
Post-Election Analysis by Former Member of Congress, Ben Quayle

By Benjamin E. Quayle / Nov 10, 2014

2014 Election

The Republican Party had a big election night. As of November 5, 2014, Republicans picked up 13 seats in the House with 18 seats still undecided. Republicans also gained seven seats in the Senate with one race still undecided (Alaska) and another (Louisiana) going to a December runoff. It is very likely that the Republicans will hold a 54-46 advantage heading into the next Congress. In the House, Republicans will hold their largest majority since 1931. With these results, President Obama has had the two worst midterm elections for a sitting president in the history of the United States. The President said that his policies were on the ballot in 2014, and the American people proclaimed that they disagreed with those policies.

Republican wins were not limited to federal elections. Currently, Republicans have a net gain of two in races for governor. This is the big news of the night because Republicans were playing defense in blue states during this election cycle. The Republican gains came in traditionally Democratic states like Illinois, Massachusetts and Maryland. They also held the governor's mansion in Florida, Kansas, Maine, Michigan, Ohio and Wisconsin. Additionally, Republicans made significant gains in state legislatures across the country. They now control at least 66 out of the 98 state chambers, which is a record in the modern era.[1]

As the dust continues to settle from election night, races for Republican leadership in both chambers are starting to take off. Newly elected members, still tired from the campaign trail, are now fielding calls from current leadership and potential committee chairmen asking for their support in the upcoming leadership elections. There will not be many significant changes in Republican leadership. In the House, Boehner will be speaker, McCarthy will be majority leader and Scalise will be majority whip. There will be some new chairmen in the House due to term limits-including Paul Ryan as chairman of Ways and Means, Mac Thornberry for Armed Services and Mike Conaway for Agriculture, to name a few.

Obviously, with the change of control, the big changes in leadership will take place in the Senate. McConnell will be majority leader and Cornyn is likely to stay as whip. Thune will be chairman of Commerce. McCain will be chairman of Armed Services. Hatch will be chairman of Finance. The interesting race will be Banking. It's between Shelby and Crapo and it seems like the job is Shelby's if he wants it unless he takes appropriations, assuming Cochran steps aside.

Lame Duck

It is highly unlikely that any significant legislation will get passed during the lame duck session. Republican leadership in both the House and Senate have previously stated that they would like to clear the deck of big ticket items for the next Congress. This would apparently mean that they would like to pass an omnibus appropriations bill through September of next year. However, they will be hard pressed to find the requisite number of Republican votes in either chamber to get such a bill passed. Many rank and file Republicans will want to use the power of the purse to be a check on the President's executive actions. Consequently, a short-term spending bill is more likely to happen and they will then need to address government funding in the next Congress.

Although it is unlikely that anything "big" will pass during the lame duck session, there are some issues that must be addressed before the end of the year. It is feasible that a package of tax extenders will pass. If it doesn't pass before Congress leaves town, look for it to be passed early next year and made retroactive. In addition, the terrorism risk insurance act will be given a short reauthorization so the committees of jurisdiction have time to address that issue more fully next year.

One wild card during the lame duck session could be executive action on immigration. If the President moves on his immigration plans before the end of the year, this will dominate the debate during the lame duck session. If he is going to act, look for it to be announced sometime during the week of Thanksgiving-perhaps even the day before Thanksgiving. One thing to note, any major executive action on immigration will poison the well for any meaningful immigration reform for the rest of President Obama's term.

114th Congress

There are many unanswered questions heading into the 114th Congress. Will the President learn from election night and move to the center on a variety of issues? Will the new Republican Congress overreach, thus setting them up for failure in 2016? We should get some answers to these and other lingering questions during the next few months. However, with the 2016 presidential election looming in the future, dynamics can change fairly quickly.

Although there will still be a considerable amount of gridlock, it is possible that Washington can start working more effectively. There are various areas of agreement where a Republican Congress and President Obama can work together. The President and Congress can work together on various free trade agreements, specifically the Trans-Pacific Partnership. Tax reform, especially on the corporate side, could be another area of agreement. The next Congress will also have the opportunity to work with the administration on patent reform, transportation issues, copyright reform and telecommunications act reform, among others.

As previously stated, the chances for immigration reform in the next Congress are directly tied to whether the President uses executive action in the near future. If the President goes that route, immigration reform is dead. However, if the President decides not to use executive action, immigration reform is a real possibility. It will probably not be a Gang of Eight style bill that passed the Senate in the 113th Congress. It will be a piecemeal approach that consists of a number of smaller bills dealing with specific immigration issues.

For the 114th Congress, the most significant consequence of Republican control of the Senate is that the President's judicial and administrative nominees will not be rubber stamped by the upper chamber. During the 113th Congress, Harry Reid used the "nuclear option" to get rid of the filibuster for all nominees, except for the Supreme Court. This let the administration pack the DC Circuit Court with liberal judges. Now that the Republicans are in control, the President will have to nominate more centrist judges and administration officials or risk losing them during the confirmation process.

As we head into the new session of Congress in January, it is incumbent on both parties to find areas of agreement to help solve some of the problems our country faces. If the President continues to bypass Congress, it will lead to more gridlock. The American people are rightfully afraid right now. There is unrest across the globe, our economy continues to sputter along and there seems to be a leadership vacuum in Washington. If Republicans can provide a clear vision for the country through legislative action, they will put themselves in a good position heading into the next elections. However, if they fail to seize the opportunity that the American people have given them, they will be hard pressed to win the White House and maintain their current majority in the Senate.

[1] Wilson, Reid "Republican sweep extends to state level." Web blog post. *GovBeat*. The Washington Post, 5 November 2014.