

Expert Opinion **Corporate Governance**

Congressional Investigations: Companies Are In the Crosshairs

Hill investigations are ramping up. Companies should prepare now.

October 27, 2026 at 10:00 AM By **James Bair** and **Sharmistha Das**



Congressional Hearing. (Credit: House Energy)

As the midterms approach, corporate boards, general counsels and Washington pundits are asking: what will Congress investigate in 2027? Regardless of the election outcome, the answer is almost certainly the same: Corporate America.

In these polarized times, Congress often has fewer opportunities to pass legislation. This incentivizes members to instead use oversight to spotlight policy objectives, generate public attention, and exert pressure. Sometimes these battles are fought among branches of government (think of Watergate or Benghazi). But this isn't always the case. We know that companies will be among the primary targets across political stripes, no matter what happens in November.

There are two reasons: first, both parties have incentives to investigate industries their constituents care about. For example, technology and health care attract bipartisan interest

although many times for different reasons.

Second, the “accommodations process,” through which Congress and the Executive Branch negotiate access to information, has largely broken down. Subpoenas yield too little, too slowly, while constituents demand immediate action. Both parties increasingly use companies and civil society as proxies for partisan battles.

In the last Congress, Republicans demanded documents, interviews and hearings about companies’ and NGOs’ dealings with the Biden White House. Democrats will likely examine corporate interactions with the current administration.

Don’t React, Respond

Congressional investigations have evolved into a recurring, enterprise-wide risk. Companies must walk a tightrope of responding to the Hill without alienating the White House, regulators, shareholders, employees, or customers.

Unlike most regulatory inquiries, congressional probes are legal proceedings that unfold in a uniquely political environment. Strategic considerations extend beyond legal risk to public perception, shareholder concerns, media coverage, and stakeholder scrutiny.

Companies that wait for a subpoena to identify issues or executives likely to face scrutiny are already behind. Preparation with expert counsel helps them promptly respond rather than react when it matters most.

A Divided Congress Could Mean More Investigations, Not Fewer

Companies will face even more challenges if only one chamber changes hands. With almost no possibility of legislating under those circumstances, a chamber led by either party will go all in on investigations as both parties look toward 2028. Members and committees may launch parallel probes into similar topics while seeking conflicting narratives, placing companies further in the crosshairs.

Regardless of the balance of power, we can expect some topics of investigation to be bipartisan.

Sens. Elizabeth Warren, D-Mass., and Josh Hawley, R-Mo., have pressed home and auto insurers on unpaid claims and sought mandatory energy-use reporting for data centers. Companies using “surveillance pricing,” or AI to vary consumer prices, should also expect bipartisan scrutiny.

Congressional scrutiny is no longer tied solely to election outcomes; it is a durable feature of the political environment.

The Oversight Letters of 2026 Offer a Roadmap for 2027

Recent oversight letters, hearings, and requests offer a roadmap of sectors likely to remain under scrutiny regardless of election outcomes.

- **Technology, Artificial Intelligence, and Digital Platforms.** Technology companies continue to attract attention from both parties. Oversight of the industry has examined AI safety, foreign influence on model development, data centers, cybersecurity, online content moderation, intellectual property issues, and prediction-market platforms. Lawmakers have also continued raising [concerns](#) about the societal and economic consequences of emerging technologies.

Whether future investigations focus on competition, national security, consumer protection, content moderation, energy consumption, or foreign influence, continued scrutiny of the technology sector is certain.

- **Energy, Infrastructure, and Utilities.** Energy policy has emerged as [another](#) major oversight battleground. Recent congressional inquiries have addressed transmission infrastructure, utility mergers, Department of Energy funding decisions, environmental advocacy organizations, and energy-related foreign policy decisions. While lawmakers often disagree about answers, they largely agree on the questions: both parties have demonstrated sustained interest in energy affordability, grid reliability, infrastructure development, and domestic energy production.

As demand for electricity rises and debates surrounding data centers intensify in town halls and community centers – the forums most highly visible to lawmakers’ constituents—energy sector companies may find themselves increasingly drawn into congressional investigations.

- **Health Care, Pharmaceuticals, and Insurance.** Health care remains one of the few areas that has stood the test of time in generating consistent, bipartisan investigative interest. Congressional activity this year has examined pharmaceutical supply chains, insurer practices, contractor conduct, and health-care affordability. Although Republicans and Democrats frequently [approach](#) these issues from different perspectives, both parties continue to view health-care costs and industry practices as politically salient topics.

For managed-care organizations, pharmaceutical companies, health systems, and related businesses, congressional scrutiny should be viewed as a continuing, rather than episodic, risk.

- **Financial Services, Crypto, and Consumer Markets.** Congressional interest in financial services continues to expand beyond traditional banking oversight. Recent inquiries have focused on cryptocurrency regulation, prediction markets, insider-trading concerns, sanctions compliance, and consumer-protection issues.

As digital assets become more integrated into mainstream markets, companies operating in these sectors should anticipate ongoing [attention](#) from both chambers and both parties. The crypto industry has also increased the odds of investigations by [inserting](#) itself directly into the midterms, spending heavily against candidates like Sen. Sherrod Brown, D-Ohio, who could become chair of the Banking Committee if voters return him to the Senate.

Competition, Consolidation, and Consumer Costs

Another recurring theme cuts across multiple industries: concerns about market concentration, mergers, and consumer prices. Whether the subjects are grocery stores, utilities, technology platforms, health care, or other sectors, lawmakers continue to frame oversight around affordability and competition concerns. Those [themes](#) resonate politically regardless of which party controls committee gavels.

Questions about what is fueling the affordability crisis for average Americans are sure to follow.

Political Influence, Government Contracting, and National Security

With the next presidential election on the horizon, companies should expect congressional investigators to [examine](#) any financial ties or relationships that may create the appearance of influence over government decisions. Congress is likely to [demand](#) documents, testimony, and detailed explanations of how contracts have been awarded and whether political access or influence affected any decisions.

Lawyer Up

If either chamber flips, Democrats are expected to establish oversight agendas quickly. The period between Election Day and the next Congress offers a valuable preparation window.

Companies should not wait until an inquiry arrives to build enterprise-level response processes. Engage counsel early to review document retention and hold policies, clarify reporting structures and authority, and pressure-test communications among executives, internal teams, boards, the Hill and media. Communications channels and rapid response strategies need to work across the enterprise, not merely within the team handling the inquiry.

Companies facing their first congressional probe may be surprised by its differences from regulatory enforcement or litigation. Investigations combine legal, political, media, and reputational considerations in ways traditional government inquiries do not.

A knee-jerk response can affect unrelated regulatory matters or litigation and create public-relations challenges, shareholder concerns, or stock price fluctuations. Regular tabletop exercises and privileged reviews of likely congressional targets can help companies prepare. The objective

is not merely responding to the Hill. A response to Congress may affect ongoing matters in a seemingly unrelated part of the company. Public-relations challenges can also lead to shareholder litigation, making preparation an enterprise-wide concern.

Knowing the facts before the questions are asked is a critical advantage in the fast-paced swirl of congressional responses. Having a clear plan of whom to call minimizes distractions at the beginning of an investigation. Ideally, the CEO learns of a potential investigation from the General Counsel, not a Capitol Hill reporter holding an angry letter.

A surge in congressional investigations seems almost certain to follow the midterm elections. Companies can't hold back the tide, but they can prepare for the storm.

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