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**GENERAL MEMORANDUM 26-049**

**2026 Midterm Election Results and Implications for Tribal Nations in the 120th Congress**

Democrats flipped control of both the House and Senate in the 2026 midterm elections. The following is a summary of the election results to date and what to potentially expect as the 119th Congress enters a Lame-Duck session and Tribal implications when the 120th Congress is sworn in on January 3, 2027.

**House.** House Democrats' majority is likely to clear 250 – and could be the largest since 2008. A new speaker of the House will be elected by the other members-elect on the first day of the 120th Congress. Hakeem Jeffries (D-NY) is expected to be the next House Speaker. Representative Jim Jordan (R-OH-4) will succeed Representative Mike Johnson (R-LA-4) as the House GOP leader.

**House Natural Resources Committee.** With Democrats taking control of the House, current Ranking Member Representative Jared Huffman (D-CA-2) would be positioned to seek the chairmanship. Representative Teresa Leger Fernández (D-NM-3) currently serves as ranking member of the Indian and Insular Affairs Subcommittee and won reelection. There has been unconfirmed Hill speculation that she may pursue a leadership role on the House Small Business Committee in the next Congress. If she does not remain in the Indian and Insular Affairs leadership post, current Democratic subcommittee members who could be in the mix include Representative Val Hoyle (D-OR-4), Representative Emily Randall (D-WA-6), and Representative Adelita Grijalva (D-AZ-7). Subcommittee leadership will be determined through the Democratic Caucus process.

Representative Jeff Hurd (R-CO-3) currently chairs the Indian and Insular Affairs Subcommittee and could serve as Ranking Member when the 120th Congress is convened.

**Senate.** Democrats flipped at least seven Republican-held seats in North Carolina, South Carolina, Texas, Kansas, Iowa, Ohio, and Maine. As of November 10th, Democrats and the two independents who caucus with them have secured at least 55 seats, compared with 44 for Republicans; Alaska remains uncalled. The new majority takes office with the 120th Congress on January 3, 2027, and will control committee leadership, the Senate legislative agenda, and the confirmation process. Current Democratic Leader Charles Schumer (D-NY) is the presumptive Senate majority leader, subject to his caucus's leadership elections. Senator Thune (R-SD) was reelected as the Senate GOP leader for next Congress.

**Native representation.** Minnesota Lieutenant Governor Peggy Flanagan (D), a citizen of the White Earth Nation, defeated Republican Michele Tafoya for the seat being vacated by Senator Tina Smith (D-MN). Flanagan will be the first Native American woman to serve in the U.S. Senate. Her work as lieutenant governor has included Tribal consultation and government-

to-government relations with Minnesota's 11 federally recognized Tribal Nations. Flanagan has also expressed interest in serving on the Senate Committee on Indian Affairs, although committee assignments for the new Congress have not been decided.

**Uncalled races.** In Alaska, former Representative Mary Peltola (D), who is Yup'ik and an enrolled member of the Orutsararmiut Traditional Native Council, is in a close contest with incumbent Senator Dan Sullivan (R-AK). Peltola would become the first Alaska Native elected to the Senate if successful. Alaska's ranked-choice voting system and the time allowed for receipt and counting of ballots from remote communities could delay the final result. November 18 is the target date being set by state election officials to tabulate votes. The race will determine the final margin of the Democratic Senate majority, although control of the chamber has already been decided. In Mississippi, the race was called on November 11 in Democratic challenger Scott Colom's favor.

