

Ms. WATSON. Mr. Speaker, the President is opening the doors of the White House to host a bipartisan effort on health care reform, and the reason is for hope and optimism. Some think it's the other way around.

It's been a long and tough process, but we always knew that tackling this problem wouldn't be easy. Remember, this has been tried many times over the course of many years. This is the furthest we have reached. Everyone has to have an open mind for this summit. We have to leave divisive partisanship behind. The need is too great. It transcends day-to-day politicking.

Everyone believes we need reform. Everyone recognizes the problems in health care. They are too great to ignore.

Postponing, putting this off, holding it over is just tactics to destroy what we have come forth with. Join us, please, and let's see that we can insure all Americans.

HONORING THE LIFE OF U.S. MARINE SERGEANT JEREMY MCQUEARY

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, on Thursday, February 18, 2010, Indiana lost one of its brave sons. Marine Sergeant Jeremy McQueary was killed in the Helmand Province, Afghanistan, by an IED while on foot patrol supporting Operation Enduring Freedom. Sergeant McQueary, a Columbus, Indiana, native, had survived two prior IED attacks while in Afghanistan.

Jeremy, a model Hoosier, enjoyed fishing, four wheeling and giving back to his community by mentoring troubled high school students. He married his high school sweetheart, Rae, and together they had a baby boy, Hadley. He was only a month old when Jeremy shipped out for his third tour, this time to Afghanistan, having already served two previous tours in Iraq.

Eager to join the Marine Corps, Jeremy graduated from high school early and enlisted in 2002. Jeremy's passion for the Corps was so strong that he completed basic training on a broken foot, informing his superiors of his injury only after he had finished basic training. This level of commitment shown by Jeremy to the Corps and our country is an example to us all.

Jeremy McQueary was a devoted father and family man who paid the ultimate sacrifice serving his country. I mourn the loss of Jeremy. I want to thank Jeremy and his family for his service to our country. He and his loved ones are in my prayers.

HIRING ACT

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, America needs jobs, and we need them now. My constituents tell me they want Congress to quit the bickering and partisan posturing and get to working on fixing the economy. Wall Street may be doing well enough for the bankers to reward themselves with big bonuses, but folks on Main Street and on country roads are hurting.

North Carolina's unemployment rate hit its high for 2009 in December, an incredible 11.2 percent. Our top priorities must be: jobs, jobs, jobs. My HIRING Act will provide the incentive for companies to put people to work today, giving employers up to \$7,500 per new worker they hire.

Congress needs to take action on this bill today and put people to work. Passing the HIRING Act would be like CPR for our economy, and I hope my colleagues will join me in supporting that legislation.

RECOGNIZING THE MAPS AIR MUSEUM

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Mr. Speaker, I rise today in recognition of the Military Aviation Preservation Society Air Museum, located in my congressional district at the Akron-Canton Airport. I recently visited this nonprofit museum devoted to preserving our Nation's rich aviation history and the great volunteers who make that museum a reality.

When the Wright Brothers first built their airplane in Ohio, it was an example of American innovation. When U.S. Airborne divisions cleared the way for the Normandy invasion, it was an example of American leadership.

When the Air National Guard recently dispatched to Haiti to help the relief effort, it was an example of American charity. The MAPS Air Museum captures the unique connection between aviation history and our American culture. Our spirit to persevere and succeed parallels our innovative spirit and desire to be leaders in the world and in aviation.

I commend the MAPS Air Museum for its continued inspiration and its dedication to aviation history and the American spirit. Thank you to the soldiers, sailors and airmen who volunteer there every day to keep our history alive.

PROVIDING FOR CONSIDERATION OF H.R. 4626, HEALTH INSURANCE INDUSTRY FAIR COMPETITION ACT

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1098 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1098

Resolved, That upon the adoption of this resolution it shall be in order to consider in

the House the bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. DRIEHAUS). The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I am pleased to yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. FOXX. All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, like all of my colleagues, I have spent a lot of time talking with people in my district about health care and what is happening to them. They were in no way prepared for the influx of incredible rate increases that seemed to come out of nowhere and fall like rain upon them, to the extent that most of them really are not sure they can even stay insured.

Invariably, the conversation turns to health premium increases. I hear about insurers that deny coverage. I heard from a father who had just had a child who was born with a condition that would make him uninsurable for the rest of his life. I listened to someone tell me that her husband's new insurance policy won't cover her because she has preexisting conditions or simply because it doesn't cover her.

But now this Congress is on the brink of some commonsense changes to the health insurance industry that will help to level the playing field a bit between ordinary Americans and the giant corporations that exert such power over our day-to-day lives.

□ 1045

And I say "our" because I personally am caught in the same trap as most of my constituents. I don't have any kind of special coverage because I'm a Member of Congress. I have always been on my husband's policy at home from Eastman Kodak that has covered us since he retired, but it no longer will cover spouses. We are halfway through dropping spouses, and all the benefits that we got as spouses were taken away about 4 years ago. So it's not the worst plan, but it's not the best either.

Under the health care bill endorsed by House Democrats, the insurance companies will no longer be able to deny insurance coverage based on pre-existing conditions or just premiums based on gender, which they do—you may not know that single women are charged 48 percent more for health insurance—or for their occupation.

They wouldn't be able to drop coverage if you get sick. I was talking to a man just this morning who talked about all the money he had paid into health insurance, and when he made his first claim at the age of 30, they decided already he was going to be trouble and denied his claim. They cannot anymore tell you that it costs too much to take care of your child. Insurance companies would have to publicize their rates and no longer can charge older Americans twice as much as the younger ones.

For my money, though, there is one part of our reform package that is simple to explain, easy to justify, and 60 years overdue, and that part is to repeal the antitrust exemption given to the health insurance industry in 1945 by Congress. That is why we are here today. There is no reason any industry in the United States, including baseball, which was exempt as well, should be exempt from the one consumer protection the Federal Government gives everybody against chicanery, collusion, and rate setting.

Even though the broader effort to pass the final health care bill is underway, we have an opportunity today to make a simple, straightforward statement about how we think health insurance should operate in this country. By repealing this unjustifiable exemption, we will enable—this is very important. People do not understand that during the last 60 years the Justice Department has not been able to enforce anything against them because they were exempt. This will enable the Justice Department to begin aggressively enforcing the laws that protect the consumers against the cartel of health insurance who wield such outsized influence in the health care industry.

As it stands now, the insurance industry is allowed to fix prices and engage in other anticompetitive behavior. Because these companies are allowed to pool and share data and to jointly establish premiums and types of coverage, there is very little prospect for an average family to price shop. It is almost too tempting for big insurers not to cheat a little bit. Moreover, regulating the insurance industry is left up to individual States—most of them will tell you that they really are not up to it—which often suffer from a lack of resources to effectively crack down on abuses.

Each of the 50 States and the District of Columbia has its own regulatory framework, traditions, and intentions, which leads to a spotty patchwork of enforcement. In fact, according to a report from the Center for American Progress, there has been only ex-

tremely limited and sporadic State enforcement by State insurance commissioners throughout the 60 years. In the void, insurance companies have been free to engage in anticompetitive and anticonsumer behavior, resulting, as we said just recently, in some insurance premiums costing as much as 70 percent.

