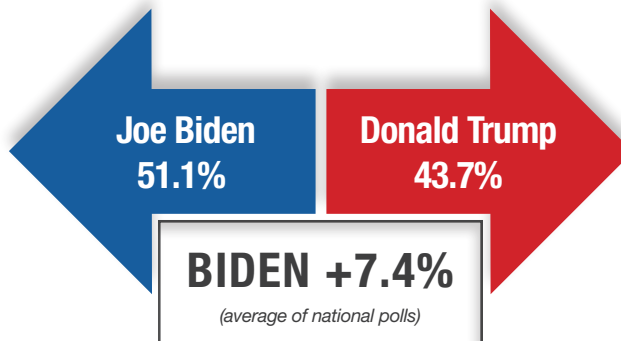


2020 Pre-Election Guide and Analysis

JOE BIDEN LEADING IN POLLS SENATE MAJORITY UP FOR GRABS AHEAD OF TUESDAY'S ELECTION DAY



Ahead of Election Day next Tuesday, former Vice President Joe Biden has held a steady lead in every national poll over President Donald Trump. According to the RealClearPolitics average of national polls, Biden leads Trump by an average of 51.1% to 43.7% (or 7.4%). More importantly, Biden has a more clear path than Trump to securing the 270 electoral votes (EVs) needed to win the Presidency. Currently, Biden has 212 electoral votes from states considered solidly or likely Democratic; while Trump has secured 125 electoral votes from states considered solidly or likely Republican. Further, polls show Trump trailing Biden in most key battleground states. For example, Biden has consistently led in polls in Pennsylvania and Florida, two key battleground states for the President. The President does not have as many credible paths to reelection without winning at least one of these two states (and probably both). Of the 15 battleground states:

- 8 of those states (AZ, MI, MN, NE 2nd, NV, NH, PA, and WI) are leaning towards Biden;
- 6 of those states (FL, GA, IA, ME 2nd, NC, and OH) are considered “toss-ups”; and
- 1 (TX) is leaning towards Trump.

To win reelection, the President would need to sweep the toss-up states (85 total EVs) and Texas – and win 22 more electoral votes from the states currently leaning Democratic (78 total EVs). While the polls and the electoral map don't favor the President, we'd be wary of declaring Joe Biden as the 46th President of the United States considering political upsets we've seen in the past – such as four years ago when Trump pulled a stunning upset over Hillary Clinton to shock the political world.


PRE-ELECTION GUIDE & ANALYSIS

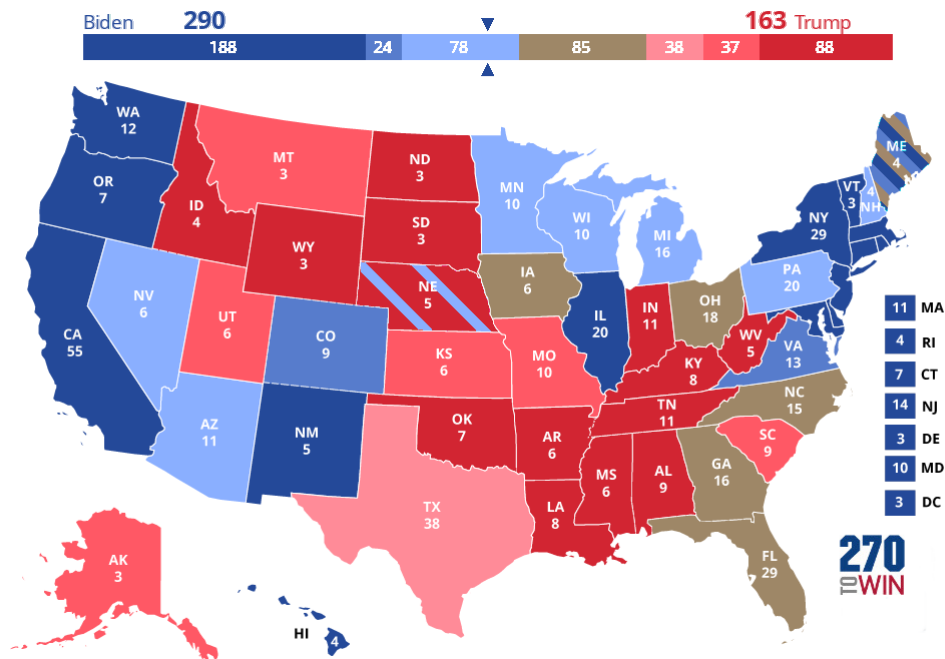
This pre-election guide provides information on presidential battleground states to follow on election night, key competitive Senate and House races that could flip, predictions and tidbits, and potential Democratic and Republican leadership for each House and Senate committee in the 117th Congress, as well as legislative priorities – for healthcare, defense, education, energy, taxes, and transportation – under a Biden or another Trump Presidency.

*Buchanan Ingersoll & Rooney
Federal Government
Relations*

TABLE OF CONTENTS

| | |
|---|----|
| • Presidential Electoral Votes | 3 |
| • Senate and House Election Seats to Follow on Election Night | 4 |
| • 117th Congress: Potential House Committee Leadership | 6 |
| • 117th Congress: Potential Senate Committee Leadership | 7 |
| • What to Expect: | |
| - Post-Election | 8 |
| - COVID-19 and Healthcare | 9 |
| - Defense | 11 |
| - Education | 13 |
| - Energy and Environment | 15 |
| - Taxes | 17 |
| - Transportation | 19 |
| • Buchanan's Federal Government Relations Team | 21 |
| • Appendix | 23 |





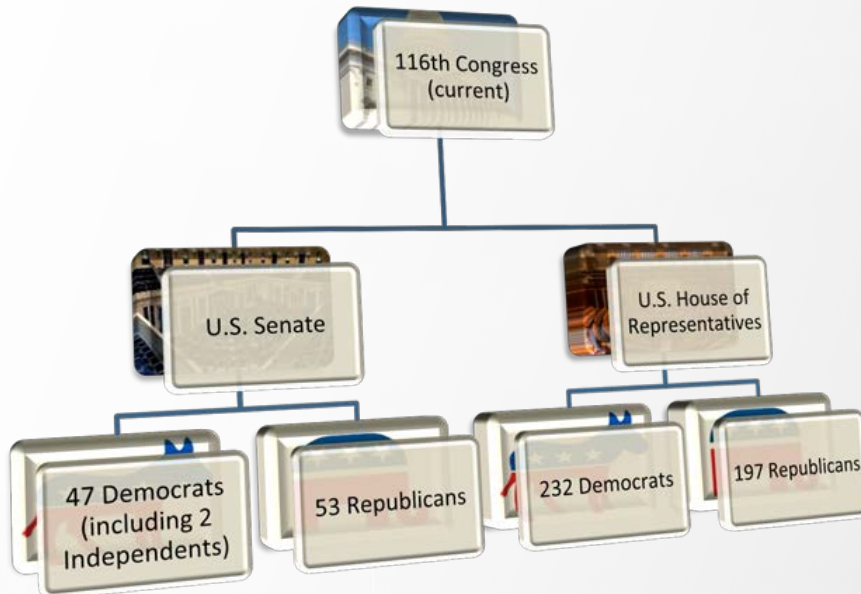
270 ELECTORAL VOTES (EVs) TO WIN PRESIDENCY

| EVs Non-Battleground States | Joe Biden 212 | Donald Trump 125 |
|--|----------------------|----------------------|
| Battleground States (Electoral Votes) & Average of Polls (<i>RealClearPolitics</i>) | | |
| Arizona (11) | +2.4% | |
| Florida (29) | +1.8% | |
| Georgia (16) | +0.4% | |
| Iowa (6) | +0.8% | |
| Maine 2 nd CD (1) | +0.3% | |
| Michigan (16) | +9% | |
| Minnesota (10) | +6% | |
| Nebraska 2 nd CD (1) | +6.8% | |
| Nevada (6) | +5.2% | |
| New Hampshire (4) | +11% | |
| North Carolina (15) | +1.2% | |
| Ohio (18) | | +0.6% |
| Pennsylvania (20) | +4.8% | |
| Texas (38) | | +3.2% |
| Wisconsin (10) | +5.5% | |
| EVs Leaning Biden or Trump | 78 | 38 |
| 270 to WIN | 212 + 78? + ? | 125 + 38? + ? |

