



Legislative Bulletin.....April 25, 2007

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Summary of the Bills Under Consideration Today

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$99 million over five years

Effect on Revenue: \$2 million decrease over five years

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: some

Total New Private Sector Mandates: some

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don’t Cite Specific Clauses of Constitutional Authority: 2

H.Con.Res. 7 — Calling on the League of Arab States to Acknowledge the Genocide in the region of Sudan and to Step up their efforts to stop the genocide in Darfur (*Lee, D-CA*)

Order of Business: The H.Con.Res 7 is scheduled for consideration on Wednesday, April 25, 2007, under a motion to suspend the rules and pass the resolution.

Summary H.Con.Res 7 would express the sense that the Congress:

- “strongly urges the League of Arab States to declare the systematic torture, rape, and displacement of Darfurians a genocide;
- “strongly urges the Arab League to agree and pass a resolution at their next meeting to support and accept United Nations peacekeepers as the best option enforce the ceasefire, protect civilians, ensure access to humanitarian assistance in Darfur; and
- “strongly urges the Arab League to work with the United Nations, the African Union and the United States Presidential Special Envoy for Sudan, Andrew Natsios, to bring about real and lasting peace and stability to Darfur, the refugee camps, and along the Chadian border.”

The resolution lists a number of findings, including:

- “more than 400,000 people have been killed by the Government of Sudan and its Janjaweed allies since the crisis began in 2003, more than 2,000,000 people have been displaced from their homes, and more than 250,000 people from Darfur remain in refugee camps in Chad;
- “despite the signing of the Darfur Peace Agreement in May 2006, violence against civilians, peacekeepers, and humanitarian workers continues unabated, and an estimated 12 humanitarian workers have been killed in Darfur;
- “in August 2006, the Government of Sudan began to deploy thousands of government troops for a major offensive in Darfur, once again threatening a major humanitarian catastrophe and risking the safety and security of millions of civilians;
- “President Omar Hassan El-Bashir of Sudan has rejected the deployment of a United Nations peacekeeping force to Darfur, even as First Vice President Salva Kiir has publicly stated his support for the deployment of a United Nations peacekeeping mission to Darfur; and
- “on August 20, 2006, in Cairo, Egypt, the League of Arab States met and backed Sudan’s refusal of a United Nations peacekeeping force in the war-racked Darfur region.”

Committee: H.Con.Res. 7 was introduced on January 4, 2007, and referred to the Committee on Foreign Affairs, which referred the bill to the Subcommittee on Middle East and South Asia and the Subcommittee on Africa and Global health on February 5, 2007. On April 19, 2007, a mark-up was held and the resolution was reported by unanimous consent.

Cost to Taxpayers: H.Con.Res 7 authorizes no new expenditures.

Does the Bill Expand the Size and Scope of Government? No.

Does the Bill Contain Any New State-Government, Local-Government or Private-Sector Mandates? No.

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H.Res. 125 — Expressing deep concern over the use of civilians as “human shields” in violation of international humanitarian law and the law of war during armed conflict, including Hezbollah’s tactic of embedding its forces among civilians to use them as human shields during the summer of 2006 conflict between Hezbollah and the State of Israel (Ros-Lehtinen, R-FL)

Order of Business: The resolution is scheduled for consideration on Wednesday, April 25, 2007, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 125 would express the sense that the House of Representatives:

- “strongly condemns the use of innocent civilians as human shields, including Hezbollah’s use of this brutal and illegal tactic during the summer of 2006 conflict with Israel;
- “calls on the international community to recognize the grave breaches of international law through the use of human shields; and
- “calls on the community of United States and international jurisprudential scholars and practitioners and the leadership of the Armed Forces to review the current international legal regime and to make recommendations to prevent the future use of human shields during armed conflicts.”

The resolution lists a number of findings, including:

- “the term ‘human shields’ refers to the use of civilians, prisoners of war, or other noncombatants whose mere presence is designed to protect combatants and objects from attack;
- “the use of human shields violates international humanitarian law and the law of war;
- “throughout the summer of 2006 conflict with the State of Israel, Hezbollah forces utilized human shields to protect themselves from counterattacks by Israeli forces;
- “the majority of civilian casualties of that conflict might have been avoided and civilian lives saved had Hezbollah not employed this tactic;
- “the news media made constant mention of civilian casualties but rarely pointed to the culpability, under international law, of Hezbollah for their endangerment of such civilians;

- “Jan Egeland, United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator, accused Hezbollah of ‘cowardly blending . . . among women and children’; and
- “on August 14, 2006, President George W. Bush stated, ‘Hezbollah terrorists targeted Israeli civilians with daily rocket attacks. Hezbollah terrorists used Lebanese civilians as human shields, sacrificing the innocent in an effort to protect themselves from Israeli response . . .’.”

