

1 NATIONAL CAPITOL CONTRACTING

2 RPTS HALATYN

3 HJU059000

4 MARKUP OF:

5 H.R. 372; H.R. 1215; H.RES 111

6 Tuesday, February 28, 2017

7 House of Representatives,

8 Committee on the Judiciary,

9 Washington, D.C.

10       The committee met, pursuant to call, at 10:00 a.m., in  
11 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte  
12 [chairman of the committee] presiding.

13       Present Representatives Goodlatte, Sensenbrenner,  
14 Smith, Chabot, Issa, King, Franks, Gohmert, Jordan, Poe,  
15 Chaffetz, Marino, Gowdy, Labrador, Farenthold, Collins,  
16 DeSantis, Buck, Ratcliffe, Roby, Gaetz, Johnson of  
17 Louisiana, Biggs, Conyers, Nadler, Lofgren, Jackson Lee,  
18 Cohen, Johnson of Georgia, Deutch, Gutierrez, Bass,  
19 Richmond, Jeffries, Cicilline, Swalwell, Lieu, Raskin,  
20 Jayapal, and Schneider.

21       Staff Present: Shelley Husband, Staff Director; Branden

22 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian  
23 and General Counsel; Paul Taylor, Chief Counsel,  
24 Subcommittee on the Constitution and Civil Justice; Ryan  
25 Dattilo, Counsel, Subcommittee on Regulatory Reform,  
26 Commercial and Antitrust Law; Alley Adcock, Clerk; Perry  
27 Apelbaum, Minority Chief Counsel, Chief of Staff, Staff  
28 Director; Danielle Brown, Minority Parliamentarian and Chief  
29 Legislative Counsel, Susan Jensen, Minority Senior Counsel;  
30 Aaron Hiller, Minority Chief Oversight Counsel; Joseph  
31 Graupensperger, Minority Chief Counsel, Subcommittee on  
32 Crime, Terrorism, Homeland Security and Investigations;  
33 James Park, Minority Chief Counsel, Subcommittee on the  
34 Constitution; Jason Everett, Minority Chief Counsel,  
35 Subcommittee on Intellectual Property, and the Internet;  
36 David Shahoulian, Minority Chief Counsel, Subcommittee on  
37 Immigration and Border Security; Slade Bond, Minority Chief  
38 Counsel, Subcommittee on Regulatory Reform; Keenan Keller,  
39 Minority Chief Counsel; David Greengrass, Minority Counsel;  
40 Maunica Sthanki, Minority Counsel; Mauri Gray, Minority  
41 Crime Detailee; Regina Milledge-Brown, Minority Crime  
42 Detailee; Rosalind Jackson, Minority Professional Staff  
43 Member; Veronica Eligan, Minority Professional Staff Member;  
44 Matthew Morgan, Minority Professional Staff Member; and Anna  
45 Pinchuk, Minority Intern.

46 Chairman Goodlatte. The Judiciary Committee will come  
47 to order, and without objection, the chair is authorized to  
48 declare a recess at any time.

49 Before we move into our markup today with the  
50 concurrence of the ranking member, we will briefly open our  
51 hearing on section 702 of the Foreign Intelligence  
52 Surveillance Act for purposes of voting to close the first  
53 witness panel in order to allow the committee to hear  
54 testimony regarding classified aspects of section 702 of the  
55 Foreign Intelligence Surveillance Act, the disclosure of  
56 which would endanger national security if discussed in an  
57 open setting.

58 This hearing will also feature testimony from a second  
59 panel of witnesses that will be open to the public. The  
60 question is whether the committee will close the first  
61 witness panel for our hearing on section 702 to the public.  
62 Pursuant to House rules, a recorded vote is required, so the  
63 clerk will call the roll.

64 Mr. Deutch. Mr. Chairman. Point of Parliamentary  
65 Inquiry. Mr. Chairman, before taking this vote, is it  
66 appropriate to consider that there is a full house of people  
67 from the public who chose to come and, therefore, guide the  
68 process, that perhaps we take up the measures that can be  
69 debated in public before we move on to closing and sending  
70 everyone out of the room?

71 Chairman Goodlatte. No, no, they are not going to have  
72 to leave. We are only going to vote to close the hearing  
73 tomorrow.

74 Mr. Deutch. Tomorrow. Perfect. Thank you, Mr.  
75 Chairman. That is why I asked.

76 Chairman Goodlatte. The clerk will call the roll.

77 Ms. Adcock. Mr. Goodlatte?

78 Chairman Goodlatte. Aye.

79 Ms. Adcock. Mr. Goodlatte votes aye.

80 Mr. Sensenbrenner?

81 [No response.]

82 Mr. Smith?

83 [No response.]

84 Mr. Chabot?

85 Mr. Chabot. Aye.

86 Ms. Adcock. Mr. Chabot votes aye.

87 Mr. Issa?

88 Mr. Issa. Aye.

89 Ms. Adcock. Mr. Issa votes aye.

90 Mr. King?

91 Mr. King. Aye.

92 Ms. Adcock. Mr. King votes aye.

93 Mr. Franks?

94 [No response.]

95 Mr. Gohmert?

96 [No response.]

97 Mr. Jordan?

98 [No response.]

99 Mr. Poe?

100 Mr. Poe. Yes.

101 Ms. Adcock. Mr. Poe votes yes.

102 Mr. Chaffetz?

103 Mr. Chaffetz. Aye.

104 Ms. Adcock. Mr. Chaffetz votes aye.

105 Mr. Marino?

106 [No response.]

107 Mr. Gowdy?

108 [No response.]

109 Mr. Labrador?

110 Mr. Labrador. Yes.

111 Ms. Adcock. Mr. Labrador votes yes.

112 Mr. Farenthold?

113 Mr. Farenthold. Yes.

114 Ms. Adcock. Mr. Farenthold votes yes.

115 Mr. Collins?

116 [No response.]

117 Mr. DeSantis?

118 [No response.]

119 Mr. Buck?

120 Mr. Buck. Aye.

121 Ms. Adcock. Mr. Buck votes aye.  
122 Mr. Ratcliffe?  
123 [No response.]  
124 Ms. Roby?  
125 Ms. Roby. Yes.  
126 Ms. Adcock. Ms. Roby votes yes.  
127 Mr. Gaetz?  
128 [No response.]  
129 Mr. Johnson of Louisiana?  
130 Mr. Johnson of Louisiana. Aye.  
131 Ms. Adcock. Mr. Johnson votes aye.  
132 Mr. Biggs?  
133 [No response.]  
134 Mr. Conyers?  
135 Mr. Conyers. Aye.  
136 Ms. Adcock. Mr. Conyers votes aye.  
137 Mr. Nadler?  
138 Mr. Nadler. Aye.  
139 Ms. Adcock. Mr. Nadler votes aye.  
140 Ms. Lofgren?  
141 [No response.]  
142 Ms. Jackson Lee?  
143 [No response.]  
144 Mr. Cohen?  
145 Mr. Cohen. Aye.

146 Ms. Adcock. Mr. Cohen votes aye.  
147 Mr. Johnson of Georgia?  
148 [No response.]  
149 Mr. Deutch?  
150 Mr. Deutch. Aye.  
151 Ms. Adcock. Mr. Deutch votes aye.  
152 Mr. Gutierrez?  
153 [No response.]  
154 Ms. Bass?  
155 [No response.]  
156 Mr. Richmond?  
157 [No response.]  
158 Mr. Jeffries?  
159 [No response.]  
160 Mr. Cicilline?  
161 Mr. Cicilline. Aye.  
162 Ms. Adcock. Mr. Cicilline votes aye.  
163 Mr. Swalwell?  
164 Mr. Swalwell. Aye.  
165 Ms. Adcock. Mr. Swalwell votes aye.  
166 Mr. Lieu?  
167 [No response.]  
168 Mr. Raskin?  
169 Mr. Raskin. Aye.  
170 Ms. Adcock. Mr. Raskin votes aye.

171 Ms. Jayapal?

172 [No response.]

173 Mr. Schneider?

174 Mr. Schneider. Aye.

175 Ms. Adcock. Mr. Schneider votes aye.

176 Chairman Goodlatte. The gentleman from Wisconsin?

177 Ms. Adcock. Mr. Sensenbrenner votes aye.

178 Chairman Goodlatte. The gentleman from Texas?

179 Mr. Gohmert. Aye.

180 Ms. Adcock. Mr. Gohmert votes aye.

181 Chairman Goodlatte. The gentleman from Pennsylvania?

182 Mr. Marino. Aye.

183 Ms. Adcock. Mr. Marino votes aye.

184 Chairman Goodlatte. The gentlewoman from California?

185 Ms. Bass. Aye.

186 Ms. Adcock. Ms. Bass votes aye.

187 Chairman Goodlatte. The gentleman from Florida?

188 Mr. DeSantis. Aye.

189 Ms. Adcock. Mr. DeSantis votes aye.

190 Chairman Goodlatte. Has every member voted who wishes

191 to vote?

192 The clerk will report.

193 Ms. Adcock. Mr. Chairman, 24 members voted aye; zero

194 members voted no.

195 Chairman Goodlatte. The ayes have it.



196           Tomorrow's first witness panel hearing on section 702  
197 will be closed to the public, and we hope that all future  
198 votes today will be of the same bipartisan nature.

199           We now move back to our scheduled markup and pursuant  
200 to notice I now call up H.R. 72 for purposes of mark up and  
201 move that the committee report the bill favorably to the  
202 House.

203           The clerk will report the bill.

204           Ms. Adcock. H.R. 372: To restore the application of  
205 Federal antitrust laws to the business of health insurance  
206 to protect competition and consumers.

207           [The bill follows:]

208           \*\*\*\*\* INSERT 1 \*\*\*\*\*

209 Chairman Goodlatte. Without objection, the bill is  
210 considered as read and open for amendment at any time. I  
211 will begin by recognizing myself for an opening statement.

212 Today the health insurance industry finds itself in a  
213 great state of flux. Insurance providers, States, and the  
214 public have been dealing with the disastrous repercussions  
215 of Obamacare for the past 6 years and overregulation by  
216 States for much longer. After the Obama administration and  
217 its congressional allies forced through an unwieldy 2,700-  
218 plus page piece of legislation, containing some of the most  
219 convoluted public policy in history, we are left today with  
220 health insurance markets besieged by dwindling competition  
221 and skyrocketing premiums.

222 Minnesota Democratic Governor Mark Dayton recently  
223 said, "The Affordable Care Act is no longer affordable."  
224 President Clinton called Obamacare the craziest thing in the  
225 world. Premiums and deductibles have skyrocketed, hundreds  
226 of percent in some cases. Insurers are also fleeing the  
227 Obamacare health insurance exchanges. Health insurers have  
228 struggled to make a profit on the Obamacare exchanges since  
229 they opened in 2013. Aetna, Humana, and United Health Group  
230 abandoned some exchanges all together in 2016.

231 In 2017, the national State average of insurers  
232 participating in the exchanges dropped to four, down from  
233 six in 2016. Some 21 percent of consumers returning to the

234 exchanges will only have one carrier to choose from. Five  
235 States, Alaska, Alabama, Oklahoma, South Carolina, and  
236 Wyoming, will only have one insurer providing plans on the  
237 Federal exchange this year.

238 In 2016, only Wyoming had a sole carrier. With rising  
239 premiums and providers scaling back their offerings, it is  
240 indisputable that Obamacare has forced the health insurance  
241 industry down the wrong path.

242 As Congress works with the new administration on  
243 repealing and replacing Obamacare, all aspects of the  
244 industry, including the McCarran-Ferguson Act, are being  
245 evaluated. It is essential that we find a solution that  
246 encourages a robust and competitive health insurance market  
247 in which insurance providers actively compete for customers.  
248 Healthy competition insures premiums are accurately priced  
249 and that customers are able to find a variety of policies to  
250 meet their specific needs and demands.

251 H.R. 526, the Competitive Health Insurance Reform Act  
252 of 2017, calls for the repeal of the McCarran-Ferguson Act  
253 as it applies to the business of health insurance. There is  
254 wide support for this bill, and this committee has favorably  
255 reported similar legislation in the past, including  
256 legislation that was passed by the House 406 to 19 during  
257 the 111th Congress.

258 The stated goal of the bill is to help restore

259 competition in the healthcare market. I support this goal.  
260 However, I believe that any repeal of the McCarran-Ferguson  
261 Act must be coupled with larger changes to the existing  
262 healthcare regulatory scheme.

263 Overregulation by States and the Federal Government has  
264 played a significant role in the high concentration and  
265 rising prices we see today in the health insurance market.  
266 All too often, it is only the large players that are able to  
267 navigate the web of rules and requirements forced on this  
268 industry. Moreover, we must insure that a repeal of the  
269 McCarran-Ferguson Act limits any disruption that would lead  
270 to high concentration and reduced consumer choice. As such,  
271 we must protect the ability of insurers to continue pro-  
272 competitive, collaborative practices they have been able to  
273 engage in over the past 70 years.

274 A little later, I will offer an amendment to do just  
275 that. It is now my pleasure to recognize the ranking member  
276 of the committee, the gentleman from Michigan, Mr. Conyers,  
277 for his opening statement.

278 [The prepared statement of Chairman Goodlatte follows:]

279 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

280 Mr. Conyers. Thank you, Chairman Goodlatte. And  
281 members of the committee, I support H.R. 372, the  
282 Competitive Health Insurance Reform Act, which repeals the  
283 antitrust exemption in the McCarran-Ferguson Act for the  
284 health insurance business. For many years, I have advocated  
285 for such a repeal, and you should know how pleased I am to  
286 see bipartisan support for this position.

287 My own bill, H.R.143, the Health Insurance Industry  
288 Anti-Enforcement Act, would similarly repeal the McCarran-  
289 Ferguson antitrust exemption for the health insurance  
290 business. It does so for price fixing, bid rigging, and  
291 market allocation, the most egregious kinds of anti-  
292 competitive conduct. Additionally, my legislation would  
293 repeal the exemption for the business of medical malpractice  
294 insurance, as this would be another key component of  
295 insuring competition in healthcare markets.

296 There are several reasons why Congress should repeal  
297 this antitrust exemption. To begin with, there is no  
298 justification for such a broad antitrust exemption for the  
299 business of health insurance. Congress passed the McCarran-  
300 Ferguson Act in response to a 1944 Supreme Court decision,  
301 finding that the antitrust laws applied to the business of  
302 insurance. Both insurance companies and the States  
303 expressed concern about that decision. Insurance companies  
304 worried that it would jeopardize certain collective

305 practices, like joint rate setting and the pooling of  
306 historical data. And the States were concerned, on the  
307 other hand, about losing their authority to regulate and tax  
308 the business of insurance.

309 To address these issues, McCarran-Ferguson provides  
310 that Federal antitrust laws apply to the business of  
311 insurance only to the extent that it is not regulated by  
312 State law, which has resulted in a broad antitrust  
313 exemption. Industry and State revenue concerns, rather than  
314 the key goals of protecting competition and consumers, were  
315 the primary drivers of the act. In passing McCarran-  
316 Ferguson, however, Congress initially intending to provide  
317 only a temporary exemption and, unfortunately, gave little  
318 consideration to insuring competition.

319 Not surprisingly, three commissioners observed in the  
320 2007 Anti-Trust Modernization Commission Report that  
321 McCarran-Ferguson should be repealed because it has  
322 "outlived any utility it may have had and should be  
323 repealed." And another commissioner stated that the act is  
324 among the most ill-conceived and egregious examples of  
325 antitrust exemptions and that its repeal should not be  
326 delayed.

327 Given the foregoing, I would encourage the committee to  
328 consider a full repeal of the McCarran-Ferguson antitrust  
329 exemption in the future. Anti-trust exemptions should be

330 exceedingly rare and should be enacted only where strong  
331 policy reasons supports exemptions. It is far from clear  
332 that McCarran-Ferguson antitrust exemption was ever fully  
333 justified, and while I support repealing that exemption for  
334 health insurance, it would be worth the committee's time to  
335 look beyond the health insurance sector.

336 For example, my proposal would have all also repealed  
337 the act's antitrust exemption for medical malpractice  
338 insurers. Given that a lack of competition among such  
339 insurers is one of the reasons for high medical malpractice  
340 premiums in the first place.

341 Finally, repeal McCarran-Ferguson exemption for the  
342 business of health insurance is a complement, not an  
343 alternative, to the Affordable Care Act. Repealing  
344 McCarran-Ferguson alone will be insufficient to help  
345 patients and other healthcare consumers obtain affordable  
346 health insurance. We should remember that the House  
347 included language almost identical to H.R. 372 in it is  
348 version of the Affordable Care Act.

349 This is not an either/or situation. We need both  
350 measures to be in place to maximize benefits, improve  
351 quality, and lower prices for consumers. Nonetheless, I  
352 support this legislation and urge our committee to report it  
353 favorably. I thank you and yield back.

354 [The prepared statement of Mr. Conyers follows:]

355

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*



356 Chairman Goodlatte. Thank you, Mr. Conyers. I know  
357 recognize myself for purposes of offering an amendment.

358 The clerk will report the amendment.

359 Ms. Adcock. Amendment in the nature of a substitute to  
360 H.R. 372. Strike all after the inaction clause --

361 [The amendment of Chairman Goodlatte follows:]

362 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

363 Chairman Goodlatte. Without objection, the amendment  
364 is now considered as read, and I will now recognize myself  
365 to explain the amendment.

366 McCarran-Ferguson Act was originally passed to defer  
367 the regulation of the business of insurance to the States  
368 and to allow insurers to engage in certain pro-competitive,  
369 collaborative activities.

370 Has the amendment been distributed yet? Is it being  
371 distributed?

372 So the amendment should be before you at your desk.  
373 Today such activities generally include the aggregation and  
374 sharing of historical loss data, the utilization of common  
375 forms, and joint underwriting for high-risk policies. The  
376 pooling of the loss data, in particular, encourages accurate  
377 premium pricing for the benefit of consumers. Use of pooled  
378 data by smaller insurers allows them to accurately price  
379 coverage with resources they authorize would not have  
380 available.

381 Moreover, even larger insurers seeking to enter new  
382 States, markets, classes of business, or product lines  
383 depend upon industry-wide data that is available to them  
384 only because the McCarran-Ferguson Act's limited exemption.

385 Several proponents of the bill have asserted that  
386 Federal antitrust laws have evolved since the passing of the  
387 McCarran-Ferguson Act and that the activities insurers are

388 concerned with are no longer in violation based on well-  
389 established legal precedent. Despite the potential  
390 viability of this argument, if the McCarran-Ferguson Act is  
391 repealed, it will not stop parties, both private and  
392 Federal, from testing the contours of such court-made  
393 doctrine.

394 As a result, the health insurance industry would face  
395 significant uncertainty and likely disruption with the  
396 consequences ultimately flowing down to the consumer.  
397 Absent certain safeguards, insurers may disengage from  
398 certain beneficial collaborative activities, eliminating or  
399 impeding smaller insurers from competing and de  
400 incentivizing larger insurers from exploring new products  
401 and markets.

402 My amendment would codify the continued protection of  
403 these well-established, pro-competitive activities.  
404 Specifically, the amendment provides safe harbors for the  
405 collection and distribution of historical loss data, the  
406 determination of a loss development factor, the performance  
407 of actuarial services that do not involve a restraint of  
408 trade, and the use of common forms that are not coercive.

409 The insertion of these safe harbors will create a  
410 presumption that these pro-competitive activities can  
411 continue, while still allowing regulation and oversight to  
412 the extent any activity crosses over into a restraint of

413 trade. As result, insurers will be encouraged to provide  
414 consumers will a diverse range of offerings at fair and  
415 reasonable prices.

416       Importantly, this amendment does not seek to foreclose  
417 any other preexisting judicial exemptions that have been  
418 developed over the years.

419       Finally, this amendment removes other superfluous  
420 language and clarifies that the definition of property and  
421 causality insurance includes insurance so classified by the  
422 States.

423       Mr. Conyers. Mr. Chairman?

424       Chairman Goodlatte. For what purpose does the  
425 gentleman from Michigan seek recognition?

426       Mr. Conyers. I rise in support of the substitute  
427 amendment.

428       Chairman Goodlatte. The gentleman is recognized for 5  
429 minutes.

430       Mr. Conyers. Members of the committee, this substitute  
431 amendment preserves the underlying bill's basic effect,  
432 which is to repeal the antitrust exemption for the business  
433 of health insurance. The substitute amendment would add  
434 certain safe harbor provisions to clarify that the bill does  
435 not apply to certain collective activities common to the  
436 insurance industry that courts have already found not to be  
437 anti-competitive, such as the pooling of historical loss

438 data, the determination of a loss development factor,  
439 applicable to historical loss data, the performance of  
440 actuarial services that do not involve a restraint of trade,  
441 or the development of a standard insurance policy form, as  
442 long as there is not adhere to or to require adherence to  
443 such standard form.

444       The first three safe harbor provisions added by the  
445 substitute amendment were contained in a prior version of my  
446 own legislation from the 111th Congress.

447       The fourth Safe Harbor Provision concerning the use of  
448 standard insurance policy forms codifies current law. The  
449 substitute amendment also includes definitions for the terms  
450 "historical loss data" and "loss development factor," taken  
451 from my earlier legislation.

452       The Consumer Union had written in support of the  
453 substitute amendment with the caveat that the committee  
454 should consider repealing the antitrust exemption further  
455 for hospital indemnity insurance and specific disease  
456 insurance.

457       For these reasons, and because the substitute amendment  
458 preserves the underlying bill to repeal the antitrust  
459 exemption for the health insurance business, I am pleased to  
460 support the substitute amendment. And I yield back the  
461 balance of my time and thank the chair.

462       [The prepared statement of Mr. Conyers follows:]

463

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

464 Chairman Goodlatte. The chair thanks the gentleman.  
465 Would the gentleman from Rhode Island seek to give his  
466 opening statement at this time?

467 Mr. Cicilline. Thank you, Mr. Chairman.

468 Chairman Goodlatte. The gentleman who is the ranking  
469 member on the Subcommittee of Jurisdiction is recognized for  
470 his opening statement.

471 Mr. Cicilline. Thank you, Mr. Chairman. H.R. 372, the  
472 Competitive Health Insurance Reform Act of 2017, would  
473 repeal a longstanding antitrust exemption established by the  
474 McCarran-Ferguson Act, with respect to the business of  
475 health insurance. This law was enacted more than 70 years  
476 ago in response to the Supreme Court's ruling in  
477 Southeastern Underwriters Association, that insurance  
478 activity across State lines is commerce within the meaning  
479 of Article I in the Constitution, and therefore subject to  
480 the antitrust laws.

481 To qualify for the McCarran-Ferguson exemption, an  
482 insurer must be engaged in the business of insurance that is  
483 not designed to boycott, coerce, or intimidate, and is  
484 regulated within a State. While these requirements somewhat  
485 constrain anticompetitive conduct, it is clear that they do  
486 not preclude the most egregious antitrust violations, such  
487 as price-fixing, bid-rigging, and market allocation by  
488 health insurance providers.

489           In fact, Christine Varney, the former head of the  
490 Justice Department's antitrust division in the Obama  
491 administration, testified in 2009 that decades of case law  
492 demonstrate that this exemption immunizes these exact forms  
493 of unlawful conduct, even when they occur within our State  
494 regulatory schemes. Health insurance companies should be  
495 subject to antitrust liability to the extent that they  
496 collude or otherwise engage in anticompetitive behavior.  
497 H.R. 372 would provide for this result, and so I encourage  
498 our colleagues in the Senate to move quickly to adopt it or  
499 a similar measure.

500           But let me be perfectly clear about two things. First,  
501 promoting competition in health insurance markets cannot  
502 occur at the expense of the strong protections established  
503 by the Affordable Care Act to make health insurance markets  
504 more efficient and prohibiting discriminatory insurance  
505 policies. These protections are textbook measures that help  
506 promote competition in the insurance market as leading  
507 antitrust expert Professor Tim Grann testified in 2015.

508           Second, repealing the McCarran-Ferguson antitrust  
509 exemption for health insurance will not automatically result  
510 in new pathways for insurance companies to compete and offer  
511 products across State lines, as President Trump and others  
512 have suggested. This simplistic approach to healthcare  
513 policy overlooks the fact that section 1333 of the



514 Affordable Care Act already allows States to establish  
515 healthcare choice compacts to provide for cross-state  
516 insurance sales. And according to the National Conference  
517 of State legislatures, five States have already enacted out-  
518 of-state purchasing laws.

519 But these laws have done little to encourage cross-  
520 state insurance sales because health insurers are simply  
521 uninterested in selling these products. The barriers to  
522 entry in health insurance markets are not truly regulatory;  
523 they are financial and they are network, as Professor  
524 Sabrina Corlette of Georgetown University's Health and  
525 Policy Institute has observed.

526 In closing, I thank the chair for consideration of this  
527 measure, and Ranking Member Conyers for his steadfast  
528 leadership on this issue. I urge my colleagues to support  
529 H.R. 372.

530 [The prepared statement of Mr. Cicilline follows:]

531 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

532 Mr. Cicilline. And with your permission, Mr. Chairman,  
533 I offer and ask for unanimous consent to put into the record  
534 a letter from the American Bar Association section of  
535 Antitrust Law, supporting the full repeal of McCarran-  
536 Ferguson exemption.

537 Chairman Goodlatte. Without objection, the gentleman's  
538 letter will be made part of the record.

539 [The information follows:]

540 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

541 Chairman Goodlatte. The question occurs on the  
542 amendment offered by the chair.

543 Mr. Marino. Mr. Chairman, I have an amendment at the  
544 desk.

545 Chairman Goodlatte. For what purpose does the  
546 gentleman from Pennsylvania seek recognition?

547 Mr. Marino. I have an amendment at the desk.

548 Chairman Goodlatte. The clerk will report the  
549 amendment to the amendment.

550 Ms. Adcock. Amendment to the amendment in the nature  
551 of a substitute to H.R. 372, offered by Mr. Marino. Page 1,  
552 line 14, insert "in limited scope dental benefits," after  
553 insurance. Page 2, beginning on line 11 --

554 [The amendment of Mr. Marino follows:]

555 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

556 Chairman Goodlatte. Without objection, the amendment  
557 is considered as read, and the gentleman is recognized for 5  
558 minutes on his amendment.

559 Mr. Marino. Thank you, Mr. Chairman. I will be very  
560 brief. I would like to introduce a short technical  
561 amendment to the substitute. This amendment will accomplish  
562 two things. First, it will clarify that the definition of  
563 "dental insurance" includes limited scope dental benefits,  
564 and will be included in the scope of the repeal.

565 Second, it makes a technical adjustment to the language  
566 of the standard form "safe harbor" to mirror the  
567 introductory language in the manager's amendment. And I  
568 yield back.

569 Chairman Goodlatte. The chair thanks the gentleman.  
570 The question is on the amendment to the amendment in the  
571 nature of a substitute.

572 All those in favor, respond by saying aye.

573 Those opposed, no.

574 The ayes have it, and the amendment to the amendment is  
575 agreed to.

576 Now the question occurs on the underlying amendment  
577 offered by the chair.

578 All those in favor, respond by saying aye.

579 Those opposed, no.

580 In the opinion of the chair, the ayes have it, and the

581 amendment to the amendment is agreed to.

582 Are there other amendments to the amendment?

583 Mr. Conyers. Mr. Chairman, may I have unanimous  
584 consent to put the letter of the Consumers Union, dated  
585 February 28th, 2017, into the record?

586 Chairman Goodlatte. Without objection, it will be made  
587 a part of the record.

588 [The information follows:]

589 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

590 Mr. Conyers. Thank you.

591 Chairman Goodlatte. A reporting quorum being present,  
592 the question is on the motion to report the bill, H.R. 372  
593 as amended --

594 Mr. Deutch. Chairman?

595 Chairman Goodlatte. For what purpose does the  
596 gentleman from Florida seek recognition?

597 Mr. Deutch. I move to strike the last word.

598 Chairman Goodlatte. The gentleman is recognized for 5  
599 minutes.

600 Mr. Deutch. Mr. Chairman, I just -- I wanted to make  
601 clear that I support this legislation, as amended, with your  
602 good amendment, but I did want to just clarify that I am  
603 supporting it for the reasons that my colleague from Rhode  
604 Island, Mr. Cicilline, and the ranking member have  
605 expressed. And I wanted to just refer to something that you  
606 had said, Mr. Chairman, during your introduction of the  
607 bill, when you referred to the disastrous implications of  
608 the Affordable Care Act.

609 And I feel, Mr. Chairman, I feel compelled just to  
610 speak up, since I have a constituent who is coming to town.  
611 She is not here yet; otherwise, she wanted to be here for  
612 this hearing. But she is joining us tonight for the  
613 President's speech, and she is coming as the grandmother of  
614 a 2-and-a-half-year-old. Her grandson was born blue and

615 motionless, unable to breathe, unable to eat, unable to  
616 swallow. And after 2-and-a-half years, and more than a  
617 million dollars spent in the first four months of life, and  
618 hundreds of thousands of dollars since, her grandchild is  
619 still alive. And that likely would not be the case were it  
620 not for the Affordable Care Act that helped to provide the  
621 protections that insured that that child received the care  
622 that was necessary.

623 So, on her behalf, I would reject the suggestion that  
624 the Affordable Care Act had a disastrous implication in this  
625 case. To the contrary, it would be the repeal of the  
626 Affordable Care Act that would have a disastrous implication  
627 on the life of this child.

628 Moreover, Mr. Chairman, as we speak about disastrous  
629 implications of the repeal of the Affordable Care Act, they  
630 would extend not just to the grandchild of my constituent,  
631 but that would extend also to the 30 million people who  
632 would lose health insurance. That would also extend to the  
633 more than 50 million Medicare beneficiaries who would see  
634 their healthcare costs, their prescription drug costs go up.

635 And Mr. Chairman, I think too often forgotten, it would  
636 also mean that, for the more than 150 million people who get  
637 their health insurance from their employers, every one of  
638 those policies now, as a result of the Affordable Care Act,  
639 it should be pointed out, no longer can include lifetime

640 limits, annual limits, pre-existing conditions,  
641 discrimination against women. The policies cannot be  
642 canceled when they are sick. The children can remain on  
643 their policies until they are 26.

644 Mr. Chairman, I just wanted to be clear that when we  
645 speak of disastrous implications, that there is a very  
646 compelling argument to be made that, in fact, it is not the  
647 life-saving Affordable Care Act, as I describe, certainly  
648 with respect to my constituent's grandchild and millions of  
649 others -- it is not just that that matters. It is the  
650 disastrous implications that would befall them and millions  
651 and millions of Americans if we repeal the Affordable Care  
652 Act.

653 I know we will have a full debate on that very topic.  
654 Unlikely that we will have it here, but I just felt  
655 compelled, in light of your comment about disastrous  
656 implications, that we be clear about what those disastrous  
657 implications might really be. And I yield back.

658 Chairman Goodlatte. The chair will advise the audience  
659 that you are welcome to be present, but you are not welcome  
660 to participate in the debate. So, restrain yourselves, or  
661 you will be asked to leave.

662 A reporting quorum being present, the question is on  
663 the motion -- it is not an order. We have passed the  
664 substitute amendment, and now we are on final passage.



665 A reporting quorum being present, the question is on  
666 the motion to report the bill, H.R. 372, as amended,  
667 favorably to the House.

668 Those in favor will say aye.

669 Those opposed, no.

670 The ayes have it, and the bill, as amended, is ordered  
671 reported favorably.

672 Members will have 2 days to submit views, and without  
673 objection, the bill will be reported as a single amendment  
674 in the nature of a substitute, incorporating all adopted  
675 amendments. And staff is authorized to make technical and  
676 conforming changes.

677 Pursuant to notice, I now call up H.R. 1215 for  
678 purposes of mark up and move that the committee report the  
679 bill favorably to the House.

680 Mr. Cicilline. Mr. Chairman?

681 Chairman Goodlatte. The clerk will report the bill.

682 Mr. Cicilline. Point of inquiry.

683 Chairman Goodlatte. The gentleman will state his  
684 inquiry.

685 Mr. Cicilline. Mr. Chairman, I would ask whether or  
686 not it is permissible to ask that H.Res.111, the resolution  
687 of inquiry, be taken up first. My guess, and I do not want  
688 to be presumptuous, is that many people in the audience are  
689 here for that bill. And out of respect to the individuals

690 who have joined us, I would ask that we take that bill up  
691 first.

692 Chairman Goodlatte. I appreciate the gentleman's  
693 request. The committee has set forth its plan of procedure.  
694 All of these bills need to be reported today, so we are  
695 going to go ahead and proceed with H.R. 1215.

696 Pursuant to notice, I now call up H.R. 1215 for the  
697 purpose of mark up, move that the Committee report the bill  
698 favorably to the House. The clerk will report the bill.

699 Ms. Adcock. H.R. 1215, to improve patient access to  
700 healthcare services and provide improved medical care by  
701 reducing the excessive burden the liability system places on  
702 the healthcare delivery system.

703 [The bill follows:]

704 \*\*\*\*\* INSERT 2 \*\*\*\*\*

705 Chairman Goodlatte. Without objection, the bill is  
706 considered as read and open for amendment at any time, and I  
707 will begin by recognizing myself for an opening statement.

708 The bill before us today is modeled on California's  
709 highly successful litigation reforms that have lowered  
710 healthcare costs and made healthcare much more accessible to  
711 the people of that State. Because the evidence of the  
712 effects of those reforms on lowering healthcare costs is so  
713 overwhelming, the Congressional Budget Office has estimated  
714 that if the same reforms were applied at the Federal level,  
715 they would save over \$50 billion over a 10-year period.

716 And because the evidence that those reforms increased  
717 access to health care is so overwhelming, they are supported  
718 by a huge variety of public safety and labor unions,  
719 community clinics, and health centers, and organizations  
720 dedicated to disease prevention, all of whom have seen the  
721 beneficial effects of these reforms in California.

722 So popular are these reforms among the citizens of  
723 California that a ballot initiative to raise the damages  
724 cap, backed and funded by trial lawyers, was defeated by an  
725 over 2 to 1 margin in 2014. This bill's commonsense reforms  
726 include a \$250,000 cap on non-economic damages and limits on  
727 the contingency fees lawyers can charge. They allow courts  
728 to require periodic payments for future damages instead of  
729 lump sum awards, so bankruptcies in which plaintiffs would

730 receive only pennies on the dollar can be prevented. And  
731 they include provisions creating a fair share rule, by which  
732 damages are allocated fairly, in direct proportion to fault.

733 And this bill does all this without, in any way,  
734 limiting compensation for 100 percent of plaintiff's  
735 economic losses, which include anything to which a receipt  
736 can be attached, including all medical costs, lost wages,  
737 future lost wages, rehabilitation costs, and any other  
738 economic out-of-pocket loss suffered as the result of a  
739 healthcare injury.

740 Far from limiting deserved recoveries in California,  
741 these reforms have led to medical damages awards in  
742 deserving cases in the 80 and \$90 million range. Unlike  
743 past iterations, this bill only applies to claims concerning  
744 the provision of goods or services for which coverage is  
745 provided, in whole or in part, via a Federal program subsidy  
746 or tax benefit, giving it a clear Federal nexus.

747 Wherever Federal policy affects the distribution of  
748 healthcare, there is a clear Federal interest in reducing  
749 the costs of such Federal policies. The legislation before  
750 us today also affects any State law that otherwise caps  
751 damages or provides greater protections that lower  
752 healthcare costs.

753 When President Ronald Reagan established a special task  
754 force to study the need for Federal tort reform, that task

755 force concluded as follows: "In sum, tort law appears to be  
756 a major cause of the insurance availability and  
757 affordability crisis, which the Federal Government can and  
758 should address in a variety of sensible and appropriate  
759 ways."

760       Indeed, the Reagan task force specifically recommended:  
761 eliminate joint and several liability. Provide for periodic  
762 payments of future economic damages. Schedule -- that is,  
763 limit -- contingency fees of attorneys and limit non-  
764 economic damages to a fair and reasonable amount. All of  
765 these recommended reforms are part of the bill before us  
766 today. I urge my colleagues to support this legislation  
767 that would enact much-needed commonsense and cost-saving  
768 litigation forms that would increase healthcare  
769 accessibility for all.

770       [The prepared statement of Chairman Goodlatte follows:]

771 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

772 Mr. Conyers. Mr. Chairman?

773 Chairman Goodlatte. It is now my pleasure to recognize  
774 the ranking member of the Judiciary Committee, Mr. Conyers,  
775 for his opening statement.

776 Mr. Conyers. Thank you, Mr. Chairman, and members of  
777 the committee. Today's markup of 1215, the so-called  
778 "Protecting Access to Care Act," is the 12th time since 1995  
779 that we have considered legislation intended to deny victims  
780 of medical malpractice and defective medical products the  
781 ability to be made whole and to hold wrongdoers accountable.

