

Beyond the Front Page: Five Things We're Watching After Election Night

Client Alerts

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This week, Donald Trump claimed a decisive victory in the presidential race, and Republicans picked up Democratic Senate seats in West Virginia, Ohio, and Montana, ensuring that they will flip the Senate and hold at least one of the two houses of Congress. As the dust continues to settle on Election Day, the Congressional Investigations team at Jenner & Block is **monitoring these five key developments beyond the front page of the newspaper** that will shape the next Congress and the personalities who run it.

1. **The Race to Replace McConnell:** The 2024 election marks the end of an era in Washington: for the first time in two decades, Mitch McConnell will not lead the Senate's Republican caucus. South Dakota Senator John Thune and Texas Senator John Cornyn are the current front-runners to become the Senate Majority Leader, while Florida Senator Rick Scott is well-positioned to influence the outcome of the race as the leader of a coalition of conservatives with close ties to the President-elect. Senators Thune and Cornyn bolstered their respective credentials by campaigning enthusiastically for President Trump, and for new and incumbent Republicans in the Senate, but we expect continued pressure from the right flank to push the "Two Johns" to commit to advancing the President-elect's agenda on taxes, energy, and immigration in advance of the November 13 secret ballot. They will also push to swiftly confirm President Trump's cabinet nominees in January so that the new administration can hit the ground running.
2. **Seismic Changes on Senate Banking:** Among the more surprising election night results was the decisive defeat of Senate Banking Chairman Sherrod Brown of Ohio to insurgent Republican Bernie Moreno, spurred on by tens of millions of dollars in support from the cryptocurrency industry. The current Ranking Member, Tim Scott of South Carolina, is now poised to become Chairman of the powerful committee should he want the position. Scott, a close Trump ally, has previously stated his intention to take the gavel rather than serve in the Trump Administration, but would almost assuredly be tempted by a senior cabinet post. The Senate Banking Chair will play a pivotal role in deliberations about issues ranging from the independence of the Federal Reserve to regulating crypto. On the Democratic side, Senator Jack Reed of Rhode Island is the next-most senior, but he is currently serving as Chair of the Senate Armed Forces Committee and may remain in the role of Ranking Member in the 119th Congress. Next up is Senator Mark

Warner of Virginia who is currently serving as Chair of the Senate Intelligence Committee and is widely regarded as a moderate on banking issues. However, we think it is more likely than not that Senator Warner will choose to keep his focus on the Intelligence Committee. If that happens, it means that progressive Senator Elizabeth Warren of Massachusetts is next in line for this important post.

3. **Seniority, Senate Judiciary, and Tech:** Senator Grassley of Iowa seems poised to take the gavel of the Senate Judiciary Committee and guide Donald Trump's judicial picks through the nomination process. There may however be some discussion amongst Republicans that the time has come for Grassley—now 91 years old and in his eighth term—to step aside and allow others, such as Senators Mike Lee of Utah, Lindsey Graham of South Carolina, or Ted Cruz of Texas, to guide the high-profile and televised Supreme Court nomination hearings or questioning of tech-CEOs the committee has become known for. Should Senator Grassley keep the reins of Judiciary, we would expect the Senate Committee on Commerce, Science, and Transportation, which could be led by Senator Cruz, to take an even more active role in oversight of the tech sector. Senator Thune could also seek the Senate Commerce gavel should his leadership bid falter.
4. **House Committee Leadership in Flux:** Although control of the House is not clear as of this writing, the Republican leadership of several key committees will changeover in the coming weeks due to a series of retirements and the caucus rule that no Republican can serve for more than six years as a Chair or Ranking Member of the same committee. Representatives Andy Barr of Kentucky, French Hill of Arkansas, Bill Huizenga of Michigan, and Frank Lucas of Oklahoma are all vying to lead the **House Financial Services Committee**. The winner will guide the Committee's Republican membership through debates on issues as diverse as outbound investment rules, reforming the federal flood insurance program, and regulating cryptocurrency. Barr and Hill have been considered the favorites to helm the powerful committee. Barr's close alignment with President Trump and his support throughout the conference may help with the Steering Committee, although the possibility that Barr will run for the Senate in 2026 may work to the advantage of Hill, who has also cultivated deep relationships with influential House Republicans. Representatives Brett Guthrie of Kentucky and Bob Latta of Ohio are favored to helm the **Energy and Commerce Committee**, which will take center stage in the review of tech policy in the House. If it turns out he successfully led the Republicans' political effort to maintain their House majority, NRCC Chair Richard Hudson (R-NC) is also well-positioned to run for Chair of the Energy and Commerce Committee. This would follow the playbook that then-NRCC Chair Greg Walden used when Republicans gained control of the White House, Senate, and House in 2016. Representatives Tim Walberg of Michigan and Burgess Owens of Utah are in a highly contested race to run the **Education and the Workforce Committee**, which advanced high-profile investigations into colleges and universities' response to campus protests over the last year.

5. **Watching the Margins:** After Election Day, focus tends to drift away from the uncalled races, particularly where Senate control has been decided. But the result in the major undecided Senate races in Pennsylvania, Arizona, and Nevada could determine whether the Trump administration feels as if it has a definitive two-year or four-year window to push its legislative agenda and will also impact the new Senate Majority Leader's willingness to push certain policies favored by the right flank of the party. Similarly, if Republicans hold the House with a narrow margin, the ability of the Trump administration to appoint House Republicans to administration posts will be limited. Last Congress, the Republican caucus struggled to maintain consistent order: a few-seat Republican majority would not be without significant downstream difficulties, including surprise retirements, delayed votes for sickness, and vote wrangling at the margins, all of which may limit the House's ability to quickly pass legislation before the 2026 campaign season begins in earnest. That said, Republicans in the House and Senate are already planning to repeal scores of Biden-era regulations via the Congressional Review Act, and to pass a tax package and other fiscal priorities via the budget reconciliation process.

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