HEALTH INSURANCE IN NAME ONLY

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

Mr. YODER. Mr. Speaker, I rise today to highlight a few of my constituents who are struggling under the weight of ObamaCare. Like many Americans who are self-employed, Kim and Randall are two Kansans who obtain health insurance under the Affordable Care Act's marketplace.

Kim's premiums have more than doubled from $188 to $392 per month; but, worse, her deductible has actually gone from about $700 to $6,500. Randall's premiums are even worse, coming in at around $700 per month, with a deductible of $6,800.

I reference these two examples because they highlight one of the primary problems of the Affordable Care Act: coverage with deductibles approaching $7,000 really isn't coverage at all. It is health insurance in name only.

This week House Republicans have rolled out the initial draft of our plan to repeal and replace the ACA. We are doing it thoughtfully and carefully through the open committee process as we speak. The bill and summaries are available online at readthebill.gop.

Mr. Speaker, ObamaCare is collapsing. Let's work together as Democrats and Republicans to repair our broken healthcare system and truly give the American people access to affordable care.

TRUMPCARE IS A DISASTER

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

Mr. TED LIEU of California. Mr. Speaker, I rise to oppose TrumpCare. This legislation is a ''bigly'' disaster. TrumpCare will cause Americans to pay more for less health insurance coverage. It doesn't just affect the 20 million people who are now at threat of losing their health insurance. It affects all 156 million Americans under employer-based health coverage whose premiums will now increase because of the chaos that TrumpCare is causing in the health insurance markets.

I agree with Republican Senator TOM COTTON about once every 3 years. This is one of those times. We both agree that TrumpCare is a disaster and that the House Republicans need to start over.

□ 1230

CARING FOR OUR VETS

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

Mr. ARRINGTON. Mr. Speaker, I am so proud and so excited and so honored to be able to serve in the United States House of Representatives and to serve on the Veterans' Affairs Committee. I did not serve in the military, but now I have the amazing blessing of serving those who did serve to protect our freedom to keep us safe.

I am filing my first piece of legislation today, and it is the Veterans, Employees and Taxpayer Protection Act of 2017. In my first hearing as chair of the Subcommittee on Economic Opportunity, I heard with great concern, and even outrage, that some employees at the VA spend 100 percent of their time on union activity. Even physicians and nurses and folks who are hired to provide health care to our veterans, 100 percent of their time on union activity.

The law says their activity and time on union activities should be reasonable and in the best interest of the public. I don't believe in west Texas, or any area around the country, that it is reasonable and in the best interest of the public to spend 100 percent of your time on union activity and not fulfilling the mission. And, in this case, it is protecting and serving and caring for our vets.

#RESISTREPEAL

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, as we speak, 24 Members, Democrats, have been sitting with our Republican friends in Energy and Commerce for more than 24 hours, hunkered down on a bill that no one has seen, no one has read, or no one knows what it is about. Contrast that to the Affordable Care Act with over 79 hearings, over a 2-year period, hundreds and hundreds of hours of hearings, 181 witnesses from both sides of the aisle, ongoing interaction with the American people. And what did we get? Over 20 million people, lower costs in Medicare, Medicaid, and employer coverage.

What are we getting now in this document that is called a healthcare bill? Loss of coverage with 15 million Americans kicked off of health insurance, 73 million Americans may lose their health insurance, undermining employer-sponsored coverage that more than 177 million individuals would be jeopardized, no CBO assessment of what it is going to cost, how many jobs will be lost, and you will be paying more for your insurance and getting less. And the loved ones that you have in nursing homes that are dependent upon Medicaid, even though they worked, may be kicked out as we speak.

Go forward on the D.C. 24 #ResistRepeal.

CONSERVATIVE PRINCIPLES COMPEL US TO FIX HEALTH CARE

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

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to remind us of the need to repeal ObamaCare. We have an opportunity to address the Affordable Care Act. It is real simple: by gutting it.

In northeast Georgia, I have heard again and again how my neighbors have suffered at the hands of ObamaCare. ObamaCare levied $1 trillion in new taxes, not including the de facto taxes that came to middle class Americans in the form of increased deductible and insurance premiums.

The laws that our friends across the aisle forced on the American people while they worked in the shadows have crippled our healthcare system. The Affordable Care Act is not affordable, and it is not acceptable. Not from my neighbors and not for your loved ones, Mr. Speaker.

Democrats created a brave new world in which coverage came with no promise of quality health care, in which insurance markets continue to crumble and families watch their healthcare resources slip way.