782 This measure has repeatedly failed because of its many  
783 problems, including its trampling of States' rights. But  
784 the majority seems now to be rushing it to mark up as a part  
785 of their, what I describe, "chaotic" attempt to repeal the  
786 Affordable Care Act, even though it will directly impede  
787 Americans' access to safe, quality medical care.

788 There are many problems with this bill. To begin with,  
789 H.R. 1215, like so many other civil justice bills we have  
790 considered, deeply intrudes on State sovereignty. Tort law  
791 is supposed to be the domain of States, yet this bill  
792 preempts medical malpractice and product liability in many  
793 States.

794 And particularly, H.R. 1215 preempts State law  
795 governing joint and several liability, the availability of  
796 damages, the ability to introduce evidence of collateral

797 source benefits, attorneys' fees, and periodic payments of  
798 future damages.

799 Members should not be misled by assertions that the  
800 bill preserves State law. In truth, H.R. 1215 does nothing  
801 to address the fundamental concerns about States' rights  
802 previously raised by members on both sides of the aisle, as  
803 it intrudes just as deeply as its predecessor bills into  
804 areas traditionally determined by the States.

805 In fact, the rule of construction expressly states that  
806 it preempts State law, except in very limited circumstances,  
807 where State law is more favorable to defendants. And a  
808 number of so-called State flexibility provisions simply  
809 reinforce one-way preemption where the bill supersedes State  
810 laws that are generally more favorable to victims, while  
811 leaving intact State laws that are more favorable to  
812 defendants.

813 And further, this bill would cause real harm by  
814 severely limiting the ability of victims to be made whole.  
815 For instance, it imposes an unjustifiably low cap on non-  
816 economic damages. This bill's \$250,000 aggregate limit for  
817 non-economic damages, an amount established more than 40  
818 years ago, pursuant to a California statute, would have  
819 particularly adverse impact on women, children, the poor,  
820 and other vulnerable members of society.

821 These groups are more likely to receive non-economic

822 damages in healthcare cases because they are less able to  
823 prove lost wages and other economic losses. Women, for  
824 example, are often paid at a lower rate than men, even for  
825 the same job, and are also more likely to suffer non-  
826 economic loss such as disfigurement or loss of fertility.  
827 Imposing a severe limit on non-economic damages, therefore,  
828 hurts them disproportionately.

829         Whatever the short-term savings, the bill would impose  
830 broad social and financial costs in the long-term, including  
831 the additional strains on Medicare, on Medicaid, and other  
832 government programs caused when malpractice victims are  
833 denied full restitution.

834         Finally, the bill unjustifiably provides blanket  
835 immunity for healthcare providers in medical product  
836 liability cases. Now, it is hard to know why a provider  
837 should be entitled to blanket immunity for dispensing a  
838 defective or dangerous pharmaceutical or medical device.  
839 This provision also has the potential to indirectly shield  
840 pharmaceutical and device manufacturers, who may be able to  
841 argue successfully in a product liability action that a  
842 plaintiff's injury can be blamed on a provider's negligence.  
843 Because the provider would be immunized, the injured victim  
844 could be left without any recovery whatsoever. The law  
845 should not be used to create such an unjust result.

846         And for these and other reasons that I do not have time



847 to state now, I hope you will join me in strongly opposing  
848 H.R. 1215, and urge the committee of the judiciary to reject  
849 it. Thank you, Mr. Chairman.

850 [The prepared statement of Mr. Conyers follows:]

851 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

852 Chairman Goodlatte. Thank you, Mr. Conyers. It is now  
853 my pleasure to recognize the chairman of the Subcommittee on  
854 the Constitution and Civil Justice, Mr. King of Iowa, for  
855 his statement.

856 Mr. King. Thank you, Mr. Chairman. I rise in support  
857 of H.R. 1215, and I would like to discuss a need for this  
858 bill to preserve fiscal sanity and Federal health policy.

859 As reported in the Washington Post last week, U.S.  
860 healthcare spending is projected to accelerate over the next  
861 decade. A study by the Centers for Medicare and Medicaid  
862 Services projects that the average growth in health spending  
863 will be even faster between 2016 and 2025. The projections  
864 are based on an assumption that the legislative status quo  
865 will prevail.

866 That means, if we do not do anything. As Nate Silver  
867 has pointed out in the New York Times, "All of the major  
868 categories of Federal Government spending have been  
869 increasing relative to inflation. But essentially, all of  
870 the increase in spending relative to the economic growth and  
871 the potential tax base has come from entitlement programs,  
872 and about half of that has come from healthcare entitlements  
873 specifically."

874 So as healthcare costs rise, wages fall, as the more  
875 companies must pay in healthcare costs, the less they can  
876 pay in wages. Let me just take a look at the chart up there

877 that is published at the Journal of the American Medical  
878 Association.

879         This chart shows, the top line, growth in healthcare  
880 costs, on the top line with round buttons, and the bottom  
881 line with the triangles shows the growth in wages. The  
882 chart shows that, when healthcare costs growth slows, wages  
883 go up, but as healthcare cost growth increases, wages  
884 stagnate. And when healthcare costs grew at a slower rate,  
885 as they did in the mid-2000, wages rebound again.

886         [Chart]

887         If you want to increase wages, vote for this bill,  
888 because one of the drivers of higher healthcare spending is  
889 defensive medicine. It is a very real phenomenon confirmed  
890 by countless studies in which healthcare workers conduct  
891 many additional costly tests and procedures with no medical  
892 value that are charged to the Federal taxpayers and to other  
893 consumers simply to avoid excessive litigation costs.

894         A survey published in the Archives of Internal Medicine  
895 found that 91 percent of the over 1,000 doctors surveyed  
896 reported believing that physicians order more tests and  
897 procedures than needed to protect themselves from  
898 malpractice suits.

899         The survey also asked, "Are protections against  
900 unwarranted malpractice lawsuits needed to decrease the  
901 unnecessary use of diagnostic tests?" And overall, the same

902 91 percent of doctors surveyed agreed. One Newsweek  
903 reporter described the personal experience of individual  
904 doctors this way: typical was one doctor who had a list as  
905 long as my arm of procedures ER docs perform for no patient  
906 benefit.

907 They include following a bedside sonogram with an  
908 official sonogram, because it is easier to defend yourself  
909 to a jury if you have ordered the second sonogram, a CT scan  
910 for every child who bumped his head or her head to rule out  
911 things that can be diagnosed just fine by observation, X-  
912 rays that do not guide treatment, such as for a simple  
913 broken arm, or CT scans for suspected appendicitis that has  
914 been perfectly well diagnosed without it.

915 In fact, I have an orthopedic surgeon who said to me  
916 that, when he has a knee injury, 97 percent of the tests  
917 that he orders are protection for malpractice. He knows  
918 what he is going to operate on before he actually starts the  
919 surgery. So although doctors may hate practicing defensive  
920 medicine, they do it, so they do not get sued.

921 Nationwide, physicians estimate that 35 percent of  
922 diagnostic tests they ordered were to avoid lawsuits, as  
923 were 19 percent of hospitalizations, 14 percent of  
924 prescriptions, and 8 percent of surgeries. All told, it  
925 adds up to \$650 billion in unnecessary care every year.  
926 Another ER doctor said he ordered 52 CT scans in one 12 hour

927 shift. That is \$104,000 in one day. I would like to own  
928 that machine.

929 The more recent study, published a few months ago on  
930 the Journal of the American College of Radiology, studied  
931 the effects of tort reform on just radiographic tests alone,  
932 and found that there were "2.4 million to 2.7 million fewer  
933 radiographic tests annually attributed to tort reforms."  
934 Just imagine what savings would occur if such reforms were  
935 attached to all Federal healthcare programs, as this bill  
936 would do.

937 I urge all my colleagues to join me in supporting this  
938 vital legislation, and I would also say, in response to the  
939 trampling of States' rights, that this bill goes a long ways  
940 to respect States' rights and gives the States the authority  
941 to raise or lower the cap for noneconomic damages out of  
942 respect for States' rights, and also, I would point out that  
943 it models legislation that began in California, signed by  
944 Governor then and Governor now, Jerry Brown.

945 I am amazed to be advocating for such a policy, but I  
946 am also impressed by the policy and the progress that has  
947 been made in the State of California. Let's spread that to  
948 the rest of America today, and I yield back.

949 [The prepared statement of Mr. King follows:]

950 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

951 Chairman Goodlatte. The chair thanks the gentleman.  
952 The chair is now pleased to recognize the ranking member of  
953 the Subcommittee on the Constitution and Civil Justice, the  
954 gentleman from Tennessee, Mr. Cohen, for 5 minutes.

955 Mr. Cohen. Thank you, Mr. Chair. I appreciated Mr.  
956 Deutch's comments about the Affordable Care Act, the Patient  
957 Protection Act, and the dangers that we could see if we  
958 repeal it. And the chairman, in a statement quoted by  
959 friend Bill Clinton, with some political campaign rhetoric  
960 that Bill Clinton engaged in, but he forgot to mention John  
961 Boehner, who said that, basically, Republicans are going to  
962 fix the flaws on this law and put a more conservative box  
963 around it, saying a repeal and a replacement of Obamacare is  
964 not going to happen. That is reality.

965 And while I understand that the chairman calling it  
966 Obamacare is using a sobriquet that has been applied to that  
967 law, and we do not have rules that prohibit us from saying  
968 things that might use a name of a President, that is kind of  
969 dog-whistle politics. We know what that is about. It is  
970 the Affordable Care Act and Patient Protection Act. It is  
971 not Obamacare, which was an appellation given by people of  
972 the other party to try to draw attention to folks that did  
973 not like that President. So I find that a little bit  
974 difficult when we are trying to deal with an issue that is  
975 of importance, and we get into political dog whistling.

976 Medical malpractice has always been the province of the  
977 States, and no matter how you spin it, and if you say  
978 something about Jerry Brown and how wonderful it was, Jerry  
979 Brown did it in California. California is a State, and this  
980 is a State issue. This Congress, which long the majority  
981 has been for States' rights, except, of course, when it  
982 comes to issues concerning guns and gun licenses and,  
983 apparently, some other areas, like marijuana, it not being a  
984 State issue. This is a State issue.

985 And the wonderful thing about States having different  
986 laws is what Justice Brandeis said about the laboratories of  
987 democracy. Each State can do things in different ways, and  
988 the States can look and see what happened when they did it,  
989 and then we can learn. And one size fits all takes away  
990 that possibility.

991 This particular bill comes up at a time when there are  
992 serious issues going on in America that threaten, in my  
993 opinion, Mr. Chairman, the core of democracy. To accuse the  
994 press of being the enemies of the people, a statement that  
995 even Nikita Khrushchev veered away from in the 1950s,  
996 because even that was too much in a Communist country and  
997 for that particular Communist leader; it smacks against the  
998 First Amendment, and our previous President and our  
999 penultimate President, I guess, is where I was going. I  
1000 miss Barack. I even miss W.

1001           President Bush, George W. Bush, just said the other day  
1002 that power, in essence, corrupts, and there needs to be  
1003 controls over it and that the press is an important and  
1004 indispensable part of democracy and, certainly, not the  
1005 enemy of the people. Jewish cemeteries are being desecrated  
1006 in St. Louis and in Philadelphia, and Jewish community  
1007 centers are being threatened on a daily basis, it appears.

1008           Anti-Semitism and racism and the shooting of two Indian  
1009 individuals, Indian nationals, one of whom was murdered in  
1010 Kansas by an individual, who thought they were different and  
1011 they should not be in America, are alarming. And these are  
1012 issues we should be strongly concerned about. And if we  
1013 want to make health care cheaper, which we should, and make  
1014 it more affordable, we ought to have a single-payer system.

1015           Mr. Conyers. Yes.

1016           Mr. Cohen. That would make it more affordable, and if  
1017 that is the nexus that makes this law applicable for the  
1018 Federal Government to usurp the States, and the chairman  
1019 said that the nexus was that it makes things cheaper, and  
1020 anything that makes health care cheaper is so important that  
1021 we need to take it away from the States, well, if you are  
1022 concerned about cost, you should be for a single-payer  
1023 system. And that would make it cheaper and take profits  
1024 away from insurance companies that, right now, are paying  
1025 for ads to get people to buy drugs and making immense



1026 profits and having their executives draw salaries in the  
1027 areas of \$40 and \$50 million.

1028         This bill takes away from people who are hurt by  
1029 medical malpractice in ways that are artificial and wrong,  
1030 and we should not be on the side of those people who commit  
1031 medical malpractice and cause injuries to others.

1032         With all of that said, I respectfully suggest that the  
1033 agenda we are following is not the agenda of the American  
1034 people at the present time. It is the agenda of the  
1035 American Medical Association, who is here today, and this is  
1036 the bill du jour.

1037         I yield back the balance of my time.

1038         Chairman Goodlatte. Chair thanks the gentleman, and I  
1039 now recognize Mr. King of Iowa for the purposes of offering  
1040 an amendment.

1041         Mr. King. Thank you, Mr. Chairman. I have an  
1042 amendment at the desk in the nature of a substitute.

1043         Chairman Goodlatte. The clerk will report the  
1044 amendment.

1045         Ms. Adcock. Amendment in the nature of a substitute to  
1046 H.R. 1215 offered by Mr. King. Strike all that follows  
1047 after the --

1048         [The amendment of Mr. King follows:]

1049 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1050 Chairman Goodlatte. Without objection, the amendment  
1051 will be considered as read, and I will now recognize Mr.  
1052 King to explain his amendment.

1053 Mr. King. Thank you, Mr. Chairman. This amendment in  
1054 the nature of a substitute, it is the same text as the bill  
1055 was introduced. The amendment of the substitute leaves out  
1056 the non-operative portions of the bill, meaning specifically  
1057 the findings and the purpose.

1058 And I would urge its adoption and yield back the  
1059 balance of my time.

1060 Chairman Goodlatte. The chair thanks the gentleman.  
1061 For what purpose does the gentleman from Michigan seek  
1062 recognition?

1063 Mr. Conyers. Mr. Chairman, I rise in opposition to the  
1064 substitute amendment.

1065 Chairman Goodlatte. The gentleman is recognized for 5  
1066 minutes.

1067 Mr. Conyers. Ladies and gentleman of the committee,  
1068 the substitute amendment appears to make no substantive  
1069 changes to the underlying bill and simply removes the  
1070 findings and purpose section of the bill as introduced.  
1071 Therefore, I oppose the substitute amendment for the reasons  
1072 I have already previously outlined in my opening remarks and  
1073 hope that the majority of members on this committee will  
1074 join with me.

1075 And I yield back the balance of my time, and thank you.

1076 Chairman Goodlatte. The question occurs on the

1077 amendment offered by the gentleman from Iowa, Mr. King.

1078 All those in favor, respond by saying aye.

1079 Those opposed, no.

1080 Okay. We will withdraw that vote, and we will ask if

1081 there are any amendments to the amendment.

1082 Mr. Conyers. I have an amendment to the amendment.

1083 Chairman Goodlatte. The clerk will report the

1084 amendment of the gentleman from Michigan.

1085 Ms. Adcock. Amendment to the amendment in the nature

1086 of a substitute to H.R. 1215, offered by Mr. Conyers of

1087 Michigan. Page 12, line 7, insert after "for local

1088 government" the following, which alleges an intentional

1089 tort.

1090 [The amendment of Mr. Conyers follows:]

1091 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1092 Chairman Goodlatte. The gentleman is recognized for 5  
1093 minutes on his amendment.

1094 Mr. Conyers. Mr. Chairman, I first want to thank you  
1095 for your forbearance in allowing me to introduce this  
1096 amendment.

1097 This amendment, members of the committee, adjusts, to  
1098 me, one of the worst shortcomings in the bill by exempting  
1099 actions alleging intentional torts from the bill's scope:  
1100 intentional torts.

1101 While many people think of negligent conduct when  
1102 considering medical malpractice or products liability cases,  
1103 we tend to forget that the most egregious torts are  
1104 intentional torts. Intentional torts happen when a person  
1105 deliberately harms a victim. The harm was not the result of  
1106 an accident, but of a deliberate act by the wrongdoer, done  
1107 with intent to harm the victim.

1108 Examples of intentional torts include assault, battery,  
1109 rape, conversion, false imprisonment, intentional infliction  
1110 of emotional distress, fraud, representation, malicious  
1111 prosecution, abuse of process, invasion of privacy, and  
1112 defamation.

1113 As currently drafted, H.R. 1215 would equally apply to  
1114 those who commit those heinous acts, as well as those who  
1115 merely commit a negligent act. For example, the bill would  
1116 cap non-economic damages at \$250,000. Such a limit, as I

1117 noted earlier, is based on a dollar amount set in a  
1118 California statute in 1975, an amount today woefully  
1119 insufficient to compensate a victim of intentional torts,  
1120 which are some of the most egregious kinds of conduct over  
1121 which to sue.

1122       The bill also eliminates joint and civil liability,  
1123 making it more difficult to hold multiple wrongdoers  
1124 accountable. It also imposes an unreasonable statute of  
1125 limitations and severely limits attorney fee arrangements,  
1126 which may effectively deny many victims access to the court.

1127       These concerns are even more heightened when we are  
1128 talking about intentional torts. For example, earlier this  
1129 month, Dr. Christopher Duntsch, a Texas neurosurgeon, was  
1130 convicted of a felony charge of injury to an elderly person  
1131 in a case where prosecutors allege that he deliberately  
1132 maimed up to 15 of his elderly patients, at least two of  
1133 whom died as a result of his acts.

1134       In 2011, Dr. Earl Bradley, a Delaware pediatrician, was  
1135 convicted and sentenced to 165 years in prison for 471  
1136 counts of child sexual abuse after he molested 103 of his  
1137 patients, all minors. Dr. David Foster, a Maryland dentist,  
1138 was found guilty of raping a 15-year-old girl whom he had  
1139 drugged with nitrous oxide. Five other women came forward  
1140 with similar allegations.

1141       GlaxoSmithKline knowingly sold 20 drugs of questionable

1142 safety that were made at a plant in Puerto Rico that was  
1143 rife with contamination. The plant was eventually closed in  
1144 2009.

1145       Examples of such intentional conduct abound in the  
1146 healthcare industry, and yet H.R. 1215 would severely limit  
1147 what victims could recover for these wrongs and could even  
1148 deny them their day in court. And so my amendment would not  
1149 fix the fundamental flaws in H.R. 1215, but it would make a  
1150 terrible bill just a shade better by providing victims of  
1151 the most egregious kinds of conduct, like sexual assault,  
1152 some measure of justice accordingly, and for those reasons,  
1153 I urge my colleagues to support this amendment.

1154       I thank the chairman and yield back the balance of my  
1155 time.

1156       Chairman Goodlatte. The chair thanks the gentleman.  
1157 For what purpose does the gentleman from Iowa seek  
1158 recognition?

1159       Mr. King. Mr. Chairman, I seek to strike the last  
1160 word.

1161       Chairman Goodlatte. The gentleman is recognized for 5  
1162 minutes.

1163       Mr. King. Thank you, Mr. Chairman, and I rise the  
1164 opposition to the Conyers' amendment.

1165       This amendment should be defeated. And Black's Law  
1166 Dictionary defines intentional tort as a tort committed by

1167 someone acting with general or specific intent. It means a  
1168 doctor who takes any specific action is acting with specific  
1169 intent to take that action, and so this amendment, if  
1170 adopted, the affective of it would be to gut the bill.

1171 Any hostile judge, and we have seen many of them,  
1172 especially recently, who opposes the policy of this bill,  
1173 could use the phrase that this amendment would insert into  
1174 the bill to entirely negate the bill itself. And that  
1175 phrase that is entered in is "which is in an intentional  
1176 tort."

1177 And so I urge all of my colleagues to oppose it, and I  
1178 would point out also that the concern that the ranking  
1179 member from Detroit, from Michigan, Mr. Conyers raised that  
1180 the bill would cap non-economic damages at \$250,000 being  
1181 unreasonable, that is the law in California today. And the  
1182 economic damages themselves are allowed to go fully in this  
1183 bill to make a person whole, if they are damaged, if they  
1184 have a legitimate tort claim, whatever the price is to them  
1185 to make them whole, and then allow, also, for the non-  
1186 economic damages to go to them, under the cap, to send a  
1187 message.

1188 But the bill itself allows each State to set that cap,  
1189 if they disagree with the Federal cap that would be in this  
1190 bill. I think it's a prudent way to craft this; this bill  
1191 is drafted with respect towards States' rights. It's

1192 carefully put together, and this amendment offered by the  
1193 gentlemen from Michigan, the effect of it would be to gut  
1194 the bill itself.

1195 And so I urge that we vote down Conyers' amendment, and  
1196 I yield back the balance of my time.

1197 Chairman Goodlatte. The question occurs on the  
1198 amendment offered.

1199 Is someone seeking recognition?

1200 Mr. Raskin. Mr. Chairman, I move to strike the last  
1201 word.

1202 Chairman Goodlatte. The gentleman from Maryland is  
1203 recognized for 5 minutes.

1204 Mr. Raskin. Mr. Chairman, thank you very much. I rise  
1205 in favor of the Conyers' amendment.

1206 The bill generally is a massive assault on the power  
1207 and the right of States to set up their own tort systems.  
1208 In Maryland, for example, our caps are \$785,000, which was  
1209 arrived at after a very long and complicated series of  
1210 compromises and discussions between the plaintiffs' bar and  
1211 victims' groups, the hospitals, and the doctors, and this  
1212 bill will just take a sledgehammer to our whole tort system.  
1213 And I think, before any member thinks about voting for this  
1214 legislation, you should check what your own State laws are  
1215 because, far from respecting federalism and State rights,  
1216 the legislation is a bulldozer and puts all of us in a



1217 straightjacket imposed with very low caps, \$250,000.

1218       It would also abolish joint and several liability,  
1219 which is something else that my State has, which basically  
1220 shifts to the tortfeasor the responsibility of sorting out  
1221 who is at fault and who has got to pay what instead of  
1222 putting that on the victims of toxic torts or intentional  
1223 torts.

1224       Now as to the amendment, you would make a very  
1225 egregious bill a little bit better by carving out, from its  
1226 provisions, the victims of the most severe kinds of  
1227 intentional misconduct, like sexual assault by doctors or  
1228 dentist against their patients while they are sleeping.

1229       I just beg to differ with my distinguished colleague  
1230 who just spoke. There is a vast difference between  
1231 intentional torts, where the person sets out deliberately to  
1232 do harm, and those torts that occur as a matter of  
1233 negligence, falling below a general standard of good  
1234 behavior in a field, or a strict liability, which is what we  
1235 impose upon the producers of mass products, for example.

1236       So all that the ranking member is saying here is, at  
1237 least in the case where you have a deliberate tortfeasor,  
1238 someone who sets out to assault someone else, someone who  
1239 sets out to sexually assault or rape someone else, someone  
1240 who sets out to inflict harm, we should not be imposing this  
1241 straightjacket of pro-defendant rules on the States.

1242           And so I feel very strongly that we need to adopt this  
1243 amendment at the very least, and with that, I yield the  
1244 remainder of my time, Mr. Chairman.

1245           Chairman Goodlatte. The question occurs on the  
1246 amendment offered by the gentlemen from Michigan.

1247           All those in favor, respond by saying aye.

1248           Those oppose, no.

1249           In the opinion of the chair, the noes have it.

1250           Mr. Conyers. Can we have a recorded vote, sir?

1251           Chairman Goodlatte. A recorded vote is requested, and  
1252 the clerk will call the roll.

1253           Ms. Adcock. Mr. Goodlatte?

1254           Chairman Goodlatte. No.

1255           Ms. Adcock. Mr. Goodlatte votes no.

1256           Mr. Sensenbrenner?

1257           Mr. Sensenbrenner. No.

1258           Ms. Adcock. Mr. Sensenbrenner votes no.

1259           Mr. Smith?

1260           Mr. Smith. No.

1261           Ms. Adcock. Mr. Smith votes no.

1262           Mr. Chabot?

1263           Mr. Chabot. No.

1264           Ms. Adcock. Mr. Chabot votes no.

1265           Mr. Issa?

1266           [No response.]

1267 Mr. King?  
1268 Mr. King. No.  
1269 Ms. Adcock. Mr. King votes no.  
1270 Mr. Franks?  
1271 Mr. Franks. No.  
1272 Ms. Adcock. Mr. Franks votes no.  
1273 Mr. Gohmert?  
1274 [No response.]  
1275 Mr. Jordan?  
1276 Mr. Jordan. No.  
1277 Ms. Adcock. Mr. Jordan votes no.  
1278 Mr. Poe?  
1279 [No response.]  
1280 Mr. Chaffetz?  
1281 Mr. Chaffetz. No.  
1282 Ms. Adcock. Mr. Chaffetz votes no.  
1283 Mr. Marino?  
1284 Mr. Marino. No.  
1285 Ms. Adcock. Mr. Marino votes no.  
1286 Mr. Gowdy?  
1287 [No response.]  
1288 Mr. Labrador?  
1289 Mr. Labrador. No.  
1290 Ms. Adcock. Mr. Labrador votes no.  
1291 Mr. Farenthold?

1292 Mr. Farenthold. No.

1293 Ms. Adcock. Mr. Farenthold votes no.

1294 Mr. Collins?

1295 [No response.]

1296 Mr. DeSantis?

1297 [No response.]

1298 Mr. Buck?

1299 Mr. Buck. No.

1300 Ms. Adcock. Mr. Buck votes no.

1301 Mr. Ratcliffe?

1302 Mr. Ratcliffe. No.

1303 Ms. Adcock. Mr. Ratcliffe votes no.

1304 Ms. Roby?

1305 [No response.]

1306 Mr. Gaetz?

1307 [No response.]

1308 Mr. Johnson of Louisiana?

1309 [No response.]

1310 Mr. Biggs?

1311 [No response.]

1312 Mr. Conyers?

1313 Mr. Conyers. Aye.

1314 Ms. Adcock. Mr. Conyers votes aye.

1315 Mr. Nadler?

1316 Mr. Nadler. Aye.

1317 Ms. Adcock. Mr. Nadler votes aye.  
1318 Ms. Lofgren?  
1319 [No response.]  
1320 Ms. Jackson Lee?  
1321 [No response.]  
1322 Mr. Cohen?  
1323 Mr. Cohen. Aye.  
1324 Ms. Adcock. Mr. Cohen votes aye.  
1325 Mr. Johnson of Georgia?  
1326 Mr. Johnson of Georgia. Aye.  
1327 Ms. Adcock. Mr. Johnson votes aye.  
1328 Mr. Deutch?  
1329 Mr. Deutch. Aye.  
1330 Ms. Adcock. Mr. Deutch votes aye.  
1331 Mr. Gutierrez?  
1332 [No response.]  
1333 Ms. Bass?  
1334 Ms. Bass. Aye.  
1335 Ms. Adcock. Ms. Bass votes aye.  
1336 Mr. Richmond?  
1337 [No response.]  
1338 Mr. Jeffries?  
1339 [No response.]  
1340 Mr. Cicilline?  
1341 Mr. Cicilline. Aye.

1342 Ms. Adcock. Mr. Cicilline votes aye.  
1343 Mr. Swalwell?  
1344 Mr. Swalwell. Aye.  
1345 Ms. Adcock. Mr. Swalwell votes aye.  
1346 Mr. Lieu?  
1347 Mr. Lieu. Aye.  
1348 Ms. Adcock. Mr. Lieu votes aye.  
1349 Mr. Raskin?  
1350 Mr. Raskin. Aye.  
1351 Ms. Adcock. Mr. Raskin votes aye.  
1352 Ms. Jayapal?  
1353 Ms. Jayapal. Aye.  
1354 Ms. Adcock. Ms. Jayapal votes aye.  
1355 Mr. Schneider?  
1356 Mr. Schneider. Aye.  
1357 Ms. Adcock. Mr. Schneider votes aye.  
1358 Chairman Goodlatte. The gentleman from Florida?  
1359 Mr. Gaetz. No.  
1360 Ms. Adcock. Mr. Gaetz votes no.  
1361 Chairman Goodlatte. The gentleman from Texas?  
1362 Mr. Gohmert. No.  
1363 Ms. Adcock. Mr. Gohmert votes no.  
1364 Chairman Goodlatte. The gentlewomen from Alabama?  
1365 Ms. Roby. No.  
1366 Ms. Adcock. Ms. Roby votes no.

1367 Chairman Goodlatte. Has every member voted who wishes  
1368 to vote?

1369 The clerk will report.

1370 Ms. Adcock. Mr. Chairman, 12 members voted aye; 16  
1371 members voted no.

1372 Chairman Goodlatte. And the amendment is not agreed  
1373 to.

1374 For what purpose does the gentleman from New York seek  
1375 recognition?

1376 Mr. Nadler. Strike the last word.

1377 Chairman Goodlatte. The gentleman is recognized for 5  
1378 minutes.

1379 Mr. Nadler. Thank you, Mr. Chairman. I will not take  
1380 5 minutes.

1381 Mr. Chairman, we have considered this bill many times  
1382 in the past, and it is as obnoxious today as it has been in  
1383 the past when it was reported to the floor by party line  
1384 votes. In the past, I have offered two amendments, which I  
1385 am not going to offer today. I just want to mention them.

1386 The bill limits non-economic damages, pain and  
1387 suffering and so forth, to \$250,000. This is based on the  
1388 California law, which the chairman referenced in his opening  
1389 remarks, which established a \$250,000 cap back in 1976.  
1390 There has been inflation since 1976. \$250,000 in 1976 is  
1391 considerably less today, and if they figure that was an

1392 appropriate amount then, it is no longer an appropriate the  
1393 amount.

1394         So I have offered two amendments, one to change the  
1395 \$250,000 to a million and a half or something like that,  
1396 which is the equivalent today, and the majority has voted  
1397 that down in the past. I have also offered an amendment to  
1398 index the \$250,000, if we must pass that, so that it remains  
1399 \$250,000 in real terms in the future and does not inflate  
1400 down to nothing. Those are still good amendments. They  
1401 would still make an obnoxious law only slightly less  
1402 obnoxious because this is a bulldozer through plaintiff's  
1403 rights.

1404         I am not going to offer these amendments now in the  
1405 interest of saving time, since many people are here waiting  
1406 for H.Res.111, the resolution of inquiry. The chair has  
1407 insisted that be placed last on the agenda. This bill make  
1408 take a couple of hours, more or less, and I do think we  
1409 should get to the resolution as soon as possible, and so in  
1410 the interest of saving time for that purpose, I am not going  
1411 to offer these two amendments, which I know will be voted  
1412 down on party line votes anyway. But they are still worthy  
1413 and I commend them to the attention of everyone. And I  
1414 yield back.

1415         Chairman Goodlatte. For what purpose does the  
1416 gentleman from Tennessee seek recognition?



1417 Mr. Cohen. To offer an amendment.

1418 Chairman Goodlatte. The clerk will report the

1419 amendment.

1420 Ms. Adcock. Amendment to the amendment in the nature

1421 of a substitute to H.R. 1215 offered by Mr. Cohen, Page 12,

1422 line 7.

1423 [The amendment of Mr. Cohen follows:]

1424 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1425 Chairman Goodlatte. Without objection, the amendment  
1426 is considered as read, and the gentleman is recognized for 5  
1427 minutes on his amendment.

1428 Mr. Cohen. Thank you, Mr. Chair. This amendment would  
1429 exempt from the bill all cases concerning, A, the provision  
1430 of goods and services resulting in a foreign object being  
1431 left within the body of the person to whom such goods or  
1432 services were provided; a foreign object being left in the  
1433 body. And B, the performance of a medical procedure on the  
1434 wrong person or the wrong body part.

1435 Patients who are injured by such misconduct should not  
1436 be subject to the cap of \$250,000 of non-economic damages,  
1437 significantly reducing their ability to fully recover  
1438 damages or possibly have their suit completely bared as H.R.  
1439 1215 would do in some circumstances. According to the Joint  
1440 Commission Center for Transforming Healthcare, a hospital  
1441 accrediting agency, wrong site and wrong patient procedures  
1442 occur more than 40 times each week in the United States. As  
1443 if that were not disconcerting enough, the Journal of the  
1444 American Medical Association reports there are 1,500  
1445 instances of surgical tools, AKA foreign objects, being left  
1446 in patients each year, which can lead to pain, infections,  
1447 complications, longer hospital stays, additional surgeries,  
1448 and sometimes death.

1449 Instances of wrong patients and wrong site surgeries

1450 and/or foreign objects being left inside a patient greatly  
1451 heighten the risk of patient injury and death, yet H.R. 1215  
1452 would impose numerous obstacles that could prevent victims  
1453 of such egregious medical malpractice or even intentional  
1454 misconduct from being compensated from what could be  
1455 lifelong injuries.

1456 For instances, its extremely low cap on noneconomic  
1457 damages would prevent many victims from being fully  
1458 compensated for these injuries. Women, children, the poor,  
1459 elderly and disabled would be particularly hurt H.R. 1215's  
1460 cap on non-economic damages as members of these vulnerable  
1461 groups are more likely not to have significant lost wages or  
1462 other kinds of economic loss.

1463 Similarly, by eliminating joint and several liability,  
1464 H.R. 1215 will make it harder for injured patients to be  
1465 fully compensated for the losses potentially allowing some  
1466 wrongdoers to escape liability.

1467 Finally, the bill immunizes healthcare providers from  
1468 lawsuits arising from the dispensing or prescription of  
1469 defective or dangerous medical products that are approved by  
1470 the FDA. This shuts the courthouse door to many victims of  
1471 medical malpractice and defective products. My concern  
1472 about wrong patient, wrong site injuries are not  
1473 hypothetical in any way whatsoever.

1474 Comedian Dana Carvey sued his heart surgeon for \$7.5

1475 million after the surgeon had performed open heart bypass  
1476 surgery on one of his completely healthy arteries, rather  
1477 than his diseased artery.

1478         Mr. Willie King of Florida received a \$1.2 million  
1479 settlement from a hospital after a surgeon amputated both of  
1480 his legs, rather than just the one diseased leg.

1481         Ms. Molly Akers of Illinois had an unnecessary  
1482 mastectomy performed on her after her doctor switched her  
1483 biopsy results with another patient's, which not only left  
1484 her disfigured, but also delayed a potential lifesaving  
1485 procedure for the other patient.

1486         Horror stories like these abound, yet if H.R. 1215 had  
1487 been in effect, none of these people may have been able to  
1488 have their day in court much yet able to receive their  
1489 compensation they did for serious injuries they suffered as  
1490 a result of the negligence of healthcare providers. This  
1491 one size fits all, save money, despite the fact that some  
1492 are subject to horrific loses and damages, is wrong.

1493         For these reasons, I urge the committee to adopt the  
1494 amendment to see to it that people who have legs amputated  
1495 that were not the leg to be amputated, limbs of any kind  
1496 removed that were not supposed to be removed, or surgeries  
1497 performed on them that were not supposed to be, be  
1498 compensated and they be exempted from this law.

1499         Thank you, sir.

1500 Chairman Goodlatte. For what purpose does the  
1501 gentleman from Iowa seek recognition?

1502 Mr. King. Mr. Chairman, I move to strike the last  
1503 word.

1504 Chairman Goodlatte. The gentleman is recognized for 5  
1505 minutes.

1506 Mr. King. Thank you, Mr. Chairman, and first, I would  
1507 like to say that there is nothing in this bill that prevents  
1508 the litigation under the bill from making the patient whole.  
1509 And this amendment, though, should be defeated, as, if the  
1510 intention is to reduce medical errors, than this amendment  
1511 should be defeated and the base bill passed. The litigation  
1512 reforms in this bill, the Protecting Access to Care Act,  
1513 will reduce the incidents of medical malpractice because the  
1514 threaten of potentially imminent liability in an unregulated  
1515 tort system prevents doctors from discussing medical errors  
1516 and looking for ways to improving the delivery of health  
1517 care.

1518 Protecting access to care act would largely dispel that  
1519 fear and allow doctors to freely suggest improvements in  
1520 medical care. The medical journal Annals of Medicine  
1521 reported in an editorial that the medical profession, for  
1522 reasons that include liability issues, was "not harnessing  
1523 the full powers to teach and thereby reduce errors."

1524 A survey conducted of the Bipartisan Legal Reform

1525 Organization, named Common Good, whose board of advisors  
1526 included former Senator George McGovern, Eric Holder  
1527 himself, and former Senator Paul Simon, found that more than  
1528 three-fourths of physicians feel that concern about  
1529 malpractice litigation has hurt their ability to provide  
1530 quality care in recent years.

1531         When physicians were asked, generally speaking, how  
1532 much do you think that fear of liability discourages medical  
1533 professionals from opening discussing and thinking of ways  
1534 of reducing medical errors, to that question, an astonishing  
1535 59 percent of physicians replied "a lot." Indeed, according  
1536 to an exhausting study by the RAND Corporation, California's  
1537 reduction of healthcare lawsuits filed in that State is  
1538 attributable to improve patient's safety at California's  
1539 hospitals.

