

McKeon Pomeroy Smith (TX)
 McKinney Porter Smith (WA)
 McMorris Price (GA)
 McNulty Price (NC)
 Meehan Pryce (OH)
 Meek (FL) Putnam
 Meeks (NY) Radanovich
 Melancon Rahall
 Menendez Ramstad
 Mica Rangel
 Michaud Regula
 Millender- Rehberg
 McDonald Reichert
 Miller (FL) Renzi
 Miller (MI) Reyes
 Miller (NC) Reynolds
 Miller, Gary Rogers (AL)
 Miller, George Rogers (KY)
 Mollohan Rogers (MI)
 Moore (KS) Rohrabacher
 Moore (WI) Ros-Lehtinen
 Moran (KS) Ross
 Moran (VA) Rothman
 Musgrave Roybal-Allard
 Myrick Royce
 Nadler Ruppertsberger
 Napolitano Rush
 Neal (MA) Ryan (OH)
 Neugebauer Ryan (WI)
 Ney Ryan (KS)
 Northrup Sabo
 Norwood Salazar
 Nunes Sanchez, Linda
 Nussle T.
 Oberstar Sanchez, Loretta
 Obey Sanders
 Olver Saxton
 Ortiz Schakowsky
 Osborne Schiff
 Otter Schwartz (PA)
 Owens Schwarz (MI)
 Oxley Scott (GA)
 Pallone Scott (VA)
 Pascrell Sensenbrenner
 Pastor Serrano
 Paul Sessions
 Payne Shadegg
 Pearce Shaw
 Pelosi Shays
 Pence Sherman
 Peterson (MN) Sherwood
 Peterson (PA) Shimkus
 Petri Shuster
 Pickering Simmons
 Pitts Simpson
 Platts Skelton
 Poe Slaughter
 Pombo Smith (NJ)

CONDEMNING TERRORIST AT-TACKS IN SHARM EL-SHEIKH, EGYPT, ON JULY 23, 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 384.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 384, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 0, not voting 5, as follows:

[Roll No. 439]

YEAS—428

Abercrombie Clay
 Ackerman Cleaver
 Aderholt Clyburn
 Akin Coble
 Alexander Cole (OK)
 Allen Conaway
 Andrews Conyers
 Baca Cooper
 Bachus Costa
 Baird Costello
 Baker Cox
 Baldwin Cramer
 Barrett (SC) Crenshaw
 Barrow Crowley
 Bartlett (MD) Cubin
 Barton (TX) Cuellar
 Bass Culberson
 Bean Cunningham
 Beauprez Davis (AL)
 Becerra Davis (CA)
 Berkeley Davis (FL)
 Berman Davis (IL)
 Berry Davis (KY)
 Biggart Davis (TN)
 Bilirakis Davis, Jo Ann
 Bishop (GA) Davis, Tom
 Bishop (NY) Deal (GA)
 Bishop (UT) DeFazio
 Blackburn DeGette
 Blumenauer Delahunt
 Blunt DeLauro
 Boehlert DeLay
 Boehner Dent
 Bonilla Diaz-Balart, L.
 Bonner Diaz-Balart, M.
 Bono Dicks
 Boozman Dingell
 Boren Doggett
 Boswell Doolittle
 Boucher Doyle
 Boustany Drake
 Boyd Dreier
 Bradley (NH) Duncan
 Brady (TX) Edwards
 Brown (OH) Ehlers
 Brown (SC) Emanuel
 Brown, Corrine Emerson
 Brown-Waite, Engel
 Ginny English (PA)
 Burgess Eshoo
 Burton (IN) Etheridge
 Butterfield Evans
 Buyer Everett
 Calvert Farr
 Camp Fattah
 Cannon Feeney
 Cantor Ferguson
 Capito Filner
 Capps Fitzpatrick (PA)
 Capuano Flake
 Cardin Foley
 Cardoza Forbes
 Carnahan Ford
 Carson Fortenberry
 Carter Fossella
 Case Foxx
 Castle Frank (MA)
 Chabot Franks (AZ)
 Chandler Frelinghuysen
 Chocola Gallegly

King (IA) Napolitano
 King (NY) Neal (MA)
 Kingston Neugebauer
 Kirk Ney
 Kline Northrup
 Knollenberg Norwood
 Kolbe Nunes
 Kucinich Nussle
 Kuhl (NY) Oberstar
 LaHood Obey
 Langevin Olver
 Lantos Ortiz
 Larsen (WA) Osborne
 Larson (CT) Otter
 Latham Owens
 LaTourette Oxley
 Leach Pallone
 Lee Pascrell
 Levin Pastor
 Lewis (CA) Paul
 Lewis (GA) Payne
 Lewis (KY) Pearce
 Linder Pelosi
 Lipinski Pence
 LoBiondo Peterson (MN)
 Lofgren, Zoe Peterson (PA)
 Lowey Petri
 Lucas Pickering
 Lungren, Daniel Pitts
 E. Platts
 Lynch Poe
 Mack Pombo
 Maloney Pomeroy
 Manzullo Porter
 Marchant Price (GA)
 Markey Price (NC)
 Marshall Pryce (OH)
 Matheson Putnam
 Matsui Radanovich
 McCarthy Rahall
 McCaul (TX) Ramstad
 McCollum (MN) Rangel
 McCotter Regula
 McCrery Rehberg
 McDermott Reichert
 McGovern Renzi
 McHenry Reyes
 McHugh Reynolds
 McIntyre Rogers (AL)
 McKeon Rogers (KY)
 McKinney Rogers (MI)
 McMorris Rohrabacher
 McNulty Ros-Lehtinen
 Meehan Ross
 Meek (FL) Rothman
 Meeks (NY) Roybal-Allard
 Melancon Royce
 Menendez Ruppertsberger
 Mica Rush
 Michaud Ryan (OH)
 Millender- Ryan (WI)
 McDonald Ryan (KS)
 Miller (FL) Sabo
 Miller (MI) Salazar
 Miller (NC) Sanchez, Linda
 Miller, Gary T.
 Mollohan Sanchez, Loretta
 Moore (KS) Sanders
 Moore (WI) Saxton
 Moran (KS) Schakowsky
 Moran (VA) Schiff
 Musgrave Schwartz (PA)
 Myrick Schwarz (MI)
 Nadler Scott (GA)
 Scott (VA) Young (FL)

NOT VOTING—7
 Brady (PA) Jenkins Tiahrt
 Cox Murphy
 Cummings Murtha

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1655

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
 Mr. TIAHRT. Mr. Speaker, on rollcall No. 438 I was inadvertently detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, on rollcall Nos. 436, 437 and 438 I was in a room in the Longworth building and the bell did not ring. I was unaware of votes occurring. Had I been present, I would have voted "nay" on rollcall No. 436 and "yea" on rollcall Nos. 437 and 438.

NOT VOTING—5
 Brady (PA) Jefferson
 Cummings Murphy

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1705

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Speaker, on the vote on H.R. 3283, I was in the Intelligence Committee when the vote was cast. Had I been present, I would have voted "no."

PROVIDING FOR CONSIDERATION OF H.R. 5, HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 385 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 385

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate on the bill equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 5 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 385 is a closed rule that provides 2 hours of debate in the House, equally divided and controlled by the majority leader and the minority leader or their designees. It waives all points of order against consideration of the bill, provides that notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker, and it provides one motion to recommit.

Mr. Speaker, I rise today as the proud sponsor of H.R. 5, the Help Efficient, Accessible, Low Cost, Timely Health Care Act of 2005, or the Health Act, and to speak on behalf of both the rule and the underlying bill.

First, I would like to thank both the gentleman from Wisconsin (Mr. SENBRENNER), the chairman of the Judiciary Committee, and the gentleman from Texas (Mr. BARTON), the chairman of the Energy and Commerce Committee, for their work on this issue, as this is not the first time the House of

Representatives has considered this measure.

Mr. Speaker, H.R. 5 is a good bill that has passed this House in the 108th Congress with bipartisan support. Therefore this bill and its substance have been thoroughly debated both on this floor and in committee in the previous two Congresses.

