2026 Midterm Elections

Health Policy Impact

November 4, 2026

Outline

- **Nov. 3 Midterm Election Results**
  - House Control – Flip D
  - Senate Control – Flip D
- **Leadership/Committee Outlook**
  - House Energy and Commerce
  - House Ways and Means
  - Senate Finance
  - Senate HELP
- **119th Congress – Lame Duck Priorities**
  - Must-pass bills
  - Health nominations
  - Party-line budget reconciliation
- **120th Congress – Health Policy Priorities**
  - Democratic RFIs and Working Groups
  - Price transparency
  - 340B, surprise billing, vertical integration
  - FDA user fee reauthorizations

2026 Midterm Results

House of Representatives:

- **228 D – 139 R.**
- 68 seats remain uncalled (as of 11/4).
  - *At least* 245 D seats expected.
- 18 seats flipped from R to D.



"Blue Tsunami"
Strongest Democratic electoral performance in 40+ years.

Senate:

- **54 D – 44 R.**
- 2 seats remain. uncalled (AK, MS, as of 11/4).
- 7 seats flipped from R to D.

Leadership Elections - House

Democratic Party

- Nov. 18 and 19 election to determine party leadership.
- Rep. Hakeem Jeffries (NY) expected to elevate to House Speaker role.
- Reps. Katherine Clark (MA), Pete Aguilar (CA) and Ted Lieu (CA) expected to retain leadership roles in #2, #3, and #4 positions, respectively.

Republican Party

- Nov. 10 election to determine party leadership.
- Current Speaker Johnson (LA) will *not* run for Minority Leader.
- Current #2 Rep. Steve Scalise (LA), and Rep. Jim Jordan (OH) positioning for House GOP leadership role.

*AMCP will share updated analysis following the conclusion of House and Senate leadership elections.

Leadership Elections - Senate

Democratic Party

- Early December election to determine party leadership.
- Sen. Chuck Schumer (NY) expected to become Majority Leader, Sen. Brian Schatz (HI) in running for Majority Whip to replace retiring Sen. Dick Durbin (IL).

Republican Party

- Nov. 10 election to determine party leadership.
- Current Leader John Thune (SD) shared intent to run for minority leadership post again.

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House Committee Outlook

- ***Flip*** to Democratic control.
- Energy and Commerce:
  - Expected Chair Frank Pallone (D-NJ), Ranking Member Brett Guthrie (R-KY).
  - Health Subcommittee Chair OPEN, expected Ranking Member Morgan Griffith (R-VA).
- Ways and Means:
  - Expected Chair Richard Neal (D-MA), Ranking Member Jason Smith (R-MO).
  - Health Subcommittee Chair and Ranking Member positions OPEN.

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Senate Committee Outlook

- ***Flip*** to Democratic control.
- Finance:
  - Potential Chair Ron Wyden (D-OR).
  - Potential Ranking Member Mike Crapo (R-ID).
- Health, Education, Labor and Pensions (HELP):
  - Potential Chair Bernie Sanders (I-VT).
  - Former Chair Bill Cassidy (R-LA) lost primary, potential Ranking Members Roger Marshall (R-KS) and Susan Collins (R-ME) lost generals, Rand Paul (R-KY) now expected Ranking Member.

*AMCP will share updated analysis following the conclusion of House and Senate leadership elections

119th Congress – Lame Duck Priorities

- Must-pass legislation requires consideration before the end of the term (Dec. 31, 2026).
  - Less potential for bipartisan end-of-year package given fleeting GOP majority.
- Outstanding Trump administration health nominations a priority before Democratic Senate takes control.
- Party-line budget reconciliation package increasingly likely as last-chance effort to pass GOP priorities this term.
  - Attendance issues for retiring/non-returning members also a matter of concern for House GOP leadership, current majority stands at: 219 R – 214 D (2 vacancies).

Must-Pass End-of-Year Bills

Expiring Legislation	Appropriations bills	National Defense Authorization Act	Farm Bill	Expiring health extenders
Potential Add-Ons	Comprehensive transparency mandates	Physician payment reform	340B reform	Codify MFN arrangements

*Current Continuing Resolution (H.R. 6500, passed Sept. 1) extends funding at FY 2026 levels until Dec. 11, also delays OMB rule on Uniform Guidance which would require political approval of federal grants. Short-term CR extension into 2027 now likely.

Outstanding HHS Nominations

Deputy Secretary of HHS

Nominee: Chris Klomp



FDA Commissioner

Nominee: Dr. Heidi Overton



Surgeon General

Nominee: Dr. Nicole Saphier



GOP Reconciliation Package

- Budget reconciliation process allows Senate to bypass 60-vote threshold for advancing legislation
  - Used to pass Inflation Reduction Act (117th Congress) and One Big Beautiful Bill (119th Congress).

- Must pertain to federal revenues or outlays, and/or debt ceiling.
  - Matters considered "extraneous" would be struck down by Senate Parliamentarian.
  - May **not** increase federal deficit, may **not** affect Social Security.

- Health consideration: Potential "pay-fors" for GOP priorities could include health care fraud, waste, and abuse legislation, to maintain budget neutrality.

