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A New Focus: Consequences of the Midterm Elections on Congress' Investigative Agenda

The coming year promises to be eventful and interesting for congressional investigations.

BY ERIC R. NITZ

Nearly one week after last Tuesday's midterm elections, control for the House of Representatives and the Senate remains up for grabs. Nonetheless, Republicans appear to be on track to retake control of the House for the first time since 2019—if by a smaller margin than commentators expected before the election. Divided government—where one party controls the White House and the other party controls one or both chambers of Congress—usually generates a flurry of investigative activity, as congressional majorities wield Congress' investigative powers in an effort to score political victories against the White House incumbent.

However, a shift in power on Capitol Hill with the new Congress in 2024 could produce particularly vigorous investigative activity next year. Republicans have been in the minority for four years. And the looming 2024 presidential election will enhance GOP incentives to investigate the White House, hoping to weaken Democrats in the 2024 election. The window for such investigative activity will close at the end of 2023 as elected and party officials leave Washington, D.C., for

the campaign trail in early 2024.

If Republicans, in fact, retake the House, here's where they are likely to focus their investigative effort.

Big Tech. A GOP Congress would

likely launch numerous investigations into Big Tech—Meta, Google, Twitter and similar companies—examining how those entities regulate and promote speech on their respective platforms. Expect a focus on efforts to flag false information, decisions about banning particular users, and regulation of speech relating to elections.

Afghanistan. The chaotic American withdrawal from Afghanistan in August 2021 will almost certainly be a focus of Republican congressional investigative activity in 2023. Indeed, earlier this year, Republicans on the House Foreign Affairs Committee conducted an inquiry into the Afghanistan withdrawal, producing a report that could become the



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(Courtesy photo)

blueprint for a broader investigation under a Republican-controlled House.

Ukraine. In recent months, more GOP elected officials and candidates have questioned the administration's steadfast support for Ukraine in its efforts to repel the Russian invasion. Expect a GOP majority to investigate U.S. aid provided to Ukraine, and to rekindle old allegations concerning Hunter Biden's involvement with the Burisma energy company.

Inflation. With inflation running at its hottest in four decades, expect extensive scrutiny into the perceived causes of inflation, the Federal Reserve's response and the administration's actions to stabilize the economy.

Energy. A GOP House will be quick to push back on the Biden administration's energy agenda. Expect investigations into the White House's threats to levy a profits tax on oil companies, the use of the strategic oil reserve and Department of Energy programs designed to promote clean energy.

Law enforcement. The 2020 election and presidential transition prompted a number of unprecedented law enforcement

investigations—from investigations into allegations of election fraud and criminal prosecutions arising from efforts to disrupt the counting of electoral votes on January 6 to the execution of a search warrant at Mar-a-Lago. A GOP House will likely put under a microscope the actions of the Justice Department and other law enforcement agencies involved in these investigations and prosecutions.

Meanwhile, Democrats will retain control of the Senate, providing them with a vehicle for pursuing their own investigative priorities and serving as a counterweight to GOP-led investigations in the House.

Whatever the ultimate outcome of the midterm elections, the coming year promises to be an eventful and interesting year for congressional investigations.

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