

for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 493, GENETIC INFORMATION NON-DISCRIMINATION ACT OF 2008

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1156 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1156

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Education and Labor or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour, with 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself as much time as I may consume and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend

their remarks on House Resolution 1156.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, H. Res. 1156 provides for consideration of the Senate amendment to H.R. 493, the Genetic Information Non-discrimination Act. The rule provides 1 hour of general debate on the motion with 20 minutes each controlled by the Committee on Education and Labor, the Committee on Energy and Commerce, and the Committee on Ways and Means.

Madam Speaker, the story of humanity is defined by extraordinary achievements that centuries later are looked upon as having impacted the course of human history. Five years ago, we saw one of these distinguishing achievements: the mapping out of the human genome, a discovery that pries open the door of possibility and presents an opportunity to advance the human race.

This breakthrough in the field of genetics joins the ranks of momentous discoveries that have changed the face of medicine and science for centuries to come, like the discovery of the polio vaccine so many years ago.

Last week, Senator KENNEDY on the Senate floor noted that the mapping of the human genome "may well affect the 21st century as profoundly as how the invention of the computer or the splitting of the atom affected the 20th century."

However, Madam Speaker, such discoveries and achievements do not automatically lead to these extraordinary breakthroughs. In order for us to fully reap the benefits, we must ensure that our social policy keeps pace with the advancement of our science.

That is precisely why I rise today in support of the Genetic Information Nondiscrimination Act. It has been 13 years in the making, and I'm pleased that the House of Representatives is once again considering the bill today, hopefully for the last time, so we may send it to the President to sign into law.

While I'm pleased we're taking it up, I'm saddened that so much time has been lost and that the march toward progress and discovery has been slowed.

The Genetic Information Non-discrimination Act is the culmination of a broad and bipartisan effort to prohibit the improper use of genetic information in workforce and health insurance decisions.

It prohibits group health plans and health insurers from denying coverage to healthy individuals or charging higher premiums based solely on a genetic predisposition to maybe develop a disease in the future.

Furthermore, it bars employers from using one's genetic information when making hiring, firing, job placement or job promotion decisions.

Madam Speaker, the bill has been described as the first civil rights legislation of the 21st century. I think that assessment is correct because, with the exception of trauma, everything that happens to a person's body has a genetic component. From the color of our eyes to our height, to the illnesses and disorders we are susceptible to, everything happens because of our genes.

No one, not a single living human being, has perfect genes. In fact, each one of us is estimated to be genetically predisposed to between 5 and 50 serious disorders.

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The good news is that since the sequencing of the human genome was completed in April, 2003, thanks to Dr. Francis Collins, who I am happy to say is in the gallery today, researchers have identified genetic markers for a variety of chronic health conditions and increased the potential for early treatment and the prevention of numerous genetic-based diseases. There are already genetic tests for over 1,000 diseases, and hundreds more are under development.

Let me mention just two of them. Just this week we heard from newspapers that in London and work being done in Pittsburgh, and I believe it's the University of Pennsylvania, has restored some eyesight to people who were disposed to a genetic disease that harmed their vision as children. To be able to restore eyesight is something none of us had ever dreamed of being able to do. But by injecting genetic material into the back of the eye behind the retina, they have received some sight. They believe that once they are able to do this in younger children and be able to increase the dose that the success rate will be extremely high, and that, in itself, is such good news.

Also yesterday the New York Times reported that the gene has been isolated for osteoporosis and for fragile bones. I remember when we were fighting for the Office of Women's Health, the statistic we used for osteoporosis was that we spent between \$20 and \$30 billion a year, and this was years ago, 10 or 15, all that much money to treat osteoporosis. At that point we had no treatment for it. We just tried to do the best we could. We have over time achieved some treatments for osteoporosis, but think what would happen if once we find that gene, we are able to manipulate that gene or change it and prevent osteoporosis altogether?

The great thing about this science is the limitless possibility to cure human conditions without long hospital stays, without invasive surgeries, and there are possibilities there for an entirely new way for us to provide health care.

