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Health Policy Briefing

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2026 Midterm Election Results

Democrats won control of both the Senate and the House of Representatives in Tuesday's midterm elections, overturning Republican majorities in both chambers. The results set up two years of divided government for the last half of President Donald Trump's second term in office. The President is expected to wield his veto power to block Democrat-led bills from becoming law in the next Congress, and a two-thirds majority will be required in both chambers to override any veto from the President.

In the Senate, Democrats flipped seven Republican-held seats, bringing the chamber's balance of power to 54 Democrats (including the two independents who caucus with them) and 44 Republicans. The Senate races in Mississippi and Alaska have yet to be called.

- In Kansas, Adam Hamilton (D) unseated Sen. Roger Marshall, MD (R).
- In Maine, Troy Jackson (D) unseated Sen. Susan Collins (R).
- In South Carolina, Annie Andrews, MD (D) unseated Sen. Darline Graham (R).
- In Iowa, Josh Turek (D) defeated Rep. Ashley Hinson (R) for retiring Sen. Joni Ernst's (R) seat.
- In North Carolina, former Gov. Roy Cooper (D) defeated Michael Whatley (R) for retiring Sen. Thom Tillis' (R) seat.
- In Texas, James Talarico (D) defeated Attorney General Ken Paxton (R), who defeated longtime incumbent Senator John Cornyn (R) in a primary.
- In Ohio, former Sen. Sherrod Brown (D) defeated Sen. Jon Husted (R), who was appointed to fill Vice President JD Vance's seat. Brown will serve the remainder of that term through 2028 and is expected to be sworn in to office once Ohio certifies the election results, expected December 15th.

Democrats also won control of the House of Representatives, with more than 30 Republican incumbents having lost their seats. Democrats currently hold 254 seats to Republicans' 162, with 19 races yet to be called.

Newly elected members of Congress will be sworn in on January 3, 2027. Democratic leadership has highlighted reversing recent Republican cuts to Medicaid and restoring Affordable Care Act (ACA) premium subsidies as priority healthcare agenda items for the 120th Congress. While exact ratios remain to be negotiated,

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Democrats retaking the majority in both chambers will substantially change the makeup of congressional committees, with Republicans exiting and Democrats taking additional committee slots.

- **Senate Health, Education, Labor, and Pensions (HELP) Committee**: The panel will be chaired by current Ranking Member Bernie Sanders (I-Vt.). In a video released last week, Sen. Sanders called on Democrats to pass Medicare for All legislation, lower the Medicare eligibility age to 55, expand Medicare to cover dental, vision, and hearing, and guarantee universal health coverage for every child from birth through age 19. The Senate HELP Committee does not have jurisdiction over Medicare-related issues, so those policies would not go through his committee next Congress. The Republican leader of HELP remains to be determined following the loss of several high-ranking GOP members of the panel, including Sen. Roger Marshall, MD (R-Kan.). Sens. Rand Paul, MD (Ky.), Lisa Murkowski (Alaska), Tim Scott (S.C.), and Josh Hawley (Mo.) are the most senior Republicans expected to return to the committee, but some of them may prioritize other committee leadership positions.
- **Senate Finance Committee**: Top Democrat and incoming chair Ron Wyden (Ore.) has identified expanding Medicare's ability to negotiate drug prices and targeting health insurers' business practices as two items on his health policy agenda.
- **House Energy and Commerce Committee**: Top Democrat Frank Pallone (D-N.J.) will chair the committee in the 120th Congress. Rep. Pallone outlined several health priorities in a letter to colleagues last week, including expanding Medicare drug price negotiations and making those negotiated drug prices available on the private market. Rep. Kathy Castor (D-Fla.) will likely serve as the new chair of the Energy and Commerce's Health Subcommittee.
- **House Ways and Means Committee**: Top Democrat Richard Neal (D-Mass.) will chair the committee. In a letter to colleagues last week, Rep. Neal identified delivering universal paid family and medical leave, strengthening safety net programs, and defending, restoring, and expanding the ACA as his healthcare priorities for the coming Congress. Rep. Mike Thompson (D-Calif.) has expressed an interest in leading the panel's Health Subcommittee, but his race remains uncalled. If he loses, Rep. Terri Sewell (D-Ala.) may seek to lead the health subcommittee .

New Physician Lawmakers

The 120th Congress will include at least five new Democratic lawmakers with medical degrees. In the Senate, pediatrician Annie Andrews (D-S.C.) will become the chamber's first female Democratic physician, and Abdul El-Sayed (D-Mich.) — who is not a practicing physician — holds an MD from Columbia University and a doctorate in public health from Oxford University, where he studied as a Rhodes Scholar. In the House, Democrats elected emergency physician Amish Shah (D-Ariz.), pediatrician Richard Pan (D-Calif.), and plastic surgeon Adam Hamawy (D-N.J.).

Republicans will lose Sen. Roger Marshall, MD (R-Kan.), and Reps. Mariannette Miller-Meeks, MD (R-Iowa), and Jeff Van Drew, DMD (R-N.J.), but will gain neurosurgeon John Cowan, MD (R-Ga.). The races of two other physicians, Reps. Scott DesJarlais, MD (R-Tenn.), and Greg Murphy, MD (R-N.C.), have not yet been called.

What to Expect in the Lame Duck

Both chambers of Congress return on Monday, November 9 for a lame-duck session with approximately 22 Senate and 20 House session days before the 119th Congress ends on January 3, 2027. Republicans in both chambers will elect leaders this week, while Democrats in the House of Representatives are expected to hold leadership elections on November 18 or 19. Senate Democrats have not announced a date for their leadership elections. New members of the House will attend orientation in the coming weeks. Sherrod Brown (D-Ohio) and Kevin Hern (R-Okla.) won their special elections to complete the terms of Vice President JD Vance and Homeland Security Secretary Markwayne Mullin in the Senate, respectively. Both are expected to be seated during the lame-duck session and cast votes on any end-of-year legislation.

When lawmakers return from recess this week, the focus will be on several must-pass items still awaiting action before the end of the year. These items include the National Defense Authorization Act, the federal surface transportation authorization, the Water Resources Development Act, and a bipartisan permitting reform deal. Congress also faces a December 11 deadline for funding the federal government beyond the expiration of the current continuing resolution.

Bipartisan Request for CBO Report on NSA

Leaders of the House Energy and Commerce Committee have submitted a bipartisan request to the Congressional Budget Office (CBO) for an examination of the costs resulting from the 2020 No Surprises Act (NSA). Chair Brett Guthrie (R-Ky.) and Ranking Member Frank Pallone Jr. (D-N.J.) are seeking information about how the law has impacted insurance premiums and the federal deficit. The lawmakers assert that the independent dispute resolution process established by the NSA "appears to be contributing to significant costs to the healthcare system, and resulting in higher premiums for consumers and employers," and state that "Congress must have a full understanding of the impact the NSA has had before considering whether to reform or modify the law."

ALS Reauthorization Bill Signed into Law

President Donald Trump has signed the Accelerating Access to Critical Therapies (ACT) for ALS Reauthorization Act (H.R. 8205) into law. The bipartisan ACT for ALS Act was first passed in 2021. H.R. 8205 reauthorizes through fiscal year 2031 the programs that support research and development of drugs and other therapies to address ALS and other neurodegenerative diseases.

Upcoming Congressional Hearings and Markups

Senate Veterans' Affairs Committee meeting to consider pending nominations and Fiscal Year 2027 Major Medical Facility Lease Authorizations; 5:30 p.m.; November 9

Recently Introduced Health Legislation

H.Res.1646 — Supporting the recognition of November as "Bladder Health Awareness Month", supporting efforts to increase public education, reduce stigma, and improve access to care for bladder health conditions, and for other purposes; Sponsor: Carter, Troy A. [Rep.-D-LA-2]; Committees: House - Energy and Commerce

H.R.10954 — To amend the Federal Food, Drug, and Cosmetic Act to deem an abortion drug misbranded unless it contains a "Do Not Flush" warning label and to require a catch kit, and for other purposes; Sponsor: Biggs, Sheri [Rep.-R-SC-3]; Committees: House - Energy and Commerce

H.R.10956 — To amend the Indian Health Care Improvement Act to allow Indian Health Service scholarship and loan recipients to fulfill service obligations through half-time clinical practice, and for other purposes; Sponsor: Kennedy, Mike [Rep.-R-UT-3]; Committees: House - Natural Resources; Energy and Commerce

H.R.10959 — To amend the Patient Protection and Affordable Care Act to require Exchanges to provide for special enrollment periods related to changes in plan provider networks; Sponsor: Salinas, Andrea [Rep.-D-OR-6]; Committees: House - Energy and Commerce