

NATIONAL COUNCIL
for **Mental Wellbeing**

11/6/24

Welcome to the first edition of the National Council's new **Road to the 119th Congress** series. As we continue tracking the results of the Nov. 5 election, we will share a biweekly update for members with information about federal legislative and regulatory policy between now and January, along with updates on the appropriations process, potential Trump administration appointments and priorities, and the upcoming Congress.

Note: This update will supplement [CapCon](#), our weekly federal policy and regulatory update.

The following information is a snapshot of where things currently stand — it will likely be several days or weeks until results are tabulated for the House of Representatives races. House control will determine much of the likely scenarios between now and the end of the year, including the balance of power in the upcoming 119th Congress.

Key Upcoming Event

- **The National Council will hold an exclusive member webinar on Thursday, Nov. 21 at 1 p.m. ET** to discuss the election and examine the potential impact on federal mental health and substance use policy. The webinar will also provide a rundown of recently finalized federal rules, including the Department of Labor's overtime rule, the 2025 Medicare Physician Fee Schedule rule, and more. [Register today.](#)

2024 Election Results

- **Presidency:** [Former president Donald Trump defeated Vice President Kamala Harris](#) to win the presidency. While results are still being counted in several states, the former president already has the required electoral votes to secure a victory.
- **Senate:** [Republicans regained Senate control](#) after picking up victories in Montana, Ohio and West Virginia. With some states yet to finalize Senate race results, it is unclear how large a majority Republicans will ultimately have. Currently, Republicans have 52 Senate seats to Democrats' 43.
- **House of Representatives:** Results in several key races remain [too close to call](#) for either Republicans or Democrats to claim a majority. So far, Republicans have flipped five seats and Democrats have flipped two, giving Republicans a net gain of three seats. Either party needs 218 seats for a majority. CNN currently shows Republicans with 207 and Democrats with 188. Roughly 40 races have yet to be called.

Possible appropriations scenarios between now and the end of the year:

- With a Trump victory and Republicans controlling the Senate, but not the House, we **may** see Congressional Republicans block action on an omnibus and force through a limited continuing resolution, keeping funding at current levels into early 2025. Under this scenario, Congress would likely delay major funding items until next year so that decisions can be made once Republicans have control of the presidency, allowing for greater influence over the final decisions.
- With a Trump victory and Republicans controlling both the Senate and the House, we **may** see discussion of moving through the FY

2025 funding bills to clear the deck, allowing for focus on a reconciliation package that would advance major tax policies and possibly contain changes to Medicaid and the Affordable Care Act Marketplace programs. Under both scenarios, similar to what we saw with the March 2024 minibus, action on substantive health care policy items would be limited, with the majority of nonessential priorities punted into 2025.

Disaster relief package:

- Congress is set to reconvene next week. One of its most pressing priorities is a large disaster relief package to support recovery from Hurricanes Helene and Milton. This could also include funding for related behavioral health services, including funds for first responder mental health programs and other similar efforts.

Reminder: National Council priorities for the rest of the 118th Congress

For more details, [sign up for CapCon](#) and [register](#) for our Nov. 21 webinar.

- **Certified Community Behavioral Health Clinics (CCBHCs):** The National Council remains actively engaged in discussions on Capitol Hill to ensure that key provisions of the [Ensuring Excellence in Mental Health Act](#) are included in a potential lame-duck omnibus package.
- **Telehealth:** Several critical telehealth flexibilities are set to expire at the end of 2024. Among them is a Drug Enforcement Administration waiver allowing certain controlled substances, such as buprenorphine, to be prescribed via telehealth, set to expire on Dec. 31. There has been a strong and well-organized push by a large group of advocates, including the National Council, to extend the

waiver. A final rule creating another extension is currently with the White House Office of Management and Budget and is expected to mirror the current flexibilities for prescribing of controlled substances.

- **SUPPORT Act Reauthorization:** Several provisions of the original SUPPORT Act were made permanent as part of the 2024 [Consolidated Appropriations Act](#). However, reauthorization of the remainder of the SUPPORT Act — which includes a range of substance use treatment programs — has bipartisan backing but has been stalled since last year’s deadline for renewal passed. If a large health package comes together during the lame duck session, the SUPPORT Act may be included.

Potential Trump administration appointments and priorities:

Note: Details about the Trump administration’s health care agenda, including mental health and substance use care policy, are still coming into focus. Please see some select reporting below based on statements Trump and his campaign have made, as well as campaign policy statements and interviews. We will continue to monitor and share information as it develops.

- [Politico recently reported](#) on potential cabinet nominees, including for Health and Human Services.
- [STAT News reported](#) on potential health care priorities of the next Trump administration. According to multiple outlets, Trump and his campaign signaled a disinterest in once again attempting to repeal the Affordable Care Act (ACA). Instead, “Trump and Congressional Republicans have said they want to bring down costs within the ACA and possibly let the current enhanced tax credits expire.”

- [Inside Health Policy \(paywall\)](#) reported on Medicaid and ACA impacts. From the article: “Medicaid beneficiary advocates expect Trump will revitalize work requirements in the program — a policy the Biden administration had quickly revoked — as well as budget cuts. However, how Republicans in Congress would design cuts to Medicaid is unclear. For years, lawmakers and stakeholders supported transforming the federal funding stream into block grants that would be based on population and other factors. But that idea has fallen out of favor since the COVID-19 pandemic, according to some conservative experts.”
- [Associated Press reported](#) on a wide swath of expected policy priorities. From the article: “Trump has talked little about Medicaid, but his first administration, in general, defaulted to approving state requests for waivers of various federal rules, and it broadly endorsed state-level work requirements for recipients.”

If you have any questions, please [contact our policy team](#).

In the meantime, [sign up to make your voice heard today](#). Advocacy is how we continue to make positive change. And [sign up to receive CapCon](#), the National Council’s weekly federal policy and regulatory update.

Mental health and substance use challenges impact every community in our country, no matter the political dynamics. The National Council looks forward to continuing our work to elevate the needs of our members and advocate for policies that strengthen access to care and address the workforce shortage.

We’ll see you back here for part two in our series on **Nov. 20**.

Sincerely,
National Council Policy and Advocacy Team

NATIONAL COUNCIL
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