



Fall Congressional Outlook

September 2023

Akin's Lobbying & Public Policy Practice

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Introduction

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Congress returns from the August recess with a robust agenda and limited time to pursue it. The calendar is further constrained by the September 30 deadline to pass appropriations packages or a continuing resolution (CR) to avoid a shutdown of the federal government.

Despite indications that House and Senate leadership support a CR through early December 2023 to allow for time to work out appropriations and other measures, the likelihood of reaching a CR prior to the September 30 deadline is uncertain at best. Absent a CR, the government will shut down for some period of time before an agreement can be reached. Once a CR is reached, appropriations work can continue and Congress may address additional policy priorities.

In addition to completing the appropriations process for fiscal year 2024, there are various major pieces of legislation for Congress to negotiate, including the National Defense Authorization Act, Federal Aviation Administration's reauthorization and the Farm Bill. Congress is also likely to consider legislation that provides aid to Ukraine and funds support for wildfire and hurricane recovery. The China Select Committee is also expected to publish a report on trade in the fall. It remains to be seen whether Congress will have the bandwidth also to tackle an end-of-year tax bill or other measures.

The 2024 election season also poses a challenge to Congress's ability to reach consensus on legislation. With the majority in each chamber narrowly held, retirements, redistricting or failure to win re-election may recast party control in 2024.

At the national level, President Biden announced he will seek re-election, a crowded Republican field seeks to replace current frontrunner President Trump at the presidential nomination and a series of Republican debates is already underway. The presidential election cycle will exacerbate partisan divisiveness, underscoring the urgency of addressing the current congressional docket before the end of 2023.

Key Takeaways

5 min. read

Aerospace & Defense: While there are significant policy issue differences yet to be negotiated, the National Defense Authorization Act (NDAA) is expected to be conferenced in the fall and will likely pass before year-end. Federal Aviation Administration (FAA) Reauthorization also remains a high priority; however, because the current 2018 FAA expires at the end of September 2023, an extension may be needed to allow more time for negotiations in the Senate.

Agriculture: The 2018 Farm Bill is scheduled to expire this month, but much work is still needed in both chambers. While leaders of the House and Senate Agriculture Committees continue to express a desire to pass a new Farm Bill by the end of 2023, a short-term extension and enactment of a final bill in 2024 looks increasingly likely.

Appropriations: With the prospect of a government shutdown looming, the most important legislative issue of the fall will be appropriations. House Republicans wrote their appropriations bills at FY22 levels, which is \$119 billion lower than the bipartisan spending agreement reached earlier this year to raise the debt ceiling. Also under consideration is an emergency supplemental bill for disaster relief, Ukraine aid and border security funding. At present, the House is scheduled to be in session for only 11 days prior to the expiration of current appropriations.

Energy: While permitting reform is a priority for many within Congress, consensus appears unlikely. Congress will continue to exercise its oversight function to scrutinize administration activities, including Environmental, Social and Governance policies, a possible Securities and Exchange Commission (SEC) climate disclosure rule and additional Treasury Department additional guidance on Inflation Reduction Act (IRA) clean energy tax credits. Many policymakers also will be participating in and/or closely following developments at Conference of the Parties (COP28) climate negotiations in November.

Financial Services: The House may be able to advance bipartisan bills related to regulation of cryptocurrency this fall while the House Financial Services Committee will continue to focus on SEC oversight. In the Senate Banking Committee, oversight of financial regulators remains a priority as do SAFE Banking Act and housing initiatives.

Health & Life Sciences: Drug pricing continues to dominate the health care agenda with the Biden-Harris administration moving full steam ahead to implement the Inflation Reduction Act's drug pricing provisions and Congress continuing to consider a range of reforms related to pharmacy benefit managers (PBMs). Congress continues to work on a range of health care issues, but it remains uncertain how the House and Senate will move forward together on these issues, including the outstanding reauthorization of both the Pandemic and All-Hazards Preparedness Act and the SUPPORT Act.