The only way forward is to say goodbye to ObamaCare, good-bye to personal and employer mandates. Goodbye to additional and frivolous taxes. Good-bye to unnecessary spending. Good-bye to heartbreaking healthcare outcomes. Good-bye, and good riddance.

PROVIDING FOR CONSIDERATION OF H.R. 720, LAWSUIT ABUSE REDUCTION ACT OF 2017, AND PROVIDING FOR CONSIDERATION OF H.R. 985, FAIRNESS IN CLASS ACTION LITIGATION ACT OF 2017

Mr. COLLINS of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 180 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 180

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 720) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in

the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 985) to amend the procedures used in Federal court class actions and multidistrict litigation proceedings to assure fairer, more efficient outcomes for claimants and defendants, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-5. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. COLLINS of Georgia. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on House Resolution 180, currently under consideration.

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

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I am pleased to bring forward this rule on behalf of the Rules Committee. The rule provides for consideration of H.R. 720, the Lawsuit Abuse Reduction Act, and H.R. 985, the Fairness in Class Action Litigation Act.

The rule provides for 1 hour of debate for each bill, equally divided between the chairman and ranking member of the Judiciary Committee. The rule also provides for a motion to recommit for both pieces of underlying legislation.

Yesterday, the Rules Committee had the opportunity to hear from Judiciary Committee Chairman BOB GOODLATTE and Congressman STEVE COHEN on behalf of the Judiciary Committee, as well as Subcommittee on Regulatory Reform, Commercial and Antitrust Law Ranking Member HANK JOHNSON.

The Rules Committee made in order 12 amendments total—four amendments to H.R. 720 and eight amendments to H.R. 985, representing ideas from both sides of the aisle.

I want to thank Chairman GOODLATTE and the Judiciary Committee staff for their work on both pieces of legislation. I am a member of the Judiciary Committee, and we had the opportunity to consider both pieces of legislation and enjoyed lively discussion at the markup for both bills.

Mr. Speaker, as you are aware, we have worked tirelessly in this House to pass litigation reforms that would promote access to the courts for all Americans and ensure that the cost of litigation isn't used as a tool to force settlements.

We have also talked about how to restore reason and remove burdens on hardworking Americans. These bills help us achieve those goals.

Both bills have enjoyed thorough discussion at both the committee level and on the floor, both in this Congress and in previous Congresses.

H.R. 720, the Lawsuit Abuse Reduction Act, was introduced by my friend from Texas, Congressman LAMAR SMITH. Similar legislation to H.R. 720 has passed the House before, and I look forward to its consideration again.

This legislation provides a balanced solution to frivolous lawsuits, based on the simple principle that if an attorney files a baseless lawsuit that has no grounding in fact or law, the attorney should have to compensate the victim of their legal action.

This legislation does not change the standard for rule 11 sanctions; it simply gives this important rule some teeth by making sanctions mandatory instead of discretionary.

Opponents will argue that this bill will stifle robust examinations of existing law by discouraging otherwise meritorious lawsuits.

To be certain, LARA does not change in any way the existing standards for determining what is and what is not a frivolous lawsuit, as determined under rule 11. In fact, LARA expressly provides that ''nothing in'' the changes made to rule 11 ''shall be construed to bar or impede the assertion or development of new claims, defenses, or remedies under Federal, State, or local laws, including civil rights laws, or under the Constitution of the United States.''

H.R. 985, the Fairness in Class Action Litigation Act, was introduced by Chairman GOODLATTE. This legislation now also includes the Furthering Asbestos Claims Transparency, or FACT, Act, authored by Congressman FARENTHOLD from Texas.

H.R. 985 provides a targeted solution to a unique problem. At its core, the bill addresses whether the injury suffered by named plaintiffs in a class action suit accurately reflects injuries suffered by the class.

Let me be clear, again, this bill does not kill the class action. Opponents would have you believe that it does, but these claims have become a knee-jerk reaction to attempts to address clear abuses in the legal system.

We want to make the system work for victims of these abuses and of other injustices. We want to make it more difficult for anyone to take advantage of the courts and make legal recourse more accessible for those who genuinely deserve relief.

As a case in point, when Congress passed the Class Action Fairness Act, CAFA, in 2005, opponents claimed that its passage would mean the end of class action suits. Actually, it had two targeted goals: to reduce abusive forum-shopping by plaintiffs and, in certain circumstances, to require greater Federal scrutiny procedures throughout the review of class action settlements.