Now, consider if these tests we know that can tell a woman if she has a family history of breast cancer, if she has a genetic predisposition. For at least the 10 years, I have been told by women

who are in that condition and also by their physicians that they have recommended to them that until a bill such as the one we are passing today becomes law in this country, they should not put at risk their health insurance, many of them who are the sole provider for health insurance for their families, or their jobs. We believe, the estimates are, that about 22 percent of Americans have already been discriminated against. We have numerous cases of people who have lost their jobs. So the most important thing to show what rank discrimination that has been is that having the gene is only predictive. It does not say that you are doomed to have it. Indeed, it could be 20 or 30 years away, if at all. To deny a person health insurance and employment on that kind of proposition is nothing but discrimination.

We know now that numbers of people are going to go out to get the tests that they need to be able to plan for the rest of their lives, constituents that we have all had with Alzheimer's who want to plan for their future. So in addition to improving health care for millions, it's going to give the scientists and our medical researchers invaluable insight on how to combat and even cure diseases in the future.

I don't think we're going to realize what a wonderful day this is for us until someone in your family is faced with this and that you can have a cure for them. It is totally remarkable. I honestly believe that, being here in Congress for 22 years, which has meant so much to me and for which I am so grateful to my constituents, that this piece of legislation and what we have done here is the most important thing that I shall ever do in my life and certainly in my time as a legislator.

I'm enormously grateful to everybody who has supported this and all the people who have worked on it all these many years, never getting discouraged, always working every 2 years, refiling the bill, getting all the cosponsors, and fighting for passage. That wonderful day now has come. I especially want to give my thanks to my colleague JUDY BIGGERT for all the wonderful work that she has done.

Madam Speaker, to give you an idea of the potential that exists, consider that genetic tests can tell a woman with a family history of breast cancer if she has the genetic mutation that causes it long before the cancer develops.

Armed with this information, this woman can make important health decisions on when to engage in preventative care and when to seek early treatment.

And in doing so, we can cut down on hospital stays and invasive surgeries while allowing medical treatments to be more personalized.

Madam Speaker, in addition to improving health care for millions of individuals, genetic testing gives our scientists and medical researchers invaluable insight into how to combat and, perhaps, even cure these diseases in the future.

However, for the potential of genetic research to be realized, we need to make ge-

netic testing something that is commonplace, rather than something that is feared.

Unfortunately, because no one has perfect genes, no one is immune to genetic discrimination. And the threat of discrimination is holding men and women back from participating in clinical trials that will lead to the medical breakthroughs of the 21st Century.

Madam Speaker, their fears are not unfounded. Genetic discrimination is real and is happening today.

A 2001 survey of employer medical testing practices found that 1.3 percent of companies test employees for sickle cell anemia, 0.4 percent test for Huntington's Disease, and 20.1 percent ask about family medical history.

During the 1970s, many African Americans were denied jobs and health insurance based on their carrier status for sickle cell anemia.

More recently, many have heard about the 2002 Burlington Northern Santa Fe Corporation case where the company paid a \$2.2 million settlement after it tested its employees for a genetic marker dubiously associated with carpal tunnel syndrome.

In North Carolina, a woman was fired after a genetic test revealed her risk for a lung disorder even though she had already begun the treatments that would keep her healthy.

There was even an instance of an adoption agency refusing to allow a woman at risk for Huntington's disease to adopt a child.

These abuses have only fed the public fear of genetic discrimination, leading many Americans to forgo genetic testing even if it may help avert premature death.

Sixty-six percent of Americans are concerned about how their genetic information would be stored and who would have access to it.

Seventy-two percent of the American public believes that the government should establish laws and regulations to protect the privacy of one's genetic information.

Madam Speaker, genetic discrimination is wrong on two fronts.

First, it is critical to remember that simply carrying a given genetic mutation does not guarantee that one will develop the disorder. It merely confers a level of risk upon the carrier.

Given that scientists cannot accurately predict when or whether a carrier will develop a genetic disorder, it is illogical to allow this information to be used by health insurers and employers for discriminatory purposes.

Secondly, and very importantly, if individuals do not participate in clinical trials, we will never be able to reap the real benefits of genetic science.

