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Democrats Flip the Senate: Incoming Committee Chairs and Oversight Priorities

Client Alerts

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Voters across the country made their voices heard at the polls on Tuesday—and did so resoundingly. In addition to taking control of the House, Democrats overcame a challenging map and won a majority in the Senate, including in some states once unthinkable. Senate Democrats' stated priorities of investigating allegations of corruption and the causes of affordability challenges will likely take center stage. The Democratic-led Senate will also be in a position to exert leverage on President Trump's nominees and conduct trials if the House impeaches the President or Cabinet officials.

Senate Democrats' Oversight Agenda for the 120th Congress

Senate Democrats' Oversight Priorities

Senate Democrats' messaging has been less cohesive than the House's, but early reporting shows four themes are consistent on both sides of the Capitol—oversight, costs, health care, and the Iran war. The immediate priority will be oversight. Senator Chuck Schumer (D-NY), who is not up for reelection until 2028, is the expected Majority Leader and Senator Brian Schatz (D-HI) is the likely Majority Whip.

Senate Subpoena Authority and Committee Rules

Senate subpoena rules are more restrictive than the rules in the House, where most chairs can act alone and issue subpoenas unilaterally. Most Senate committees require the ranking member's agreement or a committee vote before a subpoena is issued, though details vary by committee. Judiciary, Banking, Commerce, and Finance generally need the ranking member's agreement or a vote, while the Health, Education, Labor and Pensions (HELP) Committee requires a majority vote. There are two important exceptions: Homeland Security and Governmental Affairs (HSGAC) and its Permanent Subcommittee on Investigations (PSI), where the chair can issue a subpoena unilaterally with notice to the ranking member. These are the current rules, and each committee can change them when the new Congress begins in January.

How Senate Committee Chairs Are Chosen

Committee chairs are chosen by the majority party through a combination of seniority, party rules, and internal conference votes. Seniority, however, is historically given the most weight.

Key Senate Committees and Their Likely Leaders

Here are the most likely committee leaders, and the races to watch in the Senate:

Senate Judiciary Committee

The Judiciary Committee has broad legislative jurisdiction and is the Senate's main forum for public debate on social and constitutional issues, as well as oversight of the Department of Justice and the courts. It oversees key activities of the executive branch and handles the first stage of confirming all federal judicial nominees.

Chair: Senator Sheldon Whitehouse (D-RI) is planning to succeed retiring Senator Dick Durbin (D-IL). He has met with anticipated House Judiciary Chair, Rep. Jamie Raskin, in the months leading up to the midterm and has said the Supreme Court justices would be the first targets of their joint effort, with aggressive investigations and a stack of subpoenas already being prepared. He is known for his climate advocacy, "dark money" in elections, judicial ethics, and outside influence on the judiciary. Priorities will include DOJ and FBI oversight, immigration, antitrust and Big Tech/AI, and judicial ethics.

Ranking Member: Senator Mike Lee (R-UT) may be the top Republican on the committee. Senator Chuck Grassley (R-IA) is term-limited, and other senior GOP members will not be in the next Congress. Senator Lee would have to give up his Energy and Natural Resources spot to take on Judiciary, but has said being the top Republican on Judiciary would be "hard to turn down." Senator Ted Cruz (R-TX) is next in seniority after Lee but will remain a top Commerce Republican. Senator Josh Hawley (R-MO) would be next in seniority but has not been reported as seeking the top Republican spot on Judiciary.

Senate Banking, Housing, and Urban Affairs Committee

The Banking, Housing, and Urban Affairs Committee has jurisdiction over banks and financial institutions, deposit insurance, federal monetary policy including the Federal Reserve, housing, export controls, and urban development and mass transit.

Chair: Senator Elizabeth Warren (D-MA) is expected to chair the committee and will use the gavel to continue her scrutiny of corporate America with an affordability and Trump corruption theme guiding oversight. Warren receives significant media attention as a senior Democrat who has used her influence to call out allegations of corruption under the second Trump Administration and is known in the finance industry to be a "critic of Wall Street." She is reportedly planning bipartisan efforts to crack down on AI and housing legislation that reins in private equity's role in the market. Other expected priorities could include bank regulation, crypto, housing finance and affordability, the CFPB, and the Federal Reserve. Former Banking Chair Sherrod Brown (D-OH), who led the committee in the 117th and 118th Congresses, has been floated as a possible challenger for the gavel. However, caucus rules resetting seniority for returning members leave Warren in the stronger position.

Ranking Member: Senator Tim Scott (R-SC), the current chair, is expected to remain the top Republican as he is well within the six-year term limit.

The Senate Health, Education, Labor, and Pensions Committee
The HELP Committee has jurisdiction over education, labor, health, and public welfare, including public health, biomedical research, wages and hours, workplace safety, and private pensions.

