2026 MIDTERM ELECTION OUTLOOK: TECHNOLOGY & TELECOMMUNICATIONS



ANALYSIS BY

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MONUMENT ADVOCACY

OVERVIEW: *Same Gavels, New Pressure*

The leadership for the primary tech committees may play some musical chairs, but the same Members leading the Commerce and Energy & Commerce committees are sticking around. House Democrats' focus on AI, platform accountability, and antitrust are going to drive the agenda.

This outlook covers platform accountability, privacy, children's online safety, intermediary liability, and telecommunications policy. Artificial intelligence is treated separately in Monument's companion AI scenario outlook.

IF THE HOUSE FLIPS

WHAT TO EXPECT:

- **Protecting marginalized communities.**
  - For example, how has tech enabled Trump's immigration enforcement?
  - The House will look to shore up its base and prove it is using its majority to push back against the wide array of Trump policies they view as extremely harmful.
- **Investigations of companies "colluding" with Trump.**
  - Similar to the analysis of companies that aided the Trump administration's objectionable policies, companies that "cozied up to Trump" will come under scrutiny.
  - Companies where there is a direct connection to the Trump family are likely to be first in line.
- **Online safety, if doesn't happen this Congress:**
  - With the KIDS Act through the House, we expect a push on online safety in the lame duck. Democrats may instead hold back and wait for more leverage next Congress, when they could press for "duty of care" requirements.
- **Democrats are likely to return to prior federal privacy drafts as their starting point in negotiations.**
  - Namely the American Data Privacy Protection Act (ADPPA) and the American Privacy Rights Act (APRA).
  - Both bills paired strict data minimization requirements with a private right of action and a preemption framework that fell short of a single national standard, since each kept carve-outs that would preserve significant state authority.
- **Action on Section 230**:
  - We will see a narrative continue to develop that Congress needs to follow the courts and create a liability regime that "holds platforms accountable for their design features."
- **Age assurance/Identity Verification**:
  - Bills requiring age verification for social media companies (or others) are taking shape around the globe.
  - The proposals were not considered in either Senate Commerce Committee, nor were they included in the House kids' package.
  - Recently, Ranking Member Pallone said in a hearing that he was against legislation that mandated parental access to minors' data: a concern that may extend to issues like age verification.



IF BOTH CHAMBERS FLIP

If both Chambers flip, the House and Senate should be able to coordinate, to an extent, on high level messaging related to tech – particularly on AI. It will be an open question as to whether they want to push smaller, bipartisan priorities that may avoid a veto, but that is not likely right out of the gate.

WHAT TO EXPECT:

- Heading into a **presidential election year in 2028, they will try to use tech policy as a lever to differentiate themselves from Republicans.**
  - Issues such as consumer data privacy will yield to data centers and AI regulation.
- **Kids' online safety and AI companion products** are the lane with meaningful bipartisan interest.



IF NEITHER FLIPS

WHAT TO EXPECT:

- **Children's online safety gets another run.**
  - Any major children's online safety bills that do not make it across the finish line this Congress are likely to come back quickly.
    - KOSA remains the clearest example.
  - One of the biggest differences between the House and Senate has been the Senate bill's "duty of care" standard, which Sen. Marsha Blackburn has strongly defended while the House has pursued a narrower approach. With Blackburn leaving the chamber, that negotiating dynamic changes, and a compromise that drops or substantially narrows the duty-of-care provision could become easier to reach.
- **Telecom policy stays focused on areas of bipartisan agreement**.
  - Expect continued work on the FCC's Covered List and related supply-chain security authorities, with particular attention to making the process for adding entities clearer, more predictable, and easier for companies to navigate.

BOTTOM LINE

Tech policy outside AI turns on committee dynamics more than on control. The same members lead Commerce and Energy & Commerce in every scenario, so the real question is whether they spend 2027 running investigations or writing bills.

A Democratic House turns platform accountability, privacy, and Section 230 into oversight and message votes rather than enacted law. A Republican hold narrows the field to children's online safety and the bipartisan telecom work around the FCC's Covered List. Kids' safety is the one issue with a credible path in either direction.

MEMBERS TO WATCH



REP. YVETTE CLARKE

D-NY

Most likely will be the Chair of the Energy & Commerce Committee on Commerce, Manufacturing & Trade. She has been on the forefront of leading bills as it relates to technology, including proposal such as the algorithmic accountability act, should she get the gavel expect these issues, and oversight issues to become front and center within the sub-committee.



REP. JIM JORDAN

R-OH

If Republicans lose the House majority, there are rumors that Rep. Jim Jordan (R-OH) would run for a leadership position. If he does, expect him to be one of the loudest defenders of the Administration's technology agenda. He would likely lead the Republican pushback against Democratic oversight of tech and telecom policy and against the new majority's broader priorities in those areas.

MONUMENT'S TECHNOLOGY & TELECOMMUNICATIONS PRACTICE AREA

In an ever-changing technology landscape, Monument's Technology & Telecommunications Practice has the federal technology policy expertise and network to effectively advocate for clients on key issues like artificial intelligence, consumer data privacy, intermediary liability, and the spectrum of policies affecting the telecommunications sector.

This analysis is brought to you courtesy of Monument Advocacy's Technology & Telecommunications policy experts.

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