Democratic Policy Priorities in the 120th

- Health care practitioners ride the wave:
  - Physician Senator-elects Abdul El-Sayed (D-MI) and Annie Andrews (D-SC).
  - Physician and Registered Nurse House-elects Hamawy (D-NJ), Cowan (R-GA), Pan (D-CA), and Berman (D-WI).
- Requests for Information (RFIs) and Working Groups allude to Democratic priorities:
  - Senate Finance Dems released RFIs on Drug Pricing (6/16), Health Coverage (7/30), and Long-Term Care (10/16).
  - House Democratic Working Groups tackle health care affordability, propose legislative solutions, led by Reps. Ocasio-Cortez (D-NY) and Sewell (D-AL).
  - But, reinstatement of ACA expired premium tax credits, reversal of H.R. 1 Medicaid cuts face insurmountable Trump veto.
- Democratic congressional oversight of Trump administration, Trump health agencies likely.
  - Expect HHS Sec. RFK Jr., OMB Director Russ Vought to be called before Congress.
  - Potential insights into confidential Trump administration Most-Favored-Nation pricing deals with pharmaceutical manufacturers.

Health Price Transparency Legislation

- Bipartisan agreement on price transparency legislation to continue next term, if not passed during lame duck:
- Energy and Commerce Committee unanimously advanced the Lower Costs, More Transparency Act of 2026 (H.R. 9393) on July 21. The package would:
  - Codify existing CMS hospital price transparency requirements, extended to labs, ASCs, and imaging facilities;
  - Mandate new prior authorization reporting requirements for plans (originally H.R. 9396, H.R. 9397), alongside additional reporting requirements for MA plans (originally H.R. 3514, H.R. 5243)
  - Expedite the approval of biosimilar biologic therapies (originally H.R. 5526, H.R. 9661)
  - Limit FDA citizen petitions (originally H.R. 8908), allow faster nonprescription drug approvals (originally H.R. 9774), and fund community health centers (originally H.R. 8201, H.R. 9389)

*Bill numbers reflect proposals as introduced in the 119th Congress. All bills in subtext included as part of H.R. 9393 substitute amendment on July 21.

Additional Health Policy Priorities

340B Reform

- Proposals would establish patient definition, increase program transparency, mandate patient assistance, govern rebate practices, limit use of contract pharmacies.
- EX: SECURE 340B Act (H.R. 9599), SUSTAIN 340B Act (S. 5244), 340B ACCESS Act (H.R. 5256).

No Suprises Act Reform

- Proposals to reform Independent Dispute Resolution process, expedite required payments to providers.
- Ex: No Surprises Act Enforcement Act (H.R. 4710), Lower Premiums, Faster Payments Act (H.R. 10788).

Combatting Vertical Consolidation

- Proposals include prohibited ownership structure of certain health entities, mandated formulary placement of certain treatments.
- Ex: Break Up Big Medicine Act (S. 3822), Alternatives to PAIN Act (H.R. 1227/S. 475).

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FDA User Fee Reauthorizations

Negotiations ongoing for 2027 reauthorizations, potential vehicle for significant health policy reform in 120th Congress.

Current authority expires: Sept. 30, 2027

Next reauthorizations would apply: FY 2028 – FY 2032

Prescription Drugs – (PDUFA VIII)

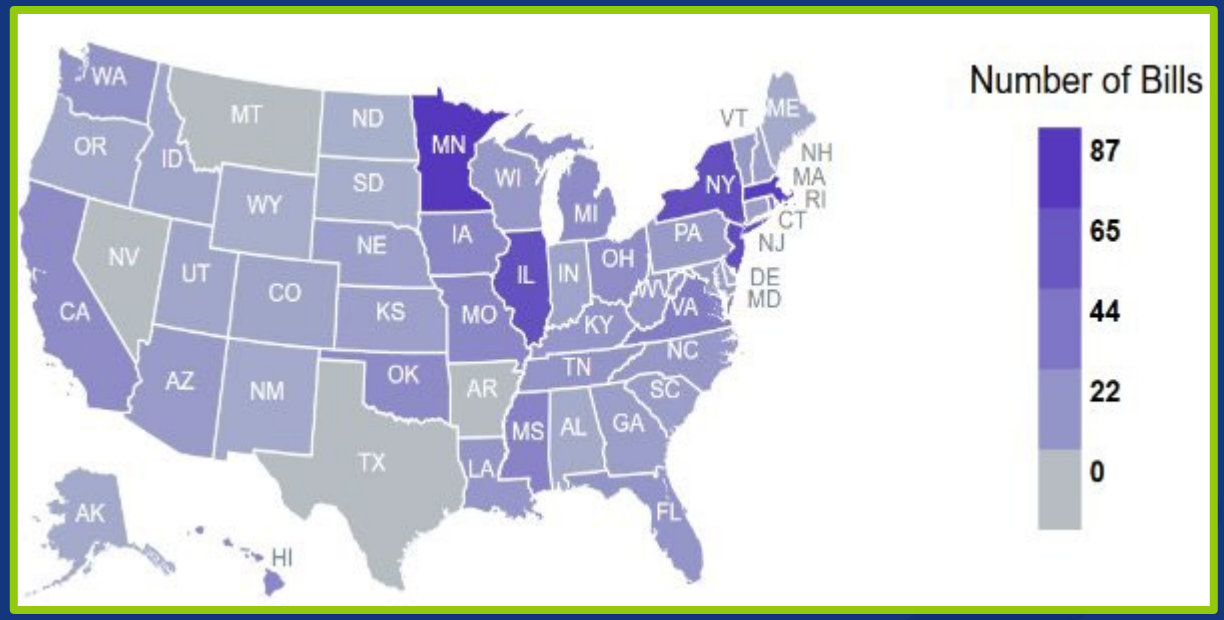
Generic Drugs – (GDUFA IV)

Biologic Drugs – (BsUFA IV)

Medical Devices – (MDUFA VI)

AMCP State Resources: State Legislation Map

- Tracking 1,071 bills in active legislative sessions
- Improved interface allows you to filter by state, issue, and bill status, or search based on the bill title
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