In a 2003 editorial, Dr. Francis Collins, head of the National Human Genome Research Institute, and James Watson made a persuasive argument in favor of non-discrimination legislation like GINA.

They wrote, and I quote: "Genetic discrimination has the potential to affect people's lives in terms of jobs and insurance, but there is another dimension as well: It can slow the pace of the scientific discovery that will yield crucial medical advances." End quote.

Madam Speaker, as I have mentioned, this legislation began 13 years ago and has had quite a ride going back and forth between the House and the Senate.

I would like to take a moment to speak briefly about the evolution of this bill and the agreements that we have made so that it could end up here today.

In order for us to move forward, we addressed some of the concerns about the legislation, specifically about the threat of frivolous lawsuits.

Several years back, we made sure that if an employer inadvertently receives a person's genetic information, they could not be sued unless they used that information to discriminate against the employee.

Within the past few weeks, we were able to work out a clarification regarding the so-called "firewall" issue.

This agreement makes both sides happy and still preserves 40 years of civil rights law by ensuring that employers are held accountable under civil rights remedies.

In addition, this bill requires that before an individual can go to court, the EEOC has to review their claim and determine if it has merit.

I am very pleased that we were able to work together to ensure the success of this critical legislation.

And, Madam Speaker, while there have been some opponents to this bill over the years, there have mostly been allies.

I hold here in my hand 514 letters of support from a wide spectrum of health, scientific, and medical-related organizations.

Here in Congress, we have over 220 cosponsors, both Democrats and Republicans.

Just over a year ago, this body passed GINA 420-3, and last week, the Senate once again passed this bill unanimously by a vote of 95-0.

Even the White House has come out in support of genetic nondiscrimination legislation.

Before I close, I want to take a moment to thank the lead Republican cosponsor of this bill, Congresswoman JUDY BIGGERT. Without her and her staffs hard work, today would simply not have been possible.

I also want to thank Congresswoman ANNA ESHOO for her strong advocacy on behalf of this bill over the years.

I want to thank Senators KENNEDY, SNOWE and ENZI for championing this bill through the Senate.

And I especially want to thank Dr. Francis Collins for his support. His testimony last year before three House Committees should have swayed even the firmest nonbelievers that genetics has the potential to change our health care system as we know it.

I am so proud to have played a role in making this legislation possible—legislation that not only will stamp out a form of discrimination, but will allow us to realize the tremendous potential of genetic research.

By passing this legislation today, we open the door to usher in a whole new era of health care and change the course of human history.

Millions of Americans have waited far too long for these protections, but I'm so pleased the wait is almost over.

I urge all my colleagues to support this bill once again.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I do want to thank my friend from New York, the gentlewoman and chairman of the Committee on Rules, for yielding me this time to discuss this proposed rule for consideration of H.R. 493, the Genetic Information Nondiscrimination Act.

Like my colleague, I too rise in support of this rule which would allow the

House to agree with the Senate compromise and pass H.R. 493, the Genetic Information Nondiscrimination Act of 2008, or GINA.

As the gentlewoman knows, this legislation has a long history. She's worked on it for a long, long time, as we heard in testimony given to the Rules Committee yesterday and the accolades that were given the gentlewoman for her support of this, as well as the gentlewoman from Illinois (Mrs. BIGGERT). First introduced in 1995, it has been cosponsored by 224 of our colleagues in this Congress. The House overwhelmingly passed this legislation last April, and with the Senate's recent approval and President Bush's pledged support, I look forward to seeing this legislation signed into law quickly.

Madam Speaker, genetics are extremely important to determining the health of every single individual. Each of us carries a handful of genetic anomalies, some of which might cause us to be affected by genetic conditions or affect the health of our children. There are currently 1,200 genetic tests that can diagnose thousands of health conditions. This number has grown exponentially from just around 100 genetic tests a short decade ago.

Every day scientists are learning more about the genetic causes of many devastating diseases. Stopping these debilitating illnesses will require the voluntary participation of hundreds of thousands of Americans in the clinical research area needed to identify, test, and approve effective treatments. This information is invaluable to managing our country's health and bringing down the overall cost of health care.