As a result, this exemption thwarts free market pricing and is impossible to defend today or at any other time. What we will be doing by removing this exemption is to tell the health insurance companies that they need to start behaving like every other industry. We tell them that colluding and conspiring to set prices at a certain level to harm consumers is not going to work in America anymore.

As I said, the history of this provision dates back to 1944, when some insurance companies went to court to challenge the notion that the Federal Government could enforce antitrust laws. Despite their best efforts, the Supreme Court ruled that the insurance business was subject to antitrust laws just like everybody else. Unhappy with that decision, the insurers effectively got Congress to invalidate the ruling of the top court. It was an amazing piece of legislation, Mr. Speaker. Both Houses, Senate and the House, passed legislation giving the insurance industry a 3-year transition period while they moved to be covered by what everybody else is covered by, antitrust. Both bills had passed, and when it came out of conference, the exemption was made permanent.

Over the years, opponents of McCarran-Ferguson—and I have been one of them for about 30—have been stymied. The last serious effort was led by Representative Jack Brooks in 1991, who tried and failed to change the law.

Last year, when we again started in a serious effort to change the law, the industry geared up for a big fight. We heard from the American Insurance Association and the American Academy of Actuaries, among others, who argued that changing this law would somehow cost consumers more money. Other interest groups claimed the provision was poorly written, too broad, or a solution in search of a problem.

Interestingly, some lobbyists have quietly begun to whisper that this provision will not have impact on their rates. They say it is too narrow in scope. Frankly, I would much have preferred to lift this exemption from the entire insurance industry instead of just health. But they are firmly opposed, make no doubt about that, and are lobbying to prevent it, which makes we wonder if they are sort of whistling past the graveyard.

Now, let's look back for a minute at the last major investigation of the health industry. Two years ago, the attorney general for the State of New York, Andrew Cuomo, investigated the collusion of health insurers. Those companies were using Ingenix, a billing data clearinghouse, to set rates even

though the company was owned by one of them. The evidence showed the insurers were conspiring together to artificially depress a level of reasonable and customary charges they would reimburse to health care providers, which shifted additional costs onto the policyholder. In the face of a threat from Cuomo, the clearinghouse agreed to disband, and the insurance companies paid a sizable sum to resolve the charges.

As recently as this week, there were fresh news reports out of California about abuses by a major insurer there. It is important to remember that many people assume that conspiring to set rates is illegal in our country. I assume most people believe that. Every high school student in America is taught about the Sherman Antitrust Act and the how the creation of the Federal Trade Commission came about to level the playing field. Part of the motivation was to make sure that small businesses, who make up the backbone of our economy and fuel small towns from coast to coast, would have a chance against the big corporate interests. These creative new entrepreneurs needed to have confidence they would not be frozen out of the market by the big boys. Sadly, that is exactly what happened. In many States and regions across the country, there are often just a couple of health insurance companies operating. In New York, two companies control half the market. Many States have it even worse, including our neighbor Vermont, where two companies have 90 percent of the market share.

Of course, some people will continue to insist that government should just stay out of this whole business. My colleagues on the other side often say no government is the best government and free market works best if there is no attempt to regulate it. But I would argue that any of that is far outweighed by the benefit we gain by having more competition, less concentration, and the assistance of a powerful watchdog.

I strongly encourage all of my colleagues to join me today in supporting the repeal of the McCarran-Ferguson Act.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. I thank the gentlewoman from New York for yielding time.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the beginning of the 110th Congress, the new majority came to power full of promises for a bipartisan working relationship and a landmark pledge to create the "most honest, most open, and most ethical Congress in history"; however, this rule and this bill are the antithesis of that statement.

The bill we consider today, H.R. 4626, the Health Insurance Industry Fair Competition Act, is not the language that passed the House Judiciary Committee in November of 2009 as H.R. 3596.

In fact, the bill we have before us today was not considered by any committee and was introduced only 2 days ago, on Monday, February 22, 2010.

It is hard to understand what is the sudden rush. Yesterday, the gentlewoman from New York said we have waited 60 years to get this bill; today, she says this is long overdue. But she doesn't point out that in all that period of time, the Democrats have been in charge of Congress except for 2 years in the fifties during the Eisenhower administration and the years 1995 to 2006. So why didn't they get it passed when they were in control before? Why have they been waiting 60 years to get it done?

The language in H.R. 4626 is substantially different from the bill the Judiciary Committee passed. That bill dealt with both health insurance and medical liability insurance, but medical liability insurance has since been stricken from the language. In addition, my colleague, Mr. LUNGREN from California, offered an amendment that was accepted with bipartisan support by the House Judiciary Committee during markup. That amendment was stricken from the language of the current bill that we see in H.R. 4626. During the Rules Committee debate yesterday, Mr. LUNGREN offered that same amendment; however, it was not made in order. Instead, we have yet another closed rule where Members are shut out from offering any amendments to a bill that did not see the proper vetting process. It is high time that we open this process up and that we hold the majority to their promise to make this an open Congress and allow amendments to be offered on the floor and fully debated.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that the gentlewoman from Maine (Ms. PINGREE) control the remainder of my time.

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

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the gentlewoman from Maine for yielding the time. I also want to salute the chairwoman of the Rules Committee, Ms. SLAUGHTER, who has been a champion for American families when it comes to standing up for their needs, especially in health care.

Mr. Speaker, I rise in strong support of H.R. 4626, the Health Insurance Industry Fair Competition Act, and the underlying rule. It is time for policymakers in Washington to determine whose side are they on; are they on the side of the health insurance companies or are they on the side of American families and small businesses?

I urge my colleagues to stand up for hardworking families across America and pass this Health Insurance Indus-

try Fair Competition Act today because the state of the current law is unfair. Health insurance companies currently enjoy an exemption from antitrust laws with no good justification. Meanwhile, American families are held hostage to rising health care costs and a nagging insecurity that even though they pay their premiums and they pay their copays, they could be canceled at any time, even when they get sick, or they're going to have to fight through the red tape to get the benefits they're entitled to.

Last year, the five largest health insurance companies made a record \$12.2 billion profit, a 56 percent jump, while dropping coverage for 2.7 million Americans. Health insurers appear to be cherry-picking who they will cover in order to make a huge profit.

In my home State of Florida, from 2000 to 2007, health care premiums for families rose on average by 72 percent; meanwhile, their paychecks only went up 20 percent during the same time. So our action in removing the antitrust exemption will spur fair prices and real competition.

Again, it's time to choose; whose side are you on? Who will we protect, American families or the health insurance companies? The answer is clear: No more favors to private insurance companies.

I urge a "yes" vote on the rule and on the underlying bill.

Ms. FOXX. Mr. Speaker, I now yield such time as he may consume to my distinguished colleague from California, the former attorney general of California, Mr. DANIEL E. LUNGREN.

□ 1100

Mr. DANIEL E. LUNGREN of California. I thank my colleague from North Carolina for the time.