1540         According to that study, "our results showed a highly  
1541 significant correlation between the frequently of adverse  
1542 events," meaning medical errors, "and malpractice claims, on  
1543 average a county, that shows a decrease of 10 adverse events  
1544 in a given year would also see a decrease of 3.7 malpractice  
1545 claims. Likewise a county that shows an increase of 10  
1546 adverse events in a given year would also see, on average,  
1547 an increase of 3.7 malpractice claims." Directly  
1548 correlated.

1549         According to the statistical analysis, nearly three-

1550 fourths of the Whittier County variation and annual  
1551 malpractice claims could be accounted for by the changes in  
1552 patient safety outcomes. We also found that the correlation  
1553 held true when we conducted similar analysis for medical  
1554 specialties, specifically for surgeons, nonsurgical  
1555 physicians, obstetricians, gynecologists, and nearly two-  
1556 thirds of the variations in malpractice against surgeons and  
1557 non-surgeons can be explained by changes in safety rules.

1558         The association is weaker for OB/GYNs but still  
1559 significant. With the passage of healthcare lawsuit reform  
1560 in California doctors, hospitals, and other healthcare  
1561 providers are able to share information needed to create a  
1562 safer environment, without fear or lawsuits and focus on  
1563 their patients instead of worrying about getting sued. The  
1564 same should apply nationwide to reduce medical errors  
1565 nationwide.

1566         And I would reflect that some time back a year or a  
1567 year and a half ago I set down with Captain Sully, who  
1568 landed that plane on the Hudson River with utter safety and  
1569 saved all the passengers involved in that plane. He, an Air  
1570 Force general, and I had dinner, and they talked through  
1571 what they do when there is a plane crash. The first thing  
1572 they do is they throw blame out the window, and then they  
1573 examine every chain along the chain of events that led up to  
1574 that tragic crash or, in this case, a happy ending to what

1575 otherwise would have been a tragic crash.

1576       And with blame out the window and with liability not a  
1577 consideration, then they repair, not just the link that  
1578 broke in the chain, but also they repair every weak link.  
1579 And they said, "Because if we do not do that, then the next  
1580 weak link will break." And they wanted to take that  
1581 experience they had, where their plane crashes, and apply it  
1582 to the medical industry, and they asserted that there would  
1583 be billions of dollars saved because of mistakes made in  
1584 medical services and providers because they do not have that  
1585 opportunity to examine every link in the chain out of fear  
1586 of massive malpractice suits.

1587       So this point that I make here in opposition to the  
1588 gentleman's amendment hits home clearly. And I think we  
1589 should apply the FAAs to the medical side of this thing. It  
1590 would save lives, and it would save billions of dollars, so  
1591 --

1592       Mr. Raskin. Would the gentleman yield?

1593       Mr. King. I would yield.

1594       Mr. Raskin. Does Captain Sully support this  
1595 legislation? I only ask because he lives in Danville --

1596       Mr. King. I'm reclaiming my time. That would be  
1597 irrelevant, but in fact, I doubt that he's paying attention  
1598 to us today. He's doing other great things for America.  
1599 Thank you, and I yield back the balance of my time.



1600 Ms. Jayapal. Mr. Chairman?

1601 Chairman Goodlatte. For what purpose does the  
1602 gentlewoman from Washington seek recognition?

1603 Ms. Jayapal. Mr. Chairman, I move to strike the last  
1604 word.

1605 Chairman Goodlatte. The gentlewoman is recognized for  
1606 5 minutes.

1607 Ms. Jayapal. Thank you, Mr. Chairman. I rise in  
1608 strong support of this amendment by my colleague, Mr. Cohen,  
1609 and I thank him for putting forward a very compassionate  
1610 measure to ensure that injured patients and their family  
1611 members can pursue justice, rather than be limited by a  
1612 number that undervalues their health.

1613 Make no mistake, Mr. Chairman, that this bill puts the  
1614 interest of big corporations over everyday people. It does  
1615 not just limit the ability of injured patients and families  
1616 to hold healthcare and medical providers accountable; it  
1617 also prevents them from taking action against drug and  
1618 medical manufacturers, pharmaceutical companies, insurance  
1619 providers, nursing homes, and others. And it is simply not  
1620 true that it would assist us in reducing healthcare costs.  
1621 In fact, according to a 2016 study by researchers at  
1622 Northwestern University and the University of Illinois,  
1623 malpractice caps contained in this bill hurt healthcare  
1624 spending.

1625           Instead of reducing healthcare costs, caps resulted in  
1626 a 4 to 5 percent increase in physician service spending.

1627 The researchers concluded that the evidence simply did not  
1628 indicate that malpractice caps reduce healthcare spending.

1629           My home State, the State of Washington, is one of 11  
1630 States where our Supreme Court has struck down statutorily-  
1631 enacted medical malpractice damage caps as unconstitutional.  
1632 And this bill intrudes on our State's ability to implement  
1633 our constitutional protections. This bill and the caps that  
1634 it imposes send a signal to medical and healthcare providers  
1635 that they can act irresponsibly, perhaps to make more money  
1636 and get away with it.

1637           There have been numerous cases that demonstrate this,  
1638 and I feel compelled to bring up a very recent case in my  
1639 home State of Washington, specifically with the neurology  
1640 program at Swedish Cherry Hill Hospital in Seattle, which  
1641 came under fire because of negligent care rising out of a  
1642 program designed to incentivize neuroscience doctors to take  
1643 heavy caseloads of complicated cases.

1644           According to data collected by the Federal Government,  
1645 that hospital was flagged for having high rates of blood  
1646 clots, collapsed lungs, and serious surgical complications.  
1647 And during the last few years, State data indicate that  
1648 problem indicators, like aneurysm patients with high numbers  
1649 of strokes, has increased, with surgeons requiring patients

1650 to undergo evasive surgeries that require opening a  
1651 patient's skull and working on the brain, where less  
1652 invasive technologies are available.

1653         The motivation for all of this? Billions of dollars in  
1654 profit. Ultimately, the high volume of cases resulted in  
1655 serious errors. According to the Seattle Times report  
1656 again, one patient, Jeff Sproles, who was a Marine Corps  
1657 veteran experienced trouble breathing and swallowing after a  
1658 surgery that the doctor claimed was so simple he could do it  
1659 with his eyes closed. And he later found out that the  
1660 surgeon had actually messed up the operation, and as a  
1661 result, he spent months recovering and had to be fed through  
1662 a tube in his stomach.

1663         After the Seattle Times contacted Mr. Sproles about his  
1664 case, he requested his medical records and learned that a  
1665 fellow was involved in the surgery. The records did not  
1666 clearly indicate how much time the original doctor spent on  
1667 the procedure or how much time he spent in the operating  
1668 room. In another case at the same facility, a talented and  
1669 vibrant young woman named Talia Goldberg went in for  
1670 cervical spinal fusion from a neurosurgeon, who has been  
1671 embroiled in numerous investigations, and she ended up  
1672 dying.

1673         According to the Seattle Times investigation, numerous  
1674 problems surfaced around her care, or lack thereof, and

1675 attention to the surgery and the medical complications that  
1676 arose for it. I found this specific quote about Talia that  
1677 was in the newspaper particularly painful and moving.

1678 As she went in for the surgery, she was talking about  
1679 what it might feel like for her to be able to once again  
1680 resume her activities, and she wrote this: "So who am I? I  
1681 am an artist, a dreamer. I am a stationary biker. I am a  
1682 woman, a girl, a person, I am a skier. I am an aspiring  
1683 pole vaulter. I am a reluctant, yet faithful, believer in  
1684 the power of lucky underwear. I am a someone with a voice."

1685 I want people like Jeff Sproles and the family of Talia  
1686 Goldberg to know that we, in Congress, have their back. And  
1687 rather than protecting medical providers and pharmaceutical  
1688 companies, we should be protecting patients.

1689 It is ill conceived that we are considering this bill,  
1690 and I hope my colleagues will join up in speaking for real  
1691 people with real injuries by opposing this bill. I yield  
1692 back. Thank you, Mr. Chairman.

1693 Mr. Raskin. Mr. Chairman?

1694 Chairman Goodlatte. For what purpose does the  
1695 gentleman from Maryland seek recognition?

1696 Mr. Raskin. Move to strike the last word.

1697 Chairman Goodlatte. The gentleman is recognized for 5  
1698 minutes.

1699 Mr. Raskin. I want to rise in favor, also, of the

1700 amendment and echo the sentiments of my distinguished  
1701 colleague from Washington State.

1702         We are invited by our distinguished colleague from Iowa  
1703 to throw blame out the window and to get rid of blame  
1704 because this will apparently incentivize the hospitals and  
1705 the doctors to get to the bottom of the issue. Well, what  
1706 we call in the moral context "blame" is what we call in the  
1707 legal context "responsibility." And if somebody is injured  
1708 because a medical tool is left in their body during surgery,  
1709 they're injured and profoundly so; there are medical costs  
1710 to that; there are costs to their ability to make money to  
1711 support their families and so on.

1712         Again, the States have tried to deal with this problem  
1713 with their own tort system. This legislation proposes to  
1714 take a sledgehammer to all of it and replace 50 State  
1715 solutions across the country that our constituents and our  
1716 State legislators have worked on with one, one-size-fits-all  
1717 quasi-solution without even a hearing on the bill. That is  
1718 what they're proposing right now.

1719         But on this blame question, we need to assign  
1720 responsibility. You know, to this legislation if there is  
1721 an intentional hijacking of an airplane, to take the  
1722 gentleman's example, tort liability would be limited to the  
1723 extremely stringent caps that are put in here because we  
1724 just rejected the gentleman's amendment to carve out

1725 intentional torts from it. So, we need to have legal  
1726 responsibility as the cardinal principle of the law.

1727 Now, I am not impervious to the gentleman's argument  
1728 that we want doctors and hospitals to be able to talk about  
1729 systemic malfunctions. But since we haven't had a hearing,  
1730 I have no idea to believe what he is saying, which is that,  
1731 if we shut down the tort system in this way, we are going to  
1732 get more honesty and discussion and transparency in the  
1733 hospital system.

1734 Logically speaking, I would say the counter is far more  
1735 likely to be true, that if the truth comes out through the  
1736 discovery process and what happens in court, we will be able  
1737 to examine what the real problems were, what the real flaws  
1738 were. However, if you shut down the tort system and you  
1739 make it just a cost of doing business, you can throw a  
1740 couple hundred thousand dollars in somebody's direction,  
1741 you'll be able to cover the whole thing up.

1742 And so, I am not persuaded by that argument. Again,  
1743 Mr. Chairman, I renew the criticism I have been making, I  
1744 think, since I got here, which is that we have not had a  
1745 hearing on this bill. I appreciate the fact that some  
1746 members may have heard a bill several years ago about it,  
1747 but that is not the case for at least nine of us who are new  
1748 to the committee. And nothing that I have heard would  
1749 suggest that we should be supporting the underlying

1750 legislation. And we very much do need the gentleman's  
1751 amendment.

1752 And with that, I yield the remainder of my time.

1753 Chairman Goodlatte. For what purpose does the  
1754 gentleman from Florida seek recognition?

1755 Mr. Deutch. I move to strike the last word.

1756 Chairman Goodlatte. The gentleman is recognized for 5  
1757 minutes.

1758 Mr. Deutch. Mr. Chairman, I support Mr. Cohen's  
1759 amendment, and I wanted to address just the general way in  
1760 which we are talking about this legislation and the civil  
1761 justice system because the fact is suggesting that we throw  
1762 blame out the window is a total mischaracterization of the  
1763 way the civil justice system works in America. We cast  
1764 blame. That is what it does. Judges and juries listen to  
1765 the evidence and then they make a ruling.

1766 If my friends who support this bill did not believe  
1767 that, did not acknowledge that, they would not keep  
1768 referring to the language about, "Well, it provides an  
1769 unlimited amount of damages for actual economic losses." If  
1770 I can just refer, I brought up Black's Law Dictionary, but I  
1771 thought it more appropriate to refer to the definitions that  
1772 the American College of Surgeons uses. Economic damages  
1773 refers to compensation for objectively verifiable monetary  
1774 losses such as past and future medical expenses, loss of

1775 past and future earnings, loss and use of property, cost to  
1776 repair and replace economic value of domestic services, et  
1777 cetera."

1778           How much money do you lose by not being able to work  
1779 after malpractice was committed? What is the economic loss?  
1780 Non-economic damages, which, by the way, if you believed  
1781 there was no place for blame, there would be no place for  
1782 damages of any kind.

1783           But obviously there is because that is our system, and  
1784 non-economic damages refer to compensation and I quote, "The  
1785 American College of Surgeons compensation for subjective  
1786 non-monetary losses such as pain, suffering, inconvenience,  
1787 emotional distress, loss of society and companionship, loss  
1788 of consortium, and loss of enjoyment of life." This is why  
1789 it is so hard to have a serious discussion about this really  
1790 important issue.

1791           Mr. Cohen's amendment suggests that we simply say,  
1792 "Let's just agree that we will not apply these caps if a  
1793 foreign object was left in the body of a person that was  
1794 being operated on, or if the wrong person was operated on,  
1795 or the wrong body part was operated on." You cannot measure  
1796 the loss in any one of those instances simply by how many  
1797 days of work someone misses. There is pain and suffering,  
1798 and we have a way to measure it. And the way that we do it  
1799 is through our civil justice system you acknowledge is



1800 appropriate. That is why we keep this system in place.

1801 But you cannot, then, refuse to acknowledge that there  
1802 are certain things that are done. And I would suggest that  
1803 the bill as a whole is problematic, but at least in this  
1804 amendment, you cannot simply argue that we throw out blame  
1805 that we acknowledge mistakes were made when someone has the  
1806 wrong body part removed.

1807 It is just really difficult to understand that there is  
1808 a serious commitment to addressing this issue of costs in  
1809 medical care, which I join with my colleague, Professor  
1810 Raskin, we absolutely ought to be having a discussion about.  
1811 It is an important discussion. But to suggest, on the one  
1812 hand, that we have a civil justice system, that we  
1813 understand how it works because, again, as we have heard  
1814 over and over, there are no caps on actual economic losses,  
1815 but then to turn around and pretend that that justice system  
1816 should not work for people who have been so wronged by  
1817 someone that they will have pain and suffering potentially  
1818 for the rest of their lives, that is what makes it difficult  
1819 for us to come together to have the kind of conversation we  
1820 should have.

1821 I support Mr. Cohen's amendment, and I would  
1822 respectfully suggest to my colleagues on the other side that  
1823 you can continue to hold the position that you do on these  
1824 issues, though we disagree. But at least acknowledge there

1825 are certain instances that are so egregious that our civil  
1826 justice system, working the way it should, should be able to  
1827 award damages to compensate for that, yes, non-economic, but  
1828 very real, damage that the injured party has sustained.

1829 I yield back.

1830 Chairman Goodlatte. The question occurs on the  
1831 amendment offered by the gentleman from Tennessee.

1832 All those in favor, respond by saying aye.

1833 Those opposed, no.

1834 In the opinion of the chair, the noes have it. The  
1835 amendment is not agreed to.

1836 The gentleman requests a recorded vote, and the clerk  
1837 will call the roll.

1838 Ms. Adcock. Mr. Goodlatte?

1839 Chairman Goodlatte. No.

1840 Ms. Adcock. Mr. Goodlatte votes no.

1841 Mr. Sensenbrenner?

1842 Mr. Sensenbrenner. No.

1843 Ms. Adcock. Mr. Sensenbrenner votes no.

1844 Mr. Smith?

1845 [No response.]

1846 Mr. Chabot?

1847 Mr. Chabot. No.

1848 Ms. Adcock. Mr. Chabot votes no.

1849 Mr. Issa?

1850 [No response.]

1851 Ms. Adcock. Mr. King?

1852 Mr. King. No.

1853 Ms. Adcock. Mr. King votes no.

1854 Mr. Franks?

1855 Mr. Franks. No.

1856 Ms. Adcock. Mr. Franks votes no.

1857 Mr. Gohmert?

1858 Mr. Gohmert. No.

1859 Ms. Adcock. Mr. Gohmert votes no.

1860 Mr. Jordan?

1861 [No response.]

1862 Mr. Poe?

1863 [No response.]

1864 Mr. Chaffetz?

1865 Mr. Chaffetz. No.

1866 Ms. Adcock. Mr. Chaffetz votes no.

1867 Mr. Marino?

1868 [No response.]

1869 Mr. Gowdy?

1870 Mr. Gowdy. No.

1871 Ms. Adcock. Mr. Gowdy votes no.

1872 Mr. Labrador?

1873 Mr. Labrador. No.

1874 Ms. Adcock. Mr. Labrador votes no.

1875 Mr. Farenthold?  
1876 Mr. Farenthold. No.  
1877 Ms. Adcock. Mr. Farenthold votes no.  
1878 Mr. Collins?  
1879 [No response.]  
1880 Mr. DeSantis?  
1881 [No response.]  
1882 Mr. Buck?  
1883 Mr. Buck. No.  
1884 Ms. Adcock. Mr. Buck votes no.  
1885 Mr. Ratcliffe?  
1886 Mr. Ratcliffe. No.  
1887 Ms. Adcock. Mr. Ratcliffe votes no.  
1888 Ms. Roby?  
1889 [No response.]  
1890 Mr. Gaetz?  
1891 [No response.]  
1892 Mr. Johnson of Louisiana?  
1893 [No response.]  
1894 Mr. Biggs?  
1895 Mr. Biggs. No.  
1896 Ms. Adcock. Mr. Biggs votes no.  
1897 Mr. Conyers?  
1898 Mr. Conyers. Aye.  
1899 Ms. Adcock. Mr. Conyers votes aye.

1900 Mr. Nadler?

1901 Mr. Nadler. Aye.

1902 Ms. Adcock. Mr. Nadler votes aye.

1903 Ms. Lofgren?

1904 [No response.]

1905 Ms. Jackson Lee?

1906 [No response.]

1907 Mr. Cohen?

1908 Mr. Cohen. Aye.

1909 Ms. Adcock. Mr. Cohen votes aye.

1910 Mr. Johnson of Georgia?

1911 Mr. Johnson of Georgia. Aye.

1912 Ms. Adcock. Mr. Johnson votes aye.

1913 Mr. Deutch?

1914 Mr. Deutch. Aye.

1915 Ms. Adcock. Mr. Deutch votes aye.

1916 Mr. Gutierrez?

1917 [No response.]

1918 Ms. Bass?

1919 Ms. Bass. Aye.

1920 Ms. Adcock. Ms. Bass votes aye.

1921 Mr. Richmond?

1922 [No response.]

1923 Mr. Jeffries?

1924 [No response.]

1925 Mr. Cicilline?

1926 Mr. Cicilline. Aye.

1927 Ms. Adcock. Mr. Cicilline votes aye.

1928 Mr. Swalwell?

1929 Mr. Swalwell. Aye.

1930 Ms. Adcock. Mr. Swalwell votes aye.

1931 Mr. Lieu?

1932 Mr. Lieu. Aye.

1933 Ms. Adcock. Mr. Lieu votes aye.

1934 Mr. Raskin?

1935 Mr. Raskin. Aye.

1936 Ms. Adcock. Mr. Raskin votes aye.

1937 Ms. Jayapal?

1938 Ms. Jayapal. Aye.

1939 Ms. Adcock. Ms. Jayapal votes aye.

1940 Mr. Schneider?

1941 Mr. Schneider. Aye.

1942 Ms. Adcock. Mr. Schneider votes aye.

1943 Chairman Goodlatte. The gentleman from California, Mr.

1944 Issa?

1945 Mr. Issa. No.

1946 Ms. Adcock. Mr. Issa votes no.

1947 Chairman Goodlatte. The gentleman from Pennsylvania?

1948 Mr. Marino. No.

1949 Ms. Adcock. Mr. Marino votes no.

1950 Chairman Goodlatte. Has every member voted who wishes  
1951 to vote?

1952 The clerk will report.

1953 Oh, the gentlewoman from Alabama?

1954 Ms. Roby. No.

1955 Ms. Adcock. Ms. Roby votes no.

1956 Chairman Goodlatte. The clerk will report.

1957 Ms. Adcock. Mr. Chairman, 12 members voted aye; 16  
1958 members voted no.

1959 Chairman Goodlatte. And the amendment is not agreed  
1960 to.

1961 For what purpose does the gentleman from Georgia seek  
1962 recognition?

1963 Mr. Johnson of Georgia. I have an amendment at the  
1964 desk.

1965 Chairman Goodlatte. The clerk will report the  
1966 amendment.

1967 Ms. Adcock. Amendment to the amendment in the nature  
1968 of a substitute to H.R. 1215 offered by Mr. Johnson of  
1969 Georgia. Page 12, line 7, insert after or local government  
1970 --

1971 [The amendment of Mr. Johnson of Georgia follows:]

1972 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1973 Chairman Goodlatte. Without objection the amendment is  
1974 considered as read, and the gentleman is recognized for 5  
1975 minutes on his amendment.

1976 Mr. Johnson of Georgia. Thank you, Mr. Chairman. My  
1977 amendment would amend or would exempt claims against nursing  
1978 homes and long-term care facilities from the sweeping  
1979 litigation restrictions created by this legislation, H.R.  
1980 1215.

1981 Incidents of elder abuse occurring in institutional  
1982 settings like nursing homes and long-term care facilities,  
1983 as well as in private homes, continues to increase,  
1984 especially as the number of residents in nursing homes  
1985 grows.

1986 In 2014, the number of nursing home residents was  
1987 approximately 1.4 million, and the number of residents in  
1988 residential care communities was 835,200. Horrifyingly,  
1989 more than 30 percent of all nursing homes have documented  
1990 cases of resident abuse, either at the hands of staff or  
1991 other residents. Abuse in nursing homes can range from  
1992 physical, psychological, and sexual abuse, to neglect and  
1993 exploitation. However, only 20 percent of these cases are  
1994 ever reported, let alone make it to trial. Abuse of seniors  
1995 and disabled adults is one of the most undetected and  
1996 underreported problems relating to healthcare.

1997 Last year, local Atlanta news broke the story of a



1998 terrible case of nursing home abuse in Gwinnett County,  
1999 Georgia. Hidden cameras documented an employee forcibly  
2000 dropping a woman from her wheelchair, strangling, kicking,  
2001 and beating the victim over her head.

2002 As a man with an aging parent, I'm disgusted and  
2003 abhorred that seniors face such abuse in these facilities.  
2004 And we must ensure our seniors are protected. While State  
2005 governments have created agencies meant to protect our  
2006 vulnerable elder population and monitor nursing homes and  
2007 other long term care facilities, the threat of litigation  
2008 has proven to be an effective deterrent to acute and  
2009 systematic abuse of elders.

2010 Holding facilities accountable and responsible for the  
2011 care of their residents and the actions of their employees  
2012 is how we can keep our seniors safe. Georgia, in addition  
2013 to each of its 12 area agencies on aging, has an elder abuse  
2014 and prevention program through the State Department of  
2015 Health and Human Services; also has a robust State law in  
2016 place so that abused victims can look to the courts for  
2017 justice.

2018 Other States have taken it upon themselves to create  
2019 nursing home bills of rights to protect their seniors. Such  
2020 efforts by the States to protect the most vulnerable in our  
2021 society would be completely undermined by this bill. My  
2022 amendment looks to exempt cases involving nursing homes and

2023 long-term care facilities; so that families can help their  
2024 loved ones heal from such painful experiences.

2025 I ask my colleagues to support this amendment, but  
2026 sadly, I must predict that each and every one of my  
2027 colleagues on the other side of this aisle will be opposed  
2028 to this very pro-consumer amendment, and you will have to  
2029 ask yourselves the question, why?

2030 And with that, I yield back.

2031 Chairman Goodlatte. For what purpose does the  
2032 gentleman from Iowa seek recognition?

2033 Mr. King. I move to strike the last word.

2034 Chairman Goodlatte. The gentleman is recognized for 5  
2035 minutes.

2036 Mr. King. Thank you, Mr. Chairman. This amendment  
2037 should be defeated. The policy behind this bill benefits  
2038 everyone, and it should apply to protect everyone, including  
2039 seniors. Caps on noneconomic damages are essential to this  
2040 success of the Protecting Access to Care Act and its  
2041 reforms.

2042 Here is what Cruz Reynoso, the Democratic Vice Chairman  
2043 of the U.S. Commission on Civil Rights and former Justice of  
2044 the California Supreme Court, has to say about the caps that  
2045 have been in the law in California for over 25 years:

2046 "Medical insurance has been going up. I think there is no  
2047 question that what the legislature did, and continues to do,

2048 has had an influence on keeping those expenses down, and  
2049 that is a very important public policy. Publicly funded  
2050 medical centers are very supportive of the continued  
2051 protection of MICRA because, if their own insurance rates  
2052 would go up, they would be less able to serve the poor.

2053 I personally have favored having as much as access to  
2054 the courts as possible, but at the same time, you have to be  
2055 careful that it does not do so in a way that is destructive:  
2056 for example, in a medical field, destructive of the ability  
2057 of society to respond to the medical needs of the people."

2058 If this amendment is adopted, nursing homes and long-  
2059 term care facilities will incur greater costs, and they will  
2060 able to provide fewer benefits. Listen to Donna Stidham,  
2061 director of Managed Care and Patient Services, AIDS  
2062 Healthcare Foundation: "An increase in the MICRA cap would  
2063 increase our premiums phenomenally.

2064 In the single-clinic setting, it could probably  
2065 increase our premiums maybe \$20,000 or \$30,000. For  
2066 multiple physicians, I would hate to even guess, but it  
2067 would be in the hundreds of thousands of dollars, which  
2068 would take away from direct patient care, and so it would  
2069 directly take away from care and from patients. You would  
2070 see us perhaps not being able to admit all types of  
2071 patients. Right now, we can take any kind of patient,  
2072 whether they have the ability to pay or whether they do

2073 not."

2074           Two top economists have conducted two extensive studies  
2075 using national data on Medicare populations and concluded  
2076 that patients from States that adopted direct medical care  
2077 litigation reforms, such as limits on damage awards, incur  
2078 significantly lower hospital costs, while suffering no  
2079 increase in adverse healthcare outcomes associated with the  
2080 illness for which they were treated.

2081           California's four-decade track record shows that a  
2082 \$250,000 cap on noneconomic damages lowers healthcare costs  
2083 and makes health care more accessible to everyone, including  
2084 seniors.

2085           And I would point out that the caps that exist in the  
2086 States that have passed that legislation are not preempted  
2087 by this bill; the respective States' rights is as intact as  
2088 it has ever been in the proposal that we have before us  
2089 today. I want to commend everyone for working in that  
2090 direction, and I urge the defeat of this amendment. I yield  
2091 back the balance of my time.

2092           Mr. Cicilline. Mr. Chairman?

2093           Chairman Goodlatte. For what purpose does the  
2094 gentleman from Rhode Island seek recognition?

2095           Mr. Cicilline. I move to strike the last word.

2096           Chairman Goodlatte. The gentleman is recognized for 5  
2097 minutes.

2098 Mr. Cicilline. Mr. Chairman, sometimes you think you  
2099 are in an Alice In Wonderland story. The gentleman from  
2100 Iowa just said the reason he opposes this amendment, it will  
2101 undermine the benefits of the bill which should apply to  
2102 everyone.

2103 Let's be clear about this. The policy behind this bill  
2104 will benefit corporate special interests and hurt the  
2105 American people, particularly those that are hurt by the  
2106 misconduct or erroneous actions of others.

2107 The very purpose of our civil justice system is to  
2108 provide an organized way to compensate people who are harmed  
2109 by the conduct of others and to discourage other potential  
2110 wrongdoers from doing the same thing, and that is the very  
2111 principle for the creation of our civil justice system.  
2112 This bill eviscerates that, and I associate myself with the  
2113 comments of the gentleman from Maryland and the gentlelady  
2114 from Washington; this does it with a bulldozer. It  
2115 virtually eliminates the ability for people who have been  
2116 hurt to receive their full compensation for the wrongdoing  
2117 that was done to them. But at least this amendment carves  
2118 out some protection for a particularly vulnerable  
2119 population: our seniors.

2120 Sometimes when you hear the argument that this bill is  
2121 so good and these amendments are going to prevent all the  
2122 benefits from being experienced by everyone, you just wonder

2123 where you are.

2124 So I urge my colleagues to make a horrible bill a tiny  
2125 bit better by supporting this amendment, and I yield back.

2126 Chairman Goodlatte. For what purpose does the  
2127 gentleman from Texas seek recognition?

2128 Mr. Smith. I ask to strike the last word.

2129 Chairman Goodlatte. The gentleman is recognized for 5  
2130 minutes.

2131 Mr. Smith. Thank you, Mr. Chairman. I appreciate my  
2132 friends across the aisle, the comments.

2133 In Texas, we lost hospitals; we lost doctors down in  
2134 our Rio Grande Valley. We had so many people that were not  
2135 able to get the healthcare they needed because of, well,  
2136 malpractice insurance rates went through the roof, and  
2137 doctors could not afford, in some places in Texas, to  
2138 continue to practice there. They just could not afford the  
2139 malpractice insurance, so Texas did malpractice tort reform  
2140 and doctors came back; hospitals came back; people were able  
2141 to get the insurance they needed that would allow them to  
2142 continue to practice there, as some had before.

2143 I do not have a better friend in Congress than the  
2144 gentleman from Iowa, for whom I have the utmost respect.  
2145 But this is a bill proposed similarly by others.

2146 I would applaud the efforts of my friend, Mr. King, for  
2147 providing more of a nexus than had been provided in the

2148 past. But I have seen the way that doctors and hospitals  
2149 have come back to areas of Texas where we had lost them.

2150 In prior Congresses, when discussing this issue of a  
2151 Federal bill that would usurp the State law of torts in this  
2152 area, I have commented before, in response to someone  
2153 saying, "Look, Illinois has tremendous malpractice insurance  
2154 costs and this will help them," and my comment in prior  
2155 Congress was, "If Illinois wants to run off all their  
2156 doctors with ridiculously high malpractice insurance or the  
2157 threat of just completely debilitating malpractice claims  
2158 and lawsuits, then that is Illinois' business. The Federal  
2159 Government should not intercede and take away the State's  
2160 rights."

2161 Like I said, there is much more nexus that has been  
2162 written into this bill, but, also, my concern, having seen  
2163 doctors and hospitals come back into areas of Texas where  
2164 they left after our tort reform, by passing a bill like  
2165 this, we would send a message that, when any one of my  
2166 friends across the aisle became speaker and you wish to come  
2167 into Texas and completely eviscerate the previous tort  
2168 reform or malpractice reform that we had done in Texas or  
2169 that the State legislature had, then Republicans would not  
2170 be in a position to object and say, "You cannot go take away  
2171 States' rights," and I intend to be able to say that if this  
2172 day ever comes.

2173           So I will be voting against the bill, ultimately, and I  
2174 yield back.

2175           Chairman Goodlatte. The question occurs on the  
2176 amendment offered by the gentleman from Georgia.

2177           All those in favor, respond by saying aye.

2178           Those opposed, no.

2179           In the opinion of the chair, the noes have it. The  
2180 amendment is not agreed to.

2181           Mr. Johnson. I request a recorded vote.

2182           Chairman Goodlatte. A recorded vote is requested, and  
2183 the clerk will call the role.

2184           Ms. Adcock. Mr. Goodlatte?

2185           Chairman Goodlatte. No.

2186           Ms. Adcock. Mr. Goodlatte votes no.

2187           Mr. Sensenbrenner?

2188           [No response.]

2189           Ms. Adcock. Mr. Smith?

2190           [No response.]

2191           Mr. Chabot?

2192           Mr. Chabot. No.

2193           Ms. Adcock. Mr. Chabot votes no.

2194           Mr. Issa?

2195           Mr. Issa. No.

2196           Ms. Adcock. Mr. Issa votes no.

2197           Mr. King?



2198 Mr. King. No.

2199 Ms. Adcock. Mr. King votes no.

2200 Mr. Franks?

2201 [No response.]

2202 Mr. Gohmert?

2203 [No response.]

2204 Mr. Jordan?

2205 Mr. Jordan. No.

2206 Ms. Adcock. Mr. Jordan votes no.

2207 Mr. Poe?

2208 [No response.]

2209 Mr. Chaffetz?

2210 [No response.]

2211 Mr. Marino?

2212 Mr. Marino. No.

2213 Ms. Adcock. Mr. Marino votes no.

2214 Mr. Gowdy?

2215 Mr. Gowdy. No.

2216 Ms. Adcock. Mr. Gowdy votes no.

2217 Mr. Labrador?

2218 Mr. Labrador. No.

2219 Ms. Adcock. Mr. Labrador votes no.

2220 Mr. Farenthold?

2221 Mr. Farenthold. No.

2222 Ms. Adcock. Mr. Farenthold votes no.

2223 Mr. Collins?

2224 [No response.]

2225 Mr. DeSantis?

2226 [No response.]

2227 Ms. Adcock. Mr. Buck?

2228 Mr. Buck. No.

2229 Ms. Adcock. Mr. Buck votes no.

2230 Mr. Ratcliffe?

2231 Mr. Ratcliffe. No.

2232 Ms. Adcock. Mr. Ratcliffe votes no.

2233 Ms. Roby?

2234 [No response.]

2235 Mr. Gaetz?

2236 [No response.]

2237 Johnson of Louisiana?

2238 Mr. Johnson of Louisiana. No.

2239 Ms. Adcock. Mr. Johnson votes no.

2240 Mr. Biggs?

2241 Mr. Biggs. No.

2242 Ms. Adcock. Mr. Biggs votes no.

2243 Mr. Conyers?

2244 Mr. Conyers. Aye.

2245 Ms. Adcock. Mr. Conyers votes aye.

2246 Mr. Nadler?

2247 Mr. Nadler. Aye.

2248 Ms. Adcock. Mr. Nadler votes aye.  
2249 Ms. Lofgren?  
2250 [No response.]  
2251 Ms. Jackson Lee?  
2252 Ms. Jackson Lee. Aye.  
2253 Ms. Adcock. Ms. Jackson Lee votes aye.  
2254 Mr. Cohen?  
2255 [No response.]  
2256 Mr. Johnson of Georgia?  
2257 Mr. Johnson of Georgia. Aye.  
2258 Ms. Adcock. Mr. Johnson votes aye.  
2259 Mr. Deutch?  
2260 Mr. Deutch. Aye.  
2261 Ms. Adcock. Mr. Deutch votes aye.  
2262 Mr. Gutierrez?  
2263 [No response.]  
2264 Ms. Bass?  
2265 Ms. Bass. Aye.  
2266 Ms. Adcock. Ms. Bass votes aye.  
2267 Mr. Richmond?  
2268 [No response.]  
2269 Mr. Jeffries?  
2270 [No response.]  
2271 Mr. Cicilline?  
2272 Mr. Cicilline. Aye.

2273 Ms. Adcock. Mr. Cicilline votes aye.  
2274 Mr. Swalwell?  
2275 Mr. Swalwell. Aye.  
2276 Ms. Adcock. Mr. Swalwell votes aye.  
2277 Mr. Lieu?  
2278 Mr. Lieu. Aye.  
2279 Ms. Adcock. Mr. Lieu votes aye.  
2280 Mr. Raskin?  
2281 Mr. Raskin. Aye.  
2282 Ms. Adcock. Mr. Raskin votes aye.  
2283 Ms. Jayapal?  
2284 Ms. Jayapal. Aye.  
2285 Ms. Adcock. Ms. Jayapal votes aye.  
2286 Mr. Schneider?  
2287 Mr. Schneider. Aye.  
2288 Ms. Adcock. Mr. Schneider votes aye.  
2289 Chairman Goodlatte. The gentleman from Arizona?  
2290 Mr. Franks. No.  
2291 Ms. Adcock. Mr. Franks votes no.  
2292 Chairman Goodlatte. The gentlewoman from Alabama?  
2293 Ms. Roby. No.  
2294 Ms. Adcock. Ms. Roby votes no.  
2295 Not recorded.  
2296 Mr. Cohen votes aye.  
2297 Chairman Goodlatte. The clerk will report.

2298 Ms. Adcock. Mr. Chairman, 13 members voted aye; 15  
2299 members voted no.

2300 Chairman Goodlatte. And the amendment is not agreed  
2301 to.

2302 The chair recognizes himself for the purposes of  
2303 offering an amendment, and the clerk will report the  
2304 amendment.