Unless we see a clear winner (i.e. a landslide) on Election Night – or even the day after – the outcome of the Presidential election could be drawn out over several days or even weeks as states process and count an unprecedented number of mail-in ballots. For example, election officials in two battleground states – Pennsylvania and Michigan – have indicated that they hope to finish counting ballots within three days of Election Day. In both states – which have received almost 3 million of the nearly 6 million absentee ballots requested – election workers cannot even begin to process or count the ballots until Election Day.

However, we may have a clear winner on Election Night, if projections in battleground states can be made and the path to victory for either candidate becomes nearly impossible (forcing them to concede).

SENATE MAJORITY UP FOR GRABS DEMOCRATS EXPECTED TO RETAIN CONTROL OF HOUSE



**5 House seats currently vacant (and w/one seat held by a Libertarian)*

The Senate majority may also be undetermined for a couple of months as at least one of the Senate races in Georgia is likely to end up in a runoff on January 5. Sen. David Perdue's (R-GA) reelection bid includes 20 candidates on the ballot – none of whom is expected to receive a majority of the vote. The other Georgia Senate seat – a special election to serve out the final two years of Johnny Isakson's term – could also end up in a runoff as Republican Sen. Kelly Loeffler is in a bitter battle against Republican Rep. Doug Collins – leaving an opening for Democrat Raphael Warnock, who is leading in the polls among eight Democrats also in the race.

Currently, Republicans have a 53 to 47 seat majority (including 2 Independents who caucus with the Democrats) in the Senate. Of the 35 Senate seats up for election in November – which includes special elections in Arizona and Georgia – 23 of those are currently held by Republicans. Democrats need a net gain of three seats if Joe Biden wins the presidency – or four seats if Trump is reelected – to win control of the Senate. While Sen. Doug Jones (D-AL) is the most vulnerable incumbent, his Alabama seat is the only one that Republicans may be able to flip (with a small chance to pull off an upset in Michigan and Minnesota). The remaining ten seats up for grabs are currently held by Republicans. Another three Republican-held Senate seats could potentially be in danger for the incumbents – but only if it becomes a wave election for the Democrats.

On the House side, Democrats are expected to retain their majority – with a chance to even slightly grow their majority by another four to 11 seats.

For a full list of Senate Seats to Follow on Election Night, please see chart in [Appendix A](#).

For a full list of House Seats to Follow on Election Night, please see chart in [Appendix B](#).

DID YOU KNOW?

- ➔ Pennsylvania is so important to the presidential electoral chances of both candidates that an analysis from [Fivethirtyeight.com](https://www.fivethirtyeight.com) gives Trump an 84 percent chance of winning the presidency if he carries the state – and it gives Biden a 96 percent chance of winning if Pennsylvania goes blue.
- ➔ [Fivethirtyeight.com](https://www.fivethirtyeight.com) pegs the probability of Democratic control of the presidency, Senate and House at 63%; and chances of Democratic control of just the presidency and House at 18%.
- ➔ A [New York Times](https://www.nytimes.com) article noted that, according to Michael McDonald, a University of Florida political science professor, the 2020 presidential election is the first in which Democrats are casting pre-Election Day ballots at a faster rate than Republicans.
 - In Florida, 11.5 percent of Democrats who requested absentee ballots have returned them, compared with 8.7 percent of Republicans; while in North Carolina, the return rate for Democratic ballots is 32.9 percent and the return rate for Republicans is 27.4 percent.
 - However, polling from the New York Times and Siena College, of likely voters in 11 battleground states, indicates that just 26 percent of Democrats said they planned to vote in person on Election Day, compared with 56 percent of Republicans.
- ➔ According to [Washington Post](https://www.washingtonpost.com) analysis of polls, between early October and the final week of 2016, Trump shaved three points off Clinton's national public polling lead, four points off her lead in Pennsylvania and five points off her lead in Florida.

117TH CONGRESS: POTENTIAL HOUSE COMMITTEE LEADERSHIP

| Committee | Democratic | Republican |
|--|--|---|
| <i>Agriculture</i> | Rep. Collin Peterson (MN) ¹ Rep. David Scott (GA) Rep. Jim Costa (CA) Rep. Marcia Fudge (OH) | Rep. Glenn “GT” Thompson (PA) Rep. Austin Scott (GA) Rep. Rick Crawford (AR) |
| <i>Appropriations</i> | Rep. Rosa DeLauro (CT) Rep. Marcy Kaptur (OH) Rep. Debbie Wasserman Schultz (FL) | Rep. Kay Granger (TX) |
| <i>Armed Services</i> | Rep. Adam Smith (WA) | Rep. Joe Wilson (SC) Rep. Mike Rogers (AL) Rep. Mike Turner (OH) |
| <i>Budget</i> | Rep. John Yarmuth (KY) | Rep. Bill Johnson (OH) Rep. Jason Smith (MO) |
| <i>Education & Labor</i> | Rep. Bobby Scott (VA) | Rep. Virginia Foxx (NC) |
| <i>Energy & Commerce</i> | Rep. Frank Pallone (NJ) | Rep. Cathy McMorris Rodgers (WA) Rep. Michael Burgess (TX) |
| <i>Financial Services</i> | Rep. Maxine Waters (CA) | Rep. Steve Womack (AR) Rep. Patrick McHenry (NC) |
| <i>Foreign Affairs</i> | Rep. Brad Sherman (CA) Rep. Gregory Meeks (NY) Rep. Joaquin Castro (TX) | Rep. Mike McCaul (TX) |
| <i>Homeland Security</i> | Rep. Bennie Thompson (MS) | Rep. Mike Rogers (AL) |
| <i>House Administration</i> | Rep. Zoe Lofgren (CA) | Rep. Rodney Davis (IL) |
| <i>Intelligence</i> | Rep. Adam Schiff (CA) | Rep. Devin Nunes (CA) |
| <i>Judiciary</i> | Rep. Jerry Nadler (NY) | Rep. Doug Collins (GA) |
| <i>Natural Resources</i> | Rep. Raul Grijalva (AZ) | Rep. Louie Gohmert (TX) Rep. Doug Lamborn (CO) Rep. Rob Wittman (VA) Rep. Tom McClintock (CA) Rep. Paul Gosar (AZ) Rep. Bruce Westerman (AR) |
| <i>Oversight & Government</i> | Rep. Carolyn Maloney (NY) | Rep. Jim Jordan (OH) |
| <i>Rules</i> | Rep. Jim McGovern (MA) | Rep. Tom Cole (OK) |
| <i>Science, Space, & Technology</i> | Rep. Eddie Bernice Johnson (TX) | Rep. Frank Lucas (OK) |
| <i>Small Business</i> | Rep. Nydia Velazquez (NY) | Rep. Steve Chabot (OH) |
| <i>Transportation & Infrastructure</i> | Rep. Peter DeFazio (OR) ² | Rep. Sam Graves (MO) |
| <i>Veterans’ Affairs</i> | Rep. Mark Takano (VA) | Rep. Gus Bilirakis (FL) Rep. Jack Bergman (MI) Rep. Mike Bost (IL) |
| <i>Ways & Means</i> | Rep. Richard Neal (MA) | Rep. Kevin Brady (TX) |

¹ Rep. Peterson will remain Democratic head of the Committee unless he loses reelection.

