

Divided Congress Faces Challenging Future

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by Donald D. Asmonga

Our closely divided government reflects a closely divided nation. Governing and legislating in this atmosphere will be an interesting and unpredictable undertaking. As a result of the lengthy election process, Congress's organization and the presidential transition have taken an inordinate amount of time to come together, leaving many policy issues on the back burner.

US Senate

Evenly divided between Democrats and Republicans, the Senate faces one of the most precarious political situations. Fortunately, party leaders Trent Lott (R-MS) and Tom Daschle (D-SD) have reached a historic power-sharing agreement that calls for Senate committee and subcommittee membership and resources to be split evenly between Republicans and Democrats. The Republicans will maintain the committee chairmanships due to Vice President Richard Cheney's tie-breaking role in the Senate. Procedurally, tie votes in committee will not kill legislation or nominations. The committee chair or the ranking Democrat can attempt to bring the legislation or nomination to the Senate floor through a discharge petition, which will be discussed before and voted on by the full Senate.

Each party in the Senate has also chosen its leaders. Republicans have reelected Lott as their leader, Don Nickles (R-OK) as their whip, and Larry Craig (R-ID) as the chair of Republican Policy Committee. Rick Santorum (R-PA) was elected as the chair of the Republican Conference. The Democrats reelected Daschle as their leader and Harry Reid (D-NV) as their whip. Daschle will also serve as the chair of the Democratic Policy Committee.

After the power-sharing agreement was affirmed, the Senate was able to organize its committees. At press time, only the Democrats had made formal committee assignments. Little change is expected in the Republican assignments, other than the replacement of those who are not returning to the Senate and placement of newly elected senators.

Although we closely monitor the work of each Senate committee, AHIMA primarily works with the Senate Health, Education, Labor, and Pensions (HELP) Committee and the Senate Finance Committee.

Senate Health, Education, Labor and Pensions (HELP) Committee

In the 107th Congress, the Senate HELP Committee will again be chaired by James Jeffords (R-VT), while Edward M. Kennedy (D-MA) leads the HELP Committee Democrats. The most notable addition to the Democrats on the Committee is the junior senator from New York, former First Lady Hillary Rodham Clinton.

The Senate HELP Committee has been the only Senate committee that has worked to pass health information confidentiality legislation. Over the past several years, the committee has held numerous hearings and repeatedly tried to consider confidentiality legislation. Even though there was a good deal of cooperation and agreement between the committee's two leaders, the group was not able to fully placate its members on the left and right.

The committee will face a similar (if not the same) problem this year. Jeffords' and Kennedy's cooperative abilities will be a major benefit, but committee membership alone indicates a strong division between liberal and conservative political beliefs. Very few moderates populate the committee, which may make compromise difficult to achieve.

Other than health information confidentiality legislation, the Senate HELP Committee handles issues such as the Patients' Bill of Rights, health research, aging issues, the Employee Retirement Income Security Act (ERISA), and other general health matters.

Senate Finance Committee

The Senate Finance Committee has serious work ahead, beginning with a major debate on tax cuts. Medicare reform may come soon after the tax cut debate, and eventually the committee will face Social Security reform.

With the defeat of Bill Roth (R-DE) and the retirement of Daniel Patrick Moynihan (D-NY), the Senate Finance Committee will be under new leadership on both sides of the aisle. Chairing the committee and leading the Republicans will be Charles Grassley of Iowa. Committee Democrats will be lead by Max Baucus of Montana.

The makeup of this committee indicates that it will have room to maneuver on a range of issues, including Medicare reform. Although the committee members are party loyalists, many of them are known for working across party lines. As members of the Senate Finance Committee, party leaders Lott and Daschle will have the chance to test their resolve to work in a bipartisan manner. Will the power-sharing arrangement in the Senate work? This committee may provide the blueprint for future success.