Committee Action: H.Res. 125 was introduced on February 5, 2007, and referred to the Committee on Foreign Affairs. On March 27, 2007, a mark-up was held and the resolution was agreed to by voice vote.

Cost to Taxpayers: H.Res. 125 authorizes no expenditure.

Does the Bill Expand the Size and Scope of Government? No.

Does the Bill Contain Any New State-Government, Local-Government or Private-Sector Mandates? No.

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H.Res. 240 — Urging all member countries of the International Commission of the International Tracing Service (ITS) who have yet to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany (*Hastings, D-FL*)

Order of Business: The resolution is scheduled for consideration on Wednesday, April 25, 2007, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 240 would express the sense that the House of Representatives:

- “commends in the strongest terms all countries that have to date ratified the amendments to the Bonn Accords to allow for open access to the Holocaust archives of the International Tracing Service (ITS) located at Bad Arolsen, Germany;
- “commends those countries that have committed to expedite the process of releasing the archives and expects those countries to abide by their commitments;
- “strongly urges all countries that have to yet to ratify the amendments to abide by their treaty obligations made in May 2006 and to expedite the ratification of these amendments;
- “strongly urges all Commission members to consider the short time left to Holocaust survivors and unanimously consent to open the ITS archives should all countries not ratify the amendments by May 2007;

- “expresses the hope that bureaucratic and diplomatic processes will not further delay this process; and
- “refuses to forget the murder of 6,000,000 Jews and more than 5,000,000 other victims during the Holocaust by Nazi perpetrators and their collaborators.”

The resolution lists a number of findings, including:

- “the International Tracing Service (ITS) archives located in Bad Arolsen, Germany, contain an estimated 50,000,000 records on the fates of some 17,500,000 individual victims of Nazi war crimes;
- “the ITS archives at Bad Arolsen remain the largest closed Holocaust-era archives in the world;
- “the 1955 Bonn Accords, the treaty governing the administration of the ITS, established an International Commission of 11 member countries (Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, the United Kingdom, and the United States) charged with overseeing the administration of the ITS Holocaust archives;
- “the ITS agreed upon amendments to the Bonn Accords which would allow researchers to use the archives and would allow each Commission member country to receive digitized copies of archive materials;
- “only 4 out of the 11 Commission member countries (the United States, Israel, Poland, and the Netherlands) have ratified the amendments to date;
- “the United States Holocaust Memorial Museum has for years been working tirelessly to provide public access to the materials in the Bad Arolsen archives; and
- “it is a moral and humanitarian imperative to permit public access to the millions of Holocaust records housed at Bad Arolsen.”

Committee Action: H.Res. 240 was introduced on March 13, 2007 and referred to the Committee on Foreign Affairs, which held a mark-up on March 27, 2007, and reported the resolution by voice vote.

Cost to Taxpayers: H.Res. 240 authorizes no expenditure.

Does the Bill Expand the Size and Scope of Government? No.

Does the Bill Contain Any New State-Government, Local-Government or Private-Sector Mandates? No.

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H.R. 1678 — Torture Victims Relief Reauthorization Act of 2007 (Smith, R-NJ)

Order of Business: H.R. 1678 is scheduled for consideration on Wednesday, April 25, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1678 would amend the Torture Victims Relief Act of 1998 (TVRA) to authorize **\$97 million** for the FY 2008-FY 2009 period for programs to assist victims of torture. The bill authorizes appropriations for three main domestic and foreign programs:

Domestic Treatment Centers: The bill would authorize \$50 million for FY 2008-FY 2009 (the same amount as FY06-FY07) to the Department of Health and Human Services (HHS) to **make grants** to programs in the U.S. that provide rehabilitation and treatment to victims of torture. The services may also include various social services, physical and psychological rehabilitation, and legal services for victims of torture.

Foreign Treatment Centers: The bill would authorize \$24 million for FY 2008-FY2009 through the United States Agency for International Development (USAID) to aid victims of torture abroad. This is a \$1 million decrease from FY06-FY07 funding levels.

United Nations Voluntary Fund for Victims of Torture: Authorizes \$24 million for fiscal for FY2008-FY2009 to the U.N. Voluntary Fund to provide services and support for victims of torture. This is a \$9 million increase from FY06-FY07 funding levels.