² Rep. DeFazio will continue to lead the Transportation Committee as long as he can stave off a tough challenge from Alek Skarlatos.

117TH CONGRESS: POTENTIAL SENATE COMMITTEE LEADERSHIP

| Committee | Republican | Democratic |
|---|---|--|
| <i>Agriculture</i> | Sen. John Boozman (AR) | Sen. Debbie Stabenow (MI) |
| <i>Appropriations</i> | Sen. Richard Shelby (AL) | Sen. Patrick Leahy (VT) |
| <i>Armed Services</i> | Sen. James Inhofe (OK) | Sen. Jack Reed (RI) |
| <i>Banking, Housing, and Urban Affairs</i> | Sen. Pat Toomey (PA) ³ | Sen. Sherrod Brown (OH) |
| <i>Budget</i> | Sen. Lindsay Graham (SC) ⁴ Sen. Chuck Grassley (IA) | Sen. Bernie Sanders (VT) |
| <i>Commerce, Science, & Transportation</i> | Sen. Roger Wicker (MS) | Sen. Maria Cantwell (WA) |
| <i>Energy & Natural Resources</i> | Sen. John Barrasso (WY) | Sen. Joe Manchin (WV) |
| <i>Environment & Public Works</i> | Sen. Shelley Moore Capito (WV) | Sen. Tom Carper (DE) Sen. Maggie Hassan (NH) |
| <i>Finance</i> | Sen. Mike Crapo (ID) | Sen. Ron Wyden (OR) |
| <i>Foreign Relations</i> | Sen. Jim Risch (ID) | Sen. Bob Menendez (NJ) |
| <i>Health, Education, Labor, & Pensions</i> | Sen. Richard Burr (NC) ⁵ Sen. Rand Paul (KY) | Sen. Patty Murray (WA) |
| <i>Homeland Security & Governmental Affairs</i> | Sen. Ron Johnson (WI) | Sen. Gary Peters (MI) ⁶ Sen. Tom Carper (DE) |
| <i>Judiciary</i> | Sen. Chuck Grassley (IA) | Sen. Dianne Feinstein (CA) |
| <i>Rules and Administration</i> | Sen. Roy Blunt (MO) | Sen. Amy Klobuchar (MN) |
| <i>Small Business & Entrepreneurship</i> | Sen. Marco Rubio (FL) | Sen. Ben Cardin (MD) |
| <i>Veterans' Affairs</i> | Sen. Jerry Moran (KS) | Sen. Jon Tester (MT) |
| <i>Select Committee on Intelligence</i> | Sen. Marco Rubio (FL) | Sen. Mark Warner (VA) |
| <i>Special Committee on Aging</i> | Sen. Susan Collins (ME) ⁷ Sen. Tim Scott (SC) | Sen. Bob Casey (PA) |

³ Sen. Crapo will likely lead the Republicans on Finance, opening up Banking for Sen. Toomey as Sen. Shelby (next in line after Crapo) keeps his top spot on Appropriations.

⁴ Sen. Grassley is next in line for Budget, but he plans to move back to Judiciary, which opens it up for Sen. Graham, if he wins reelection.

⁵ With the retirement of Sen. Lamar Alexander (R-TN), Sen. Burr would be next in line, but he faces an FBI investigation on sale of stocks – so Sen. Paul would be behind Burr.

⁶ If Sen. Peters loses reelection, Sen. Carper would be in line to lead the Democrats on this committee.

⁷ If Sen. Collins wins reelection and Republicans retain control of majority, she is term-limited from serving as Aging Committee Chair; Sen. Tim Scott (R-SC) would be next in seniority.

WHAT TO EXPECT: POST-ELECTION

The 2020 election could bring us a number of results, each with their own unique set of ramifications on how Washington will operate next year:

1. a Democratic House of Representatives, Republicans retain control of the Senate, and President Trump wins re-election,
2. a Democratic House of Representatives, Democrats win control of the Senate, and President Trump wins re-election,
3. a Democratic House of Representatives, Republicans retain control of the Senate, and a Biden Presidency, or
4. a clean sweep with Democratic control of the legislative and executive branches of government.

Without control of both Congress and the White House, whoever wins the Presidency will face challenges enacting any major legislation. Consequently, the President would need to rely on the use of Executive Orders, rulemaking authority and the actions of his departments and agencies to advance certain aspects of his agenda. A clean sweep, however, by Democrats on November 3 – the most likely scenario if the executive and legislative branch were to be under control of any one party – presents an unlimited number of opportunities.

For example, a “President Biden” upon being sworn in could face a similar scenario to when he and former President Obama took office in 2009. If President Trump and a divided Congress cannot reach an agreement on the appropriations bills and further COVID-19 relief during a post-election lame duck session, then Biden and the newly-minted Democratic Congress would need to first complete work on the appropriations process through a likely Omnibus Appropriations package and enact a large stimulus package before tackling any of their agenda. The Senate would also need to spend some time confirming Biden’s various Cabinet and sub-Cabinet nominees, and if the last four years are any indication, the confirmation process could be fairly time consuming. At the beginning of next year, a unified Congress and Biden could also deploy a fast-track process to overturn certain regulations issued by President Trump by using the Congressional Review Act (CRA) – similar to the path Congressional Republicans followed at the beginning of 2017, when they overturned 15 Obama Administration rules.

[The Buchanan Ingersoll & Rooney Federal Government Relations Team](#) will keep you updated with the most relevant and insightful analysis for what will be an unpredictable election season that will certainly impact every industry. In addition, Buchanan’s [Pennsylvania](#) and [Florida](#) State Government Relations teams are actively tracking election results in their respective states and updating our clients on how the election can impact their operations in [Pennsylvania](#) and [Florida](#). To review the latest election result updates and analysis from Buchanan, please visit our blog, knowinggovernmentrelations.com.

WHAT TO EXPECT: COVID-19 & HEALTHCARE

Under another Trump Administration

The President's first term healthcare agenda has largely focused on price transparency in billing and curbing drug prices. On September 24, 2020, the President signed an executive order, "An America-First Healthcare Plan", which calls on his Administration to build upon existing actions to expand access to and options for affordable healthcare, affordable medicines, price transparency, surprise billing, and improving the delivery of care for veterans, and continue the policy that "Americans with pre-existing conditions can obtain the insurance of their choice at affordable rates".

In addition, the President has issued other executive orders aimed at lowering prescription drug prices by linking prices paid by Medicare with rates paid in other countries, allowing Americans to buy drugs from Canada, providing less expensive insulin and Epi-Pens at hospitals through the 340B Drug Pricing Program, and removing legal protection for reimbursements paid by drug makers to middlemen and insurers.

