

The 2026 Elections and Healthcare Policy

How the midterm elections will impact healthcare policy in the lame duck session and the 120th Congress

TIBER CREEK GROUP



Post-Election Planning for Lame Duck

If Republicans retain control...

- A Lame Duck reconciliation bill becomes **less** likely, since the GOP will remain in control next year.
- Lawmakers work to pass appropriations bills
- Bipartisan efforts towards a healthcare package remain possible – best case scenario for a broader package

If Democrats win one chamber...

- A Lame Duck reconciliation bill becomes **more** likely, as it will be improbable in the 120th due to a divided Congress
- Lawmakers work to pass appropriations bills, but a CR until the new year becomes more likely
- Bipartisan efforts towards a broader healthcare package remain possible, but it gets more complicated

If Democrats win both chambers...

- A Lame Duck reconciliation bill becomes **more** likely, as the GOP loses control of Congress in 2027
- A short-term CR into the new year becomes very likely
- Bipartisan efforts towards a healthcare package are possible but will be hindered by partisan activities (i.e., reconciliation)

Attendance will be a key factor in what is possible given the current narrow majorities: absences of those retiring or not returning in 2027 could stall major action in Lame Duck

Post-Election Planning for the 120th: GOP Control

House Ways and Means

Chair: Jason Smith (R-MO) | **Ranking Member:** Richard Neal (D-MA)
Health Subcommittee: Chair **OPEN** | Ranking Member **OPEN**, likely Mike Thompson (D-CA)

House Energy and Commerce

Chair: Brett Guthrie (R-KY) | **Ranking Member:** Frank Pallone, Jr. (D-NJ)
Health Subcommittee: Chair Morgan Griffith (R-VA) | Ranking Member **OPEN**, likely Kathy Castor (D-FL) or Raul Ruiz (D-CA)

House Oversight

Chair: **OPEN** | **Ranking Member:** Robert Garcia (D-CA)
Health Subcommittee: Chair Glenn Grothman (R-WI) | Ranking Member **OPEN**

Senate Finance

Chair: Mike Crapo (R-ID) | **Ranking Member:** Ron Wyden (D-OR)

Senate Health, Education, Labor, and Pensions

Chair: Rand Paul (R-KY), Lisa Murkowski (R-AK), or Roger Marshall (R-KS) |
Ranking Member: Bernie Sanders (I-VT)

- President Trump's power grows with a friendly legislature
- Republicans could pursue additional reconciliation measures in the final two years of President Trump's term
- Strong pressure to change Senate rules (e.g., get rid of the filibuster) from the White House

On Healthcare:

- Policy priorities from the 119th will carry into the 120th
- Continued push to undo aspects of the Affordable Care Act and reform the Medicaid program, with significant focus on fraud, waste, and abuse
- Republicans will continue to contend with pressure to codify Most-Favored-Nation drug pricing and may pursue other drug pricing policy

Post-Election Planning for the 120th: Divided Congress

Assumes a Democrat-controlled House and Republican-controlled Senate

House Ways and Means

Chair: Richard Neal (D-MA) | **Ranking Member:** Jason Smith (R-MO)

Health Subcommittee: Chair **OPEN**, likely Mike Thompson (D-CA) |
Ranking Member **OPEN**

House Energy and Commerce

Chair: Frank Pallone, Jr. (D-NJ) | **Ranking Member:** Brett Guthrie (R-KY)

Health Subcommittee: Chair **OPEN**, likely Kathy Castor (D-FL) or Raul Ruiz (D-CA) | Ranking Member Morgan Griffith (R-VA)

House Oversight

Chair: Robert Garcia (D-CA) | **Ranking Member:** **OPEN**

Health Subcommittee: Chair **OPEN** | Ranking Member Glenn Grothman (R-WI)

Senate Finance

Chair: Mike Crapo (R-ID) | **Ranking Member:** Ron Wyden (D-OR)

Senate Health, Education, Labor, and Pensions

Chair: Rand Paul (R-KY), Lisa Murkowski (R-AK), or Roger Marshall (R-KS) |

Ranking Member: Bernie Sanders (I-VT)

- Legislating gets harder – partisan measures like reconciliation are no longer likely, so bipartisanship becomes the primary path forward
- Strong pressure to change Senate rules (e.g., get rid of the filibuster) from the White House, if the Senate remains in Republican control
- President Trump continues pushing executive action

On Healthcare:

- Expect a strong focus on oversight in the Dem-led chamber, especially on issues of vaccine policy, drug pricing agreements, FDA programs, and other industry-friendly initiatives
- Bipartisan priorities like transparency, Medicare reimbursement reform, additional pharmacy benefit manager reform, No Surprises Act, and 340B may gain steam