For example, you may remember an infamous Alabama class action involving Bank of Boston in which the attorneys' fees exceeded the relief to the class members. As a result, class members lost money paying attorneys for their legal victory.

Twelve years ago, opponents of CAFA made virtually identical arguments against that reform that they are making against H.R. 985 today. These objections are unsupported by history.

In fact, researchers at the Federal Judicial Center conducted a study on the impact of CAFA and concluded that—postenactment—there was an increase in the number of class actions filed in or removed to the Federal courts based on diversity jurisdiction, consistent with the congressional intent behind that law.

We see that necessary reforms have resulted in a class action option that is alive and well, representing an important part of our legal system. And it

will remain that way. Claims to the contrary, Mr. Speaker, are just simply inaccurate.

H.R. 985 is a targeted solution that says a Federal court may not certify a proposed class unless the party seeking the class action demonstrates through admissible evidentiary proof that each proposed class member suffered an injury of the same type and extent as the injury of the named class representative or representatives.

This requirement also exists in rule 23 of the Federal Rules of Civil Procedure. Unfortunately, not all courts appropriately interpret or apply these standards.

□ 1245

To claim that this bill, which codifies existing standards, would kill class action suits is just simply not supported by facts.

Class actions exist for a reason, a reason vindicated both by compassion and by wisdom. The class action option exists to allow a group of individuals who have been similarly harmed to join together to seek appropriate compensation for their injuries.

In today's world, we see abuse after abuse of that legitimate purpose. As a result, we have seen the rise of a class of people who may bear legitimate injuries, but we also see countless others who have suffered no injury at all yet are vying for class action spoils to which they have no right. The no-injury class actions are designed to exploit companies to achieve a quick payday through accusations that are not grounded in genuine injuries.

Class actions should be preserved as a tool for those who are harmed to plead their case and receive just compensation. H.R. 985 will allow courts to focus their resources on cases in which the people have actually suffered injuries. This helps ensure that we hold responsible parties accountable for their actions.

As I mentioned, H.R. 985 also includes the Furthering Asbestos Claims Transparency, or FACT, Act. The FACT Act is designed to reduce fraud and compensation claims for asbestos-related diseases. This is a critical step to preserving resources for true victims because, unfortunately, double-dipping has become too common in asbestos claims.

For every dollar awarded to fraudulent claims, there is $1 less available to true victims who are facing mesothelioma or other asbestos-related illnesses. These victims are often those to whom our country owes its greatest debt: our veterans. Veterans currently comprise 9 percent of the population, yet they make up approximately 30 percent of the asbestos victims. Veterans are uniquely positioned to benefit from the increased transparency that this bill offers.

Despite the positive impact that increased transparency can have for veterans, detractors claim that the legislation will negatively impact the privacy rights of claimants. Allow me to be clear, Mr. Speaker: this is not true. The bill actually requires far less personal information from claimants than State courts currently require in their disclosure documents.

This legislation will reduce fraud in the asbestos trust system to safeguard assets in order to compensate future asbestos victims, veterans or otherwise.

Mr. Speaker, H.R. 985 and H.R. 720 will establish meaningful reforms to our litigation system. I believe the United States is the greatest country in the world, and our justice system is designed to be free and fair, yet we have seen our justice system abused by people who seek ill gain at the expense of actual victims. These bills that today's rule provides for help us to right that wrong. They may not be perfect, but they recognize existing flaws in the system and strive to fix those flaws to better serve the American public.

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

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

I thank my colleague and friend from Georgia for yielding time to me.

Mr. Speaker, with this package of bills, the majority is taking a sledgehammer to civil litigation. I know that my colleague and I are not going to agree with that because I listened intently to what he had to say. But it is closing courthouse doors to ordinary people who are injured in the workplace and makes it harder for working people wronged by the rich and powerful to seek justice.

First, H.R. 985 is really a solution in search of a problem. It uses the false notion of rampant fraud in the legal system to shield corporate wrongdoers and deny their victims relief.

Second, H.R. 906 has the potential to further victimize asbestos victims.

Third, H.R. 720 would roll back significant improvements to the Rules of Civil Procedure and repeat a failed experiment that led to a decade of problems in the courts. By requiring mandatory sanctions that tie judges' hands, we saw an avalanche of unnecessary litigation.

The majority is wasting time and taxpayer money to make changes that evidence and the experts tell us are not necessary and could actually cause more harm than good. It doesn't make sense.