President Trump has outlined three key buckets as part of a second term healthcare agenda: healthcare, eradicating Covid-19, and reducing the reliance on China. Notably, however, the agenda mostly identifies broad healthcare goals, rather than detailing how those goals will be achieved. They include:

- *Healthcare: cut prescription drug prices; put patients and doctors back in charge of the healthcare system; lower healthcare insurance premiums; end surprise billing; cover all pre-existing conditions; protect Social Security and Medicare; and protect veterans with world-class healthcare and services.*
- *Eradicate COVID-19: Develop a vaccine by the end of 2020; provide all critical medicines and supplies to healthcare workers; refill stockpiles and prepare for future pandemics.*
- *End reliance on China: Allow 100% expensing deductions for essential industries like pharmaceuticals and robotics that bring back their manufacturing to the U.S.; no federal contracts for companies that outsource to China; and hold China fully accountable for COVID-19.*

While the President has not provided specifics for many of his proposals and executive orders, one can conclude that the directives set forth in the executive orders outline a policy agenda for a second term. In all likelihood – especially if both the House and Senate are controlled by Democrats – President Trump will continue to rely on issuing executive orders that would direct his Administration to formulate proposals to reduce the cost of Rx drugs, individual's out-of-pocket costs, and goals to reach pertaining to COVID-19.

Under a Biden Administration

In the midst of a worldwide pandemic – accompanied by an economic crisis – expect a Biden Administration to take several steps to shore up and improve on the Affordable Care Act's safety net that would include making subsidies more generous and improving access to the healthcare law's exchanges, reining in drug prices, and unwinding nearly all of Trump's executive actions on healthcare. Specifically, a Biden Administration would repeal the rule allowing the broader sale of short-term limited duration insurance (STLDI) bare-bones coverage, reverse the Trump Administration's rule allowing states waiver flexibility, and reinvest in the ACA's open enrollment outreach that the Trump Administration cut back.

- *Shoring up and improving on the Affordable Care Act's safety net that would include making subsidies more generous and improving access to the healthcare law's exchanges.*
- *Repealing the Trump rule allowing the broader sale of short-term limited duration insurance (STLDI) bare-bones coverage, reversing the Trump Administration's rule allowing states waiver flexibility, and reinvesting in the ACA's open enrollment outreach that the Trump Administration cut back.*
- *Pushing for a federal public option that would function alongside private healthcare insurance.*
- *Addressing the pandemic through a plan to make testing free and accessible, hire 100,000 contact tracers, and open a special enrollment period for Health Insurance Marketplace.*

While Biden has expressed support for a public option and basing drug prices in the United States off prices overseas that would dramatically reshape the American health care system, we don't expect Biden to veer as far left as those of the more progressive wing of the Democratic Party. Even the selection of Sen. Kamala Harris (D-CA) as his Vice President won't likely be enough to dramatically alter the healthcare policies of the Affordable Care Act under a Biden Administration. Rather than pushing for Medicare-for-all, Biden's plan to reform the health insurance markets would rely on a federal public option that would function alongside private insurance and would be available to all, including those who want to switch from employer-sponsored coverage. Biden also has called for lowering the Medicare eligibility age to 60.

Biden's team has acknowledged that passing a public option proposal through Congress would be an uphill battle – even with a Democratically-controlled House and Senate. The Democratic-controlled House, for example, passed an ACA expansion bill earlier this year that did not include a public option. Critics of the public option – including most healthcare industry groups – argue that a government-run plan would pay lower rates to providers and compete with private insurers on the exchanges.

As the pandemic is likely to be among the highest priority should he take office in January, Biden has also laid out plans to make testing free and accessible, hire at least 100,000 contact tracers, open a special enrollment period in the Obamacare exchanges, and give direct aid to families forced to miss work due to the virus. Further, as the pandemic has exposed the vulnerability of the healthcare system for older Americans, Biden rolled out an overhaul of long-term care for the elderly and people with disabilities by creating a 21st century caregiving workforce.

Biden's healthcare platform also includes: ensuring that healthcare providers charge patients in-network rates when the patient receives out-of-network care beyond their control; the use of antitrust laws to address market concentration that he believes drives up consumer prices; addressing drug prices by capping prices with no competition and allowing Medicare to negotiate prices; and supporting drug importation.

POTENTIAL HEALTHCARE PLAYERS IN A BIDEN ADMINISTRATION



Zeke Emanuel

- Chair of the University of Pennsylvania's Department of Medical Ethics and Health Policy and member of Biden's public health advisory committee, who supports eliminating employer-sponsored insurance and shifting Medicaid from state to federal control



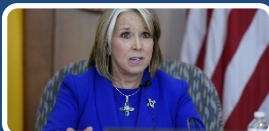
Ron Klain

- Former chief of staff to Biden while he was vice president, appointed by President Barack Obama to serve as the Administration's Ebola response coordinator in 2014 and now one of the Biden campaign's top healthcare advisers



Vivek Murthy

- Former Surgeon General under President Obama, he focused on public health, gun violence and addiction; now a healthcare advisor on the Biden campaign



Michelle Lujan Grisham, New Mexico Governor

- Served as secretary of New Mexico's Health Department under Gov. Bill Richardson
- Headed New Mexico's Aging and Long-Term Services Department under former Govs. Bruce King, Gary Johnson and Richardson

WHAT TO EXPECT: DEFENSE

Under Another Trump Administration

Perhaps President Trump's position on national defense can be best summed up as "go big AND go home," in that he has, and presumably will continue to, advocate for a large military deterrent against peer military competitors China and Russia, and simultaneously, push for a rebalancing of troop numbers in Europe and an end to America's longest war in Afghanistan.

The President might have a love-hate relationship with leaders in the Pentagon, but there is no mistaking his commitment to rebuilding America's military. As Trump puts it, "the free world is safest when America is strongest" and that means investing in the manufacturing infrastructure needed to build a bigger military, including President Trump's 355-ship Navy.

If Trump is reelected, count on Defense spending to continue to increase, with a heavy emphasis on the Navy's COLUMBIA Class submarine.

- *Expect an increase in Defense spending, with a heavy emphasis on the Navy's COLUMBIA Class Submarine.*
- *Watch for the President to spend more time and money on dominating space and protecting America's interests there.*
- *Look for the President to be focused on China, Russia and Iran, with strong defense investments as a way to keep all three in check.*

With his swift creation of the U.S. Space Force, and the reestablishment of U.S. Space Command as one of eleven unified combatant commands, watch for President Trump to spend more time, and money on dominating space and protecting America's interests there.

Of course, we can't forget about China. In its annual report to Congress, the Office of the Secretary of Defense claims that the People's Republic of China "has marshalled the resources, technology, and political will over the past two decades to strengthen and modernize the People's Liberation Army in nearly every respect." According to the report, "China is already ahead of the United States in certain areas such as shipbuilding (the PRC has the largest navy in the world); land-based conventional ballistic and cruise missiles; and integrated air defense systems: The PRC has one of the world's largest forces of advanced long-range surface-to-air systems."

In a second term as President, look for Trump's focus to be on China, Russia and Iran, with strong defense investments as a way to keep all three in check.

Under a Biden Administration

A Biden presidency could be a complicated endeavor when it comes to that often tricky balance between national security and foreign policy. The former Vice President is at his roots a moderate with a deep interest in diplomacy. However, the point has been made again and again during this campaign that either Biden is no longer a moderate, or that a faction of his party, led by running mate Sen. Kamala Harris, is poised to pull him onto a more progressive, perhaps even far-left-leaning grid square.

In his defense (pun intended), Biden has said that, if elected president, he doesn't see any major cuts to the U.S. Defense budget as America's military intensifies its focus on threats from countries such as China and Russia.

- *Expects to focus on emerging technologies at the Pentagon.*
- *Wants to better equip the National Guard, while reassuring allies around the world who have been rattled by President Trump's "America First" approach.*
- *Has promised to tighten Buy American requirements.*
- *Supports a smaller footprint of U.S. troops in the Middle East – but not a full withdrawal given the complicated conditions in Syria, Afghanistan, and Iraq.*

Heavily criticized for not firmly stating positions on a number of issues, in an interview with Stars and Stripes recently, Biden avoided any sweeping pronouncements about how defense spending might change in his administration. He did say that he thought the Pentagon must invest more in emerging technologies.