**Senate Committee on Indian Affairs (SCIA).** With Democrats winning control of the Senate, SCIA will transition to Democratic leadership in the 120th Congress. Current Vice Chairman Brian Schatz (D-HI), who chaired the Committee from 2021 to 2025, is widely expected to succeed retiring Senator Dick Durbin (D-IL) as Senate Democratic Whip. If selected, Schatz may relinquish his SCIA leadership role. Unconfirmed Hill speculation has identified Senator Catherine Cortez Masto (D-NV) as a potential successor, while Senator Maria Cantwell (D-WA), a former SCIA chair, could also seek the position. There are rumors that Current Chairman Lisa Murkowski (R-AK) will seek leadership on a different committee. Former Chairman John Hoeven (R-ND) is next in seniority among current Republican members, alongside Senator Mike Rounds (R-SD) and Senator Jerry Moran (R-KS).

Committee leadership and membership decisions remain pending in both House and Senate and could influence legislative and oversight priorities affecting Tribal Nations.

**Lame Duck Legislative Priorities.** The Lame Duck session started November 9th and 10th, with both the House and Senate returning for the first time since the Midterm elections. The most pressing legislative issue facing Congress is FY 2027 funding, with the current CR set to expire December 11. Congress will need to either pass a new funding vehicle, such as a CR, Omnibus, or individual appropriations measures, or face a government shutdown. One critical topic included in the funding legislation is the moratorium on implementation of the OMB Unform Guidance changes, which was included in the short-term CR set to expire. Prior to the election negotiations regarding extending the moratorium had stalled but are very likely to restart when Congress returns next week.

Congress is also faced with passing the 2027 National Defense Authorization Act (NDAA). The annual Defense bill, which has been passed every year since 1961, sets the policies, guidelines, and authorized spending levels for the Department of Defense (DoD), military construction, and national security programs. The House passed their NDAA (H.R. 8800, Rep. Rogers, R-AL) on September 14, while the Senate bill (S. 4784, Sen. Wicker, R-MS) has been awaiting a floor vote since late July.

In addition to the two "must pass" bills, the Senate scheduled a cloture procedural vote on S. 5653, the Bipartisan American Affordability and Jobs Act (BAAJA, Sen. Capito, R-WV). On

November 9th, by a vote of 73-25, the Senate invoked cloture on the motion to proceed to an unrelated bill (H.R.2347) that will serve as the vehicle for the permitting measure. Congress is also looking to pass the Protect College Sports Act (S. 4668, Sen. Cruz, R-TX), which passed the Senate just before the election break, and the BUILD America 250 Act (H.R. 8870, Rep. Graves, R-MO). The Building Unrivaled Infrastructure and Long-term Development for America's 250 (BUILD America 250) Act reauthorizes federal surface transportation programs that expired on September 30 and proposes $394 billion in guaranteed funding for highways and safety over five years. Other possible legislative items could include veterans' benefits, air traffic control funding, FARM bill, Pell Grants, and SNAP benefits.

Finally, with control of both the House and Senate shifting to Democrats starting January of next year, it is likely that Republican leadership will at least consider another reconciliation bill, as it will be the last opportunity for the GOP to control floor activities and ensure party priorities get a vote for the next two years. Another reconciliation bill also helps ensure that Members who will not be returning in 2027 participate in the Lame Duck session and the likely close votes between now and the end of the year. However, Congress is only scheduled to be in session for five more weeks before the year ends and would be hard pressed to address all, or even most, of these bills.

**Administration.** With the Democrats taking control of both the House and Senate on January 3, 2027, the next eight weeks give the Administration an opportunity to finalize priorities before new committee chairs begin oversight. For Tribes, the most significant activity is likely to be agency restructuring, spending decisions, and consultation deadlines.

Agency restructuring will be the main issue to watch. At the Interior, Tribal leaders have raised concerns about BIA reorganization being developed without consultation, after GAO reported that BIA lost 13 percent of its staff between January and July 2025. Indian education programs transferred from the Department of Education to Interior face a federal lawsuit. At USDA, a federal court has blocked office closures and employee relocation under the Departments reorganization until December 11.

Several deadlines fall in this window. Comments on BIA's proposed records schedule update, which affects retention of trust records, are due November 30, and USDA Tribal Advisory Committee nominations are due December 8.

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