

Health Care & Life Sciences

Outlook for the 119th Congress & the Trump Administration

Key Takeaways

- Even if Republicans control Congress, it is an increasingly challenging environment to move legislation and this dynamic makes the annual appropriations process even more important as the “power of the purse” is used to shape health care policy.
 - A Trump administration may seek to work closely with Congress to shape health policy priorities through budget reconciliation and the annual appropriations process.
- Expect health care issues to feel like déjà vu as the 119th Congress picks up where the 118th leaves off.
 - The confirmation hearings for Trump administration appointees will provide additional insight into key health priorities for his second term, but expect Democrat members to focus on oversight to rebuke new actions and scrutinize attempts to roll back or alter Biden-Harris health policies.
- This will be the first administration to establish its regulatory agenda in the wake of the Supreme Court’s decision in *Loper Bright*.
 - Republicans may leverage *Loper Bright* dynamics in furtherance of a deregulatory agenda.

Additional Insights

- **Regulatory Reform.** President Trump is expected to once again make regulatory reform a key focus area. In a second Trump administration, regulatory reform is expected to include modernizing regulatory frameworks and decreasing regulatory burdens at the Department of Health and Human Services (HHS), including the Food and Drug Administration (FDA) and Centers for Medicare & Medicaid Services (CMS). This will likely entail unwinding regulations issued during the Biden-Harris administration, such as the nursing home rule regarding minimum staffing levels. President Trump has also pledged that his administration’s health care policy will be influenced by Robert F. Kennedy Jr.’s “Make America Healthy Again” agenda.
- **Health Coverage and Access.** President Trump has criticized the Affordable Care Act (ACA) and he will likely oppose the extension of enhanced premium subsidies and support the expansion of short-term limited-duration insurance plans. President Trump has supported increasing access to care through regulatory flexibilities, continued access to telehealth and efforts to improve care in rural and underserved communities. In 2017, the Trump administration declared the opioid crisis a public health emergency for the first time; the opioid epidemic will likely be a key area of focus in the second Trump term. President Trump is also expected to issue various pro-life executive orders as he did in his first term.
- **Prescription Drug Costs.** During his first term, President Trump pursued numerous drug pricing policy reforms, including proposing rules to eliminate pharmaceutical rebates in Part D and establish an international reference

- pricing system for certain Medicare drugs. Regardless of whether these or similar proposals are revived in his second term, drug pricing is certain to again be a focus as President Trump will navigate implementation of the Inflation Reduction Act's drug pricing provisions and bipartisan interest in pharmacy benefit manager (PBM) reforms.
- **Health Innovation.** Ensuring that patients are able to access health care innovations as soon as possible was an area of focus for the Trump administration, including the enactment and implementation of the Right to Try Act and proposing more modern pathways for medical products to reach patients in the Medicare program. President Trump is expected to consider additional streamlining of how patients are able to benefit from medical advances. Artificial intelligence (AI) in health care is expected to be a continued area of interest for Congress and President Trump's AI policies are likely to focus on supporting innovation in this space.
- **Medical Supply Chains.** President Trump's approach to medical supply chains is linked to his "Buy American" focus that, during his first term, involved prioritizing procurement of domestically produced medicines. President Trump has pledged in his second term to pursue a multiyear "national reshoring plan" to reduce U.S. dependence on China, including for essential medical products.

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