Others to watch for the ultimate success of this committee, especially with regard to Medicare reform, are Chairman Grassley (R-IA) and Bob Graham (D-FL), Don Nickles (R-OK), and John Breaux (D-LA). Breaux co-chaired the Bipartisan Commission on Medicare Reform during the 106th Congress.

Other Senate Committees

Other committees that will require close scrutiny due to their jurisdiction over constitutional, commerce, government operational, and funding issues, and the Internet include:

- **Senate Commerce, Science, and Transportation Committee:** Chaired by John McCain (R-AZ) with Ernest Hollings (D-SC) as the ranking Democrat, the committee has a wide jurisdiction that includes the regulation of consumer products and services; science, engineering, and technology research and development policy; standards and measurement; and all matters relating to science and technology, communications, and consumer affairs
- **Senate Budget Committee:** Chaired by Pete Domenici (R-NM) with Kent Conrad (D-ND) as the ranking Democrat, this committee focuses on congressional and federal budget matters
- **Senate Appropriation Committee:** Chaired by Ted Stevens (R-AK) with Robert Byrd (D-WV) as the ranking Democrat, the Subcommittee on Labor, Health and Human Services, and Education Appropriations is chaired by Arlen Specter (R-PA) with Tom Harkin (D-IA) as the ranking Democrat. The subcommittee and committee are responsible for funding allocations for the Department of Health and Human Services, related agencies, and commissions
- **Senate Judiciary Committee:** Chaired by Orrin Hatch (R-UT) with Patrick Leahy (D-VT) as the ranking Democrat, the comprehensive jurisdiction of this committee includes civil liberties, constitutional amendments, and government information
- **Senate Governmental Affairs Committee:** Chaired by Fred Dalton Thompson (R-TN) with Joe Lieberman (D-CT), the diverse jurisdiction of this committee includes government information and various government oversight matters

US House of Representatives

The US House of Representatives had a chance similar to the Senate's to cross bipartisan boundaries during its organizational process. Unfortunately, the more acrimonious House chose a different path. With the House divided by a mere seven seats, Democrats requested from the Republican leadership committee ratios and resources that were representative of the 51 percent of Republicans and 49 percent of Democrats in the House. Their request was denied and ultimately defeated on the House floor by a party line vote. In a House that has been bitterly divided over even the smallest of issues, this does not bode well for how the 107th Congress will proceed.

Republicans and Democrats have reelected their leadership teams with virtually no changes in the primary positions. Reelected Republican leaders include Dennis Hastert (R-IL) as speaker of the house, Richard Armey (R-TX) as house majority leader, Tom DeLay (R-TX) as house majority whip, JC Watts (R-OK) as the chair of the Republican Conference, and Christopher Cox (R-CA) as chair of the Republican Policy Committee. Democrats reelected Richard Gephardt (D-MO) as the house minority leader, David Bonior (D-MI) as the house minority whip, and Martin Frost (D-TX) as chair of the Democratic Caucus.

Extensive changes were made atop numerous committees in the House. Thanks to a term limit rule adopted in the 104th Congress, House chairmen are only permitted to serve three six-year terms as chair of a committee. In the 107th Congress, 14 of 20 House committees have new chairmen.

As with the Senate, AHIMA monitors the legislative activity in each House committee but focuses primarily on a few select committees: the House Ways and Means Committee, the House Commerce Committee, and the House Government Reform Committee.

House Ways and Means Committee

The House Ways and Means Committee went through major changes that may very well affect healthcare, Medicare, and confidentiality issues. Bill Thomas (R-CA), the former chair of the House Ways and Means Health Subcommittee, was elected chairman of the full committee to replace the retired Bill Archer from Texas. Thomas has long been involved with the specifics of health policy and has played a critical role in developing and moving legislation such as the Health Insurance Portability and Accountability Act of 1996, the Medicare reform provisions in the Balanced Budget Act of 1997, the Patients' Bill of Rights, and numerous other initiatives. Thomas' involvement with these and other issues reinforces his ability to reach across party lines to make legislative progress. Charlie Rangel of New York will continue as the ranking Democrat on the committee.