2305 Ms. Adcock. Amendment to the amendment in the nature  
2306 of a substitute to H.R. 1215, offered by Mr. Goodlatte.  
2307 Page 6, strike line 20 and all that follows through line 21  
2308 --

2309 Chairman Goodlatte. Without objection, the amendment  
2310 is considered as read.

2311 [The amendment of Chairman Goodlatte follows:]

2312 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2313 Chairman Goodlatte. And I will recognize myself for 5  
2314 minutes to explain the amendment.

2315 I am offering this amendment to strike the collateral  
2316 source portion of the bill, simply because I think that,  
2317 insofar as the bill might deny a person's ability to take  
2318 advantage of the benefits of his or her own health  
2319 insurance, that effect should be mitigated. To that end, I  
2320 am offering the amendment to strike section 5 of the bill,  
2321 the section on collateral source benefits.

2322 Two public policy reasons: one, we should encourage  
2323 people to have health insurance, not discourage it, and  
2324 secondly, this provision in the bill, if it were allowed to  
2325 remain, would permit defense attorneys to tell the jury that  
2326 the plaintiff has health insurance. We do not permit, under  
2327 this bill or other law that I am familiar with, the  
2328 plaintiff's attorneys to tell the jury that the defendant  
2329 has medical liability insurance, so, to me, I think this is  
2330 an issue of fairness.

2331 Mr. Conyers. Mr. Chairman?

2332 Chairman Goodlatte. For what purpose does the  
2333 gentleman from Michigan seek recognition?

2334 Mr. Conyers. I want to congratulate you. You make a  
2335 bad bill a little bit better.

2336 Chairman Goodlatte. I thank the gentleman.

2337 The question occurs on the amendment.

2338 All those in favor, respond by saying aye.

2339 Those opposed, no.

2340 In the opinion of the chair, the ayes have it and the  
2341 amendment is agreed to.

2342 For what purpose does the gentleman from Georgia seek  
2343 recognition?

2344 Mr. Johnson of Georgia. I have an amendment at the  
2345 desk.

2346 Chairman Goodlatte. The clerk will report the  
2347 amendment.

2348 Ms. Adcock. Amendment to the amendment in the nature  
2349 of a substitute to H.R. 1215, offered by Mr. Johnson of  
2350 Georgia. Page 17, line 15, insert after "Federal law" the  
2351 following: no provision --

2352 [The amendment of Mr. Johnson follows:]

2353 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2354 Chairman Goodlatte. Without objection, the amendment  
2355 is considered as read and the gentleman is recognized for 5  
2356 minutes on his amendment.

2357 Mr. Johnson of Georgia. Thank you, Mr. Chairman.

2358 At my last amendment, I reported to everyone that I  
2359 expected that all of the members on the other side of the  
2360 aisle would vote no, since that one was a consumer-friendly  
2361 amendment. Well, this amendment that I am about to  
2362 introduce is a consumer-friendly amendment, but it is also a  
2363 States' rights amendment, and so, therefore, I am pleased to  
2364 report that I expect that one member on the other side will  
2365 support this amendment. I am optimistic that he will come  
2366 back and go against the grain and vote for this very  
2367 reasonable amendment.

2368 My amendment looks to limit this egregious attack on  
2369 States' rights by preventing the Federal Government from  
2370 interfering in a State's ability to amend its constitution  
2371 or pass laws so that its citizens are protected from  
2372 dangerous medical products and medical negligence.

2373 Four hundred and forty thousand people die every year  
2374 from preventable medical errors and State legislatures have  
2375 taken it upon themselves to protect patients and hold or  
2376 allow the holding of wrongdoers accountable for their  
2377 negligence. However, H.R. 1215 selectively preempts these  
2378 carefully constructed State laws at the expense of



2379 vulnerable patients.

2380       Instead of preempting State law with a uniform Federal  
2381 standard, the bill only overrides those laws which are more  
2382 protective of injured patients and families so that  
2383 defendants such as healthcare conglomerates, health  
2384 insurance companies, and hedge fund-owned nursing homes can  
2385 gain an unfair advantage in courts.

2386       H.R. 1215 looks to impose policies and procedures, in  
2387 many places, where the State courts have found such efforts  
2388 unconstitutional according to the State constitutions. In  
2389 2010, the Georgia Supreme Court found limits on noneconomic  
2390 damages in medical negligence cases and other cases to be  
2391 unconstitutional, yet this bill imposes a \$250,000  
2392 noneconomic damages cap on the State of Georgia.

2393       My amendment would protect States' rights by  
2394 prohibiting the implementation of provisions in States where  
2395 the State Constitution explicitly addresses the policy, so  
2396 States that have constitutional prohibitions on damages  
2397 caps, like Pennsylvania, Kentucky, and New York, would not  
2398 be forced to adopt H.R. 1215's noneconomic damages cap.

2399       Unfortunately, such sweeping preemption of State law by  
2400 H.R. 1215 comes at the expense of individuals hurt by  
2401 medical malpractice or dangerous products, as well as  
2402 families suffering under the weight of crippling medical  
2403 bills and lost wages caused by medical negligence.

2404 H.R. 1215 is an unnecessary attack on one of the  
2405 fundamental tenets of our civil justice system. If a  
2406 patient is injured, that claim should be brought under State  
2407 law, in a State court, following that State's rules of civil  
2408 procedure with damages limited only by that State's laws.

2409 Considering the administration's recent decisions to  
2410 defer to State law on the issue of transgender students, I  
2411 am surprised to see this committee putting forth legislation  
2412 that utterly undermines the ability of States to protect  
2413 their own people from medical negligence.

2414 My amendment would ensure that States, which have  
2415 carefully protected the rights of their citizens through  
2416 their State Constitutions and statutes, are allowed to keep  
2417 those laws on the books.

2418 And with that, I ask my colleagues to support this  
2419 amendment, and I yield back.

2420 Mr. King. The gentleman returns his time. The chair  
2421 now recognizes himself to strike the last word.

2422 This amendment should be defeated. First, this bill  
2423 applies only to Federal issues, and we have addressed that  
2424 nexus, I think, carefully in previous components of the  
2425 debate. The Protecting Access to Care Act contains an  
2426 explicit Federal nexus. The bill's reforms only apply to  
2427 lawsuits concerning the provision of healthcare goods or  
2428 services for which coverage was provided, in whole or in

2429 part, via a Federal program, a Federal subsidy, or a tax  
2430 benefit. That is the language includes the Federal nexus  
2431 that we have discussed. Wherever Federal policy affects the  
2432 distribution of healthcare, there is a clear Federal  
2433 interest in reducing the cost of such Federal policies.

2434 The bill also includes provisions in each section that  
2435 allow States to opt out of each provision, provided that  
2436 they have their own limits on noneconomic damages. Those  
2437 damages have to be in place and either higher or lower than  
2438 that set out in the bill, and States can react to this  
2439 legislation and amend their noneconomic damages if they  
2440 disagree with the Federal guidelines that we have in this  
2441 underlying bill and other limits that provide the same or  
2442 greater protections as those provided for in the bill.

2443 Further, many State supreme courts have judicially  
2444 nullified reasonable litigation management provisions  
2445 enacted by State legislatures, and so if the voices of the  
2446 people in the State legislature are not respected by a State  
2447 court, but there is a Federal nexus to this litigation that  
2448 takes place, then these caps apply. But if the States  
2449 disagree with the caps that we have in the bill, they can  
2450 amend that through their own statute. So consequently, in  
2451 such States, passage of Federal legislation by Congress  
2452 through the people's duly elected representatives may be the  
2453 only means of addressing the States' medical professional

2454 liability regime, and restoring patients' access to health  
2455 care, also as previously discussed. So I urge all my  
2456 colleagues to join me in opposition to the amendment, and I  
2457 yield back the balance of my time.

2458 Mr. Conyers. Mr. Chairman?

2459 Mr. King. For what purpose does the gentleman from  
2460 Michigan seek the floor?

2461 Mr. Conyers. I seek the floor to support the Johnson  
2462 amendment.

2463 Chairman Goodlatte. Gentleman's recognized for 5  
2464 minutes.

2465 Mr. Conyers. I yield to the gentleman briefly.

2466 Mr. Johnson of Georgia. Thank you, Mr. Chairman.

2467 section 3E of the bill provides that the bill shall not be  
2468 construed to preempt State law that specifies a cap on  
2469 economic or noneconomic damages that may be awarded in a  
2470 healthcare lawsuit. But notably, this provision effectively  
2471 means that the bill will preempt State law that imposes no  
2472 such caps on damages, and so I think that my amendment is a  
2473 good one, and I would ask my colleagues for their support.  
2474 And with that, I yield back.

2475 Mr. Conyers. Yes, I would like my colleagues on the  
2476 committee to consider that many of the members of the  
2477 majority consider themselves to be ardent supports of State  
2478 sovereignty, yet this legislation would preempt many aspects

2479 of State law in many States.

2480 I support this amendment, because it would prevent the  
2481 preemption of any State constitutional provision that might  
2482 be otherwise preempted by this bill. I believe the State  
2483 courts and legislatures have the primary authority to shape  
2484 tort law, as they have historically, and if you do, then you  
2485 should support this amendment with me.

2486 I think the chair, and I yield back the balance of my  
2487 time.

2488 Mr. King. [Presiding] The gentleman yields back the  
2489 balance of his time.

2490 Mr. Conyers. Yes, the gentleman from Maryland, I am  
2491 pleased to yield.

2492 Mr. Raskin. Thank you very much. Mr. Conyers,  
2493 delighted to rise in favor of the Johnson amendment. I wish  
2494 I had introduced it myself.

2495 It says simply no provision of this act shall be  
2496 construed to preempt any provision of a State constitution,  
2497 and those of us who have served in State legislatures across  
2498 the country know that no power is more jealously guarded by  
2499 our States than the power to regulate what happens in our  
2500 own courts, with respect to tort law and personal injury;  
2501 people who are victimize by toxic torts, or lead poisoning  
2502 purveyors, or people who practice law or medicine or other  
2503 trades with malpractice.

2504           This goes right to the heart of State sovereignty, and  
2505 for those of us -- left, right, center, Liberal, Democrat,  
2506 Democrat-Republican -- who believe in State power, and the  
2507 power of the States to govern their own affairs, will  
2508 definitely support the Johnson amendment.

2509           And those of us who believe in the Constitution of the  
2510 United States, and what the Founders were up to, should also  
2511 look hard at this amendment, because the Founders of the  
2512 Constitution were concerned very much with the way that the  
2513 king was imposing prosecutors and judges in courts on the  
2514 people of the colonies, and trying to rule over us through  
2515 the courts.

2516           And so the power to govern ourselves in our States is  
2517 an essential constitutional power. I was delighted to hear  
2518 Mr. Gohmert from Texas, who I know is a long-time champion  
2519 of States' rights and State sovereignty, say that he could  
2520 not support the bill, but I would hope that everybody, even  
2521 those who are supporting the bill, those who are supporting  
2522 the bill, those who are opposed to the bill, can agree to  
2523 this amendment, that we should not be trampling the  
2524 provisions of our own State constitutions, that our people  
2525 have adopted in our States.

2526           And so again, I want to thank the gentleman from  
2527 Georgia for having the insight to cut through all of the  
2528 nonsense about this bill, and get right to the heart of the

2529 matter. We are usurping the prerogatives and the powers of  
2530 the States. At the very least, we should not throw the  
2531 State constitutions in the dust bin with everything else.  
2532 With that, I would yield back to the ranking member.

2533 Mr. Conyers. I yield back, Mr. Chairman.

2534 Mr. King. The gentleman from Michigan yields back to  
2535 balance his time. The question is now on the amendment.

2536 All in favor of the amendment will say aye.

2537 All opposed will say no.

2538 Opinion of the chair, the noes have it.

2539 The noes do have it.

2540 The gentleman has requested a recorded vote. The clerk  
2541 will call the roll.

2542 Ms. Adcock. Mr. Goodlatte?

2543 [No response.]

2544 Mr. Sensenbrenner?

2545 [No response.]

2546 Mr. Smith?

2547 [No response.]

2548 Mr. Chabot?

2549 Mr. Chabot. No.

2550 Ms. Adcock. Mr. Chabot votes no.

2551 Mr. Issa?

2552 [No response.]

2553 Mr. King?

2554 Mr. King. No.

2555 Ms. Adcock. Mr. King votes no.

2556 Mr. Franks?

2557 [No response.]

2558 Mr. Gohmert?

2559 [No response.]

2560 Mr. Jordan?

2561 Mr. Jordan. Yes.

2562 Ms. Adcock. Mr. Jordan votes yes.

2563 Mr. Poe?

2564 [No response.]

2565 Mr. Chaffetz?

2566 [No response.]

2567 Mr. Marino?

2568 Mr. Marino. No.

2569 Ms. Adcock. Mr. Marino votes no.

2570 Mr. Gowdy?

2571 Mr. Gowdy. No.

2572 Ms. Adcock. Mr. Gowdy votes no.

2573 Mr. Labrador?

2574 Mr. Labrador. Yes.

2575 Ms. Adcock. Mr. Labrador votes yes.

2576 Mr. Farenthold?

2577 Mr. Farenthold. No.

2578 Ms. Adcock. Mr. Farenthold votes no.



2579 Mr. Collins?  
2580 [No response.]  
2581 Mr. DeSantis?  
2582 [No response.]  
2583 Mr. Buck?  
2584 Mr. Buck. No.  
2585 Ms. Adcock. Mr. Buck votes no.  
2586 Mr. Ratcliff?  
2587 Mr. Ratcliff. No.  
2588 Ms. Adcock. Mr. Ratcliff votes no.  
2589 Ms. Roby?  
2590 [No response.]  
2591 Mr. Gaetz?  
2592 [No response.]  
2593 Mr. Johnson of Louisiana?  
2594 Mr. Johnson of Louisiana. Yes.  
2595 Ms. Adcock. Mr. Johnson votes yes.  
2596 Mr. Biggs?  
2597 Mr. Biggs. Yes.  
2598 Ms. Adcock. Mr. Biggs votes yes.  
2599 Mr. Conyers?  
2600 Mr. Conyers. Yes.  
2601 Ms. Adcock. Mr. Conyers votes aye.  
2602 Mr. Nadler?  
2603 Mr. Nadler. Aye.

2604 Ms. Adcock. Mr. Nadler votes aye.  
2605 Ms. Lofgren?  
2606 [No response.]  
2607 Ms. Jackson Lee?  
2608 Ms. Jackson Lee. Aye.  
2609 Ms. Adcock. Ms. Jackson Lee votes aye.  
2610 Mr. Cohen?  
2611 Mr. Cohen. Aye.  
2612 Ms. Adcock. Mr. Cohen votes aye.  
2613 Mr. Johnson of Georgia?  
2614 Mr. Johnson of Georgia. Aye.  
2615 Ms. Adcock. Mr. Johnson votes aye.  
2616 Mr. Deutch?  
2617 [No response.]  
2618 Mr. Gutierrez?  
2619 [No response.]  
2620 Ms. Bass?  
2621 Ms. Bass. Aye.  
2622 Ms. Adcock. Ms. Bass votes aye.  
2623 Mr. Richmond?  
2624 [No response.]  
2625 Mr. Jeffries?  
2626 [No response.]  
2627 Mr. Cicilline?  
2628 Mr. Cicilline. Aye.

2629 Ms. Adcock. Mr. Cicilline votes aye.  
2630 Mr. Swalwell?  
2631 Mr. Swalwell. Aye.  
2632 Ms. Adcock. Mr. Swalwell votes aye.  
2633 Mr. Liu?  
2634 Mr. Liu. Aye.  
2635 Ms. Adcock. Mr. Liu votes aye.  
2636 Mr. Raskin?  
2637 Mr. Raskin. Aye.  
2638 Ms. Adcock. Mr. Raskin votes aye.  
2639 Ms. Jayapal?  
2640 Ms. Jayapal. Aye.  
2641 Ms. Adcock. Ms. Jayapal votes aye.  
2642 Mr. Schneider?  
2643 Mr. Schneider. Aye.  
2644 Ms. Adcock. Mr. Schneider votes aye.  
2645 Mr. King. Is there anyone who wishes to cast or change  
2646 their votes? Gentleman from Wisconsin?  
2647 Mr. Sensenbrenner. Aye.  
2648 Ms. Adcock. Mr. Sensenbrenner votes aye.  
2649 Mr. King. Gentlelady from Alabama?  
2650 Ms. Roby. Nay.  
2651 Ms. Adcock. Ms. Roby votes no.  
2652 Mr. King. Gentleman from Texas?  
2653 Mr. Poe. No.

2654 Ms. Adcock. Mr. Poe votes no.

2655 Mr. King. Chairman Goodlatte?

2656 Chairman Goodlatte. No.

2657 Ms. Adcock. Mr. Goodlatte votes no.

2658 Mr. King. Gentleman from Utah?

2659 Mr. Chaffetz. No.

2660 Ms. Adcock. Mr. Chaffetz votes no.

2661 Mr. King. Gentleman from Arizona?

2662 Mr. Franks. Aye.

2663 Ms. Adcock. Mr. Franks votes aye.

2664 Mr. King. Gentleman from Florida?

2665 Mr. Deutch. Aye.

2666 Ms. Adcock. Mr. Deutch votes aye.

2667 Mr. King. Anybody wish to cast or change their vote?

2668 Gentleman from Louisiana?

2669 Mr. Johnson of Louisiana. I change my vote, no.

2670 Ms. Adcock. Mr. Johnson votes no.

2671 Mr. King. And the gentleman from Arizona? Mr. Biggs

2672 from Arizona? Or it is no?

2673 Ms. Adcock. Mr. Biggs votes no.

2674 Mr. King. The gentleman from Arizona?

2675 Mr. Franks. No.

2676 Ms. Adcock. Mr. Franks votes no.

2677 Mr. Gutierrez. Mr. Chairman? May I ask how I am

2678 recorded? Mr. Chairman?

2679 Ms. Adcock. Not recorded.

2680 Mr. Gutierrez. Aye.

2681 Ms. Adcock. Mr. Gutierrez votes aye.

2682 Mr. King. From Wisconsin?

2683 Mr. Sensenbrenner. No.

2684 Ms. Adcock. Mr. Sensenbrenner votes no.

2685 Mr. King. The gentleman from Ohio?

2686 Mr. Jordan. No.

2687 Ms. Adcock. Mr. Jordan votes no.

2688 Mr. King. What is the count?

2689 Ms. Adcock. 16, 15.

2690 Mr. Johnson of Georgia. Mr. Chairman? Mr. Chairman,

2691 might I be recognized?

2692 Mr. King. Not during a vote.

2693 Mr. Cicilline. Mr. Chairman, how am I recorded?

2694 Mr. King. The gentlelady from Texas?

2695 Ms. Adcock. Aye.

2696 Mr. Cicilline. How am I recorded?

2697 Ms. Adcock. Aye.

2698 Mr. Cicilline. Mr. Chairman, point of parliamentary

2699 inquiry. Mr. Chairman, point of parliamentary inquiry.

2700 Well the parliamentary inquiry is how long do we have to

2701 wait for you to continue to change people's minds or call

2702 the vote?

2703 Mr. King. There will be no demonstrations in this

2704 room.

2705 Mr. King. The gentleman from Virginia? The gentleman  
2706 from Wisconsin?

2707 Mr. Sensenbrenner. Aye.

2708 Mr. King. Gentleman from Wisconsin changes his vote to  
2709 aye. Anyone additionally wish to cast or change their vote?

2710 Mr. Swalwell. Mr. Chairman, how am I recorded?

2711 Ms. Adcock. Aye.

2712 Mr. King. I do not recognize who is speaking.

2713 Mr. King. The gentleman from Maryland?

2714 Mr. Swalwell. Mr. Chairman, how am I recorded?

2715 Ms. Adcock. Aye.

2716 Mr. Swalwell. Thank you.

2717 Mr. King. As an aye.

2718 Mr. Raskin. Mr. Chairman, how am I recorded? There  
2719 have been all these changes and I just want to make sure you  
2720 have got my vote correct.

2721 Ms. Adcock. Aye.

2722 Mr. Raskin. Aye, thank you.

2723 Mr. King. Anyone in addition wish to cast or change  
2724 their vote? Seeing none, the clerk shall report.

2725 Ms. Jackson Lee. Mr. Chairman?

2726 Mr. King. The clerk shall report.

2727 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

2728 Mr. King. The clerk shall report.

2729 Ms. Jackson Lee. How am I recorded?

2730 Mr. King. The clerk shall report.

2731 Ms. Jackson Lee. You cannot ask for the report if I am  
2732 asking how I am recorded, Mr. Chairman.

2733 Mr. King. The gentlelady shall observe regular order.

2734 Ms. Jackson Lee. Regular order?

2735 Mr. King. And the clerk shall report.

2736 Ms. Adcock. Mr. Chairman, 16 members voted aye; 15  
2737 members voted no.

2738 Mr. King. The amendment is agreed to and adopted.

2739 Will the clerk report the vote again?

2740 Mr. Johnson of Georgia. Mr. Chairman, regular order.

2741 Mr. King. Report the vote again. Will the clerk  
2742 report the vote again?

2743 Mr. Johnson of Georgia. This has to be a breach of  
2744 regular order, Mr. Chairman.

2745 Mr. King. We want an accurate reading from the tally,  
2746 and the record will show the recorded vote.

2747 Ms. Jackson Lee. Parliamentary inquiry, as to the  
2748 record vote has been recorded.

2749 Ms. Adcock. Mr. Goodlatte?

2750 Mr. King. Just report the tally.

2751 Mr. Marino. Mr. Chairman, how is the gentleman from  
2752 New York recorded?

2753 Mr. King. As an aye.

2754 Mr. Marino. Mr. Jeffries?

2755 Mr. Jeffries. Aye.

2756 Ms. Jackson Lee. There has to be someone on the  
2757 prevalent side.

2758 Mr. Swalwell. Parliamentary inquiry. Once the vote  
2759 has been announced, is the vote not closed?

2760 Ms. Jackson Lee. I have an amendment at the desk.

2761 Mr. King. The gentlelady from Texas has an amendment  
2762 at the desk, and the previous amendment has been adopted.

2763 The gentlelady from Texas is recognized for her amendment.

2764 Mr. Cicilline. Mr. Chairman, a point of parliamentary  
2765 inquiry before we take the next amendment.

2766 Mr. King. Recognized. Gentleman?

2767 Mr. Cicilline. Mr. Chairman, I would ask whether the  
2768 rules authorize you to make available the 15 vacant seats in  
2769 the front row. We are nearing the end of this amendment  
2770 process. There are people waiting outside, and I would ask  
2771 whether you could do that, and if you cannot do it alone, I  
2772 would make a motion to authorize those 15 seats to be  
2773 available to members of the public who are waiting.

2774 Mr. Nadler. Second.

2775 Mr. King. I would ask the gentleman to restate his  
2776 request.

2777 Mr. Cicilline. To make the 15 seats that are vacant  
2778 and available in the front row to members of the public, who



2779 have been waiting outside the door so they can witness their  
2780 democracy at work.

2781 Mr. Nadler. Second.

2782 Mr. King. To the gentleman, it is not a parliamentary  
2783 inquiry, and by the way, we need to keep that side open.

2784 The gentlelady from Texas is recognized.

2785 Mr. Nadler. Point of order. Point of order, Mr.  
2786 Chairman.

2787 Mr. Cicilline. Mr. Chairman, parliamentary inquiry.

2788 Mr. Chairman, parliamentary inquiry.

2789 Mr. King. The gentleman from New York.

2790 Mr. Cicilline. For whom are those seats being  
2791 reserved?

2792 Mr. King. We need staff to be able to move across the  
2793 aisle on that side. We could open up a few seats on the  
2794 left side.

2795 Mr. Cicilline. Even if all the seats were opened up,  
2796 staff could move.

2797 Mr. King. We can open up a few seats, but the front  
2798 needs to be open for staff to be able to move, and so I  
2799 would appreciate the gentleman from New York - we are going  
2800 to move on and recognize the gentlelady from Texas.

2801 Mr. Cicilline. Mr. Chairman, I believe there is a  
2802 motion that has been made and seconded by the gentleman from  
2803 California. I would ask for a vote.

2804 Mr. King. We will accommodate what we can, off the  
2805 record, and gentlelady from Texas will proceed.

2806 Mr. Cicilline. Mr. Chairman, a motion has been made  
2807 and seconded, and I would ask for a vote.

2808 Mr. King. The gentlelady from Texas shall proceed.

2809 Mr. Deutch. I call for regular order.

2810 Mr. Nadler. Point of order, Mr. Chairman.

2811 Mr. Deutch. Mr. Chairman, I call for the regular  
2812 order.

2813 Mr. Nadler. Point of order, Mr. Chairman.

2814 Mr. King. Regular order requested. The gentlelady  
2815 from Texas is recognized for her amendment, for 5 minutes  
2816 for her amendment.

2817 [The amendment of Ms. Jackson Lee follows:]

2818 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2819 Ms. Jackson Lee. Let me offer my agreement with the  
2820 Cicilline motion that was not taken up, and I do believe  
2821 that we should open these seats, so that the people of this  
2822 Nation have the opportunity to be able to watch truth and  
2823 democracy be in play.

2824 Mr. King. There will be no demonstrations in this  
2825 room, or I will ask the sergeant-at-arms to clear the room.  
2826 The gentlelady shall proceed.

2827 Ms. Jackson Lee. Continuing with my amendment, I have  
2828 an amendment at the desk which has been distributed. I am  
2829 concerned about this bill, as it puts the patient safety at  
2830 higher risk by significantly undermining the accountability  
2831 off those who provide patients with medical care.

2832 Let me acknowledge the amendment of Mr. Johnson that  
2833 would argue for the passage of my amendment, for this  
2834 legislation would impose various restrictions on medical  
2835 malpractice lawsuits, causing these restrictions to apply  
2836 regardless of how much merit a case may have, the negligence  
2837 at issue, or the severity of the issue.

2838 Nothing is more devastating to a family than the loved  
2839 one whose life has been lost, or who has been severely and  
2840 permanently injured. H.R. 1215 would have preempted State  
2841 law in all 50 States. Now, with the passed amendment, we  
2842 should look to make sure that the specific prohibitions do  
2843 not stand.

2844           The Jackson Lee amendment would exempt the claims of  
2845 victims who allege an irreversible injury from the bill's  
2846 purview. Those victims who suffer the most devastating  
2847 loss: loss of wages, loss of ability to provide for  
2848 themselves. The amendment protects victims filing medical  
2849 malpractice, tort-based legal claims, for damages arising  
2850 out of an irreversible injury caused by a healthcare  
2851 provider. Victims injured by the negligent conduct of  
2852 others who have lost limbs, suffered traumatic brain injury,  
2853 or maybe enabled to see following medical procedures should  
2854 not be subject to additional burden of a possible limited  
2855 recovery currently available under a number of legislative  
2856 initiatives.

2857           Empirical research has shown that caps on damages,  
2858 however, as those envisioned by HR-1215 diminish access to  
2859 the courts for the most vulnerable, such as low-wage earners  
2860 like the elderly, children and women. If economic damages  
2861 are minor and non-economic damages are capped, victims are  
2862 less likely to be able to obtain counsel to represent them  
2863 in seeking redress. Those affected by caps on them are the  
2864 patients who have been most severely injured by the  
2865 negligence of others.

2866           And so, the idea of this legislation is to, in fact,  
2867 undermine the severe injury to individuals who seek  
2868 recovery.

2869           Let me give an example as I close. Pam Buschle, East  
2870 Grand Rapids woman who lost her arms and legs to amputation  
2871 while battling septic shock has filed a medical practice  
2872 lawsuit against her doctor. Women undergoing elective  
2873 hysterectomy do not expect to wind up with their arms and  
2874 legs amputated. Before surgery, Pam was a healthy vibrant  
2875 mother. She led a fulfilling life as a public school social  
2876 worker, helping autistic and special needs children. Now,  
2877 she is an amputee.

2878           What happened was the couple was told that their  
2879 problems were not life-threatening after they spoke about an  
2880 impaired urinary function that was reported to her doctor.  
2881 What should have been an easily treatable urinary tract  
2882 infection, instead progressed to urosepsis, a lethal  
2883 condition where the infection enters and circulates the  
2884 bloodstream. How many families have experienced not being  
2885 listened to and a severe injury occurs?

2886           I ask my colleagues to support the Jackson Lee  
2887 amendment that deals with the impact of this legislation on  
2888 individuals that experience severe irreversible injury and I  
2889 ask for the support of those patients who cannot take care  
2890 of themselves any longer. That, I yield back.

2891           Mr. King. The gentlelady yields back and the chair now  
2892 recognizes himself for 5 minutes in opposition to the  
2893 amendment. This amendment should be defeated. This

2894 amendment would gut the bill in that most injuries are  
2895 irreversible. The point of the bill, however, is to reduce  
2896 healthcare costs and to make doctors more accessible to  
2897 everyone, so whatever injuries people have can be treated  
2898 and be treated in a cost-effective manner that maximizes  
2899 healthcare resources for everyone.

2900 Under this bill, any irreversible injury could receive  
2901 damages in the range of tens of millions of dollars as  
2902 occurred in California, for example, where these provisions  
2903 have been in place for over 40 years. I urge my colleagues  
2904 to oppose this gutting amendment and I point out that a  
2905 string of these amendments, if added up, do completely  
2906 nullify the bill and so, there appear to be targeted to the  
2907 more sympathetic components that one can devise about -- if  
2908 California thinks enough of their legislation that in spite  
2909 of the majorities that they have in their State legislature,  
2910 they haven't amended this legislation, then I suggest that  
2911 it's a pretty good idea for us to follow and probably one  
2912 that stays well within the bounds of reason.

2913 So I urge opposition to the Jackson Lee amendment and I  
2914 yield back the balance of my time.

2915 And the question is now on the Jackson Lee amendment,  
2916 all in favor, signify by saying, aye.

2917 All those opposed, say no.

2918 A recorded vote has been called. The clerk shall call

2919 the roll.

2920 Ms. Adcock. Mr. Goodlatte?

2921 Chairman Goodlatte. No.

2922 Ms. Adcock. Mr. Goodlatte votes no.

2923 Mr. Sensenbrenner?

2924 Mr. Sensenbrenner. No.

2925 Ms. Adcock. Mr. Sensenbrenner votes no.

2926 Mr. Smith?

2927 [No response.]

2928 Mr. Chabot?

2929 Mr. Chabot. No.

2930 Ms. Adcock. Mr. Chabot votes no.

2931 Mr. Issa?

2932 Mr. Issa. No.

2933 Ms. Adcock. Mr. Issa votes no.

2934 Mr. King?

2935 Mr. King. No.

2936 Ms. Adcock. Mr. King votes no.

2937 Mr. Franks?

2938 Mr. Franks. No.

2939 Ms. Adcock. Mr. Franks votes no.

2940 Mr. Gohmert?

2941 [No response.]

2942 Mr. Jordan?

2943 Mr. Jordan. No.

2944 Ms. Adcock. Mr. Jordan votes no.  
2945 Mr. Poe?  
2946 [No response.]  
2947 Mr. Chaffetz?  
2948 Mr. Chaffetz. No.  
2949 Ms. Adcock. Mr. Chaffetz votes no.  
2950 Mr. Marino?  
2951 Mr. Marino. No.  
2952 Ms. Adcock. Mr. Marino votes no.  
2953 Mr. Gowdy?  
2954 Mr. Gowdy. No.  
2955 Ms. Adcock. Mr. Gowdy votes no.  
2956 Mr. Labrador?  
2957 [No response.]  
2958 Mr. Farenthold?  
2959 Mr. Farenthold. No.  
2960 Ms. Adcock. Mr. Farenthold votes no.  
2961 Mr. Collins?  
2962 [No response.]  
2963 Mr. DeSantis?  
2964 [No response.]  
2965 Mr. Buck?  
2966 Mr. Buck. No.  
2967 Ms. Adcock. Mr. Buck votes no.  
2968 Mr. Ratcliffe?



2969 Mr. Ratcliffe. No.

2970 Ms. Adcock. Mr. Ratcliffe votes no.

2971 Ms. Roby?

2972 Ms. Roby. No.

2973 Ms. Adcock. Ms. Roby votes no.

2974 Mr. Gaetz?

2975 Mr. Gaetz. No.

2976 Ms. Adcock. Mr. Gaetz votes no.

2977 Mr. Johnson of Louisiana?

2978 [No response.]

2979 Mr. Biggs?

2980 Mr. Biggs. No.

2981 Ms. Adcock. Mr. Biggs votes no.

2982 Mr. Conyers?

2983 Mr. Conyers. Aye.

2984 Ms. Adcock. Mr. Conyers votes aye.

2985 Mr. Nadler?

2986 Mr. Nadler. Aye.

2987 Ms. Adcock. Mr. Nadler votes aye.

2988 Ms. Lofgren?

2989 [No response.]

2990 Ms. Jackson Lee?

2991 Ms. Jackson Lee. Aye.

2992 Ms. Adcock. Ms. Jackson Lee votes aye.

2993 Mr. Cohen?

2994 Mr. Cohen. Aye.

2995 Ms. Adcock. Mr. Cohen votes aye.

2996 Mr. Johnson of Georgia?

2997 [No response.]

2998 Mr. Deutch

2999 [No response.]

3000 Mr. Gutierrez?

3001 [No response.]

3002 Ms. Bass?

3003 Ms. Bass. Aye.

3004 Ms. Adcock. Ms. Bass votes aye.

3005 Mr. Richmond?

3006 [No response.]

3007 Mr. Jeffries?

3008 Mr. Jeffries. Aye.

3009 Ms. Adcock. Mr. Jeffries votes aye.

3010 Mr. Cicilline?

3011 Mr. Cicilline. Aye.

3012 Ms. Adcock. Mr. Cicilline votes aye.

3013 Mr. Swalwell?

3014 Mr. Swalwell. Aye.

3015 Ms. Adcock. Mr. Swalwell votes aye.

3016 Mr. Lieu?

3017 Mr. Lieu. Aye.

3018 Ms. Adcock. Mr. Lieu votes aye.

3019 Mr. Raskin?

3020 Mr. Raskin. Aye.

3021 Ms. Adcock. Mr. Raskin votes aye.

3022 Ms. Jayapal?

3023 Ms. Jayapal. Aye.

3024 Ms. Adcock. Ms. Jayapal votes aye.

3025 Mr. Schneider?

3026 Mr. Schneider. aye.

3027 Ms. Adcock. Mr. Schneider votes aye.

3028 Chairman Goodlatte. The gentleman from Texas, Mr. Poe.

3029 Mr. Poe. No.

3030 Ms. Adcock. Mr. Poe votes no.

3031 Chairman Goodlatte. The gentleman from Idaho.

3032 Mr. Labrador. No.

3033 Ms. Adcock. Mr. Labrador votes no.

3034 Chairman Goodlatte. The gentleman from Georgia.

3035 Mr. Johnson of Georgia. Aye.

3036 Ms. Adcock. Mr. Johnson votes aye.

3037 Chairman Goodlatte. Has everybody voted who wishes to

3038 vote?

3039 Mr. Johnson of Louisiana. No.

3040 Ms. Adcock. Mr. Johnson votes no.

3041 Chairman Goodlatte. The gentleman from Florida.

3042 Mr. Deutch. Aye.

3043 Ms. Adcock. Mr. Deutch votes aye.

3044 Chairman Goodlatte. The clerk will report.

3045 Ms. Adcock. Mr. Chairman, 14 members voted aye, 19  
3046 members voted no.

3047 Chairman Goodlatte. And the amendment is not agreed  
3048 to. Are there any further amendments?

3049 Mr. Sensenbrenner. Mr. Chairman?

3050 Chairman Goodlatte. For what purpose does the  
3051 gentleman from Wisconsin seek recognition?

3052 Mr. Sensenbrenner. Mr. Chairman, I move to reconsider  
3053 the approval of the Johnson amendment. I voted on the  
3054 prevailing side.

3055 Mr. Raskin. Mr. Chairman, I have an amendment at the  
3056 desk.

3057 Chairman Goodlatte. We are in the midst of  
3058 reconsideration of the Johnson amendment. The question is  
3059 on the reconsideration, all those in favor of --

3060 Mr. Raskin. I move to table.

3061 Chairman Goodlatte. That is not a proper motion.

3062 Mr. Raskin. Mr. Chairman, I make a parliamentary  
3063 inquiry.

3064 Chairman Goodlatte. Gentleman will state his  
3065 parliamentary inquiry.

3066 Mr. Raskin. Is Mr. Sensenbrenner's motion debatable?

3067 Chairman Goodlatte. The motion is not debatable.

3068 Motion has been made to table, the motion to reconsider.

3069 Mr. Raskin. Mr. Chair, I withdraw my motion.

3070 Chairman Goodlatte. The motion is withdrawn.

3071 Mr. Raskin. Mr. Chairman, I move to strike the last  
3072 word.

3073 Chairman Goodlatte. The gentleman is recognized for 5  
3074 minutes.

3075 Mr. Raskin. Thank you, and I would yield to my  
3076 colleague from Texas, Ms. Jackson Lee.

3077 Ms. Jackson Lee. I thank the gentleman for his  
3078 yielding and I rise to oppose the motion for reconsideration  
3079 on the basis that we had a duly debated motion of Mr.  
3080 Johnson dealing with States' rights, which if I look to the  
3081 factual part of it, all of my colleagues on the other side  
3082 of the aisle are strong proponents of States' rights.