But consider, Mr. Speaker, how the majority conducted itself on health care for a decade now. Almost immediately after President Obama signed the Affordable Care Act into law, 13 Republican State attorneys general filed a Federal lawsuit opposing health reform. That was back in 2010. Since that time, the majority has voted over and over again—more than 60 times—to undermine the ACA.

CBS News has highlighted that it costs the taxpayers an estimated $24 million a week to run the House of Representatives. Think how many millions of dollars of legislative time the majority wasted on these votes that never had any chance of becoming law under the previous President. They wasted taxpayers' dollars and they wasted precious time. The majority spoke again and again about repeal and replace, and all the while, they didn't have a thing in the world to replace the health care with.

Former Speaker John Boehner recently made that clear, and it wasn't until this week that the majority finally let Members of Congress and the American people see their latest effort—and it would be a catastrophe for families across the country. More and more groups and individuals are lining up against it.

People would be forced to pay more for worse coverage if they could afford any coverage at all. The bill would also defund Planned Parenthood, which more than 2.5 million people, men and women, rely on for lifesaving preventive care, like cancer screenings and STI testing, every single year.

It is truly astonishing that the majority is trying to rush through this bill without a Congressional Budget Office estimate about how much it would cost or what impact it would have on the insurance market.

Let me quote from a Washington Post story this morning written by the great Karen Tumulty:

> While it is not uncommon for panels to consider legislation without the Congressional Budget Office first weighing in, veterans of the process say that doing so on bills as far-reaching as the healthcare overhaul is rare and ill-advised.

We don't have any idea how many people would gain or lose coverage without the CBO estimate, but we do know that this bill would take us back to the days before the Affordable Care Act when American people were on their own to try and get health care without any real safeguards in place at all; when families were liable to go bankrupt from heavy healthcare costs in a year's time, and the ACA protects them from that by saying that once an insured person has spent $4,500 a year on health care, the insurance company will pay the rest, and for a family, $12,500 to insure them. That is something so rarely talked about that is in this bill that I think is of vast importance, and we would lose that.

Billionaires would get a tax break, but working families probably couldn't afford health care.

We are rushing through this healthcare bill without a proper understanding of its cost or its impacts. The majority completely skipped the hearing process and, therefore, hasn't heard from experts or doctors or people battling an illness—except, I guess, what is going on torturing people over in the Energy and Commerce Committee where they have been there since, what, over 24 hours now.

So we were encouraged yesterday when we learned at the Rules Committee that White House Secretary

Sean Spicer had said at a briefing yesterday:

Every Member of the House and the Senate will be able to have their opportunity to have amendments offered through the committee process and on the floor.

It looks like we are not going to have that opportunity. And I do not have enthusiasm for the notion that we will have an open rule since, under this Speaker we have not had any, and the Democrats long to be able to offer some amendments to this bill. I certainly hope that that might be the case.

Now, the only way that happens is through the open rule. As I said, we haven't seen one of those in Speaker RYAN's leadership. I hope the majority follows through with the White House's promise of an open rule because, more than anything on this, the American people deserve an open and transparent process as this bill moves forward.

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

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

Sometimes it is often said that we discuss the issues that come to the floor, and there are real debates taking place across the street right now dealing with our discussions around health care. But I want to go back to actually the bills that we are dealing with in the rule and discuss the part of where do sometimes these issues come from, especially when we are discussing things like H.R. 985 and class act litigation.

This came, actually, from outside the walls here and outside into the real world where this is being practiced. One of the things that is happening is that Federal judges have been looking to Congress to reform the class action system which currently allows lawyers to fill classes with hundreds of thousands of unmeritorious claims and use the artificially inflated classes to force defendants to settle the case.

As the Supreme Court has recognized, ''even a small chance of a devastating loss'' inherent in most decisions to certify a class produces an ''in terrorem'' interim effect that often forces settlement independent of merits of the case.

Mr. Speaker, I understand that fear because what we are dealing with many times in these class actions—and I know the Speaker and others are aware—is the definition of the class that really depends on the case itself, not as much of the merits of the case because of the potential of a devastating loss. So the actual class certification becomes something that is the main driver in these cases.

Notice what Ruth Bader Ginsberg said about this. She recognized this when she said: ''A court's decision to certify a class . . . places pressure on the defendant to settle even unmeritorious claims.'' That is pretty powerful from a Supreme Court Justice talking about these issues.

Judge Diane Wood of the Seventh Circuit Court of appeals, appointed by President Clinton back in the day, has explained that class certification ''is, in effect, the whole case.''

Then-Chief Judge of the Seventh Circuit Richard Posner explained that certification of a class action, even one lacking merit, forces defendants ''to stake their companies on the outcome of a single jury trial, or be forced by fear of the risk of bankruptcy to settle even if they have no legal liability.''

Mr. Speaker, listen to what these judges are saying. They are saying, number one, that the class certification is the most important thing because it depends on the outcomes and forces settlements. Notice what was said here by Supreme Court Justice Ginsberg, ''unmeritorious claims.'' Judge Diane Wood, Seventh Circuit, talked about it being ''the whole case.'' Judge Posner says that, in actuality, they are forced to settle ''even if they have no legal liability.''

In another Seventh Circuit Court decision, the court wrote: ''One possible solution to this problem is requiring judges to do some threshold level of review of the merits of a class action before allowing certification, that is, approval of a class . . . It is cases like the one before us that demonstrate precisely why the courts, and Congress, ought to be on the lookout for ways to correct class action abuses. Given the complexity of our legal system, it is impossible to develop perfect standards for identifying and quickly disposing of frivolous claims. Inevitably this court and other courts will be faced with the cases that waste the time and money of everybody. Beyond addressing the legal claims before us as we would in any ordinary case, we must frankly identify situations where we suspect the lawyers, rather than the claimants, are the only potential beneficiaries.''

Again, not coming in a vacuum, it is coming from the courts who see this on a regular basis, from Judge Ginsberg on down, saying: This is the whole deal. This is why we do these things.

Mr. Speaker, this is something that does need to be taken up. It is something that we are proud to bring to the floor. In doing so, I reserve the balance of my time.

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

If we defeat the previous question, I will offer an amendment to the rule that would require a CBO cost estimate to be made publicly available for any legislation that amends or repeals the Affordable Care Act which may be considered in the Energy and Commerce or Ways and Means Committees or on the House floor.

The Committees on Ways and Means and Energy and Commerce are marking up repeal legislation today. Legislation this significant should not advance through the committee process, let alone the House, without first hearing from our nonpartisan budget experts at CBO on what the cost and overall impact would be.

Mr. Speaker, one of the most enduring symbols of fairness is Lady Justice, who is depicted holding the Scales of Justice that represent fairness in our courts. That central idea is embodied in the fact that justice in the United States of America is supposed to be delivered fairly, without any bias toward wealth or privilege.

It is no secret that sometimes we do struggle to live up to that ideal. We have seen evidence of that far too often recently. But, Mr. Speaker, this Chamber shouldn't be actively working to tilt those scales toward the rich and the powerful, but that is what this legislation would do. Considering these bills wastes their money and fritters away the time we should be spending addressing our crumbling infrastructure and the skyrocketing cost of education.

And, Mr. Speaker, today we got from the American Society of Civil Engineers the new grades on our infrastructure. This year we get a D minus, and we should certainly do better than that.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment into the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. ROGERS of Kentucky). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

□ 1300

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

Mr. Speaker, I think what we are hearing today—and I think what we are going through in the process—is issues of real change, issues of discussions that have been going on in our country for really now almost 8 years. It has been 7 years since the Affordable Care Act, ObamaCare, was passed.

We are seeing the changes that have taken place, Mr. Speaker, from your time here and my time here on really dealing with the American people and dealing with the substances of what their concerns and fears are. The things that I have come before this body and debated many times were what does the view look like from outside of this Chamber.

Inside this Chamber, we have raucous debates. We have discussions on things. And at the end of the day, I believe sometimes, Mr. Speaker, those sitting at home say: Does anybody listen to me? Does anybody hear my call?

Over the past few years, we have seen through election results and we have seen through times of change here in this body that the Affordable Care Act is nothing like affordable. In fact, as many have described it, it has been in a death spiral. We are beginning to work on that.

Now, I understand how that can make the other side, the ones who gave us the Affordable Care Act, ObamaCare, not want to see that changed. I can appreciate that.

Reality must set in at some point, and reality says that to defend something that is failing is asking for a status quo that hurts people. Now, I believe my friends across the aisle don't want to do that, but that is what they are doing, holding onto a legacy that is only a legacy for many of heartbreak and problems.

Did it help in some ways? Are we finding some? Did we address issues over the past few years and begin the discussion of preexisting conditions, keeping our children on until 26, and removing caps? Those were all discussed and could have been handled in many different ways besides the government takeover of health care.

