

## SPECIAL ELECTION REPORT

### Democrats Win Control of the House, Senate

As a result of the November elections, Democrats will control the U.S. House of Representatives and Senate in the next Congress. In the House, Democrats have won at least 231 seats (16 seats more than the 218 needed for a majority) with seven congressional seats where the winner has yet to be named. In the Senate, Democrats won the six seats they needed in order to regain control, where they now hold a slim 51-49 seat margin.

During the upcoming lame duck session of Congress that begins December 4, legislators must pass a continuing resolution to fund the federal government through the beginning of the 2007 fiscal year and the convening of the 110th Congress. Also during this short session, lawmakers may pass legislation to avert the pending physician fee schedule cut and the technical component grandfather extension. In all likelihood, lawmakers will not be in session long, given the change in leadership. If Congress fails to act before they adjourn, Congress will need to deal with the physician fee schedule update once they return in January.

For clinical laboratories, the outcomes have mixed results. On the issue of the competitive bidding demonstration project, this provision passed without Democratic support. With the change in the House and the Senate, it is plausible that Democrats would support a review of the demonstration and potentially seek a delay in implementation or even a repeal of the demonstration project. On other issues, Democratic Senators Barack Obama (D-IL) and incoming Chair of the Senate HELP Committee Senator Edward Kennedy (D-MA) have been interested in addressing the oversight of genetic tests. On the issue of health information technology (IT), the outcome is uncertain. The issue of privacy was raised by Democrats during recent passage of health IT legislation in the House and Senate. During hearings on that legislation before the Ways & Means and the Energy & Commerce Committees, Democrats introduced amendments to overhaul existing law and regulation on privacy, including new liability on providers and payers by way of a private right of action, along with new requirements for providers such as prior written patient consent.

#### U.S. House of Representatives

##### Leadership

Speaker	Nancy Pelosi (D-CA)
Majority Leader	Steny Hoyer (D-MD)
Majority Whip	James Clyburn (D-SC)
Minority Leader	John Boehner (R-OH)
Minority Whip	Roy Blunt (R-MO)

##### Committees

Ways & Means	<u>Chairman</u> Charles Rangel (D-NY)
- Health Subcommittee	Pete Stark (D-CA)

Energy & Commerce	John Dingell (D-MI)
- Health Subcommittee	Frank Pallone (D-NJ) *

\*likely appointment

#### U.S. Senate

##### Leadership

Majority Leader	Harry Reid (D-NV)
Majority Whip	Dick Durbin (D-SC)
Minority Leader	Mitch McConnell (R-KY)
Minority Whip	Trent Lott (R-MS)

##### Committees

Finance	<u>Chairman</u> Max Baucus (D-MT)
<i>New appointments:</i>	<i>Debbie Stabenow (D-MI)</i>

Health, Education, Labor and Pensions	<i>Maria Cantwell (D-WA)</i>
<i>New appointments:</i>	<i>Ken Salazar (D-CO)</i>

<i>Edward Kennedy (D-MA)</i>
<i>Sherrod Brown (D-OH)</i>
<i>Barack Obama (D-IL)</i>
<i>Bernard Sanders (I/D-VT)</i>