Post-Election Planning for the 120th: Democratic Control

House Ways and Means

Chair: Richard Neal (D-MA) | **Ranking Member:** Jason Smith (R-MO)

Health Subcommittee: Chair **OPEN**, likely Mike Thompson (D-CA) |
Ranking Member **OPEN**

House Energy and Commerce

Chair: Frank Pallone, Jr. (D-NJ) | **Ranking Member:** Brett Guthrie (R-KY)

Health Subcommittee: Chair **OPEN**, likely Kathy Castor (D-FL) or Raul Ruiz (D-CA) | Ranking Member Morgan Griffith (R-VA)

House Oversight

Chair: Robert Garcia (D-CA) | **Ranking Member:** **OPEN**

Health Subcommittee: Chair **OPEN** | Ranking Member Glenn Grothman (R-WI)

Senate Finance

Chair: Ron Wyden (D-OR) | **Ranking Member:** Mike Crapo (R-ID)

Senate Health, Education, Labor, and Pensions

Chair: Bernie Sanders (I-VT) | **Ranking Member:** Rand Paul (R-KY), Lisa Murkowski (R-AK), or Roger Marshall (R-KS)

- Democratic majorities in both chambers could make legislating easier, but the 60-vote threshold in the Senate means bipartisan measures are still likely
- Democrats could pursue a reconciliation bill, with or without some GOP priorities, intended to force President Trump to veto a legislative package
- President Trump continues pushing executive action
- Will a Dem-controlled Congress hinder White House dealmaking with industry?

On Healthcare:

- Expect a strong focus on oversight, especially on issues of vaccine policy, drug pricing agreements, FDA programs, and other industry-friendly initiatives
- Universal coverage options, consolidation and corporate ownership, lowering drug prices, prior authorization reform, Medicare Advantage reform, and other Dem priorities come to the forefront

Healthcare Priorities in the 120th Congress

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- The diagram consists of two overlapping circles. The left circle is light red and contains priorities associated with Democrats. The right circle is light blue and contains priorities associated with Republicans. The intersection of the two circles is a light purple color and contains priorities shared by both parties.
- Democrat priorities (left circle):**
 - Waste, fraud, and abuse
 - Affordable Care Act reform
 - Changes to Medicaid and other government benefit programs
 - Oversight will focus on industry rather than the administration
 - Codifying Trump admin rules and policies
 - Shared priorities (intersection):**
 - China and the biotech industry
 - Price transparency
 - 340B reform
 - No Surprises Act
 - Lowering drug prices
 - PBM oversight
 - Consolidation
 - Medicare physician pay reform
 - Republican priorities (right circle):**
 - Universal coverage
 - Reinstating enhanced premium tax credits
 - Artificial intelligence and prior authorization
 - Delaying/repealing Trump admin rules, policies, and OBBBA
 - Oversight will focus on Trump admin leaders and policies
 - Expanding public benefit programs and the IRA

Democrats in both chambers are engaged in policy development exercises that will also inform their agenda in 2027 and beyond:

Senate:

Led by Sen. Wyden, three workstreams and RFIs on lowering [prescription drug prices](#), [commercial insurance](#), and [long-term care](#).

House:

Leadership-led cost of living [working groups](#); Pallone-led Energy and Commerce working groups.

Potential Vehicles for Healthcare Items in the 120th*

Lawmakers face a slate of must-pass priorities in the 120th Congress, all of which could carry healthcare policies but will also require significant legislative attention on their own:

- Appropriations
- National Defense Authorization Act
- Debt ceiling*
- **5-year FDA User Fee Reauthorizations**
 - Pharmaceuticals
 - Generic drugs
 - Biosimilars
 - Medical devices
- Pandemic and All-Hazards Preparedness Act (PAHPA) reauthorization*

The five-year reauthorizations of four medical product [user fee agreements](#) is both a **must-pass priority** for Congress next year and a prime opportunity to enact related healthcare policy.

The user fee reauthorization process is historically **bipartisan**, with leadership of the House Energy and Commerce Committee and the Senate Health, Education, Labor, and Pensions (HELP) Committee steering the process. Priority inclusions **could change** depending on the outcome of the elections and party control.

- If Republicans keep the Senate, HELP leadership remains an open question, with an expectation that one of Sens. Rand Paul (R-KY), Lisa Murkowski (R-AK), or Roger Marshall (R-KS) could be the next Chair.

Conversations are just beginning, but Democratic priorities might include **priority review voucher certainty**, while Republican priorities might include **China and clinical trial reform**.

**assuming these priorities are not addressed during Lame Duck*