The committee's comprehensive health jurisdiction includes "bills and matters (from any source) for healthcare, health delivery systems, or health research; healthcare programs of the Social Security Act, and tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs."¹ Any health issues the committee discusses will most likely originate in Thomas' old subcommittee, the Ways and Means Health Subcommittee. With Thomas moving into his new role, Nancy Johnson (R-CT) will become the chair of this important subcommittee.

The Democrats have not yet made their committee assignments but Fortney H. "Pete" Stark (D-CA) is expected to be the ranking Democrat on the subcommittee. With an agenda that will ultimately include revamping Medicare, the Ways and Means Health Subcommittee may be in for some interesting discussions and possible fireworks.

House Energy and Commerce Committee

The former House Commerce Committee has been renamed to more accurately describe its jurisdiction since relinquishing financial matters to the newly constituted House Financial Services Committee. Heading the House Energy and Commerce Committee is the former Democrat W.J. "Billy" Tauzin of Louisiana. Tauzin has laid out an ambitious agenda that includes healthcare, telecommunications deregulation, and a range of privacy issues. As with Thomas, Tauzin has a reputation for reaching across the partisan divide to press forward with issues.

The Democratic Caucus has not yet appointed members to the committee, but former chairman John Dingell (D-MI) is expected to be the ranking Democrat. Ed Markey (D-MA) and Henry Waxman (D-CA) are also expected to play prominent roles for the Democrats. Markey is an outspoken privacy advocate and is expected to be the ranking Democrat on the Subcommittee on Commerce, Trade, and Consumer Protections. Waxman, long involved with health policy matters, will likely lead the Democrats on the Health Subcommittee.

The newly constituted Health Subcommittee will be chaired by Michael Bilirakis (R-FL), the chair of the former Subcommittee on Health and the Environment. The subcommittee reviews a range of health issues, including public health; hospital construction; mental health and research; biomedical programs and health protection in general, including Medicaid and national health insurance; food and drugs; and manpower.

Other important subcommittee chairman include:

- Cliff Stearns (R-FL), Subcommittee on Commerce, Trade, and Consumer Protection. Stearns has been a regular contributor to the genetic privacy and nondiscrimination discussions
- Jim Greenwood (R-PA), Subcommittee on Oversight and Investigations. AHIMA has worked closely with Greenwood and his staff on health information confidentiality legislation

House Government Reform Committee

The House Government Reform Committee will continue under the leadership of Dan Burton (R-IN). Last year, the committee passed the AHIMA-supported Privacy Commission Act (HR 4049). AHIMA has worked closely with the

Subcommittee on Government Management, Information, and Technology, primarily on the health information confidentiality issue and the Privacy Commission Act.

At press time, the committee had not completed its organization but Stephen Horn (R-CA) is expected to continue as chairman of the Subcommittee on Government Management, Information, and Technology.

Other House Committees

Additional committees that will garner attention from AHIMA are:

- **House Appropriations Committee:** Chaired by C.W. Bill Young (R-FL) with David Obey (D-WI) as the probable ranking member. Ralph Regula (R-OH) chairs the Subcommittee on Labor, Health and Human Services, Education Appropriation
- **House Budget Committee:** Chaired by Jim Nussle (R-IA) with John Spratt (D-SC) as the probable ranking Democrat
- **House Judiciary Committee:** Chaired by F. James Sensenbrenner (R-TN) with John Conyers (D-MI) as the likely ranking member
- **House Science Committee:** Chaired by Sherwood Boehlert (R-NY) with Ralph Hall (R-TX) as the ranking Democrat

This historic Congress will be a true test of our elected officials' effectiveness, as well as our governing process. And whether it is privacy, the investigation of reimbursement systems, or major Medicare or healthcare reform, as issues evolve, AHIMA will represent the interests of HIM professionals.

Note

1. Congressional Staff Directory, 106th Congress, Second Session, 59th ed. CQ Press, 2000.

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