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Baltimore, MD[Click for more information](#)[Venable's Post-Election Briefing](#)Wednesday, November 10
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Looking for the latest House and Senate race results? [Click here](#) to visit Venable's Election Center and get the latest results from all of the races.

GOP Claims the House, Democrats Hold Onto the Senate

House Results

With help from the Tea Party vote, Republicans were propelled to the majority in the House and successfully made gains in the Senate following Tuesday night's mid-term elections. Early Wednesday morning polls showed the Republican gain in the House surpassing the 39 needed to take control of the chamber. As of 8:30 AM EST, Republicans had claimed a total of 239 seats and Democrats had claimed 183 seats, with 13 seats still undecided. Of these undecided races, 10 are leaning Democratic and three are leaning Republican. In all, Republicans have gained at least 60 seats (with 62 Democratic seats switching to GOP) in the House, which is more than the 52 they won in 1994 when the GOP swept control of the chamber. Rep. John Boehner (R-OH) is now positioned to be the Speaker of the House, ending Nancy Pelosi's (D-CA) historic run as the first woman to hold that position.

Projected House breakdown: If current trends hold, the projected breakdown in the House would be **242 Republicans** and **193 Democrats**.

Senate Results

The Democrats held onto a slim majority in the Senate with help from projected wins by Harry Reid of Nevada and Chris Coons of Delaware. Write-in candidate Senator Murkowski (R-AK) was in the lead in a race with Republican nominee Joe Miller that is still too close to call. If Murkowski's write-in campaign succeeds, it would be the first time since Strom Thurmond won in 1954 that a write-in candidate claimed a Senate seat. Key Senate seats won by Republicans included Marco Rubio in Florida, Mark Kirk in Illinois, Pat Toomey in Pennsylvania, and John Boozman's victory over incumbent Blanche Lincoln of Arkansas. In addition to Reid's victory in Nevada, key seats that were successfully held by Democrats included California (Barbara Boxer), Connecticut (Richard Blumenthal) and West Virginia (Joe Manchin).

Early morning polls (as of 8:30 AM EST) have the Democrats holding onto 49 seats with the Republicans gaining at least six, giving Republicans at least 46 seats with several races (in Colorado, Washington and Alaska) still undecided.

In spite of the Democrat's success in holding the Senate, some changes in Senate leadership are in store. With the retirement of Sen. Christopher Dodd (D-CT), it is expected that South Dakota Senator Tim Johnson will assume the chairmanship of the Senate Banking Committee. In addition, John Boozman's victory over Arkansas Senator Blanche Lincoln leaves a vacancy in the chairmanship of the Senate Agricultural Committee, which is likely to be assumed by Michigan Senator Debbie Stabenow.

Projected Senate breakdown: If current trends hold, **Democrats would hold 50 seats** and **Republicans would hold 48 seats**, to go along with **two independents** who caucus with the Democrats.

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Mid-Terms Bring Changes to Key House Committees

House Committee on Appropriations: Earmark reform likely, elimination doubtful

Rep. Jerry Lewis (R-CA), now serving his 16th term in Congress, is poised to take the gavel as Chairman of the powerful House Appropriations Committee. Despite Republican calls for a complete elimination of all earmarks and Rep. Lewis' public support of an extension of the earmark ban, it is doubtful they will be successful in their efforts. Even if such measures were to pass the House they would likely get hung up in the Senate, making it more probable that we'll simply see reforms of the earmarking process instead. Lewis and other GOP lawmakers have said that they are committed to returning overall spending to 2008 levels, but with both the House and Senate now more partisan than ever, the only certainty is gridlock.

House Committee on Energy and Commerce: Seeking a health care repeal, agency oversight

Rep. Fred Upton (R-MI) is considered the leading candidate to takeover as Chairman of the House

Energy and Commerce Committee should the Steering Committee reject Rep. Joe Barton's waiver request. The Republican's top legislative priority will be to give tremendous scrutiny to the implementation of the recently enacted health care legislation. We also expect Upton to depend heavily on committee oversight in investigating independent agencies, including the Environment Protection Agency, the Federal Communications Commission, the Federal Trade Commission and the Consumer Product Safety Commission.

House Committee on Financial Services: Scrutiny of Fannie, Freddie and Dodd-Frank

Following the Republican takeover of the House, Rep. Spencer Bachus (R-AL) is now in position to claim chairmanship of the Committee on Financial Services. With Bachus as chairman we expect an increase in oversight hearings, particularly on the past practices and reshaping of Fannie Mae and Freddie Mac, as well as a review of certain provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act—specifically the controversial Consumer Financial Protection Bureau.

House Committee on Ways and Means: Tax reform, cuts take center stage

Rep. Dave Camp (R-MI) is now poised to take over the chairmanship of the powerful tax-writing Committee on Ways and Means. Camp has advocated for "fundamental" tax reform that will lower rates and shape "a fairer, simpler more understandable tax code." Furthermore, the Michigan congressman favors a permanent extension of the Bush tax cuts for all levels of income. If Congress is unable to come to agreement on the Bush tax cuts during the lame-duck session, it will place Camp front and center in the debate beginning January 2011.

House Committee on Armed Services: A closer look at Afghanistan

With the House switching over to Republican control, Rep. Howard "Buck" McKeon (R-CA) is first in line to take over as Chairman of the House Armed Services Committee. Republicans likely will press President Obama and his Administration to loosen the July 2011 deadline to begin withdrawing troops from Afghanistan. Additionally, we can expect to see the committee use congressional hearings as a means to obtain clarification from the Pentagon regarding the administration's war strategy.

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What to Expect: Thoughts and Analysis from Venable

For more in-depth analysis from Venable attorneys on these and other pertinent issues, please [click here](#).

Congressional Oversight and Investigations

Ray Shepherd and **Will Nordwind**: "With the Republicans gaining control in the House, the Republican-controlled chamber will rely heavily on committee oversight to highlight policy differences between the Republican Conference (and some moderate Democrats) and both the Obama Administration and the Democratic-controlled independent agencies. We expect significant oversight of Health and Human Services, particularly with respect to implementation of the recently enacted health care reform law, Food and Drug Administration, and such independent agencies as the Environment Protection Agency, Federal Communications Commission, the Federal Trade Commission, and the Consumer Product Safety Commission."

"The House likely will seek to advance legislation repealing significant aspects of, or all, of the health care reform law, and the House Energy and Commerce Committee will figure prominently in that debate. Additionally, without Chairmen Waxman and Towns investigating company misconduct, Senators Harkin, Rockefeller and Levin will fill the investigative void and keep the banks, insurance and the pharmaceutical industry busy."

Financial Services

Bill Donovan: "Banking issues are going to be front-and-center of the 112th Congress. Revisiting portions of Dodd-Frank, retooling or possible winding-down of Fannie Mae and Freddie Mac, FHA reforms, re-examination of the Community Reinvestment Act - regardless of who's chairing the Senate Banking and the House Financial Services Committees, you can count on these issues being the subject of lively hearings and legislative actions. The new leadership of both the Senate Banking and House Financial Services Committee are likely to focus on GSE reform, a close monitoring of the CFPB and scores of oversight hearings on studies and reports mandated by the financial reform legislation - and that's just for starters."

Tax Policy

Sam Olchyk: "Since the 2012 election season begins November 3rd, Republicans and Democrats, as well as President Obama, will stake out sharply differing positions on tax policy. But barring some quick and significant economic turnaround, the deficit and national debt will severely hamstring the new Congress and the Administration's tax policy agenda."

Transportation and Cap and Trade

Jim Burnley: "The Obama Administration is not interested in increasing fuel taxes, and most Republicans will also be opposed. I expect repeated short term extensions of the old bill until after the 2012 election."

On Cap and Trade legislation: "Increased Republican strength will significantly impact proposals to reduce greenhouse gases. I cannot envision either house in the next Congress enacting cap and trade legislation that regulates transportation."

Earmark Reform

Greg Gill: "Some in Congress would like to see earmarking eliminated completely, but the most you're likely to see are additional reforms to the earmarking process. Both sides of the debate have strong champions who have no interest in giving in to their opponents. At the same time, a coalition of lobbyists and public interest advocates are promoting additional earmark reforms that deserve serious consideration."

Committee Assignments

Powell Moore: "Appropriations and Finance are the two most coveted committees because they deal with money. With seven Republican vacancies on the Appropriations Committee and two on the Finance Committee, expect a high-stakes game of musical chairs in the Republican Conference as senators jostle for positions on these prestigious committees."

International Trade

Ashley Craig: "Many government reforms become stalled in the doldrums of Congress, so it's notable that the President's 'Export Control Reform Initiative' has moved forward so quickly. Since Secretary of Defense Robert Gates first discussed the Obama administration's interagency review of U.S. export controls earlier this year and called for fundamental reform of the current Cold War-era system, many new regulations and Executive Orders have been, and I expect, will continue to be enacted."

Energy

Richard Powers, Jr.: "The Administration has not proposed comprehensive energy or climate legislation. Rather, it has waited on Congress and pushed energy and climate policy through regulatory actions at various agencies, including the EPA, DOE and DOI, ensuring that the courts will continue to play an active role in these issues."

"Congressional efforts on climate change have gone nowhere and energy legislation is scattered among various committees, with no real discernable overall plan. With the upcoming shifts in both the House and the Senate, some key committee changes will be made regardless of who takes control. Combined with the huge budget deficits and the poor state of the economy, this means that it will be difficult to enact comprehensive energy or climate legislation."

Telecommunications

Rick Joyce: "There's a perception among many Republicans that Net Neutrality legislation is a 'solution in search of a problem.' Privacy, on the other hand, tends to cut across party lines. I believe that there may be some momentum next year to look at bolstering consumer privacy laws either on the basis of existing telecom statutes or through updating electronic privacy laws. Times of economic difficulty and calls for fiscal restraint in the past have had an interesting impact on the telecom industry."

Congressional Operations

Rob Smith: "Boehner may have been the only one around for the GOP takeover in 1994, but Republicans will understand that they won because the electorate is not happy with the 'change' that came to Washington two years ago, rather than because Republicans are now a great brand. They have a ton of potential, but also a lot to prove."

Privacy and Data Protection

Stuart Ingis: "The Commerce Committees have been holding hearings and introducing legislation that would have broad implications for the collection and transfer of consumer data online and offline. In addition, the Judiciary, Banking and Commerce Committees have also been active on data security legislation and have introduced bills."

SEC Enforcement

[Nancy Grunberg](#) and [Treazure Johnson](#): "As an independent executive agency, the SEC is not as affected as other federal agencies by changes in the governing party. Irrespective of which party has control of Congress, enforcement of the securities laws will likely remain a priority. Wall Street continues to be perceived as the bad guy in the financial meltdown and, even with the Republicans regaining a majority, the meltdown still happened on their watch."

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Tracking the Races

To track the latest election updates and results for every [House](#) and [Senate](#) race, please visit [Venable's Election Center](#).

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