Currently, a few States provide protections for genetic information, but most provide none. This leaves Americans with little to no certainty about how their genetic rights are protected from State to State.

Additionally, genetic information is not properly covered under the current HIPAA regulations. It is necessary for Congress to provide legal protection for genetic information and clinical trials so Americans can get tested for health care concerns without fear of misuse or discrimination. This legislation ensures that all will be protected.

Currently, the fear of misuse of genetic information is preventing people from getting these important genetic tests done. The refusal to utilize effective genetic tests hurts individuals, researchers, and doctors alike. Lack of testing denies individuals important medical information that they could otherwise use to be proactively managing their health with their doctor. The information garnered by these tests also helps doctors to prescribe treatments and lifestyle changes with increased success. The same information can be used by researchers to effectively create targeted drugs and develop treatments.

Fear of discrimination has also caused a large number of people to opt out of clinical trials. With fewer par-

ticipants in clinical trials, we will see slower development of treatments and beneficial drugs. In addition, clinical trials provide patients in late stages of the diseases with access to breakthrough treatments that might otherwise be unavailable.

This House has correctly recognized this issue by protecting those who obtain genetic tests in addition to those who volunteer to participate in clinical research for genetic diseases. I would like to commend my colleagues SUE MYRICK, KENNY HULSHOF, and Dr. TOM PRICE for leading the efforts to protect the importance of these clinical trials.

But none of this would be any good today, Madam Speaker, if the American public did not overwhelmingly support the Genetic Information Nondiscrimination Act. About 93 percent of Americans believe that if someone has a genetic test, their employer should not have the right to know the results. Republicans and Democrats want to see their genetic information protected.

I rise in support of this rule and the underlying bill and look forward to its passage.

I once again want to thank the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from New York, the chairman of the Rules Committee, for their hard work.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin, Dr. KAGEN.

Mr. KAGEN. Madam Speaker, before I begin my remarks, let me extend my heartfelt gratitude to Chairwoman SLAUGHTER for her years of struggle to bring about this day and let everyone know that on this day, May 1 of 2008, we're beginning to apply our constitutional rights to protect us against discrimination to health care so that one day very soon, equal protection may mean equal treatment.

I rise today in strong support of the rule for H.R. 493, the Genetic Information Nondiscrimination Act, and the underlying legislation.

As a physician and a geneticist, I fully understand the critical need to prohibit discrimination based on an individual's genetic profile. Specifically, this bipartisan, Republican-supported and Democrat-supported bill would prohibit employers from using genetic screening results in hiring, in assigning, and promoting people at work. It would also bar insurers from making coverage choices or setting premiums based on results of such genetic testing. By establishing these protections, H.R. 493 will allow every citizen and their physicians to benefit and participate in the progress that gene therapies provide for all of us in early treatment and prevention of countless afflictions, while maintaining their essential insurance coverage.

And perhaps in the near future, I will be able to rise here on the House floor and ask that we support legislation to

bring an end to all forms of discrimination in health care. And after all, our constitutional rights to protect us against discrimination should be applied to the area of health care throughout the industry, not just to genetic information, not just to one's skin color or one's skin chemistry or the content and structure of one's bones, but to everything in the human condition and every preexisting condition. Let's begin to put discrimination where it belongs: in the past.

We are moving very quickly out of this information age into a time when physicians will be able to diagnose and even treat your condition before you feel it.

In closing, I urge my colleagues to support the rule and vote in favor of this important and tremendously progressive bill.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 10 minutes to the lead cosponsor from the Republican side, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding to me.

And I thank you for being a cosponsor of this legislation and for all your hard work on it.

Madam Speaker, I rise in support of this rule and the bill that is made in order. And I just want to say that I'll be talking in general debate too, but it was so important for me to come down here today to speak during the rule also.

When the human genome project was completed in 2003, the House of Representatives recognized it as one of the most significant scientific accomplishments of the past 100 years. For the first time, individuals actually could know their genetic risk of developing diseases such as cancer, diabetes, heart disease, Alzheimer's, Parkinson's, and the list goes on. And knowing that, they could take preventative measures to decrease their risk of getting such a disease. Completion of the human genome project and genetic testing spawned the personalized medicine movement, focusing on catching diseases earlier, when they are cheaper and easier to treat, or, even better, preventing the onset of the disease in the first place.

But after investing \$3.7 billion in taxpayer money to achieve this breakthrough, Congress walked away and left the job undone. We left people without any assurance that their genetic information wouldn't be used against them. So, understandably, so many avoided this great technology, never realizing the untold health benefits and savings.

This concern even spilled over to NIH, the National Institutes of Health, where fear of genetic discrimination is currently the most common reason for not participating in research on potentially lifesaving genetic testing for breast cancer and colon cancer.

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Fully one-third of those eligible to participate decline to do this for this

reason, undermining the development of new treatments and cures.

Madam Speaker, today Congress is here to settle some unfinished business and provide Americans the protection against genetic discrimination in health insurance and employment that they need to utilize genetic testing without fear. It's just a great day that we are here now, and it has been a long, long road to this. When you have got three committees of jurisdiction on the House side and various committees on the Senate side, to get all of these committees together to come up with a bill, to craft a bill that everybody can agree on and everybody will benefit by it, it's just a great day.

I really came to the floor to speak on the rule at this time, to acknowledge my good friend and colleague, esteemed colleague and a true leader on this issue, the chairman of the Rules Committee, Ms. SLAUGHTER. As my colleagues may know, and you just heard from Mr. SESSIONS, Congresswoman SLAUGHTER first introduced a version of this bill in the 104th Congress. For the newest Members of this body, they might not know that was the nineties. In 1995, to be exact.

So that Ms. SLAUGHTER introduced this bill at this time, that far back, is a testament to the foresight of my friend from New York. Just think, the human genome project really was 2003. So she's had the background in this scientific area to really have had that foresight for so long ago. That she introduced it, still amazes me, and the hard work. There were a lot of things that we worked out as far as the path through these years. I first joined her I think it was in 2005 when we introduced the bill again and again and again to reach this day.

So I really applaud her for her dedication to this cause, and her perseverance. Working with her on this bill has been a real joy, and I value our partnership and the historic legislation that it has produced. I look forward to hand delivering this bill to the White House with her. I think that that will be sooner than later.

Let me just say I want to highlight a few things and reasons for why we should pass this rule and why we should pass this bill. Besides the fact that we invested the \$3.7 billion in the human genome, the bill is needed to maintain high quality genetic research and clinical trials at NIH. I think we have all emphasized that, that that is so important. They don't have the whole body of people getting into the clinical trials, which will then I think find the cure for these diseases.

Ninety-three percent of Americans believe that insurers and employers should not be able to discriminate based on genetic information. This bill passed the House last year 420-3. It passed the Senate last week 95-0. The bill has received three strong SAPs from the administration. And last year, President Bush said, "I really want to make it clear to the Congress

that I hope they pass the legislation that makes genetic discrimination illegal." Newt Gingrich, who has been a strong, strong supporter of genetic nondiscrimination said, and I quote, "To not have this bill is to cripple our ability to save lives." This legislation is supported by over 500 organizations, including BIO and AHIP.

With that, I would urge a "yes" vote on the rule.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Florida, a member of the Rules Committee, Ms. CASTOR.

Ms. CASTOR. Madam Speaker, I rise today in strong support of the Genetic Information Nondiscrimination Act, and I would like to thank the chairwoman of the Rules Committee, Chairwoman LOUISE SLAUGHTER, for her leadership, for her perseverance in moving this critical legislation. She has been fighting for the Genetic Information Nondiscrimination Act for over 13 years. So we will herald her leadership today on behalf of American families and all hardworking folks across this country.

I am fortunate to serve on the Committee on Rules under her leadership. The folks across this country should be very proud that we have such a dedicated chairwoman leading the committee in the people's House. I'd also like to salute Congresswoman JUDY BIGGERT for her participation and perseverance as well in moving this legislation and fighting for it for so many years.

Madam Speaker, this New Direction Congress already has done a great deal to strengthen antidiscrimination efforts for our Nation this year, such as legislation that outlaws inequities in medical coverage for mental health care. Today, we will end another form of discrimination in the workplace and by health insurance companies.

The Genetic Information Nondiscrimination Act protects our neighbors from being denied health coverage or being hired or keeping a job based upon their God-given personal genetic traits. In my district in Tampa, Florida, the University of South Florida Regional Genetics Program has been doing great work in genetics research. Now they can do so much more. People will be more willing to participate in genetics research. The testing, the genetic counseling for families with genetic conditions, now they will not be so afraid and hiding because they fear they would be discriminated against if someone learned that they might have an inclination for breast cancer or diabetes or some other disease.

The scientific research opportunities are endless, and under this bill people will be protected and employers will not be able to request or purchase genetic information about employees or their families. Any information found indirectly may not be used against an employee or disclosed. Further, this legislation would outlaw health insurance companies' ability to cancel,

deny, or change the terms of individual plans based upon their genetic background.

This is a civil rights issue and a privacy issue, and this legislation is an absolute necessity to provide protection for Americans in the workplace and within their health coverage. The cost of health care in America is burdensome enough without an added concern that coverage may be unethically jeopardized based on genetic information.

Madam Speaker, I urge my colleagues to support this rule and the underlying bill and again salute the leadership of Chairwoman LOUISE SLAUGHTER and Congresswoman JUDY BIGGERT.

Mr. SESSIONS. Madam Speaker, I would like to notify the gentlewoman from New York that we do not have any additional speakers at this time, so we will continue to reserve our time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS) and thank him for his help.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Madam Speaker, I'd like to thank and congratulate my dear friend from New York for a stellar achievement in her stellar work here in the Congress, and to thank Mrs. BIGGERT, who has fought with great vigor and enthusiasm for this bill.

Madam Speaker, here's what Ms. SLAUGHTER and Mrs. BIGGERT have achieved. Somewhere this morning, a family is going to get news that a biopsy came back with bad news, that someone they love has a tumor, and that family is going to go through the agony of the next couple of months or even years of wondering if that person they love so much is going to live or die.

Now the progress we have made in this country, thank God, has let many more of those people live. But the ultimate progress is to get to the genetic puzzle that makes that person susceptible to that tumor in the first place. The way we are going to find the solution to that puzzle is by gathering data by more and more people being willing to share their genetic information with the brightest men and women in this country.

Right now there's a justifiable fear that if you share your genetic information, someone may misuse it to deny you a job, deny you an insurance policy, or hurt you in some other way. This bill lifts that burden, lifts that fear, and will stimulate millions of Americans to voluntarily, privately and safely participate so they can be part of finding this puzzle.

What Chairwoman SLAUGHTER has accomplished today, Madam Speaker, is that some day is coming, and I hope it's soon, when people will get the right answer all the time to that question, when the cure will be here, the pain will be gone, and the hope will prevail. There's a lot of things we do in this

chamber that have transitory significance. What will happen in a few hours will benefit people around the world for years to come.

This is a singular achievement. I congratulate the chairwoman. And as a father and a husband, I thank her for what she's done.

Mr. SESSIONS. We will reserve our time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California, a member of the Energy and Commerce Committee, as Mr. ANDREWS is, Ms. ESHOO, who saw me through many a bad moment on this bill, and to whom I am extremely grateful.

Ms. ESHOO. I want to first begin by saluting our colleague, LOUISE SLAUGHTER, and Mrs. BIGGERT, who has worked so hard on this. This is really all about the future, except we had to struggle for 13 years in order to recognize it. But today, we do. And it is a singular extraordinary achievement, not only on the watch of Chairwoman SLAUGHTER, but today for the full House to pass this legislation.

We know that in the makeup of our humanity is a genetic profile. Researchers and scientists have demonstrated what the potential is if in fact, not only through the human genome project, the sequencing, and the discovery of all that is hidden in it, what that portends for humanity. But there's another side of this, and that is a darker side. The darker side is entitled: Discrimination. That if that information, our genetic makeup is used by insurers to discriminate against people.

So today what we are doing is eliminating that block, that discrimination that stands in the way of the fullness of the potential of our genetic profile and how it can be not only accumulated but used to the benefit of humanity. That is what this legislation represents.

When we pass it and the President signs it into law, this legislation will not only end the discrimination and all that is attendant to it, but that from this day forward the principles of preventive medicine, the reduction of health care costs, the advancement of research, and the saving of lives will be the order of the day.

I salute you, my colleague. Well done. You have earned your keep in the Congress.

Mr. SESSIONS. Madam Speaker, we will reserve our time.

Ms. SLAUGHTER. I have no further requests for time. Let me ask my colleague if he is prepared to close.

Mr. SESSIONS. Yes, ma'am, I am.

Madam Speaker, today I will be asking each of my colleagues to vote "no" on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider any amendment that would actually do something to reduce our high gas prices that we have in this country, to help consumers, and

to require the Speaker of the House to submit her secret plan to lower gas prices.

Back on April 24, 2006, over 2 years ago, Speaker PELOSI issued the following statement, which I quote, "With skyrocketing gas prices, it is clear that the American people can no longer afford the Republican rubber stamp Congress and its failure to stand up to Republican big oil and gas company cronies. Americans this week are paying \$2.91 a gallon on average for regular gasoline, 33 cents higher than last month, and double the price that it was when President Bush first came into office."

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Madam Speaker, most Americans would consider it a blessing if we were only paying \$2.91 today for a gallon of gasoline and the only thing they really couldn't afford is this head-in-the-sand Democrat Congress that refuses to consider or to do anything to solve the problem.

In that same press release, Speaker PELOSI went on to claim, "Democrats have a commonsense plan to bring down skyrocketing gas prices."

Well, I am not sure what they are waiting for, because even after passing the no-energy energy bill through the House a number of times, the cost of the Pelosi premium price increase continues to rise, with the average cost of gasoline over \$3.62, hitting consumers at the pump every time they go fill up their cars.

In fact, Madam Speaker, as yesterday's Politico article Gas Prices Fuel Effort to Jam GOP makes clear, rather than seizing the opportunity to create opportunities to do something about these high gas prices, to bring in commonsense, bipartisan, supply-side solutions to the problem that help consumers, the Democrats are using them as a wedge issue, as they see it, to score political points, which does nothing to bring down the high cost of gasoline and only contributes to the Congress' abysmal low ratings.

Madam Speaker, I would suggest to you that it really might secretly be this secret plan. This secret plan, even though Speaker PELOSI said it was to bring down gas prices, I think it is all about raising gas prices closer to \$5 a gallon. Of course, we know what this does. This causes an American transfer of payments to overseas places, just like Dubai. It is American consumers that are paying for and building Dubai. And the reason why is because the Democratic policies have taken off-limits the opportunity for Americans to be self-independent, because we can't do our own drilling in this country, where billions of barrels of oil reside.

By voting "no" on this previous question, Members can take a stand; a stand against the statements that we have heard about trying to increase gasoline prices, but while only taxing oil companies.

We demand to see this "private" and "secret" plan to reduce gas prices that the Democrats have been hiding from the American people since taking office and control of Congress. I for one would love to see this plan. But I am afraid that, much like their other campaign promises to run the most open, honest and ethical Congress in history, it simply does not exist.

Madam Speaker, American consumers cannot handle the high prices at the pump. We are demanding to know what this secret plan is to reduce gasoline prices below the level of 2 years ago. We need help. Americans all across this country will stand behind those that vote "no" to do something now about the problems, rather than trying to blame it on somebody else. If it was Congress' problem 2 years ago, it certainly should be Congress' problem today.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material placed in the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I encourage a "no" vote on the previous question, and I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I really don't want to do this, because I don't understand this previous question on a bill of this importance, but I do need to say, just for the record, that Speaker PELOSI has brought to the floor three times bills to lower gas prices; to crack down on price gouging, on holding OPEC accountable, and repealing the subsidies for profit-rich Big Oil. Every time, almost unanimously, the Republicans in this House voted against it. She has called to stop filling the Strategic Petroleum Reserve, and she has asked for a study on price gouging.

Give us some help, for heaven's sake, so we can get this done. In the previous 7 years there was nothing here at all, except more and more subsidies to Big Oil.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1156

OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, insert the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the Senate amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such

amendments are waived except those arising under clause 9 of rule XXI.

SEC. 4. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: "A bill to provide a common sense plan to help bring down skyrocketing gas prices." Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause 1 of rule X.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy impli-

cations. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and to insert extraneous material on H.R. 493.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENETIC INFORMATION
NONDISCRIMINATION ACT OF 2008

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to House Resolution 1156, I call up the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, with a Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Genetic Information Nondiscrimination Act of 2008".

(b) *TABLE OF CONTENTS*.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—GENETIC NONDISCRIMINATION
IN HEALTH INSURANCE

Sec. 101. Amendments to Employee Retirement Income Security Act of 1974.

Sec. 102. Amendments to the Public Health Service Act.

Sec. 103. Amendments to the Internal Revenue Code of 1986.

Sec. 104. Amendments to title XVIII of the Social Security Act relating to medigap.

Sec. 105. Privacy and confidentiality.

Sec. 106. Assuring coordination.

TITLE II—PROHIBITING EMPLOYMENT
DISCRIMINATION ON THE BASIS OF
GENETIC INFORMATION

Sec. 201. Definitions.

Sec. 202. Employer practices.

Sec. 203. Employment agency practices.

Sec. 204. Labor organization practices.

Sec. 205. Training programs.

Sec. 206. Confidentiality of genetic information.

Sec. 207. Remedies and enforcement.

Sec. 208. Disparate impact.

Sec. 209. Construction.

Sec. 210. Medical information that is not genetic information.

Sec. 211. Regulations.

Sec. 212. Authorization of appropriations.

Sec. 213. Effective date.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Severability.

Sec. 302. Child labor protections.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Deciphering the sequence of the human genome and other advances in genetics open major new opportunities for medical progress. New knowledge about the genetic basis of illness will allow for earlier detection of illnesses, often before symptoms have begun. Genetic testing can allow individuals to take steps to reduce the likelihood that they will contract a particular disorder. New knowledge about genetics may allow for the development of better therapies that are more effective against disease or have fewer side effects than current treatments. These advances give rise to the potential misuse of genetic information to discriminate in health insurance and employment.

(2) The early science of genetics became the basis of State laws that provided for the sterilization of persons having presumed genetic "defects" such as mental retardation, mental disease, epilepsy, blindness, and hearing loss, among other conditions. The first sterilization law was enacted in the State of Indiana in 1907. By 1981, a majority of States adopted sterilization laws to "correct" apparent genetic traits or tendencies. Many of these State laws have since been repealed, and many have been modified to include essential constitutional requirements of due process and equal protection. However, the current explosion in the science of genetics, and the history of sterilization laws by the States based on early genetic science, compels Congressional action in this area.

(3) Although genes are facially neutral markers, many genetic conditions and disorders are associated with particular racial and ethnic groups and gender. Because some genetic traits are most prevalent in particular groups, members of a particular group may be stigmatized or discriminated against as a result of that genetic information. This form of discrimination was evident in the 1970s, which saw the advent of programs to screen and identify carriers of sickle cell anemia, a disease which afflicts African-Americans. Once again, State legislatures began to enact discriminatory laws in the area, and in the early 1970s began mandating genetic screening of all African Americans for sickle cell anemia, leading to discrimination and unnecessary fear. To alleviate some of this stigma, Congress in 1972 passed the National Sickle Cell Anemia Control Act, which withholds Federal funding from States unless sickle cell testing is voluntary.

(4) Congress has been informed of examples of genetic discrimination in the workplace. These include the use of pre-employment genetic screening at Lawrence Berkeley Laboratory, which led to a court decision in favor of the employees in that case *Norman-Bloodsaw v. Lawrence Berkeley Laboratory* (135 F.3d 1260, 1269 (9th Cir. 1998)). Congress clearly has a compelling public interest in relieving the fear of discrimination and in prohibiting its actual practice in employment and health insurance.

(5) Federal law addressing genetic discrimination in health insurance and employment is incomplete in both the scope and depth of its protections. Moreover, while many States have enacted some type of genetic non-discrimination