Mr. Speaker, I might say this is an interesting point. I don't think I've ever been on the floor in 16 years and have faced this kind of a rule. It is a closed rule. I've been here before with closed rules, but the effect of the closed rule is to prohibit me from providing or from presenting my amendment. Now, that is not unusual. Usually, you come to the floor, and you present an amendment to try and amend the bill to change it from the way it was reported out of the committee that did the work on it. But in this case, I am being prohibited from offering an amendment to change the bill back to the way it was as reported out of the committee on a bipartisan basis.

For whatever reason, the majority on the Rules Committee decided that an amendment that was cited by the Democratic chairman of the Judiciary Committee, Mr. CONYERS, as an excellent clarifying amendment is not going to be here.

When one of the chief cosponsors of the bill, or coauthors of the bill, being presented on the floor today announced the bill last week, she said publicly that this was similar to the bill that was passed out of the Judiciary Com-

mittee with the bipartisan support of Congressman LUNGREN from California. So, naturally, I was interested to look at the bill that they were presenting to see how it was the same as the bill we presented. I found out that they'd left out my amendment which allowed for the sharing of historical data by insurers so that they might look at the experience evidence and utilize that in making their decisions with respect to how they conducted their business going forward.

I had been assured that my amendment was not necessary because committee staff on the Judiciary Committee had researched it. Nobody believed that the Justice Department of any administration going forward would find the compiling of historical data among the insurers to be non-competitive and violative of the antitrust laws. I was further assured that they did not believe that that would be the case with any of the attorneys general of the States.

Now, I had the privilege of serving as attorney general of my State for 8 years, being a member of the National Association of Attorneys General—an organization which does support legislation of this type—and of course, attorneys general of the various States have independent authority under their State laws to enforce antitrust laws, which I did during my 8 years. Sometimes we went beyond what the Federal Government did because we understood better the unique circumstances of our State.

I remember, one time, we were dealing with a merger between two large banks. They were national banks, and they had branches in the State of California. We were working in conjunction with the antitrust division of the Justice Department, and we were moving in the same direction, but I remember getting a phone call from one of the attorneys at the Justice Department in Washington, DC, who asked this question: Well, how close is San Jose to San Diego? About 400 miles, but they thought they were next to one another.

Why was that relevant? That would be relevant as to whether you had competition among the bank branches that were then going to be merged. Would that then give increased and illegal concentration of power in those areas?

The point I am making is that attorneys general of the States may know a little bit more about their States than attorneys working as hard as they can here in Washington, DC. So the idea that attorneys general are somehow impotent, from a legal standpoint, such that they cannot bring forward antitrust cases, is just not true.

At the same time, I voted for the bill coming out of committee because I thought it had, in fact, reached an appropriate balance. Interestingly enough, the gentlelady from New York, the chairperson of the Rules Committee, stated in her support for this rule and in support for the underlying bill that this is really a tribute to Jack

Brooks, who attempted to do this for years.

I was privileged to serve with Jack Brooks, an interesting Texan Member, someone who was the Chair of the Judiciary Committee for some time. When the bill in the Judiciary Committee was originally introduced this time around, the distinguished chairman of the committee, Mr. CONYERS, cited Jack Brooks, and said, This was the Jack Brooks bill. So I went back, and I looked at it. I found out that my amendment, or the language that I had then put in in amendment form, was in the Jack Brooks bill but not in the bill before us. So I brought it forward.

So you might say, if we are doing this in homage to Jack Brooks, you would do him further homage by allowing the language of his bill to be put into this bill, and that's all I ask for. It's all I ask for.

Now, the other part of the bill that came out of the Judiciary Committee, which is not in this bill, is to remove the antitrust exemption that currently exists for medical malpractice insurance providers, but somehow that has been taken out of this bill with no explanation whatsoever.

So we have cherry-picked from the bill that came out of the Judiciary Committee with bipartisan support, and yet we acclaim the bill as being, essentially, the bipartisan bill that came out of committee.

As I said before the Rules Committee yesterday, sometimes you just have to learn to take "yes" for an answer. I support the underlying bill. I support this effort. I am trying to make it better. It was accepted on a bipartisan basis. Yet, in the Rules Committee, there wasn't one, in my judgment, credible argument about why you wouldn't have it.

On the one hand, I've heard from the staff of the Judiciary Committee that it is not necessary because no single administration will have a Justice Department that finds this to be anti-competitive. On the other hand, I hear from the chairperson of the committee, Well, we don't want to give this power to the insurance companies. We want the Justice Department to investigate it. Well, if that's the case, you can't have your cake and you can't eat it, too. It's either one or the other.

If it is, as I was told, unnecessary, redundant because nobody looking at it will find this to be noncompetitive because it is essential information—and by the way, the absence of this information will not hurt the big guys as much as it will hurt the little guys. Why? Because if you are a large carrier, you have a far greater experience database than if you are a small carrier. You understand the market better in terms of information that is at your fingertips. If you are a smaller provider, you need the information to understand the universe that you might be attempting to present your product to.

So we have, on the one side, being told that no reasonable antitrust divi-

sion of any Justice Department of any administration will find this to be anti-competitive. Then you have the chairperson of the Rules Committee saying, No, no, we have to keep this in here because we want to make sure that the Justice Department will be able to determine whether or not it is.

So what does that give the market? What does it give the smaller insurers? It gives them uncertainty.

So the very thing that you are saying you want to do you are prohibiting from being accomplished by not allowing this amendment to be considered. This amendment, as I might say, was described by the chairman of the committee as an excellent clarifying amendment. We are therefore removing clarification, and we are replacing it with uncertainty.

Look, I can go down on the floor and bash the insurance companies as well as anybody here. Let's just knock them all around here. The point is we are making an adjustment in law, which is what is good for the people. So why not do it in an intelligent way, in a way that will actually assist in the marketplace and allow for greater competition? Outside studies have said, if, in fact, this information is not allowed to be collected together and shared among those in the industry, it might—they said "might"—might have the impact of harming the smaller insurance carriers.

So I don't know why you're doing this. I don't know if there is a political reason for it. I don't know if it's because I happen to be a Republican. I'll give it up. Any Democrat who wants to put his name on it can add his name to Jack Brooks' and present it on the floor. But this kind of silliness on this floor has got to stop. You ask for bipartisanship, and you throw it away. We have complete bipartisanship in the committee, and you ignore it.

As one member of the committee, a Republican member who voted with me in support of this bill on a bipartisan basis, said afterwards when he found out that that bill wasn't going to be presented on the floor, Why do we need committees and subcommittees? What are we holding hearings for? Why are we having the experts testify before us if, in fact, somehow in the—I don't know where it is. There are closed doors somewhere that decided that this bill was going to come out instead of the bill we worked on in committee and then give no good answer.

It's such a shame you don't have TV cameras in the Rules Committee. If people could have seen the argument yesterday, if the public could have understood what we were talking about, I mean they would have shaken their heads and said, Do the people's business. Please do the people's business. Don't get involved in partisanship.

Again, I would say I give up my name on this amendment. I will gladly dedicate it to Jack Brooks in his memory. I'm glad to give it to any Member of the Democratic side. Let's do the peo-

ple's business and get rid of this silliness of unstated partisanship, without any rationale, that undercuts the impact of the bill.

