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Henry Waxman in His Element

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In his 36-year Congressional career, Rep. Henry Waxman (D-Calif.) has developed a reputation as a master legislator — someone whose balance of principle and pragmatism has allowed him to amass a long slate of legislative victories in all kinds of different political climates.

President Barack Obama's election and emphasis on passing health care and energy legislation prioritized two issues that Waxman had spent years working on, and the opportunity to guide this process from atop the Energy and Commerce Committee led Waxman to challenge Rep. John Dingell (D-Mich.) and ultimately claim the chairmanship.

The fight for the Energy and Commerce gavel in late 2008 was traumatic for many House Democrats, who had to choose between two venerable and venerated leaders who between them had many years in senior leadership. Dingell had been chairman of the panel from 1981 to 1995 and again from 2007 until the leadership fight with Waxman. He was ranking member in the intervening years. Waxman, meanwhile, had been ranking member on the Oversight and Government Reform Committee since 1996 and became chairman when the Democrats took control of Congress in 2007. It was also, to an extent, a choice between political philosophies, as Waxman is an unvarnished liberal and Dingell, due in part to his close ties to the auto industry, is seen as more of a pro-business centrist.

But Waxman was unapologetic for the maneuver.

"I would not have challenged John Dingell except for the fact that I felt at this unique moment in time I would be able to do a better job and be a stronger chairman dealing with two very difficult areas simultaneously," Waxman said in a recent interview. "This was a once-in-a-lifetime chance to get major bills through."

Waxman's ascension underscores his long-standing devotion to areas over which the committee has jurisdiction. In the course of his career, Waxman has successfully tightened environmental standards with the Clean Air Act of 1990, broadened access to health care coverage for the poor and increased government oversight of food products. A series of hearings in 1994 in which Waxman methodically rejected cigarette company executives' claims that their products were safe set in motion increased scrutiny of the health effects of cigarettes, culminating in him introducing and passing the Family Smoking Prevention and Tobacco Control Act last year, which for the first time gives the Food and Drug Administration the authority to regulate tobacco products.

Friends and colleagues describe Waxman as a man who studies issues deeply and constantly seeks input from Members of both parties. Former staffers praise his patience, his congeniality and his willingness to listen to their ideas. But the theme that recurs most often in conversations with those who have worked with Waxman is the balance that he strikes between his ideals and his desire to pass meaningful legislation. While his voting record marks him as an unambiguous liberal, they say he is no ideologue.

Since taking up the gavel, Waxman has been able to help push two pieces of legislation through the House — a climate change bill co-authored with Rep. Ed Markey (D-Mass.) and health care legislation that he wrote with Education and Labor Chairman George Miller (D-Calif.) and Ways and Means Chairman Charlie Rangel (D-N.Y.) — that he characterized as among the most significant of his career.

Some environmental advocates, such as Greenpeace, have assailed the climate change bill, which is bottled up in the Senate, for not imposing stricter timelines for reduction of carbon emissions and for conceding too much to the coal industry. Some energy industry backers, including the U.S. Chamber of Commerce, argue that the legislation unfairly hobbles business.

Still, observers say Waxman's ability to shepherd through a bill by compromising with Members whose constituents rely heavily on fossil fuel production and manufacturing — the types of industries that would be most affected by the cap-and-trade system that is the bill's foundation — reflects his fundamental commitment to passing legislation, even if the final product departs from his initial vision.

"That is a reflection of what was necessary in order to have a piece of legislation of historic magnitude passed so soon after President Obama was elected," said Markey, the bill's co-sponsor. "He realizes that politics is the art of the possible."

A similar story emerges in Waxman's efforts to move the health care bill out of committee. The version that made it to a floor vote retained key provisions such as barring insurance companies from dropping coverage for people with pre-existing conditions and creating an insurance exchange, but also included an amendment banning federal funds for abortions. Rep. Bart Gordon (Tenn.), a Blue Dog Democrat who serves on the Energy and Commerce panel and voted against the bill, said its evolution, as with the energy bill, reflects Waxman's willingness to formulate legislation that has sufficiently broad appeal to pass.

"If you look at the health care bill and the energy bill, they are representative of two things," Gordon said. "One, Henry does have a specific view on issues that personally is probably more liberal than some others in Congress but is always pragmatic. You can see where both of those bills started, and at the end of the day, they were more moderated, and I think that's Henry being pragmatic."

But Rep. Joe Barton (R-Texas), the ranking member on the Energy and Commerce Committee, complained that Waxman and other Democratic leaders did not do enough to reach across the aisle on health care. He said Republicans supported "the general principles" of health care reform that Obama first laid out, but were not allowed the opportunity to offer input. "They could have at least attempted it," Barton said.

Still, Barton praised Waxman's intellect, integrity and work ethic. "He's done a good job if you believe a government approach is how you want to approach these issues," he said.

Both the cap-and-trade and health care bills passed the House by narrow margins, reflecting the intensely partisan calculus of the 111th Congress. Waxman noted that Republicans, who have "made a political decision that they did not want to cooperate with Democrats and the president on any of his top legislative objectives," have been particularly unified and disciplined in their opposition to the Democrats' agenda.

But Waxman has a history of advancing legislation even under difficult circumstances and typically has been able to recruit help from across the aisle.

During Ronald Reagan's presidency, when Waxman served as chairman of the Commerce Subcommittee on Health and Environment, he expanded Medicaid programs for impoverished Americans numerous times. This often involved working with his Republican counterparts, including then-Rep. Henry Hyde (Ill.), best known for his amendment to limit federal funding for abortions. He collaborated with Sen. Orrin Hatch (R-Utah) on the Drug Price Competition and Patent Term Restoration Act of 1984, which allowed the FDA to approve less costly generic drugs.

"He's really able to answer the question about whether an incremental step is really moving us in the right direction and is the right decision," said Joshua Sharfstein, who is now principal deputy commissioner for the FDA and worked with Waxman on the Oversight and Government Reform Committee. "Somebody who's going to wait to get it all done at once may be waiting a long time, but Congressman Waxman looks for opportunities."

He may have found his greatest opportunity in his current position, despite the partisan gridlock that led him to declare in a radio interview last July that GOP leadership was "rooting against the country." He has since rescinded the comment, calling it "unfair," and said he will continue to try to find ways to make the Energy and Commerce panel as productive as possible.

"Consistently in my career I always go for areas of compromise," Waxman said. "I think compromise is important in the legislative process, and I try to reach out to hear what other people have to say because oftentimes people see things differently than I do, which leads to a better product legislatively than would be the case."

Josh Kurtz contributed to this report.

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