3083 There is no technical flaw to Mr. Johnson's motion, nor  
3084 is there a legal flaw to Mr. Johnson's motion, and under the  
3085 10th Amendment of the Constitution, it is perfectly  
3086 legitimate to leave certain items to the States. That is,  
3087 Mr. Johnson's premise is that States' rights prevail to the  
3088 extent that States are engaged in the issue of a legal  
3089 structure that deals with medical malpractice.

3090 The basis of the reconsideration seems to be at best, a  
3091 whim and the fact that members have now come to overturn,  
3092 which has been a legitimate vote and debate on the merits of  
3093 Mr. Johnson's amendment, which is that States' rights should

3094 prevail to give better rights or more rights to victims of  
3095 medical malpractice and when the State does not cap the  
3096 injuries or in some instances, economic caps, then we should  
3097 not deny that benefit to those who live within the  
3098 boundaries of that State. I would raise the question and  
3099 oppose the reconsideration of the vote and count that  
3100 occurred on Mr. Johnson's amendment. I yield back.

3101 Mr. Raskin. I am reclaiming my time. Thank you, Ms.  
3102 Jackson Lee. Mr. Chairman, I yield to the gentleman from  
3103 Georgia, Mr. Johnson.

3104 Mr. Johnson of Georgia. Thank you. Mr. Chairman, I  
3105 would inquire as to why the other side seeks to reconsider  
3106 its duly recorded vote on an issue what we all know States'  
3107 rights being so important and fundamental to the politics of  
3108 the other side. I would just like to know why and I would  
3109 yield to the gentleman to explain.

3110 Chairman Goodlatte. I do not think the gentleman  
3111 chooses to explain.

3112 Mr. Johnson of Georgia. Well, perhaps then, a few  
3113 moments of silence to allow him to explain might be in  
3114 order. Sometimes silence can be deafening. Mr. Chairman,  
3115 the silence was so painful that I must call off this  
3116 inquiry. I must have mercy and compassion and with that I  
3117 would like to yield back my colleague, Mr. Swalwell.

3118 Mr. Swalwell. Reclaiming my time. Thank you, Mr.

3119 Johnson and I think it's the position of our side and  
3120 hopefully many on their side that you go with your gut,  
3121 which was to stand with States' rights, which is also, I  
3122 think a foundational principle that has guided so many on  
3123 their side for so long. Yield back.

3124 Mr. Nadler. Mr. Chairman?

3125 Chairman Goodlatte. For what purpose does the  
3126 gentleman from New York seek recognition?

3127 Mr. Nadler. Strike the last word.

3128 Chairman Goodlatte. The gentleman is recognized for 5  
3129 minutes.

3130 Mr. Nadler. Mr. Chairman, unlike some others, I'm not  
3131 a fanatical devotee of States' rights. Like most people, I  
3132 am in favor of States' rights when it gives certain results  
3133 and against States' rights when it tramples individual  
3134 liberty or gives bad results in other ways.

3135 But let me just say in answer to the questions that  
3136 were raised, what happened here was obvious. The majority  
3137 did not have its votes in line and lost on the amendment.  
3138 The vote was kept open, as we all saw, while votes were  
3139 rounded up, or the attempt was made to round up enough votes  
3140 and it was unsuccessful. A number of people who had voted  
3141 for the amendment on the Republican side, as a matter of  
3142 their consciousness were induced to change their votes, but  
3143 that didn't avail. Mr. Sensenbrenner then changed his vote

3144 from yes to no so he could be in the prevailing side in  
3145 order to make a motion to reconsider when enough of the  
3146 Republicans were back.

3147         If we take as a principle of organization that the  
3148 majority should never be so careless as to lose a vote, then  
3149 there's nothing wrong with this. If we take as a principle  
3150 of organization that majorities should prevail when the  
3151 votes are cast, then this is unfortunate and not in the best  
3152 interest of proper procedure, but that's what happened. I  
3153 think it is regrettable, the amendment was adopted. It  
3154 should be permitted to stay there. It's a very bad bill  
3155 that make it a slightly less bad bill. I yield back.

3156         Mr. Issa. Mr. Chairman.

3157         Chairman Goodlatte. The question is on the motion to  
3158 reconsider --

3159         Mr. Issa. Mr. Chairman?

3160         Chairman Goodlatte. What purpose does the gentleman  
3161 from California seek recognition?

3162         Mr. Issa. I move the previous question on the motion  
3163 to reconsider.

3164         Mr. Johnson of Georgia. Mr. Chairman, I move to strike  
3165 the last word.

3166         Chairman Goodlatte. The motion for the previous  
3167 question is not debatable. The question is on the ordering  
3168 of the previous question. All those in favor, respond by



3169 saying aye.

3170 Those opposed, no.

3171 In the opinion of the chair, the ayes have it.

3172 Mr. Nadler. Recorded vote, please.

3173 Chairman Goodlatte. Recorded vote is requested and the

3174 clerk will call the roll.

3175 Ms. Adcock. Mr. Goodlatte?

3176 Chairman Goodlatte. Aye.

3177 Ms. Adcock. Mr. Goodlatte votes aye.

3178 Mr. Sensenbrenner?

3179 Mr. Sensenbrenner. Aye.

3180 Ms. Adcock. Mr. Sensenbrenner votes aye.

3181 Mr. Smith?

3182 Ms. Adcock. Mr. Smith?

3183 [No response.]

3184 Mr. Chabot?

3185 Mr. Chabot. Aye.

3186 Ms. Adcock. Mr. Chabot votes aye.

3187 Mr. Issa?

3188 Mr. Issa. Aye.

3189 Ms. Adcock. Mr. Issa votes aye.

3190 Mr. King?

3191 Mr. King. Aye.

3192 Ms. Adcock. Mr. King votes aye.

3193 Mr. Franks?

3194 Mr. Franks. Aye.

3195 Ms. Adcock. Mr. Franks votes aye.

3196 Mr. Gohmert?

3197 [No response.]

3198 Mr. Jordan?

3199 Mr. Jordan. Yes.

3200 The Adcock. Mr. Jordan votes yes.

3201 Mr. Poe?

3202 Mr. Poe. No.

3203 The Adcock. Mr. Poe votes no.

3204 Mr. Chaffetz?

3205 Mr. Chaffetz. Aye.

3206 Ms. Adcock. Mr. Chaffetz votes aye.

3207 Mr. Marino?

3208 [No response.]

3209 Mr. Gowdy?

3210 Mr. Gowdy. Yes.

3211 Ms. Adcock. Mr. Gowdy votes yes.

3212 Mr. Labrador?

3213 Mr. Labrador. Yes.

3214 Ms. Adcock. Mr. Labrador votes yes.

3215 Mr. Farenthold?

3216 Mr. Farenthold. Yes.

3217 Ms. Adcock. Mr. Farenthold votes yes.

3218 Mr. Collins?

3219 [No response.]

3220 Mr. DeSantis?

3221 Mr. DeSantis. Yes.

3222 Ms. Adcock. Mr. DeSantis votes yes.

3223 Mr. Buck?

3224 Mr. Buck. Yes.

3225 Ms. Adcock. Mr. Buck votes yes.

3226 Mr. Ratcliffe?

3227 Mr. Ratcliffe. Yes.

3228 Ms. Adcock. Mr. Ratcliffe votes yes.

3229 Ms. Roby?

3230 Ms. Roby. Aye.

3231 Ms. Adcock. Ms. Roby votes aye.

3232 Mr. Gaetz?

3233 Mr. Gaetz. Aye.

3234 Ms. Adcock. Mr. Gaetz votes aye.

3235 Mr. Johnson of Louisiana?

3236 Mr. Johnson of Louisiana. Aye.

3237 Ms. Adcock. Mr. Johnson votes aye.

3238 Mr. Biggs?

3239 Mr. Biggs. Aye.

3240 Ms. Adcock. Mr. Biggs votes aye.

3241 Mr. Conyers?

3242 Mr. Conyers. No.

3243 Ms. Adcock. Mr. Conyers votes no.

3244 Mr. Nadler?  
3245 Mr. Nadler. No.  
3246 Ms. Adcock. Mr. Nadler votes no.  
3247 Ms. Lofgren?  
3248 [No response.]  
3249 Ms. Jackson Lee?  
3250 [No response.]  
3251 Mr. Cohen?  
3252 Mr. Cohen. No.  
3253 Ms. Adcock. Mr. Cohen votes no.  
3254 Mr. Johnson of Georgia?  
3255 Mr. Johnson of Georgia. No.  
3256 Ms. Adcock. Mr. Johnson votes no.  
3257 Mr. Deutch?  
3258 [No response.]  
3259 Mr. Gutierrez?  
3260 [No response.]  
3261 Ms. Bass?  
3262 [No response.]  
3263 Mr. Richmond?  
3264 [No response.]  
3265 Mr. Jeffries?  
3266 Mr. Jeffries. No.  
3267 Ms. Adcock. Mr. Jeffries votes no.  
3268 Mr. Cicilline?

3269 Mr. Cicilline. No.

3270 Ms. Adcock. Mr. Cicilline votes no.

3271 Mr. Swalwell?

3272 Mr. Swalwell. No.

3273 Ms. Adcock. Mr. Swalwell votes no.

3274 Mr. Lieu?

3275 Mr. Lieu. No.

3276 Ms. Adcock. Mr. Lieu votes no.

3277 Mr. Raskin?

3278 Mr. Raskin. No.

3279 Ms. Adcock. Mr. Raskin votes no.

3280 Ms. Jayapal?

3281 Ms. Jayapal. No.

3282 Ms. Adcock. Ms. Jayapal votes no.

3283 Mr. Schneider?

3284 Mr. Schneider. No.

3285 Ms. Adcock. Mr. Schneider votes no.

3286 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

3287 Ms. Adcock. Not recorded.

3288 Ms. Jackson Lee. No.

3289 Ms. Adcock. Ms. Jackson Lee votes no.

3290 Ms. Bass. Mr. Chairman, how am I recorded? No, it is

3291 me, Bass.

3292 Ms. Adcock. Not recorded.

3293 Mr. Cicilline. No.

3294 Ms. Adcock. Ms. Bass votes no.

3295 Mr. Cicilline. Mr. Chairman, parliamentary inquiry?

3296 Chairman Goodlatte. The gentleman will state his  
3297 inquiry.

3298 Mr. Cicilline. Is the passage of this resolution, does  
3299 that mean debate ends? So I want to be clear for people in  
3300 the audience, we can no longer debate. That is the purpose  
3301 of the motion. Is that correct?

3302 Chairman Goodlatte. Just the motion to reconsider, not  
3303 the subsequent motion to --

3304 Mr. Cicilline. It ends debate on the motion to  
3305 reconsider that we are in the middle of.

3306 Chairman Goodlatte. That is correct.

3307 Mr. Cicilline. Okay, thank you.

3308 Mr. Deutch. Mr. Chairman, how am I recorded?

3309 Chairman Goodlatte. Gentleman from Florida.

3310 Ms. Adcock. Not recorded.

3311 Mr. Deutch. No.

3312 Ms. Adcock. Mr. Deutch votes no.

3313 Chairman Goodlatte. Has every member voted who wishes  
3314 to vote? Clerk will report.

3315 Clerk will suspend.

3316 Ms. Adcock. Not recorded.

3317 Mr. Marino. Yes.

3318 Ms. Adcock. Mr. Marino votes yes.

3319 Chairman Goodlatte. Clerk will report.

3320 Ms. Adcock. Mr. Chairman, 19 members voted aye, 15

3321 members voted no.

3322 Chairman Goodlatte. And the previous question is

3323 approved. The question is on the motion to reconsider; the

3324 clerk will call the role.

3325 Ms. Adcock. Mr. Goodlatte?

3326 Chairman Goodlatte. Aye.

3327 Ms. Adcock. Mr. Goodlatte votes aye.

3328 Mr. Sensenbrenner?

3329 Mr. Sensenbrenner. Aye.

3330 Ms. Adcock. Mr. Sensenbrenner votes aye.

3331 Mr. Smith?

3332 [No response.]

3333 Mr. Chabot?

3334 Mr. Chabot. Aye.

3335 Ms. Adcock. Mr. Chabot votes aye.

3336 Mr. Issa?

3337 Mr. Issa. Aye.

3338 Ms. Adcock. Mr. Issa votes aye.

3339 Mr. King?

3340 Mr. King. Aye.

3341 Ms. Adcock. Mr. King votes aye.

3342 Mr. Franks?

3343 Mr. Franks. Aye.

3344 Ms. Adcock. Mr. Franks votes aye.  
3345 Mr. Gohmert?  
3346 [No response.]  
3347 Mr. Jordan?  
3348 [No response.]  
3349 Mr. Poe?  
3350 Mr. Poe. No.  
3351 Ms. Adcock. Mr. Poe votes no.  
3352 Mr. Chaffetz?  
3353 Mr. Chaffetz. Aye.  
3354 Ms. Adcock. Mr. Chaffetz votes aye.  
3355 Mr. Marino?  
3356 Mr. Marino. Yes.  
3357 Ms. Adcock. Mr. Marino votes yes.  
3358 Mr. Gowdy?  
3359 Mr. Gowdy. Yes.  
3360 Ms. Adcock. Mr. Gowdy votes yes.  
3361 Mr. Labrador?  
3362 [No response.]  
3363 Mr. Farenthold?  
3364 Mr. Farenthold. Yes.  
3365 Ms. Adcock. Mr. Farenthold votes yes.  
3366 Mr. Collins?  
3367 [No response.]  
3368 Mr. DeSantis?



3369 Mr. DeSantis. Yes.

3370 Ms. Adcock. Mr. DeSantis votes yes.

3371 Mr. Buck?

3372 Mr. Buck. Aye.

3373 Ms. Adcock. Mr. Buck votes aye.

3374 Mr. Ratcliffe?

3375 Mr. Ratcliffe. Yes.

3376 Ms. Adcock. Mr. Ratcliffe votes yes.

3377 Ms. Roby?

3378 Ms. Roby. Aye.

3379 Ms. Adcock. Ms. Roby votes aye.

3380 Mr. Gaetz?

3381 Mr. Gaetz. I say aye.

3382 Ms. Adcock. Mr. Gaetz votes aye.

3383 Mr. Johnson of Louisiana?

3384 Mr. Johnson of Louisiana. Aye.

3385 Ms. Adcock. Mr. Johnson votes aye.

3386 Mr. Biggs?

3387 Mr. Biggs. Aye.

3388 Ms. Adcock. Mr. Biggs votes aye.

3389 Mr. Conyers?

3390 Mr. Conyers. No.

3391 Ms. Adcock. Mr. Conyers votes no.

3392 Mr. Nadler?

3393 Mr. Nadler. No.

3394 Ms. Adcock. Mr. Nadler votes no.  
3395 Ms. Lofgren?  
3396 [No response.]  
3397 Ms. Jackson Lee?  
3398 [No response.]  
3399 Mr. Cohen?  
3400 Mr. Cohen. No.  
3401 Ms. Adcock. Mr. Cohen votes no.  
3402 Mr. Johnson of Georgia?  
3403 Mr. Johnson of Georgia. No.  
3404 Ms. Adcock. Mr. Johnson votes no.  
3405 Mr. Deutch?  
3406 Mr. Deutch. No.  
3407 Ms. Adcock. Mr. Deutch votes no.  
3408 Mr. Gutierrez?  
3409 [No response.]  
3410 Ms. Bass?  
3411 Ms. Bass. No.  
3412 Ms. Adcock. Ms. Bass votes no.  
3413 Mr. Richmond?  
3414 [No response.]  
3415 Mr. Jeffries?  
3416 Mr. Jeffries. No.  
3417 Ms. Adcock. Mr. Jeffries votes no.  
3418 Mr. Cicilline?

3419 Mr. Cicilline. No.

3420 Ms. Adcock. Mr. Cicilline votes no.

3421 Mr. Swalwell?

3422 Mr. Swalwell. No.

3423 Ms. Adcock. Mr. Swalwell votes no.

3424 Mr. Lieu?

3425 Mr. Lieu. No.

3426 Ms. Adcock. Mr. Lieu votes no.

3427 Mr. Raskin?

3428 Mr. Raskin. No.

3429 Ms. Adcock. Mr. Raskin votes no.

3430 Ms. Jayapal?

3431 Ms. Jayapal. No.

3432 Ms. Adcock. Ms. Jayapal votes no.

3433 Mr. Schneider?

3434 Mr. Schneider. No.

3435 Ms. Adcock. Mr. Schneider votes no.

3436 Chairman Goodlatte. The gentleman from Arizona.

3437 The Gentleman from Idaho.

3438 Ms. Adcock. Mr. Labrador votes yes.

3439 Chairman Goodlatte. Has every member voted who wishes

3440 to vote? Clerk will report.

3441 Ms. Adcock. Mr. Jordan votes yes.

3442 Chairman Goodlatte. The gentlewoman from Texas.

3443 Ms. Adcock. Not recorded.

3444 Ms. Jackson Lee. No.

3445 Ms. Adcock. Ms. Jackson Lee votes no.

3446 Chairman Goodlatte. The clerk will report.

3447 Ms. Adcock. Mr. Chairman, 19 members voted aye, 15  
3448 members voted no.

3449 Chairman Goodlatte. And the motion to reconsider is  
3450 agreed to; the question occurs on the Johnson amendment.  
3451 The clerk will call the roll.

3452 Mr. Johnson of Georgia. Mr. Chair? I move to strike  
3453 the last word.

3454 Chairman Goodlatte. The previous question has been  
3455 called. The clerk will call the roll.

3456 Ms. Adcock. Mr. Goodlatte?

3457 Mr. Nadler. I thought the previous question was not  
3458 called, I am told.

3459 Yes, the previous question was called on a motion to  
3460 reconsider. Now, the question before us is on the  
3461 amendment. The debate is on the underlying amendment now;  
3462 the previous vote had been carried.

3463 Chairman Goodlatte. The gentleman from Georgia is  
3464 recognized for 5 minutes.

3465 Mr. Johnson. Thank you, Mr. Chairman. This has been  
3466 unprecedented in my 10 years here in Congress. I have never  
3467 seen anything like this before, where we had argument on the  
3468 motion carried after a tortured process of trying to get

3469 people to change their votes. And despite the effort that  
3470 was made towards that, there were some who stuck by their  
3471 principles. And there is one who I would like to recognize  
3472 right now: my good friend Judge Poe, out of Houston, Texas,  
3473 who has done the right thing. We do not agree on a whole  
3474 lot, but we can agree that this man is consistent and has  
3475 some character, and he has disappeared into the back room.  
3476 And when folks disappear into that back room, things have  
3477 happened. But I trust Judge Poe is coming out and going to  
3478 remain consistent.

3479 Mr. Issa. Mr. Chairman? Point of inquiry. Is the  
3480 gentleman implying physical force or duress which --

3481 Mr. Johnson of Georgia. No.

3482 Mr. Issa. It does appear as though the gentleman is  
3483 disparaging the tactics of the chairman --

3484 Mr. Johnson of Georgia. No.

3485 Mr. Issa. -- which I certainly think do not include  
3486 any of that.

3487 Mr. Johnson of Georgia. Mr. Chairman, my time is  
3488 continuing while --

3489 Mr. Issa. Well, if the gentleman would suspend from  
3490 disparaging the conduct of anyone, then I would have no  
3491 problem.

3492 Mr. Johnson of Georgia. Well, I was speaking  
3493 figuratively, and I think I said that. And I would like for

3494 my 40 seconds to be added back to my time, Mr. Chairman.

3495 Mr. Chairman?

3496 Chairman Goodlatte. The gentleman controls the time.

3497 Mr. Johnson of Georgia. Well, we took 40 seconds of my  
3498 time to go through what we just went through. I do not  
3499 think that should be attributed to me.

3500 Chairman Goodlatte. Keep on making your point.

3501 Mr. Johnson of Georgia.

3502 Mr. Issa. Mr. Chairman, I ask that the gentleman's  
3503 words be taken down. I think he has crossed the line again  
3504 and again, figuratively or literally. I will suspend.

3505 Chairman Goodlatte. Does the gentleman wish to respond  
3506 to the motion to have his words taken down? The gentleman  
3507 will suspend. The gentleman must abide by the rules of the  
3508 House and the rules of decorum of the House, so the  
3509 gentleman's choice is to withdraw his words or have them  
3510 taken down.

3511 Mr. Johnson of Georgia. Well, my words were not  
3512 impugning the motives or integrity of any member on the  
3513 other side, but I guess the deck is stacked against me in  
3514 terms of the ruling on whether or not my words were so  
3515 impactful, so, with that, I will withdraw my words. But I  
3516 will again point to that back room and wonder what is going  
3517 on back there. And I leave it up to everyone's conscience  
3518 to decide whether or not the people are benefitting. I know

3519 that, with that amendment that I made, which is past --

3520 Chairman Goodlatte. Will the gentleman yield?

3521 Mr. Johnson of Georgia. In just a second. I know that  
3522 that amendment protects consumers, is pro-consumer, is pro-  
3523 patient, because we know that sometimes a plumber makes a  
3524 mistake. And when a plumber makes a mistake, we want to go  
3525 ahead and sue him and get some relief. Same thing with an  
3526 electrician, or with somebody who is purveying unwholesome  
3527 food. We want to be able to hold them accountable in the  
3528 civil arena. And that is what this amendment allows us to  
3529 do in the State courts. And so this is a good amendment. I  
3530 would ask that my colleagues not rescind their support for  
3531 it. And with that, I yield back.

3532 Mr. Issa. Mr. Chairman?

3533 Chairman Goodlatte. Question is on --

3534 Mr. Johnson of Georgia. And I would be happy to yield  
3535 my additional 40 seconds that I should have been granted to  
3536 the gentleman.

3537 Chairman Goodlatte. Without objection, the chair will  
3538 give the gentleman additional 1 minute, and he can yield it  
3539 to whoever he chooses.

3540 Mr. Johnson of Georgia. All right. With that minute,  
3541 Mr. Chairman -- and I thank you -- I would yield to the  
3542 gentleman from California. Whoever it was that asked for --

3543 Mr. Issa. Well, I appreciate that. I move the

3544 previous question.

3545 Mr. Johnson of Georgia. Well, I reclaim my time.

3546 Ms. Jackson Lee. Mr. Chairman, I strike the last word.

3547 Chairman Goodlatte. Would the gentleman yield?

3548 Mr. Jackson Lee. I would like to strike the last word.

3549 I would like to strike the last word.

3550 Chairman Goodlatte. The time is controlled by the

3551 gentleman from Georgia. After his time is concluded in 1

3552 minute, we can then move to the next motion.

3553 Mr. Johnson of Georgia. Mr. Chairman, I yield the

3554 balance of my time.

3555 Chairman Goodlatte. To whom?

3556 Mr. Johnson of Georgia. I yield back.

3557 Chairman Goodlatte. All right.

3558 Mr. Issa. Thank you, Mr. Chairman.

3559 Ms. Jackson Lee. Mr. Chairman.

3560 Chairman Goodlatte. The question occurs on the Johnson

3561 amendment.

3562 Ms. Jackson Lee. Mr. Chairman. Are we not allowed to

3563 comment on the Johnson amendment?

3564 Mr. Issa. I move the previous question.

3565 Ms. Jackson Lee. I move to strike the last word.

3566 Chairman Goodlatte. This question has been moved, you

3567 can go to a vote or we can go to two votes.

3568 Ms. Jackson Lee. He did it on the pretense of



3569 masquerading that he was engaged in debate, and I think we  
3570 should continue with debate.

3571 Mr. Johnson of Georgia. In that case, then, Mr.  
3572 Chairman, I would withdraw my yielding of my time.

3573 Chairman Goodlatte. The gentleman is not allowed to  
3574 withdraw his yielding of time. The gentleman from  
3575 California has moved the previous question. The question is  
3576 on moving the previous question. The clerk will call the  
3577 roll.

3578 Ms. Adcock. Mr. Goodlatte?

3579 Chairman Goodlatte. Aye.

3580 Ms. Adcock. Mr. Goodlatte votes aye.

3581 Mr. Sensenbrenner?

3582 [No response.]

3583 Mr. Smith?

3584 [No response.]

3585 Mr. Chabot?

3586 Mr. Chabot. Aye.

3587 Ms. Adcock. Mr. Chabot votes aye.

3588 Mr. Issa?

3589 Mr. Issa. Aye.

3590 Ms. Adcock. Mr. Issa votes aye.

3591 Mr. King?

3592 Mr. King. Aye.

3593 Ms. Adcock. Mr. King votes aye.

3594 Mr. Franks?

3595 Mr. Franks. Aye.

3596 Ms. Adcock. Mr. Franks votes aye.

3597 Mr. Gohmert?

3598 [No response.]

3599 Mr. Jordan?

3600 Mr. Jordan. Yes.

3601 Ms. Adcock. Mr. Jordan votes yes.

3602 Mr. Poe?

3603 [No response.]

3604 Mr. Chaffetz?

3605 Mr. Chaffetz. Aye.

3606 Ms. Adcock. Mr. Chaffetz votes aye.

3607 Mr. Marino?

3608 Mr. Marino. Yes.

3609 Ms. Adcock. Mr. Marino votes yes.

3610 Mr. Gowdy?

3611 Mr. Gowdy. Yes.

3612 Ms. Adcock. Mr. Gowdy votes yes.

3613 Mr. Labrador?

3614 [No response.]

3615 Mr. Farenthold?

3616 [No response.]

3617 Mr. Collins?

3618 [No response.]

3619 Mr. DeSantis?  
3620 Mr. DeSantis. Yes.  
3621 Ms. Adcock. Mr. DeSantis votes yes.  
3622 Mr. Buck?  
3623 Mr. Buck. Aye.  
3624 Ms. Adcock. Mr. Buck votes aye.  
3625 Mr. Ratcliffe?  
3626 Mr. Ratcliffe. Yes.  
3627 Ms. Adcock. Mr. Ratcliffe votes yes.  
3628 Ms. Roby?  
3629 Ms. Roby. Aye.  
3630 Ms. Adcock. Ms. Roby votes aye.  
3631 Mr. Gaetz?  
3632 Mr. Gaetz. Aye.  
3633 Ms. Adcock. Mr. Gaetz votes aye.  
3634 Mr. Johnson of Louisiana?  
3635 Mr. Johnson of Louisiana. Aye.  
3636 Ms. Adcock. Mr. Johnson votes aye.  
3637 Mr. Biggs?  
3638 Mr. Biggs. Aye.  
3639 Ms. Adcock. Mr. Biggs votes aye.  
3640 Mr. Conyers?  
3641 Mr. Conyers. No.  
3642 Ms. Adcock. Mr. Conyers votes no.  
3643 Mr. Nadler?

3644 Mr. Nadler. No.

3645 Ms. Adcock. Mr. Nadler votes no.

3646 Ms. Lofgren?

3647 [No response.]

3648 Ms. Jackson Lee?

3649 Ms. Jackson Lee. No.

3650 Ms. Adcock. Ms. Jackson Lee votes no.

3651 Mr. Cohen?

3652 [No response.]

3653 Mr. Johnson of Georgia?

3654 Mr. Johnson of Georgia. No.

3655 Ms. Adcock. Mr. Johnson votes no.

3656 Mr. Deutch?

3657 [No response.]

3658 Mr. Gutierrez?

3659 [No response.]

3660 Ms. Bass?

3661 Ms. Bass. No.

3662 Ms. Adcock. Ms. Bass votes no.

3663 Mr. Richmond?

3664 [No response.]

3665 Mr. Jeffries?

3666 Mr. Jeffries. No.

3667 Ms. Adcock. Mr. Jeffries votes no.

3668 Mr. Cicilline?

3669 Mr. Cicilline. No.

3670 Ms. Adcock. Mr. Cicilline votes no.

3671 Mr. Swalwell?

3672 Mr. Swalwell. No.

3673 Ms. Adcock. Mr. Swalwell votes no.

3674 Mr. Lieu?

3675 Mr. Lieu. No.

3676 Ms. Adcock. Mr. Lieu votes no.

3677 Mr. Raskin?

3678 Mr. Raskin. No.

3679 Ms. Adcock. Mr. Raskin votes no.

3680 Ms. Jayapal?

3681 Ms. Jayapal. No.

3682 Ms. Adcock. Ms. Jayapal votes no.

3683 Mr. Schneider?

3684 Mr. Schneider. No.

3685 Ms. Adcock. Mr. Schneider votes no.

3686 Chairman Goodlatte. The gentleman from Wisconsin.

3687 Mr. Sensenbrenner. No.

3688 Ms. Adcock. Mr. Sensenbrenner votes no.

3689 Ms. Jackson Lee. Parliamentary inquiry, Mr. Chairman.

3690 Chairman Goodlatte. The gentleman from Texas.

3691 Mr. Poe. No.

3692 Ms. Adcock. Mr. Poe votes no.

3693 Chairman Goodlatte. Mr. Farenthold.

3694 Mr. Farenthold. Yes.

3695 Ms. Adcock. Mr. Farenthold votes yes.

3696 Chairman Goodlatte. The gentleman from Tennessee.

3697 Mr. Cohen. And I do not think I was recorded.

3698 Ms. Adcock. No.

3699 Mr. Cohen. That is right.

3700 Chairman Goodlatte. The gentleman from Illinois.

3701 Ms. Adcock. Not recorded.

3702 Mr. Gutierrez. No.

3703 Ms. Adcock. Mr. Gutierrez votes no.

3704 Chairman Goodlatte. The gentleman from Idaho.

3705 Mr. Labrador. Yes.

3706 Ms. Adcock. Mr. Labrador votes yes.

3707 Chairman Goodlatte. Clerk will report.

3708 Ms. Jackson Lee. Mr. Chairman, parliamentary inquiry.

3709 Chairman Goodlatte. Clerk will report. Parliamentary

3710 inquiry is not in order during the vote.

3711 Ms. Adcock. Mr. Chairman, 16 members votes no; 18

3712 members voted aye.

3713 Chairman Goodlatte. Query of question is in order.

3714 The question is on the Johnson amendment. Clerk will call

3715 the roll.

3716 Ms. Adcock. Mr. Goodlatte?

3717 Chairman Goodlatte. No.

3718 Ms. Adcock. Mr. Goodlatte votes no.

3719 Mr. Sensenbrenner?  
3720 Mr. Sensenbrenner. No.  
3721 Ms. Adcock. Mr. Sensenbrenner votes no.  
3722 Mr. Smith?  
3723 [No response.]  
3724 Mr. Chabot?  
3725 Mr. Chabot. No.  
3726 Ms. Adcock. Mr. Chabot votes no.  
3727 Mr. Issa?  
3728 Mr. Issa. No.  
3729 Ms. Adcock. Mr. Issa votes no.  
3730 Mr. King?  
3731 Mr. King. No.  
3732 Ms. Adcock. Mr. King votes no.  
3733 Mr. Franks?  
3734 [No response.]  
3735 Mr. Gohmert?  
3736 [No response.]  
3737 Mr. Jordan?  
3738 Mr. Jordan. No.  
3739 Ms. Adcock. Mr. Jordan votes no.  
3740 Mr. Poe?  
3741 Mr. Poe. Yes.  
3742 Ms. Adcock. Mr. Poe votes yes.  
3743 Mr. Chaffetz?

3744 [No response.]

3745 Mr. Marino?

3746 Mr. Marino. No.

3747 Ms. Adcock. Mr. Marino votes no.

3748 Mr. Gowdy?

3749 Mr. Gowdy. No.

3750 Ms. Adcock. Mr. Gowdy votes no.

3751 Mr. Labrador?

3752 Mr. Labrador. Yes.

3753 Ms. Adcock. Mr. Labrador votes yes.

3754 Mr. Farenthold?

3755 Mr. Farenthold. No.

3756 Ms. Adcock. Mr. Farenthold votes no.

3757 Mr. Collins?

3758 [No response.]

3759 Mr. DeSantis?

3760 Mr. DeSantis. No.

3761 Ms. Adcock. Mr. DeSantis votes no.

3762 Mr. Buck?

3763 Mr. Buck. No.

3764 Ms. Adcock. Mr. Buck votes no.

3765 Mr. Ratcliffe?

3766 Mr. Ratcliffe. No.

3767 Ms. Adcock. Mr. Ratcliffe votes no.

3768 Ms. Roby?



3769 Ms. Roby. Nay.

3770 Ms. Adcock. Ms. Roby votes no.

3771 Mr. Gaetz?

3772 Mr. Gaetz. no.

3773 Ms. Adcock. Mr. Gaetz votes no.

3774 Mr. Johnson of Louisiana?

3775 Mr. Johnson of Louisiana. No.

3776 Ms. Adcock. Mr. Johnson votes no.

3777 Mr. Biggs?

3778 Mr. Biggs. No.

3779 Ms. Adcock. Mr. Biggs votes no.

3780 Mr. Conyers?

3781 Mr. Conyers. Aye.

3782 Ms. Adcock. Mr. Conyers votes aye.

3783 Mr. Nadler?

3784 Mr. Nadler. Aye.

3785 Ms. Adcock. Mr. Nadler votes aye.

3786 Ms. Lofgren?

3787 [No response.]

3788 Ms. Jackson Lee?

3789 Ms. Jackson Lee. Aye.

3790 Ms. Adcock. Ms. Jackson Lee votes aye.

3791 Mr. Cohen?

3792 Mr. Cohen. Aye.

3793 Ms. Adcock. Mr. Cohen votes aye.

3794 Mr. Johnson of Georgia?

3795 Mr. Johnson of Georgia. Aye.

3796 Ms. Adcock. Mr. Johnson votes aye.

3797 Mr. Deutch?

3798 [No response.]

3799 Mr. Gutierrez?

3800 Mr. Gutierrez. Yes.

3801 Ms. Adcock. Mr. Gutierrez votes yes.

3802 Ms. Bass?

3803 Ms. Bass. Aye.

3804 Ms. Adcock. Ms. Bass votes aye.

3805 Mr. Richmond?

3806 [No response.]

3807 Mr. Jeffries?

3808 Mr. Jeffries. Aye.

3809 Ms. Adcock. Mr. Jeffries votes aye.

3810 Mr. Cicilline?

3811 Mr. Cicilline. Aye.

3812 Ms. Adcock. Mr. Cicilline votes aye.

3813 Mr. Swalwell?

3814 Mr. Swalwell. Aye.

3815 Ms. Adcock. Mr. Swalwell votes aye.

3816 Mr. Lieu?

3817 Mr. Lieu. Aye.

3818 Ms. Adcock. Mr. Lieu votes aye.

3819 Mr. Raskin?

3820 Mr. Raskin. Aye.

3821 Ms. Adcock. Mr. Raskin votes aye.

3822 Ms. Jayapal?

3823 Ms. Jayapal. Aye.

3824 Ms. Adcock. Ms. Jayapal votes aye.

3825 Mr. Schneider?

3826 Mr. Schneider. Aye.

3827 Ms. Adcock. Mr. Schneider votes aye.

3828 Chairman Goodlatte. The gentleman from Arizona.

3829 Mr. Franks. No.

3830 Ms. Adcock. Mr. Franks votes no.

3831 Mr. Schneider. May I ask how I am recorded?

3832 Chairman Goodlatte. Mr. Raskin would like to know how

3833 he is recorded.

3834 Mr. Raskin. It was Schneider.

3835 Chairman Goodlatte. Oh, Mr. Swalwell.

3836 Mr. Raskin. No, Schneider.

3837 Chairman Goodlatte. Oh, Schneider. I am sorry.

3838 Ms. Adcock. Yes.

3839 Mr. Schneider. Thank you.

3840 Chairman Goodlatte. The clerk will report.

3841 Mr. Swalwell. Mr. Chair, how am I recorded?

3842 Swalwell.

3843 Ms. Adcock. Yes.

3844 Chairman Goodlatte. The clerk will report.

3845 Ms. Jayapal. Mr. Chairman, how am I recorded?

3846 Mr. Johnson of Georgia. Mr. Chairman, how am I  
3847 recorded?

3848 Chairman Goodlatte. You are recorded as an aye for  
3849 your amendment.

3850 Ms. Jayapal. Mr. Chairman, how am I recorded?

3851 Chairman Goodlatte. The clerk will report.

3852 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

3853 Chairman Goodlatte. You are recorded as an aye.

3854 Mr. Cicilline. Mr. Chairman, how am I recorded?

3855 Chairman Goodlatte. As an aye. The clerk will report.

3856 Ms. Adcock. Mr. Deutch votes aye.

3857 Chairman Goodlatte. The clerk will report.

3858 Ms. Adcock. Mr. Chairman, 17 members voted aye, 17  
3859 members voted no.

3860 Chairman Goodlatte. And the amendment is not agreed  
3861 to. Are there further amendments?

3862 Mr. Raskin. Mr. Chairman, I have an amendment at the  
3863 desk.

3864 Chairman Goodlatte. The clerk will report the  
3865 amendment.

3866 Ms. Adcock. Amendment to the amendment in the nature  
3867 of a substitute to H.R. 215, offered by Mr. Raskin. Page 4,  
3868 strike line 10 and all that follows through line 12.

