

McKeon	Pomeroy	Smith (TX)
McKinney	Porter	Smith (WA)
McMorris	Price (GA)	Snyder
McNulty	Price (NC)	Sodrel
Meehan	Pryce (OH)	Solis
Meek (FL)	Putnam	Souder
Meeks (NY)	Radanovich	Spratt
Melancon	Rahall	Stark
Menendez	Ramstad	Stearns
Mica	Rangel	Strickland
Michaud	Regula	Stupak
Millender-	Rehberg	Sullivan
McDonald	Reichert	Sweeney
Miller (FL)	Renzi	Tancredo
Miller (MI)	Reyes	Tanner
Miller (NC)	Reynolds	Tauscher
Miller, Gary	Rogers (AL)	Taylor (MS)
Miller, George	Rogers (KY)	Taylor (NC)
Mollohan	Rogers (MI)	Terry
Moore (KS)	Rohrabacher	Thomas
Moore (WI)	Ros-Lehtinen	Thompson (CA)
Moran (KS)	Ross	Thompson (MS)
Moran (VA)	Rothman	Thornberry
Musgrave	Roybal-Allard	Tiberi
Myrick	Royce	Tierney
Nadler	Ruppersberger	Towns
Napolitano	Rush	Turner
Neal (MA)	Ryan (OH)	Udall (CO)
Neugebauer	Ryan (WI)	Udall (NM)
Ney	Ryun (KS)	Upton
Northup	Sabo	Van Hollen
Norwood	Salazar	Velázquez
Nunes	Sánchez, Linda	Visclosky
Nussle	T.	Walden (OR)
Oberstar	Sanchez, Loretta	Walsh
Obey	Sanders	Wamp
Olver	Saxton	Wasserman
Ortiz	Schakowsky	Schultz
Osborne	Schiff	Waters
Otter	Schwartz (PA)	Watson
Owens	Schwarz (MI)	Watt
Oxley	Scott (GA)	Waxman
Pallone	Scott (VA)	Weiner
Pascarell	Sensenbrenner	Weldon (FL)
Pastor	Serrano	Weldon (PA)
Paul	Sessions	Weller
Payne	Shadegg	Westmoreland
Pearce	Shaw	Wexler
Pelosi	Shays	Whitfield
Pence	Sherman	Wicker
Peterson (MN)	Sherwood	Wilson (NM)
Peterson (PA)	Shimkus	Wilson (SC)
Petri	Shuster	Wolf
Pickering	Simmons	Woolsey
Pitts	Simpson	Wu
Platts	Skelton	Wynn
Poe	Slaughter	Young (AK)
Pombo	Smith (NJ)	Young (FL)

## NOT VOTING—7

Brady (PA)	Jenkins	Tiahrt
Cox	Murphy	
Cummings	Murtha	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1655

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Mr. Speaker, on rollcall No. 438 I was inadvertently detained. Had I been present, I would have voted “yea.”

## PERSONAL EXPLANATION

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

## CONDEMNING TERRORIST ATTACKS IN SHARM EL-SHEIKH, EGYPT, ON JULY 23, 2005

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

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

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

[Roll No. 439]

YEAS—428

Abercrombie	Clay	Garrett (NJ)
Ackerman	Cleaver	Gerlach
Aderholt	Clyburn	Gibbons
Akin	Coble	Gilchrest
Alexander	Cole (OK)	Gillmor
Allen	Conaway	Gingrey
Andrews	Conyers	Gohmert
Baca	Cooper	Gonzalez
Bachus	Costa	Goode
Baird	Costello	Goodlatte
Baker	Cox	Gordon
Baldwin	Cramer	Granger
Barrett (SC)	Crenshaw	Graves
Barrow	Crowley	Green (WI)
Bartlett (MD)	Cubin	Green, Al
Barton (TX)	Cuellar	Green, Gene
Bass	Culberson	Grijalva
Bean	Cunningham	Gutierrez
Becerra	Davis (AL)	Gutknecht
Berkley	Davis (CA)	Hall
Berman	Davis (FL)	Harman
Berry	Davis (IL)	Harris
Biggett	Davis (KY)	Hart
Bilirakis	Davis (TN)	Hastings (FL)
Bishop (GA)	Davis, Jo Ann	Hastings (WA)
Bishop (NY)	Davis, Tom	Hayes
Bishop (UT)	Deal (GA)	Hayworth
Blackburn	DeFazio	Hefley
Blumenauer	DeGette	Hensarling
Blunt	Delahunt	Henger
Boehler	DeLauro	Herseth
Boehner	DeLay	Higgins
Bonilla	Dent	Hinchoy
Bonner	Diaz-Balart, L.	Hinojosa
Bono	Diaz-Balart, M.	Hobson
Boozman	Dicks	Hoekstra
Boren	Dingell	Holden
Boswell	Doggett	Holt
Boucher	Doolittle	Honda
Boustany	Doyle	Hookey
Boyd	Drake	Hostettler
Bradley (NH)	Dreier	Hoyer
Brady (TX)	Duncan	Hulshof
Brown (OH)	Edwards	Hunter
Brown (SC)	Ehlers	Hyde
Brown, Corrine	Emanuel	Inglis (SC)
Brown-Waite,	Emerson	Inslee
Ginny	Engel	Israel
Burgess	English (PA)	Issa
Burton (IN)	Eshoo	Istook
Butterfield	Etheridge	Jackson (IL)
Buyer	Evans	Jackson-Lee
Calvert	Everett	(TX)
Camp	Farr	Jenkins
Cannon	Fattah	Jindal
Cantor	Feeney	Johnson (CT)
Capito	Ferguson	Johnson (IL)
Capps	Filner	Johnson, E. B.
Capuano	Fitzpatrick (PA)	Johnson, Sam
Cardin	Flake	Jones (NC)
Cardoza	Foley	Jones (OH)
Carnahan	Forbes	Kanjorski
Carson	Ford	Kaptur
Carter	Fortenberry	Keller
Carter	Fossella	Kelly
Case	Fox	Kennedy (MN)
Castle	Frank (MA)	Kennedy (RI)
Chabot	Franks (AZ)	Kildee
Chandler	Frelinghuysen	Kilpatrick (MI)
Chocola	Gallely	Kind

King (IA)	Napolitano	Sensenbrenner
King (NY)	Neal (MA)	Serrano
Kingston	Neugebauer	Sessions
Kirk	Ney	Shadegg
Kline	Northup	Shaw
Knollenberg	Norwood	Shays
Kolbe	Nunes	Sherman
Kucinich	Nussle	Sherwood
Kuhl (NY)	Oberstar	Shimkus
LaHood	Obey	Shuster
Langevin	Olver	Simmons
Lantos	Ortiz	Simpson
Larsen (WA)	Osborne	Skelton
Larson (CT)	Otter	Slaughter
Latham	Owens	Smith (NJ)
LaTourette	Oxley	Smith (TX)
Leach	Pallone	Smith (WA)
Lee	Pascarell	Snyder
Levin	Pastor	Sodrel
Lewis (CA)	Paul	Solis
Lewis (GA)	Payne	Souder
Lewis (KY)	Pearce	Spratt
Linder	Pelosi	Stark
Lipinski	Pence	Stearns
LoBiondo	Peterson (MN)	Strickland
Lofgren, Zoe	Peterson (PA)	Stupak
Lowey	Petri	Sullivan
Lucas	Pickering	Sweeney
Lungren, Daniel	Pitts	Tancredo
E.	Platts	Tanner
Lynch	Poe	Tauscher
Mack	Pombo	Taylor (MS)
Maloney	Pomeroy	Taylor (NC)
Manzullo	Porter	Terry
Marchant	Price (GA)	Thomas
Markey	Price (NC)	Thompson (CA)
Marshall	Pryce (OH)	Thompson (MS)
Matheson	Putnam	Thornberry
Matsui	Radanovich	Tiahrt
McCarthy	Rahall	Tiberi
McCaul (TX)	Ramstad	Tierney
McCollum (MN)	Rangel	Towns
McCotter	Regula	Turner
McCrery	Rehberg	Udall (CO)
McDermott	Reichert	Udall (NM)
McGovern	Renzi	Upton
McHenry	Reyes	Van Hollen
McHugh	Reynolds	Velázquez
McIntyre	Rogers (AL)	Visclosky
McKeon	Rogers (KY)	Walden (OR)
McKinney	Rogers (MI)	Walsh
McMorris	Rohrabacher	Wamp
McNulty	Ros-Lehtinen	Wasserman
Meehan	Ross	Schultz
Meek (FL)	Rothman	Waters
Meeks (NY)	Roybal-Allard	Watson
Melancon	Royce	Watt
Menendez	Ruppersberger	Waxman
Mica	Rush	Weiner
Michaud	Ryan (OH)	Weldon (FL)
Millender-	Ryan (WI)	Weldon (PA)
McDonald	Ryun (KS)	Weller
Miller (FL)	Sabo	Westmoreland
Miller (MI)	Salazar	Wexler
Miller (NC)	Sánchez, Linda	Whitfield
Miller, Gary	T.	Wicker
Miller, George	Sanchez, Loretta	Wilson (NM)
Mollohan	Sanders	Wilson (SC)
Moore (KS)	Saxton	Wolf
Moore (WI)	Schakowsky	Woolsey
Moran (KS)	Schiff	Wu
Moran (VA)	Schwartz (PA)	Wynn
Musgrave	Schwarz (MI)	Young (AK)
Myrick	Scott (GA)	Young (FL)
Nadler	Scott (VA)	

## NOT VOTING—5

Brady (PA)	Jefferson	Murtha
Cummings	Murphy	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1705

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

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

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

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

The Clerk read the resolution, as follows:

## H. RES. 385

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

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

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

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

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

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

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

Representatives has considered this measure.

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

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

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

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

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

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

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

While I am not an economist, it does not take a financial expert to know that with fewer and fewer practicing doctors and an ever-growing number of patients, the price of health care will inevitably go up and skyrocket out of the reach of the average consumer.

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

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

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

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

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

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

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

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

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

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

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

□ 1715

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

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