Tax: The prospect of an end-of-year tax package continues to hinge on whether Democrats and Republicans can agree to some extension of the child tax credit despite bipartisan support for extending other provisions like expensing for research and engineering.

Technology: The Senate will continue its work on Artificial Intelligence (AI) with a series of information gathering sessions expected to culminate in potential legislative or regulatory initiatives. Narrow AI priorities also may be addressed in the NDAA. Congress also may try to advance privacy legislation focused on protecting children (and data related to children) while the administration pursues rules related to the sale of consumer data, also likely to address AI issues.

Trade: With the backdrop of a potential Biden-Xi meeting in November, the Biden administration may finalize several trade policies, including a framework agreement with Indo-Pacific partners, an export controls rule, an outbound investment rule and a possible reconfiguration of section 301 tariffs on imports from China. Congress continues to struggle to reauthorize expired programs that temporarily reduce or eliminate tariffs on goods no longer made in the United States or from developing countries, but an effort to reform the de minimis exception allowing duty free imports could breathe new life into nascent conversations at the committee level on a year-end package.

2024 Election Outlook: With slim majority margins in both the House and Senate, even small electoral shifts can have chamber-flipping consequences. In a two-vote Senate majority, neither Sens. Joe Manchin (D-WV) nor Kyrsten Sinema (I-AZ) have officially announced their intent to run for re-election, while pending House district maps in New York, North Carolina, Alabama and Louisiana will create new swing seats. And, at the presidential level, candidates for the Republican nomination continue to try to establish themselves as the main alternative to former-President Trump, who continues to be the overwhelming favorite in the primary despite his various legal issues.

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In the below fall congressional outlook, members of Akin's lobbying & public policy practice provide a comprehensive look at this fall's congressional agenda, including policy areas such as Aerospace & Defense, Agriculture, Appropriations, Energy, Financial Services, Health & Life Sciences, Tax, Technology, Trade and the 2024 elections.

Should you have any questions concerning the material discussed, please contact plpbd@akingump.com.

Aerospace & Defense

3 min. read

The House spent the first half of the year making progress on the 2023 FAA Reauthorization that culminated in the bill passing with a 351-69 vote in late July. While the House moved swiftly through considering many of the more mundane matters related to keeping to FAA running, proposals to increase flights into Washington D.C.'s Reagan National Airport (DCA), pilot training requirements and pilot mandatory retirement age brought added friction to the debate as its headed toward final passage in the House. Ultimately, the House-passed bill omitted DCA flight provisions, which remain an open item for the yet-to-be-considered Senate version of the bill. Before the summer break, the Senate Commerce Committee had aimed to hold an official mark-up of their version of the FAA bill, but issues related to pilot training requirements, DCA flights and consumer protection issues (among others) proved too difficult to navigate before the clock ran out.

As the Senate returns this week, Commerce Committee Chair Maria Cantwell (D-WA) indicated FAA Reauthorization is a top priority for progress. With the aforementioned unresolved policy issues and the current 2018 FAA expiring at the end of the month, it appears an extension of some duration may be needed to allow more time for negotiations in the Senate.

The House and Senate have approved differing versions of the National Defense Authorization Act (NDAA), the perennial defense policy bill that has passed annually for the past 60-plus years. The House version contains conservative policy items prompting a near party-line vote in the House (219-210). Conversely, the Senate passed its NDAA version in late July with a strong bipartisan vote (86-11). The two versions of the bill await a formal conference in the fall to reconcile these differences.

The NDAA remains one of the few legislative products that ultimately enjoys robust bipartisan support and historically predictable passage by the end of the year. Despite significant differences in the two bills, congressional leaders remain optimistic for a compromise bill. That said, a key remaining issue to be settled between the two chambers is how and at what level funds in support of the war in Ukraine will be authorized, overseen and audited.

Agriculture

2.4 min. read

Congress also faces the daunting task of enacting a new Farm Bill, ideally by the end of the year. The last Farm Bill was enacted in 2018 and is scheduled to expire in September, though authorities for most programs will continue to operate until the end of the year. At this writing, it appears increasingly likely that Congress will opt to approve a temporary extension of current programs by December, with the goal of enacting a new Farm Bill in the first half of 2024.