Once again, this is unique. I've spent 16 years in this place. This is the first time I've ever come to the floor and have been denied an amendment that would put back in something we voted on on a bipartisan basis in committee that has been removed at the direction of somebody, including the Rules Committee, so that we can't have the chance to work on the product that came out of a bipartisan effort in the committee.

Ms. PINGREE of Maine. Thank you to the gentleman from California (Mr. LUNGREN). I will not give you all of the answers I am sure you are looking for, and I feel confident that, when this bill is debated on the floor, there will be many more questions raised from the members of the committee who sat through this debate.

I can only say, as a member of the Rules Committee, I, too, sat there while this conversation was going on. I am not an expert in this particular area. I am very pleased, and I want to talk a little bit about how pleased I am that we are taking on this exemption of the insurance companies.

I did hear people say, and the reason that I voted the way I did yesterday, is that I heard that the Lungren safe harbor amendment was a loophole in the McCarran repeal. I heard that consumer groups had said that this was anti-consumer. A safe harbor isn't needed because the bill does not prohibit information sharing. On the other hand, putting in a safe harbor statute would automatically immunize the insurance companies, and it would not permit a case-by-case review of companies that go too far.

Honestly, I am not in a position to argue this amendment, but I know it will be discussed when the bill is discussed.

I want to go back to the original issue, because that is why I am standing here today.

Mr. Speaker, I am a proud cosponsor of H.R. 4626, the Health Insurance Industry Fair Competition Act.

I have seen firsthand how health insurance companies have used their exemption from antitrust regulation to profit off the backs of hardworking individuals and small business owners in my home State of Maine. If you want to buy an individual insurance policy in my State, it doesn't seem like you have much choice. Anthem Blue Cross Blue Shield of Maine became so big and swallowed up so much of the market that, at one point, nearly 8 out of 10 people buying an individual policy ended up with them as their insurance provider.

How did Anthem reward them? With skyrocketing rate increases that are impossible to keep up with.

In Maine, Anthem's rates have gone up 250 percent in the last decade—10 times the rate of inflation. Last year,

they asked for a 19 percent rate increase. People in Maine were shocked. Anthem, apparently, was just getting started. This year, Anthem is demanding a 23 percent increase in their rates.

Mr. Speaker, the only thing rising as fast as the premiums big insurance companies charge is their profit margin. Last year, profits for the five biggest insurance companies rose by 56 percent over the year before. I don't know about you, but I don't know anyone else in this economy who got a 56 percent rate increase last year or a raise.

Anthem has turned a deaf ear to the concerns of Mainers who are struggling to pay premiums. Last year, when they asked for a 19 percent increase, our insurance superintendent, Mila Kofman, denied the request, allowing them 11 percent instead, which seemed reasonable. So what did Anthem do? They immediately turned around and sued the State of Maine. As our attorney general, Janet Mill, said, "In this economy, it's hard to believe the greed of it."

Also last year, I learned that Anthem had suddenly and quietly changed a policy that allowed them to deny claims at our State's VA hospital. The VA staff caught the switch, but very quickly, the hospital was out \$500,000. You might ask yourself, How can a company get away with that? How can a company get away with denying claims for veterans and with demanding outrageous rate increases while pocketing record profits?

The answer is pretty simple. They don't have any real competition.

I say enough is enough, Mr. Speaker. Anthem clearly demonstrated that their monopoly on the individual insurance market in Maine leaves consumers with little choice but to either pay escalating premiums or to go without coverage. You will hear this more than once today, and we already did from the Chair. Unbelievably, health insurance companies and Major League Baseball are the only two entities exempt from antitrust laws, and it is high time we gave the insurance companies a little competition.

I know it's not what Anthem wants. It is why they have lobbied so hard against health care reform that would lower health care costs overall. It's what the American people want. The American people believe in fair play, a level playing field, and in free and open competition, not a system where one massive corporation can run roughshod over consumers.

We need to put families before insurance companies and people before profits. H.R. 4626 is an essential step in achieving meaningful health reform and in giving Americans choice. I urge my colleagues to join me in voting "yes" on this rule, this unamended rule, and "yes" on the underlying bill.

I reserve the balance of my time, Mr. Speaker.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the distin-

guished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. I thank my friend for yielding, and I want to congratulate her on her superb management of this as well as of other rules that she has brought to the floor.

□ 1115

I just don't get it, Mr. Speaker. My very good friend, my Rules Committee colleague, would not yield to the author of the Brooks-Conyers-Johnson-Lungren amendment, the bipartisan, agreed-to amendment out of the committee, because she said she wasn't an expert on this and didn't want to engage in a discussion with Mr. LUNGREN on the issue.

All we're asking is, let's not force you to have this discussion. Let's allow Members of this House to debate it. That's the only request that we were making.

Mr. Speaker, the American people get it. I've been on the Rules Committee for many years, and many of my colleagues on both sides of the aisle say, Don't talk about process, don't talk about the ins and outs of the Rules Committee. People's eyes glaze over when you start doing that.

But last June 24, that changed. It changed dramatically, when, at 3 o'clock in the morning, we were dealing with the cap-and-trade bill and a special rule was being reported out at that moment, and a 300-page amendment, still warm off the copying machine, was dropped in our laps as we sat there.

And what happened after that, Mr. Speaker? What happened was the mantra "Read the Bill" became a household term. People around the country, for the first time, began to focus on process and what has happened in this institution, and they were sick and tired of it.

The next day, our distinguished Republican leader, Mr. BOEHNER, proceeded to take his 1-minute that is granted to the Speaker, the majority leader and the minority leader, and he utilized much more than that 1 minute. Why? Because we had been presented this 300-page amendment in the middle of the night; no one had seen it; and he, fortunately, took time to go through that 300-page amendment.

Mr. Speaker, what we are having here today is a continuation of that. Mr. Lungren said he had a discussion with one of his committee colleagues. The bottom line that we're seeing here is, the committee process be damned. The committee process be damned is what has really come about. To me, it's a sad commentary, not for Republicans or Democrats, but for the American people.

I am happy to yield to my friend if she'd like me to yield.

Ms. PINGREE of Maine. Well, thank you very much. I didn't even have to ask and I appreciate your offering.

Mr. DREIER. When I saw you get to your feet, I suspected you might.

Ms. PINGREE of Maine. Thank you.

I knew you wanted to hear my very brief answer on this, and I just want to clarify. I appreciate your desire to discuss the process, and I hope you take as much time as you choose to do so. But I just want to clarify—

Mr. DREIER. Well, if I could reclaim my time, we would simply like a chance to offer the amendment, and my friend could vote against it, the bipartisan amendment that had, in fact, full unanimous consent from Democrats and Republicans, to make sure that small insurance companies will not have their future jeopardized. That's all we're asking for.

I am happy to further yield to my friend.

Ms. PINGREE of Maine. And I will just be brief. I want to have plenty of time for my colleagues who want to talk more about the substance of this issue. But I would say, I felt there was plenty of time for the process in the Rules Committee. There was a lively conversation with some of my colleagues and your colleagues, bipartisan, back and forth. But I disagreed. I did not think that we needed to change this exemption about data in the rule, in this particular amendment. I am happy to allow the Justice Department to have a decision about this later.

Mr. DREIER. If I could reclaim my time, Mr. Speaker.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. DREIER. I am happy to yield.

Mr. DANIEL E. LUNGREN of California. That's the most interesting thing. You did change it. You changed the bill from the bill that came out of committee. So don't tell me you didn't want it changed. You did change it. That's the whole point we're making.

The bill that we produced out of committee on a bipartisan basis that was called a clarifying amendment was taken out. So you're the folks that changed it. I didn't change it.

My God, is this 1984 doublespeak around this place?

I thank the gentleman for yielding.

Mr. DREIER. I thank my friend.

I think the point is very clear. We have the author of a bipartisan amendment who enjoyed the support of the committee chairman and others, which was focused on small insurance companies. Small insurance companies. The big guys aren't going to be affected by this, Mr. Speaker. The idea here is to ensure that we don't see an increase in premiums or, as Mr. Lungren said in testimony before the Rules Committee yesterday, potentially these small insurance companies going out of existence.

Now we heard Democrats and Republicans alike in the Rules Committee argue on behalf of the free market process, and we believe that we should do everything that we can to ensure that there is a wider range of competition, greater competition. And so what

is happening is that when this rule passes, it prevents an opportunity to have any chance to discuss this bipartisan amendment. It's a very, very sad day that we continue with a process that is so closed.

Last year, we set a record. For the first time in the 220-, almost 221-year history of the Republic, we went through a year without a single rule that allowed for an open debate. In fact, since my California colleague, Ms. PELOSI, has been Speaker of the House, we've gone through now a 3-year period. In that 3-year period of time, save the appropriations process, we have had a grand total of one bill considered under an open rule.

Again, this is not a partisan issue. This is to do with the American people having their voices heard in this institution. And so while we are supportive of the underlying legislation, this change is absolutely outrageous. I urge my colleagues to vote "no" on this rule so that we can bring back some kind of positive recognition of what the Framers of our Constitution wanted, and that is, a viable committee structure.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to address their remarks to the Chair.

Ms. PINGREE of Maine. Mr. Speaker, I do appreciate the clarification on the issue of a change.

I will just clarify my own remarks, that I agreed with the sentiment that came out in this final rule that we did not need to make this exemption for the data.

I would like to yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I rise in support of the Health Insurance Industry Fair Competition Act.

Mr. Speaker, I would like to thank Chairwoman SLAUGHTER for allowing me to speak today, along with Representative PINGREE.

Each month we hear of record profits for insurance companies and their CEOs, while we see health care costs rise for middle class families. One reason for this unjust discrepancy is the antitrust exemption status afforded to big insurance allowing them to create their own market and set their own prices.

A middle class family that has to choose between paying doctor bills and feeding their children is not a Democratic or Republican issue, and neither is extending quality care to those who do not have it.

I have 27 years of experience in the health care industry, and I can tell you there is no rational, legal, or moral reason to grant these companies this status. In Congress, our top priority should be job creation, and taking away insurance companies' legal trust status will improve our system in the right way by lowering insurance costs for small business owners, and encourage them to create quality jobs.

Health care reform is a matter of fiscal responsibility. Without it, our nation is on track to

spend 20 cents of every dollar we earn on health care. This current path is unsustainable and unacceptable.

Mr. Speaker, I would like to thank Representatives PERRIELLO and MARKEY for introducing the Health Insurance Industry Fair Competition Act. The bill is an important step toward creating jobs and strengthening our economy, and I urge support for the rule and for the underlying bill.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

The debate that we've been having on this rule has brought up issues that we have been bringing up this entire session. Two major questions: No. 1, where are the jobs?—we keep asking that question—and, No. 2, what is the other side afraid of?

As Mr. LUNGREN pointed out, the bill that passed the committee passed with a bipartisan vote. People were very happy with it. They were very happy with his amendment.

And yet somewhere between that committee and here, the bill was changed substantially. We assume it was changed in the Speaker's office. But we don't understand what our colleagues are afraid of. Why are they afraid of debating this amendment? They can't even allow debate on something that they don't want in a bill.

And yet that's what the American people want from us. They are sick and tired of things being done behind closed doors. They want to see us debating things. They know we're going to have disagreements occasionally on philosophy, and that's fine. That's what this country's about. But people should be able to see the debate, instead of one or two people in this House making all the decisions for the 435 Members of the House.

Let me say a word also about, again, the underlying bill that this rule is dealing with. The bill is not going to accomplish what our colleagues across the aisle are saying. They're saying it's going to bring down the cost of health insurance and add more competition to the marketplace. In fact, the bill will probably do just the opposite.

Let me say what the Congressional Budget Office said when they reviewed H.R. 3596. They said, the bill could "affect the costs of and premiums charged by private health insurance companies; whether premiums would increase or decrease as a result is difficult to determine, but in either case the magnitude of the effects is likely to be quite small. That effect is likely to be small because State laws already bar the activities that would be prohibited under Federal law if this bill was enacted."

However, with the new language in the underlying bill and no CBO score, there's no telling what the effect will be.

And the reason we don't have a CBO score is because the bill was introduced, as I said, 2 days ago and brought directly to the floor under a closed rule. This is a pattern of the ruling party here. And "ruling party" is real-

ly the appropriate term, because that's how they act; that's how the party acts, as a ruling party.

We see this same thing happening with the new health care proposal from President Obama. Here we have from him what's basically a 10-page proposal which melds elements of the House and Senate-passed health care bills, along with a few new provisions. But both of those bills were written behind closed doors, no committee involvement, or very little committee involvement; none in the Senate, some in the House; but basically the bills written in the Speaker's office and in the Majority Leader's office.

However, the White House hasn't revealed any legislative text, and no CBO score is available. We can't pass a proposal in here. We must have exact legislative language.

Let me mention again the CBO and its reaction to the proposal put forth by President Obama. An article in the Washington Times entitled CBO: Obama Health Bill Too Sketchy published yesterday states:

"The administration did not post the bill's text on the White House Web site, but outlined what the legislation would do. It said the measure would cost \$950 billion over 10 years." That's fine for the White House to say that, but we don't know that's what it's going to cost.

"The information wasn't enough for the nonpartisan Congressional Budget Office, the official keeper of budget costs, to even venture an estimate of the bill's price tag.

"Although the proposal reflects many elements that were included in the health care bills passed by the House and Senate last year, it modifies many of those elements and also includes new ones," CBO Director Douglas Elmendorf said in a blog post."

□ 1130

The CBO goes on, "Preparing a cost estimate requires very detailed specifications of numerous provisions. The materials that were released this morning do not provide sufficient detail on all of the provisions." So we don't have the information that we need in the Obama health care proposal either. This is the way this administration and this Democrat-controlled Congress is doing things.

I now would like to yield 3 minutes to my colleague from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I believe in enforcing our Nation's antitrust laws. And this bill has been improved since Judiciary Committee consideration. However, this legislation is still flawed, and in my opinion is meant to distract attention away from the fact that the majority is not working on the real issues

the American people want us to address. Americans want policies that will reduce premiums and increase the quality of health care services in the U.S. Unfortunately, it is questionable whether this bill will accomplish these goals.

I am also very disappointed in the rule for this bill, which was closed from the beginning, and blocks well-intentioned amendments offered by Republicans to make the bill better. Specifically, an amendment was offered by Representative DAN LUNGREN, a fellow member of the Judiciary Committee, to allow small health insurance companies to continue to be able to share historic loss data so that they can compete with big insurance companies. Under the text of the current bill, this type of sharing would be illegal, which would hinder new and smaller companies from entering the market, competing with the big guys, and offering lower premiums.

The shocking thing is that this amendment was actually adopted in the Judiciary Committee on a bipartisan basis. The provision was then stripped by the majority in this new bill. So stifling this amendment today represents the second time the majority has blocked Representative LUNGREN's amendment, which had bipartisan support, and which would have likely reduced health care premiums for citizens.

Instead of bringing flawed legislation to the floor, we should be working together to pass real reforms, like legislation to allow citizens to take their health insurance across State lines if they move, legislation to help those with preexisting conditions find affordable coverage, and legislation to curb frivolous lawsuits against doctors, which drive up health insurance premiums and provide increased costs due to defensive medicine.

The American medical liability system is broken. According to one study, 40 percent of claims are meritless: either no injury or no error occurred. Attorneys' fees and administrative costs amount to 54 percent of the compensation paid to plaintiffs. The study found that completely meritless claims, which are nonetheless successful approximately one in four times, account for nearly a quarter of total administrative costs.

Defensive medicine is widely practiced and costly. Skyrocketing medical liability insurance rates have distorted the practice of medicine. Costly but unnecessary tests have become routine, as doctors try to protect themselves from lawsuits. According to a 2008 survey conducted by the Massachusetts Medical Society, 83 percent of physicians reported that they practiced defensive medicine. Another study in Pennsylvania put the figure at 93 percent. While estimates vary, the Pacific Research Institute has put the cost of defensive medicine at \$124 billion. Others have arrived at even higher figures.

I urge my colleagues to oppose this rule.

We should be working to eliminate these hundreds of billions of dollars of waste from our medical system in order to drive down premiums to make health care more affordable. We should be working to help those with preexisting conditions get affordable coverage. Unfortunately, we are doing neither today. We can do better.

Mr. Speaker, while I may vote for this bill it could have been made better by an open rule and the allowance of the Lungren amendment. But this bill is hardly a cure all and there is so much more we could do if the majority would open up the health insurance process to good proposals that the American people support.

Ms. PINGREE of Maine. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentlelady for yielding.

Mr. Speaker, during this health care debate over the last 6 months, we have heard we should listen to our constituents. And you know, I did. I did 14 town halls in August, and they were attended by over 8,000 people. And there was one item of agreement between the extremes in the debate, between the folks representing the tea party and those representing single payer, and that was consensus that this industry, the health insurance industry, should not enjoy a special exemption under the law. They should not be able to collude to drive up prices, limit competition, price gouge consumers. They should play by the same rules as every other industry in America. And this archaic exemption from antitrust law passed in the 1940s should go to the dustbin of history. There was consensus on that.

Now come the Republicans, oh, wait a minute, we are not protecting the industry, we don't want to allow them to still have antitrust exemption, it is about the little guys. It is always about the little guys, isn't it? So let's give the little guys a loophole. And oops, wait a minute, the big guys can use the same loophole.

Now, the other thing I have heard is let's be bipartisan. Well, there is nothing much more bipartisan than the report of the Antitrust Modernization Commission from April 2007. This was a commission created by the Republican Congress when they controlled both the House and the Senate and the White House, with the members named by President George Bush and the Republican leadership of Congress. They came to the conclusion that this loophole that they are advocating here today should not exist.

I will quote briefly from the conclusions of the bipartisan Republican-created commission. They said, "A proposed exemption should be recognized as a decision to sacrifice competition—oops, I thought they were for competition—"and consumer welfare"—I thought they were for the consumers—"and should be allowed only if Congress determines that a substantial and significant countervailing societal value outweighs the presumption in favor of competition and the widespread benefits it provides."

They go on to address their arguments and they say there are those who will argue the small companies that need aggregate data and all this, they will need the safe harbor. They say, no, actually not. This again is the Republican-created commission. "Like all potentially beneficial competitor collaboration generally, however, such data sharing would be assessed by antitrust enforcers and the courts under a rule of reason analysis that would fully consider the potential procompetitive effects of such conduct and condemn it only if, on balance, it was anticompetitive. Insurance companies would bear no greater risk than companies in other industries engaged in data sharing and other collaborative undertakings. To the extent that insurance companies engage in anticompetitive collusion, however, they would then be appropriately subject to antitrust liability."

They want to give a safe harbor that is so big that the Justice Department could never review it. They are objecting to the fact that the Justice Department might look at, investigate, the activities surrounding data sharing and potential collusion by the industry that continues to price-gouge consumers and benefit unreasonably and profit unreasonably. They want to create that loophole. That loophole is unnecessary.

If you adopt that loophole, we might as well just not pretend that we care about consumers, consumer welfare, and that we are going to meaningfully address this industry playing by the same rules as every other industry. This industry should play by the same rules as all others, plain and simple. Americans get that. They are not happy with seeing their health insurance double every 10 years, or now it is more on a doubling rate of 3 to 5 years. They know that they are being taken to the cleaners. They know the industry is trying to cherry-pick. They know there is anticompetitive activity going on. It is time for that to change. No loopholes.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, for 65 years health insurance companies have enjoyed a special interest exemption from laws prohibiting price fixing, bid rigging, and carving up the insurance market. Consumers' health insurance premiums go up, while coverage gets worse and worse. In the past six years, health insurance premiums have increased at a rate four times the increase in the average American worker's wages.

Twenty-seven years ago, as a young Texas State Senator, I authored the Texas Free Enterprise and Antitrust Act. But one industry, one industry among all others, was exempted because of this Federal law. So no action could be taken against the anticompetitive practices of one industry,

the insurance industry. And we see the results. In the last decade, health insurance premiums in Texas have gone up over 100 percent.

Protecting consumers and fostering competition are American values. Families and small businesses will benefit when the health care industry has to compete like other industries. With this reform and a newly reinvigorated Department of Justice, which forgot about antitrust enforcement under the Bush administration, together we can now have the oversight that was overlooked for eight years under that administration.

Hopefully, President Obama will correct a major omission in the health care legislation that he proposed by including this vital reform—repeal of the antitrust loophole for the health insurance industry. It is time for competition. It is time for open markets. And it is time to block the closed-door collusion that Americans are paying for in higher and higher premiums by letting competition work.

Ms. FOXX. Mr. Speaker, I continue to reserve my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Speaker, members of the House, we have before us a very simple but extremely important proposal by our Republican colleagues to provide the insurance industry with the opportunity to continue to collude, to set prices, and to harm the consumers. Call it a safe harbor. It is indeed a very safe harbor to do what is illegal in every other portion of the American economy except for baseball.

So why should we approve what the Republicans want here? No good reason at all. Competition is necessary. A safe harbor is specifically designed to allow the insurance companies to continue to gather specific information that they then use to set prices and to collude and to harm the consumers as well as the providers.

There are two cases out there over the last decade in which the industry has clearly colluded and harmed providers, a case in New York and another case that was put against the insurance companies by the doctors. This proposed amendment by Congressman LUNGREN would harm both the providers as well as the consumers, and provide a safe harbor to do what is illegal in every other part of the American economy, that is to set prices. We ought not to do it. We ought to put this aside.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. GARAMENDI. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. Could I just ask my friend from California, isn't it true that if there was collusion utilizing this information, that would still be prosecutable under the amendment that I suggest because it is prosecutable at the present time under State action theory

and has been pursued by various States?

Mr. GARAMENDI. The proposed amendment opens the door for collusion. It gives the tools for collusion to the companies. We ought not do that. And there is no other part of the American economy that such collusion and such an open door and invitation to collusion is provided.

Ms. FOXX. I yield 30 seconds to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Well, I know we have had people on this floor who say they have no expertise but they say this amendment does certain things. I did spend 8 years as the Attorney General of California. We had the most active antitrust public law office in the country other than the U.S. Justice Department.

I might just say, this is the first time I have ever heard that Jack Brooks was presenting legislation on the floor of the House or in Judiciary that was to protect insurance companies or allow collusion. The language I used is taken from the Jack Brooks bill. The language I use is specifically the language that was adopted on a bipartisan basis and said by the chairman of the Judiciary Committee was an excellent clarifying amendment.

□ 1145

Ms. PINGREE of Maine. I yield 30 seconds to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. When my colleague from California was attorney general, I was insurance commissioner, and we had a grand fight over this very issue, the very issue of whether the State of California would allow the insurance companies to continue to use rating bureaus to get their price information and to continue to set prices in what could be a collusion. We put that aside. The regulations that I put into effect were adopted, and the end result was, when they could no longer use a rating bureau, which this proposal would allow, the prices began to drop in homeowners and auto insurance in California.

Ms. FOXX. Mr. Speaker, I yield 30 seconds to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. The fact of the matter is that under the law under this bill, the State action still applies, State action principles still apply. States can still do what they will, including what the gentleman talked about before. So this is a red herring.

This is so silly that you would take something that got bipartisan support, unless you're suddenly suggesting that the chairman of the Judiciary Committee has a secret plan to somehow allow the insurance companies to gouge people and that Jack Brooks had that secret plan. This is total nonsense, to bring a bill to the floor and take out an essential element from committee and then suggest, when you

want to put it back in committee for revision, you're trying to protect somebody.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. I thank the gentlewoman from Maine (Ms. PINGREE). I appreciate her courtesy in allowing me to speak.

Mr. Speaker, this is an important, important issue. It is at the crucible of this entire debate on health care. And the crucible is this: We must bring down the cost of health care. And in a free economy, the surest way of bringing down the cost of a product or a service is through competition.

The antitrust laws were put on the books during Standard Oil with John D. Rockefeller to break that up so we could bring competition. Here we have now, almost a hundred years later, the only industry that is exempted from antitrust is the insurance industry, the health insurance industry. Surely we can agree on this.

Mr. Speaker, let me just say one other thing, too, to my friends on the other side of the aisle. It was a great Republican who said a house divided against itself shall surely fall. Well, this Nation is tired of seeing us divided. They want to see us find something, one or two things, that we can agree on. America is yearning for Republicans and Democrats to come together on something that will help bring down the cost of health care insurance, and nothing will more surely do that than to remove this exemption from antitrust that is beholden to the insurance companies. As long as they have it, they are free to do the monopoly. They are free to price fix.

We can agree on both sides of the aisle here today to bring down the cost of health care insurance by removing this exemption.

Ms. PINGREE of Maine. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, Mr. SCOTT just made Mr. LUNGREN's case for him as far as I'm concerned. He just said we want to work together on issues. Mr. LUNGREN said that's what we've done. A bipartisan amendment passed. The Democrats took the bipartisan amendment out of the bill.

We want to work together. Many Republicans are going to vote for this bill. I hope they won't vote for the rule, because it's a bad rule, but they will vote for the bill.

The Democrats, time and again, tout their plan will increase competition and lower premiums. We don't think that's true.

I want to urge the American people to read the summary the White House has put out on their bill and see the increased Federal control of health care in this country.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. PINGREE of Maine. Mr. Speaker, I thank my colleague on the other side of the aisle.

We've heard a variety of reasons and excuses today about why this bill shouldn't pass, whether it was about the committee process or a loophole, debating it back and forth. But the fact is we cannot have meaningful health care reform in this country until we finally decide to put an end to insurance company greed and insurance company monopolies. We must stop companies like Anthem who demand rate increases that are many times the rate of inflation, which puts health care insurance out of reach for many, many Americans.

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

Mrs. BIGGERT. Mr. Speaker, I rise today in opposition to this closed rule for H.R. 4626, the Health Insurance Industry Fair Competition Act. Last night, I offered an amendment to crack down on fraud in Medicare, which costs taxpayers as much as \$50 billion a year. My language, an update of my bill, the Medicare Fraud Prevention and Enforcement Act of 2009, was actually endorsed by President Obama in the White House blueprint that was released early Monday. It was most recently included in the Medical Rights and Reform Act, introduced by my good friend Mr. KIRK.

This amendment would have reduced waste, fraud and abuse by strengthening the Medicare enrollment process, expanding certain standards of participation, and reducing erroneous payments. The amendment also provides additional tools to pursue fraudulent healthcare providers, suppliers and billing agencies. These are bipartisan goals, and my language has true bipartisan support. Unfortunately, Democrats on the Rules Committee refused to even allow an up-or-down vote on the House floor that would have added this important, cost-cutting measure to a bill that is otherwise lacking in substance.

I expect more political healthcare votes in the coming weeks, and I am prepared to offer my piece of the Obama healthcare plan as an amendment each time. If Democrats are serious about reducing costs and passing stand-alone bipartisan solutions, then I ask them to accept my language. The billions in waste that we save could go a long way toward providing health insurance for the millions of Americans who cannot afford it.

I urge my colleagues to oppose this closed rule.

Ms. PINGREE of Maine. I yield back the balance of my time.

Ms. FOXX. The gentlewoman from Maine did not yield time to me so that I could explain that I did not urge opposition to the underlying bill but only the rule.

Ms. PINGREE of Maine. I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Ms. FOXX. Mr. 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, this 15-minute vote on adoption of House Resolution 1098 will be followed by 5-minute votes on motions to suspend the rules on:

House Resolution 1074; and

House Resolution 944, if ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 181, not voting 13, as follows:

[Roll No. 60]

YEAS—238

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| Abercrombie | Gutierrez | Obey |
| Ackerman | Hall (NY) | Oliver |
| Adler (NJ) | Halvorson | Ortiz |
| Altmire | Hare | Owens |
| Andrews | Harman | Pallone |
| Arcuri | Hastings (FL) | Pascarelli |
| Baca | Heinrich | Pastor (AZ) |
| Baird | Herseht Sandlin | Payne |
| Baldwin | Himes | Perlmutter |
| Barrow | Hinchee | Perriello |
| Bean | Hinojosa | Peters |
| Becerra | Hirono | Peterson |
| Berkley | Hodes | Pingree (ME) |
| Berman | Holden | Polis (CO) |
| Berry | Holt | Pomeroy |
| Bishop (GA) | Honda | Price (NC) |
| Bishop (NY) | Hoyer | Quigley |
| Blumenauer | Inslee | Rahall |
| Boccieri | Israel | Rangel |
| Boren | Jackson (IL) | Reyes |
| Boswell | Jackson Lee | Richardson |
| Boucher | (TX) | Rodriguez |
| Boyd | Johnson (GA) | Ross |
| Brady (PA) | Johnson, E. B. | Rothman (NJ) |
| Braley (IA) | Kagen | Roybal-Allard |
| Brown, Corrine | Kanjorski | Ruppersberger |
| Butterfield | Kaptur | Rush |
| Capps | Kennedy | Ryan (OH) |
| Capuano | Kildee | Salazar |
| Cardoza | Kilpatrick (MI) | Sanchez, Linda |
| Carnahan | Kilroy | T. |
| Carney | Kind | Sanchez, Loretta |
| Carson (IN) | Kirkpatrick (AZ) | Sarbanes |
| Castor (FL) | Kissell | Schakowsky |
| Chandler | Klein (FL) | Schauer |
| Chu | Kosmas | Schiff |
| Clarke | Kratovil | Schrader |
| Cleaver | Kucinich | Schwartz |
| Clyburn | Langevin | Scott (GA) |
| Cohen | Larsen (WA) | Scott (VA) |
| Connolly (VA) | Larson (CT) | Serrano |
| Conyers | Lee (CA) | Sestak |
| Cooper | Levin | Shea-Porter |
| Costa | Lewis (GA) | Sherman |
| Costello | Lipinski | Sires |
| Courtney | Loebach | Skelton |
| Crowley | Lofgren, Zoe | Slaughter |
| Cuellar | Lowe | Smith (WA) |
| Cummings | Lujan | Snyder |
| Davis (AL) | Lynch | Space |
| Davis (CA) | Maffei | Speier |
| Davis (IL) | Maloney | Stupak |
| Davis (TN) | Markey (CO) | Sutton |
| DeFazio | Markey (MA) | Tanner |
| DeGette | Marshall | Taylor |
| Delahunt | Massa | Teague |
| DeLauro | Matheson | Thompson (CA) |
| Dicks | Matsui | Thompson (MS) |
| Doggett | McCarthy (NY) | Tierney |
| Donnelly (IN) | McCollum | Titus |
| Doyle | McDermott | Tonko |
| Driehaus | McGovern | Towns |
| Edwards (MD) | McIntyre | Tsongas |
| Edwards (TX) | McMahon | Van Hollen |
| Ellison | McNerney | Velázquez |
| Engel | Meek (FL) | Visclosky |
| Eshoo | Meeks (NY) | Walz |
| Etheridge | Melancon | Wasserman |
| Farr | Michaud | Schultz |
| Fattah | Miller (NC) | Waters |
| Filner | Miller, George | Watson |
| Foster | Mollohan | Watt |
| Frank (MA) | Moore (KS) | Waxman |
| Fudge | Moran (VA) | Weiner |
| Garamendi | Murphy (CT) | Welch |
| Gonzalez | Murphy, Patrick | Wilson (OH) |
| Gordon (TN) | Nadler (NY) | Woolsey |
| Grayson | Napolitano | Wu |
| Green, Al | Neal (MA) | Yarmuth |
| Green, Gene | Nye | |
| Grijalva | Oberstar | |

NAYS—181

| | | |
|-----------|-------------|-----------|
| Aderholt | Bartlett | Blackburn |
| Akin | Barton (TX) | Boehner |
| Alexander | Biggert | Bonner |
| Austria | Bilbray | Bono Mack |
| Bachmann | Bilirakis | Boozman |
| Bachus | Bishop (UT) | Boustany |

| | | |
|-----------------|-----------------|---------------|
| Brady (TX) | Hall (TX) | Nunes |
| Bright | Harper | Olson |
| Broun (GA) | Hastings (WA) | Paul |
| Brown (SC) | Heller | Paulsen |
| Brown-Waite, | Hensarling | Pence |
| Ginny | Herger | Petri |
| Buchanan | Hill | Platts |
| Burgess | Hunter | Poe (TX) |
| Burton (IN) | Inglis | Posey |
| Calvert | Issa | Price (GA) |
| Camp | Jenkins | Putnam |
| Campbell | Johnson (IL) | Rehberg |
| Cantor | Johnson, Sam | Roe (TN) |
| Cao | Jones | Rogers (AL) |
| Capito | Jordan (OH) | Rogers (KY) |
| Carter | King (IA) | Rogers (MI) |
| Cassidy | King (NY) | Rohrabacher |
| Castle | Kingston | Rooney |
| Chaffetz | Kirk | Ros-Lehtinen |
| Childers | Kline (MN) | Roskam |
| Coble | Lamborn | Royce |
| Coffman (CO) | Lance | Ryan (WI) |
| Cole | Latham | Scalise |
| Conaway | LaTourette | Schmidt |
| Crenshaw | Latta | Schock |
| Culberson | Lee (NY) | Sensenbrenner |
| Dahlkemper | Lewis (CA) | Sessions |
| Davis (KY) | Linder | Shadegg |
| Deal (GA) | LoBiondo | Shimkus |
| Dent | Lucas | Shuler |
| Diaz-Balart, L. | Luetkemeyer | Shuster |
| Diaz-Balart, M. | Lummis | Simpson |
| Dreier | Lungren, Daniel | Smith (NE) |
| Duncan | E. | Smith (NJ) |
| Ehlers | Mack | Smith (TX) |
| Ellsworth | Manzullo | Souder |
| Emerson | Marchant | Stearns |
| Fallin | McCarthy (CA) | Sullivan |
| Flake | McCauley | Terry |
| Fleming | McClintock | Thompson (PA) |
| Forbes | McCotter | Thornberry |
| Fortenberry | McHenry | Tiahrt |
| Fox | McKeon | Turner |
| Franks (AZ) | McMorris | Upton |
| Frelinghuysen | Rodgers | Walden |
| Gallely | Mica | Wamp |
| Garrett (NJ) | Miller (FL) | Westmoreland |
| Gerlach | Miller (MI) | Whitfield |
| Giffords | Miller, Gary | Wilson (SC) |
| Gingrey (GA) | Minnick | Wittman |
| Gohmert | Mitchell | Wolf |
| Goodlatte | Moran (KS) | Young (AK) |
| Granger | Murphy (NY) | Young (FL) |
| Graves | Murphy, Tim | |
| Griffith | Myrick | |
| Guthrie | Neugebauer | |

NOT VOTING—13

| | | |
|--------------|------------|----------|
| Barrett (SC) | Higgins | Reichert |
| Blunt | Hoekstra | Spratt |
| Buyer | Moore (WI) | Stark |
| Clay | Pitts | |
| Dingell | Radanovich | |

□ 1215

Messrs. KIRK and SIMPSON changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE OF MIEP GIES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1074, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McMAHON) that the House suspend the rules and agree to the resolution, H. Res. 1074.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows: