

# 118<sup>TH</sup> CONGRESS OUTLOOK

## 118<sup>TH</sup> CONGRESS BY THE NUMBERS

### SENATE

**48**

REPUBLICANS  
6 NEW MEMBERS\*

**51**

DEMOCRATS  
2 NEW MEMBERS

*\*Nebraska Governor Jim Pillen announced the appointment of Senator-Designate Pete Ricketts (R-NE) 1/12/23*

### HOUSE

**222**

REPUBLICANS  
40 NEW MEMBERS

**212**

DEMOCRATS  
35 NEW MEMBERS

**1**

VACANCY



## 118<sup>TH</sup> CONGRESSIONAL CALENDER

Both in session (purple) House only (blue) Senate only (light blue)

January						
S	M	T	W	T	F	S
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31						

## DECEMBER 2022 RECAP

In the closing days of the legislative session, Congress reached an agreement on an omnibus appropriations bill to fund the government through Fiscal Year 2023, which ends September 30. Congress also passed the National Defense Authorization Act (NDAA), annual legislation guiding U.S. defense agencies' policies and funding. Both the omnibus appropriations bill and the NDAA included several additional provisions. For example, the FY 2023 NDAA included cybersecurity provisions, the Intelligence Authorization Act, the State Department reauthorization, and the Water Resources and Development Act (WRDA). The omnibus included SECURE Act 2.0; Ukraine aid; Honoring our PACT Act; numerous Medicare, Medicaid, and FDA-related health policy riders; and funding for programs authorized in the CHIPS and Science Act. Notably, however, the omnibus legislation did not extend or revive many key tax provisions, such as the expanded Child Tax Credit or several Tax Cuts and Jobs Act (TCJA) items.

President Biden signed the 62<sup>nd</sup> NDAA into law on December 23, 2022. He later signed the omnibus on December 29, 2022.

## LOOKING AHEAD TO 2023

### KEY DATES

- **February 7:** State of the Union Address
- **X Date:** The debt ceiling will need to be raised or suspended in 2023
- **March:** President Biden is expected to submit the President's Budget to Congress
- **March 31:** Medicaid continuous coverage protection expires
- **April 11:** The Public Health Emergency declaration related to the COVID-19 pandemic expires
- **June 30:** Student loan executive order was extended to 60 days after either the resolution of student loan litigation or June 30, 2023
- **September 30:** Government funding expires
- **September 30:** National Flood Insurance Program (NFIP) Authorization expires
- **September 30:** Authorization of Temporary Assistance for Needy Families (TANF) and related programs expires
- **September 30:** Community Health Center funding expires, Medicaid Disproportionate Share Hospital (DSH) cuts begin, and SUPPORT Act authorizations expire
- **September 30:** Farm Bill expiration
- **September 30:** Federal Aviation Administration (FAA) funding and authorities expire
- **December 31:** Foreign Intelligence Surveillance Act (FISA) Section 702 expires
- **December 31:** 2.5 percent Medicare physician payment relief reduced to 1.25 percent through 2024, and 3.5 percent Alternative Payment Model (APM) bonus expires

## Key Issues

### Appropriations

The new House GOP majority and the introduction of updated House Rules – given as concessions to the House Freedom Caucus – will directly impact this year’s budget cycle. We fully expect the House majority to use the FY 2024 process to attack the Biden administration through the utilization of the Holman rule, which allows lawmakers to reduce or eliminate federal agency programs and cut salaries of individual federal employees, and the House Appropriations Committee’s enhanced oversight responsibilities. In addition, House Republicans will seek to leverage the expiration of the debt limit by requiring spending cuts and a vote in the House – rather than avoiding a vote and allowing a clean debt limit increase to pass through the previously used Gephardt rule. This is a process that could play out sooner than later given Treasury Secretary Janet Yellen’s January 13<sup>th</sup> [letter](#) advising Congress “the outstanding debt of the United States is projected to reach the statutory limit” and that Treasury will begin taking “extraordinary measures” beginning January 19<sup>th</sup>.

Appropriations process changes – a result of Speaker McCarthy’s negotiations with the Freedom Caucus – will include moving each of the 12 appropriations bills individually through an open rule process on the floor rather than voting on an omnibus appropriations package at the end of the year; writing appropriations bills to FY 2022 levels (which is around a \$130 billion decrease from FY 2023 levels); and only moving House appropriations bills to the floor after the Senate has completed its work. While these concessions will go nowhere initially, the rule changes do set the stage for spending clashes between the House and the Senate, and the House and the White House. Meanwhile, if ratios change with Senate Committees as predicted, we expect to see a return to regular order with appropriations bills after two years of abandoning the process with the 50/50 Committee split.

While we expect the Senate Community Funding Projects (CFP) (aka earmarks) process to look similar to the past two fiscal years, there are rumors the House Freedom Caucus is seeking more input in approving member earmark requests. It is important to note, however, that in order for CFPs to be funded, Congress will need to reach an agreement on a spending bill in 2023.

### Climate/Energy/Sustainability

Given the heavy focus on climate in last year’s Inflation Reduction Act (IRA), as well as the change in control of the House, the odds of robust climate legislation reaching the President’s desk in 2023 are low. While debate over the existence of climate change has faded, there is not a bipartisan consensus on the causes or the best policies to address the issue. While Democrats and the Biden administration will emphasize implementation of the IRA, House Republicans will likely conduct extensive oversight of the IRA and of the administration’s regulatory actions to address climate change. Additionally, we expect numerous hearings on corporate environmental, social, and governance (ESG) initiatives.

Congress may find areas of bipartisan consensus, such as energy permitting reform, where policies also reduce carbon pollution. While House Republicans may emphasize easing permitting requirements for domestic fossil fuel extraction, there is bipartisan support for easing permitting requirements for transmission, which would update the grid for both fossil-based energy and renewable technologies.

Additionally, we expect continued bipartisan support for research and development (R&D) funding of advanced energy sources and support for nuclear power. However, dynamics over federal spending will likely affect funding levels.

## Cybersecurity

In the 118<sup>th</sup> Congress, cybersecurity will remain a national security priority for lawmakers on both sides of the aisle, as members focus efforts on addressing evolving threats.

We expect the House committees of jurisdiction will focus on oversight of actions taken by the Biden administration; Cybersecurity and Infrastructure Security Agency (CISA) programs, including how the agency is carrying out its mission and spending federal government funding; and oversight of critical infrastructure, including the energy, water, and healthcare sectors. Furthermore, Congress may consider additional cybersecurity protections such as ransomware, cyber workforce, and collaboration with state and local officials.

Additionally, we expect a nomination hearing before the Senate Homeland and Governmental Affairs Committee for a new National Cyber Director (NCD) after it was reported the current NCD, Chris Inglis, is leaving the administration. While NCD Inglis has not given a specific departure date, it is widely anticipated he will leave after the release of the National Cyber Strategy. The current theory is Kemba Walden, currently Principal Deputy National Cyber Director, will be named as "Acting" NCD. It remains unclear at this time if President Biden will nominate Deputy Kemba to the position full time.

## Financial Services

Incoming House Financial Services Committee Chairman Patrick McHenry (R-NC) used most of 2022 to devise a substantive, comprehensive [capital formation agenda](#) to set the stage for a House Republican majority in the 118<sup>th</sup> Congress. This "innovation and opportunity agenda" will include a slate of bills designed to build on the JOBS Act of 2012 by enhancing capital formation and providing more opportunities for small businesses and retail investors to benefit from investments to which they currently do not have access.

While Financial Services Committee Republicans will make capital formation a legislative priority, they will also conduct robust oversight of the Biden administration, with particular scrutiny of the Securities and Exchange Commission (SEC) and its Chairman, Gary Gensler. Hearings featuring Chairman Gensler will focus on the FTX meltdown at the end of 2022, in addition to Republican concerns regarding the pace of SEC rulemaking during his tenure. Additional priorities for incoming Chairman McHenry include the creation of a regulatory framework for cryptocurrency and digital assets, as well as data privacy legislation following the release of a discussion draft six months ago.

In the Senate, Banking Committee Chairman Sherrod Brown (D-OH) released his [agenda](#) for the 118<sup>th</sup> Congress in December. As expected, housing issues remain at the top of Chairman Brown's priority list. Chairman Brown plans to hold hearings on solutions to address the lack of affordable housing and he will likely propose legislation aimed at implementing these solutions. There is optimism among committee Democrats that addressing housing issues may garner support from their Republican colleagues.

In addition to housing, Chairman Brown will pursue a robust consumer protection agenda. The Committee will continue to conduct oversight of cryptocurrency and is expected to work with committee members to produce a comprehensive framework to regulate crypto markets. Chairman Brown will also focus on medical debt, supporting the Consumer Financial Protection Bureau (CFPB), and oversight of commercial banks. The committee is expected to hold hearings on ethics reform at the Federal Reserve, climate change, sanctions policy, and oversight.

## Farm Bill

With the current Farm Bill set to expire on September 30, 2023, the House and Senate Agriculture Committees will focus on reauthorization in the coming months. While both Committees held hearings

on the Farm Bill in the 117<sup>th</sup> Congress, the House Agriculture Committee is expected to hold a series of listening sessions – rescheduled to begin on January 13 in Harrisburg, Pennsylvania – to kickstart negotiations.

Proposed changes to the Supplemental Nutrition Assistance Program (SNAP) are expected to serve as the biggest flash points in negotiations. House Agriculture Committee Republicans, led by Chairman Glenn “G.T.” Thompson (R-PA), are likely to push for modifications to SNAP, including expanded work requirements and spending cuts – both of which are considered nonstarters for Democrats.

At the same time, Republicans have indicated they will oppose any efforts to significantly expand climate and sustainability programs in the Farm Bill. House Democrats’ Sustainable Energy and Environment Coalition (SEEC) released a [report](#) on “Recommendations for a Climate-Friendly Farm Bill” in November 2022, which outlined key priorities for inclusion. However, while Senate Agriculture Committee Chairwoman Debbie Stabenow (D-MI) has been supportive of “climate-smart agriculture policies,” she has committed to working with Ranking Member John Boozman (R-AR) to reach a bipartisan agreement. Notably, this will be the final Farm Bill written by Chairwoman Stabenow, as she will be retiring at the conclusion of the 118<sup>th</sup> Congress.

Chairman Thompson has stated his intention to pass a Farm Bill in the House by July, though it remains to be seen whether the House and Senate will reach a bipartisan agreement before the September 30 deadline.

### Foreign Policy

China and the war in Ukraine will continue to dominate the Congressional agenda. The House has created a new Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party to be chaired by Rep. Mike Gallagher (R-WI). The Select Committee will have wide-ranging jurisdiction to investigate and make policy recommendations, but it cannot report out legislation. We expect the Committee to ask pointed questions of the private sector on business activities in China where there are national security or economic exposures to the United States. We also expect the Select Committee to hold hearings with administration officials and recommend policy changes to committees of jurisdiction in the House.

In the Senate, we anticipate ongoing China hearings in the Senate Foreign Relations Committee. The topics of the China-focused hearings could include Taiwan, China in Africa, China in South America, supply chain issues, and arms control. Many bills that were included in the original CHIPs bill(s) are also likely to be reintroduced. Senate Majority Leader Chuck Schumer (D-NY) could package a number of China-related bills together and seek to pass a new China-focused bill, or these bills could resurface during the NDAA process.

Oversight of the funding appropriated to Ukraine will also likely receive attention in the House, as we expect further requests for Ukraine funding from the administration. While those requests will be met with some skepticism in the House – and may be coupled with enhanced transparency measures – we do anticipate the requested funding will be provided by Congress as there remains a significant amount of bipartisan support for Ukraine. The Senate Foreign Relations Committee is likely to hold a hearing on the current state of the war around the one-year anniversary in February.

Other foreign policy issues we anticipate receiving some attention include the Afghanistan withdrawal investigation in the House; fentanyl imports and the southern border; pandemic preparedness, including looking back and looking forward to what else should be done; Iran sanctions; North Korea; and Venezuela.

## Healthcare

A divided Congress with slim majorities in the House and Senate will drive the Congressional health-care agenda during the 118<sup>th</sup> Congress. The House Republican majority has identified areas of focus through the “Commitment to America” agenda and the work of the [Healthy Future Task Force](#). House Republicans are also expected to focus on oversight of the Biden administration’s past healthcare work and future agenda, including origins of COVID-19 and federal funding; IRA implementation; Provider Relief Fund (PRF) spending; and pharmacy benefit managers (PBMs), among other issues.

Meanwhile, Congressional Democrats will continue to focus on advancing their priorities surrounding pandemic preparedness, IRA implementation, mental health, maternal health, existing health disparities, and protecting and expanding access to quality, affordable coverage. Considering Chairman Sanders’ long-standing support for drug importation, it is also possible that the Senate HELP committee will turn to importation legislation at some point during this Congress.

Given the divided Congress, we can expect the Biden administration to use the regulatory process to advance its priorities as the 2024 presidential election approaches. However, reauthorization of expiring programs, including the Pandemic All-Hazards Preparedness Act (PAHPA), community health center funding, Disproportionate Share Hospital (DSH) funding, substance use legislation, and others will require members to work in a bipartisan manner to advance shared healthcare priorities during the 118<sup>th</sup> Congress.

## International Trade

In the 118<sup>th</sup> Congress, the House Ways and Means Committee’s trade agenda is expected to focus on oversight of the Biden administration’s trade policies. Chairman Jason Smith (R-MO) has suggested he will call on Ambassador Tai to testify as to why the administration has been “clearly sitting on the sidelines” with respect to global trade. He has indicated the administration should negotiate a trade agreement with the United Kingdom, and he has emphasized the need for Trade Promotion Authority (TPA) reauthorization, which expired in July 2021 and has yet to be requested by the administration.

Additionally, Chairman Smith has stated the Committee will hold field hearings to hear from “American workers and families and farmers [about] how unfair trade practices have affected their bottom line [and] have affected putting food on their table, clothes on their backs and gas in their cars.” The Committee is also expected to hold hearings on Taiwan and China-related issues.

In the Senate, Finance Committee Chairman Ron Wyden (D-OR) will continue to focus on trade enforcement – including enforcement of the United States-Mexico-Canada Agreement (USMCA), supply chain issues, and China-related issues. Chairman Wyden also has indicated he will pursue a trade package that would reauthorize and strengthen Trade Adjustment Assistance (TAA), which received a one-year extension as part of the omnibus package enacted in December, as well as the Miscellaneous Tariff Bill (MTB), Generalized System of Preferences (GSP), and other provisions. However, it remains to be seen whether Chairman Wyden and Ranking Member Mike Crapo (R-ID) could reach a bipartisan deal on a trade package that would garner the requisite support from House Republicans.

The administration will continue its focus on its “worker centric trade agenda,” characterized by continued enforcement of USMCA, Indo-Pacific Economic Framework for Prosperity (IPEF) negotiations, and forthcoming China-related actions. In the coming months, the administration may announce executive action mandating outbound investment reviews and additional export controls and investment restrictions. It remains to be seen whether USTR will take action to roll back Section 301 tariffs as part of its four-year statutory review – the public comment period related to it closes on January 17.

## Technology & Antitrust

The technology sector will continue as a focus for the 118<sup>th</sup> Congress. The notable issues from the previous Congress largely remain the same – antitrust, privacy, and Section 230 – with potentially some reshuffling on the order of importance. Due to incoming House Judiciary Committee Chairman Jim Jordan (R-OH), technology antitrust likely will not be in the spotlight as much as in the previous Congress. However, Democrats’ continued control of the Senate means Senator Amy Klobuchar (D-MN), Chairwoman of the Senate Judiciary Subcommittee on Competition Policy, Antitrust, and Consumer rights, will continue her robust agenda. Both chambers’ Judiciary and Commerce/E&C Committees will spend time on both privacy and Section 230. On these issues, building consensus among lawmakers will continue to be a challenge.

The House’s new Select Committee on China also will shape the technology and antitrust debate, as the Committee’s leadership has already put issues surrounding Chinese technology companies, such as TikTok, on their priority list. The real wildcard on the tech agenda is the anticipated Supreme Court rulings on two cases related to Section 230 that are expected in the spring or summer. Given the technology sector’s reliance on Section 230 protections, if the Supreme Court’s decisions meaningfully alter the current liability protections of Section 230, those outcomes will then change the Congressional landscape for technology-related issues.

## Oversight

As noted in many of the sector-specific sections of the memo, the House Republican majority will focus on oversight of the Biden administration’s policies. In fact, these issues played prominently into Speaker McCarthy’s protracted campaign for Speaker, which culminated in incoming Chairman of the Oversight and Government Reform Committee James Comer’s (R-KY) nomination of McCarthy. Empowered Republicans will now be able to call administration officials to testify before committees and demand document productions from relevant agencies. Specifically, they plan to focus on the U.S. Department of Homeland Security and immigration issues at the U.S.-Mexico border; global competition and the role of China; origins of COVID-19 and the federal response; the SEC; the U.S. withdrawal from Afghanistan; implementation of the IRA; Big Tech; pharmaceutical benefit managers and broader consolidation in the health system, among others.

Congressional Republicans will pursue an aggressive oversight agenda and Democrats will need to defend their priorities as the two parties posture for the 2024 election cycle. The House Republican Rules package requires authorizing committees to adopt and submit an oversight plan to the House Committee on Oversight no later than March 1<sup>st</sup>. Republican leaders of several House committees have already begun to lay the groundwork for these efforts by submitting letters and document requests to administration officials.

## COMMITTEE CHAIRS AND RANKING MEMBERS

### EXPECTED SENATE CHAIR / RANKING MEMBER

Committee	Chair / Ranking Member
Aging	<b>CHAIR:</b> Bob Casey (D-PA), Kirsten Gillibrand (D-NY) <b>RANKING MEMBER:</b> Mike Braun (R-IN)
Agriculture	<b>CHAIR:</b> Debbie Stabenow (D-MI) <b>RANKING MEMBER:</b> John Boozman (R-AR)

Appropriations	<b>CHAIR:</b> Patty Murray (D-WA) <b>RANKING MEMBER:</b> Susan Collins (R-ME)
Armed Services	<b>CHAIR:</b> Jack Reed (D-RI) <b>RANKING MEMBER:</b> Roger Wicker (R-MS)
Banking	<b>CHAIR:</b> Sherrod Brown (D-OH) <b>RANKING MEMBER:</b> Tim Scott (R-SC)
Budget	<b>CHAIR:</b> Sheldon Whitehouse (D-RI) <b>RANKING MEMBER:</b> Chuck Grassley (R-IA)
Commerce	<b>CHAIR:</b> Maria Cantwell (D-WA) <b>RANKING MEMBER:</b> Ted Cruz (R-TX)
Energy and Natural Resources	<b>CHAIR:</b> Joe Manchin (D-WV) <b>RANKING MEMBER:</b> John Barrasso (R-WY)
Environment and Public Works	<b>CHAIR:</b> Tom Carper (D-DE) <b>RANKING MEMBER:</b> Shelley Moore Capito (R-WV)
Ethics	<b>CHAIR:</b> Chris Coons (D-DE) <b>RANKING MEMBER:</b> James Lankford (R-OK)
Finance	<b>CHAIR:</b> Ron Wyden (D-OR) <b>RANKING MEMBER:</b> Mike Crapo (R-ID)
Foreign Relations	<b>CHAIR:</b> Bob Menendez (D-NJ) <b>RANKING MEMBER:</b> James Risch (R-ID)
HELP	<b>CHAIR:</b> Bernie Sanders (I-VT) <b>RANKING MEMBER:</b> Bill Cassidy (R-LA)
Homeland Security	<b>CHAIR:</b> Gary Peters (D-MI) <b>RANKING MEMBER:</b> Rand Paul (R-KY)
Indian Affairs	<b>CHAIR:</b> Brian Schatz (D-HI) <b>RANKING MEMBER:</b> Lisa Murkowski (R-AK)
Intelligence	<b>CHAIR:</b> Mark Warner (D-VA) <b>VICE CHAIR:</b> Marco Rubio (R-FL)



Judiciary	<b>CHAIR:</b> Dick Durbin (D-IL) <b>RANKING MEMBER:</b> Lindsey Graham (R-SC)
Rules	<b>CHAIR:</b> Amy Klobuchar (D-MN) <b>RANKING MEMBER:</b> Deb Fischer (R-NE)
Small Business	<b>CHAIR:</b> Ben Cardin (D-MD) <b>RANKING MEMBER:</b> Joni Ernst (R-IA)
Veterans' Affairs	<b>CHAIR:</b> Jon Tester (D-MT) <b>RANKING MEMBER:</b> Jerry Moran (R-KS)

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**HOUSE CHAIR / RANKING MEMBER**

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<b>Committee</b>	<b>Chair / Ranking Member</b>
Agriculture	<b>CHAIR:</b> GT Thompson (R-PA) <b>RANKING MEMBER:</b> David Scott (D-GA)
Appropriations	<b>CHAIR:</b> Kay Granger (R-TX) <b>RANKING MEMBER:</b> Rosa DeLauro (D-CT)
Armed Services	<b>CHAIR:</b> Mike Rogers (R-AL) <b>RANKING MEMBER:</b> Adam Smith (D-WA)
Budget	<b>CHAIR:</b> Jodey Arrington (R-TX) <b>RANKING MEMBER:</b> Brendan Boyle (D-PA)
Education and the Workforce	<b>CHAIR:</b> Virginia Foxx (R-NC) <b>RANKING MEMBER:</b> Bobby Scott (D-VA)
Energy and Commerce	<b>CHAIR:</b> Cathy McMorris Rodgers (R-WA) <b>RANKING MEMBER:</b> Frank Pallone (D-NJ)
Ethics	<b>CHAIR:</b> Michael Guest (R-MS) <b>RANKING MEMBER:</b> Susan Wild (D-PA)
Financial Services	<b>CHAIR:</b> Patrick McHenry (R-NC) <b>RANKING MEMBER:</b> Maxine Waters (D-CA)

Foreign Affairs	<b>CHAIR:</b> Michael McCaul (R-TX) <b>RANKING MEMBER:</b> Gregory Meeks (D-NY)
Homeland Security	<b>CHAIR:</b> Mark Green (R-TN) <b>RANKING MEMBER:</b> Bennie Thompson (D-MS)
House Administration	<b>CHAIR:</b> Bryan Steil (R-WI) <b>RANKING MEMBER:</b> Joe Morelle (D-NY)
Judiciary	<b>CHAIR:</b> Jim Jordan (R-OH) <b>RANKING MEMBER:</b> Jerrold Nadler (D-NY)
Natural Resources	<b>CHAIR:</b> Bruce Westerman (R-AR) <b>RANKING MEMBER:</b> Raúl M. Grijalva (D-AZ)
Oversight and Accountability	<b>CHAIR:</b> James Comer (R-KY) <b>RANKING MEMBER:</b> Jamie Raskin (D-MD)
Rules	<b>CHAIR:</b> Tom Cole (R-OK) <b>RANKING MEMBER:</b> Jim McGovern (D-MA)
Science, Space and Technology	<b>CHAIR:</b> Frank Lucas (R-OK) <b>RANKING MEMBER:</b> Zoe Lofgren (D-CA)
Small Business	<b>CHAIR:</b> Roger Williams (R-TX) <b>RANKING MEMBER:</b> Nydia Velázquez (D-NY)
Transportation and Infrastructure	<b>CHAIR:</b> Sam Graves (R-MO) <b>RANKING MEMBER:</b> Rick Larsen (D-WA)
Veterans' Affairs	<b>CHAIR:</b> Mike Bost (R-IL) <b>RANKING MEMBER:</b> Mark Takano (D-CA)
Ways and Means	<b>CHAIR:</b> Jason Smith (R-MO) <b>RANKING MEMBER:</b> Richard Neal (D-MA)
Intelligence	<b>CHAIR:</b> Mike Turner (R-OH) <b>RANKING MEMBER:</b> Democratic Leader-appointed
Republican Study Committee	<b>CHAIR:</b> Kevin Hern (R-OK)
New Democrat Coalition	<b>CHAIR:</b> Ann Kuster (D-NH)

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## SPECIAL HOUSE OVERSIGHT COMMITTEES

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Committee	Chair
Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party	<b>CHAIR:</b> Mike Gallagher (R-WI) <b>RANKING MEMBER:</b> Democratic Leader-appointed
Select Subcommittee on the Weaponization of the Federal Government	<b>CHAIR:</b> Jim Jordan (R-OH) <b>RANKING MEMBER:</b> Democratic Leader-appointed

### CONCLUSION

As Congress continues to complete committee rosters and the committees begin their legislative work, we want to ensure you remain up to date. If you wish to update your preferences in receiving listserv announcements, including issue briefs and invitations to events, please do not hesitate to contact us.

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