Genetic Information NonDiscrimination in Employment Coalition

December 12, 2007

The Honorable Nancy Pelosi
Speaker, U.S. House of Representatives
Washington, D.C. 20515

The Honorable John A. Boehner
Republican Leader, U.S. House of Representatives
Washington, D.C. 20515

The Honorable Harry Reid
Majority Leader, U.S. Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Republican Leader, U.S. Senate
Washington, D.C. 20510

Dear Speaker Pelosi, Leader Boehner and Senators Reid and McConnell:

The Genetic Information Nondiscrimination in Employment (GINE) Coalition writes to urge you to oppose the inclusion of H.R. 493, the Genetic Information Nondiscrimination Act of 2007, into H.R. 2764, the omnibus appropriations act soon to be considered by both houses. The Coalition strongly supports genetic nondiscrimination and confidentiality, but believes that the language included in H.R. 2764 does not reflect the legislation the House passed by a 420-3 vote.

Importantly, the Coalition is aware that provisions in the House-passed version of H.R. 493 creating a dichotomy for regulation of health insurance and employment activities has been removed in the omnibus bill. We believe a firewall for group health plans is important because dual regulation could result in confusing and contradictory regulatory and enforcement schemes.

In addition, we remain concerned with several aspects of the House-passed version of H.R. 493 that may result in unintended consequences on well-intentioned employers. These provisions include:

- **Confusing patchwork of state laws**—We urge Congress to establish a clear federal genetic nondiscrimination standard so that employers are not forced to comply with dozens of conflicting state standards.

- **Prohibition on business necessity medical inquiries**—We urge Congress to add provisions that allow employers to make medical inquiries that are job-related and consistent with business necessity, as permitted under the ADA. This change would reconcile the bill with the ADA and avoid a host of unintended consequences under H.R. 493, such as requiring employers to discern genetic and non-genetic health information and barring inquiries necessary to protect public health or support criminal investigations.

- **Recordkeeping and technical requirements**—We urge Congress to enact provisions that would unify the rules for handling genetic information and health care information.

Thank you for considering our concerns with the process and policy associated with H.R. 493 and the omnibus appropriations bill. Please contact us so that we may discuss these significant issues.

Sincerely, The GINE Coalition Steering Committee:

College and University Professional Association
for Human Resources

National Retail Federation

HR Policy Association
Society for Human Resource Management

National Association of Manufacturers
U.S. Chamber of Commerce

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