Additional Information: According to the Committee Report, the Torture Victims Relief Act of 1998 was created to establish a comprehensive structure to support treatment programs for victims of torture around the world. Today, there are over 100 million victims of torture living throughout the world, with 400,000 foreign torture victims living in the U.S. Across our country there are 31 treatment programs currently operating specifically to treat the needs of torture victims. Internationally, over 250 such programs exist. These facilities are meant to treat the physical and psychological effects of torture while providing social and legal services for victims.

Committee: H.R. 1678 was introduced on March 26, 2007, and simultaneously referred to the Committee on Foreign Affairs and the Committee on Energy and Commerce for consideration of such provisions as fall within each committee's jurisdiction. On March 27, 2007, Foreign Affairs held a mark-up and reported the bill by voice vote. The bill was discharged from the Committee on Energy and Commerce on April 20, 2007, and place on the union calendar.

Cost to Taxpayers: According to CBO, H.R. 1678 would authorize \$49 million in 2008 and \$98 million over a five year period.

Does the Bill Expand the Size and Scope of Government? No.

Does the Bill Contain Any New State-Government, Local-Government or Private-Sector Mandates? No.

Constitutional Authority: The Foreign Affairs Committee, in House Report [110-103](#), cites constitutional authority in Article I, Section 8 (powers of Congress), but fails to cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports

contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” [emphasis added]

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H.Con.Res. 68 — Honoring the life and accomplishments of Gian Carlo Menotti and recognizing the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded (Brown, R-SC)

Order of Business: The H.Con.Res 68 is scheduled for consideration on Wednesday, April 25, 2007, under a motion to suspend the rules and pass the resolution.

Summary H.Con.Res 68 would express the sense that Congress:

- “honors the life and accomplishments of Gian Carlo Menotti and recognizes the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded.”

The resolution lists a number of findings, including:

- “Gian Carlo Menotti was born on July 7, 1911, in Cadeigliano-Viconago, Italy;
- “Mr. Menotti began writing songs at age 7, and at age 11 wrote both the libretto and music for his first opera, The Death of Pierrot;
- “Mr. Menotti began his formal musical training in 1923 at Milan’s Verdi Conservatory;
- “Mr. Menotti’s first full-length opera, The Consul, premiered in 1950, and it won both the Pulitzer Prize for Music and, in 1954, the New York Drama Circle Critics’ Award for Musical Play of the Year;
- “in 1951, Mr. Menotti wrote his beloved Christmas opera, Amahl and the Night Visitors, for the Hallmark Hall of Fame;
- “in 1958, Mr. Menotti founded the Festival dei Due Mondi (Festival of the Two Worlds) in Spoleto, Italy, as a forum for young American artists in Europe;
- “Mr. Menotti founded the Spoleto Festival USA in 1977, and the festival quickly became a haven for a large group of artists, both traditional and experimental, who were attracted to the mix of dance, theater, opera, music, and visual arts; and
- “Gian Carlo Menotti died on February 1, 2007, in a hospital in Monte Carlo.”

Committee: H.Con.Res. 68 was introduced on February 16, 2007, and referred to the Committee on Education and Labor, which took no official action.

Cost to Taxpayers: H.Con.Res 68 authorizes no new expenditures.

Does the Bill Expand the Size and Scope of Government? No.

Does the Bill Contain Any New State-Government, Local-Government or Private-Sector Mandates? No.

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H.Res. 292 — Expressing the sense of the House of Representatives that schools should celebrate National Garden Month through a curriculum that includes outdoor learning (Pryce, R-OH)

Order of Business: The resolution is scheduled for consideration on Wednesday, April 25, 2007, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 292 would express the sense of the House of Representatives that:

- “schools throughout the United States should celebrate National Garden Month through a curriculum that includes outdoor learning through gardening.”

The resolution lists the following findings:

- “individuals in the United States desire a healthy environment for the future;
- “teaching children to appreciate, respect, and protect the environment will have “long-term benefits because children are the next generation of environmental stewards;
- “greater exposure to nature through outdoor learning and play is recognized as essential to the physical, emotional, and mental development and health of children;
- “gardening exposes children to the outdoors while increasing their knowledge of plant cultivation and soil ecosystems;
- “research has shown that gardening positively impacts not only environmental attitudes, but also nutritional attitudes, interpersonal skills, and self-esteem; and
- “the National Gardening Association recognizes April as National Garden Month.”

Committee Action: H.Res. 292 was introduced on March 29, 2007, and referred to the Committee on Education and Labor, which took no official action.

Cost to Taxpayers: H.Res. 292 authorizes no expenditure.

