D)*

2018 Election Results: House Dem Open Seats

*Change in party control

SEAT	SEEKING OTHER OFFICE	NEW MEMBER
AZ-09	Sinema (D) – Senate	Greg Stanton (D)
CO-02	Polis (D) – Gov	Joe Neguse (D)
HI-01	Hanabusa (D) – Gov	Ed Case (D)
MD-06	Delaney (D) – Pres	David Trone (D)
MN-01	Walz (D) – Gov	Jim Hagedorn (R)*
MN-05	Ellison (D) – MN AG	Ilhan Omar (D)
MN-08	Nolan (D) – Lt Gov	Pete Stauber (R)*
NV-03	Rosen (D) – Senate	Susie Lee (D)
NM-01	Grisham (D) – Gov	Deb Haaland (D)
TX-16	O’Rourke (D) – Senate	Veronica Escobar (D)

SEAT	VACANCY	NEW MEMBER
MI-13	Vacant / Conyers (D)	Rashida Tlaib (D)
NY-25	Vacant / Slaughter (D)	Joe Morelle (D)

SEAT	RETIRING	NEW MEMBER
CT-05	Esty (D)	Jahana Hayes (D)
IL-04	Gutierrez (D)	Chuy Garcia (D)
MA-03	Tsongas (D)	Lori Trahan (D)
MI-09	Levin (D)	Andy Levin (D)
NV-04	Kihuen (D)	Steven Horsford (D)
NH-01	Shea Porter (D)	Chris Pappas (D)
TX-29	Green (D)	Sylvia Garcia (D)

SEAT	LOST PRIMARY	NEW MEMBER
MA-07	Capuano (D)	Ayanna Pressley (D)
NY-14	Crowley (D)	Alexandria Ocasio-Cortez (D)

2018 Election Results: Incumbent Losses

SEAT	DEFEATED INCUMBENT	NEW MEMBER	SEAT	DEFEATED INCUMBENT	NEW MEMBER
CO-06	Coffman (R)	Jason Crow (D)	NJ-07	Lance (D)	Tom Malinowski (D)
FL-26	Curbelo (R)	Debbie Mucarsel-Powell (D)	NY-11	Donovan (R)	Max Rose (D)
GA-06	Handel (R)	Lucy McBath (D)	NY-19	Faso (R)	Antonio Delgado (D)
IA-01	Blum (R)	Abby Finkenauer (D)	OK-05	Russell (R)	Kendra Horn (D)
IA-03	Young (R)	Cindy Axne (D)	TX-07	Culberson (R)	Lizzie Fletcher (D)
IL-06	Roskam (R)	Sean Casten (D)	TX-32	Sessions (R)	Colin Allred (D)
IL-14	Hultgren (R)	Lauren Underwood (D)	VA-02	Taylor (R)	Elaine Luria (D)
KS-03	Yoder (R)	Sharice Davids (D)	VA-07	Brat (R)	Abigail Spanberger (D)
MI-08	Bishop (R)	Elissa Slotkin (D)	VA-10	Comstock (R)	Jennifer Wexton (D)
MN-02	Lewis (R)	Angie Craig (D)			

2018 Election Results: House Delegation Changes

Alabama

6 R / 1 D: No Change

1st	Byrne, Bradley	R
2nd	Roby, Martha	R
3rd	Rogers, Mike	R
4th	Aderholt, Robert	R
5th	Brooks, Mo	R
6th	Palmer, Gary	R
7th	Sewell, Terri A.	D

Alaska

1 R / 0 D: No Change

AL	Young, Don	R
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Arizona

5 D / 4 R: D+1

1st	O'Halleran, Tom	D
2nd	D FLIP (OPEN): Ann Kirkpatrick (D) replaces McSally (R)	D
3rd	Grijalva, Raul	D
4th	Gosar, Paul A.	R
5th	Biggs, Andy	R
6th	Schweikert, David	R
7th	Gallego, Ruben	D
8th	Lesko, Debbie	R
9th	D HOLD (OPEN): Greg Stanton (D) replaces Sinema (D)	D

Arkansas

4 R / 0 D: No Change

1st	Crawford, Rick	R
2nd	Hill, French	R
3rd	Womack, Steve	R
4th	Westerman, Bruce	R

California

42 D / 11 R: D+1 (if leads hold)

1st	LaMalfa, Doug	R
2nd	Huffman, Jared	D
3rd	Garamendi, John	D
4th	McClintock, Tom	R
5th	Thompson, Mike	D
6th	Matsui, Doris O.	D
7th	Bera, Ami	D
8th	Cook, Paul	R
9th	McNerney, Jerry	D
10th	Denham, Jeff leading	R
11th	DeSaulnier, Mark	D
12th	Pelosi, Nancy	D
13th	Lee, Barbara	D
14th	Speier, Jackie	D
15th	Swalwell, Eric	D
16th	Costa, Jim	D
17th	Khanna, Ro	D
18th	Eshoo, Anna G.	D

California, cont'd

18th	Eshoo, Anna G.	D
19th	Lofgren, Zoe	D
20th	Panetta, Jimmy	D
21st	Valadao, David	R
22nd	Nunes, Devin	R
23rd	McCarthy, Kevin	R
24th	Carbajal, Salud	D
25th	D FLIP: Josh Harder (D) leading Knight (R)	D
26th	Brownley, Julia	D
27th	Chu, Judy	D
28th	Schiff, Adam	D
29th	Cárdenas, Tony	D
30th	Sherman, Brad	D
31st	Aguilar, Pete	D
32nd	Napolitano, Grace	D
33rd	Lieu, Ted	D
34th	Gomez, Jimmy	D
35th	Torres, Norma	D
36th	Ruiz, Raul	D
37th	Bass, Karen	D
38th	Sánchez, Linda	D
39th	R HOLD (OPEN): Young Kim (R) leading to replace Royce (R)	R
40th	Roybal-Allard, Lucille	D
41st	Takano, Mark	D
42nd	Calvert, Ken	R

2018 Election Results: House Delegation Changes

California, cont'd

43rd	Waters, Maxine	D
44th	Barragán, Nanette	D
45th	Walters, Mimi leading	R
46th	Correa, J. Luis	D
47th	Lowenthal, Alan	D
48th	D FLIP: Harley Rouda (D) leading Rohrabacher (R)	D
49th	D FLIP (OPEN): Mike Levin to replace Issa (R)	D
50th	Hunter, Duncan D.	R
51st	Vargas, Juan	D
52nd	Peters, Scott	D
53rd	Davis, Susan	D

Colorado

4 D / 3 R: D+1

1st	DeGette, Diana	D
2nd	D HOLD (OPEN): Joe Neguse (D) replaces Polis (D)	D
3rd	Tipton, Scott	R
4th	Buck, Ken	R
5th	Lamborn, Doug	R
6th	D FLIP: Jason Crow (D) defeats incumbent Coffman (R)	D
7th	Perlmutter, Ed	D

Connecticut

5 D / 0 R: No Change

1st	Larson, John B.	D
2nd	Courtney, Joe	D
3rd	DeLauro, Rosa L.	D
4th	Himes, Jim	D
5th	D HOLD (OPEN): Jahana Hayes (D) replaces Esty (D)	D

Delaware

1 D / 0 R: No Change

AL	Blunt Rochester, Lisa	D
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Florida

14 R / 13 D: D+2

1st	Gaetz, Matt	R
2nd	Dunn, Neal	R
3rd	Yoho, Ted	R
4th	Rutherford, John	R
5th	Lawson, Al	D
6th	R HOLD (OPEN): Michael Waltz (R) replaces DeSantis (R)	R
7th	Murphy, Stephanie	D
8th	Posey, Bill	R
9th	Soto, Darren	D
10th	Demings, Val	D
11th	Webster, Daniel	R
12th	Bilirakis, Gus M.	R

Florida, cont'd

13th	Crist, Charlie	D
14th	Castor, Kathy	D
	R HOLD (OPEN): Ross Spano (R) replaces	
15th	Ross (R)	R
16th	Buchanan, Vern	R
	R HOLD (OPEN): Greg Steube (R) replaces	
17th	Rooney (R)	R
18th	Mast, Brian	R
19th	Rooney, Francis	R
20th	Hastings, Alcee L.	D
21st	Frankel, Lois	D
22nd	Deutch, Ted	D
23rd	Wasserman Schultz, Debbie	D
24th	Wilson, Frederica	D
25th	Diaz-Balart, Mario	R
	D FLIP: Debbie Mucarsel-Powell (D)	
26th	defeats Curbelo (R)	D
	D FLIP (OPEN): Donna Shalala (D) replaces	
27th	Ros-Lehtinen (R)	D

Georgia

9 R / 5 D: D+1 (if lead holds)

1st	Carter, Buddy	R
2nd	Bishop Jr., Sanford D.	D
3rd	Ferguson, A. Drew	R
4th	Johnson, Henry C. "Hank" Jr.	D
5th	Lewis, John	D

2018 Election Results: House Delegation Changes

Georgia, cont'd

6th	D FLIP: Lucy McBath (D) defeats Handel (R)	D
7th	Woodall, Robert leading	R
8th	Scott, Austin	R
9th	Collins, Doug	R
10th	Hice, Jody	R
11th	Loudermilk, Barry	R
12th	Allen, Rick	R
13th	Scott, David	D
14th	Graves, Tom	R

Hawaii

2 D / 0 R: No Change

1st	D HOLD (OPEN): Ed Case (D) replaces Hanabusa (D)	D
2nd	Gabbard, Tulsi	D

Idaho

2 R / 0 D: No Change

1st	R HOLD (OPEN): Russ Fulcher (R) replaces Labrador (R)	R
2nd	Simpson, Mike	R

Illinois

13 D / 5 R: D+2

1st	Rush, Bobby L.	D
2nd	Kelly, Robin	D
3rd	Lipinski, Daniel	D
	D HOLD (OPEN): Jesus Garcia (D) replaces	
4th	Gutierrez (D)	D
5th	Quigley, Mike	D
	D FLIP: Sean Casten (D) defeats	
6th	Roskam (R)	D
7th	Davis, Danny K.	D
8th	Krishnamoorthi, Raja	D
9th	Schakowsky, Jan	D
10th	Schneider, Bradley	D
11th	Foster, Bill	D
12th	Bost, Mike	R
13th	Davis, Rodney	R
	D FLIP: Lauren Underwood (D) defeats	
14th	Hultgren (R)	D
15th	Shimkus, John	R
16th	Kinzinger, Adam	R
17th	Bustos, Cheri	D
18th	LaHood, Darin	R

Indiana

7 R / 2 D: No Change

1st	Visclosky, Peter	D
2nd	Walorski, Jackie	R

Indiana, cont'd

3rd	Banks, Jim	R
4th	R HOLD (OPEN): Jim Baird (R) replaces Rokita (R)	R
5th	Brooks, Susan W.	R
6th	R HOLD (OPEN): Greg Pence (R) replaces Messer (R)	R
7th	Carson, André	D
8th	Bucshon, Larry	R
9th	Hollingsworth, Trey	R

Iowa

3 D / 1 R: D+2

1st	D FLIP: Abby Finkenauer (D) defeats Blum (R)	D
2nd	Loebsack, David	D
3rd	D FLIP: Cindy Axne (D) defeats Young (R)	D
4th	King, Steve	R

Kansas

3 R / 1 D: D+1

1st	Marshall, Roger	R
2nd	R HOLD (OPEN): Steve Watkins (R) replaces Jenkins (R)	R
3rd	D FLIP: Sharice Davids (D) defeats Yoder (R)	D
4th	Estes, Ron	R

2018 Election Results: House Delegation Changes

Kentucky		
5 R / 1 D: No Change		
1st	Comer, James	R
2nd	Guthrie, S. Brett	R
3rd	Yarmuth, John A.	D
4th	Massie, Thomas	R
5th	Rogers, Harold	R
6th	Barr, Andy	R

Louisiana		
5 R / 1 D: No Change		
1st	Scalise, Steve	R
2nd	Richmond, Cedric	D
3rd	Higgins, Clay	R
4th	Johnson, Mike	R
5th	Abraham, Ralph	R
6th	Graves, Garret	R

Maine		
1 R / 1 D: No Change (if lead holds)		
1st	Pingree, Chellie	D
2nd	Poliquin, Bruce leading	R

Maryland		
7 D / 1 R: No Change		
1st	Harris, Andy	R
2nd	Ruppersberger, C. A. Dutch	D
3rd	Sarbanes, John P.	D
4th	Brown, Anthony	D
5th	Hoyer, Steny H.	D
6th	D HOLD (OPEN): David Trone (D) replaces Delaney (D)	D
7th	Cummings, Elijah	D
8th	Raskin, Jamie	D

Massachusetts		
9 D / 0 R: No Change		
1st	Neal, Richard E.	D
2nd	McGovern, James	D
3rd	D HOLD (OPEN): Lori Trahan (D) replaces Tsongas (D)	D
4th	Kennedy III, Joseph P.	D
5th	Clark, Katherine	D
6th	Moulton, Seth	D
7th	D HOLD (OPEN): Ayanna Pressley (D) defeated Capuano (D) in primary	D
8th	Lynch, Stephen F.	D
9th	Keating, William	D

Michigan		
7 R / 7 D: D+2		
1st	Bergman, Jack	R
2nd	Huizenga, Bill	R
3rd	Amash, Justin	R
4th	Moolenaar, John	R
5th	Kildee, Daniel	D
6th	Upton, Fred	R
7th	Walberg, Tim	R
8th	D FLIP (OPEN): Elissa Slotkin (D) defeats Bishop (R)	D
9th	D HOLD (OPEN): Andy Levin (D) replaces Levin (D)	D
10th	Mitchell, Paul	R
11th	D FLIP (OPEN): Haley Stevens (D) replaces Trott (R)	D
12th	Dingell, Debbie	D
13th	D HOLD (VACANT): Rashida Tlaib (D) replaces Conyers (D)	D
14th	Lawrence, Brenda	D

2018 Election Results: House Delegation Changes

Minnesota

5 R / 3 D: No Change

1st	R FLIP (OPEN): Jim Hagedorn (R) replaces Walz (D)	R
2nd	D FLIP: Angie Craig (D) defeats Lewis (R)	D
3rd	D FLIP: Dean Phillips (D) defeats Paulsen (R)	D
4th	McCollum, Betty	D
5th	D HOLD (OPEN): Ilhan Omar (D) replaces Ellison (D)	D
6th	Emmer, Tom	R
7th	Peterson, Collin C.	D
8th	R FLIP (OPEN): Pete Stauber (R) replaces Nolan (D)	R

Mississippi

3 R / 1 D: No Change

1st	Kelly, Trent	R
2nd	Thompson, Bennie G.	D
3rd	R HOLD (OPEN): Michael Guest (R) replaces Harper (R)	R
4th	Palazzo, Steven	R

Missouri

6 R / 2 D: No Change

1st	Clay Jr., William "Lacy"	D
2nd	Wagner, Ann	R

Missouri, cont'd

3rd	Luetkemeyer, Blaine	R
4th	Hartzler, Vicky	R
5th	Cleaver, Emanuel	D
6th	Graves, Sam	R
7th	Long, Billy	R
8th	Smith, Jason	R

Montana

1 R / 0 D: No Change

AL	Gianforte, Greg	R
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Nebraska

3 R / 0 D: No Change

1st	Fortenberry, Jeff	R
2nd	Bacon, Don	R
3rd	Smith, Adrian	R

Nevada

3 D / 1 R: No Change

1st	Titus, Dina	D
2nd	Amodei, Mark	R
3rd	D HOLD (OPEN): Susie Lee (D) replaces Rosen (D)	D
4th	D HOLD (OPEN): Steven Horsford (D) replaces Kihuen (D)	D

New Hampshire

2 D / 0 R: No Change

1st	D HOLD (OPEN): Chris Pappas (D) replaces Shea-Porter (D)	D
2nd	Kuster, Ann	D

New Jersey

11 D / 1 R: D+4 (if lead holds)

1st	Norcross, Donald	D
2nd	D FLIP (OPEN): Jeff Van Drew (D) replaces LoBiondo (R)	D
3rd	D FLIP: Andy Kim (D) leading MacArthur (R)	D
4th	Smith, Chris	R
5th	Gottheimer, Josh	D
6th	Pallone Jr., Frank	D
7th	D FLIP: Tom Malinowski (D) defeats Lance (R)	D
8th	Sires, Albio	D
9th	Pascrell Jr., Bill	D
10th	Payne Jr., Donald	D
11th	D FLIP (OPEN): Mikie Sherrill (D) replaces Frelinghuysen (R)	D
12th	Watson Coleman, Bonnie	D

New Mexico

3 D / 0 R: D+1

1st	D HOLD (OPEN): Debra Haaland (D) replaces Lujan Grisham (D)	D
2nd	D FLIP (OPEN): Xochitl Torres Small (D) replaces Pearce (R)	D
3rd	Lujan, Ben R.	D

2018 Election Results: House Delegation Changes

New York

21 D / 6 R: D+3 (if leads hold)

1st	Zeldin, Lee	R
2nd	King, Pete	R
3rd	Suozzi, Thomas	D
4th	Rice, Kathleen	D
5th	Meeks, Gregory W.	D
6th	Meng, Grace	D
7th	Velázquez, Nydia M.	D
8th	Jeffries, Hakeem	D
9th	Clarke, Yvette D.	D
10th	Nadler, Jerrold	D
11th	D FLIP: Max Rose (D) defeats Donovan (R)	D
12th	Maloney, Carolyn	D
13th	Espaillat, Adriano	D
14th	D HOLD (OPEN): Alexandria Ocasio-Cortez (D) defeated Crowley (D) in primary	D
15th	Serrano, José E.	D
16th	Engel, Eliot	D
17th	Lowey, Nita	D
18th	Maloney, Sean Patrick	D
19th	D FLIP: Antonio Delgado (D) defeats Faso (R)	D
20th	Tonko, Paul D.	D
21st	Stefanik, Elise	R

New York, cont'd

22nd	D FLIP: Anthony Brindisi (D) leading Tenney (R)	D
23rd	Reed, Tom	R
24th	Katko, John	R
25th	D HOLD (VACANT): Joseph Morelle (D) replaces Slaughter (D)	D
26th	Higgins, Brian	D
27th	Collins, Chris leading	R

North Carolina

10 R / 3 D: No Change

1st	Butterfield, G.K.	D
2nd	Holding, George	R
3rd	Jones, Walter B.	R
4th	Price, David	D
5th	Foxx, Virginia	R
6th	Walker, Mark	R
7th	Rouzer, David	R
8th	Hudson, Richard	R
9th	R HOLD (OPEN): Mark Harris (R) leading to replace Pittenger (R)	R
10th	McHenry, Patrick T.	R
11th	Meadows, Mark	R
12th	Adams, Alma	D
13th	Budd, Ted	R

North Dakota

1 R / 0 D: No Change

AL	R HOLD (OPEN): Kelly Armstrong (R) replaces Cramer (R)	R
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Ohio

12 R / 2 D: No Change

1st	Chabot, Steve	R
2nd	Wenstrup, Brad	R
3rd	Beatty, Joyce	D
4th	Jordan, Jim	R
5th	Latta, Robert E.	R
6th	Johnson, Bill	R
7th	Gibbs, Bob	R
8th	Davidson, Warren	R
9th	Kaptur, Marcy	D
10th	Turner, Michael	R
11th	Fudge, Marcia L.	D
12th	Balderson, Troy	R
13th	Ryan, Tim	D
14th	Joyce, David	R
15th	Stivers, Steve	R
16th	R HOLD (OPEN): Anthony Gonzalez (R) replaces Renacci (R)	R

2018 Election Results: House Delegation Changes

Oklahoma

4 R / 1 D: D+1

1st	R HOLD (VACANT): Kevin Hern (R) replaces R Bridenstine (R)	
2nd	Mullin, Markwayne	R
3rd	Lucas, Frank	R
4th	Cole, Tom	R
5th	D FLIP: Kendra Horn (D) defeats Russell (R)	D

Oregon

4 D / 1 R: No Change

1st	Bonamici, Suzanne	D
2nd	Walden, Greg	R
3rd	Blumenauer, Earl	D
4th	DeFazio, Peter	D
5th	Schrader, Kurt	D

Pennsylvania [REDISTRICTED]

9 D / 9 R: D+3

1st	Fitzpatrick, Brian (formerly PA-08)	R
2nd	Boyle, Brendan (formerly PA-13)	D
3rd	Evans, Dwight (formerly PA-02)	D
4th	OPEN: Madeleine Dean (D)	D
5th	OPEN: Mary Gay Scanlon (D)	D

Pennsylvania, cont'd

6th	OPEN: Chrissy Houlahan (D)	D
7th	OPEN: Susan Wild (D)	D
8th	Cartwright, Matt (formerly PA-17)	D
9th	OPEN: Dan Meuser (R)	R
10th	Perry, Scott (formerly PA-04)	R
11th	Smucker, Lloyd (formerly PA-16)	R
12th	Marino, Tom (formerly PA-10)	R
13th	OPEN: John Joyce (R)	R
14th	OPEN: Guy Reschenthaler (R)	R
15th	Thompson, Glenn W. (formerly PA-05)	R
16th	Kelly, Mike (formerly PA-03)	R
17th	Lamb, Conor (formerly PA-18)	D
18th	Doyle, Mike (formerly PA-14)	D

Rhode Island

2 D / 0 R: No Change

1st	Cicilline, David	D
2nd	Langevin, Jim	D

South Carolina

5 R / 2 D: D+1

1st	D FLIP (OPEN): Joe Cunningham (D) replaces Sanford (R)	D
2nd	Wilson, Joe	R
3rd	Duncan, Jeff	R
4th	R HOLD (OPEN): William Timmons (R) replaces Gowdy (R)	R
5th	Norman, Ralph	R

South Carolina, cont'd

6th	Clyburn, James E.	D
7th	Rice, Tom	R

South Dakota

1 R / 0 D: No Change

AL	R HOLD (OPEN): Dusty Johnson (R) replaces Noem (R)	R
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Tennessee

7 R / 2 D: No Change

1st	Roe, Phil	R
2nd	R HOLD (OPEN): Tim Burchett (R) replaces Duncan (R)	R
3rd	Fleischmann, Chuck	R
4th	Desjarlais, Scott	R
5th	Cooper, Jim	D
6th	R HOLD (OPEN): John Rose (R) replaces Black (R)	R
7th	R HOLD (OPEN): Mark Green (R) replaces Blackburn (R)	R
8th	Kustoff, David	R
9th	Cohen, Steve	D

2018 Election Results: House Delegation Changes

Texas		
23 R / 13 D: D+2 (if lead holds)		
1st	Gohmert, Louie	R
2nd	R HOLD (OPEN): Dan Crenshaw (R) replaces Poe (R)	R
3rd	R HOLD (OPEN): Van Taylor (R) replaces Johnson (R)	R
4th	Ratcliffe, John	R
5th	R HOLD (OPEN): Lance Gooden (R) replaces Hensarling (R)	R
6th	R HOLD (OPEN): Ron Wright (R) replaces Barton (R)	R
7th	D FLIP: Lizzie Pannill Fletcher (D) defeats Culberson (R)	D
8th	Brady, Kevin	R
9th	Green, Al	D
10th	McCaul, Michael T.	R
11th	Conaway, K. Michael	R
12th	Granger, Kay	R
13th	Thornberry, Mac	R
14th	Weber, Randy	R
15th	Gonzalez, Vicente	D
16th	D HOLD (OPEN): Veronica Escobar (D) replaces O'Rourke (D)	D
17th	Flores, Bill	R
18th	Jackson Lee, Sheila	D

Texas, cont'd		
19th	Arrington, Jodey	R
20th	Castro, Joaquin	D
21st	R HOLD (OPEN): Chip Roy (R) replaces Smith (R)	R
22nd	Olson, Pete	R
23rd	Hurd, Will leading	R
24th	Marchant, Kenny	R
25th	Williams, Roger	R
26th	Burgess, Michael	R
27th	Cloud, Michael	R
28th	Cuellar, Henry	D
29th	D HOLD (OPEN): Sylvia R. Garcia (D) replaces Green (D)	D
30th	Johnson, Eddie Bernice	D
31st	Carter, John	R
32nd	D FLIP: Colin Allred (D) defeats Sessions (R)	D
33rd	Veasey, Marc	D
34th	Vela, Filemon	D
35th	Doggett, Lloyd	D
36th	Babin, Brian	R

Utah		
3 R / 1 D: D+1 (if lead holds)		
1st	Bishop, Rob	R
2nd	Stewart, Chris	R
3rd	Curtis, John R.	R
4th	D FLIP: Ben McAdams (D) leading Love (R)	D

Vermont		
1 D / 0 R: No Change		
AL	Welch, Peter	D

Virginia		
7 D / 4 R: D+3		
1st	Wittman, Robert J.	R
2nd	D FLIP: Elaine Luria (D) defeats Taylor (R)	D
3rd	Scott, Robert C.	D
4th	McEachin, A. Donald	D
5th	R HOLD (OPEN): Denver Riggleman (R) replaces Garrett (R)	R
6th	R HOLD (OPEN): Ben Kline (R) replaces Goodlatte (R)	R
7th	D FLIP: Abigail Spanberger (D) defeats Brat (R)	D
8th	Beyer, Don	D
9th	Griffith, Morgan	R
10th	D FLIP: Jennifer Wexton (D) defeats Comstock (R)	D
11th	Connolly, Gerald E. "Gerry"	D

2018 Election Results: House Delegation Changes

Washington

7 D / 3 R: D+1

1st	DelBene, Suzan	D
2nd	Larsen, Rick	D
3rd	Herrera Beutler, Jaime	R
4th	Newhouse, Dan	R
5th	McMorris Rodgers, Cathy	R
6th	Kilmer, Derek	D
7th	Jayapal, Pramila	D
8th	D FLIP (OPEN): Kim Schrier (D) replaces Reichert (R)	D
9th	Smith, Adam	D
10th	Heck, Denny	D

West Virginia

3 R / 0 D: No Change

1st	McKinley, David	R
2nd	Mooney, Alex	R
3rd	R HOLD (VACANT): Carol Miller (R) replaces Jenkins (R)	R

Wisconsin

5 R / 3 D: No Change

1st	R HOLD (OPEN): Bryan Steil (R) replaces Ryan (R)	R
2nd	Pocan, Mark	D
3rd	Kind, Ron	D
4th	Moore, Gwen	D
5th	Sensenbrenner, F. James	R
6th	Grothman, Glenn	R
7th	Duffy, Sean P.	R
8th	Gallagher, Mike	R

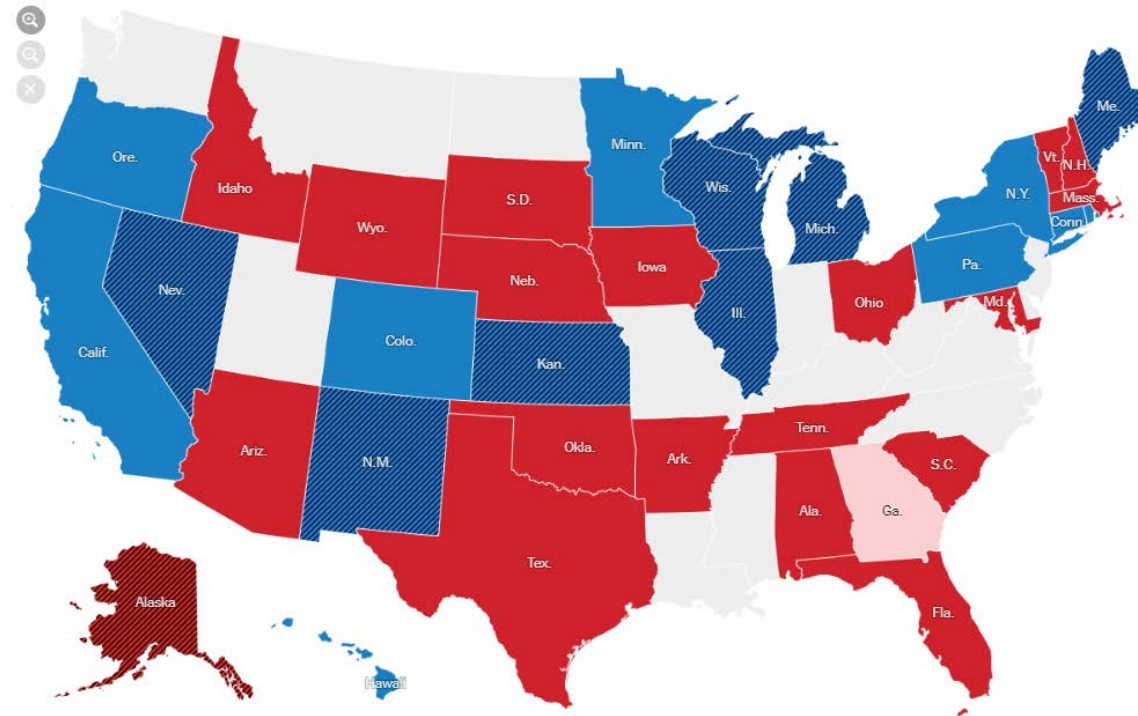
Wyoming

1 R / 0 D: No Change

AL	Cheney, Liz	R
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2018 Election Results: Gubernatorial

Democrats won at least 7 Gubernatorial races



- Republicans were defending 26 seats compared to 9 for Democrats
- Governors elected this year will have an impact on 2020 redistricting, which will determine Congressional districts for the next decade
- if Brian Kemp wins the Georgia race, there will be 37 states with single party control of the governorship, state Senate and state House: Republicans will control 23 state governments to Democrats 14

2018 Election Results: Gubernatorial

*Change in party control

State	Candidates (incumbents bolded)	Winner
AK	Mike Dunleavy (R) vs. Mark Begich (D)	Dunleavy (R)*
AL	Kay Ivey (R) vs. Walt Maddox (D)	Ivey (R)
AR	Asa Hutchinson (R) vs. Jared Henderson (D)	Hutchison (R)
AZ	Doug Ducey (R) vs. David Garcia (D)	Ducey (R)
CA (OPEN)	Gavin Newsom (D) v. John Cox (R)	Newsom (D)
CO (OPEN)	Jared Polis (D) vs. Walker Stapleton (R)	Polis (D)
CT (OPEN)	Ned Lamont (D) vs. Bob Stefanowski (R)	Lamont (D)
FL (OPEN)	Ron DeSantis (R) vs. Andre Gillum (D)	<i>Recount</i>
GA (OPEN)	<i>Brian Kemp (R) vs. Stacey Abrams (D)</i>	<i>Not yet called</i>
HI	David Ige (D) vs. Andria Tupola (R)	Ige (D)
IA	Kim Reynolds (R) vs. Fred Hubbell (D)	Reynolds (R)
ID (OPEN)	Brad Little (R) vs. Paulette Jordan (D)	Little (R)
IL	Bruce Rauner (R) vs. J.B. Pritzker (D)	Pritzker (D)*
KS (OPEN)	Kris Kobach (R) vs. Laura Kelly (D)	Kelly (D)*

2018 Election Results: Gubernatorial

*Change in party control

State	Candidates (incumbents bolded)	Winner
MA	Charlie Baker (R) vs. Jay Gonzalez (D)	Baker (R)
MD	Larry Hogan (R) vs. Benjamin Jealous (D)	Hogan (R)
ME (OPEN)	Shawn Moody (R) vs. Janet Mills (D)	Mills (D)*
MI (OPEN)	Bill Schuette (R) vs. Gretchen Whitmer (D)	Whitmner (D)
MN (OPEN)	Tim Walz (D) vs. Jeff Johnson (R)	Walz (D)
NE	Pete Ricketts (R) vs. Bob Krist (D)	Ricketts (R)
NH	Chris Sununu (R) vs. Molly Kelly (D)	Sununu (R)
NM (OPEN)	Steve Pearce (R) vs. Michelle Lujan Grisham (D)	Grisham (D)
NV (OPEN)	Adam Laxalt (R) vs. Steve Sisolak (D)	Sisolak (D)
NY	Andrew Cuomo (D) vs. Marcus Molinaro (R)	Cuomo (D)
OH (OPEN)	Mike DeWine (R) vs. Richard Cordray (D)	DeWine (R)
OK (OPEN)	Kevin Stitt (R) vs. Drew Edmondson (D)	Stitt (R)
OR	Kate Brown (D) vs. Knute Buehler (R)	Brown (D)

2018 Election Results: Gubernatorial

*Change in party control

State	Candidates (incumbents bolded)	Winner
PA	Tom Wolf (D) vs. Scott Wagner (R)	Wolf (D)
RI	Gina Raimondo (D) vs. Allan Fung (R)	Raimondo (D)
SC	Henry McMaster (R) vs. James Smith (D)	McMaster (R)
SD (OPEN)	Kristi Noem (R) vs. Billie Sutton (D)	Noem (R)
TN (OPEN)	Bill Lee (R) vs. Karl Dean (D)	Lee (R)
TX	Greg Abbott (R) vs. Lupe Valdez (D)	Abbott (R)
VT	Phil Scott (R) vs. Christine Hallquist (D)	Scott (R)
WI	Scott Walker (R) vs. Tony Evers (D)	Evers (D)*
WY (OPEN)	Mark Gordon (R) vs. Mary Throne (D)	Gordon (R)

2018 Election Results: Redistricting

- Federal courts tackling redistricting and impacting composition of the House
- Partisan gerrymandering “noxious, a cancer on our democracy” - Chief U.S. District Judge James K. Bredar Concurring Opinion, *Benisek v. Lamone* (November 7, 2018)
- Pennsylvania redistricting netted additional seats for Democrats
 - ◆ At advent of last Congress, 13 Republicans and 5 Democrats
 - ◆ Net +4 when compared to start of 115th Congress
 - ◆ Net +3 when factoring in Connor Lamb special election to replace former representative Tim Murphy
- North Carolina was spared from redrawing its Congressional Districts by a 3 judge panel of a Federal District Court in NC.... But changes are on the horizon and may impact delegation
 - ◆ North Carolina voters elected 3 Democrats and 10 Republicans
- U.S. Supreme Court declined to review earlier Federal Court rulings invalidating Congressional maps
- And voters are supporting changes to states' decennial redistricting processes
 - ◆ Colorado, Michigan, Missouri and *maybe* Utah approved ballot measures targeting partisan gerrymandering

2018 Election Results: Major Ballot Initiatives

- Washington voters defeated the state's carbon tax initiative, would have imposed a tax of \$15 per ton on CO₂ pollution starting in 2020
- Colorado voters defeated Proposition 112, which would have required new oil and gas wells to be at least 2,500 feet from homes, schools, waterways, and other "vulnerable" sites
- Nevada voters approved an increase in their electricity renewables standards to 50% by 2030; Arizona voters defeated a similar measure
- Nevada voters defeated a measure to restructure the state's regulated utility and establish a "competitive retail electric market"
- California voters rejected a measure to repeal a gas tax increase approved by the legislature last year, while Missouri voters defeated a gas tax increase
- Florida restored voting rights former convicts – with 63 percent support
- Voters backed Medicaid expansion in Idaho, Nebraska, and Utah; a Montana measure failed
- Michigan legalized recreational marijuana; Missouri and Utah did so for medical marijuana
- Voters in San Francisco approved a business tax to fund housing initiatives for the homeless

THE OUTGOING 115TH CONGRESS

The 115th Congress: Accomplishments

- 115th Congress: Major Legislative Accomplishments, 1st Session
 - PL 115-44 / H.R. 3364 - **Countering America's Adversaries through Sanctions Act**, targeting Iran, Russia, and North Korea (8/02/2017)
 - PL 115-52 / H.R. 2430 - **FDA Reauthorization Act of 2017** (8/18/2017)
 - PL 115-56 / H.R. 601 - **Supplemental Appropriations for Disaster Relief Requirements Act** (09/08/2017), as part of short-term CR
 - PL 115-72 / H.R. 2266 - **Additional Supplemental Appropriations for Disaster Relief Requirements Act** (10/26/2017)
 - PL 115-91 / H.R. 2810 - **FY18 National Defense Authorization Act** (12/12/2017)
 - PL 115-97 / H.R. 1 - **Tax Cuts and Jobs Act** (12/22/2017)
 - Republicans also overturned 15 Obama-era regulations via the **Congressional Review Act** in 2017
 - In addition to Senate focus on confirmations

The 115th Congress: Accomplishments

- 115th Congress: Major Legislative Accomplishments, 2nd Session
 - PL 115-118 / S. 139 – **FISA Amendments Reauthorization Act** (1/19/2018)
 - PL 115-120 / H.R. 195 – **Children’s Health Insurance Program Reauthorization** (6-years), as part of short-term CR (1/22/2018)
 - PL 115-123 / H.R. 1892 – **Bipartisan Budget Act of 2018** (2/9/2018)
 - ◆ In addition to increasing spending caps, the package suspended the debt ceiling until March 2019, extended the authorization of the Children’s Health Insurance Program, extended certain tax credits, repealed the ACA’s Independent Payment Advisory Board, and provided \$90 billion for hurricane relief
 - PL 115-141 / H.R. 1625 – **Consolidated Appropriations Act of 2018** (3/23/2018)
 - PL 115-174 / S. 2155 – **Economic Growth, Regulatory Relief and Consumer Protection Act** (4/13/2018)
 - PL 115-224 / H.R. 2353 – **Strengthening Career and Technical Education for the 21st Century Act** (7/31/2018)
 - PL 115-232 / H.R. 5515 – John S. McCain **National Defense Authorization Act** for FY2019 (8/13/2018)
 - ◆ Included major CFIUS and export control reforms

The 115th Congress: Accomplishments

- 115th Congress: Major Legislative Accomplishments, 2nd Session, cont'd
 - PL 115-234 / H.R. 5554 – **Animal Drug and Animal Generic Drug User Fee Amendments** (8/14/2018)
 - PL 115-239 / H.R. 4318 – **Miscellaneous Tariff Bill Act** of 2018 (9/13/2018)
 - PL 115-244 / H.R. 5895 – FY2019 **Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act** (first “minibus”) (9/21/2018)
 - PL 115-245 / H.R. 6157 – FY2019 **Department of Defense and Labor, Health and Human Services, and Education Appropriations Act** (second “minibus”); contained continuing resolution for 7 remaining spending bills (9/28/2018)
 - PL 115-254 / H.R. 302 – **Federal Aviation Administration Reauthorization Act** (10/5/2018)
 - PL 115-270 / S. 3021 – **America’s Water Infrastructure Act of 2018**
 - ◆ Includes Water Resources Development Act and Safe Drinking Water Act provisions
 - PL 115-271 / H.R. 6 – **SUPPORT for Patients and Communities Act** (Opioids)
 - In addition to Senate focus on confirmations

The 115th Congress: What's Left?

- What is expected in the post-election lame duck session?
 - **FY19 Funding**
 - ◆ Two “minibus” appropriations laws – covering **five** individual spending bills (DOD, Labor/HHS, Energy & Water, Mil-Con, and Legislative Branch) – have been enacted, accounting for 75% of FY19 discretionary spending
 - ◆ Remaining **seven** bills punted until after the election via a continuing resolution running through December 7
 - ◆ Expect an “omnibus” funding bill or another continuing resolution into next year, should lawmakers hit a stalemate
 - ◆ Likely to be a vehicle for many other legislative priorities and disaster relief funding
 - ◆ Border wall showdown?
 - **2018 Farm Bill:** Programs expired September 30; conference committee is ironing out differences
 - **Flood Insurance:** Current temporary authorization expires November 30
 - **Tax Legislation:** A package of tax extenders and technical corrections could see action
 - **Other issues to watch for:** Criminal justice / sentencing reform, Coast Guard reauthorization, TANF reauthorization, Violence Against Women Act reauthorization, “Jobs 3.0” financial services legislation
 - **U.S.-Mexico-Canada Agreement:** While most are predicting Congress won’t take up legislation to implement the agreement until 2019, action in the lame duck is possible
 - More than 150 **Executive and Judicial Nominees** pending in the Senate – added pressure, as nominations will be returned to the White House at the end of the Congress and must be resubmitted
 - *All colored by looming divided government, jockeying for leadership positions, and thoughts of 2020*

Key Dates Ahead

- **115th Congress Lame Duck**

- **November 13** – Lame Duck Session Begins
- **November 14** – House Republican Organizing Conference and Leadership Elections
- **November 15** – House Republican Conference Rules and Steering Committee Ratification
- **November 14** – Senate GOP Leadership Elections
- **November 14** – (Expected) Senate Democratic Leadership Elections
- **November 28/29** – (Expected) House Democratic Caucus Elections
- **November 29/30** – Expected Signing of USMCA pact (i.e., the new NAFTA)
- **November 30** – National Flood Insurance Program expires
- **December 7** – Current FY19 Continuing Resolution Expires
- **December 13** – House Target Adjournment
- **December 14** – Senate Target Adjournment

- **116th Congress**

- 53 ▪ **January 3** – The 116th Congress Convenes

THE INCOMING 116TH CONGRESS

House Democratic Leadership

- Current Democratic Leader Pelosi (D-CA) likely to become Speaker (again); she will face:
 - ◆ A desire for generational change within the Caucus
 - Despite rumblings, it is hard to see someone with enough votes to challenge her for the speakership
 - But watch for younger Members to press for leadership positions
 - ◆ The need to balance a diverse House
 - For Dems, progressives could be new “Tea Party,” able to drive the agenda
 - A highly-energized base ahead of 2020
- Other dynamics
 - ◆ Increased influence of Congressional Black Caucus likely
 - ◆ Power of California within Caucus and Committee leadership
 - Californians poised to chair: Financial Services (Waters), Intel (Schiff), House Administration (Lofgren), Veterans Affairs (Takano or Brownley)

House Leadership











Change in Party Control

Position	115 th Congress	116 th Congress (likely)
Speaker	Paul Ryan (R-WI)	Nancy Pelosi (D-CA)
Democratic Leader	Nancy Pelosi (D-CA)	Steny Hoyer (D-MD)
Democratic Whip	Steny Hoyer (D-MD)	James Clyburn (D-SC), Diana DeGette (D-CO)
Assistant Democratic Leader	James Clyburn (D-SC)	Cheri Bustos (D-IL), David Cicilline (D-RI), Ben Ray Lujan (D-NM)
Democratic Caucus Chair	Joe Crowley (D-NY) – <i>lost primary</i>	Hakeem Jeffries (D-NY), Barbara Lee (D-CA)
Democratic Caucus Vice Chair	Linda Sanchez (D-CA)	Pete Aguilar (D-CA), Katherine Clark (D-MA)
DCCC Chair	Ben Ray Lujan (D-NM)	Denny Heck (D-WA), Suzan DelBene (D-WA)
Republican Leader	Kevin McCarthy (R-CA)	Kevin McCarthy (R-CA), Jim Jordan (R-OH)
Republican Whip	Steve Scalise (R-LA)	Steve Scalise (R-LA)
Republican Conference Chair	Cathy McMorris Rodgers (R-WA) – <i>not seeking leadership position for 116th</i>	Liz Cheney (R-WY) declared
Republican Conference Vice Chair	Lynn Jenkins (R-KS) – <i>retiring</i>	Mark Walker (R-NC) declared
Republican Policy Committee Chair	Luke Messer (R-IN) – <i>retiring</i>	Gary Palmer (R-AL), Dave Schweikert (R-AZ)
NRCC Chair	Steve Stivers (R-OH)	Roger Williams (R-TX), Rodney Davis (R-IL), Ann Wagner (R-MO)





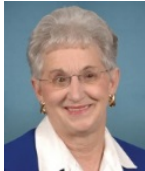





Likely House Committee Leadership

- Of likely Democratic Committee chairs, only 3 have previously served as chairman: Reps. Peterson (Agriculture), Thompson (Homeland Security), and Velazquez (Small Business) – however, they have an average of 28 years of seniority (14 terms)
- Reflective of the broader caucus, 4 likely Democratic chairs are women, 4 are members of the Congressional Black Caucus, and 2 are members of the Congressional Hispanic Caucus
- In the 115th GOP-controlled House, there are 19 white male chairs and 2 female chairs
- Between retirements and election losses, some major changes atop key committees
 - 2 Democratic Ranking Members retiring
 - ◆ Veterans' Affairs – Rep. Walz (D-MN)
 - ◆ House Administration – Rep. Brady (D-PA)
 - 8 Republican Committee Chairs retiring
 - ◆ Appropriations – Rep. Frelinghuysen (R-NJ)
 - ◆ Financial Services – Rep. Hensarling (R-TX)
 - ◆ Foreign Affairs – Rep. Royce (R-CA)
 - ◆ Administration – Rep. Harper (R-MS)
 - ◆ Judiciary – Rep. Goodlatte (R-VA)
 - ◆ Oversight – Rep. Gowdy (R-SC)
 - ◆ Science – Rep. Smith (R-TX)
 - ◆ T&I – Rep. Shuster (R-PA)












Likely House Committee Leadership & Priorities

	Agriculture	Appropriations	Armed Services	Budget
				
Majority	Peterson (D-MN) Farm Bill (if not done in 2018)	Lowey (D-NY) Pushback against Trump funding proposals	Smith (D-WA) Annual NDAA	Yarmuth (D-KY) Sequestration relief
	Effects of Administration trade policy on ag industry	Watch for policy riders to prevent administrative action	Oversight of military operations	Develop annual budget resolution with Democratic priorities
		Increased funding for Dem priorities; Sequestration relief	Administration's nuclear posture	Budget process reform
		  		
Minority	Conaway (R-TX)	Aderholt (R-AL), Granger (R-TX), or Graves (R-GA)	Thornberry (R-TX)	Womack (R-AR)






Likely House Committee Leadership & Priorities

	Education & Workforce	Energy & Commerce	Financial Services	Foreign Affairs
				
Majority	Scott (D-VA) Student loan reform	Pallone (D-NJ) EPA oversight – TSCA, CPP, etc.	Waters (D-CA) Oversight – CFPB, SEC (investor protections)	Engel (D-NY) Oversight of sanctions implementation
	Scrutiny of for profit colleges	Climate initiatives driven by weather events; oversight / incremental reforms	Protect key Dodd-Frank reforms	Potential new sanctions if they feel admin not doing enough
	Increase affordability of college (2 and 4 yr)	Drug Prices/ACA oversight / health care reforms	Consumer issues / housing	Investigate political targeting of State Dept career staff
			  	
Minority	Foxx (R-VA)	Walden (R-OR)	McHenry (R-NC), Luetkemeyer (R-MO), or Lucas (R-OK)	McCaul (R-TX)







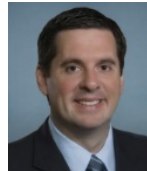
Likely House Committee Leadership & Priorities

	Homeland Security	Judiciary	Natural Resources	Oversight
				
Majority	Thompson (D-MS)	Nadler (D-NY)	Grijalva (D-AZ)	Cummings (D-MD)
	Immigration policies	Administration policies from DOJ, FBI	Oversight – NEPA, ESA reform, methane	Extensive and aggressive oversight of Trump administration
	Election security	Protecting Mueller investigation	General oversight of DOI, Sec. Zinke	
	Disaster response	Immigration; voting rights act; oversight of corporate merger reviews	Public lands protection	
	 	 		 
Minority	Rogers (R-AL) or Katko (R-NY)	Collins (R-GA) or Chabot (R-OH)	Bishop (R-UT)	Jordan (R-OH) or Meadows (R-NC)

Likely House Committee Leadership & Priorities

	Science, Space & Tech	Small Business	Transportation
			
Majority	Johnson (D-TX) Climate change; air pollution	Velázquez (D-NY) Oversight of Small Business Administration	DeFazio (D-OR) Infrastructure bill (with exception of funding)
	Transparency of government environmental studies or any agency task forces	SBA assistance to disaster-affected areas	Implementation of MAP-21, FAST Act, PIPES Act
		Expand opportunities for women and minority business owners	Trump Organization lease with GSA for DC Hotel
			 
Minority	Lucas (R-OK)	Chabot (R-OH)	Graves (R-MO) or Denham (R-CA)

Likely House Committee Leadership & Priorities

	Veteran's Affairs	Ways & Means	Select Intelligence
	 		
Majority	Takano (D-CA) or Brownley (D-CA)	Neal (D-MA)	Schiff (D-CA)
	VA Health care; suicide prevention	Oversight of TCJA implementation; Trump tax returns	Oversight of US Intelligence agencies
	VA contracting	Trade oversight - USMCA; pending FTAs; tariffs	Committee's Russian influence investigation; Protecting the Mueller investigation
		ACA oversight / Drug prices	Cybersecurity; other foreign election interference
			
Minority	Roe (R-TN)	Brady (R-TX)	Nunes (R-CA)

House Committees: Non-Returning Members

- Between retirements and election losses, some major changes on key committees – particularly on the Republican side of the aisle
 - Ways and Means departing Members
 - ◆ Ten Republicans, including three subcommittee chairs;
 - ◆ Two Democrats, including one subcommittee ranking member
 - Energy and Commerce departing Members
 - ◆ At least five Republicans, including one subcommittee chair
 - ◆ One Democratic ranking member
 - Judiciary departing Members
 - ◆ Eight Republicans, including the chair and two subcommittee chairs
 - ◆ One Democrat
 - Financial Services departing Members
 - ◆ At least nine Republicans, including the chair and one subcommittee chair
 - ◆ Five Democrats
 - Transportation and Infrastructure departing Members
 - ◆ At least nine Republicans, including the chair and two subcommittee chairs
 - ◆ Three Democrats, including one subcommittee ranking member

116 th Congress	Balance of Power (expected)
2019-2020	230 Democrats 205 Republicans <i>25 seat majority</i>

House Committee Ratios

- If history is a guide...

Congress	Balance of Power (at start of Congress)	Appropriations	Energy and Commerce	Ways and Means
108 th (2003-2004)	229 Republicans 205 Democrats / 1 Ind <i>23 seat majority</i>	36 Republicans 29 Republicans <i>7 seat advantage</i>	31 Republicans 26 Democrats <i>5 seat advantage</i>	24 Republicans 17 Democrats <i>7 seat advantage</i>
109 th (2005-2006)	233 Republican 201 Democrats / 1 Ind <i>31 seat majority</i>	37 Republicans 29 Democrats <i>8 seat advantage</i>	31 Republicans 26 Democrats <i>5 seat advantage</i>	24 Republicans 17 Democrats <i>7 seat advantage</i>
110 th (2007-2008)	236 Democrats 199 Republicans <i>37 seat majority</i>	25 Democrats 21 Republicans <i>4 seat advantage</i>	31 Democrats 26 Republicans <i>5 seat advantage</i>	24 Democrats 17 Republicans <i>7 seat advantage</i>
113 th (2013-2014)	233 Republicans 200 Democrats <i>33 seat majority</i>	29 Republicans 22 Democrats <i>7 seat advantage</i>	30 Republicans 24 Democrats <i>6 seat advantage</i>	23 Republicans 16 Democrats <i>7 seat advantage</i>
115 th (2017-2018)	241 Republicans 194 Democrats <i>47 seat majority</i>	30 Republicans 22 Democrats <i>8 seat advantage</i>	31 Republicans 24 Democrats <i>7 seat advantage</i>	24 Republicans 16 Democrats <i>8 seat advantage</i>

Senate Leadership

Position	115 th Congress	116 th Congress (likely)
President Pro-Tempore 3 rd in Presidential Succession – most senior member of majority party	Orrin Hatch (R-UT) – retiring	Chuck Grassley (R-IA)
Majority Leader	Mitch McConnell (R-KY)	Mitch McConnell (R-KY)
Majority Whip	John Cornyn (R-TX) – term-limited	John Thune (R-SD)
Republican Conference Chair	John Thune (R-SD)	John Barrasso (R-WY)
Republican Policy Committee Chair	John Barrasso (R-WY)	Roy Blunt (R-MO)
Republican Conference Vice Chair	Roy Blunt (R-MO)	Deb Fischer (R-NE) or Jodi Ernst (R-IA)
NRSC Chair	Cory Gardner (D-CO)	Young (R-IN) or Portman (R-OH)?
Minority (Democratic) Leader	Chuck Schumer (D-NY)	Chuck Schumer (D-NY)
Minority Whip	Dick Durbin (D-IL)	Dick Durbin (D-IL)
Assistant Democratic Leader	Patty Murray (D-WA)	Patty Murray (D-WA)
Democratic Policy & Comms Chair	Debbie Stabenow (D-MI)	Debbie Stabenow (D-MI)
Democratic Conference Vice Chairs	Elizabeth Warren (D-MA), Mark Warner (D-VA)	Elizabeth Warren (D-MA), Mark Warner (D-VA)
DSCC Chair	Chris Van Hollen (D-MD)	Chris Van Hollen (D-MD), Schatz (D-HI)

And... will there be a role in leadership for outgoing Majority Whip Cornyn?

Senate Committee Leadership

- Several recent or pending departures atop key Committees
 - Senate Armed Services Committee Chairman McCain (R-AZ) passed away earlier this year – Senator Inhofe (R-OK) took over as chair and is expected to continue in that role
 - Similarly, Appropriations Committee Chairman Cochran (R-MS) retired in early 2018, passing the gavel to Senator Shelby (R-AL)
 - Senator Hatch (R-UT) – the longest serving Republican Senator – is retiring and vacating the top slot on Senate Finance
 - ◆ Senator Grassley (R-IA) is expected to assume the chairmanship
 - Senate Commerce Committee Chairman Thune (R-SD) is moving up in leadership, so Senator Wicker (R-MS) is likely to take the helm
 - On the Democratic side, Senate Commerce Ranking Member Nelson (D-FL) is in the midst of a recount in his re-election bid
 - On the Democratic side, Senate Homeland Security and Governmental Relations Ranking Member McCaskill (D-MO) lost her re-election bid
 - ◆ Next in seniority are Senators Carper (D-DE) (current EPW Ranking Member), Tester (D-MT) (current Veterans Affairs Ranking Member), and Peters (D-MI)

Senate Committee Leadership

Committee	Likely Republican Chair	Likely Democratic Ranking Member
Agriculture	Pat Roberts (R-KS)	Debbie Stabenow (D-MI)
Appropriations	Richard Shelby (R-AL)	Patrick Leahy (D-VT)
Armed Services	Jim Inhofe (R-OK)	Jack Reed (D-RI)
Banking, Housing, Urban Affairs	Mike Crapo (R-ID) Toomey (R-PA) if Crapo goes to Finance	Sherrod Brown (D-OH)
Budget	Mike Enzi (R-WY)	Bernie Sanders (I-VT)
Commerce, Science, and Transportation	Roger Wicker (R-MS) Chairman Thune (R-SD) becoming Republican Whip	Bill Nelson (D-FL) If Nelson loses, Cantwell (D-WA) or Klobuchar (D-MN)
Energy and Natural Resources	Lisa Murkowski (R-AK)	Maria Cantwell (D-WA) If she takes Commerce: Manchin (D-WV) and Heinrich (D-NM) are next Members in seniority not currently serving as Ranking on another committee
Environment and Public Works	John Barrasso (R-WY)	Tom Carper (D-DE)
Finance	Chuck Grassley (R-IA) or Mike Crapo (R-ID) Chairman Hatch (R-UT) is retiring	Ron Wyden (D-OR)

Senate Committee Leadership

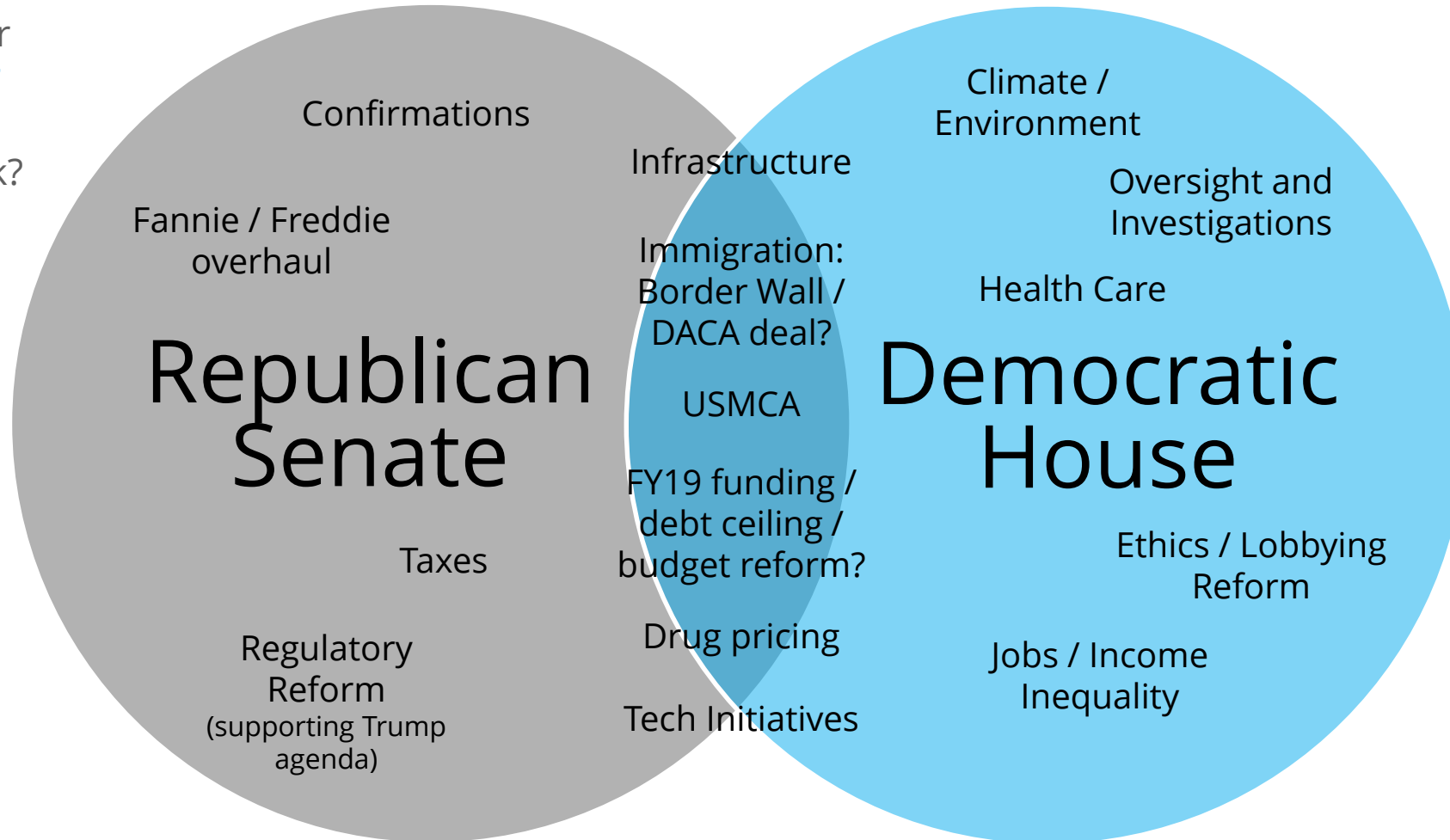
Committee	Likely Republican Chair	Likely Democratic Ranking Member
Foreign Relations	Jim Risch (R-ID) Chairman Corker (R-TN) is retiring	Bob Menendez (D-NJ)
Health, Education, Labor & Pensions	Lamar Alexander (R-TN)	Patty Murray (D-WA)
Homeland Security	Ron Johnson (R-WI)	Jon Tester (D-MT), Gary Peters (D-MI) Ranking Member McCaskill lost her re-election bid
Judiciary	Lindsey Graham (R-SC) Chairman Grassley expected to take Finance gavel	Dianne Feinstein (D-CA)
Rules	Roy Blunt (R-MO)	Amy Klobuchar (D-MN)
Small Business	Marco Rubio (R-FL) Chairman Risch expected to take Foreign Relations gavel	Ben Cardin (D-MD)
Veterans Affairs	Johnny Isakson (R-GA)	Jon Tester (D-MT) Unless he takes Homeland Security
Indian Affairs	John Hoeven (R-ND)	Tom Udall (D-NM)
Ethics	Johnny Isakson (R-GA)	Chris Coons (D-DE)
Intelligence	Richard Burr (R-NC)	Mark Warner (D-VA)



ISSUE OVERVIEW

The 116th Congress: Overview

Opportunities for
bipartisanship
amidst the
predicted gridlock?



← 2020 Driving Each Side to the Extremes? →

Trump Administration

- Despite predictions of the gridlock that comes with divided government, expect some attempts at bipartisan policymaking
 - Next year is perhaps the last best chance for advancing policy goals with a presidential election looming in 2020
 - President Trump's populist and deal-making tendencies could lead to some legislative successes
 - ◆ Many of his top tier issues have the *potential* to attract bipartisan support, but the devil will be in the details
 - Prescription drug pricing, infrastructure investments, trade policy
 - With the Senate still in Republican control, watch for continued work on nominations
 - ◆ Majority Leader McConnell and the White House teamed up to confirm a staggering number of judges over the past two years, including two Supreme Court Justices
 - Senate Republicans will also work to defend the Trump administration's regulatory initiatives
 - Expect little cooperation on the President's proposed 5% across the board spending cuts – with likely opposition from Republicans on defense cuts and from Democrats on cuts to domestic programs

Trump Administration

- Potential for distractions
 - Expect Cabinet-level and White House / agency staffing changes after the midterms
 - ◆ The day after the election, Attorney General Sessions resigned at the President's request
 - ◆ U.S. Ambassador to the UN Nikki Haley announced her resignation before the election
 - ◆ Andrew Wheeler remains *Acting* EPA Administrator, taking over for former Administrator Pruitt this past summer
 - ◆ Several other Cabinet officials are rumored to be headed for the exits yet this year
 - Regulatory activity may be slowed by oversight and investigations by House Democrats
 - ◆ Will agencies spend more time on the defensive?
 - Mueller investigation
 - ◆ Speculation that he could issue indictments / submit his report by the end of the year
 - ◆ Fallout?
 - International developments – Iran, Saudi Arabia, Russia, China, Venezuela...
 - And – perhaps the biggest distraction of all – 2020

House Democratic Leadership Agenda

- House Democrats have laid out an aggressive agenda – *A Better Deal* – in preparation for retaking the majority in January
 - Political Reforms
 - ◆ Voter rights (e.g., automatic registration), security of election infrastructure, redistricting reform
 - ◆ Lobbying and ethics reform
 - ◆ Campaign finance reform (e.g., strengthened enforcement, greater transparency, and a Constitutional amendment to overturn *Citizens United*)
 - Infrastructure Investments
 - ◆ Focused broadly on roads, bridges & transit; rail; airports; ports & waterways; water; energy modernization and renewable energy; schools; high-speed internet
 - ◆ Jobs: Davis-Bacon; Buy America; workforce training / apprenticeships
 - ◆ Preserving environmental protections and investing in climate resiliency
 - Lower Health Care Costs and Drug Prices
 - ◆ Creation of a “price gouging” enforcer
 - ◆ Allowing Medicare Part D to negotiate drug prices
 - ◆ Increased pricing transparency

House Democratic Leadership Agenda

- Other priorities
 - Oversight of the Trump administration (complete with subpoena power) – personnel and policies
 - Potential action on a variety of “base-satisfying” issues that will likely be difficult to get through the Republican-controlled Senate:
 - ◆ Broad climate change initiatives
 - ◆ Reversing corporate tax cut / tax cuts for the wealthy
 - ◆ Protecting the Affordable Care Act
 - ◆ Immigration reform
 - ◆ LGBTQ protections
 - ◆ Public housing investments
 - ◆ Gun control
 - ◆ Pension reform
 - ◆ Labor / worker rights
 - ◆ Affordable child care initiatives
 - ◆ Strengthening anti-trust laws

Health Care

- On the House Energy and Commerce Committee, Rep. Pallone (D-NJ) will become Chairman and current Chairman Walden (R-OR) will become the Ranking Member
 - Rep. Eshoo (D-CA) is expected to become the new Chair of the Health Subcommittee and Rep. Burgess (R-TX) will remain the top Republican / become Ranking Member
- On the House Ways and Means Committee, Rep. Neal (D-MA) will control the gavel and current Chairman Brady (R-TX) will become the Ranking Member
 - Rep. Doggett (D-TX) will takeover as Health Subcommittee Chairman and, with the defeat of Rep. Roskam (R-IL), the ranking spot is now open
- On Senate Finance, Sen. Grassley (R-IA) is expected to takeover as chair and Sen. Wyden (D-OR) will remain Ranking Member
- On the Senate Health, Education, Labor and Pensions Committee, Sens. Alexander (R-TN) and Murray (D-WA) continue as Chair and Ranking Member

Health Care

- A Democratic-controlled House will work to pass legislation to lower prescription drug costs, seeking a potential bipartisan deal with President Trump
- House and Senate Democrats' "A Better Deal" platform included proposals to lower drug prices
 - Creation of independent federal agency to oversee drug manufacturers and regulate (or investigate) any increases in drug prices
 - Drugs with a significant price increase will also be required to submit to the U.S. Department of Health and Human Services (HHS) a justification for the price increase at least 30 days before the price increase takes effect
 - Allow HHS to negotiate the price of drugs covered under Medicare Part D
 - ◆ The 2003 Medicare Modernization Act included a "noninterference clause" that prevents HHS from having a role in negotiating or setting drug prices in Medicare Part D
- President Trump has expressed support for government efforts to lower drug prices, and in May issued the American Patients First Blueprint focusing on increased competition, better negotiation, incentivizing lower list prices and lowering out-of-pocket costs.
 - Senate HELP Chairman Alexander welcomed the President's proposal and would like greater competition in the drug market to lower prices

Health Care

- Incoming Ways and Means Health Subcommittee Chair Doggett is a lead cosponsor of several bills during the 115th focused on drug price transparency / costs and he will likely continue to lead Democratic efforts on this issue
 - Transparent Drug Pricing Act – Requires drug manufacturers to disclose information to HHS that influences drug prices, such as research and development costs, manufacturing and marketing costs, acquisitions, federal investments, and revenues and sales
 - Competitive DRUGS Act – Focuses on so-called “pay-for-delay” deals, in which brand-name pharmaceutical companies pay generic drug makers not to compete by delaying production of less expensive cheaper generic drugs
 - The Medicare Negotiation and Competitive Licensing Act – Requires HHS to negotiate prices of prescription drugs furnished under part D of the Medicare program; if drug manufacturers do not agree to a price, HHS could issue a competitive license to another company
- Sen. Grassley (R-IA), should he become Finance Chair, remains interested in drug price transparency and authored an amendment to the L-HHS funding bill to ensure HHS could implement rules regarding prices of direct to consumer drugs
 - Senate Judiciary Committee (with Grassley as Chair) approved legislation, the CREATES Act, earlier this year that would allow lower cost drugs greater access to the market

Health Care

- House Democratic candidates' main message during the midterms was highlighting Republican efforts to repeal and undermine the Affordable Care Act, criticizing Republicans who had voted to end ACA protections for pre-existing conditions
 - In the 115th, 125 Democrats co-sponsored a resolution authored by Rep. Rosen (D-NV) (now Senator-elect Rosen) defending the Constitutionality of the ACA's pre-existing conditions
- May see legislation to help ACA insurance markets, which died in the Republican House during the 115th Congress
- Ways and Means Chairman Neal is considering looking at ACA's "Cadillac tax"
- House Democrats will act as a firewall against any further legislative efforts to undo the ACA and will likely call Administration officials before various committees to explain policies Democrats believe harms the goals of the ACA

Health Care

- Legislation focused on addressing the opioid epidemic passed both chambers overwhelmingly and was signed into law this year, but Members will likely continue to look for additional ways the federal government can act
 - Rural, economically disadvantaged parts of the United States – many of them “Trump Districts” – have been particularly hard hit by opioid addiction
- Rep. Doggett (D-TX) has pointed to the “skyrocketing costs” of certain drugs that help treat opioid addiction
- Rep. Pallone has indicated that expanding Medicaid coverage of opioid treatment and providing adequate funding are the next areas of focus of a Democratic majority
 - Rep. Cummings (D-MD) and Sen. Elizabeth Warren (D-MA) introduced the CARE Act to provide \$100 billion over the next decade to states to fight the epidemic
- Medicaid expansion was approved by voters in several states this year and Democrats will want to increase funding for Medicaid during the budget and funding negotiations
 - Voters in Idaho, Utah, Nebraska approved Medicaid expansion ballot
 - Democratic victories in the Wisconsin and Kansas Governors races could make Medicaid expansion in those states a reality

Health Care

- Democrats who supported a “Medicare for All” single payer health care did not gain as many seats as they thought they would.
- House Democrats will want to protect Medicare from any Administration proposals that they see as trying to “gut” the program
 - President Trump, now facing a re-election campaign, is unlikely to advocate for changes to the program
- Congress made progress on a TANF reauthorization bill earlier this year but did not get a floor vote
- Democrats could see a reauthorization bill as an opportunity to push their priorities now that they control one chamber
- Expect House Democrats to focus on oversight
 - ACA implementation
 - Allegations of over-prescription by doctors and excessive distribution of opioids by manufacturers (i.e. “pill dumping”)
 - ◆ Reps Welch (D-VT) and Cummings (D-MD) wrote several drug manufacturers in August requesting documents related to drug pricing; could see them called before a committee
 - Scrutiny of Mergers in health care industry
 - ◆ Incoming Chairman Pallone sent letters on CVS-Aetna and Cigna-Express Scripts in 2018

International Trade

- The Senate Finance Committee and the House Ways and Means Committee – which have primary jurisdiction over trade issues – will see leadership changes
 - Senator Grassley (R-IA) is expected to take over as Finance Committee Chair next year with Senator Hatch's retirement – Grassley previously chaired the committee in the mid-2000's and has 2 years left as chair
 - ◆ Senate Wyden (D-OR) will continue as Ranking Member
 - ◆ Two Committee Members lost re-election bids (Senators Heller (R-NV) and McCaskill (D-MO)) and Senator Nelson's (D-FL) race is in a recount
 - On the House Ways and Means Committee, current Ranking Member Neal (D-MA) will assume the chairmanship, with current chairman Brady (R-TX) taking over as Ranking Member
 - ◆ Current Trade Subcommittee Ranking Member Pascrell (D-NJ) is expected to take over as chair of the subcommittee
 - Current Trade Subcommittee Chairman Reichert (R-WA) is retiring
 - With three GOP subcommittee ranking members retiring – and a 4th losing re-election (Roskam) – there will be a shake-up atop most subcommittees
 - ◆ Notably, the House Ways and Means Committee will see the loss of 2 Democrats and 10 Republicans thanks to retirements and election losses
 - ◆ As a result, don't expect any remaining Members to lose their spots on the Committee, despite the Republicans' loss of the majority

International Trade

- One of the major policy issues before Congress early next year will be the U.S.-Mexico-Canada Agreement (USMCA), announced September 30
 - Negotiations to update NAFTA began in August 2017 and continued for more than a year
 - After a preliminary bilateral agreement between the United States and Mexico was reached in late August, Canada signed on a month later – a priority for many stakeholders, particularly Congress
- Agreement expected to be signed in late November, prior to the December 1 transition of power to incoming Mexican President Lopez Obrador – the agreement must then be ratified by all three governments
- In the U.S., that means passage of implementing legislation by Congress under Trade Promotion Authority (TPA) / “Fast Track”
 - Democrats in the House – many of whom have long been critical of NAFTA, including incoming Chairman Neal – have been slow to stake out a position on the agreement, but a main focus has been labor and environmental provisions
 - ◆ Major labor groups have yet to take a position; some environmental groups have stated their opposition
 - Senate Republicans have been largely supportive of the new agreement – with likely Senate Finance Chairman Grassley supportive of enhancements for U.S. agriculture
 - USTR Lighthizer has been particularly focused on a strong bipartisan vote
 - Expect Congressional Democrats to use their votes as leverage for other trade priorities

International Trade

- The new agreement – a priority for the Trump administration – preserves much of the original NAFTA, but also makes significant updates
 - Rules of Origin (ROO): new Regional Value Content rule requires 75% of auto content to be made in North America; strengthened ROO enforcement
 - Labor provisions: new Labor Value Content rule; Mexican commitment to worker representation in collective bargaining; ILO labor rights
 - Investor-State Dispute Settlement (ISDS) phased out for Canada and restricted to four sectors in Mexico (oil and gas, power generation, telecom, and infrastructure)
 - New chapter on Digital Trade and updated chapter on Intellectual Property (IP)
 - Greater market access for U.S. dairy, eggs, poultry
 - Targeting China: provisions on currency, state-owned enterprises, duty evasion, non-market economies
 - Sunset Review – 16 year agreement to be reviewed and up for extension every six years

International Trade

USMCA Implementation Timeline Under TPA

- ✓ **August 31:** Congressional notification of intent to sign agreement (90 days prior to signing)
- ✓ **September 30:** Release of text agreed-upon by three nations (60 days prior to signing)
- ✓ **October 12:** Initiation of ITC investigation to assess likely economic impact of the agreement
 - ❑ Must be completed 105 days after agreement is signed; could be sooner
 - ❑ Public hearing scheduled for November 15
- ❑ **November 29:** Earliest agreement can be signed
- ❑ Additional steps required *prior to* introduction of implementing legislation:
 - ❑ Required changes in law submitted to Congress – due 60 days after signing (can occur earlier)
 - ❑ Final text of implementing legislation and draft Statement of Administrative Action submitted to Congress – due 30 days prior to introduction of implementing legislation (can occur earlier)
 - ❑ Mock markups by Senate Finance and House Ways and Means Committees
- ❑ **TBD:** Introduction and consideration of implementing bill in House and Senate
 - ❑ Bill must be reported or discharged by Finance and Ways and Means
 - ❑ Final passage required no more than 90 legislative days after introduction
- ❑ **TBD:** Implementation via Presidential Proclamation

International Trade

- Expect Congress to play an active role as the administration embarks on additional free trade agreement negotiations
- On October 16, USTR notified Congress that the Trump administration intends to negotiate three separate trade agreements beginning early next year
 - Japan
 - ◆ USTR seeking public comment to develop negotiating position – December 10 public hearing
 - European Union
 - ◆ EU officials have said they won't negotiate on agriculture; likely to focus on industrial tariffs and potentially regulatory standards
 - United Kingdom
 - ◆ Negotiations cannot begin until Brexit is completed in late March 2019
- Notification follows TPA procedures, which require ongoing consultations with Congress
- October 16 notification kicks off 90-day window after which negotiations can begin
- In accordance with TPA, USTR will publish negotiating objectives at least 30 days before formal negotiations begin

International Trade

- Meanwhile, the Trump administration's tariff policy shows no signs of slowing
 - In March 2018, President Trump imposed a 25% tariff on steel imports and a 10% tariff on aluminum imports under Section 232 of the Trade Expansion Act of 1962, following a Commerce Department determination that imports threatened to impair the national security
 - ◆ Several countries have negotiated exemptions from the tariffs and others – e.g., Canada, Mexico, the EU – continue to push for exemptions, primarily in conjunction with broader trade negotiations
 - ◆ The Department of Commerce has received approximately 44,000 steel and 6,000 aluminum product exclusion requests – under a process that has drawn criticism from policymakers
 - ◆ Trading partners are challenging the tariffs at the WTO and many have imposed retaliatory tariffs
 - Separately, over the past six months, the administration has imposed three tranches of tariffs on \$250 billion worth of Chinese imports under Section 301 of the Trade Act of 1974
 - ◆ The tariffs are in response to China's practices related to technology transfer, IP rights, innovation and technology development
 - ◆ China has retaliated on U.S. exports in kind, with an emphasis on ag products
 - ◆ The Trump administration is also challenging China's practices at the WTO and is working to enhance investment restrictions under the recently-enacted Foreign Investment Risk Review Modernization Act (FIRRMA)
 - USDA is expected to issue its second round of "trade aid" for farmers and ranchers next month
 - ◆ USDA had set aside \$12 billion to help those affected by retaliatory tariffs

International Trade

- Citing consumer impacts, relationships with allies, and damage caused by retaliatory tariffs, Members of Congress have expressed growing concern with the Section 232 and 301 tariffs
 - Ten House and Senate Committees have held collectively more than a dozen hearings this year on the administration's trade and tariff policies – and criticism has been bipartisan
 - Despite a number of legislative proposals, however, Congress has yet to take up any meaningful legislation in response to the tariffs
 - GOP leadership has been patient, generally deferring to the administration and its broader trade agenda
- To the extent ongoing trade negotiations result in additional country exemptions from the Section 232 tariffs (and, thus, the removal of certain retaliatory tariffs), there could be less pressure for Congressional action related to the ongoing steel and aluminum tariffs
- With respect to the Section 301 tariffs on Chinese imports, additional tariffs and / or a continued resistance on the part of the administration to institute a product exclusion process for the latest \$200 billion tranche could lead to mounting pressure in 2019
- With Democrats in control of the House, expect more willingness to challenge the administration's trade *tactics* and assert Congress's role in trade policy
- And will continued retaliatory tariffs on the U.S. agriculture industry drive likely Senate Finance Chairman Grassley to action?

Transportation and Infrastructure

- With Senate Commerce Chairman Thune (R-SD) likely ascending to the 2nd slot in Republican leadership, Senator Wicker (R-MS) is expected to take the gavel
 - Current Ranking Member Nelson (D-FL) is in the midst of a recount
- Senators Barrasso (R-WY) and Carper (D-DE) are expected to return as Chair and Ranking Member of the Environment and Public Works Committee
- Rep. DeFazio (D-OR) will take over as Chairman of the House Transportation and Infrastructure Committee next year
 - Current Chairman Shuster (R-PA) is retiring; the top Republican slot on the Committee is like to go to Rep. Graves (R-MO) or Rep. Denham (R-CA) – the current Highways & Transit and Railroads, Pipelines and Hazardous Materials Subcommittee Chairs, respectively
 - ◆ Two other Subcommittee chairs are retiring (Reps. LoBiondo and Barletta), opening up the top Republican slots on Aviation and Economic Development
 - On the Democratic side, current Railroads Ranking Member Capuano (D-MA) lost his primary earlier this year, opening up that Subcommittee chairmanship

Transportation and Infrastructure

- Infrastructure is regularly cited as an area that could see bipartisan cooperation next year – a long-term priority for President Trump, it took a back seat to other issues for his first two years
- The White House issued its long awaited plan in February, but little progress since then
- The plan focused broadly on highways, bridges, rail, tunnels, airports, ports, transit, water systems, pipelines, etc. and included six major principles:
 - \$200 billion in federal funds to spur at least \$1.5 trillion in infrastructure investments
 - Investments in rural America
 - Decision-making authority will be returned to State and local governments
 - Removal of regulatory barriers to infrastructure projects
 - Streamlining and shortening permitting for infrastructure projects
 - Supporting and strengthening America’s workforce
- Infrastructure is also a top priority for the incoming House majority – and for many Republicans in Congress
 - Will both parties find a way to get around longstanding roadblocks in 2019?
 - ◆ Incoming T&I Chairman DeFazio has signaled a willingness to work with President Trump
 - EPW Chairman Barrasso has said reauthorizing surface transportation programs is a priority
 - If a package doesn’t come together in 2019, it will likely have to wait until after 2020

Transportation and Infrastructure

- House Democrats “Better Deal to Rebuild America” and Senate Democrats “Jobs and Infrastructure Plan for America’s Workers”
 - Both plans define infrastructure broadly: roads and bridges, rail, airports, waterways, schools, broadband, drinking water, energy
 - Both call for \$1 trillion federal investment to rebuild infrastructure and create 15 million jobs
- Democrats will likely push to include provisions reflecting other policy priorities:
 - “Green” infrastructure and provisions to address climate change (renewables, energy efficiency, adaption and resiliency)
 - Workforce development and an emphasis on women- and minority-owned businesses
 - Labor standards – e.g., Davis Bacon, whistleblower protections
 - Affordable housing
- Expect Democrats to push for strong Buy America provisions – in alignment with President Trump
- The issue has also garnered attention on the Republican side
 - Outgoing House T&I Chairman Shuster released a detailed discussion draft in July and both candidates for ranking member are supportive of a broad infrastructure package
- Members of both sides will push to address the Highway Trust Fund, which is expected to be exhausted by 2022

Transportation and Infrastructure

- As always, how will Congress pay for it?
 - Gas Tax Increase
 - ◆ Federal gas tax hasn't been raised in a quarter century and would be a tough vote – though many in the business community support an increase
 - ◆ Incoming Chairman DeFazio introduced a bill last year – *A Penny for Progress Act* – that would index gas and diesel user fees to inflation, limiting the annual increase to 1.5 cents
 - ◆ Outgoing Chairman Shuster proposed a \$0.15 and \$0.20 per gallon increase in the gas tax and diesel tax, respectively, to be phased in over three years and then indexed to inflation before sunseting in 2028
 - Other User Fees
 - ◆ The Shuster plan also called for a national, volunteer-based vehicle miles traveled (VMT) pilot program
 - ◆ Both potential Republican Ranking Members have expressed openness to a VMT
 - ◆ Senate EPW Chairman Barrasso has proposed repealing tax incentives for electric vehicles
 - Private Investment
 - ◆ Presents challenges for rural states/districts where private investment would prove more difficult
 - Federal Grants
 - ◆ President Trump's plan called for a 20% federal match – states and localities would be hard-pressed to finance the remainder on their own; concerns about moving toward “devolution”
 - Tax Increases
 - ◆ Senate Democrats proposed raising the corporate rate to 25% and reversing some of last year's tax cuts for high earners – a non-starter in the Republican-controlled Senate and the White House

Transportation and Infrastructure

- Even if a comprehensive deal isn't reach, lawmakers in the 116th Congress will face pressure to address surface transportation programs – most recently authorized in the 2015 FAST Act – which expire in September 2020
- Similarly, expect lawmakers to stick to their 2-year cycle for Water Resources & Development Act (WRDA) legislation with a new bill in 2020
- Incoming House T&I Chairman DeFazio has also been a champion of the Harbor Maintenance Trust Fund – sponsoring bipartisan legislation to direct all money collected by the HMTF be used for harbor maintenance
- DeFazio is also likely to focus on oversight
 - Implementation of and funding for current authorizations – e.g., MAP-21, FAST Act, PIPES Act
 - ◆ The House Energy and Commerce Committee has jurisdiction over certain DOT statutes and will likely exert its oversight authority as well
 - Implementation of Positive Train Control
 - Funding for Gateway bridge and tunnel project in New York / New Jersey
 - Trump Organization's lease with the federal government to operate the Trump International Hotel in DC
- Republicans will continue to push for permitting reform to help speed up infrastructure development
- And if autonomous vehicle (AV) legislation doesn't get across the finish line in the lame duck, watch for renewed action in the House Energy and Commerce and Senate Commerce Committees next year
 - Self-driving legislation in the Senate has stalled over federal pre-emption and liability concerns
 - The House Energy and Commerce Committee's SELF DRIVE Act passed the House in 2017 by voice vote
 - ◆ House Democrats have signaled they would likely make substantive changes

Energy and Environment

- Rep. Frank Pallone (D-NJ) will become Chairman of the Energy & Commerce Committee and Rep. Greg Walden (R-OR) will become the Ranking Member
- Rep. Raul Grijalva (D-AZ) will become Chairman of Natural Resources Committee and Rep Rob Bishop (R-UT) will be Ranking Member
- Sens. Murkowski (R-AK) and Barrasso (R-WY) remain chairs of the Energy & Natural Resources (ENR) and Environment and Public Works (EPW) Committees, respectively
 - Sen. Maria Cantwell (D-WA) (ENR) and Tom Carper (D-DE) (EPW) continue as ranking members
- Return of Select Committee on Climate?
 - Leader Pelosi (D-CA) told the *New York Times* that she would resurrect the House Select Committee for Energy Independence and Global Warming to look at various aspects of climate change and energy dependence
- Oversight will be a priority for incoming Chairman Pallone
 - Significant House Democratic oversight of EPA, DOE, and DOI policies – rollbacks on WOTUS, CPP, CAFE, other energy and environmental regulations
 - Could also see investigations related to Cabinet officials use of taxpayer funds

Energy and Environment

- While Democrats have been strongly critical of environmental initiatives of the Administration, many believe that their return to power in the House could result in looking for areas of cooperation with Republicans on issues related to climate change
 - Incremental focus on renewable energy incentives and green infrastructure
- Senate EPW Chair Barrasso has been promoting his bipartisan USE IT Act, which would award prizes for technological advancements in the re-use of carbon dioxide
 - He introduced the bill with Sen. Whitehouse (D-RI), who has delivered over 200 floor speeches pointing out the affects of climate change; West Virginia Senators Manchin and Capito also support the bill
- Many see opportunities for progress on legislation to expand carbon capture and storage projects
- The FY18 Budget agreement signed by President Trump included tax credits for 45Q
- Credits for wind/solar, another area for possible agreement since project costs have declined
- Senate Energy Committee Chair Murkowski, beginning her final term as Chair, would like to consider a comprehensive energy package
 - She and Ranking Member Cantwell (D-WA) have worked in a bipartisan manner on many issues
 - The 2007 energy bill passed under a divided government—Republican President Bush and a Democratic-controlled Congress
 - Sens. Shaheen (D-NH) and Portman (R-OH) energy efficiency legislation has been included in earlier Murkowski-led energy packages

Energy and Environment

- Infrastructure remains one of best opportunities for bipartisan agreement with the Administration and Democrats will likely push for priorities that focus on resiliency and renewables
 - In 2017, Rep. Pallone led Energy and Commerce Democrats to introduce a comprehensive infrastructure package which included
 - ◆ Funding for resilient electric grid infrastructure, including resilient and renewable energy supply including methane pipeline replacement, and energy efficiency
 - ◆ Brownfields redevelopment
 - The biggest hurdle with any infrastructure package is paying for it
 - Will there be discussion of a “carbon tax” as part of infrastructure?
 - ◆ With Democrats now in control of the House, there may be a stronger push
 - ◆ Rep. Curbelo (R-FL), a leading moderate on climate issues and author of a carbon fee bill, was defeated for re-election
 - Curbelo was also chair of a large bipartisan climate caucus which saw at least 12 Republican members lose re-election
 - ◆ Washington State voters defeated a ballot measure to institute a carbon fee to pay for clean energy projects

Energy and Environment

Incoming Resources Chair Grijalva, a leader of the House Progressive Caucus, is expected to use his gavel to push back against Administration efforts related to onshore and offshore areas to oil/gas exploration

- During the 115th Congress, he introduced the Sustainable Energy Development Reform bill
 - Codify oil/gas leasing and permitting reforms enacted by the Obama Administration
 - Reinstates stream protection rule
 - Requires Federal government to consider social cost of carbon
 - Permanently closes ANWR and the Arctic to energy development
 - Funds the LCWF
- But with the Senate remaining in GOP control, don't expect them to take up Democratic House-passed energy/environmental bills unless they are strongly bipartisan
- Grijalva plans to begin investigations into the various ethics accusations against Interior Secretary Zinke

Energy and Environment

- The President will likely have to nominate replacement for any Cabinet heads that depart after the midterms – Interior Secretary Zinke is often mentioned as one who will leave the Administration before 2019
- More than a dozen Trump appointees for DOE, EPA, DOI and other energy/environment jobs have not been confirmed by the Senate.
 - If not confirmed in the lame duck, their nominations will have to be resubmitted. Of note:
 - ◆ Bernard McNamee, FERC
 - ◆ Mary Neymayr, CEQ
 - ◆ Alexandra Dunn, EPA Toxic Substances Office
 - ◆ Susan Combs, Interior Policy Management and Budget
 - ◆ Bill Cooper, DOE General Counsel

Energy and Environment

- Even with Democrats in charge of one chamber of Congress, the Trump Administration will likely continue to push its energy/environmental agenda:
 - Repeal/Replace of Clean Power Plan
 - ◆ Repeal proposed in 2017, but not yet final
 - ◆ Replacement proposed in August 2018
 - “Affordable Clean Energy” Rule
 - “Inside-the-fence” regulation, longer timelines, increased state flexibility, permitting flexibility
 - Waters of the United States
 - ◆ Repeal of 2015 WOTUS Rule proposed and re-proposed
 - ◆ Delay of 2015 WOTUS Rule finalized, but overturned
 - Decision under review
 - ◆ Replacement Rule – not yet proposed, but imminent

Energy and Environment

- Trump regulatory agenda, cont'd
 - Proposal to change EPA's cost-benefit analyses and improve data quality
 - Proposed changes to CAA Risk Management Programs
 - Proposed changes to CAA regulations for new O&G sources
 - ◆ "Subpart OOOOa"
 - Proposed Revision to Mercury Air Toxics Standard (MATS) for coal-fired utilities
 - Updates to Renewable Fuel Standard (RFS)
 - ◆ Proposed July 2018
 - Multiple discrete efforts to improve air permitting, defer to state regulators in enforcement, streamline reporting, and address sector-specific air rules

Energy and Environment

- Trump regulatory agenda, cont'd
 - FWS/NMFS
 - ◆ July 2018: 3 proposals to update ESA rules for listing species, designating critical habitat, and interagency consultation
 - Final Rules by Summer 2019
 - ◆ Multiple ESA actions for specific species
 - Lesser prairie chicken, Wolverine, Grey Wolf, Texas Hornshell, American burying beetle, etc.
 - Bureau of Land Management
 - ◆ Updates to multiple Onshore Oil and Gas Orders
 - ◆ Leasing/Access decisions
 - Pipeline Hazardous Materials Safety Administration
 - ◆ Regulatory reform for liquid and gas pipelines

Energy and Environment

- Trump regulatory agenda, cont'd
 - TSCA
 - ◆ Implementation of the 2016 TSCA amendments remains a high priority for EPA and is one area where the agency is increasing budget and personnel
 - ◆ In particular, EPA is finalizing the primary “framework” rules governing things like:
 - Identifying and prioritizing chemicals for risk evaluation
 - How to conduct risk evaluations
 - Fees to assess industry for reviewing chemicals, responding to data requests, etc.
 - Handling confidential business information
 - ◆ EPA also is actively working to identify at least 20 “high priority” chemicals and another 20 “low priority” chemicals as required each year under the new TSCA
 - ◆ Agency also is working to complete the first set of 10 chemical reviews, including asbestos, required by the new regs
 - ◆ While EPA has made significant progress, substantial Questions remain if the agency can actually complete this many risk evaluations in the timeframe required by the new law

Taxes and the Economy

- As mentioned, Senator Grassley (R-IA) is expected to succeed Senator Hatch as chair of the Senate Finance Committee, with Senator Wyden (D-OR) remaining as Ranking Member
- On the House side, Reps. Neal (D-MA) and Brady (R-TX) will switch roles, with Neal assuming the chairmanship
- Some priorities for the committees may be addressed during the lame duck:
 - Extension of a variety of tax credits / incentives (“tax extenders”) that expired at the end of 2017
 - ◆ House Republicans have thus far been resistant – but the provisions have strong support in the Senate and among House Democrats
 - Technical corrections to last year’s Tax Cuts and Jobs Act (TCJA)
 - ◆ Will Democrats go along knowing they will control the House next year?
 - While the House’s “Tax Reform 2.0” package is a nonstarter in the Senate, we could see action on the Retirement Enhancement Savings Act (Hatch / Wyden), parts of which were included in the House bill
 - ◆ The bill aims to increase voluntary retirement savings and would establish more flexible multiple employer plans
 - Additionally, the deadline for the recommendations of the Joint Select Committee on Solvency of Multiemployer Pension Plans (established by this year’s Bipartisan Budget Act) is November 30
 - ◆ Legislative action would likely be difficult this year
 - Whatever doesn’t get accomplished will be punted to the next Congress

Taxes and the Economy

- Following last December's passage of the Tax Cuts and Jobs Act, Republicans have been touting the economic benefits of the new law, which was passed with no Democratic support
 - Expect Democrats to hold oversight hearings on the new law - its implementation and, more broadly, its economic effects
 - The House may advance bills to modify key provisions – e.g., repeal of the cap on state and local tax deductions (the “SALT” provision), reversing individual tax cuts for the wealthy, and modifying some of the law's international provisions
 - With a divided Congress, any tax measures are likely to require 60 votes to pass the Senate – as a result, major changes to the law are unlikely given the GOP Senate and an all-but-certain veto by President Trump
- Particularly ahead of 2020, expect Democrats to focus on income inequality and advance legislation to bolster the middle class
 - Expanding the Earned Income Tax Credit and the Child Tax Credit are priorities, and Democrats may also push for new education tax credits
 - Some Senate Democrats contemplating 2020 President runs have already unveiled proposals
 - Recently, President Trump has said he would like to see a 10 percent tax cut for the middle class – and may be willing to work with Democrats
 - Such proposals are likely to run into opposition from fiscal conservatives concerned about rising deficits, already exacerbated by last year's tax changes

Taxes and the Economy

- House Democrats and incoming Ways and Means Chairman Neal are expected to focus heavily on retirement security
 - Protecting and enhancing Social Security
 - Bipartisan bills introduced by Congressman Neal this Congress:
 - ◆ Savings Enhancement by Alleviating Leakage in 401(k) Savings Act makes modifications to rollovers and hardship withdrawals from 401(k) accounts
 - ◆ Small Employer Retirement Savings Auto-Enrollment Credit Act creates a tax credit for small businesses that provide automatic contributions to employer-sponsored retirement plans
 - ◆ A bill to make lifetime income and managed account options of defined contribution retirement savings plans portable
 - More generally, a handful of bipartisan retirement bills were introduced in both the House and Senate this Congress and could set the stage for action next year
- Expect pressure from within the Democratic Caucus to investigate President Trump's tax returns
- Should a comprehensive infrastructure package start to become a reality, it would be up to the revenue committees to find a way to pay for it
- And ... can we expect House Democrats to jumpstart discussions of a carbon tax?
 - Rep. Curbelo (R-FL) – who lost his re-election bid - floated a proposal earlier this year
 - Some corporations have also expressed support
 - Effect of Washington state ballot initiative defeat?

Financial Services

- Senators Crapo (R-ID) and Brown (D-OH) are expected to remain the Chair and Ranking Member, respectively, of the Senate Banking Committee
- On the House side, Rep. Waters (D-CA) is set to become Chair of the Financial Services Committee
 - Current Chairman Hensarling (R-TX) is retiring, opening up the top Republican slot on the Committee
 - Reps. McHenry (R-NC), Luetkemeyer (R-MO) and others have expressed interest in moving up, potentially seeking Ranking Member
 - Generally, the Financial Services Committee will see many new faces, given that at least 9 Republicans and 5 Democrats won't be returning next year
- Passage of some bipartisan financial services bills is possible during the lame duck
 - Outgoing Chairman Hensarling teamed up with Ranking Member Waters for a bipartisan package of financial services bills which passed the House overwhelmingly this summer
 - ◆ The Jobs and Investor Confidence Act – Jobs 3.0 – includes 32 bipartisan capital formation bills
 - ◆ About a dozen of those were also included in the House's Financial Services appropriations bill
 - ◆ It's unclear whether the Senate will take up the Jobs 3.0 package or if some financial services bills will be included in a year-end appropriations bill

Financial Services

- Incoming House Financial Services Chairwoman Waters has outlined a series of priorities
 - Oversight of Republican efforts to rollback the Dodd-Frank Wall Street Reform Act and of the financial industry more generally
 - Consumer protection will be a top priority
 - ◆ Preservation of the Consumer Financial Protection Bureau
 - OMB Director Mulvaney remains acting director and has faced criticism from Democrats for shifting the agency's agenda toward deregulatory efforts
 - ◆ SEC investor protections
 - ◆ Protecting servicemembers from predatory financial lending
 - Rep. Waters has introduced bills to overhaul credit reporting and shut down banks that harm consumers
 - Waters has had a long interest in improving public housing and has expressed interest in an overhaul of the housing finance system (Fannie and Freddie)
 - Waters is also likely to investigate financial ties of President Trump and his business to Russia
- Meanwhile, Senate Banking Chairman Crapo ushered through a bipartisan financial services package earlier this year – the bill focused on easing regulations for community financial institutions
- Like Waters, Crapo has expressed interest in housing finance overhaul – as has Treasury Secretary Mnuchin

Financial Services

- We could also see efforts to streamline the Bank Secrecy Act and anti-money laundering laws
- Data security remains a perennial issue of interest – and source of jurisdiction battles
 - This year, Committee Members Luetkemeyer (R-MO) and Maloney (D-NY) unveiled data breach legislation
- Key authorizations
 - If Congress doesn't pass a long-term National Flood Insurance Program reauthorization during the lame duck, it will be a priority next year
 - Authorizaton of the EXIM Bank is set to expire at the end of September 2019
 - ◆ The Bank has been without a quorum for three years and is unable to approve deals over \$10 million
 - ◆ Relatedly, will the Senate moves to confirm Kimberly Reed, the President's nominee to lead the Bank?
 - Senator Toomey (R-PA) continues to lead opposition
 - The Terrorism Risk Insurance Program expires in 2020
- The financial services committees also have jursidiction over sanctions related to the financial sector – and we could see additional activity related to Russia, Iran, or others

National Security and Defense

- Senators Inhofe (R-OK) – who took over for Senator McCain after he passed away – and Senator Reed (D-RI) will remain Chair and Ranking Member of the Senate Armed Services Committee
- On the House side, current Ranking Member Smith (D-WA) will take the gavel, and current Chairman Thornberry (R-TX) will take over as ranking member
- The top issue facing the Armed Services Committees next year will be defense spending levels
 - The Administration, Senate and House likely will split on the defense topline and this will drive the defense debate on the FY 2020 bills
 - ◆ Until recently, the Department was planning on a topline of \$733 billion
 - ◆ OMB then directed a new topline of \$700 billion
 - ◆ The Budget Control Act cap resets to \$576 billion next fiscal year
 - ◆ The topline decision will drive what is in the defense bills – even a \$700 billion topline will require significant procurement cuts in FY 2020

National Security and Defense

- House Committee on Armed Services' incoming Chairman Smith (D-WA) will focus on:
 - Decrease in top line spending, sequestration – significantly lower spending
 - Oversight and Investigations: corruption, fraud, waste & abuse
 - Major Weapons Systems cost growth (F-35, Littoral Combat Ship, KC-35 Aerial Refueling Tanker)
 - Personnel issues – removing transgender ban and addressing sexual assault; smaller force
 - Opposition to President Trump's nuclear modernization posture
 - Climate change, energy and the environment
 - Cyber security
 - Base Realignment and Closure (BRAC) (supportive) and Installations

National Security and Defense

- Senate Armed Services Committee Chairman Inhofe will focus on:
 - Defense Budget stability – no cuts; continue rebuild of military
 - Opposition to climate change initiatives and alternative fuels
 - Deference to President’s and DOD’s National Security Agenda
 - Space Force analysis
 - Opposition to Base Realignment and Closure
 - Africa and AFRICOM
- Expect some changes under Chairman Inhofe:
 - Increased reliance on subcommittees to prepare the bill, less centralization at the full committee
 - Increased emphasis on oversight of programs and readiness
 - Significantly less emphasis on foreign policy
 - Major staff changes for the Republicans

National Security and Defense

- Areas of Potential Cooperation between Congress and Administration
 - Chinese predatory practices and protection of U.S. Technology
 - Space Command and cyberspace initiatives
 - Modernization
 - Autonomous systems and Artificial Intelligence
 - Acquisition and management reform
- Trump Administration Regulatory Priorities
 - Domestic sourcing and Buy American
 - Management reform and smaller federal workforce
 - Cybersecurity and State ownership of commercial entities in the National Security Space
 - Deregulation
 - Border Security
 - Commercial practices and on-line marketplaces

Agriculture

- Relatively little change atop key committees
 - Senators Roberts (R-KS) and Stabenow (D-MI) will continue to be the Chair and Ranking Member of the Senate Agriculture Committee
 - On the House-side, Rep. Peterson (D-MN) is expected to assume the Chairmanship – Peterson, one of the most conservative Democrats in the House, chaired the committee when Democrats were last in power
 - Current Chairman Conaway (R-TX) will become the Ranking Member
- The “big 4” chairs and ranking members are currently working to finalize the 2018 farm bill for passage during the lame duck – and incoming Chairman Peterson has been adamant that he wants it done this year despite his pending control of the gavel
 - A primary obstacle remains expanded work requirements for SNAP recipients included in the House bill
 - The Senate bill includes stricter commodity subsidies opposed by House Chairman Conaway
 - Should a bill not make it across the finish line, expect an extension to give the 116th Congress time to finalize a new bill
 - It has been reported that Chairman Conaway and Ranking Member Peterson are generally aligned – so a “rewrite” would not be drastically different
- If the 2018 farm bill does pass in the lame duck, watch for oversight regarding implementation

Agriculture

- Watch for Democrats to vigorously protect SNAP and to oppose the administration's plans to move the program out of USDA
- Pesticide registration programs will need to be reauthorized should that not happen in the lame duck
- The committees could take up reauthorization of the Commodity Futures Trade Commission (CFTC) next year
- Particularly given incoming House Agriculture Chairman Peterson's longstanding support for ethanol, watch for biofuels efforts in 2019
 - He is supportive of President Trump's year-round E-15 proposal – but has said legislation might be necessary given likely court battles – and has historically pushed for greater biofuels infrastructure
- Should the U.S. agriculture industry continue to be in the crosshairs of retaliatory tariffs, watch for bipartisan oversight efforts related to the President's trade policy and its effects on U.S. farmers and ranchers
 - Relatedly, oversight of the USDA's "trade aid" package is likely
- Incoming Agriculture/FDA Appropriations Subcommittee Chair Bishop (D-GA) has also highlighted some priorities for House Democrats
 - Rural development – e.g., broadband and telemedicine
 - Agricultural research
 - Disaster assistance and risk management
 - A Democratic House is likely to fight the administration's ongoing efforts to replace the Obama-era WOTUS rule, although Peterson is supportive of the WOTUS repeal

Oversight

- A Democratic majority means Democrats now control the gavels of all Congressional committees
- We can expect that oversight of and investigations into the Trump Administration will be sustained and intense
 - Rep. Elijah Cummings (D-MD) will be the new Chairman of the House Oversight Committee; Rep. Jim Jordan (R-OH) or Rep. Mark Meadows (R-NC) are top candidates to serve as Ranking Member
 - ◆ Democrats on the House Oversight and Government Reform Committee alone submitted 64 subpoena requests during the 115th Congress, which were denied by the Republican majority
- President's and Trump Family's Business Interests
 - *Tax Returns:* The Ways and Means Committee would use its authority to request Trump's tax returns from Treasury Secretary Mnuchin
 - ◆ The Administration would likely refuse and issue would have to be resolved by the Courts
 - *Emoluments Clause:* Examine payments made to the Trump Organization by foreign governments while the President is in office
 - ◆ A Federal District Court has allowed the MD & DC Attorneys Generals to proceed with a suit to obtain documents from the president and his business ventures
 - Trump children business interests

Oversight

- Trump Campaign/White House Staff/Cabinet
 - Misuse of government funds as it relates to official travel by Cabinet officials
 - Use of personal email for official government business
 - Approval and/or suspension of Government security clearances for political appointees.
 - Contacts between Campaign staff (during 2016 election) and Trump Transition Administration staff and foreign governments.
 - Potential conflicts of interest by Cabinet officials
- Administration Policy
 - Middle East Travel Ban
 - Handling of foreign refugees and family separation
 - Federal government reorganization, reassignment of career employees; whistleblower protections
 - Puerto Rico Hurricane response
 - Use of Presidential Pardons
 - Composition and discussion of Administration task forces; Administration and Agency meetings with private sector on regulatory reform
- Oversight of Private Sector
 - Drug manufacturers; corporate merger approvals

Budget and Appropriations

- Rep. John Yarmuth (D-KY) will be the new Budget Committee Chairman while Rep. Steve Womack (R-AR) is expected to continue as the top Republican on the Committee
- Sens. Mike Enzi (R-WY) and Bernie Sanders (I-VT) are expected to remain Chair and Ranking Member, respectively in the Senate
 - The Committee's primary responsibility is the drafting and preparation of annual non-binding budget resolution, which sets the top line funding numbers for the annual appropriations process
- Rep. Nita Lowey (D-NY) will be the new Appropriations Committee Chair and either Rep. Bob Aderholt (R-AL), Kay Granger (R-TX), or Tom Graves (R-GA) is expected to serve as Ranking Member
- Senate Appropriations Chairman Shelby (R-AL) and Ranking Member Leahy (D-VT) are expected to continue in their current roles
 - The Committees are responsible for taking the top line numbers set by the Budget Committee and drafting all 12 annual appropriations bills before the end of the fiscal year (September 30)

Budget and Appropriations

- Return of Sequestration and the Debt Limit
 - *Sequestration* – automatic spending cuts as part of the 2011 Budget Control Act – will return in October 1, 2019 (beginning of Fiscal Year 2020) – \$71 billion from defense and \$55 billion from non-defense
 - ◆ Incoming House Appropriations Chair Lowey has indicated that raising the budget caps (i.e. delaying upcoming sequestration) will be a big priority for her committee calling the current spending caps on defense and non-defense as “unworkable”
 - ◆ Raising the caps will likely be included in the annual budget resolution, which Congress tries to complete work on by April 15
 - The current *Debt Limit* has been suspended through March 1, 2019
 - ◆ Bipartisan Policy Center estimates that the Federal government, through extraordinary measures, will be able to operate until at least the summer, if not fall, of 2019
 - If history is any guide, a Democratic Congress and the Trump Administration may not reach an agreement on top line budget numbers, suspension of the debt limit, and further sequestration relief until summer/fall of 2019

Budget and Appropriations

- Return of Oversight
 - Rep. Yarmuth has mentioned several areas of interest to him:
 - ◆ Effect of Climate Change on federal spending
 - ◆ Cost of any Medicare reforms, including “Medicare for All” and allowing Medicare to negotiate drug prices
 - ◆ Tax Reform 2.0 and affect on middle class and employees
 - ◆ Value of comprehensive immigration reform
 - Rep. Lowey will use the “power of the purse” granted to Congress by Article I of the Constitution
 - ◆ Oversight of government spending, including use of official travel funds by Administration officials
 - ◆ Efforts by the Administration to cut funding of programs important to Democrats (public health and social safety net, environmental enforcement, energy R&D funding)

Budget and Appropriations

- Return of Regular Order?
 - During the 115th Congress - with Republicans in control of both chambers of Congress and the White House, five of the 12 annual funding bills – representing 75% of the of all annual discretionary funding – were signed into law before the September 30, 2018 fiscal deadline
 - ♦ It was the first time in over 20 years that Congress has passed a Labor-HHS funding bill prior to the end of the fiscal year, and the first time in over 10 years it has passed a Defense funding bill prior to the end of the fiscal year
 - A House Democratic majority will push its own funding priorities in response to the President’s FY20 Budget proposal (typically released in February)
 - ♦ Senators Shelby and Leahy maintained a gentlemen’s agreement during the FY19 funding process that kept the Senate bills largely devoid of controversial policy riders
 - ♦ Can we expect a similar process between Reps. Lowey and her Republican counterpart?
 - The Joint Select Committee on Budget and Appropriations Process Reform, established in 2018 as part of the Bipartisan Budget Act of 2018 must provide recommendations “that will significantly reform the budget and appropriations process” no later than November 30, 2018
 - ♦ Senate Budget Chairman Enzi has been pushing for biennial budgeting for years

Budget and Appropriations

- Return of Earmarks?
 - Member of both parties have expressed an interest in bringing back earmarks in federal spending bills
 - ◆ In 2011, Congress banned earmarks in spending bills and has struggled to garner support for spending bills that don't contain specific funding for projects back in members' states/districts
 - ◆ Fiscal conservatives and other rank-and-file members of both parties believe earmarks bloat the federal budget and lead to the appearance of "pork barrel spending and corruption"
 - House Republican Study committee stated that 40% of House members have been elected since the earmark ban, so there may be both hesitation and unfamiliarity with how they are included in funding bills
 - Party Leadership and Appropriation committee members support a return of earmarks in some form to gain bipartisan support for legislation and take funding decisions on local projects out of the hands of agency employees

Judiciary

- Rep. Jerry Nadler (D-NY) will be the Chairman of the House Judiciary Committee and Rep. Doug Collins (R-GA) or Steve Chabot (R-OH) will serve as Ranking Member
- Sen. Lindsey Graham (R-SC) is expected to become Chairman of the Senate Judiciary Committee because Sen. Grassley is term-limited as chair (and is expected to take over the Finance Committee)
 - Sen. Dianne Feinstein (D-CA) is expected to remain Ranking Member
- Oversight will be a top priority for House Democrats
 - Nadler has already indicated that his committee will look into allegations of efforts by the Administration to undermine or influence the Justice Department, the FBI, and other federal law enforcement agencies
 - Nadler is chief sponsor of the Special Counsel Independence and Integrity Act, which would prohibit a special counsel (i.e. Robert Mueller) from being removed without "good cause"
 - Nadler and committee Democrats tried to force a floor vote on the bill in September but were not successful
 - Though the Senate has jurisdiction over nominations, Nadler said he would launch an investigation into the Administration/FBI investigation into allegations against then Supreme Court nominee (now Justice) Kavanaugh

Judiciary

- The Senate Judiciary Committee will be charged with getting President Trump's new Attorney General nominee confirmed following AG Sessions' departure
- Senate Republicans, maintaining their majority in the chamber, are expected to continue to approve nominees for lifetime judicial appointments at a fast pace

President	Supreme Court	Court of Appeals	District Court
Trump (Jan 2017- Nov 2018)	2	29	53
Obama (Jan 2009-Nov 2010)	2	11	30
Bush (Jan 2001-Nov 2002)	0	14	66

Judiciary

- Can we expect progress on immigration issues?
 - Sen. Graham has been actively involved in immigration reform, focusing on efforts to protect so-called DREAMERs from deportation
 - ◆ He has a good working relationship with the President so there may be some opening to a deal with the Administration on certain aspects of immigration
 - Rep. Nadler has been critical of the Administration's handling of incoming refugees and family separation and this could be the focus of some hearings by his committee
 - There could be areas of cooperation between the two Committee chairs – Graham and Nadler – that may result in a smaller immigration package that would allow protection of DREAMERs while boosting immigration enforcement/border security (besides a wall)
- The House and Senate made progress towards a criminal justice/prison reform measure during the 115th Congress and may get across the finish line in the lame duck if it can get 60 votes in the Senate
 - If not completed in the lame duck, the committees could continue work in the next Congressional session
 - Presumptive Senate Chairman Graham, along with fellow Judiciary committee members Lee (R-UT) and Grassley (R-IA) have been active and supportive of moving a reform bill
 - Rep. Nadler opposed the House-passed reform legislation, FIRST STEP Act, believing it would create not decrease prison recidivism, but did point out areas that he supported – compassionate release, treatment of pregnant inmates, and credit for good conduct

Judiciary

- Antitrust reform may also be a priority for Democrats
 - As part of their *Better Deal* platform, House Democrats proposed several bills:
 - ◆ The Restoring and Improving Merger Enforcement Act would prohibit the consideration of economic efficiencies—like corporate layoffs—to justify anticompetitive mergers
 - ◆ Economic Freedom and Financial Security for Working People Act would prohibit anticompetitive corporate mergers that would give employers the ability to dictate the wages, benefits, and workplace conditions of Americans
 - ◆ Workforce Mobility Act bans non-compete agreements in the workplace
 - Senate Democrats, led by Sen. Amy Klobuchar (D-MN) have introduced similar bills, including:
 - ◆ The Merger Enforcement Improvement Act, which would increase merger enforcement through measures such as imposing reporting requirements on companies that settled with the antitrust agencies prior to closing
 - ◆ Consolidation Prevention and Competition Promotion Act, which would change current antitrust law by proposing new legal standards for approval of larger corporate mergers

Communications

- Senator Wicker (R-MS) is expected to take over as Senate Commerce Committee Chairman with Senator Thune's ascension to the number two leadership position
 - Ranking Member Nelson's (D-FL) bid for re-election is currently in a recount
- On the House side, Rep. Pallone (D-NJ) will take over as chair of the Energy and Commerce Committee, with current Chairman Walden (R-OR) moving to the Ranking Member slot
 - Rep. Doyle (D-PA) is expected to stay on as the top Democrat on the Communications and Technology Subcommittee – the top Republican will change with Rep. Blackburn's (R-TN) retirement
- Chairman Ajit Pai has declined to say whether he will stay in his role with a Democratic House majority
 - His current term extends until 2021, and Democrats have indicated they would engage in more aggressive oversight of the agency
- There is a good chance that a Democratic-controlled House will reengage in the net neutrality debate and attempt to strengthen net neutrality protections
 - Democrats see this as an issue that will get their base energized for 2020; the GOP Senate is unlikely to act
 - Rep. Doyle has been leading the House Democratic effort
 - Recently, the Supreme Court rejected an attempt by telecom companies to overturn a lower court's ruling upholding the Obama-era net neutrality rules that prohibited ISPs from throttling or blocking web content, or by creating paid "fast lanes"
 - ◆ While the rules have since been repealed, the ruling provides additional precedent if those rules are ever re-introduced

Communications

- Robocalls are a major issue among the Democratic Caucus, and we can expect legislation to be reintroduced on the issue in the 116th Congress
 - This past year, House Democrats introduced three different anti-robocall bills: the Stopping Bad Robocalls Act (Pallone), the HANGUP Act (Eshoo) and the CEASE Robocalls Act (Dingell) – expect them to drive efforts in the next Congress
 - The definition of robocalls has broadened and covers more than what was defined in 1991
 - Expect consumer groups to press for continued crackdown on robocalls and a strengthened Telecommunications Consumer Protection Act (TCPA)
 - The Automated Telephone Dialing System (ATDS) definition continues to be challenged and is at the core of the robocall issue
 - Chairman Pai recently contacted telecom companies to push them to implement call authentication technology
- 5G deployment continues, but there are issues developing regarding access
 - In particular, local governments are chafing under the FCC's new restrictions on cities' abilities to regulate 5G infrastructure, and there will likely be hearings and possible action to address this issue
 - Trade issues may factor into construction and deployment of the technology – challenges will appear within the supply chain if tariffs continue

Privacy and Data Security

- Expect a focus on consumer privacy in the wake of ongoing data breaches and industry scandals
 - This issue will only continue to gain momentum as technology advances and concerns grow
- Smart Cities: Privacy concerns have grown around Smart Cities, as the public doubts localities' ability to protect personal data
- Major tech companies see a Democrat-controlled Congress as a threat both from 1) advancing federal privacy legislation and 2) declining to preempt state privacy laws
 - Democrats have supported granting the Federal Trade Commission (FTC) rulemaking authority over data privacy
 - Sen. Wicker has openly opposed this idea, but has expressed support for a national online privacy framework developed in conjunction with the Commerce Department
- In addition to public tussles over perceived bias, President Trump has indicated that he has antitrust concerns regarding some of the large tech companies
- Struggles continue with both House Financial Services and the House Energy and Commerce Committee as to who should lead the issue

Looking Ahead: 2020 Senate Elections

12 Democrats

Booker, Cory A. (D-NJ)
Coons, Christopher A. (D-DE)
Durbin, Richard J. (D-IL)
Jones, Doug (D-AL)
Markey, Edward J. (D-MA)
Merkley, Jeff (D-OR)
Peters, Gary C. (D-MI)
Reed, Jack (D-RI)
Shaheen, Jeanne (D-NH)
Smith, Tina (D-MN)
Udall, Tom (D-NM)
Warner, Mark R. (D-VA)

21 Republicans

Alexander, Lamar (R-TN)
Capito, Shelley Moore (R-WV)
Cassidy, Bill (R-LA)
Collins, Susan M. (R-ME)
Cornyn, John (R-TX)
Cotton, Tom (R-AR)
Daines, Steve (R-MT)
Enzi, Michael B. (R-WY)
Ernst, Joni (R-IA)
Gardner, Cory (R-CO)
Graham, Lindsey (R-SC)
Hyde-Smith, Cindy (R-MS)
assuming she wins her runoff
Inhofe, James M. (R-OK)
McConnell, Mitch (R-KY)
Perdue, David (R-GA)
Risch, James E. (R-ID)
Roberts, Pat (R-KS)
Rounds, Mike (R-SD)
Sasse, Ben (R-NE)
Sullivan, Dan (R-AK)
Tillis, Thom (R-NC)

There is also expected to be a special election in Arizona to fill Senator McCain's seat (currently held by Senator Jon Kyl (R))

Government Relations and Public Policy Team



Paul Rosenthal

Partner, Co-Chair

Phone: (202) 342-8485

prosenthal@kelleydrye.com



Dana Wood

Director, Co-Chair

Phone: (202) 342-8608

dwood@kelleydrye.com

Mark Anderson, Senior Advisor

John Arnett, Advisor

Thomas Cohen, Partner

Joseph Corrigan, Senior Advisor

Maggie Crosswy, Advisor

Wayne D'Angelo, Partner

David Frulla, Partner

Joan Galvin, Senior Advisor

William Guerry, Partner

David Hartquist, Partner

John Herrmann, Partner

David Hickey, Partner

Jeff Hunter, Partner

Michael Kosmas, Partner

Laurence Lasoff, Partner

Ronald Lorentzen, Senior International Trade Advisor

Greg Mastel, Senior International Trade/Tax Advisor

Jennifer McCadney, Special Counsel

Scott McGee, Advisor

Andrew Minkiewicz, Partner

Dustin J. Painter, Partner

Leah Rabkin, Associate

William Reinsch, Senior Advisor

Sarah Roller, Partner

The Honorable Lee Terry, Senior Advisor

Laura van der Meer, Partner

Michael Williams, Senior Advisor

