



Government Investigations

What to Watch For

In the current conditions, the turnover in the House and possibly the Senate may be even more meaningful for the course of congressional investigations than for legislation over the next two years. For most investigations, the majority party alone decides which issues to investigate, what subpoenas to issue, and the type of hearing and report structure to pursue. On the other hand, to enact legislation, the majority party certainly has advantages, but it still must count votes and overcome procedural obstacles, particularly onerous when the majority is a slim one.

As a result, it is no surprise that congressional investigations are anticipated to dramatically change after the midterms. Republican-controlled committees will target Democratic political issues, policy achievements, and initiatives, along with Democratic supporters and past disputes. Republican lawmakers, including Rep. James Comer (R-KY), are already dividing up the issues, bargaining over which committee will take the lead on certain issues, and taking preliminary steps such as sending document preservation letters.

The issues targeted by Republicans may include Hunter Biden, Department of Homeland Security border policies, the U.S. withdrawal from Afghanistan, the baby formula shortage, the formation of the January 6 committee, and the causes of inflation. Other investigations may focus on aggressive oversight of how Democratic policies are being implemented, including the stimulus and infrastructure initiatives, climate change legislation, and a variety of new financial policies and regulations.

Less certain is the steam behind issues like alleged fraud in the 2020 election, COVID-related issues, and impeachment proceedings against President Biden or his cabinet. These types of inquiries are expected in any period of leadership change, but it remains uncertain the amount of support they will receive leading up to the next presidential election.

Congressional Leadership Changes

Rep. Comer is likely to take over the House Oversight Committee, reportedly already discussing topics with other investigative committees. But the abundance of committees in both chambers means there is virtually no limit on the type or volume of investigations, particularly in the current political atmosphere.

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