As the sponsor of H.R. 5, I am very excited about the opportunity that we have today to strengthen our health care system for the sake of every household's health and every household's pocketbook.

Mr. Speaker, H.R. 5 is without question one of the best opportunities this Congress has to address the health care crisis we face today. There is no doubt among the American people, and there should be no doubt among Members of this Congress, that we need fundamental reforms to strengthen access to health care and to control the burgeoning cost of health care.

Having practiced for almost 30 years as an OB/GYN physician, I have not forgotten the experiences and the lessons that I learned on the front lines of medicine. I came to this Congress not only with a background in health care, but also with an important charge to do all that I could to make our health care system better.

And, Mr. Speaker, I can tell you in no uncertain terms, we have a problem. We are losing too many good doctors because of the skyrocketing costs of medical liability insurance and the threat of frivolous lawsuits.

These costs have been driven up by frivolous lawsuits and runaway awards that are more about someone's ship coming in, and I do not mean the injured plaintiffs, than the provision of justice for those who are injured.

In fact, the Department of Health and Human Services reports: "The litigation system is threatening health care quality for all Americans as well as raising the cost of health care for all Americans."

While I am no economist, it does not take a financial expert to know that with fewer and fewer practicing doctors and an ever-growing number of patients, the price of health care will inevitably go up and skyrocket out of the reach of the average consumer.

These increasing costs not only create a significant burden on the American people, but also increasingly aggravate the current strain on the Federal budget resulting in bigger and bigger deficits.

Therefore, Mr. Speaker, I, along with the gentleman from Texas (Mr. SMITH), introduced H.R. 5 as a simple, straightforward solution to reform and strengthen our civil justice system as it pertains to medical liability.

Mr. Speaker, I am thankful for the other 55 Members who have joined with us to cosponsor this bill. Mr. Speaker, the HEALTH Act will not, let me repeat, it will not limit economic awards such as medical bills and lost wages.

So if, as an example, a plaintiff has \$10 million in economic damages, they

can still collect \$10 million for their economic damages. Again, there is no limit to the economic awards. H.R. 5 would, however, limit noneconomic awards to \$250,000.

Additionally, punitive damages, if assessed, would be limited to \$250,000 or twice the amount of economic loss suffered, whichever of the two is greater.

And, again, Mr. Speaker, as an example, if the economic damages were \$5 million, and there were cause to impose punitive damages because of someone's deliberate action, deliberately harmed a patient, then the punitive damages could be \$10 million in addition to the \$5 million in economic, while the noneconomic would still be limited to \$250,000.

The HEALTH Act will also make liability more equitable. If one or more parties is a defendant and ordered to pay damages, then each party pays damages proportional to their fault in the case as determined by the trier of fact, the jury.

Mr. Speaker, no one should have to take the blame and pay damages for the negligence of another defendant, as under current law. That is not justice and this bill will make sure that this inequity is eliminated.

Now, I realize that there are some who have tried to cloud the issue here, and they will certainly oppose this bill. And while I am not questioning anybody's motives, I have to insist that each and everyone of us ask ourselves, Where do my loyalties lie? Do they lie with the American people and their best interests, or do they lie with those special interest trial lawyers?

Some, some, seek to game our judicial system for big bucks, of which their clients, the actual victims, see very little.

□ 1715

For this reason, H.R. 5 includes a provision that will limit the contingency fees of lawyers and health care lawsuits on a sliding-scale basis. This provision will ensure that victims actually receive fair compensation for their damages and they are not bilked and taken advantage by certain greedy trial lawyers.

I cannot stress enough the importance of this bill, Mr. Speaker. Too many of our States are now in a condition of medical liability crisis. My home State of Georgia is one of those States in crisis. And while our legislature, along with Governor Sonny Perdue, has passed meaningful medical liability reform in this past session, there is still much work to be done to undo the damage inflicted on Georgia's health care system. Specifically, according to the Alliance of Specialty Medicine, over the past 3 years, 15 of Georgia's 20 active insurance companies have stopped issuing medical malpractice policies for doctors. This fact flies in the face of the argument from the other side that suggests that greedy insurers are just overcharging doctors for their insurance coverage.