Chair: Senator Bernie Sanders (I-VT) is the expected chair of the committee and last held the gavel in the 118th Congress. During his last chairmanship, Sanders pursued high-profile hearings with corporate CEOs rather than lengthy, formal investigations. His first target was former Starbucks CEO Howard Schultz and his subpoena to the Steward Health CEO was the committee's first since 1981. Sanders is a Medicare-for-All proponent who will likely continue to target high health care costs and pharmaceutical profits. Other priorities could include HHS oversight and public health, labor and workforce policy, and pensions.

Ranking Member: There is no clear Republican frontrunner as Senator Bill Cassidy (R-LA) is not returning to Congress. Senator Lisa Murkowski (R-AK) is now the most senior Republican committee member, so she may become Ranking Member.

Senate Commerce, Science, and Transportation Committee
The Commerce, Science, and Transportation Committee has jurisdiction over interstate commerce, communications, transportation, consumer products and services, science and technology policy, and oceans and weather.

Chair: Senator Maria Cantwell (D-WA) is poised to take the gavel, having chaired the committee in the last Democratic Senate. Cantwell has opposed the Republican AI moratorium proposal and, in October, released a six-principle AI safety framework that she plans to pursue as chair. She will likely go after the FCC, and she has previously pressed FCC Chairman Brendan Carr to testify and argued that FCC-enabled industry consolidation raises prices and cuts choice. She is also expected to keep a strong working relationship with Ranking Member Ted Cruz (R-TX), with whom she accomplished major bipartisan wins in the current Congress, including the Protect College Sports Act. Other priorities could include kids' online safety, aviation and transportation, and consumer protection.

Ranking Member: Senator Ted Cruz (R-TX) will serve as the top committee Republican. A high-profile conservative leader, Cruz is pushing a federal AI framework that could override state laws. Senator Cruz is also a potential 2028 presidential contender and could use this platform as an opportunity to test campaign messaging and further bolster his profile.

Senate Finance Committee
The Finance Committee has jurisdiction over taxation, trade and tariffs, Social Security, Medicare, Medicaid, and the national debt.

Chair: Senator Ron Wyden (D-OR) is the likely chair and previously chaired the committee in the 117th and 118th Congresses. He has increasingly become one of the Trump Administration's top critics and has demanded a probe of the Trump "Anti-Weaponization Fund" settlement and a DOJ directive ending audits of Trump family businesses. Wyden has said his oversight will include "schemes and loopholes" exploited by the ultrawealthy and corporations to avoid paying taxes, as well as those that have benefited from the Administration's tax and tariff policies. He will also prioritize reinstating the wind and solar tax credits, President Trump's deals with pharmaceutical companies, and seeking transparency around TrumpRx data.

Ranking Member: Senator Mike Crapo (R-ID) is expected to stay the most senior Republican committee member. He has chaired the committee since the 119th Congress and was its top Republican in the 117th and 118th Congresses.

Senate Energy and Natural Resources Committee
The Energy and Natural Resources Committee has jurisdiction over the Energy and Interior departments and a range of issues related to energy, conservation, and public lands.

Chair: Senator Martin Heinrich (D-NM), who was previously expected to take the top Democratic spot in 2023, is the anticipated chair. He is planning an aggressive agenda targeting rising electricity demand from data centers and will likely target the industry's environmental and water impacts. Heinrich will likely prioritize permitting reform and will continue to work with Rep. Jared Huffman on oversight efforts, such as their call for a GAO investigation into the Administration's financing of private mining investments. He is an advocate for public lands, transmission and lower energy costs, and keeps a low media profile. Other priorities could include Interior oversight, data-center power demand, permitting reform, critical minerals, and offshore leasing and LNG.

Ranking Member: Senator Mike Lee is currently the most senior Republican member as the current chair of the Committee, but he may move to Judiciary. If so, the top Republican spot would be open. Senator John Barrasso (R-WY) would be next in line by seniority.

Senate Agriculture, Nutrition, and Forestry Committee
The Agriculture, Nutrition and Forestry Committee has jurisdiction over agriculture, crop insurance, the farm bill, farm credit, food stamps, food inspection, forestry, nutrition, rural development, and conservation.

Chair: Caucus rules reset seniority for returning members. Senator Sherrod Brown (D-OH), who has won the special election to serve the remaining two years of the term originally won by JD Vance and chaired Banking during the 117th and 118th Congresses, is expected to chair the committee. Outgoing Ranking Member Amy Klobuchar (D-MN) is not returning to Congress, so a top Democratic seat is open.

Ranking Member: Senator John Boozman (R-AR), the current chair, is expected to remain the top Republican.

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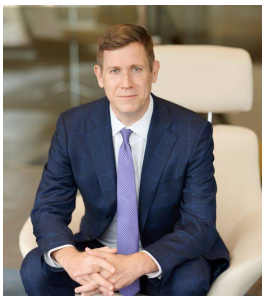
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