Does the Bill Expand the Size and Scope of Government? No.

Does the Bill Contain Any New State-Government, Local-Government or Private-Sector Mandates? No.

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H.Res. 320 — Congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I Women's Basketball Championship (Duncan, R-TN)

Order of Business: The resolution is scheduled for consideration on Wednesday, April 25, 2007, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 320 would express the sense that the House of Representatives:

- “congratulates the University of Tennessee women’s basketball team for being champions on and off the court and for their victory in the 2007 NCAA Division I Women’s Basketball Championship; and
- “recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Tennessee Lady Vols win the NCAA championship.”

H.Res. 320 requests the Clerk to send copies of the resolution to the President, Chancellor, women’s Athletic Director, and women’s basketball Head Coach of the University of Tennessee.

The resolution lists a number of findings, including:

- “on April 3, 2007, before a crowd of over 20,000 fans, the University of Tennessee women’s basketball team (the ‘Lady Vols’) defeated the Scarlet Knights of Rutgers by a score of 59-46 to win the 2007 National Collegiate Athletic Association (NCAA) Division I Women’s Basketball Championship;
- “this championship was the first national title for the Lady Vols since their 3-year championship run in 1996-98, and their 7th national title in the last 20 years;
- “the Lady Vols were successful due to the leadership of Coach Pat Summitt, the Nation’s all-time winningest NCAA basketball coach (men’s or women’s) with 947 wins over 33 seasons at the University of Tennessee;
- “the Lady Vols were undefeated in conference games during the 2006-2007 season and compiled an impressive overall record of 34 wins and 3 losses;
- “the 2006-2007 team has an average GPA above 3.0; and
- “Coach Pat Summitt’s Lady Vols continue their remarkable graduation rate, with every student athlete who has completed her eligibility at the University of Tennessee either graduating or working toward all of the requirements for graduation.”

Committee Action: H.Res. 320 was introduced on March 29, 2007, and referred to the Committee on Education and Labor, which took no official action.

Cost to Taxpayers: H.Res. 320 authorizes no expenditure.

Does the Bill Expand the Size and Scope of Government? No.

Does the Bill Contain Any New State-Government, Local-Government or Private-Sector Mandates? No.

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H.Con.Res. 121 — Recognizing the benefits and importance of school-based music education, and for other purposes (*Cooper, D-TN*)

Order of Business: The H.Con.Res 121 is scheduled for consideration on Wednesday, April 25, 2007, under a motion to suspend the rules and pass the resolution.

Summary H.Con.Res 121 would express the sense of the Congress that:

- “music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum and should be available to every student in every school.”

The resolution lists a number of findings, including:

- “school music programs enhance intellectual development and enrich the academic environment for students of all ages;
- “students who participate in school music programs are less likely to be involved with drugs, gangs, or alcohol and have better attendance in school;
- “the skills gained through sequential music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for success in the 21st century workplace;
- “the majority of students attending public schools in inner city neighborhoods have virtually no access to music education, which places them at a disadvantage compared to their peers in other communities;
- “the arts are a core academic subject, and music is an essential element of the arts; and
- “every student in the United States should have an opportunity to reap the benefits of music education.”

Committee: H.Con.Res. 121 was introduced on April 19, 2007, and referred to the Committee on Education and Labor, which took no official action.

Cost to Taxpayers: H.Con.Res 121 authorizes no new expenditures.

Does the Bill Expand the Size and Scope of Government? No.

Does the Bill Contain Any New State-Government, Local-Government or Private-Sector Mandates? No.

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**H.R. 493 — Genetic Information Nondiscrimination Act of 2007
(*Slaughter, D-NY*)**

Order of Business: The bill is scheduled for consideration on Wednesday, April 25, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 493 would prohibit the use of genetic information by employers in employment decisions and by health insurers and health plans in making enrollment determinations and setting insurance premiums. The specific provisions of the bill are summarized below.

- Amends the Employee Retirement Income Security Act (ERISA), the Public Health Service Act, and the Internal Revenue Code to prohibit a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, from the following:
 - adjusting premium or contribution amounts for the group covered under the plan on the basis of genetic information;
 - requiring an individual or a family member of that individual to undergo a genetic test;
 - requesting, requiring or purchasing genetic information for underwriting purposes; and
 - requesting, requiring or purchasing genetic information with respect to any individual prior to that individual's enrollment under the plan or coverage in connection with their enrollment.”

The bill allows for certain research exceptions to the above prohibitions.

- Includes the following in the definition of an individual or a family member for purposes of this Act:
 - The fetus inside of a pregnant mother; and
 - Any embryo legally held by the individual or family member (with respect to assisted reproductive technology.
- Defines genetic test as: an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.” The definition does not include the following:
 - “an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or
 - “an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.”
- Imposes a penalty against any plan sponsor or group health plan for failure to meet requirements with respect to genetic information in connection with their health plan. The penalty would be \$100 each day in noncompliance with respect to each participant to whom such failure relates. Under certain circumstances, the penalty could not be less than \$2,500. The Secretary could waive the penalty under certain circumstances.
- Prohibits a health insurance issuer in the individual market from doing the following:
 - establishing rules for the eligibility of any individual to enroll in individual health insurance coverage based on genetic information;

- adjusting premium or contribution amounts for an individual on the basis of genetic information concerning the individual or a family member of the individual;
- imposing any preexisting condition exclusion based on the bases of genetic information, with respect to their coverage;
- requesting or requiring an individual or family member to undergo a genetic test;
- requesting requiring or purchasing genetic information for underwriting purposes; and
- collecting genetic information with respect to any individual prior to the individual's enrollment under the plan.
- Prohibits an issuer of a Medicare supplemental policy from the following:
 - denying or conditioning the issuance of a policy and from discriminating in the pricing of the policy of an individual on the basis of genetic information;
 - requesting or requiring an individual or family member to undergo a genetic test; and
 - requesting requiring or purchasing genetic information for underwriting purposes.
- Directs the National Association of Insurance Commissioners (NAIC) to modify its NAIC model regulations to mirror the above prohibitions required by this Act.
- Directs the Secretary of Health and Human Services to revise the HIPAA private regulations to be consistent with provisions in this Act affecting the use of genetic information.
- Prohibits employers, employment agencies, and labor organizations from the following:
 - refusing to hire an employee or discriminating against an employee because of genetic information related to that individual;
 - limiting, segregating or classifying employees in any way that would deprive or adversely affect the status of the employee in light of their genetic information; and
 - requiring or purchasing genetic information, except in certain circumstances.

Additional Information: In Committee Report [110-28](#), Part 1, several Republican Members outlined extensive concerns in the Minority Views section of the report. The following is a small excerpt from the Minority Views portion of the report.

“Advocates of federal genetic nondiscrimination legislation argue that such legislation is necessary to ensure that individuals avail themselves of genetic testing without fear of reprisal in their employment or health insurance coverage. Others argue that the case has not yet been made that federal legislation is prudent or necessary--there has been no evidence of large-scale employer genetic testing or discrimination--and in any case, if federal legislation is to be adopted, it should be carefully drawn to address real concerns and not lead to frivolous litigation, inconsistent or contradictory standards, or undue burden on employers. Finally, many question whether existing federal laws and regulations provide adequate

protection from the potential of genetic nondiscrimination. In addition, more than half of the states have enacted laws that restrict the use of genetic information in health insurance and employment decisions.”

Committee Action: H.R. 493 was introduced on January 16, 2007, and referred to the House Committees on Education and Labor, Energy and Commerce, and Ways and Means. The Education and Labor Committee held a mark-up and reported the bill, as amended, by voice vote on February 14, 2007. The Energy and Commerce Committee held a mark-up and reported the bill, as amended, on March 23, 2007. The Ways and Means Committee held a mark-up and reported the bill, as amended, by voice vote on March 21, 2007.

Cost to Taxpayers: According to CBO, enacting H.R. 493 “would increase the number of individuals who obtain health insurance by about 600 people per year, nearly all of whom would obtain insurance in the individual market. The bill would affect federal revenues because the premiums paid by some of those newly insured individuals would be tax-deductible.” As such, CBO estimates that the bill would reduce revenues by less than \$500,000 in each year from 2008 through 2017, by \$1 million over the 2008-2012 period, and by \$2 million over the 2008 through 2017 period.

In addition, CBO states, that “the bill’s requirements would apply to Medicare supplemental insurance, which would affect direct spending for Medicare.” However, CBO estimates that the bill would have no significant effect on direct spending. Finally, CBO estimates that H.R. 493 would incur discretionary costs of less than \$500,000 in FY 2008, and \$2 million over the FY 2008 through FY 2017 period.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes. According to CBO, the bill would “preempt some state laws that establish confidentiality standards for genetic information, and would restrict how state and local governments use such information in employment practices and in the provision of health care to employees.” In addition, CBO explains that the bill “contains private-sector mandates on health insurers, health plans, employers, labor unions, and other organizations.”

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