The former Vice President has said that he would better equip the National Guard and that he would work to reassure allies around the world who he claims were “rattled” by President Trump’s “America First” approach. However, Biden has indicated that he will tighten Buy American requirements for federal acquisitions, including investing \$400 billion in additional federal purchases of products made by American workers in his first term.

He said he backs a small footprint for U.S. troops in the Middle East, but wouldn’t promise a full withdrawal given the complicated conditions in Syria, Afghanistan and Iraq. Critics will point to Biden’s full-throated defense of China and question his ability to, or his interest in, defending against China’s goal of being the world’s military superpower by the middle of this century.

Biden has not revealed who would be on his Defense team, but expect him to include women and minorities in his Cabinet and senior administration positions, including potentially Michèle Flournoy, former Under Secretary of Defense for Policy under the Obama Administration.

POTENTIAL DEFENSE DEPARTMENT APPOINTEES IN A BIDEN ADMINISTRATION



Michèle Flournoy, former Under Secretary of Defense for Policy under President Obama

- Led the development of the Department of Defense’s 2012 Strategic Guidance and represented the Department in dozens of foreign engagements
- Member of National Security Action, a group of former lawmakers and federal officials who have strongly criticized Trump’s defense policy



Frank Kendall III, former Undersecretary of Defense for Acquisition, Technology, and Logistics under President Obama

- Has more than 45 years of experience in engineering, management, defense acquisition, and national security affairs in private industry, government, and the military
- A senior adviser to the Center for Strategic and International Studies, and a member of the Council on Foreign Relations



Patrick Murphy, former Under Secretary of the Army

- Represented Pennsylvania’s 8th congressional district as a member of Congress from 2007-2011, working on the Appropriations, Armed Services, and Intelligence committees
- Appointed as the 32nd Under Secretary of the Army and Chief Management Officer (CMO) by former President Obama in 2016



Christine Wormuth, former Under Secretary of Defense for Policy under President Obama

- Served in the National Security Council as the Special Assistant to the President
- Served as the Principal Deputy Assistant Secretary for Homeland Defense in 2009-2010

WHAT TO EXPECT: EDUCATION

Under Another Trump Administration

The Trump Administration has pushed to significantly cut the Education Department's budget each year that the President has been in office, arguing that many federal education programs are duplicative or ineffective. While Congress has not gone along with the proposed cuts, expect the Administration to continue to call for cuts to education spending. In addition, Education Secretary Betsy DeVos is an outspoken supporter of school choice, which directs public money toward offering families alternatives – such as charter schools and religious schools – to traditional public schools.

For higher education, President Trump has called on Congress to reform the Federal Work Study (FWS) program to support workforce and career-oriented opportunities for low-income undergraduate students, not just subsidized employment as a means of financial aid. According to the Administration, “work-based learning improves students’ chances of developing workplace skills and getting good jobs, yet the FWS rules favor campus-based jobs that do little to help low-income students get work experience that increases their chances of landing a higher paying job upon graduation.”

- *Expect to continue to propose significant cuts to the Education Department's budget.*
- *Support school choice, which would direct public money toward offering families alternatives.*
- *Modify and streamline the current student loan/student aid process, while also extending loan forgiveness to all undergraduate students.*

In addition, look for the Trump Administration to pressure Congress to modify the current student loan/student aid process. Under the current system, many students have difficulty understanding and selecting the best repayment plan for their financial situation. Trump favors the consolidation of the five income-driven repayment options into one simple plan that caps monthly payment at 12.5 percent of a borrower's discretionary income. Further, President Trump wants Congress to extend loan forgiveness to all undergraduate students (after 180 months of repayment through an income-driven repayment plan).

In a second Trump Administration, look for a proposal which would allow the Department of Treasury, with the consent of the borrower, to automatically provide the Department of Education with income tax data in order to streamline the application, renewal, and administration of Federal student aid programs and income-driven repayment plans. Finally, while the President has sought to pressure schools into physically reopening for in-person instruction this fall by threatening to cut federal funding, the Administration has not acted on the threats, nor is the legal justification for any potential cuts clear.

Under a Biden Administration

Former Vice President Biden's education plans call for more federal investment in public K-12 school systems, while promising to triple funding – from \$16 billion to \$48 billion – for Title I, a federal program that provides extra funds to low-income, high-poverty schools so that they may increase educator salaries and classroom expenditures. Biden has called for eliminating federal funding to for-profit charter schools, while proposing greater accountability for all charter schools.

Biden has said reopening schools amid the pandemic should be driven by local officials – though the Centers for Disease Control and Prevention (CDC) would be tasked with establishing basic, objective criteria for if and how reopenings can take place safely.

- *Expect to increase spending on public K-12 school systems, including tripling funding for Title I.*
- *Opposes school vouchers, supports eliminating federal funding for for-profit charter schools, while holding all charter schools more accountable.*
- *Proposed a comprehensive higher education plan that would invest in community colleges, make college more affordable and provide debt forgiveness.*

In addition to promising to rescind the Trump Administration’s Title IX guidance on sexual assault and harassment, Biden has released a comprehensive higher education plan that would invest in community colleges, make college more affordable, and provide debt forgiveness. Specifically, Biden has proposed to “invest \$8 billion to help community colleges improve the health and safety of their facilities, and equip their schools with new technology that will empower their students to succeed in the 21st century,” along with another \$50 billion for workforce training programs at community colleges and other institutions.

Biden has also committed to making a four-year college education more affordable, including endorsing Sen. Bernie Sanders’s (I-VT) proposal to make public colleges and universities tuition-free for all students whose family incomes are below \$125,000. Finally, Biden has called for debt forgiveness to address the \$1.6 trillion college debt crisis, by providing up to \$10,000 in temporary student debt relief per borrower to help respond to COVID-19 economic dislocation. In addition, Biden supports a moratorium on interest accrual on federal student loans for people earning less than \$25,000 and automatic loan forgiveness after 20 years.



WHAT TO EXPECT: ENERGY & ENVIRONMENT

Under Another Trump Administration

A second term would almost certainly look very similar to the first – continued deregulation and strong support for the fossil fuel industry. However, a second term would also run straight into a House of Representatives still under the control of Democrats and potentially a Democratic-controlled Senate, which would severely reduce the chances of Congress enacting any major legislation in the energy and/or environment space. Thus, the President would continue to expand his use of executive orders and regulatory authority through agencies like the Environmental Protection Agency (EPA), the Federal Energy Regulatory Commission (FERC), and the Federal Courts to advance his agenda.

- *Expanded deregulatory push by departments and agencies.*
- *Continued support of the fossil fuel industry.*
- *Ongoing and additional legal defenses and challenges to regulations.*

President Trump would continue his aggressive approach of deregulation through efforts to open additional federal lands to natural resource development, the approval of additional oil and gas pipelines, and the approval of more liquefied natural gas (LNG) export terminals. In addition, another Trump term would further attempt to limit the scope of a state's permitting authority – particularly over pipelines and other natural resource projects – and provide additional and significant weight to factoring in the cost of a proposed regulation, particularly at the EPA. Moreover, a FERC with a Republican Chairman would continue the fairly routine approval of pipeline and LNG export projects and decisions affecting the interstate transmission of electricity and the power markets.

A second term would mark the continuation of a robust legal strategy to defend – through the courts – actions such as the repeal and replacement of the Obama-era Clean Power Plan (CPP), easing of fuel economy standards, the revised “Waters of the United States” rule, as well as recently issued rules on methane emissions and the ability of railroads to transport LNG on freight cars. Additionally, based on recent statements, Trump would formally withdraw the United States from the 2015 Paris Climate Pact on November 4, 2020, for at least the next four years.

