Congress of the United States
Washington, DC 20515

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December 2, 2009

The Honorable Timothy F. Geithner
Secretary of Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

The Honorable Kathleen Sebelius
Secretary of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

The Honorable Hilda Solis
Secretary of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Secretaries Geithner, Sebelius and Solis:

We congratulate you on the issuance of the interim final rule implementing Sections 101-103 of the Genetic Information Nondiscrimination Act (GINA) and strongly support its taking effect on December 7, 2009.

The interim final rule will provide strong protections for individuals against health insurance discrimination on the basis of their genetic information, and for this reason we oppose any delay or moratorium to its implementation. The regulations are unequivocally an accurate reflection of the law passed and of the intent of Congress. Furthermore, we believe employee wellness plans can be successful without the collection of family history or other genetic information.

The law was written to allow employees and enrollees the right to keep their genetic information private and to ensure that those who did so were not penalized. It also states that genetic information may not be used for underwriting purposes. The law further clarifies that genetic information may not be used to determine eligibility for enrollment or benefits, or to set premiums or other contribution amounts. Participation in a wellness plan which requests genetic information must be voluntary, and, to protect against coercion, it does not allow for the provision of any benefits and rewards to be contingent on enrollees revealing their genetic information.

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It took 13 years for Congress to pass GINA, passing the Senate unanimously and the House by an overwhelming vote of 414-1. It has been 18 months since the legislation was signed into law by President Bush and we strongly support the implementation of the interim final rule to protect against genetic discrimination.

Sincerely,

Louise M. Slaughter
Chairwoman, Rules Committee

Henry A. Waxman
Chairman, Energy and Commerce Committee

George Miller
Chairman, Education and Labor Committee

Charles B. Rangel
Chairman, Ways and Means Committee

Frank Pallone Jr.
Chairman, Subcommittee on Health
Energy and Commerce Committee

Peter Stark
Chairman, Subcommittee on Health
Ways and Means Committee

John D. Dingell
Chairman Emeritus,
Energy and Commerce Committee

Rosa L. DeLauro
Member of Congress

Judy Biggert
Member of Congress

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