Instead, we chose to use an ideological position to begin the process of moving forward, and moving forward in which government will put its fingers on the scale and government will begin to say what is right and what is wrong. What we found in the whole process was our individual mark is destroyed.

I have had some of my colleagues actually say: Let's just start over and go back to the way it was. That would be nice, except that land doesn't exist anymore.

Even if you wanted to—and I don't think we need to—we need to move forward with free-market solutions that put access to affordable health care for all Americans on the table, so that we can actually bend the cost curve so that we can actually work to help people. That is what we are working on. We are going to continue to work on making a smooth transition from the disaster that many of us have seen over the past few years. When we do that, change will come, and change is hard.

My folks back home are looking for change that helps, by Brittany Ivey, who joined me here for the joint session just a few weeks ago, who had employer-based health coverage with her family taken. She had to make choices about healthcare coverage and staying home. These choices make families' decisions harder because they would rather make the decision to stay with family, but are having to work because health care became unaffordable. It is these kind of choices that we are laying out for the American people to listen and to say: What do we need to do and how do we need to go forward?

So when we look ahead, we take issues of health care seriously. The gentlewoman from New York (Ms. SLAUGHTER) is a friend. She states her position eloquently. It is always good to be on the floor with her. We disagree, and this is the place for this disagreement. This is a time in which we share; this is a time in which we come together. And what the Republican majority will do, Mr. Speaker, is keep its promises.

Now, I have had a moment of sharing what we are doing in health care, but also let's get back to why we are here, for the rule. The rule deals with abuses in the system; it deals with fairness.

Mr. Speaker, today we are discussing reforms to our litigation system that increase fairness, balance, and transparency. These principles are part of our larger goals as House Republicans to create a system that works better for the American people and restores accountability to the system.

We agree that there are legitimate lawsuits and legitimate class action suits. No one is arguing against that. In fact, I firmly believe that Americans should have access to a robust legal system that protects them.

We encounter a problem, however, when frivolous lawsuits are lobbed against small businesses and employers in attempts to profit without warrant and at the expense of jobs.

The bills provided for by the underlying rule help us address this challenge and to ensure that the litigation system functions as intended, rather than being manipulated to improperly target individuals or entities for profit.

The rule itself provides for robust debate on the legislation and amendments from both sides of the aisle.

I would encourage my colleagues to look favorably on these bills as a step toward reining in unnecessary and burdensome litigation and making the legal system work better to address true grievances and harms.

Mr. Speaker, that last statement probably sums up what we need to be about here. Let's look at the truth. Let's help people. Let's remember why we are here and, that is, those who sent us.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 180 OFFERED BY MS. SLAUGHTER

At the end of the resolution, add the following new section:

SEC. 3. In rule XXI add the following new clause:

13. (a) It shall not be in order to consider a measure or matter proposing to repeal or amend the Patient Protection and Affordable Care Act (PL 111–148) and the Health Care and Education Affordability Reconciliation Act of 2010 (PL 111–152), or part thereof, in the House, in the Committee of the Whole House on the state of the Union, or in the Committees on Energy and Commerce and Ways and Means, unless an easily searchable electronic estimate and comparison prepared by the Director of the Congressional Budget Office is made available on a publicly available website of the House.

(b) It shall not be in order to consider a rule or order that waives the application of paragraph (a).

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

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

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. COLLINS of Georgia. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

Ms. SLAUGHTER. 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, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1416

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALLEN) at 2 o'clock and 16 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 180; and

Adopting House Resolution 180, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.R. 720, LAWSUIT ABUSE REDUCTION ACT OF 2017, AND PROVIDING FOR CONSIDERATION OF H.R. 985, FAIRNESS IN CLASS ACTION LITIGATION ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 180) providing for consideration of the bill (H.R. 720) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, and providing for consideration of the bill (H.R. 985) to amend the procedures used in Federal court class actions and multidistrict litigation proceedings to assure fairer, more efficient outcomes for claimants and defendants, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 233, nays 186, not voting 10, as follows:

[Roll No. 138]

YEAS—233

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—186

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—10

Davis (CA)
Frankel (FL)
Gosar
Jordan
Larson (CT)
Lofgren
Meadows
Rush
Sinema
Titus

□ 1442

Mr. ESPAILLAT, Ms. CLARK of Massachusetts, and Mr. CARSON of Indiana changed their vote from ''yea'' to ''nay.''

Mrs. HARTZLER changed her vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. JODY B. HICE of Georgia). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 184, not voting 12, as follows:

[Roll No. 139]

YEAS—233

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso