GT GreenbergTraurig



2026 Midterms

Post-Election Federal Outlook

Federal Government Law & Policy

November 4, 2026

GT GreenbergTraurig

Congressional Control

Democrats secured control of the House of Representatives & Senate for the 120th Congress

House of Representatives	Senate
Democrats will control at least 238 seats.	**Democrats will control at least 54 seats.**
Republicans will control at least 148 seats.	**Republicans will control at least 44 seats.**
Democrats gained at least 32 seats.	*Democrats gained at least 7 seats.*
49 races are outstanding.	*Alaska & Mississippi races are outstanding.*

GT GreenbergTraurig

119th Congress Lame Duck Agenda

November 9, 2026 – January 3, 2027

GT GreenbergTraurig

Lame Duck Schedule

Lame Duck session runs November 9, 2026 – January 3, 2027

House: 20 scheduled legislative days

Senate: 22 scheduled legislative days

November

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

BOTH
SENATE
HOUSE

GT GreenbergTraurig

Congressional Priorities – Lame Duck Session

- **Government Funding – Current CR expires December 11, 2026**
  Congress must decide whether to complete a full-year FY 27 appropriations or enact another short-term CR into early 2027.

- **Surface Transportation Reauthorization – Current bill expires December 11, 2026**
  The BUILD America 250 Act cleared the House Transportation & Infrastructure Committee with broad bipartisan support, but it has not yet passed the House. With only 20 scheduled House legislative days remaining, another short-term surface transportation extension into 2027 is likely if the House does not move quickly. The Senate has not yet proposed legislation.

- **National Defense Authorization Act (NDAA)**
  The NDAA remains a major year-end legislative vehicle, although negotiations face disagreements over Iran-war oversight, policy riders, and clean-energy provisions.

- **Farm Bill**
  The farm bill expired on September 30, 2026. While crop insurance and SNAP continue through an extension, conservation, research, and rural development programs face uncertainty. If Congress does not act by December 31, 2026, farm programs would revert to decades-old permanent law, potentially increasing support for some commodities, while eliminating the safety net for others, including soybeans, peanuts, and canola.

- **Permitting Reform**
  In October 2026, leaders on the Senate Environment & Public Works Committee released the bipartisan American Affordability and Jobs Act of 2026, overhauling the current permitting process, allowing for faster construction projects, and relaxing some environmental rules. Senate Majority Leader John Thune (R-SD) has scheduled a procedural vote to consider the bill on November 9, 2026. The House also passed permitting reform through the SPEED Act.

GT GreenbergTraurig

Approaching Year-End Deadlines

December 11, 2026

- Defense Production Act authorities
- Toxic Substances Control Act (TSCA) Fee Authority
- Federal Cybersecurity Enhancement Act
- Fee setting authority of the U.S. Patent and Trademark Office
- Nearly 20 healthcare extenders

December 31, 2026

- Export-Import Bank authorizations
- Medicare-Physician Payment Increase

GT GreenbergTraurig

120th Congress – Projected Timeline

House		Senate	
Democrats	**Republicans**	**Democrats**	**Republicans**
Leadership Elections *November 18-19, 2026*	**Leadership Elections** *November 10, 2026*	**Leadership Elections** *November 18-19, 2026*	**Leadership Elections** *November 10, 2026*
Conference Rules Forum *TBD*	**Conference Rules Forum** *November 11, 2026*	**Committee Assignments** *Early December 2026*	**Committee Assignments** *Early December 2026*
Committee Assignments *Early December 2026*	**Committee Assignments** *Early December 2026*	**New Members Sworn In** *January 3, 2027*	**New Members Sworn In** *January 3, 2027*
New Members Sworn In *January 3, 2027*	**New Members Sworn In** *January 3, 2027*		

GT GreenbergTraurig

120th Congress

Potential Chairs & Ranking Members

House of Representatives

Committee	Likely Chair Candidates (D)	Likely Ranking Member Candidates (R)
Agriculture	Rep. Shontel Brown Rep. Jim Costa Rep. Don Davis	Rep. Austin Scott Rep. Frank Lucas *Rep. Glenn Thompson formally requested to maintain position
Appropriations	*Rep. Rosa DeLauro	*Rep. Tom Cole
Armed Services	*Rep. Adam Smith	Rep. Trent Kelly Rep. Ronny Jackson
Budget	*Rep. Brendan Boyle	Rep. Lloyd Smucker Rep. Blake Moore
Education & Workforce	*Rep. Bobby Scott Rep. Jahana Hayes Rep. Suzanne Bonamici	Rep. Tim Walberg
Energy & Commerce	*Rep. Frank Pallone	*Rep. Brett Guthrie
Ethics	Rep. Mark DeSaulnier	*Rep. Michael Guest
Financial Services	*Rep. Maxine Waters Rep. Sean Casten Rep. Bill Foster	*Rep. French Hill
Foreign Affairs	*Rep. Gregory Meeks	*Rep. Brian Mast
Homeland Security	*Rep. Bennie Thompson	*Rep. Andrew Garbarino
House Administration	*Rep. Joe Morelle	OPEN – Incumbent lost reelection
Judiciary	*Rep. Jamie Raskin	Rep. Scott Fitzgerald Rep. Laurel Lee
Natural Resources	*Rep. Jared Huffman	Rep. Pete Stauber
Oversight & Government Reform	*Rep. Robert Garcia	Rep. Brandon Gill Rep. Paul Gosar
Rules	*Rep. Jim McGovern	^Rep. Virginia Foxx
Science, Space & Technology	*Rep. Zoe Lofgren	*Rep. Brian Babin
Small Business	Rep. Hillary Scholten	*Rep. Roger Williams
Transportation & Infrastructure	*Rep. Rick Larsen	^Rep. David Rouzer Rep. Rick Crawford
Veterans' Affairs	*Rep. Mark Takano	Rep. Jack Bergman
Ways & Means	*Rep. Richard Neal	*Rep. Jason Smith

**Indicates current Ranking Member or Chair*

^ Indicates close outstanding race

Senate

Committee	Likely Chair Candidates (D)	Likely Ranking Member Candidates (R)
Agriculture, Nutrition & Forestry	Sen. Michael Bennet Sen. Cory Booker Sen. Sherrod Brown	*Sen. John Boozman (AR)
Appropriations	*Sen. Patty Murray (WA)	Sen. Lisa Murkowski (AK)
Armed Services	*Sen. Jack Reed (RI)	*Sen. Roger Wicker (MS)
Banking, Housing & Urban Affairs	*Sen. Elizabeth Warren Sen. Sherrod Brown	*Sen. Tim Scott
Budget	Sen. Tim Kaine	Sen. Chuck Grassley
Commerce, Science & Transportation	*Sen. Maria Cantwell	*Sen. Ted Cruz Sen. Deb Fischer
Energy & Natural Resources	*Sen. Martin Heinrich	Sen. Dave McCormick
Environment & Public Works	Sen. Ed Markey Sen. Jeff Merkley	*Sen. Shelley Moore Capito
Finance	*Sen. Ron Wyden	*Sen. Mike Crapo
Foreign Relations	Sen. Chris Coons	*Sen. Jim Risch
Health, Education, Labor & Pensions	*Sen. Bernie Sanders	Sen. Lisa Murkowkski
Homeland Security & Governmental Affairs	Sen. Maggie Hassan	*Sen. Rand Paul
Indian Affairs	Sen. Brian Schatz	Sen. John Hoeven
Judiciary	Sen. Sheldon Whitehouse	Sen. Mike Lee
Rules & Administration	*Sen. Alex Padilla	Sen. Deb Fischer
Small Business & Entrepreneurship	Sen. Cory Booker Sen. Mazie Hirono	Sen. Todd Young
Veterans' Affairs	Sen. Richard Blumenthal *Sen. Jerry Moran	^Sen. Dan Sullivan Sen. Kevin Kramer

**Indicates current Ranking Member or Chair*

^ Indicates close outstanding race

GT GreenbergTraurig

120th Congress

Anticipated Legislative Agenda

GT GreenbergTraurig

120th Congress Anticipated Legislative Agenda

Anything left unresolved during the Lame Duck session, including a possible shutdown, may be priority agenda items for the 120th Congress.

Tax & Trade

- House Democrats will likely push to reinstate win & solar credits and restore Congressional authority over tariffs.
- Bipartisan tax action is expected over IRS modernization.
- Conversations are expected regarding raising the debt ceiling.

Financial Services & Crypto

- Democrats are expected to use subpoena power to investigate cryptocurrency ventures and demands for strict ethics and consumer protections could slow and reshape crypto market structure legislation, which failed a Senate cloture vote in September.

Technology & AI

- Democrats are expected to push federal pre-development vetting of AI models and catastrophic-risk safeguards such as a government “kill switch.”
- Proposals on data center energy and water disclosure are likely to shape the debate.

Energy & Infrastructure

- Bipartisan Senate permitting reform is scheduled for a Nov. 9 cloture vote and will carry over as a leading bipartisan priority for 2027, in the case it stalls.
- A multi-year surface transportation reauthorization and a fix for Highway Trust Fund solvency are also expected to be early priorities.

Healthcare and Federal Assistance

- Democrats are expected to prioritize restoring enhanced ACA subsidies and reversing cuts to Medicaid and SNAP.

Defense and Foreign Policy

- While the NDAA will move under regular order, expect oversight hearings related to the Iran War, boat strikes in the Caribbean, issues related to Israel and Ukraine, Pentagon contracting, and the firings and blocked promotions of senior offices. Additional votes will also be of help on resolutions to end U.S. involvement in Iran and the Middle East.

GT GreenbergTraurig

120th Congress: Anticipated Oversight Agenda

GT GreenbergTraurig

120th Congress: Oversight Risks to Private Sector

Democratic oversight of the Trump Administration will pull in the private sector

- A commanding majority in the House and a comfortable margin in the Senate guarantees a robust oversight agenda in the 120th Congress.
- With the Trump Administration likely to resist demands for documents and witnesses, congressional investigators will turn their gaze to the private sector for whom noncompliance poses much greater risk.
- Congressional investigations rarely occur in a vacuum: they often intersect with, and sometimes spawn, criminal and regulatory proceedings as well as costly litigation.
- For those in the crosshairs, anticipating where Congress will focus and knowing how to respond to the first sign of a congressional inquiry will be critical to successfully navigating the coming storm.

GT GreenbergTraurig

120th Congress: Anticipated Oversight Agenda

Democratic leaders have previewed their oversight priorities:

- **Corruption & Favoritism:** any interactions with President Trump, his political organization, his close associates, or his family members that may have resulted in favorable treatment by the Administration
- **Technology & AI:** data center development, AI oversight and guardrails, advanced semiconductor policy and export regulation, data privacy, consumer protection, misinformation, and crypto currency
- **Immigration Enforcement:** ICE workplace raids, including their effects on employers and workers; contracts to provide data and facilities to support ICE operations
- **Health & Pharma:** prescription drug pricing, Medicare and Medicaid administration, FDA approval processes, the use of AI in coverage decisions, and healthcare contracting
- **Defense, Foreign Policy & National Security:** the war in Iran, boat strikes, financial connections in Venezuela, and defense contracts with politically connected companies

GT GreenbergTraurig

120th Congress: Key Oversight Committees

House of Representatives	Senate
Judiciary	Judiciary
Oversight & Government Reform	Homeland Security & Governmental Affairs
Homeland Security	Banking, Housing & Urban Affairs
Energy & Commerce	Finance
Foreign Affairs	Health, Education, Labor & Pensions
Financial Services	Commerce, Science & Transportation

GT GreenbergTraurig

120th Congress: Oversight Tools, Timing & Enforcement

House, Senate, and relevant committee rules will define the process and the timeline for committee investigations.

- Committees can issue subpoenas and hold hearings within weeks of taking office, once each chamber adopts its organizing resolution and committee rules – but securing documents and witnesses from the Executive Branch could take months.
- Recent majorities moved within five weeks: House Judiciary authorized its first subpoena on February 7, 2019, and issued its first subpoenas on February 3, 2023.
- House and Senate committees each have their own rules as to whether subpoenas can be issued unilaterally by the chairman, by a majority vote, or on a bipartisan basis, and committees likewise have their own rules for ordering staff-led depositions.
- Subpoenas can be enforced through criminal contempt, inherent contempt, or civil enforcement, but all pose their challenges.

GT GreenbergTraurig

Impeachment Proceedings

Democratic leaders have not committed to impeaching President Trump, and cabinet officials are the more likely targets. House Democratic Leader Hakeem Jeffries (D-NY) has said Democrats have ruled nothing in or out, and he has signaled that Defense Secretary Pete Hegseth would be an early target. Conviction in the Senate requires 67 votes.

- **Secretary Hegseth:** Impeachment filed by Rep. Yassamin Ansari (D-AZ) over the Iran war and Caribbean boat strikes, and by Rep. Thomas Massie (R-KY) over the Iran war. A House vote on Rep. Massie's articles is expected after the election, and Armed Services Ranking Member Adam Smith (D-WA) has signaled he could support them.

- **Education Secretary Linda McMahon** and **HHS Secretary Robert F. Kennedy Jr**.: articles filed by House Democrats.

As to impeachment proceedings against the **President**, Rep. Alexandria Ocasio-Cortez (D-NY) and Rep. Ro Khanna (D-CA) support impeachment. In September, Democratic leaders voted "present" as 18 Democrats joined Republicans to table articles filed by Rep. Al Green (D-TX) over immigration enforcement. Rep. Robert Garcia (D-CA), the likely Oversight chair, has said impeachment is not at the top of his list.

GT GreenbergTraurig

April 2024: Impeachment Proceedings Against Secretary Mayorkas

- In April 2024, the House of Representatives approved two articles of impeachment against then-DHS Secretary Alejandro Mayorkas alleging "*willful and systemic refusal to comply with the law*" and "*breach of public trust*."
    - This marked the first time a Senate-confirmed, Cabinet-level official was impeached since 1876.

- The Democratic-controlled Senate voted to dispense with the impeachment trial by voting on a procedural point of order that both articles transmitted from the House were unconstitutional.
    - As a result, trial against Secretary Mayorkas was never held.

GT GreenbergTraurig

Anticipated Executive Branch Agenda for the Final Two Years of the Trump Administration

GT GreenbergTraurig

Anticipated Executive Branch Priorities

Trade Policy, Tariffs & International Commerce
Likely to pursue additional industry-specific tariffs through existing trade authorities, with critical minerals, wind turbines, and medical equipment among the areas to watch. The Administration may additionally advance trade remedies related to manufacturing overcapacity, potentially creating new tariff exposure for imports from China, the European Union, and other major trading partners.

Immigration & Border Security
Likely to maintain an emphasis on border restrictions and immigration enforcement through agency direction and enforcement priorities, and may tighten rules governing temporary foreign workers, international students, employer-sponsored immigration, and exchange-visitor programs.

Tax Policy
Expected to advance rules strengthening eligibility verification for health-insurance premium tax credits, including changes proposed in October for implementation beginning in 2027. Additionally may continue advocating for permanent tax preferences involving tips, overtime, and Social Security.

Economic Policy & Direct Payments
May seek additional targeted rebates or payments where existing program authority and congressionally appropriated funds permit. Likely to explore administrative measures intended to lower housing and construction costs. Additional potential to continue promoting a broader "tariff dividend," but a nationwide payment should not be presented as an established executive action program.

Healthcare Reform
Likely to continue pursuing prescription-drug pricing agreements and the implementation of existing executive directives intended to bring U.S. prices closer to those in comparable countries. Additionally expected to emphasize hospital and insurer price transparency through rulemaking and enforcement, alongside tighter verification of eligibility for federal healthcare subsidies.

China Policy & National Economic Security
Likely to combine trade negotiations with continued tariff pressure and will address manufacturing competition and encourage domestic investment. The Administration is also likely to expand scrutiny and restrictions of Chinese supply chain and technology dependencies in American supply chains and continue framing U.S. dominance in artificial intelligence (AI) as an economic and national security priority.

Energy Policy & Dometic Energy Production
Likely to continue utilizing federal leasing, drilling permits, and agency approvals to support domestic oil, natural gas, and coal production. May maintain an emphasis on faster energy-project approvals and expanded nuclear capacity through agency implementation and regulatory changes.

Deregulation & Federal Agency Reform
Likely to continue efforts to reduce federal staffing and reshape agency operations through executive direction and administrative management. May additionally seek changes to federal grant rules that give political appointees greater influence over funding decisions.

AI/SI & Emerging Technologies
The Administration will continue to prioritize U.S. dominance in the global AI race, with a light touch regulatory approach favoring voluntary industry standards and interagency coordination to mitigate risks posed by AI, including testing, incident reporting, monitoring, and strengthening cybersecurity. Potential to favor support for AI development with targeted consumer protections and discreet national security restrictions, over taking a heavy regulatory approach.

Defense, Military Modernization & Industrial Base
Likely to prioritize faster weapons production and expanded domestic manufacturing capacity. May additionally use acquisition practices, contracting decisions, and existing industrial-base authorities to encourage production, expansion, and adoption of AI and other emerging technologies.