Before that can happen, the House and Senate Agriculture Committees will need to release their respective drafts of the Farm Bill, which neither has yet done, and then push them through the committee mark-up stage. After that, contentious floor fights await, perhaps especially in the House, where many conservative Republicans want to pare back nutrition and conservation program funding.

Senate Agriculture Chair Debbie Stabenow (D-MI) has drawn a hard line against such cuts. The cost of nutrition programs, in particular, have grown over the years and now account for more than 80% of the Farm Bill baseline. This leaves less money to update commodity and crop insurance programs that are important to producers in many Republican-led states. Similarly, strong conservation spending is essential to the Biden administration's goals of spurring innovation in climate-friendly growing practices and preparing producers to deal with other environmental pressures.

Traditionally, writing the Farm Bill has been a bipartisan exercise, reflecting a shared interest in ensuring a strong rural economy and an abundant domestic supply of affordable food. But, as with other key national priorities, worsening partisan differences stand in the way.

For now, the four corners of the House and Senate Agriculture Committees continue to emphasize their shared commitment to passing a bipartisan package, reflecting a pragmatic understanding that compromise on both sides will be needed.

Appropriations

3.7 min. read

By the time both chambers return from the August recess, there will only be three weeks left in the current fiscal year, which ends on September 30, and there remains significant work to complete the appropriations process for fiscal year (FY) 2024.

While the Senate Appropriations Committee has approved all 12 annual appropriations bills, none of these bills has advanced through the full Senate. The House Appropriations Committee approved 10 of the annual appropriations bills but failed to mark up the Labor-Health and Human Services-Education bill and the Commerce-Justice-Science bill due to time constraints and partisan disagreements. The House adopted the Military Construction-Veterans Affairs appropriations bill on a 219-211 party-line vote but ultimately pulled the Agriculture-Rural Development-Food and Drug Administration bill before the recess.

While Senate appropriations work has been bipartisan, House action has been the opposite. Despite agreeing to a discretionary, non-emergency appropriation limit as part of the Fiscal Responsibility Act of 2023 (FRA), which passed both chambers with strong bipartisan support, the House Appropriations Committee ultimately set funding in all bills to FY22 levels—\$119 billion less than the amount agreed to in the FRA.

With limited legislative days before the end of the fiscal year, Senate Majority Leader Chuck Schumer (D-NY) and House Speaker Kevin McCarthy (R-CA) have expressed support for adopting a continuing resolution through early December to provide additional time for negotiations. In addition, the Biden administration has submitted to Congress a supplemental spending request (approximately \$40 billion) for disaster relief, Ukraine aid and border security funding. The House Freedom Caucus responded with opposition to a “clean” CR, as well a “blank check” for Ukraine, and underscored various policy demands for considering all 12 appropriations bills individually on the House floor. The Senate may try to pass a CR that includes the requested supplemental funding in an effort to force further negotiations with the House Republican Majority. If the House and Senate are not able to come to an agreement on the terms of a CR, there will be a federal government shutdown effective October 1.

As for immediate next steps, the House Rules Committee is expected to consider the Defense and Homeland Security appropriations bills the week of September 11 and the Department of State, Foreign Operations and Related programs appropriations bill the week of September 18, and the Senate may also consider a “minibus” of several appropriations bills.

For a more comprehensive analysis of appropriations for the 2024 fiscal year, please click on the article link [here](#).

Energy

2.5 min. read

Congress returns from the annual August recess having enacted over the last two years historic legislation on energy, climate, infrastructure and permitting policies. However, Senate and House Members nearly uniformly agree that those accomplishments—partisan and bipartisan alike—do not go far enough to advance key policy objectives. For instance, factions in both parties continue to call for comprehensive energy project permitting reform, yet the agreement ends there amidst sustained partisanship over the types of reforms needed to expedite traditional versus clean energy sources. While Congressional permitting advocates will continue pushing to include reforms in must-pass legislation, it will be difficult to reach accord on reforms proposed in the more partisan permitting bills under consideration. Additionally, as efforts continue to advance reauthorization of the Farm Bill, expect that legislation will also address significant climate and energy related programs.

Congressional oversight, particularly in the GOP-controlled House, will continue to focus on the Biden Administration's climate and Environmental, Social and Governance (ESG) policies. The House Financial Services Committee, for example, plans to ramp up scrutiny of the climate-related financial disclosures and ESG policies the Administration has promoted. Committees also are likely to examine closely implementation and administration of IRA and Infrastructure Investment and Jobs Act (IIJA) programs, focusing particularly on the potential for federal funding to flow to Chinese entities as well as potential waste and abuse in newly funded programs. Oversight on grid security and reliability is also likely to be a focus in light of the natural disasters in Hawaii and the Southeastern U.S.

Meanwhile, key regulatory developments expected this Fall include SEC publication of its climate disclosure rule and additional Treasury guidance on IRA clean energy tax credits. We are also likely to see Administration climate-related announcements, particularly on methane commitments in the lead up to the COP28 climate negotiations hosted in the United Arab Emirates starting at the end of November.

Financial Services

3.5 min. read

As expected, the House Financial Services Committee, led by Chair Patrick McHenry (R-NC), has had an eventful year. The Committee continued its focus on ESG with the month of July dedicated to hearings on the subject, and it closed the month considering long-awaited market structure and stablecoin legislation that would provide regulatory guardrails for digital assets. The Committee reported two bills on those issues with bipartisan support—H.R.4763, the Financial Innovation and Technology for the 21st Century Act, and H.R.4766, the Clarity for Payment Stablecoins Act of 2023. Surprisingly, the stablecoin markup, on which McHenry and Ranking Member Maxine Waters (D-CA) had worked closely for over a year, was more contentious than the more politically challenging market structure proposal. Nonetheless, floor consideration for both is likely this fall, as supporters will then look to include some version of the bills in any end-of-year spending package. And with the SEC facing significant pushback in the courts on its aggressive efforts at ‘regulation by enforcement,’ the hand of those arguing for a new statutory framework has been strengthened.

Oversight of financial regulators will continue at House Financial Services. Sparring with SEC Chair Gary Gensler will continue this fall, not only on the crypto front, but also with respect to the recent private funds rule and the long-awaited climate disclosure rule. Michael Barr and the Federal Reserve will also attract a fair share of the Committee’s attention, particularly as it relates to the rules implementing the Basel III reforms to bank capital requirements. The House Financial Institutions Subcommittee will hold its hearing on Basel III on September 14, while Gensler is scheduled to testify before the Full Committee on September 27.

Senate Banking Committee Chair Sherrod Brown (D-OH) could use his gavel in any number of ways this fall. Brown and Ranking Member Tim Scott (R-SC) collaborated in June to mark up two bills—S.2190, the RECOUP Act of 2023, and S.1271, the FEND Off Fentanyl Act. The Committee adopted both bills with significant bipartisan support, and Leader Schumer has included the Committee’s work on his list of possible items for floor consideration this year.

In addition to Gensler’s appearance, the Committee also will hold a September hearing on insurance non-renewals in certain parts of the country (e.g., California, Florida and Gulf Coast). Chair Brown is also looking to hold a hearing on AI. The Committee will continue working on a bipartisan housing bill, and work continues on a SAFE Banking bill, which would regulate financial institutions that serve state-sanctioned marijuana businesses. Regarding Safe Banking, it should be noted that the House has not moved similar legislation, and there are fewer Republican cosponsors of the Senate bill this year than in past cycles.

Health & Life Sciences

3 min. read

Congress will return to unresolved health care issues this fall, including several items that are considered “must pass,” before the end of the fiscal year on September 30.

As lawmakers continue their work on FY24 appropriations, health care stakeholders are paying particular attention to the Labor, Health and Human Services, Education and Related Agencies (Labor-HHS) appropriations bill and the Agriculture, Rural Development, and Food and Drug Administration (Ag-FDA) appropriations bill. The Senate Appropriations Committee approved its Labor-HHS and Ag-FDA measures this summer, but none of the annual spending bills have received floor consideration in the upper chamber. House Republicans moved their Ag-FDA bill out of committee but canceled a planned floor vote before the August recess.

House and Senate committees are working to reauthorize many provisions of the SUPPORT for Patients and Communities (SUPPORT) Act (P.L. 115-271), which Congress passed in 2018 in response to the opioid and mental health crises. The House Energy and Commerce (E&C) Committee has advanced legislation to reauthorize the Act and add new provisions related to fentanyl and other drugs. In the Senate, Health, Education, Labor and Pensions (HELP) Committee Ranking Member Bill Cassidy (R-LA) has introduced a bill to reauthorize the SUPPORT Act, but the panel has yet to advance reauthorization legislation. Also up for reauthorization is the Pandemic and All-Hazards Preparedness Act. In July, the HELP Committee advanced PAHPA (S. 2333) with bipartisan support. The Energy and Commerce Committee approved two measures related to reauthorization over the objections of Democrats, who continue to press for including policies related to medical product shortages. The House and Senate are working to reconcile differences between their respective packages.

Drug pricing issues continue to dominate the federal health care agenda ([Akin Client Alert](#)). Notably, the Biden administration through the Centers for Medicare and Medicaid Services (CMS) is pressing forward with implementation of the IRA. In addition to IRA implementation, multiple House and Senate committees have taken up measures related to pharmacy benefit managers (PBMs), many with an eye toward increased transparency. The focus on health care transparency also has extended to providers, with the Energy and Commerce Committee and the Ways and Means Committee both approving transparency packages that include pricing transparency and site-neutral payment provisions. Committees will work to reconcile differences between their bills in the months ahead; notably, the Ways and Means Committee’s measure advanced along party lines after Democrats took issue with the excluding provisions related to ownership reporting and private equity.

For a more comprehensive analysis of the congressional agenda as it relates to health policy and life sciences, please click on the link [here](#).

Tax

3.5 min. read

On the tax policy forefront after the August recess is the potential for an end-of-year tax bill to extend certain tax provisions that expired at the end of 2021 and 2022. Expired provisions include policies from the Tax Cuts and Jobs Act (TCJA) (full expensing for research expenses, bonus depreciation (went from 100% to 80% at the end of 2022) and interest expense limitations (going from 30% of earnings before interest, taxes, depreciation and amortization (EBITDA) to earnings before interest and taxes (EBIT)); the expanded Child Tax Credit enacted by the American Rescue Plan; and traditional tax extenders such as race horse depreciation, the low-income housing credit floor and the railroad track maintenance credit, among others. Issues with bipartisan support such as upping the pending \$600 Internal Revenue Service (IRS) reporting threshold for 1099-K transactions, legislation enacting a de facto tax treaty between the U.S. and Taiwan, and providing “last in, first out” (LIFO) relief for auto dealers, will be squarely in the mix if there is a tax bill as well.

While there has been bipartisan support for extending many of these provisions (e.g., the American Innovation and Jobs Act, which extends expensing for research and engineering (R&E) costs, currently has 37 bipartisan cosponsors in the Senate and 143 bipartisan cosponsors in the House), negotiations in 2023 hung up over an appropriate (or any) extension of the child tax credit (CTC). Prior Democratic proposals to extend the credit have cost up to \$180 billion per year, while an extension through 2025 of the TCJA extenders cost approximately \$47 billion. An end-of-year deal likely hinges on both sides agreeing to a CTC being a part of the package, and on the cost of the CTC being proportional to TCJA asks (i.e., approximately \$47 million through 2025) with some form of continued work requirements. Another factor to watch will be the total cost of the package—likely north of \$100 billion when accounting for both TCJA and CTC provisions. After what is looking like a bruising appropriations battle to fund the government over the next few months, it remains to be seen what the potential appetite for more spending will be in an end-of-year package.

Other items that will be on tax-writers radar this fall include the continued implementation of the IRA and the Organization for Economic Co-operation and Development’s (OECD) work on its Pillar One and Pillar Two project. Taxpayers eagerly await guidance on many IRA provisions, including the new corporate minimum and stock buyback taxes, the clean hydrogen production credit and advanced manufacturing credit, among others. On the OECD front, both sides of the aisle will continue to watch closely other countries’ implementation of Pillar Two while the OECD tries to buy more time to finish its Pillar One negotiations.

Technology

4.5 min. read

Senate Majority Leader Chuck Schumer (D-NY) worked throughout the summer to spearhead discussions on comprehensive artificial intelligence legislation, including via closed member-level briefings. As lawmakers return from August recess, the Majority Leader—alongside Sens. Martin Heinrich (D-NM), Todd Young (R-IN) and Mike Rounds (R-SD)—plan to maintain momentum on AI, including by convening “AI Insight Forums” to seek stakeholder input. The first closed-door forum is slated for September 13 and will feature attendance by a number of top executives, including Tesla CEO Elon Musk, Meta CEO Mark Zuckerberg, OpenAI CEO Sam Altman, Google CEO Sundar Pichai and Microsoft CEO Satya Nadella. The series is expected to include two sessions in September, followed by two in October.

Outside of those discussions, lawmakers in the House and Senate continue to work to advance their own, more narrow AI priorities, including via their respective versions of the FY24 NDAA. The Senate bill includes a range of AI provisions, including language requiring notification to the U.S. Department of the Treasury of a range of transactions in countries of concern related to “covered sectors,” which broadly include AI. The House version would, among other things, direct the U.S. Department of Defense (DoD) to develop and implement a process to assess whether its AI technology is functioning responsibly and establish a Department-wide classification framework for autonomous capabilities. Lawmakers will now kick off bicameral negotiations over a compromise version of the bill.

Sen. John Thune (R-SD), Assistant Republican Leader and a key member of the Senate Commerce Committee, has also begun to seek feedback from industry and members on his draft Artificial Intelligence Innovation and Accountability Act, which he aims to introduce formally after the August recess. The measure would establish a self-certification system to be regulated and enforced by the U.S. Department of Commerce.

With regard to privacy, while lawmakers on the House E&C Committee have reiterated their intent to move comprehensive privacy legislation resembling the American Data Privacy Protection Act (ADPPA; H.R. 8152), it remains unclear when such legislation will come to fruition. Meanwhile, the Senate Commerce Committee has maintained a narrower focus on children’s privacy. In July, the panel held its long-awaited children’s privacy markup, approving both the Kids Online Safety Act (KOSA; S. 1409) and the Children and Teens’ Online Privacy Protection Act (COPPA 2.0; S. 1418) by voice vote. Despite the Committee’s bipartisan approval of the legislation, lawmakers are expected to refine the bills further before bringing them to the floor. In particular, Ranking Member Ted Cruz (R-TX) has called for the inclusion of a preemption provision in KOSA.

Looking to the Biden administration, regulators have honed in data broker practices. Alongside a White House roundtable on August 15, Consumer Financial Protection Bureau (CFPB) Director Rohit Chopra unveiled the agency’s plans to propose rules requiring data brokers and other companies in the surveillance industry to be covered by the Fair Credit Reporting Act (FCRA). The agency plans to release an outline of the proposed new rules next month and again seek public comment in 2024. In

particular, the proposal would seek to ban the sale of consumer data, including “credit-header data” —such as a person’s name, address or social security number—for the purpose of targeting advertisements. The proposal is also expected to address use of such data to train AI, including the development of generative AI chatbots.

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Trade

3 min. read

This fall could see action on a range of trade and China-related actions from both the Biden administration and Congress.

The Biden-Harris administration will continue to work to stabilize relations with China, including through the use of new consultation mechanisms established during Commerce Secretary Raimondo's recent trip to China, with the aim of preparing for a successful meeting between President Biden and President Xi at the Asia-Pacific Economic Cooperation (APEC) Leaders' Summit in November. However, thawing relations are unlikely to yield major deliverables, with the administration continuing to implement national security measures on China. Two key actions in this regard include the public comment process on regulations to implement the administration's recent Executive Order on outbound investment and the finalization of export control rules on semiconductors first issued in October 2022. Another key China action to watch is the potential conclusion of the four-year review on section 301 tariffs on China. This will likely lead to both tariff increases and decreases on certain products.

Outside of China, the administration is expected to focus on concluding the Indo-Pacific Economic Framework negotiations at APEC, potential deals with the European Union (EU) on a Global Arrangement on Sustainable Steel and Aluminum (GSSA) and critical minerals, and enforcement actions under the U.S.-Canada-Mexico Agreement (USMCA).

For its part, Congress is also expected to focus on China, with the China Committee planning to issue a series of economic policy recommendations and continue a series of investigations into U.S. companies doing business in China. Congress is also expected to deal with a slew of China-related issues during the conference on the NDAA. Finally, the trade committees are having nascent talks about a potential year-end trade package. Congress' ability to bring such a package together remains uncertain, but key items for discussion could include reauthorizing preference programs like the Generalized System of Preferences (GSP), the Miscellaneous Tariff Bill (MTB), modifications to U.S. de minimis rules and efforts to assert congressional prerogatives over the trade agenda.

This activity takes place under the specter of a government shutdown which could affect the timing of all issues.

2024 Election Outlook

3.7 min. read

With the 2024 election still more than a year away, the race for the Republican nomination to challenge President Joe Biden has begun in earnest with former President Donald Trump viewed as the heavy favorite to win the GOP nod to take on President Biden. Senate Republicans are seeking to use a favorable map to regain control of the Senate, while House Democrats are hoping to flip the House by reclaiming seats in New York and taking advantage of another round of redistricting in a handful of key states.

Presidential: At the top of the ticket, President Biden announced in April that he and Vice President Kamala Harris are running for reelection. On the Republican side, former President Donald Trump officially entered the race for another term back in November 2022. Former Ambassador to the United Nations and South Carolina Governor Nikki Haley launched her campaign in February 2023, and since then the Republican primary field has continued to grow. The former president has so far maintained a significant lead in the polls, but he is also facing myriad legal issues, having been indicted four times already this year. It remains to be seen how the indictments will impact the race, and while the Republican candidates sought to differentiate themselves in the Party's first presidential debate, it does not appear to have tipped the scales. The Republican candidates will have another opportunity to cut into former President Trump's lead at the next debate on Wednesday, September 27.

Senate: In the Senate, Democrats are playing defense this cycle as they seek to maintain a one-seat majority. Of the 34 Senate seats on the ballot in 2024 (33 regularly scheduled plus one special election), only 11 seats are held by Republicans, while 20 seats are held by Democrats and three seats are held by independents who caucus with the Democrats. However, the Republican Party's chances of winning the majority depend on the electability of the candidates coming out of primaries in states like Arizona, Montana, Nevada and West Virginia. In an effort to avoid a repeat of 2022, National Republican Senatorial Committee Chair Steve Daines (R-MT) is getting involved in the primary races and has already endorsed candidates in several key races, including Tim Sheehy in Montana and Jim Justice in West Virginia. On the Democratic side, Sens. Joe Manchin (D-WV) and Kyrsten Sinema (I-AZ) have not yet announced if they will seek reelection, but Sen. Sinema already faces a challenge from Congressman Ruben Gallego (D-AZ-03).

House: In 2022, Republicans were able to win a slim majority in the House largely due to the success of moderate Republicans in New York and California. However, the 2024 outlook hangs in the balance as several states are responding to legal challenges regarding gerrymandering. New York is a must-watch state for Republicans, as the state appellate court ruled in favor of drawing new districts, which would likely result in a map more favorable to Democrats. At the same time, the GOP is slated to benefit from redrawn lines in North Carolina, although further legal challenges in Alabama and Louisiana could offset any Republican gains in the Tar Heel State.

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