Under a Biden Administration

Former Vice President Biden has offered a very detailed and ambitious energy and environment plan with a focus on clean energy and addressing climate change. However, the legislative portion of Biden's plan is contingent on Democrats controlling both the House and Senate. Consequently, should Republicans maintain control of the Senate, a President Biden would need to rely on Executive Orders, rulemaking authority and actions of his departments and agencies to advance certain aspects of his agenda. Conversely, if Democrats control both legislative and executive branches, they'd have the ability to enact large portions of Biden's agenda and at the beginning of the 117th Congress, they would have the ability to utilize the fast-track process under the Congressional Review Act (CRA) to overturn certain regulations issued by President Trump – similar to the path congressional Republicans followed at the beginning of 2017.

- *Attempt to enact a proposed \$2 trillion energy efficiency and climate plan.*
- *Impose new restrictions and taxes on the Fossil Fuel Industries.*
- *Utilize Congressional Review Act and FERC to implement clean energy and climate change agenda.*
- *Return the United States to the 2015 Paris Climate Pact.*

Biden has proposed an aggressive \$2 trillion clean energy and climate change plan centered on creating a carbon neutral electrical grid by 2035 and eliminating United States greenhouse gas emissions by 2050. The reductions are achieved through large investments in renewables like wind and solar, battery storage, advanced nuclear energy; coupled with other actions like new limits on auto emissions and new taxes. Additionally, Biden's plan envisions rebuilding and modernizing the United States' electrical grid, providing upgrades to four million buildings to provide greater energy efficiency and significantly increasing research funding for promising clean energy applications and projects.

On the oil and natural gas front, while Biden has stated he will not ban fracking, the previously mentioned 2035 and 2050 deadlines will likely make future oil and natural gas production more difficult and burdensome in the United States. Moreover, his plan calls for a prohibition on new oil and natural gas leases on public lands and waters – not to mention a likely reduction in the number of new oil and natural gas pipelines. Additionally, a Democratic FERC Chairman would almost certainly condition the approval of any new natural gas pipeline and LNG export facility on the project taking significant steps to reduce the impacts of the greenhouse gases associated with such projects and a Biden FERC would also deploy its substantial rulemaking authority to create a favorable environment within the power markets for renewable energy. Finally, Biden has proposed enacting new taxes on domestic oil, gas and coal companies.

Biden has also indicated a desire to overhaul certain regulatory enforcement actions as a means to encourage social justice. Specifically, the former Vice President has promoted providing communities adversely affected by pollution (often minority and economically disadvantaged areas) the ability to work with the Department of Justice to pursue remediation and cleanups. A Biden Department of Justice would also quickly challenge many regulations issued by President Trump and/or reverse course on a number of matters under litigation, such as the Obama-era Clean Power Plan (CPP), “Waters of the United States” and the methane emissions case. Another certain reversal centers around the 2015 Paris Climate Pact – assuming President Trump follows through on his public statements and withdraws the United States from the Agreement on November 4, 2020 – a President Biden would work to quickly have the United States rejoin as an active member.

The Congressional Review Act (CRA) is yet another tool at the disposal of a Presidency and Congress controlled by the same party. The CRA provides a fast-track process, no filibuster and only a simple majority vote, to overturn certain final rules issued by the prior Administration – generally regulations issued during the last 60 days Congress is in session prior to adjourning its final session. Some final rules potentially subject to the CRA include: the Council on Environmental Council’s reforms to project review under the National Environmental Policy Act (NEPA), EPA’s limitations on a state’s authority to issue permits under the Clean Water Act, EPA’s discharge guidelines for wastewater discharged from power plants, FERC’s flexibility for states in calculating energy prices under the Public Utility Regulatory Policies Act (PURPA), the Department of Transportation allowing railroads to transport LNG on freight cars, and the EPA’s requirement to consider only publically available data as part of any rulemaking process. Among the names being floated to be part of Biden’s energy and environment team include former Michigan Gov. Jennifer Granholm as a possible Energy secretary, and Mary Nichols to lead the EPA. Washington Governor Jay Inslee could lead either the Energy Department or EPA, while retiring Sen. Tom Udall (D-NM) is on the short list to lead the Interior Department.

POTENTIAL ENERGY & ENVIRONMENT CABINET MEMBERS IN A BIDEN ADMINISTRATION



Jennifer Granholm, former Michigan Governor

- Championed clean energy during her tenure as Michigan Governor, including creating economic incentives in battery manufacturing, bio-energy, solar and wind power
- Senior Research Fellow at the Berkeley Energy and Climate Institute (BECI)



Jay Inslee, Governor of Washington

- Ran for the 2020 Democratic presidential nomination with a climate focus
- Could be considered to lead the Energy Department or EPA, or the potential head of a climate council



Tom Udall, New Mexico Senator

- Supporting the use of federal lands to fight climate change, has proposed setting a target of protecting at least 30% of U.S. land and ocean by 2030
- His father, Stewart Udall, was Interior secretary from 1961 to 1969 and is credited with a major expansion in federal land protection, including the creation of dozens of wildlife refuges, national parks and recreation areas



Mary Nichols, Chair of the California Air Resources Board

- Was in contention for the EPA Administrator job in 2008
- Played a key role in 2009 when California brokered a landmark emissions-cutting deal with the Obama Administration and automakers

WHAT TO EXPECT: TAXES

Under Another Trump Administration

President Trump to date has not offered a lot of specific tax proposals, but instead has provided more general statements regarding his second term. However, a second Trump Administration would almost certainly be paired with a Democratic controlled House of Representatives and potentially a Democratic controlled Senate, which greatly reduces the odds of any major new tax legislation.

- *Extend the 2017 Tax Law set to expire at the end of 2025.*
- *Implement a payroll tax cut.*
- *Reduce capital gains taxes from 23.8% to 18.8% or even 15%.*
- *Increase Opportunity Zones created by the 2017 Tax Law.*

Several smaller tax provisions could find a home in a likely stimulus package after the election or early next year. President Trump has often referred to his proposal as Tax Cuts 2.0, but as previously mentioned, with few details, rather mostly generalities. Items most often mentioned by President Trump include: a middle-class tax cut, lower capital gains rates, an expansion of the Opportunity Zone program, providing a payroll tax cut, and providing tax credits/deductions for companies returning certain manufacturing jobs in the pharmaceutical and high technology spaces from overseas, particularly China, to the United States.

Under a Biden Administration

Former Vice President Biden has offered a very detailed tax plan on both the individual and corporate sides of the tax code with more than 50 specific proposals. Biden's tax plan would raise between \$3 trillion and \$4 trillion over ten years and would provide funding for a host of expanded and new programs in the areas of education, healthcare and the environment. However, for Biden to enact even a limited number of his tax proposals, he will need a Democratic-controlled House of Representatives and a Democratic-controlled Senate to move his tax agenda. Such control will allow Democrats to utilize the fast-track budget tool known as "reconciliation", which limits the amount of debate time and only requires a majority of votes in both the House and Senate for passage.

- *Increase taxes on households earning more than \$400,000 annually.*
- *Apply the Social Security payroll tax to wages above \$400,000.*
- *Increase the corporate tax rate from 21% to 28%.*
- *Repeal the 20% deduction on income from pass-through businesses.*

A Biden Presidency and a Democratic-controlled Congress would portend robust changes to individual and corporate tax provisions. Starting on the individual front, Biden has stated tax increases would apply to households earning more than \$400,000 annually with changes including: increasing the top effective rate from 37% to 39.6%, applying the Social Security payroll tax to incomes over \$400,000, applying the new 39.6% rate to capital gains and dividends above \$1 million, eliminating the 20% deduction for income from pass-through businesses, and capping itemized deductions to 28% for those earning in excess of \$400,000. Conversely for households earning less than \$400,000 benefits would include: a continuation of the individual tax rates contained in the 2017 Tax Law, new and enhanced credits and deductions directed towards increasing retirement savings and child care and up to a \$15,000 credit for first-time homebuyers.

Biden has also proposed a host of changes for the corporate portion of the tax code, including: increasing the corporate income tax rate from 21% to 28%, creating a new minimum tax on companies with profits of \$100 million or more, eliminating tax breaks for fossil fuels, doubling the rate from 10.5% to 21% on the foreign earnings of multinational companies (the global intangible low tax income (GILTI)), and creating a new 10% surtax on corporations that offshore manufacturing and service jobs to foreign countries for the purpose of selling those same goods and/or services back to the United States. Additionally, the former Vice President has a number of proposals beneficial to companies and individuals, such as: providing a new Manufacturing Communities Tax Credit to lessen the tax

liability of businesses facing layoffs or a significant government closure, expanding and making permanent the new markets tax credit, creating an advanceable 10% tax credit (Made in America) for companies restoring production or enhancing existing production in the United States, and expanding tax credits for renewable energy such as: carbon capture/storage, residential/commercial energy efficiency, and restoring both the investment tax credit (ITC) and the electric vehicle tax credit.

Among the names being floated for Treasury Secretary include Federal Reserve Governor Lael Brainard and Sarah Bloom Raskin, formerly a member of the Board of Governors of the Federal Reserve System and a former Deputy Secretary of the Treasury. Another former Obama appointee at the Department of Housing and Urban Development, Raphael Bostic, could also be under consideration.

POTENTIAL TREASURY SECRETARY IN A BIDEN ADMINISTRATION



Lael Brainard, Federal Reserve Governor

- Served as Under Secretary of the U.S. Department of the Treasury from 2010 to 2013 and counselor to the Secretary of the Treasury in 2009
- Has called for Congress to do more to help stimulate the economy



Sarah Bloom Raskin, former Deputy Secretary of the Treasury

- Served as the former Deputy Secretary of the Treasury from 2014 -2017
- Was a Governor of the Federal Reserve Board from 2010 to 2014



Raphael Bostic, President & CEO of Federal Reserve Bank of Atlanta

- From 2009 to 2012, was the assistant secretary for policy development and research at the Department of Housing and Urban Development (HUD)
- Worked at the Federal Reserve Board of Governors from 1995 to 2001, first as an economist and then as a senior economist in the monetary and financial studies section

WHAT TO EXPECT: TRANSPORTATION

Under another Trump Administration

Rebuilding America's infrastructure and improving transportation were supposed to be an easy bi-partisan sell in Trump's first term. It has been anything but. Trump rode into office with the reputation of a "builder" and that this would be the singular area of government where he could lean in and really insert his knowledge. While hopes were very high with the President promising a \$1 trillion plus infrastructure package, even with two years of a united Republican government, an infrastructure package never came together after seven planned "Infrastructure Weeks".

- *Expect serious conflicts between Congressional Democrats and the Administration on basic reauthorization, funding, and allocation policies.*
- *Continued roll back of industry and environmental regulations will frustrate Congressional Democrats and create conflict with the Administration.*
- *First-term gridlock on infrastructure may be maintained while America's roads and bridges continue to deteriorate.*

During the two years since Democrats took control of the House, little progress has been made on infrastructure and the Administration and Congress were only able to agree on a one year extension of the FAST Act, which included a one-time \$13.6 billion trust fund infusion.

While there is a pressing need to fully reauthorize the highway program and address aging infrastructure, problems have been exacerbated since COVID has curtailed the great American commute – thereby causing trust fund dollars to plummet. COVID has also hit transit especially hard, creating a massive problem that can only be cured with more dollars. There is no easy answer to these problems, but President Trump's ongoing war with "Democrat Cities" will not make for an easy solution to these problems that disproportionately favor urban populations.

Under a Biden Administration

Vice President Biden and House Transportation and Infrastructure (T&I) Committee Chairman Peter DeFazio (D-OR) are already coordinating with the goal of an infrastructure package as early as February 2021. This will be an easy sell for House Democrats who have been frustrated with the Trump Administration's unwillingness to negotiate an infrastructure program. Democrats will easily be able to rally their caucus behind infrastructure investment and will likely be able to get the support of at least some House Republicans to go along with the package. After all, there are no Republican or Democrat roads or bridges.

- *Invest in a \$1.3 trillion infrastructure plan that incorporates "green" initiatives.*
- *Propose to ensure that cities with over 100,000 residents will have "high-quality, zero-emissions public transportation options through flexible federal investments".*
- *Work closely with House Transportation and Infrastructure Chairman Peter DeFazio (D-OR) – who has introduced a \$494 billion transportation bill – as long as DeFazio can win reelection.*

Biden has released his high level \$1.3 trillion infrastructure Build Back Better plan which aims to incorporate "green" initiatives wherever possible in the sector. Biden describes his plan as "a national effort aimed at creating the jobs we need to build a modern, sustainable infrastructure now". He further proposed to ensure that every American city with a population over 100,000 residents will have a "high-quality, zero-emissions public transportation options through flexible federal investments [that] meet the needs of these cities – ranging from light rail networks to improving existing transit and bus lines to installing infrastructure for pedestrians and bicyclists."

For specifics on a Biden plan, look no further than House T&I Committee Chairman Peter DeFazio's (D-OR) \$494 billion transportation bill introduced this summer. DeFazio's INVEST in America Act would provide a 46% increase in FHWA Trust Fund dollars to build surface transportation projects in addition to spending \$105 billion over five years for transit. The INVEST Act was also heavily loaded with various planning and regulation angles that Democrats like to include—and Republicans strongly oppose. While there have been no formal arrangements, one could assume that DeFazio's plan would serve as the starting point for an ambitious infrastructure bill. However, DeFazio is in the fight of

his life to retain his seat. Having been routinely pitted against the same lackluster challenger, DaFazio this year faces Alek Skarlatos a young 27-year old, charismatic “celebrity” of sorts, who stopped a terrorist aboard a Paris-bound train in 2015.

Among the names rumored to be in contention to lead the Transportation Department under a Biden Administration is Los Angeles Mayor Eric Garcetti. While Garcetti is the clear favorite for the top DOT chair, DaFazio could be rewarded with the prime position should his tougher than expected reelection go sideways.

POTENTIAL TRANSPORTATION SECRETARY IN A BIDEN ADMINISTRATION



Eric Garcetti, Los Angeles Mayor

- Endorsed Biden in early January and served on his Vice Presidential selection committee
- Secretary of Transportation position could be Garcetti's - if he wants it



Peter DeFazio, Chairman of House Transportation and Infrastructure Committee

- Has taken a lead role on several multibillion-dollar surface transportation and FAA reauthorization bills
- Has served in Congress since 1987

BUCHANAN INGERSOLL & ROONEY FEDERAL GOVERNMENT RELATIONS TEAM



LESLIE GROMIS BAKER

Co-Chair and Managing Director
State and Federal Government Relations

P: (412) 562-1364

leslie.baker@bipc.com



ROBERT L. SHUSTER

Shareholder and Co-Chair
State and Federal Government Relations

P: (717) 237-4806

robert.shuster@bipc.com



MICHAEL P. STRAZZELLA

Co-Head, Washington, D.C. Office
Practice Group Leader, Federal Government Relations

P: (202) 452-7932

michael.strazzella@bipc.com



KIM PIZZIGRILLI

Chair, Pennsylvania State Government Relations

P: (717) 237-4842

kim.pizzigrilli@bipc.com



JAMES C. WILTRAUT

Senior Principal, Government Relations

P: (202) 452-7943

james.wiltraut@bipc.com



CHARLES J. KOLLING, JR.

Senior Principal, Government Relations

P: (412) 392-1679

charles.kolling@bipc.com

BUCHANAN INGERSOLL & ROONEY FEDERAL GOVERNMENT RELATIONS TEAM



EDWARD G. HILD

Principal, Government Relations

P: (202) 452-5480

edward.hild@bipc.com



TIMOTHY COSTA

Principal, Government Relations

P: (202) 452-5487

timothy.costa@bipc.com



TERRENCE HEUBERT

Principal, Government Relations

P: (202) 452-6041

terrence.heubert@bipc.com



ELIZABETH WESTBROOK

Senior Advisor, Government Relations

P: (202) 452-5478

elizabeth.westbrook@bipc.com



WILL LE

Advisor, Government Relations

P: (202) 452-5783

will.le@bipc.com

APPENDIX A
Senate Seats to Follow on Election Night (Incumbents italicized)

| State | Republican | Democrat | Polls |
|-------------|---|-------------------------|------------|
| Alaska | <i>Sen. Dan Sullivan</i> | Al Gross | GOP +8% |
| Alabama | Tommy Tuberville | <i>Sen. Doug Jones</i> | GOP +3.5% |
| Arizona | <i>Sen. Martha McSally</i> | Mark Kelly | DEM +5.6% |
| Colorado | <i>Sen. Cory Gardner</i> | John Hickenlooper | DEM +8.0% |
| Georgia | <i>Sen. David Perdue</i> | Jon Ossoff | GOP +0.2% |
| Georgia | <i>Sen. Kelly Loeffler;</i> <i>Rep. Doug Collins</i> | Raphael Warnock | DEM +13.6% |
| Iowa | <i>Sen. Joni Ernst</i> | Theresa Greenfield | DEM +1.5% |
| Kansas | Rep. Roger Marshall | Barbara Bollier | GOP +4% |
| Kentucky | <i>Sen. Mitch McConnell</i> | Amy McGrath | GOP +9% |
| Maine | <i>Sen. Susan Collins</i> | Sara Gideon | DEM +4.2% |
| Michigan | John James | <i>Sen. Gary Peters</i> | DEM +7.6% |
| Minnesota | Jason Lewis | <i>Sen. Tina Smith</i> | DEM +6.3% |
| Montana | <i>Sen. Steve Daines</i> | Steve Bullock | GOP +3.3% |
| N. Carolina | <i>Sen. Thom Tillis</i> | Cal Cunningham | DEM +1.8% |
| S. Carolina | <i>Sen. Lindsey Graham</i> | Jaime Harrison | GOP +6% |
| Texas | <i>Sen. John Cornyn</i> | Mary Jennings Hegar | GOP +7.5% |

APPENDIX B
House Seats to Follow on Election Night (Incumbents italicized)

| Congressional District | Republican | Democrat | Rating |
|----------------------------|-------------------------------|------------------------------------|----------|
| Arizona 06 | <i>Rep. Dave Schweikert</i> | Hiral Tipirneni | TOSS-UP |
| California 21 | David Valadao | <i>Rep. T.J. Cox</i> | TOSS-UP |
| California 25 | <i>Rep. Mike Garcia</i> | Christy Smith | TOSS-UP |
| Florida 15 (Open-R) | Scott Franklin | Alan Cohn | LEAN R |
| Florida 26 | Carlos Gimenez | <i>Rep. Debbie Mucarsel-Powell</i> | LEAN D |
| Georgia 07 (Open-R) | Rich McCormick | Carolyn Bourdeaux | LEAN D |
| Iowa 01 | Ashley Hinson | <i>Rep. Abby Finkenauer</i> | TOSS-UP |
| Iowa 02 (Open-D) | Mariannette Miller-Meeks | Rita Hart | TOSS-UP |
| Iowa 03 | David Young | <i>Rep. Cindy Axne</i> | LEAN D |
| Illinois 13 | <i>Rep. Rodney Davis</i> | Betsy Londrigan | TOSS-UP |
| Indiana 05 (Open-R) | Victoria Spartz | Christina Hale | TOSS-UP |
| Michigan 03 (Open-R) | Peter Meijer | Hillary Scholten | TOSS-UP |
| Minnesota 01 | <i>Rep. Jim Hagedorn</i> | Dan Feehan | TOSS-UP |
| Minnesota 07 | Michelle Fischbach | <i>Rep. Collin Peterson</i> | TOSS-UP |
| Missouri 02 | <i>Rep. Ann Wagner</i> | Jill Schupp | TOSS-UP |
| Nebraska 02 | <i>Rep. Don Bacon</i> | Kara Eastman | TOSS-UP |
| New Jersey 02 | <i>Rep. Jeff Van Drew</i> | Amy Kennedy | TOSS-UP |
| New Mexico 02 | Yvette Herrell | <i>Rep. Xochitl Torres Small</i> | TOSS-UP |
| New York 02 (Open-R) | Andrew Garbarino | Jackie Gordon | TOSS-UP |
| New York 11 | Nicole Malliotakis | <i>Rep. Max Rose</i> | TOSS-UP |
| New York 22 | Claudia Tenney | <i>Rep. Anthony Brindisi</i> | TOSS-UP |
| New York 24 | <i>Rep. John Katko</i> | Dana Balter | TOSS-UP |
| North Carolina 02 (Open-R) | <i>Rep. George Holding</i> | Deborah Ross | LIKELY D |
| North Carolina 06 (Open-R) | Joseph Lee Haywood | Kathy Manning | LIKELY D |
| Ohio 01 | <i>Rep. Steve Chabot</i> | Kate Schroder | TOSS-UP |
| Oklahoma 05 | Stephanie Bice | <i>Rep. Kendra Horn</i> | TOSS-UP |
| Oregon 04 | Alek Skarlatos | <i>Rep. Peter DeFazio</i> | LEAN D |
| Pennsylvania 01 | <i>Rep. Brian Fitzpatrick</i> | Christina Finello | LEAN R |
| Pennsylvania 08 | Jim Bognet | <i>Rep. Matt Cartwright</i> | LEAN D |
| Pennsylvania 10 | <i>Rep. Scott Perry</i> | Eugene DePasquale | TOSS-UP |
| Pennsylvania 17 | Sean Parnell | <i>Rep. Conor Lamb</i> | LEAN D |
| Texas 21 | <i>Rep. Chip Roy</i> | Wendy Davis | TOSS-UP |
| Texas 22 (Open-R) | Troy Nehls | Sri Preston Kulkarni | TOSS-UP |
| Texas 23 (Open-R) | Tony Gonzalez | Gina Ortiz Jones | LEAN D |
| Texas 24 (Open-R) | Beth Van Duyne | Candace Valenzuela | TOSS-UP |
| Utah 04 | Burgess Owens | <i>Rep. Ben McAdams</i> | TOSS-UP |
| Virginia 02 | Scott Taylor | <i>Rep. Elaine Luria</i> | LEAN D |
| Virginia 05 (Open-R) | Bob Good | Cameron Webb | TOSS-UP |
| Virginia 07 | Nick Freitas | <i>Rep. Abigail Spanberger</i> | LEAN D |