3869 [The amendment of Mr. Raskin follows:]

3870 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

3871 Chairman Goodlatte. Without objection, the amendment  
3872 is considered as read and the gentleman is recognized on his  
3873 amendment.

3874 Mr. Raskin. Thank you, Mr. Chairman. This amendment  
3875 seeks to protect victims of sexual assault. My amendment  
3876 would exclude cases from H.R. 215 in which the plaintiff  
3877 sues for malpractice after being treated for injuries  
3878 resulting from sexual assault or rape. Such situations  
3879 would not be covered by the exclusion in the bill for claims  
3880 based on criminal liability because the crime is of sexual  
3881 assault or rape, and the claim is based on subsequent

3882 healthcare malpractice.

3883       Mr. Chairman, H.R. 1215 takes away the discretion of  
3884 judges and juries to impose damages of more than \$250,000  
3885 for non-economic damages, no matter the facts of the  
3886 individual situation. As someone who is a prosecutor for 7  
3887 years, I trust judges and my fellow Americans who serve as  
3888 jurors to award an appropriate level of damages. And many  
3889 people here today, Mr. Chairman, I think are wondering, will  
3890 the majority of the members of this committee continue to  
3891 vote against plaintiffs and their rights to access the  
3892 courts. And I hope that is not the case with respect to  
3893 sexual assault victims.

3894       I would also add H.R. 1215 reaches into State courts  
3895 and imposes the same caps on damages in their cases as well.  
3896 My amendment illustrates how wrong-headed the approach of  
3897 trying to have caps is. According to the Bureau of Justice  
3898 Statistics' national crime victimization survey, there were  
3899 over 200,000 victims of rape or sexual assault in 2015. The  
3900 vast majority of these survivors are women. Beyond the  
3901 physical injuries which result from rape and sexual assault,  
3902 there is, of course, the emotional trauma. Women who are  
3903 victimized in this way can, and must, show tremendous  
3904 courage as they deal with their injuries and rebuild their  
3905 lives.

3906       But what happens when, on top of being victimized by

3907 their rapist or sexual assailant, they are hurt by the  
3908 negligence of their healthcare provider as they seek  
3909 treatment for their injuries? Maybe it is a therapist who  
3910 acts negligently, or a doctor who fails to show due care in  
3911 treating their wounds, or a violation of their privacy. If  
3912 these heroic women seek to assert their rights in court and  
3913 win, under H.R. 1215 they would be harmed all over again  
3914 because their pain and suffering damages would be capped at  
3915 \$250,000.

3916       It is beyond me that anyone on this committee could sit  
3917 here and tell any woman across our country that they know  
3918 that in every situation, no matter how horrible the rape or  
3919 sexual assault, if you are a victim of negligence in seeking  
3920 treatment, your damage award should be capped. To me that  
3921 is ensuring that these women would be victimized all over  
3922 again.

3923       I urge my colleagues -- protect victims of sexual  
3924 assault and rape. And if this terrible bill were to become  
3925 law, the least we can do is not re-victimize those who have  
3926 suffered rape or sexual assault. We can do that by adopting  
3927 my amendment and I urge my colleagues to support it. I  
3928 yield back.

3929       Chairman Goodlatte. The clerk will re-read the  
3930 amendment because I am concerned that Mr. Raskin's amendment  
3931 was read and not Mr. Swalwell's.

3932 Mr. Swalwell. Sorry?

3933 Chairman Goodlatte. When she read the amendment I  
3934 think she did not read your amendment.

3935 Ms. Adcock. Amendment to the amendment in the nature  
3936 of a substitute to H.R. 1215 offered by Mr. Swalwell of  
3937 California. Page 12, line 7, strike "or which" and --

3938 Chairman Goodlatte. Without objection the amendment is  
3939 considered as read. The gentleman from Iowa seek  
3940 recognition.

3941 Mr. King. Mr. Chairman, I move to strike the last  
3942 word.

3943 Chairman Goodlatte. The gentleman is recognized for 5  
3944 minutes.

3945 Mr. King. Thank you, Mr. Chairman. This amendment  
3946 should be defeated. If members want to see the women have  
3947 better and more accessible medical treatment everywhere,  
3948 this amendment should be defeated here in this committee  
3949 today and have the base bill be supported. Women pay an  
3950 especially high price when it comes to medical liability and  
3951 access to care. That is why the American Congress of  
3952 Obstetricians and Gynecologists supports this legislation.

3953 Without medical liability reform, women and their  
3954 families face ever-increasing costs that cause healthcare  
3955 expenses to overwhelm their household budgets. Standard  
3956 liability insurance rates for Long Island Obstetrician,



3957 Gynecologists are approximately \$179,248 each year, but the  
3958 rates in central California, where effective medical  
3959 liability reforms are in place, are a fraction of that.

3960 A medical liability provider in the State, the  
3961 Cooperative of American Physicians, quotes \$16,000 for  
3962 OB/GYN for a region of counties that includes San Francisco.  
3963 A recent study discovered that 2013 was the first year since  
3964 2003 that there was actually an increase nationwide in both  
3965 total payout amounts and total number of payouts and  
3966 liability cases, a large driver of healthcare costs.

3967 Not coincidentally, per capita payouts in New York and  
3968 Pennsylvania, where no reforms are in place, are now more  
3969 than 12 and 8 times higher respectively in comparison to  
3970 Texas, which has, actually, effective reforms. Analysis of  
3971 efforts to raise the reasonable limits on non-economic  
3972 damages in California estimated that liability premiums  
3973 would increase up to 38 percent based on the experience of  
3974 other States that have imposed or eliminated limits.

3975 California's annual health costs would rise by \$9.9  
3976 billion, or \$1,000 for a family of four. Why should rape  
3977 victims have less access to doctors than others who receive,  
3978 when they are injured, under this bill? They should not.  
3979 They should get the same protections afforded everyone under  
3980 this bill and I urge my colleagues to join me in opposing  
3981 this amendment and I yield back the balance of my time.

3982 Mr. Conyers. Mr. Chairman.

3983 Chairman Goodlatte. The gentleman from Michigan seeks  
3984 recognition.

3985 Mr. Conyers. I rise -- strike the requisite number of  
3986 words.

3987 Chairman Goodlatte. The gentleman is recognized for 5  
3988 minutes.

3989 Mr. Conyers. Thank you. My colleagues, the Swalwell  
3990 amendment exempts from the bill cases concerning treatment  
3991 of injuries caused by rape or sexual assault. I support  
3992 this amendment because victims of either of these crimes are  
3993 among the most vulnerable of crime victims. The last thing  
3994 they should be worried about is receiving substandard and  
3995 negligent medical treatment for their injuries resulting  
3996 from either rape or sexual assault.

3997 Yet H.R. 1215 imposes numerous obstacles in the way of  
3998 rape or sexual assault victims who are victimized a second  
3999 time by poor medical treatment of their injuries. These  
4000 include and extremely low cap on non-economic damages which  
4001 has a particularly adverse impact upon women, the poor,  
4002 elderly, and children because these groups are more likely  
4003 to suffer noneconomic damages like pain and suffering and  
4004 loss of consortium.

4005 The bill also immunizes healthcare providers from  
4006 lawsuits concerning defective or dangerous drugs or medical

4007 devices. It also eliminates joint liability, making it less  
4008 likely that victim who suffers irreversible injury will be  
4009 able to recover the full amount of damages owed to her.

4010 So while H.R. 1215 is fundamentally flawed, adopting  
4011 this amendment will make a bad bill a little better and help  
4012 avoid victimizing rape and sexual assault victims a second  
4013 time. So I urge my colleagues to join me in adoption of  
4014 this amendment and I thank the chair.

4015 Mr. Johnson of Georgia. Mr. Chairman.

4016 Chairman Goodlatte. What does the gentleman from  
4017 Georgia seek recognition?

4018 Mr. Johnson of Georgia. Move to strike the last word.

4019 Chairman Goodlatte. The gentleman is recognized for 5  
4020 minutes.

4021 Mr. Johnson of Georgia. Thank you, Mr. Chairman. I  
4022 rise in support of the Swalwell amendment which protects  
4023 rape victims, sexual assault victims, from the harsh denial  
4024 of justice that they would suffer if this underlying  
4025 legislation is passed. And I would note that my colleague  
4026 from Iowa has talked about the costs to the healthcare  
4027 system and the access to the healthcare system that is  
4028 impeded by those costs.

4029 But I would point out that my colleagues on the other  
4030 side of the aisle are united in wanting to repeal the  
4031 Affordable Care Act which they derisively call Obamacare.

4032 They want to repeal it. It makes health care more  
4033 affordable. It has enabled 30 million people, when you  
4034 factor in Medicaid coverage expansion -- it makes health  
4035 care accessible for 30 million people, but they want to  
4036 repeal the Affordable Care Act instead of repair it.

4037 That has been something that they have been talking  
4038 about for 6 years. And out of 6 years we get to the time  
4039 where we have got Republicans in control of the House and  
4040 the Senate and the President. We go 40 days into this  
4041 session and still don't have a piece of legislation in  
4042 place, offered by my friends on the other side of the aisle,  
4043 to repeal and replace.

4044 So if you are going to repeal and replace you have got  
4045 to introduce some legislation. There has not been one piece  
4046 of -- not even a sentence offered in the House of  
4047 Representatives or in the Senate -- to repeal and replace.  
4048 And if you are going to repeal, all you have to do is say --  
4049 legislation just one line -- we officially repeal the  
4050 Affordable Care Act, also known as Obamacare. Boom. Take a  
4051 vote on it and it is done.

4052 But the reason why they do not want to do that is  
4053 because they know that it will hurt Americans. They know  
4054 that it will deprive Americans of their ability to access  
4055 the healthcare system: 30 million of them. And it will also  
4056 hurt the millions of others whose benefits were made better

4057 by the Affordable Care Act. In other words, no bans on  
4058 preexisting conditions, no lifetime caps, no yearly caps,  
4059 free annual wellness checkup, closing the doughnut hole for  
4060 prescription drug prices that have hurt our seniors over the  
4061 years. These are the ways that we have protected the  
4062 ability of people to access the healthcare system. And I  
4063 laud my friend from Iowa for talking about accessibility and  
4064 affordability of health care but tort reform is the exact  
4065 wrong way to go about doing that.

4066 Tort reform protects the pocketbooks of malpractice  
4067 insurance companies, of big healthcare conglomerates, of  
4068 health insurance companies. It protects them but it  
4069 protects them by taking away your right to seek redress when  
4070 there is medical negligence that occurs to you and your  
4071 family. You would be barred under this legislation,  
4072 significantly, from being able to pursue your just claims.  
4073 And the reason why is because it does not benefit the big  
4074 insurance companies for you to do that.

4075 So it is not really a matter of anything other than  
4076 protecting big business at the expense of consumers. And I  
4077 would just ask my colleagues to think about what we are  
4078 doing with this legislation. We could be spending time  
4079 passing a jobs bill, passing regulations to protect the  
4080 health and safety of innocent women, children, babies,  
4081 elderly, but instead we are trying to snatch rights away

4082 that are guaranteed under State law and have been  
4083 guaranteed by Federal law. With that, Mr. Chairman, I yield  
4084 back.

4085 Chairman Goodlatte. The chair would advise the members  
4086 that there is a vote on the floor. We can complete this  
4087 amendment, hopefully, before that. And the chair would  
4088 advise all members that, because the motion of the gentleman  
4089 from New York, Mr. Nadler, must be completed tonight, we  
4090 will be returning here after the President's address, if  
4091 necessary, to complete that markup. The gentleman from  
4092 Rhode Island is recognized for 5 minutes.

4093 Mr. Cicilline. Thank you, Mr. Chairman. I yield to  
4094 the gentleman from California.

4095 Mr. Swalwell. Thank you, Mr. Cicilline. And Mr.  
4096 Chairman, my colleague from Iowa has pointed out how  
4097 progressive California is. And as an Iowan who moved to  
4098 California, I appreciate that and I hope in future hearings  
4099 we will see my colleague bring forward other pieces of  
4100 legislation that have come out of California -- efforts to  
4101 tear down walls that impede freedom.

4102 Like the walls we tore down that existed between a  
4103 woman and her right to make her own healthcare decisions. I  
4104 welcome any efforts by the gentleman from Iowa to come  
4105 forward and help tear down any walls that exist between a  
4106 new American and their right to have a driver's license. In

4107 California, we have torn down any walls that exist between a  
4108 sick and dying patient and their right to have access to  
4109 medicinal marijuana.

4110 In California, we have torn down walls that exist  
4111 between a refugee seeking violence and certain death and the  
4112 welcoming arms of people who believe they belong here in our  
4113 country. In California, we have torn down walls that have  
4114 existed between a family's right to have clean air and clean  
4115 water and many of the giveaways to the oil and gas industry  
4116 that have stood in their way before.

4117 In California, we have torn down walls that have  
4118 existed elsewhere in this country between a person's right  
4119 to go to the ballot box and not have to be impeded by  
4120 unnecessary voter ID laws. In California, there is no wall  
4121 between a worker and their right to organize.

4122 In California, there is no wall between a community's  
4123 right to have sensible background checks and gun laws and  
4124 the right to live in a safe community. In California, we  
4125 have a \$15 minimum wage. In California, we have sentencing  
4126 reform in our justice system and in California, unlike here  
4127 in our Federal system, there is no wall that exists between  
4128 a woman and her right to be paid the same as a man.

4129 So if the gentleman from Iowa is interested in  
4130 continuing to pursue California legislation, I just laid out  
4131 a number that you can pursue and that would not impede the

4132 freedom of all Americans. And I yield back.

4133 Mr. Johnson of Georgia. Mr. Chairman?

4134 Chairman Goodlatte. What does the gentleman from  
4135 Georgia seek recognition?

4136 Mr. Johnson of Georgia. Move to strike the last word.

4137 Chairman Goodlatte. The gentleman is recognized for 5  
4138 minutes.

4139 Mr. Johnson of Georgia. Rise to strike -- to support  
4140 the gentleman's amendment, Mr. Swalwell, and I appreciate  
4141 very much the litany of State-initiated initiatives from  
4142 California based upon States' rights. We have unfortunately  
4143 not been able to overcome that hurdle in this bill, but I  
4144 think one of the most devastating continued insults is the  
4145 disparate treatment, except for the Affordable Care Act, of  
4146 women, as relates to the criminal justice system, in some  
4147 instances, and medical care.

4148 And so I rise to support the gentleman's amendment  
4149 because this bill does not provide the protection, it does  
4150 not exempt women, who are, in fact, being treated for  
4151 injuries resulting from sexual assault or rape. It does not  
4152 carve out that distinction so that they would not be  
4153 blindsided by this legislation, which seeks to limit actions  
4154 in State court and block damages on a Federal level,  
4155 through Federal law, that may be legal and responsible in  
4156 the State.



4157           How many times have we been in this committee  
4158 discussing the unequal treatment of rape kits? How many of  
4159 us remember the passage of the Violence Against Women Act,  
4160 "It is not something that happened 50 years ago. It  
4161 happened recently."

4162           So I think the gentleman has a very meritorious  
4163 amendment and it should be exempted for faulty medical  
4164 treatment for injuries resulting from sexual assault or  
4165 rape. And I believe this underlying legislation does not  
4166 protect women in that instance and that this is a needed  
4167 amendment and I would ask my colleagues to support the  
4168 Swalwell amendment. And I yield back.

4169           Chairman Goodlatte. Question occurs on the Swalwell  
4170 amendment.

4171           All those in favor respond by saying aye.

4172           All those opposed, no.

4173           Opinion of the chair, the noes have it. The amendment  
4174 is not agreed to.

4175           Mr. Nadler. Mr. Chairman, a recorded vote, please.

4176           Chairman Goodlatte. A recorded vote is requested and  
4177 the clerk will call the roll.

4178           Ms. Adcock. Mr. Goodlatte?

4179           Chairman Goodlatte. No.

4180           Ms. Adcock. Mr. Goodlatte votes no.

4181           Mr. Sensenbrenner?

4182 [No response.]  
4183 Mr. Smith?  
4184 [No response.]  
4185 Mr. Chabot?  
4186 Mr. Chabot. No.  
4187 Ms. Adcock. Mr. Chabot votes no.  
4188 Mr. Issa?  
4189 Mr. Issa. No.  
4190 Ms. Adcock. Mr. Issa votes no.  
4191 Mr. King?  
4192 Mr. King. No.  
4193 Ms. Adcock. Mr. King votes no.  
4194 Mr. Franks?  
4195 [No response.]  
4196 Mr. Gohmert?  
4197 [No response.]  
4198 Mr. Jordan?  
4199 [No response.]  
4200 Mr. Poe?  
4201 Mr. Poe. No.  
4202 Ms. Adcock. Mr. Poe votes no.  
4203 Mr. Chaffetz?  
4204 Mr. Chaffetz. No.  
4205 Ms. Adcock. Mr. Chaffetz votes no.  
4206 Mr. Marino?

4207 Mr. Marino. No.

4208 Ms. Adcock. Mr. Marino votes no.

4209 Mr. Gowdy?

4210 Mr. Gowdy. No.

4211 Ms. Adcock. Mr. Gowdy votes no.

4212 Mr. Labrador?

4213 [No response.]

4214 Mr. Farenthold?

4215 [No response.]

4216 Mr. Collins?

4217 [No response.]

4218 Mr. DeSantis?

4219 Mr. DeSantis. No.

4220 Ms. Adcock. Mr. DeSantis votes no.

4221 Mr. Buck?

4222 Mr. Buck. No.

4223 Ms. Adcock. Mr. Buck votes no.

4224 Mr. Ratcliffe?

4225 Mr. Ratcliffe. No.

4226 Ms. Adcock. Mr. Ratcliffe votes no.

4227 Ms. Roby?

4228 Ms. Roby. No.

4229 Ms. Adcock. Ms. Roby votes no.

4230 Mr. Gaetz?

4231 Mr. Gaetz. No.

4232 Ms. Adcock. Mr. Gaetz votes no.  
4233 Mr. Johnson of Louisiana?  
4234 Mr. Johnson of Louisiana. No.  
4235 Ms. Adcock. Mr. Johnson votes no.  
4236 Mr. Biggs?  
4237 Mr. Biggs. No.  
4238 Ms. Adcock. Mr. Biggs votes no.  
4239 Mr. Conyers?  
4240 [No response.]  
4241 Mr. Nadler?  
4242 Mr. Nadler. Aye.  
4243 Ms. Adcock. Mr. Nadler votes aye.  
4244 Mr. Conyers?  
4245 Mr. Conyers. Aye.  
4246 Ms. Adcock. Mr. Conyers votes aye.  
4247 Mr. Nadler votes aye.  
4248 Ms. Lofgren?  
4249 Ms. Lofgren. Aye.  
4250 Ms. Adcock. Ms. Lofgren votes Aye.  
4251 Ms. Jackson Lee?  
4252 Ms. Jackson Lee. Aye.  
4253 Ms. Adcock. Ms. Jackson Lee votes aye.  
4254 Mr. Cohen?  
4255 [No response.]  
4256 Mr. Johnson of Georgia?

4257 Mr. Johnson of Georgia. Aye.  
4258 Ms. Adcock. Mr. Johnson votes aye.  
4259 Mr. Deutch?  
4260 [No response.]  
4261 Mr. Gutierrez?  
4262 [No response.]  
4263 Ms. Bass?  
4264 [No response.]  
4265 Mr. Richmond?  
4266 [No response.]  
4267 Mr. Jeffries?  
4268 [No response.]  
4269 Mr. Cicilline?  
4270 Mr. Cicilline. Aye.  
4271 Ms. Adcock. Mr. Cicilline votes aye.  
4272 Mr. Swalwell?  
4273 Mr. Swalwell. Aye.  
4274 Ms. Adcock. Mr. Swalwell votes aye.  
4275 Mr. Lieu?  
4276 Mr. Lieu. Aye.  
4277 Ms. Adcock. Mr. Lieu votes aye.  
4278 Mr. Raskin?  
4279 Mr. Raskin. Aye.  
4280 Ms. Adcock. Mr. Raskin votes aye.  
4281 Ms. Jayapal?

4282 [No response.]

4283 Mr. Schneider?

4284 Mr. Schneider. Aye.

4285 Ms. Adcock. Mr. Schneider votes aye.

4286 Chairman Goodlatte. Gentleman from Arizona.

4287 Mr. Franks. No.

4288 Ms. Adcock. Mr. Franks votes no.

4289 Chairman Goodlatte. Gentleman from Pennsylvania.

4290 Gentleman from Idaho.

4291 Mr. Labrador. No.

4292 Ms. Adcock. Mr. Labrador votes no.

4293 Chairman Goodlatte. Gentleman from Illinois.

4294 Mr. Gutierrez. Aye.

4295 Ms. Adcock. Mr. Gutierrez votes aye.

4296 Chairman Goodlatte. Gentlewoman from Washington.

4297 Ms. Adcock. Ms. Jayapal votes aye.

4298 Chairman Goodlatte. Has every member voted who wishes

4299 to vote? Clerk will report. Oh, the gentleman from

4300 Florida.

4301 Clerk Adcock. Mr. Deutch votes aye.

4302 Chairman Goodlatte. The clerk will report, and while

4303 she is tabulating that, I would advise all the members that

4304 we have a vote on the floor with 7 minutes remaining. We

4305 will reconvene immediately after this vote series to

4306 continue our work.

4307 Ms. Adcock. Mr. Chairman.

4308 Chairman Goodlatte. The clerk will report.

4309 Ms. Adcock. Mr. Chairman, 13 members voted aye; 17  
4310 members votes no.

4311 Chairman Goodlatte. And the amendment is not agreed  
4312 to. For what purpose does the gentleman from New York seek  
4313 recognition?

4314 Mr. Nadler. Mr. Chairman, so I just wanted to clarify  
4315 that there is an amendment -- there are two votes on the  
4316 floor that should take about 15 or so minutes. We will  
4317 reconvene. Then there is one amendment left on this bill,  
4318 so we will probably get to the resolutions all these people  
4319 have been waiting for in 40 minutes?

4320 Chairman Goodlatte. Hopefully. The sooner the better.

4321 Mr. Conyers. Keep hope alive.

4322 Chairman Goodlatte. The committee will stand in  
4323 recess.

4324 [Recess.]

4325 Chairman Goodlatte. The committee will reconvene.  
4326 When the committee recessed, we were considering amendments  
4327 to H.R. 1215. Are there further amendments to H.R. 1215?

4328 Mr. Raskin. Mr. Chairman?

4329 Chairman Goodlatte. For what purpose does the  
4330 gentleman from Maryland seek recognition?

4331 Mr. Raskin. Thank you. I have an amendment at the

4332 desk.

4333 Chairman Goodlatte. The clerk will report the  
4334 amendment.

4335 Ms. Adcock. Amendment to the amendment in the nature  
4336 of a substitute to H.R. 1215 offered by Mr. Raskin. Page 4,  
4337 strike line 10 and all that follows --

4338 [The amendment of Mr. Raskin follows:]

4339 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4340 Chairman Goodlatte. Without objection, the amendment  
4341 is considered as read, and the gentleman is recognized for 5  
4342 minutes on his amendment.

4343 Mr. Raskin. Mr. Chairman, thank you very much. And I  
4344 know I actually have some constituents in the room, and so I  
4345 want to welcome them here, and welcome to my world here in  
4346 Congress. I am not in Annapolis anymore.

4347 And I was excited that democracy broke out, if ever so  
4348 fleetingly, before we went to the floor. We actually had a  
4349 very good discussion and a very good debate and we were able  
4350 to reason together and change each other's minds. And that



4351 is what democracy is about. And I hope it is not going to  
4352 be back to business as usual, where we take up legislation  
4353 without any hearing at all, without the public being able to  
4354 testify, with no experts, and then we have a series of party  
4355 line votes.

4356         So in the spirit of Mr. Johnson's excellent and  
4357 erstwhile successful amendment, I want to offer on that I  
4358 think will be of a lot of interest to members of the  
4359 committee who consider themselves champions of federalism  
4360 and States' rights, and specifically any representatives who  
4361 come from these 33 States: Arizona, California, Colorado,  
4362 Delaware, D.C., Hawaii, Indiana, Illinois, Iowa, Louisiana,  
4363 Maine, Maryland, Mississippi, Minnesota, Missouri, Montana,  
4364 Nebraska, Nevada, New Jersey, New York, North Carolina,  
4365 North Dakota, Oregon, Pennsylvania, Rhode Island, South  
4366 Carolina, South Dakota, Texas, Virginia, and Washington  
4367 State.

4368         Now, these are the States that, as far as I can tell --  
4369 and we did this research on our own because we did not have  
4370 any testimony on this -- but these are the 33 States in  
4371 which the State tort law system is based on the principle of  
4372 joint and several liability. Joint and several liability  
4373 simply means that if somebody has -- say someone is  
4374 profoundly injured because of medical malpractice, and sues  
4375 the doctors, the surgery group, and the hospital. And the

4376 doctors say it was the resident's fault because the medical  
4377 school makes them stay up too many hours. And they say, no,  
4378 it is the surgery group's fault because they did not have  
4379 enough staff. And the surgery group says, no, it was the  
4380 hospital's fault because the lighting was insufficient, or  
4381 whatever it might be. And they are all pointing fingers at  
4382 each other.

4383 In a joint and several liability State, which is the  
4384 standard rule in America -- it is the majority rule as we  
4385 see -- the defendants have to sort it out amongst  
4386 themselves. The burden is not on the victim to go and chase  
4387 them in a round robin of lawsuits. And 33 of our States,  
4388 representing a majority of the members of this committee,  
4389 have adopted the joint and several liability rule.

4390 Now, there is a lot to be said for it. Most States  
4391 have adopted it. There is arguments to be made against it  
4392 as well. But what this legislation proposes to do is to  
4393 take a sledgehammer and wipe out of the laws of 50 States  
4394 and the District of Columbia and replace it with a one-size-  
4395 fits-all federally imposed regime, a straightjacket to put  
4396 on our State legislatures.

4397 Now, I heard the chairman say before, and I was  
4398 actually moved by the argument that in the context of caps,  
4399 he said, if a State wants to override the caps, they can  
4400 override the caps. I was not persuaded enough to support

4401 that, but at least I understood that argument. But what  
4402 they want to do on this provision is just abolish joint and  
4403 several liability in the United States of America. They  
4404 want to wipe out the laws of 33 States; States that a  
4405 majority of members on this committee represent.

4406 So all that my legislation would do is to delete the  
4407 language that would abolish joint and several liability. In  
4408 my State, in Maryland, we talked a lot about joint and  
4409 several liability. And we are a joint and several liability  
4410 State. And the delicate and complex political compromise  
4411 that was arrived at entailed the State would keep joint and  
4412 several liability, but in return it would not have  
4413 comparative negligence. We are a contributory negligence  
4414 State. I am not sure if that compromise still fits today or  
4415 not, but it is our compromise. It is where we are in  
4416 Maryland.

4417 And States are all over the map, except most of them  
4418 have some form of joint and several liability. And those,  
4419 too, are the product of very complicated, subtle, and  
4420 delicate political compromises in the State. And they are  
4421 working for their States. I was very moved by Mr. Gohmert's  
4422 statement before, that they went through this in Texas like  
4423 we went through it in Maryland. And now, suddenly, without  
4424 any hearing at all, without any discussion, without any  
4425 briefings by experts, we are going to take a bulldozer and

4426 wipe out of the laws of the States.

4427 Mr. Chairman, all I am proposing is that we respect the  
4428 majority rule in the land, the 33 States that are  
4429 represented by people on this committee and people in the  
4430 House of Representatives, by saying we will not wipe out  
4431 joint and several liability in the United States of America.

4432 I yield back.

4433 Chairman Goodlatte. For what purpose does the  
4434 gentleman from Iowa seek recognition?

4435 Mr. King. Mr. Chairman, I move to strike the last  
4436 word.

4437 Chairman Goodlatte. The gentleman is recognized for 5  
4438 minutes.

4439 Mr. King. Thank you, Mr. Chairman. Mr. Chairman, this  
4440 amendment should be defeated because it would eliminate the  
4441 Protecting Access to Care Act's fair share rule that  
4442 provides that defendants should only pay for the damages  
4443 that they cause. The alternative is unfair because it puts  
4444 full responsibility on those who may have been only  
4445 marginally at fault. Think of being 1 percent at fault and  
4446 paying 100 percent of damages.

4447 Respect for the law is fostered when the law is fair  
4448 and just, and punishment is proportionate to the wrongs  
4449 committed. As Thomas Jefferson noted, and he is still  
4450 right, "If the punishment were only proportional to the

4451 injury, then men would feel that their inclination as well  
4452 as their duty to see the laws observed." Joint and several  
4453 liability, although motivated by a desire to ensure that  
4454 plaintiffs are made whole, leads to a search by a  
4455 plaintiff's attorneys for deep pockets and to a  
4456 proliferation of lawsuits against those minimally liable or  
4457 those not liable at all.

4458         The Protecting Access to Care Act, by providing for a  
4459 fair share rule that apportions damages in proportion to a  
4460 defendant's degree or fault, is at the core of this  
4461 legislation that prevents unjust situations in which  
4462 hospitals can be forced to pay for all damages resulting  
4463 from an injury, even when the hospital is minimally at  
4464 fault.

4465         For example, say a drug dealer staggers into an  
4466 emergency room with a gunshot wound after a deal goes bad.  
4467 The surgeon that works on him does the best he can, but it  
4468 is not perfect. The drug dealer sues, the jury finds the  
4469 drug dealer 99 percent responsible for his own injuries, but  
4470 it also finds the hospital 1 percent responsible because the  
4471 physician was fatigued after working too long.

4472         Today the hospital can be made to pay 100 percent of  
4473 the damages because the drug dealer is without means. That  
4474 is unfair. This amendment should be defeated and I think  
4475 this illustrates what is at the core of the gentleman's

4476 amendment, and I urge that we defeat the gentleman's  
4477 amendment.

4478 I yield back the balance of my time.

4479 Mr. Swalwell. Mr. Chairman, I move to strike the last  
4480 word.

4481 Chairman Goodlatte. The gentleman is recognized for 5  
4482 minutes.

4483 Mr. Swalwell. Thank you, Mr. Chairman. I yield to the  
4484 gentleman from Maryland.

4485 Mr. Raskin. Thank you very much. Just to respond to  
4486 that, I believe that my distinguished colleague may be  
4487 confusing joint and several liability with comparative  
4488 negligence. Comparative negligence is a system in which the  
4489 plaintiff's own negligence does not negate the liability of  
4490 someone else. Usually it would never be down at the level  
4491 of 1 percent, but it might be 25 percent or 50 percent. But  
4492 joint and several liability is about the defendants in a  
4493 tort action. And so if there are multiple defendants, all  
4494 of whom are pointing fingers at each other, they cannot  
4495 escape if they have got some liability. And again,  
4496 different States assign that liability at different points.

4497 So when you say that a defendant might be nailed if we  
4498 do not pass this legislation, when they are not liable at  
4499 all, I do not know of a single jurisdiction in America where  
4500 a defendant can be held --

4501 Mr. King. Will the gentleman yield?

4502 Mr. Raskin. -- liable for a tort if they are not  
4503 liable. I do not really get that.

4504 Mr. King. I think --

4505 Mr. Swalwell. I will reclaim my time and I will yield  
4506 to the gentleman from Iowa.

4507 Mr. King. Thank you. Did he yield?

4508 Mr. Swalwell. I will yield to the gentleman from Iowa.

4509 Mr. King. Thank you. I appreciate you yielding. I  
4510 just want to clarify that -- you might have misunderstood me  
4511 -- but I did not say if they are not liable at all. There  
4512 has to be a liability before there would be a sharing of  
4513 this overall claim.

4514 Mr. Swalwell. Reclaiming my time, and I will yield to  
4515 the gentleman from Maryland.

4516 Mr. Raskin. Very good. Well I am glad we cleared up  
4517 that part of it. And also, there is nothing in my amendment  
4518 that would say that the plaintiff's own negligence, for  
4519 example, would somehow -- or to put it differently, you seem  
4520 to be saying that we are promoting a regime that abolishes  
4521 comparative negligence. Is it your understanding that that  
4522 is what this legislation does? Are we getting rid of  
4523 comparative negligence regimes across the country?

4524 Mr. Swalwell. Reclaiming my time, and I would yield to  
4525 the gentleman from Iowa if he wishes to respond.

4526 Mr. King. I would say to the gentleman -- and I  
4527 appreciate you yielding -- that this proportional liability  
4528 is what is preserved with the bill, and the disproportional  
4529 liability that comes if there is a defendant that is listed  
4530 who has a small portion of that liability, they could only  
4531 be liable for the portion of the liability that they have  
4532 actually committed rather than the full liability that might  
4533 have been incurred.

4534 And so people with empty pockets cannot push that off  
4535 onto somebody with deep pockets unless they actually have  
4536 created that portion of the liability themselves. And I --

4537 Mr. Swalwell. Reclaiming my time, I yield back to the  
4538 gentleman from Maryland.

4539 Mr. Raskin. Thank you very much. This is why it is so  
4540 important to actually have legislative discussion. Because  
4541 if I understand the gentleman correctly, this not only  
4542 abolishes joint and several liability, it abolishes  
4543 comparative negligence, which is in even more jurisdictions  
4544 across the country. Comparative negligence says, if you get  
4545 hit by a bus, and the bus was distracted because somebody  
4546 threw a brick at the bus, but there was negligence both on  
4547 the side of the bus company and the brick thrower, that it  
4548 would be divided up 60 percent, 40 percent.

4549 If this is an attempt to nullify comparative negligence  
4550 in addition to joint and several liability, it is even worse



4551 than I thought before. I mean, that is really an extreme  
4552 measure, if what we are saying is we are not only going to  
4553 kill joint and several liability but we are going to take  
4554 the vast majority of States in the country that have adopted  
4555 comparative negligence and we are going to overturn their  
4556 laws, too.

4557 And I would be happy to yield back. It did not occur  
4558 to me that it would sweep that far. But this really is a  
4559 dangerous legislative maneuver. And I really urge all  
4560 colleagues on all sides to think about what we are doing to  
4561 our own State legislatures and our own State laws. I yield  
4562 back.

4563 Mr. Swalwell. I am reclaiming my time. I support the  
4564 gentleman from Maryland's amendment. And also, Mr.  
4565 Chairman, I think regardless of the side anyone is on, every  
4566 lawyer here should get continuing legal education credits  
4567 for listening and having the opportunity to hear Professor  
4568 Raskin. I yield back.

4569 Chairman Goodlatte. Question occurs on the amendment  
4570 offered by the gentleman from Maryland.

4571 All those in favor respond by saying aye.

4572 Those opposed, no.

4573 In the opinion of the chair, the noes have it. The  
4574 amendment is not agreed to.

4575 Mr. Raskin. Can we have a recorded vote, please, Mr.

4576 Chair?

4577 Chairman Goodlatte. A recorded vote is requested and  
4578 the clerk will call the roll.

4579 Ms. Adcock. Mr. Goodlatte?

4580 Chairman Goodlatte. No.

4581 Ms. Adcock. Mr. Goodlatte votes no.

4582 Mr. Sensenbrenner?

4583 [No response.]

4584 Mr. Smith?

4585 [No response.]

4586 Mr. Chabot?

4587 Mr. Chabot. No.

4588 Ms. Adcock. Mr. Chabot votes no.

4589 Mr. Issa?

4590 Mr. Issa. No.

4591 Ms. Adcock. Mr. Issa votes no.

4592 Mr. King?

4593 Mr. King. No.

4594 Ms. Adcock. Mr. King votes no.

4595 Mr. Franks?

4596 [No response.]

4597 Mr. Gohmert?

4598 [No response.]

4599 Mr. Jordan?

4600 Mr. Jordan. No.

4601 Ms. Adcock. Mr. Jordan votes no.  
4602 Mr. Poe?  
4603 [No response.]  
4604 Mr. Chaffetz?  
4605 Mr. Chaffetz. No.  
4606 Ms. Adcock. Mr. Chaffetz votes no.  
4607 Mr. Marino?  
4608 Mr. Marino. No.  
4609 Ms. Adcock. Mr. Marino votes no.  
4610 Mr. Gowdy?  
4611 Mr. Gowdy. No.  
4612 Ms. Adcock. Mr. Gowdy votes no.  
4613 Mr. Labrador.  
4614 [No response.]  
4615 Mr. Farenthold?  
4616 [No response.]  
4617 Mr. Collins?  
4618 [No response.]  
4619 Mr. DeSantis?  
4620 [No response.]  
4621 Mr. Buck?  
4622 Mr. Buck. No.  
4623 Ms. Adcock. Mr. Buck votes no.  
4624 Mr. Ratcliffe?  
4625 Mr. Ratcliffe. No.

4626 Ms. Adcock. Mr. Ratcliffe votes no.  
4627 Ms. Roby?  
4628 Ms. Roby. No.  
4629 Ms. Adcock. Ms. Roby votes no.  
4630 Mr. Gaetz?  
4631 Mr. Gaetz. No.  
4632 Ms. Adcock. Mr. Gaetz votes no.  
4633 Mr. Johnson of Louisiana?  
4634 Mr. Johnson of Louisiana. No.  
4635 Ms. Adcock. Mr. Johnson votes no.  
4636 Mr. Biggs?  
4637 Mr. Biggs. No.  
4638 Ms. Adcock. Mr. Biggs votes no.  
4639 Mr. Conyers?  
4640 Mr. Conyers. Aye.  
4641 Ms. Adcock. Mr. Conyers votes aye.  
4642 Mr. Nadler?  
4643 Mr. Nadler. Aye.  
4644 Ms. Adcock. Mr. Nadler votes aye.  
4645 Ms. Lofgren?  
4646 Ms. Lofgren. Aye.  
4647 Ms. Adcock. Ms. Lofgren votes aye.  
4648 Ms. Jackson Lee?  
4649 Ms. Jackson Lee. Aye.  
4650 Ms. Adcock. Ms. Jackson Lee votes aye.

4651 Mr. Cohen?  
4652 [No response.]  
4653 Mr. Johnson of Georgia?  
4654 [No response.]  
4655 Mr. Deutch?  
4656 Mr. Deutch. Aye.  
4657 Ms. Adcock. Mr. Deutch votes aye.  
4658 Mr. Gutierrez?  
4659 Mr. Gutierrez. Yes.  
4660 Ms. Adcock. Mr. Gutierrez votes yes.  
4661 Ms. Bass?  
4662 [No response.]  
4663 Mr. Richmond?  
4664 [No response.]  
4665 Mr. Jeffries?  
4666 Mr. Jeffries. Aye.  
4667 Ms. Adcock. Mr. Jeffries votes aye.  
4668 Mr. Cicilline?  
4669 Mr. Cicilline. Aye.  
4670 Ms. Adcock. Mr. Cicilline votes aye.  
4671 Mr. Swalwell?  
4672 Mr. Swalwell. Aye.  
4673 Ms. Adcock. Mr. Swalwell votes aye.  
4674 Mr. Lieu?  
4675 Mr. Lieu. Aye.

4676 Ms. Adcock. Mr. Lieu votes aye.  
4677 Mr. Raskin?  
4678 Mr. Raskin. Aye.  
4679 Ms. Adcock. Mr. Raskin votes aye.  
4680 Ms. Jayapal?  
4681 Ms. Jayapal. Aye.  
4682 Ms. Adcock. Ms. Jayapal votes aye.  
4683 Mr. Schneider?  
4684 Mr. Schneider. Aye.  
4685 Ms. Adcock. Mr. Schneider votes aye.  
4686 Chairman Goodlatte. The gentleman from Arizona.  
4687 Mr. Franks. No.  
4688 Ms. Adcock. Mr. Franks votes no.  
4689 Chairman Goodlatte. The gentleman from Idaho.  
4690 Mr. Labrador. No.  
4691 Ms. Adcock. Mr. Labrador votes no.  
4692 Chairman Goodlatte. The gentleman from Tennessee.  
4693 Ms. Adcock. Not recorded.  
4694 Mr. Cohen. Aye.  
4695 Ms. Adcock. Mr. Cohen votes aye.  
4696 Chairman Goodlatte. The chair would caution the  
4697 audience to not respond to the humor that is displayed up  
4698 here.  
4699 Has every member voted who wishes to vote?  
4700 Ms. Jackson Lee. Mr. Chairman, I am checking, how am

4701 I recorded?

4702 Chairman Goodlatte. You are recorded as an eye. The  
4703 clerk will report.

4704 Ms. Adcock. Mr. Chairman, 14 members voted aye; 16  
4705 members voted no.

4706 Chairman Goodlatte. And the amendment is not agreed  
4707 to. Are there further amendments to H.R. 1215?

4708 Ms. Jackson Lee. Mr. Chairman.

4709 Chairman Goodlatte. For what purpose does the  
4710 gentlewoman from Texas seek recognition?

4711 Ms. Jackson Lee. Mr. Chairman, I ask unanimous consent  
4712 to introduce into the record the article, "Woman who Lost  
4713 Arms, Legs After Surgery Sues and Experiences Severe  
4714 Debilitating Injuries." I ask unanimous consent to submit  
4715 this into the record.

4716 Chairman Goodlatte. Without objection, the article  
4717 will be made a part of the record.

4718 [The information follows:]

4719 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4720 Chairman Goodlatte. A reporting quorum being present,  
4721 the question is on the motion to report the bill H.R. 1215  
4722 as amended favorably to the House.

4723 Those in favor, respond by saying aye.

4724 Those opposed, no.

4725 In the opinion of the chair, the ayes have it. The  
4726 bill amended as --

4727 Mr. Conyers. Recorded vote.

4728 Chairman Goodlatte. A recorded vote is requested and  
4729 the clerk will call the roll.

4730 Ms. Adcock. Mr. Goodlatte?



4731 Chairman Goodlatte. Aye.

4732 Ms. Adcock. Mr. Goodlatte votes aye.

4733 Mr. Sensenbrenner?

4734 [No response.]

4735 Mr. Smith?

4736 [No response.]

4737 Mr. Chabot?

4738 Mr. Chabot. Aye.

4739 Ms. Adcock. Mr. Chabot votes aye.

4740 Mr. Issa?

4741 Mr. Issa. Yes.

4742 Ms. Adcock. Mr. Issa votes yes.

4743 Mr. King?

4744 Mr. King. Aye.

4745 Ms. Adcock. Mr. King votes aye.

4746 Mr. Franks?

4747 Mr. Franks. Aye.

4748 Ms. Adcock. Mr. Franks votes aye.

4749 Mr. Gohmert?

4750 [No response.]

4751 Mr. Jordan?

4752 Mr. Jordan. Yes.

4753 Ms. Adcock. Mr. Jordan votes yes.

4754 Mr. Poe?

4755 [No response.]

4756 Mr. Chaffetz?

4757 Mr. Chaffetz. Aye.

4758 Ms. Adcock. Mr. Chaffetz votes aye.

4759 Mr. Marino?

4760 Mr. Marino. Yes.

4761 Ms. Adcock. Mr. Marino votes yes.

4762 Mr. Gowdy?

4763 Mr. Gowdy. Yes.

4764 Ms. Adcock. Mr. Gowdy votes yes.

4765 Mr. Labrador?

4766 [No response.]

4767 Mr. Farenthold?

4768 [No response.]

4769 Mr. Collins?

4770 [No response.]

4771 Mr. DeSantis?

4772 [No response.]

4773 Mr. Buck?

4774 Mr. Buck. Yes.

4775 Ms. Adcock. Mr. Buck votes yes.

4776 Mr. Ratcliffe?

4777 Mr. Ratcliffe. Yes.

4778 Ms. Adcock. Mr. Ratcliffe votes yes.

4779 Ms. Roby?

4780 Ms. Roby. Aye.

4781 Ms. Adcock. Ms. Roby votes aye.  
4782 Mr. Gaetz?  
4783 [No response.]  
4784 Mr. Johnson of Louisiana?  
4785 Mr. Johnson of Louisiana. Yes.  
4786 Ms. Adcock. Mr. Johnson votes yes.  
4787 Mr. Biggs?  
4788 Mr. Biggs. Aye.  
4789 Ms. Adcock. Mr. Biggs votes aye.  
4790 Mr. Conyers?  
4791 Mr. Conyers. No.  
4792 Ms. Adcock. Mr. Conyers votes no.  
4793 Mr. Nadler?  
4794 Mr. Nadler. No.  
4795 Ms. Adcock. Mr. Nadler votes no.  
4796 Ms. Lofgren?  
4797 Ms. Lofgren. No.  
4798 Ms. Adcock. Ms. Lofgren votes no.  
4799 Ms. Jackson Lee?  
4800 [No response.]  
4801 Mr. Cohen?  
4802 Mr. Cohen. No.  
4803 Ms. Adcock. Mr. Cohen votes no.  
4804 Mr. Johnson of Georgia?  
4805 [No response.]

4806 Mr. Deutch?  
4807 Mr. Deutch. No.  
4808 Ms. Adcock. Mr. Deutch votes no.  
4809 Mr. Gutierrez?  
4810 Mr. Gutierrez. No.  
4811 Ms. Adcock. Mr. Gutierrez votes no.  
4812 Ms. Bass?  
4813 [No response.]  
4814 Mr. Richmond?  
4815 [No response.]  
4816 Mr. Jeffries?  
4817 Mr. Jeffries. No.  
4818 Ms. Adcock. Mr. Jeffries votes yes.  
4819 Mr. Cicilline?  
4820 Mr. Cicilline. No.  
4821 Ms. Adcock. Mr. Cicilline votes no.  
4822 Mr. Swalwell?  
4823 Mr. Swalwell. No.  
4824 Ms. Adcock. Mr. Swalwell votes no.  
4825 Mr. Lieu?  
4826 Mr. Lieu. No.  
4827 Ms. Adcock. Mr. Lieu votes no.  
4828 Mr. Raskin?  
4829 Mr. Raskin. No.  
4830 Ms. Adcock. Mr. Raskin votes no.

4831 Ms. Jayapal?

4832 Ms. Jayapal. No.

4833 Ms. Adcock. Ms. Jayapal votes no.

4834 Mr. Schneider?

4835 Mr. Schneider. No.

4836 Ms. Adcock. Mr. Schneider votes no.

4837 Chairman Goodlatte. The clerk will suspend. The vote

4838 actually should be on the substitute and then we will go to

4839 final passage. So, the clerk will restart the vote on the

4840 substitute amendment.

4841 Ms. Adcock. Mr. Goodlatte?

4842 Chairman Goodlatte. Aye.

4843 Ms. Adcock. Mr. Goodlatte votes aye.

4844 Mr. Sensenbrenner?

4845 [No response.]

4846 Mr. Smith?

4847 Mr. Smith. Aye.

4848 Ms. Adcock. Mr. Smith votes aye.

4849 Mr. Chabot?

4850 Mr. Chabot. Aye.

4851 Ms. Adcock. Mr. Chabot votes aye.

4852 Mr. Issa?

4853 Mr. Issa. Aye.

4854 Ms. Adcock. Mr. Issa votes aye.

4855 Mr. King?

4856 Mr. King. Aye.

4857 Ms. Adcock. Mr. King votes aye.

4858 Mr. Franks?

4859 Mr. Franks. Aye.

4860 Ms. Adcock. Mr. Franks votes aye.

4861 Mr. Gohmert?

4862 [No response.]

4863 Mr. Jordan?

4864 Mr. Jordan. Yes.

4865 Ms. Adcock. Mr. Jordan votes yes.

4866 Mr. Poe?

4867 [No response.]

4868 Mr. Chaffetz?

4869 Mr. Chaffetz. Aye.

4870 Ms. Adcock. Mr. Chaffetz votes aye.

4871 Mr. Marino?

4872 Mr. Marino. Yes.

4873 Ms. Adcock. Mr. Marino votes yes.

4874 Mr. Gowdy?

4875 Mr. Gowdy. Yes.

4876 Ms. Adcock. Mr. Gowdy votes yes.

4877 Mr. Labrador?

4878 Mr. Labrador. Yes.

4879 Ms. Adcock. Mr. Labrador votes yes.

4880 Mr. Farenthold?

4881 [No response.]  
4882 Mr. Collins?  
4883 [No response.]  
4884 Mr. DeSantis?  
4885 [No response.]  
4886 Mr. Buck?  
4887 Mr. Buck. Aye.  
4888 Ms. Adcock. Mr. Buck votes aye.  
4889 Mr. Ratcliffe?  
4890 [No response.]  
4891 Ms. Roby?  
4892 Ms. Roby. Aye.  
4893 Ms. Adcock. Ms. Roby votes aye.  
4894 Mr. Gaetz?  
4895 Mr. Gaetz. Aye.  
4896 Ms. Adcock. Mr. Gaetz votes aye.  
4897 Mr. Johnson of Louisiana?  
4898 Mr. Johnson of Louisiana. Aye.  
4899 Ms. Adcock. Mr. Johnson votes aye.  
4900 Mr. Biggs?  
4901 Mr. Biggs. Aye.  
4902 Ms. Adcock. Mr. Biggs votes aye.  
4903 Mr. Conyers?  
4904 Mr. Conyers. No.  
4905 Ms. Adcock. Mr. Conyers votes no.

4906 Mr. Nadler?  
4907 Mr. Nadler. No.  
4908 Ms. Adcock. Mr. Nadler votes no.  
4909 Ms. Lofgren?  
4910 Ms. Lofgren. No.  
4911 Ms. Adcock. Ms. Lofgren votes no.  
4912 Ms. Jackson Lee?  
4913 [No response.]  
4914 Mr. Cohen?  
4915 Mr. Cohen. No.  
4916 Ms. Adcock. Mr. Cohen votes no.  
4917 Mr. Johnson of Georgia?  
4918 [No response.]  
4919 Mr. Deutch?  
4920 Mr. Deutch. No.  
4921 Ms. Adcock. Mr. Deutch votes no.  
4922 Mr. Gutierrez?  
4923 Mr. Gutierrez. No.  
4924 Ms. Adcock. Mr. Gutierrez votes no.  
4925 Ms. Bass?  
4926 [No response.]  
4927 Mr. Richmond?  
4928 Mr. Richmond. No.  
4929 Ms. Adcock. Mr. Richmond votes no.  
4930 Mr. Jeffries?



4931 Mr. Jeffries. No.

4932 Ms. Adcock. Mr. Jeffries votes no.

4933 Mr. Cicilline?

4934 Mr. Cicilline. No.

4935 Ms. Adcock. Mr. Cicilline votes no.

4936 Mr. Swalwell?

4937 Mr. Swalwell. No.

4938 Ms. Adcock. Mr. Swalwell votes no.

4939 Mr. Lieu?

4940 Mr. Lieu. No.

4941 Ms. Adcock. Mr. Lieu votes no.

4942 Mr. Raskin?

4943 Mr. Raskin. No.

4944 Ms. Adcock. Mr. Raskin votes no.

4945 Ms. Jayapal?

4946 Ms. Jayapal. No.

4947 Ms. Adcock. Ms. Jayapal votes no.

4948 Mr. Schneider?

4949 Ms. Schneider. No.

4950 Ms. Adcock. Mr. Schneider votes no.

4951 Chairman Goodlatte. The gentleman from Texas, Mr.

4952 Farenthold?

4953 Ms. Adcock. Mr. Farenthold votes yes.

4954 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

4955 Chairman Goodlatte. You are recorded as a no. Oh, I

4956 am sorry.

4957 Ms. Adcock. Not recorded, yeah.

4958 Chairman Goodlatte. Now you are.

4959 Ms. Adcock. Ms. Jackson Lee votes no.

4960 Chairman Goodlatte. The gentlewoman from California,

4961 Ms. Bass?

4962 Ms. Bass. No.

4963 Ms. Adcock. Ms. Bass votes no.

4964 Chairman Goodlatte. The gentleman from Texas, Mr.

4965 Ratcliffe?

4966 Mr. Ratcliffe. Yes.

4967 Ms. Adcock. Mr. Ratcliffe votes yes.

4968 Chairman Goodlatte. Has every member voted who wishes

4969 to vote?

4970 The clerk will report.

4971 Ms. Adcock. Mr. Chairman, 18 members votes aye; 16

4972 members voted no.

4973 Chairman Goodlatte. And the amendment in the nature of

4974 a substitute is adopted.

4975 The reporting quorum being present, the question is on

4976 the motion to report the bill H.R. 1215, as amended,

4977 favorably to the House.

4978 The clerk will call the role.

4979 Ms. Adcock. Mr. Goodlatte?

4980 Chairman Goodlatte. Aye.

4981 Ms. Adcock. Mr. Goodlatte votes aye.  
4982 Mr. Sensenbrenner?  
4983 [No response.]  
4984 Mr. Smith?  
4985 [No response.]  
4986 Mr. Chabot?  
4987 Mr. Chabot. Aye.  
4988 Ms. Adcock. Mr. Chabot votes aye.  
4989 Mr. Issa?  
4990 Mr. Issa. Aye.  
4991 Ms. Adcock. Mr. Issa votes aye.  
4992 Mr. King?  
4993 Mr. King. Aye.  
4994 Ms. Adcock. Mr. King votes aye.  
4995 Mr. Franks?  
4996 [No response.]  
4997 Mr. Gohmert?  
4998 [No response.]  
4999 Mr. Jordan?  
5000 Mr. Jordan. Yes.  
5001 Ms. Adcock. Mr. Jordan votes yes.  
5002 Mr. Poe?  
5003 [No response.]  
5004 Mr. Chaffetz?  
5005 Mr. Chaffetz. Aye.

5006 Ms. Adcock. Mr. Chaffetz votes aye.  
5007 Mr. Marino?  
5008 Mr. Marino. Yes.  
5009 Ms. Adcock. Mr. Marino votes yes.  
5010 Mr. Gowdy?  
5011 Mr. Gowdy. Yes.  
5012 Ms. Adcock. Mr. Gowdy votes yes.  
5013 Mr. Labrador?  
5014 [No response.]  
5015 Mr. Farenthold?  
5016 Mr. Farenthold. Yes.  
5017 Ms. Adcock. Mr. Farenthold votes yes.  
5018 Mr. Collins?  
5019 [No response.]  
5020 Mr. DeSantis?  
5021 [No response.]  
5022 Mr. Buck?  
5023 Mr. Buck. Yes.  
5024 Ms. Adcock. Mr. Buck votes yes.  
5025 Mr. Ratcliffe?  
5026 Mr. Ratcliffe. Yes.  
5027 Ms. Adcock. Mr. Ratcliffe votes yes.  
5028 Ms. Roby?  
5029 Ms. Roby. Aye.  
5030 Ms. Adcock. Ms. Roby votes aye.

5031 Mr. Gaetz?

5032 Mr. Gaetz. Aye.

5033 Ms. Adcock. Mr. Gaetz votes aye.

5034 Mr. Johnson of Louisiana?

5035 Mr. Johnson of Louisiana. Aye.

5036 Ms. Adcock. Mr. Johnson votes aye.

5037 Mr. Biggs?

5038 Mr. Biggs. Aye.

5039 Ms. Adcock. Mr. Biggs votes aye.

5040 Mr. Conyers?

5041 Mr. Conyers. No.

5042 Ms. Adcock. Mr. Conyers votes no.

5043 Mr. Nadler?

5044 Mr. Nadler. No.

5045 Ms. Adcock. Mr. Nadler votes no.

5046 Ms. Lofgren?

5047 Ms. Lofgren. No.

5048 Ms. Adcock. Ms. Lofgren votes no.

5049 Ms. Jackson Lee?

5050 [No response.]

5051 Mr. Cohen?

5052 Mr. Cohen. No.

5053 Ms. Adcock. Mr. Cohen votes no.

5054 Mr. Johnson of Georgia?

5055 [No response.]

5056 Mr. Deutch?  
5057 Mr. Deutch. No.  
5058 Ms. Adcock. Mr. Deutch votes no.  
5059 Mr. Gutierrez?  
5060 Mr. Gutierrez. No.  
5061 Ms. Adcock. Mr. Gutierrez votes no.  
5062 Ms. Bass?  
5063 Ms. Bass. No.  
5064 Ms. Adcock. Ms. Bass votes no.  
5065 Mr. Richmond?  
5066 Mr. Richmond. No.  
5067 Ms. Adcock. Mr. Richmond votes no.  
5068 Mr. Jeffries?  
5069 Mr. Jeffries. No.  
5070 Ms. Adcock. Mr. Jeffries votes no.  
5071 Mr. Cicilline?  
5072 Mr. Cicilline. No.  
5073 Ms. Adcock. Mr. Cicilline votes no.  
5074 Mr. Swalwell?  
5075 Mr. Swalwell. No.  
5076 Ms. Adcock. Mr. Swalwell votes no.  
5077 Mr. Lieu?  
5078 Mr. Lieu. No.  
5079 Ms. Adcock. Mr. Lieu votes no.  
5080 Mr. Raskin?

5081 Mr. Raskin. No.

5082 Ms. Adcock. Mr. Raskin votes no.

5083 Ms. Jayapal?

5084 Ms. Jayapal. No.

5085 Ms. Adcock. Ms. Jayapal votes no.

5086 Mr. Schneider?

5087 Mr. Schneider. No.

5088 Ms. Adcock. Mr. Schneider votes no.

5089 Ms. Jackson Lee. How am I recorded?

5090 Ms. Adcock. Not recorded.

5091 Ms. Jackson Lee. No.

5092 Ms. Adcock. Ms. Jackson Lee votes no.

5093 Chairman Goodlatte. The gentleman from Texas? The

5094 gentleman from Texas, Mr. Smith?

5095 [No response.]

5096 The gentleman from Texas, Mr. Poe?

5097 Mr. Poe. No.

5098 Ms. Adcock. Mr. Poe votes no.

5099 Chairman Goodlatte. The gentleman from Arizona?

5100 Mr. Franks. Aye.

5101 Ms. Adcock. Mr. Franks votes aye.

5102 Chairman Goodlatte. The gentleman from Idaho, Mr.

5103 Labrador?

5104 Mr. Labrador. Yes.

5105 Ms. Adcock. Mr. Labrador votes yes.

5106 Chairman Goodlatte. The clerk will call the role.

5107 How is Mr. Smith recorded?

5108 Ms. Adcock. Yes. Mr. Chairman, 18 members voted aye;

5109 17 members voted no.

5110 Chairman Goodlatte. The ayes have it, and the bill, as  
5111 amended, is ordered reported favorably to the House.

5112 Members will have 2 days to submit views, and without

5113 objection, the bill will be reported as a single amendment

5114 in the nature of a substitute, incorporating all adopted

5115 amendments. Staff is authorized to make technical and

5116 conforming changes.

5117 Pursuant to notice, I now call up House Resolution 111

5118 for purposes of markup and move that the committee report

5119 the bill unfavorably to the House. The clerk will report

5120 the bill.

5121 Ms. Adcock. H.Res.111: Of inquiry, directing the

5122 Attorney General to transmit certain documents to the House

5123 of Representatives relating to the financial practices of

5124 the President.

5125 [The bill follows:]

5126 \*\*\*\*\* INSERT 3 \*\*\*\*\*



5127 Chairman Goodlatte. Without objection, the bill is  
5128 considered as read and open for amendment at any time, and I  
5129 will begin by recognizing myself for an opening statement.

5130 On February 9th, Representative Nadler introduced this  
5131 resolution of inquiry, requesting that the Attorney General  
5132 transmit documents to the House of Representatives relating  
5133 to the financial practices of the President. Pursuant to  
5134 rule 13 of the House Rules of Representatives, this  
5135 committee must act on this resolution within 14 legislative  
5136 days of its introduction, or we could be discharged from our  
5137 referral of the resolution.

5138           Accordingly, we have scheduled the resolution for  
5139 markup today, our last scheduled markup before the 14-day  
5140 window expires, in order to preserve the Judiciary  
5141 Committee's referral. I understand that some have accused  
5142 us of trying to bury this resolution by scheduling it for  
5143 markup today. Far from it.

5144           By scheduling this resolution for consideration in  
5145 committee, we are merely following what has been the  
5146 practice of the House for the last 30 years, regardless of  
5147 which party has been in control. Over the last 30 years, 71  
5148 resolutions of inquiry have been introduced in the House.  
5149 Of those 71, only 2 were considered on the House floor, but  
5150 even those 2 resolutions were marked up in committee.

5151           On the merits of the resolution, I have moved that the  
5152 committee report the resolution unfavorably to the House  
5153 because I believe that this resolution is unnecessary,  
5154 premature, and not the best way for this committee or the  
5155 House to conduct oversight over the issues covered by the  
5156 resolution.

5157           At the last meeting of the committee, we had adopted  
5158 the committee's oversight plan. In that plan, the committee  
5159 stated that it will "conduct oversight into allegations of  
5160 misconduct of executive branch officials and continue to  
5161 conduct oversight into allegations of leaks of classified  
5162 information, as well as allegations of improper interference

5163 with our democratic institutions or efforts to improperly or  
5164 illegally interfere with our elections."

5165         The committee also committed to "investigate any threat  
5166 to independence or efficacy of the Office of Government  
5167 Ethics." In other words, the committee has committed itself  
5168 to conduct robust and thorough oversight of the executive  
5169 branch.

5170         In fact, the committee has already taken action to  
5171 address some of the issues raised in the resolution. For  
5172 instance, Chairman Chaffetz and I have asked the Justice  
5173 Department's Inspector General to examine the allegations of  
5174 mishandling of classified information. I have also  
5175 requested a briefing from the Department of Justice  
5176 regarding Russia's alleged interference in the U.S. election  
5177 and any potential ties to President Trump's campaign.

5178         Having not received a briefing on this matter, I plan  
5179 to send, along with any willing members of this committee, a  
5180 letter requesting that the Attorney General proceed with  
5181 investigations into any criminal conduct involving these  
5182 matters. Simply put, to the extent that there's any merit  
5183 to the subject matter covered by this resolution, the  
5184 resolution is premature.

5185         Moreover, let's be clear. This resolution would have  
5186 no effect at all on the Attorney General's obligation to  
5187 produce documents to Congress. Resolutions of inquiry are

5188 not subpoenas. They have no legal force or effect. Rather,  
5189 this resolution of inquiry, if acted upon by the House,  
5190 would have no greater legal force than sending the Attorney  
5191 General a letter requesting this information. As I  
5192 previously stated, we intend to send such a letter this  
5193 week, but this resolution is about politics, not  
5194 information.

5195         Indeed, one need not look any further than the  
5196 sponsor's press release announcing this resolution to see  
5197 this. According to the gentleman from New York's press  
5198 team, Congressman Nadler introduces resolution of inquiry to  
5199 force GOP vote on Trump. Our oversight efforts can and  
5200 should be better than that. There is no compelling reason  
5201 to use today's meeting of the House Judiciary Committee as  
5202 yet another forum to debate whether Russia hacked the  
5203 election or whether Jared Kushner should have a job in the  
5204 West Wing.

5205         We can and will investigate any credible allegations of  
5206 misconduct by the executive branch, to the extent such  
5207 allegations fall within this committee's jurisdiction. But  
5208 we will not do so through politically-charged resolutions of  
5209 inquiry that could jeopardize the integrity of the very  
5210 investigations the resolution calls for.

5211         I urge my colleagues to join me and report this  
5212 resolution unfavorably to the House.

5213 [The prepared statement of Chairman Goodlatte follows:]

5214 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5215 Mr. Conyers. Mr. Chairman?

5216 Chairman Goodlatte. For what purpose does the  
5217 gentleman from Michigan seek recognition?

5218 Mr. Conyers. To strike the requisite number of words.

5219 Chairman Goodlatte. The gentleman is recognized.

5220 Mr. Conyers. Members of the committee, I, for one,  
5221 strongly support this important resolution of inquiry. The  
5222 days leading up to the consideration of this resolution, I  
5223 remember members who -- and 74 voted against Articles of  
5224 Impeachment against President Nixon. And later on that  
5225 summer, when the Supreme Court ruled that the White House

5226 owed this committee full and unedited copies of  
5227 conversations recorded in the oval office.

5228 I have seen my colleagues react to the so-called  
5229 smoking gun tape, in which the President ordered his staff  
5230 to obstruct the FBI's investigation of the Watergate break-  
5231 in, and I saw the looks of many of these people, who, in  
5232 their initial decision to place party over duty, cost them a  
5233 future in politics.

5234 Now, my friends, the resolution under consideration  
5235 today is, of course, not as weighty a matter as a vote on  
5236 Articles of Impeachment. A resolution of inquiry is merely  
5237 a request for information, and in this case, the gentleman  
5238 from New York has asked the Attorney General for information  
5239 related to ongoing investigations that directly affect the  
5240 White House personnel. He is also asked for information  
5241 about the President's decision not to distance himself from  
5242 his business in any meaningful way.

5243 These matters fall directly within the jurisdiction of  
5244 this committee. It is our official responsibility to  
5245 investigate them. It is perfectly appropriate that we ask  
5246 the Department of Justice for information to further that  
5247 investigation.

5248 Now, I know that there is resistance to this proposal.  
5249 Many of my colleagues do not want us to investigate  
5250 President Trump or his associates. Perhaps they are

5251 unconvinced by near daily reports of outgoing contact  
5252 between the President's advisors and the government of  
5253 Vladimir Putin. Perhaps they agree with the President's  
5254 belief that conflict of interest laws do not apply to this  
5255 office. Although I note that this resolution makes  
5256 reference to the foreign Emoluments Clause and to nine  
5257 Federal statutes that clearly apply to the President and  
5258 prohibit some of his current behavior.

5259         Perhaps my colleagues simply hope these problems will  
5260 go away, but they will not go away, and I believe that we  
5261 have a responsibility to our constituents and to our  
5262 Constitution to ask these questions until they are fully and  
5263 satisfactorily answered. Each one of us has taken the oath  
5264 to support and defend the Constitution of the United States  
5265 against all enemies foreign and domestic and to faithfully  
5266 discharge the duties of the office.

5267         The resolution before us is an opportunity to be  
5268 faithful to that oath, to do the jobs we were put here to  
5269 do, and get to the truth of the matters at the Department of  
5270 Justice. And I think and wonder how history will judge us  
5271 right here today. I urge my colleagues to support the  
5272 Nadler resolution, and I thank the chairman, and I yield  
5273 back.

5274         Chairman Goodlatte. I now recognize myself for  
5275 purposes of offering an amendment. The clerk will report

5276 the amendment.

5277 Mr. Nadler. Excuse me, Mr. Chairman. Do I not get to  
5278 speak before you open an amendment?

5279 Chairman Goodlatte. You will be considered under the 5  
5280 minute rule as soon as this is offered. The clerk will  
5281 report the amendment.

5282 Ms. Adcock. Amendment in the nature of the substitute  
5283 to H.R.111 offered by Mr. Goodlatte of Virginia. Strike all  
5284 after the resolved --

5285 [The amendment of Chairman Goodlatte follows:]

5286 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5287 Chairman Goodlatte. Without objection, the amendment  
5288 will be considered as read, and I will recognize myself to  
5289 explain the amendment.

5290 I am offering this substitute amendment to House  
5291 Resolution 111 for two reasons: first, it corrects a  
5292 technical error in the underlying resolution. The  
5293 resolution, as introduced, cited an incorrect statutory  
5294 provision. Rather than citing the code section prohibiting  
5295 gifts to Federal employees, the introduced version of the  
5296 resolution cited the code section prohibiting the habitual  
5297 use of intoxicating beverages to excess by members of the



5298 competitive service. My amendment changes the resolution to  
5299 reflect the proper citation.

5300         Second offering to this substitute amendment preserves  
5301 the majority's ability to ensure that the mark up of this  
5302 resolution proceeds smoothly and without dilatory tactics.  
5303 Under the rules of the House, the previous question can only  
5304 be called in order to proceed immediately to a vote on an  
5305 amendment. By offering a substitute amendment today, I am  
5306 reserving the right to exercise this procedural motion.

5307         Let me be clear. I do not believe I will need to  
5308 exercise this procedural motion, and I intend to give  
5309 members sufficient time to debate this resolution; however,  
5310 offering this substitute preserves the ability to exercise  
5311 this motion should the need arise. I am now happy to  
5312 recognize the gentleman from New York, Mr. Nadler.

5313         Mr. Nadler. Thank you, Mr. Chairman. Before I begin,  
5314 let me just observe that we voted the previous question  
5315 twice today, I believe, for the first time in about 10  
5316 years, and I hope that the use of the previous question will  
5317 not be used to shut off reasonable debate on this proposal.

5318         Mr. Chairman, each day more questions arise concerning  
5319 President Trump's foreign business entanglements and his  
5320 inexplicably cozy relationship with Russia. Each day  
5321 Democrats in this committee and on other committees have  
5322 requested hearings and investigations into these serious

5323 issues. And yet each day, with a few exceptions, we have  
5324 been met with a deafening silence from our Republican  
5325 colleagues. That is why I introduce this resolution, which  
5326 directs the Department of Justice to provide the House of  
5327 Representatives with any and all information it possesses  
5328 related to any conflicts of interest, any ethical  
5329 violations, and any improper ties to Russia by President  
5330 Trump or his associates.

5331         This resolution is particularly important because  
5332 Attorney General Sessions who was involved in the Trump  
5333 campaign has refused to recuse himself from any  
5334 investigation, and it is not clear that he could be  
5335 impartial or that he will even conduct an investigation at  
5336 all.

5337         Recognizing Mr. Sessions's obvious conflict, one of our  
5338 own colleagues, Mr. Issa, has called for a special  
5339 prosecutor, but the White House has dismissed that idea,  
5340 essentially saying, "Trust us. There's nothing there."  
5341 Well, that should not be good enough for this House. We  
5342 must ensure that we get access to any information the  
5343 Department of Justice has so we can do our own  
5344 investigation.

5345         We also recently learned about coordination between the  
5346 White House and the chairman of the House and Senate  
5347 Intelligence Committees, which calls into question the

5348 impartiality of those committees' investigations. Our  
5349 committee must step up and ensure that there is a thorough  
5350 and objective investigation of these serious issues. We  
5351 expect President Trump's breathtaking web of business  
5352 entanglements, which he has refused to even disclose.

5353         Here are just a few of the many questions that demand  
5354 further explanation: just blocks away from the White House  
5355 sits the Trump International Hotel on which the President is  
5356 both a lease holder through the general services  
5357 administration and the lessee through the Trump  
5358 organization. How does this not represent a clear conflict  
5359 of interest? There have been reports that foreign diplomats  
5360 are booking rooms at this hotel as a means of incurring  
5361 favor with the President.

5362         To what extent do these and other payments to his  
5363 properties from foreign governments constitute violations of  
5364 the Emoluments Clause of the Constitution? The President  
5365 owns properties, most of which bear his name, in dozens of  
5366 countries. Is he trading policy favors for access to  
5367 permits or other government benefits in these countries? We  
5368 already recently saw China reward the President a long  
5369 sought trademark shortly after he reaffirmed the one China  
5370 policy, which he had appeared to question.

5371         Could the United States' policy toward China be subject  
5372 to the financial needs of the Trump organization? How much

5373 of the hundreds of the millions of dollars in debt on Mr.  
5374 Trump's properties at home and abroad does he owe to foreign  
5375 government entities like the Bank of China?

5376 And what sort of leverage over the United States does  
5377 that provide to those governments? The questions go on and  
5378 on. Breaking with decades of tradition and the advice of a  
5379 bipartisan array of ethics experts, Mr. Trump has refused to  
5380 divest his assets and place them in a blind trust.

5381 Moreover, he has even refused to release his tax  
5382 returns as all Presidents have done for many decades. In  
5383 the absence of this basic level of transparency, it is  
5384 essential that we get more information on his financial  
5385 picture and on how it may affect government policy.

5386 The other aspect of this resolution seeks information  
5387 on the troubling ties between Russia and President Trump as  
5388 well as some of his close aides. Once again, the questions  
5389 multiply by the day. Despite the unanimous agreement among  
5390 the intelligence services that Russia hacked the Democratic  
5391 National Committee and released documents intended to sway  
5392 the election in favor of Donald Trump, why do we seem so  
5393 reluctant to accept this conclusion?

5394 We know that top Trump aides were in communication with  
5395 senior Russian intelligence officials over the course of the  
5396 campaign. What did they discuss? What did White House  
5397 Chief of Staff Ryan Priebus say to the FBI to get them to

5398 downplay the seriousness of these charges? Did he violate  
5399 any laws or norms by doing so?

5400 More broadly, President Trump has shown no hesitation  
5401 in challenging and insulting foreign leaders. Even leaders  
5402 of our Allies like the leaders of Mexico and Australia and  
5403 friendly nations like Sweden. Why, then, does he refuse to  
5404 say a single unkind word about Vladimir Putin who murders  
5405 his opponents, invades the Ukraine, and has interfered in  
5406 our elections, just to name a few concerns.

