



## Federal Legislative Update

January 20, 2009

The 111<sup>th</sup> US Congress began on January 6, 2009 and a top priority for this new Congress is to pass legislation to provide health care for the millions of uninsured children in the United States. In the House of Representatives, H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009, has been introduced by Rep. Frank Pallone Jr. (D-06, NJ). Similar legislation that does not yet have a bill number is being worked on in the Senate. These bills would reauthorize and expand the State Children's Health Insurance Program (SCHIP) to provide additional health care coverage for children. This expanded health care coverage would be paid for by an increase in the federal tobacco excise tax. Below is a federal update on this legislation that includes a summary of the bills, background information on SCHIP, a status update and next steps.

### Bill Summary

There are some differences between the House and Senate versions of this bill but the major provisions are similar. Both H.R. 2 and the Senate bill would reauthorize SCHIP through fiscal year 2013, revise certain eligibility requirements for the program and provide increased funding for this program. This increase in funding would be paid for by an increase in the federal excise tax on tobacco products. For cigarettes, there would be a 61-cent tax increase per pack, bringing the total federal tax rate to one dollar/pack. For other tobacco products, such as cigars and smokeless tobacco products, there would also be a tax increase. It is estimated that this increased funding would provide health care coverage for an additional four million children. The full text of H.R. 2 is available at <http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.2:>

### Background on SCHIP

SCHIP was originally authorized in 1997 and provides funding to states to provide health insurance for children that are ineligible for Medicaid but meet other eligibility requirements established by each state. Each state enacts their own version of the SCHIP program and is required to contribute matching funds. In California, the program is known as Healthy Families.

In 2007, both the House and the Senate passed legislation, H.R. 976, to reauthorize SCHIP at an increased funding level with that additional funding provided by an increase in the federal tobacco excise tax. However, this legislation was twice vetoed by President Bush. Congress was unable to override his veto and ended up passing compromise legislation that extended the program without increasing funding or increasing tobacco taxes. This legislation reauthorized SCHIP through March 31, 2009.

### Status Update

On January 14, the House passed H.R. 2 by a vote of 289-139. On January 15, the Senate Finance Committee passed the Senate version of the legislation by a vote of 12-7.

The vote details for all the California Members of the House of Representatives are listed below. Complete vote information for the entire House can be found at <http://clerk.house.gov/evs/2009/roll016.xml>.

*California Members Voting For the Bill* – Joe Baca (D-43), Xavier Becerra (D-31), Howard Berman (D-28), Mary Bono Mack (R-45), Lois Capps (D-23), Dennis Cardoza (D-18), Jim Costa (D-20), Susan Davis (D-53), Anna Eshoo (D-14), Sam Farr (D-17), Bob Filner (D-51), Jane Harman (D-36), Mike Honda (D-15), Barbara Lee (D-09), Zoe Lofgren (D-16), Doris Matsui (D-05), Jerry McNerney (D-11), George Miller (D-07), Grace Napolitano (D-38), Nancy Pelosi (D-08), Laura Richardson (D-37), Lucille Roybal-Allard (D-34), Linda Sanchez (D-39), Loretta

Sanchez (D-47), Adam Schiff (D-29), Jackie Speier (D-12), Pete Stark (D-13), Ellen Tauscher (D-10), Mike Thompson (D-01), Maxine Waters (D-35), Diane Watson (D-33), Henry Waxman (D-30), Lynn Woolsey (D-06)

*California Members Voting Against the Bill* – Brian Bilbray (R-50), Ken Calvert (R-44), John Campbell (R-48), David Dreier (R-26), Elton Gallegly (R-24), Wally Herger (R-02), Duncan D. Hunter (R-52), Darrell Issa (R-49), Jerry Lewis (R-41), Dan Lungren (R-03), Kevin McCarthy (R-22), Tom McClintock (R-04), Buck McKeon (R-25), Gary Miller (R-42), Devin Nunes (R-21), George Radanovich (R-19), Dana Rohrabacher (R-46), Ed Royce (R-40)

*California Members Not Voting* – Brad Sherman (D-27), Hilda Solis (D-32)

### **Next Steps**

This Senate version of the bill will next be sent to the Senate floor for a vote by the full Senate. A vote on this bill has not been scheduled yet but the Senate Finance Committee indicated that the Senate would likely debate and vote on this bill this month. Should this bill pass the Senate it would be sent to the House since the bill will be different than the version passed by the House. The Senate and the House will then need to reconcile these differences and pass an identical version of the bill. After that occurs, it would then be sent to the President who could sign or veto the legislation. President Obama voted for similar legislation in 2007 while he was a Senator and has said he will sign the bill.

***Center for Tobacco Policy & Organizing, January 20, 2009***

*If you have questions about this analysis, please contact Justin Garrett, at ([jgarrett@alac.org](mailto:jgarrett@alac.org)) or Paul Knepprath ([pknepprath@alac.org](mailto:pknepprath@alac.org)) at (916) 554-5864 (LUNG).*

*Sources: Copies of the legislation outlined above and vote information may be obtained at <http://thomas.loc.gov>.*

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