5407 Does President Trump simply admire Mr. Putin? Does he  
5408 not understand the threat that Mr. Putin poses, or is there  
5409 something more sinister going on? Between Mr. Trump's  
5410 potential conflicts of interest and the potential  
5411 coordination with a foreign power to interfere with our  
5412 elections and our government, the security and the integrity  
5413 of our Nation are at stake.

5414 It is unfortunate that we must resort to a resolution  
5415 of inquiry to learn the truth about these serious issues;  
5416 however, the House is, so far, abnegated its constitutional  
5417 responsibility to provide meaningful oversight into the  
5418 Trump administration, and it is time that we do our duty.

5419 This resolution does not pre-judge the outcome of any  
5420 investigation. All it does is provide us with some of the  
5421 information we need to draw our own conclusions. The public  
5422 deserves to know the truth about the President, and we must

5423 not stop until we get these answers. More than 130 members  
5424 have cosponsored this resolution including ever Democratic  
5425 member of this committee.

5426 We have gotten phone calls from tens of thousands of  
5427 our constituents who support it, and I have received over  
5428 835,000 signed petitions calling on us to pass it. They  
5429 expect their representatives in Congress to help them  
5430 discover the truth. I hope this committee will take the  
5431 first step today rather than bury our heads in the sand.

5432 I urge the committee to report this bill favorably, and  
5433 I yield back the balance of my time.

5434 Chairman Goodlatte. Committee will be in order. For  
5435 what purpose does the gentleman from California seek  
5436 recognition?

5437 Mr. Issa. I move to strike the last word.

5438 Chairman Goodlatte. The gentleman is recognized for 5  
5439 minutes.

5440 Mr. Issa. Thank you, Mr. Chairman, and I thank my  
5441 colleague from New York for citing what has been widely  
5442 reported. As a gentleman from New York knows, there is no  
5443 such thing as a special prosecutor. However, there is a set  
5444 of laws and regulations that allow for the Attorney General  
5445 to conduct his oversight, and if there is a conflict to  
5446 resolve that conflict by appointing an individual who is  
5447 outside the conflict.

5448           Additionally, the Attorney General may choose, if he  
5449 sees fit, to recuse himself, but I want to give the  
5450 gentleman from New York a quote from my classmate in  
5451 Congress. I came into Congress with Adam Schiff, now the  
5452 ranking member of the Select Intelligence Committee.  
5453 Yesterday, Adam Schiff, on CNN, said, and I am quoting from  
5454 the underlying screen, but I listened to it personally.

5455           He said, "We don't yet know if Russia and the Trump  
5456 camp had contact." I think it is extremely important that  
5457 we listen very carefully to what the highest ranking  
5458 Democrat on the committee that has the access to much of  
5459 what most of us on this committee currently do not. He did  
5460 not say there may not have been contact. He did not count  
5461 out the fact that there is more to do.

5462           Ranking member Schiff made it clear. He has more  
5463 questions, and he intends to ask those questions. I, for  
5464 one, will support and push and ensure that his questions are  
5465 answered. As the chairman of the committee said in his  
5466 opening remarks for this response, there is a letter that is  
5467 in draft form that I have already looked at and made my  
5468 comments on that asks for information and cooperation by the  
5469 Attorney General.

5470           That is fitting and appropriate as the first step.  
5471 During my tenure as the chairman of another committee, I  
5472 issued over 2,000 letters. Virtually without fail, my

5473 investigations began with letters, letters that asked to  
5474 preserve documents, letters that made people aware that  
5475 Congress was interested in something that had been reported,  
5476 and since I said reported, let us remember that much of the  
5477 inquiry going on is not directly related to the events of  
5478 information from the Democratic National Committee made  
5479 public.

5480       It is based on allegations that there was a connection  
5481 to people working in the Trump campaign. If so, it is  
5482 serious, and I, for one, will insist that Congress do its  
5483 job. Each committee of Congress that has jurisdiction must  
5484 do its job, and this committee, and this committee more than  
5485 any other committee, oversees the Department of Justice, and  
5486 we have a responsibility to look over their shoulder and  
5487 ensure they are doing their job.

5488       The chairman has wisely suggested differently than the  
5489 gentleman from New York -- and I might note just for the  
5490 record that this bill or this inquiry was launched on  
5491 February 9, and for those who do not know it, that happened  
5492 to be the day the Attorney General was sworn in. It was his  
5493 first day. He has been around a while.

5494       I am sure he knows a little bit about the Department of  
5495 Justice, but it is very clear that the first thing you give  
5496 to an Attorney General when you want information is not to  
5497 file something in Congress in hopes that a nonbinding



5498 inquiry letter will somehow make a difference.

5499         So I, with the utmost of respect for my colleagues both  
5500 here and on other committees, would ask that we use the  
5501 system first, that chairman and ranking members jointly and  
5502 hopefully with as many members of both sides of the aisle go  
5503 forward with letters that are united, that ask for  
5504 information and cooperation necessary to know more than we  
5505 know today.

5506         And I particularly ask for this because the problem is  
5507 big. The problem of Russia, to my understanding, is a  
5508 country that has used their technology around the world, but  
5509 particularly by their close neighbors, to distort those  
5510 democracies, to distort their freedom.

5511         Mr. Nadler. Will the gentleman yield?

5512         Mr. Issa. I will in just a second. And if they have  
5513 attempted to distort our democracy, we must know it, and we  
5514 must stop it. I would be happy to yield to the gentleman.

5515         Mr. Nadler. Thank you. I would ask the gentleman has  
5516 he read any of the letters that we have written -- that Mr.  
5517 Conyers and I have written to the chairman -- asking for  
5518 investigations. This resolution was filed because we have  
5519 gotten no replies to any of the letters we have written  
5520 since January.

5521         Mr. Issa. Well, in reclaiming my time, I have read  
5522 some of them. I have not necessarily seen all of them for

5523 obvious reasons. I personally have talked to the chairman.  
5524 I personally have been involved in trying to structure a  
5525 letter to the Attorney General.

5526 I would ask that as soon as it is made available -- I  
5527 know it is in final draft -- that we all look and ask the  
5528 question: if the letter asks for the information we want and  
5529 for ongoing cooperation, and if we trust our chairman and  
5530 ranking members to honestly do what we have agreed to ask  
5531 them to do, should we not use that process, and if it fails,  
5532 if we are not getting the cooperation we expect, I have a  
5533 long history of limited patience.

5534 And I would hope that, if the ranking member of my  
5535 subcommittee does not trust my word, at least he would trust  
5536 my actions and history that I, if nothing else, am  
5537 tenacious. And I will not tolerate an absence of  
5538 cooperation, but I have not asked for that cooperation. I  
5539 yield to the gentleman.

5540 Mr. Issa. I thank my friend. As a sign of  
5541 bipartisanship and good faith, I wonder if my friend from  
5542 California would at least be willing in this forum to agree  
5543 that whatever letter it is that we are hopefully going to  
5544 send in a bipartisan way, we will include a request for  
5545 every one of the items set forth in this resolution that we  
5546 are --

5547 Mr. Nadler. If the chair would give me just enough

5548 time to answer: I cannot say that, but what I can say is  
5549 that I want the full truth, and I yield back.

5550 Ms. Jackson Lee. Mr. Chairman?

5551 Chairman Goodlatte. For what purpose does the  
5552 gentlewoman from Texas seek recognition?

5553 Ms. Jackson Lee. To strike the last word.

5554 Chairman Goodlatte. The gentlewoman is recognized for  
5555 5 minutes.

5556 Ms. Jackson Lee. I really appreciate my colleague's  
5557 thoughtful analysis. I think members of Congress have said  
5558 many things including members of a variety of committees  
5559 that have the jurisdiction to have oversight over these  
5560 issues.

5561 First of all, the letters have been cited already that  
5562 we have sent. The dates have not been given: January 24,  
5563 November 30, and January 12, 2017. So we have sent a series  
5564 of letters. But as I read the Constitution, there are  
5565 several elements: first, Article I, section 1 says that all  
5566 legislative powers herein granted shall be vested in a  
5567 Congress of the United States.

5568 This is a legislative act in which we are engaging in:  
5569 to pass a resolution of an inquiry. I beg to differ on  
5570 whether or not there is no basis in law for this resolution  
5571 or that this resolution would not have legal impact. The  
5572 language written by Mr. Nadler's precis -- it asks that the

5573 Attorney General is directed to transmit to the extent that  
5574 such information is in the possession of the Attorney  
5575 General; a list of information that deals with one  
5576 constitutional element, the Emoluments Clause, that is in  
5577 the Constitution happens to be in Article I's, section 9,  
5578 clause 8, as indicated in the resolution; and, as well, the  
5579 responsibilities that we have as a judiciary committee to  
5580 deal with any concept, fact, or belief that there has been a  
5581 direct intrusion by foreign entity.

5582         We are the Judiciary Committee. Our responsibilities  
5583 are vested in this document called the Constitution of the  
5584 United States of America. The American people are in  
5585 jeopardy. One approach, of course, is for the United States  
5586 military to defend her. But if she is in jeopardy because  
5587 of the spoiledness, the odor of government, that does not  
5588 protect the people's interests, the interests to be free  
5589 from bias and special interests and money, the right to be  
5590 free or free to have an unfettered government that is not  
5591 overwhelmed by the intrusions of a foreign entity that will  
5592 have the demise of the American people, not their best  
5593 interests.

5594         Then who, then, the bearers or the holders or the  
5595 protectors of the Constitution legislatively, which is the  
5596 Judiciary Committee, should not be engaged in this? Now,  
5597 let me be very clear: there is smoke and fire. So much so

5598 that I am overwhelmed.

5599       One of the unfortunate issues in this is the eagerness  
5600 of the law enforcement agency to pronounce matters dealing  
5601 with one candidate but not pronouncing matters that dealt  
5602 with another candidate, making an unequal election and  
5603 denying one person, one vote. Because that means the  
5604 American people's information was lopsided. Secondly, if  
5605 I move to the Emoluments Clause, as I understand it, there  
5606 is no trust, there is no blind trust. With respect to  
5607 business interest, the only thing we have is the word of  
5608 mouth that other individuals will be governing those  
5609 business interests.

5610       Does that involve the Trump Tower in Moscow? Does it  
5611 involve the proliferation of the brand in hotels around the  
5612 world and, particularly, in the Mideast, if that is factual?  
5613 How does it relate to properties, some of them commercial?  
5614 They sell memberships. All we are asking is to undertake  
5615 our legislative duty to pass this resolution, which is  
5616 legislative, for it to go to the floor, which is  
5617 legislative, to ask the Congress to stand on its two legs on  
5618 behalf of the American people and say to them that, "It is  
5619 not my interest, my self-servingness, but it is really my  
5620 responsibility to let you see all of the documents that  
5621 pertain to the ability of this government now to govern."

5622       I believe Mr. Nadler is correct in the approach. I

5623 believe that you would undermine and diminish our essence,  
5624 our authority. My good friend from California, as I  
5625 understand it, it was in the media, recommended a special  
5626 prosecutor. That is an act of governing. Why, then, would  
5627 we step away from the act of governing right now, which is  
5628 to pass this resolution, pass it on the floor, and give the  
5629 American people what they deserve? I yield back.

5630 Chairman Goodlatte. The committee will stand in recess  
5631 until the completion of the votes that are currently  
5632 scheduled. There are 9 minutes remaining in the vote on the  
5633 Amendment No. 2.

5634 [Recess.]

5635 Chairman Goodlatte. The committee will reconvene.  
5636 When the committee recessed, we were considering the  
5637 substitute amendment to House Resolution 111. Who seeks  
5638 recognition?

5639 For what purpose does the gentleman from Florida seek  
5640 recognition?

5641 Mr. Deutch. Mr. Chairman, I have an amendment at the  
5642 desk.

5643 Chairman Goodlatte. The clerk will report the  
5644 amendment.

5645 Ms. Adcock. Amendment to the amendment in the nature  
5646 of a substitute to H.R.111, offered by Mr. Deutch. Page 1,  
5647 line 16 --

5648 [The amendment of Mr. Deutch follows:]

5649 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5650 Chairman Goodlatte. Without objection, the amendment  
5651 is considered as read and the gentleman is recognized for 5  
5652 minutes on his amendment.

5653 Mr. Deutch. Thank you, Mr. Chairman. Mr. Chairman,  
5654 members of the White House and the FBI, we know, have been  
5655 in contact with each other during an open and ongoing  
5656 investigation into the Trump campaign's contact with Russian  
5657 officials during the 2016 presidential election. In fact,  
5658 White House Press Secretary Sean Spicer has confirmed the  
5659 communications between the White House and the FBI,  
5660 indicating that it was the FBI that initially approached the

5661 White House.

5662           Confirming that the FBI first contacted the White  
5663 House, Press Secretary Spicer said, and I quote, "We  
5664 literally responded to what they came to us with, and said,  
5665 'Okay, what are you going to do about it?' Had we not done  
5666 anything and just sat there, it would have been  
5667 irresponsible and, frankly, malpractice." However, the  
5668 communications between the White House and the FBI did not  
5669 end there.

5670           In fact, Press Secretary Spicer has further confirmed  
5671 that Chief of Staff Priebus then requested that FBI Director  
5672 James Comey and FBI Deputy Director Andrew McCabe knock down  
5673 numerous news reports describing communications between  
5674 Trump's campaign associates and Russian officials during the  
5675 2016 presidential election.

5676           Any communication, no matter who initiates it, between  
5677 the White House and the FBI raises significant ethical and  
5678 legal concerns during an open, ongoing investigation.  
5679 Indeed, any such communications between the White House and  
5680 the FBI taints the ongoing investigation and suggests  
5681 possible improper influence or meddling.

5682           Mr. Chairman, as this committee knows, contacts of this  
5683 nature between the White House and the FBI also violate  
5684 longstanding Department of Justice guidelines. My secondary  
5685 amendment to the amendment, in the nature of a substitute,



5686 would ensure that we receive all documents and all  
5687 information involving communications by White House officers  
5688 or employees with FBI Director James Comey, FBI Deputy  
5689 Director Andrew McCabe, or any other officer or employee of  
5690 the FBI.

5691 In addition, my amendment would ensure that we receive  
5692 the DOJ memorandum entitled Communications with the White  
5693 House and Congress that was signed by then-Attorney General  
5694 Eric Holder on May 11, 2009, and any effort since to revise  
5695 or to replace it. This memo states "the Justice Department  
5696 will advise the White House concerning any pending or  
5697 contemplated criminal or civil investigations on cases when,  
5698 but only when, it is important for the performance of the  
5699 President's duties and appropriate from a law enforcement  
5700 perspective." This memo still has the force of law unless  
5701 the information requested in my amendment demonstrates  
5702 otherwise, and there has been an effort to revise or replace  
5703 that memorandum since January 1, 2017.

5704 It is critical that our committee to have access to the  
5705 documents and information requested in this amendment.  
5706 Failing to receive these documents will only serve to raise  
5707 and to buttress doubts on whether the ongoing investigation  
5708 into contacts between the Trump campaign associates and  
5709 Russian officials during the 2016 presidential election has  
5710 been tainted.

5711 Mr. Chairman, it is important that we receive all of  
5712 the information contained in Mr. Nadler's resolution. My  
5713 amendment would ensure that we receive the additional  
5714 information regarding any communications between Reince  
5715 Priebus, Sean Spicer, or any other officer or employee of  
5716 the Executive Office of the President with the FBI Director,  
5717 the FBI Deputy Director, or any other officer or employee of  
5718 the FBI. It is information that we need to evaluate and it  
5719 is because this information is so necessary that I have  
5720 offered this amendment, and I would urge my colleagues to  
5721 support it. With that, Mr. Chairman, I will yield back.

5722 Chairman Goodlatte. The chair recognizes himself in  
5723 opposition to the amendment.

5724 I oppose this amendment and I urge my colleagues to do  
5725 so as well. The amendment inserts additional language into  
5726 what is already an over-broad, premature resolution. Among  
5727 other things, it would call on the Attorney General to  
5728 provide the contents of any communication between the White  
5729 House chief of staff, press secretary, or any other  
5730 Executive Office of the President employee with any FBI  
5731 employee. This amendment is more of the same; it doubles  
5732 down on our colleagues' efforts to short-circuit this  
5733 committee's longstanding and legitimate oversight processes  
5734 by casting an even wider net in hopes of discovering illicit  
5735 activity. That is not the way appropriately conducted

5736 investigations happen.

5737         Again, the proper way to conduct oversight is to  
5738 encourage the Department of Justice to enforce our criminal  
5739 laws and, if need be, to resort to further measures. That  
5740 is why I am sending a letter to the Department of Justice  
5741 this week urging them to follow all legitimate investigative  
5742 leads in these matters, and to alert the Department of  
5743 Justice that this committee will continue to conduct  
5744 oversight in these matters. I urge my colleagues to oppose  
5745 the amendment.

5746         Ms. Bass. Mr. Chairman, I would like to strike the  
5747 last word.

5748         Chairman Goodlatte. For what purpose does the  
5749 gentlewoman from California seek recognition?

5750         Ms. Bass. Mr. Chairman, I want to --

5751         Chairman Goodlatte. The gentlewoman is recognized for  
5752 5 minutes.

5753         Ms. Bass. Thank you. I want to support the amendment  
5754 offered by Representative Deutch. Like many of my  
5755 colleagues, over the break I had town halls that were  
5756 attended by a couple of thousands of my constituents. Many  
5757 of them are very concerned about the efforts of the  
5758 administration in trying to influence the FBI, but they are  
5759 also demanding an investigation of President Trump's ties to  
5760 Russia as well as demanding his tax returns.

5761           With these persistent questions hovering over the  
5762 President, it begs the question, why is not he seeking to  
5763 resolve these vital questions and concerns? He has called  
5764 for an investigation of voter fraud. As a private citizen,  
5765 he demanded President Obama's long-form birth certificate;  
5766 back then, he would not take "trust me" as an acceptable  
5767 answer. It is imperative that we thoroughly investigate any  
5768 and all conflicts of interest, government ethical  
5769 violations, or potentially illegal conduct and actions of  
5770 the President and current or former members of his  
5771 administration and transition team.

5772           In particular, it is incumbent upon this body to  
5773 examine whether there were dangerous and troubling ties to  
5774 Russia which may have exposed grave threats to our national  
5775 and global security and democratic integrity. And every day  
5776 from the day Mr. Trump was sworn into the presidency, my  
5777 office has been overwhelmed with calls, messages, and  
5778 correspondence demanding that he release his taxes, and to  
5779 investigate his administration.

5780           President Trump has refused to step away from his  
5781 business interest in any meaningful; his foreign  
5782 entanglements potentially are unconstitutional. He has  
5783 repeatedly refused to disclose his financial assets and is  
5784 clouded by the specter of Russian intervention in the  
5785 election and his administration.

5786           We must know what the Department of Justice has learned  
5787 about the administration's connections to the Russian  
5788 Government. We must review the Department's legal analysis,  
5789 if there is any, of the President's attempt to remedy his  
5790 wide-ranging ethics problems. We must conduct the oversight  
5791 of this administration.

5792           Thank you. I yield back.

5793           Chairman Goodlatte. For what purpose does the  
5794 gentleman from Illinois seek recognition?

5795           Mr. Gutierrez. To strike the last word.

5796           Chairman Goodlatte. The gentleman is recognized for 5  
5797 minutes.

5798           Mr. Gutierrez. I would just simply say to my  
5799 colleagues on the majority, if the President has nothing to  
5800 hide, then let's clear up the air, and let's present the  
5801 documents before the American people.

5802           We all have heard him state publicly that if there was  
5803 someone who could make money off of being President of the  
5804 United States, he would know how to make money off of being  
5805 President of the United States. That is not something that  
5806 we simply make up. That is something that he has actually  
5807 said. Well, we want to know if he is making money off the  
5808 American people and off of his public office. I think the  
5809 American people deserve that answer.

5810           Look, it has been very clear. Even Richard Nixon gave

5811 us his income tax returns, income tax returns that were  
5812 under audit. We all know that unless we force and use the  
5813 legislative branch of government to force the President of  
5814 the United States, he will never release those income tax  
5815 returns. And with not releasing those income tax returns, I  
5816 think further and further it makes the American people more  
5817 and more demoralized about their lack of trust and the lack  
5818 of transparency that exists in the executive branch of  
5819 government.

5820 I do not know what he does or does not own in Russia,  
5821 but he sure does love Putin, and I would like to know why.  
5822 I would like to know what it is he owns there. You know, he  
5823 says he is going to give back all of the money that he might  
5824 earn from his interests. Well, is not he already admitting  
5825 that he can make money off of his interests? Why would I  
5826 say that I will give back the money that I make from my  
5827 hotels, but maybe not from other deals that you have? I  
5828 mean, the very fact that he says that, I say should lead us  
5829 to all vote in the affirmative.

5830 I want to thank my friend and my colleague. I am very,  
5831 very proud of Congressman Nadler, both for presenting this  
5832 resolution and his tenacity in pushing it forward, and apart  
5833 from that, for being a classmate of mine when we arrived  
5834 here in 1992.

5835 Look, it is time to do this. And you know, the

5836 majority members, let's be clear. You were tickled pink  
5837 when Comey came and commented on the emails of Hillary  
5838 Clinton. You did not think it was time to wait for an  
5839 investigation, or that no one should comment. And when he  
5840 commented again a few days before the election, you jumped  
5841 up and down for joy. All right, well, this is not partisan  
5842 politics. This is about the integrity that we should have.

5843         Lastly, let me just say this. Should not the President  
5844 have the same standard that we all, as members of Congress -  
5845 - every last one of us, if we buy a single stock share of  
5846 any stock, has to report it within 48 hours. We have to, at  
5847 the end of the year, tell what homes we own; not only what  
5848 we own, what our wives own. We have to be clearly  
5849 transparent. This is the President of the United States who  
5850 has said, and I repeat, if someone can make money off of  
5851 being President of the United States, I can. I say we stop  
5852 him from making money off the presidency of the United  
5853 States and we make this clear before the American people,  
5854 and transparent.

5855         Let the documents flow. Let air and sunshine reign,  
5856 because that is what it should be. We should be guardians  
5857 of the Constitution and of the public trust, and not the  
5858 people who simply sit as lapdogs of anybody here. Let's  
5859 make the truth be known to the American people. Thank you  
5860 so much.

5861 Mr. Labrador. Mr. Chairman, I object. If this happens  
5862 again, I would request that everybody be removed. This is  
5863 not necessary --

5864 Voice. [audience disruption]

5865 Mr. Labrador. I can do whatever I want.

5866 Chairman Goodlatte. The gentleman will be escorted out  
5867 of the hearing room. These kind of outbursts are not  
5868 appropriate. You must restrain yourself and not applaud  
5869 when members say things. That is simply not a part of this  
5870 process. The gentleman from Tennessee is recognized for 5  
5871 minutes.

5872 Mr. Cohen. Thank you, Mr. Chairman. There is no  
5873 question that many people in our Nation are concerned about  
5874 the activities of the President, his business entanglements,  
5875 and his taxes, and the President said the other day, "I have  
5876 not talked to Russia in 10 years," although we know that  
5877 that may be a serious falsehood, because he had a Miss  
5878 Universe contest in Russia in 2013, -- I think it was -- but  
5879 he said he had not talked to Russia. Well, you cannot talk  
5880 to a country, so we really do not know what he meant. But  
5881 if there are records of his campaign having involvement with  
5882 Russian intelligence officials, this country needs to know  
5883 about it.

5884 And to say that it is premature, there are decisions  
5885 being made on whether we should be giving the Ukrainian



5886 Government weapons to defend their country from the folks in  
5887 the Eastern Ukraine who are being supplied by weapons from  
5888 the Russians. If they are not being supplied the proper  
5889 weapons to defend themselves, there are going to be people  
5890 dying in Ukraine.

5891 And if the decision is being made not to supply those  
5892 people because we have a deal with Russia and a relationship  
5893 with Putin, and we do not want to get involved in their  
5894 particular situation, then it is imminently important that  
5895 we find out as soon as possible, because there are human  
5896 beings that are going to die because we are not taking  
5897 action that we could, and I believe should, to defend NATO  
5898 Allies because of entanglements.

5899 There is just absolutely no plausible reason why the  
5900 man would defend his taxes so much. I mean, the fact that  
5901 he probably has not contributed much to charity, people  
5902 pretty much know that. The fact that he is not as wealthy  
5903 as he claimed he is, people pretty much recognize that. The  
5904 fact that he did not pay taxes on a billion dollars, we  
5905 already know that.

5906 So what is left? What is left is who he has loans from  
5907 and who that involves. And his son said, I think, in 2008,  
5908 "We have lots of investment from Russians, and if it were  
5909 not for those investments, we would be in trouble." Then,  
5910 he is being controlled by people who have made loans to him,

5911 to keep his businesses afloat. And we need to know that  
5912 because that would interfere with his activities.

5913 Russia is not our friend. In no way they are our  
5914 friend. They do not have our values, and they do not pursue  
5915 activities that are consistent with a free and open and  
5916 Democratic Europe. And that is important for the United  
5917 States, to have relationships with the countries in Europe,  
5918 and that they are supplied with information and that we help  
5919 defend them.

5920 I just cannot see where the harm would come, Mr.  
5921 Chairman. I appreciate your letter, but in your letter, I  
5922 think, if I remember correctly, it referred to looking at  
5923 the leakers. And, you know, that is not on the same level.  
5924 The people making these leaks probably are doing it because  
5925 they think it is important for America's future and if there  
5926 is information that needs to be known. That is not  
5927 consistent with information that could be found out about  
5928 Russia having influence over our President because of  
5929 business ties or other reasons that are affecting our policy  
5930 or actions during an election that could be considered  
5931 treasonous because they were working with the Russians to  
5932 affect our election.

5933 I was recently in Vienna, and we met some members of  
5934 the Duma. And one of them said, "Oh, we did not hack your  
5935 elections. That is not true. And it will be seen in the

5936 future." Well, that is the Russian line. Talk about  
5937 siloed. They are so siloed. And they do not, in any way  
5938 whatsoever, understand.

5939 Mr. Nadler has done us a service by bringing the  
5940 resolution. If the Attorney General has information, and I  
5941 cannot imagine he does not because this information, what we  
5942 have seen in the press, they have had information since  
5943 October at least, about possible contacts between Trump,  
5944 election officials, and Russia. And the FBI and  
5945 intelligence people were allegedly looking at that as far  
5946 back as October. So there must be, because they notified  
5947 the President, and they notified others; I think it was  
5948 October or maybe earlier than October.

5949 So they have got information that they can communicate  
5950 to us. And if they have information, if it is shown to us  
5951 in a classified setting, there is no harm. If there is  
5952 nothing there, wonderful. He can say, just like Richard  
5953 Nixon, you know, "I am not." But we need to get the  
5954 information to satisfy the American public that America is  
5955 really, truly America first. And that we look out for our  
5956 American interests.

5957 I yield back the balance of my time.

5958 Chairman Goodlatte. For what purpose does the  
5959 gentleman from New York seek recognition?

5960 Mr. Jeffries. To strike the last word.

5961 Chairman Goodlatte. The gentleman is recognized for 5  
5962 minutes.

5963 Mr. Jeffries. Let me first just thank my distinguished  
5964 colleague from New York, Jerry Nadler, for putting forth  
5965 this resolution of inquiry, as well as my colleague from  
5966 Florida, for his secondary amendment.

5967 On November 17th of 1973, Richard Nixon, the President  
5968 of the United States, made the point that the people of  
5969 America deserve to know whether or not their President is a  
5970 crook. That was in connection with the Watergate scandal  
5971 that eventually led to his resignation in disgrace. But it  
5972 began with a simple break-in of the Democratic National  
5973 Committee headquarters in the summer of 1972.

5974 And if you compare that simple break-in, which led to  
5975 the unraveling of an administration, to the facts that we  
5976 have today, I am wondering why my colleagues on the other  
5977 side of the aisle refuse to support a thorough, vigorous  
5978 investigation into what possibly had gone wrong because this  
5979 did not begin with just a simple break-in.

5980 Seventeen different intelligence agencies have  
5981 concluded that the Russians interfered with the election for  
5982 the purpose of helping to elect Donald Trump. Apparently,  
5983 that is not sufficient. We know that going as far back of  
5984 December 2015, there were high-level contacts that were  
5985 likely made between close Trump allies and Russian

5986 intelligence agents, not diplomats, but Russian intelligence  
5987 agents, at the same time that the hacking was taking place.

5988 Carter Page, the top foreign policy adviser to Donald  
5989 Trump, appears to have been involved. Paul Manafort, the  
5990 campaign chairman, appears to have been involved. Michael  
5991 Flynn, who subsequently became his National Security  
5992 Adviser, appears to have been involved. Roger Stone, a  
5993 longtime Trump confidant, appears to have been involved.  
5994 What do we think they were talking about with those Russian  
5995 intelligence agents? Vodka? Chess? At the same time that  
5996 the hacking was taking place. Apparently, that is not  
5997 sufficient.

5998 We also know that the law was likely broken by Michael  
5999 Flynn in December 2016, because of his illegal contact with  
6000 the Russian Ambassador, talking about sanctions that were  
6001 imposed as a result of the hacking of our election, which  
6002 subsequently led to him resigning in disgrace. But before  
6003 he resigned in disgrace, he lied to the Vice President of  
6004 the United States of America, who then took that  
6005 misinformation and lied to the American people. But  
6006 apparently, that is not enough for my colleagues on the  
6007 other side of the aisle.

6008 We also know that the President refuses to disclose his  
6009 taxes. What exactly is he hiding? What will those taxes  
6010 show about entanglement with Russian business interests?

6011 These seem to me to be reasonable questions. And at the  
6012 same time that he attacks Allies like Mexico, and Australia,  
6013 and NATO, and the European Union, and most recently, France,  
6014 nobody seems to escape his ire, with the exception of  
6015 Vladimir Putin.

6016 It appears that this President is determined to make  
6017 the Kremlin great again. Why cannot he say a negative thing  
6018 about Vladimir Putin when he shows no restraint with respect  
6019 to anyone else in the foreign policy realm? And then his  
6020 Chief of Staff tries to interfere with the FBI, raising the  
6021 question of obstruction of justice. The American people  
6022 deserve to know whether or not their President is a crook.  
6023 I yield back.

6024 Chairman Goodlatte. For what purpose does the  
6025 gentleman from Florida seek recognition?

6026 Mr. Gaetz. Strike the last word, please.

6027 Chairman Goodlatte. The gentleman is recognized for 5  
6028 minutes.

6029 Mr. Gaetz. Mr. Chairman. And the chairman's opening  
6030 remarks, in this instance, were accurate. This is just  
6031 about politics, and the hyperbole is thick enough to cut  
6032 with a knife.

6033 This is not about investigation. In a true  
6034 investigation, you do not prejudge the outcome before it  
6035 occurs. And all of the rhetoric we have heard from our

6036 friends on the other side of the aisle does prejudge those  
6037 outcomes.

6038         It is certainly not about oversight. We have already,  
6039 as the Judiciary Committee, amended our oversight plan to  
6040 include a thorough review of that which is under our  
6041 jurisdiction relating to the executive branch. As a matter  
6042 of fact, we amended that oversight plan as the result of the  
6043 chairman accepting a Democratic amendment to do so. It was  
6044 a sign of bipartisanship, and it was an institutional move  
6045 for this committee. In fact, what we are witnessing is that  
6046 President Trump's detractors are going through the stages of  
6047 grief because Hillary Clinton lost, and Donald Trump won.

6048         The first stage of grief is denial. That was first on  
6049 display when House Democrats made baseless claims to  
6050 invalidate Electoral College votes. Talk about an attack on  
6051 democracy. House Democrats stood up and tried to invalidate  
6052 votes cast in the Electoral College. Their claims were so  
6053 ludicrous that they could not find one Democrat of the  
6054 United States Senate to join them, not even Senator Sanders,  
6055 not even Senator Warren; baseless claims solely as a  
6056 consequence of denial.

6057         The second stage of grief is anger. And anger is okay.  
6058 Republicans were angry after 8 years of failed policies, a  
6059 doubling of the national debt, and executive overreach. As  
6060 a matter of fact, Americans were angry enough over those

6061 consequences to give control in the White House, in the  
6062 House of Representatives, and in the United States Senate,  
6063 to Republicans, presenting an opportunity for unified  
6064 government and true leadership.

6065       Americans were angry and that led to the Democrats'  
6066 defeat. I do not know if this resolution is a manifestation  
6067 of bargaining or depression. What I do know is the  
6068 Democrats need to get over it. The people have spoken, and  
6069 this is the time for acceptance. We need to accept the fact  
6070 that the American people want tax reform, regulatory reform,  
6071 a rebuilding of our military, healthcare solutions that  
6072 increase choice for all Americans.

6073       This is our job, and we will do it. And so, as we  
6074 proceed forward, supporting Chairman Goodlatte's efforts to  
6075 send a letter to the Attorney General to ensure that the law  
6076 is fully complied with, let us know that, only through  
6077 acceptance and closing these stages of grief, can we work  
6078 together on the challenges facing the country, with the  
6079 majority leading and the minority being heard from in a  
6080 meaningful way.

6081       That will make America great again, and I yield back.  
6082 Chairman Goodlatte. Will the gentleman yield?

6083 Mr. Gaetz. Certainly.

6084 Chairman Goodlatte. I appreciate the gentleman's point  
6085 about acceptances. Does the gentleman accept that he said 2



6086 weeks ago that the President should show his taxes?

6087 Mr. Gaetz. Reclaiming my time. If I were the  
6088 President, I would release my tax returns. And the reason  
6089 is, we ought to be past this issue and moving to the great  
6090 challenges facing the country. But the President's under no  
6091 obligation to do that. And certainly the work of this  
6092 committee would better be served on that which is within our  
6093 jurisdiction, to improve the quality of life for Americans.  
6094 This will do absolutely none of that.

6095 Chairman Goodlatte. Thank you for yielding. For what  
6096 purpose does the gentleman from Michigan seek recognition?

6097 Mr. Conyers. Strike the last word.

6098 Chairman Goodlatte. The gentleman is recognized for 5  
6099 minutes.

6100 Mr. Conyers. Members of the committee, I hope that my  
6101 colleagues will support this important update to the Mr.  
6102 Nadler resolution. Thank you, Gerald, for your work several  
6103 weeks ago. When we could not have anticipated that the  
6104 White House Chief of Staff would get caught asking the FBI -  
6105 - and I am quoting from the initial CNN report -- to quote,  
6106 "Publicly knock down media reports about communications  
6107 between Donald Trump's associates and Russians known to U.S.  
6108 intelligence during the 2016 Presidential campaign."

6109 As Mr. Deutch has pointed out, if they indeed took  
6110 place, those communications are totally inappropriate. And

6111 I am particularly concerned, given that several people in  
6112 the White House appear to be the target of the underlying  
6113 investigation. This committee ought to get to the bottom of  
6114 the matter. We can do it, members of the judiciary. That  
6115 begins by asking Attorney General Sessions for this basic  
6116 information. And so I urge my colleagues to support the  
6117 Deutch amendment. And I yield back the balance of my time.

6118 Chairman Goodlatte. For what purpose does the  
6119 gentleman from New York seek recognition?

6120 Mr. Nadler. Strike the last word.

6121 Chairman Goodlatte. The gentleman is recognized for 5  
6122 minutes.

6123 Mr. Nadler. Mr. Chairman, my statement and the  
6124 resolution that I offered, which is under consideration, is  
6125 very clear that we are asking questions based on information  
6126 that has been well reported. It does not prejudge anything.  
6127 It asks for information to lead us, to see where it goes.  
6128 It asks for that information because, given the fact that  
6129 the Attorney General has refused to recuse himself, and he  
6130 was certainly involved in the Trump campaign and perhaps an  
6131 object of the investigation. We have to make sure that the  
6132 investigative material is not compromised and that we have  
6133 possession of the information.

6134 I commend Mr. Deutch for his amendment, broadening the  
6135 resolution in a constructive way. But the fact of the

6136 matter is that, aside from Mr. Gaetz' psychoanalysis about  
6137 the stages of grief -- I will put that to the side -- the  
6138 fact is, Mr. Trump is the President of the United States.  
6139 No one denies that. But, there are very serious questions,  
6140 not only about his collusion with the Russians, possibly.  
6141 Not only about the Russians' demonstrated involvement in our  
6142 elections and the possible collusion of the Trump campaign  
6143 in that, which we must know about. I am not saying it  
6144 happened. It may have happened. That is what we have to  
6145 find out.

6146         And the fact of the matter is that we did send letters  
6147 to the chairman before this resolution was drafted, asking  
6148 for investigations. We never got a reply. Now, I am glad  
6149 to hear, for the first time today, that the chairman is  
6150 drafting a letter to the Justice Department or the FBI. I  
6151 am glad to hear that. It will be interesting to see if it  
6152 is as comprehensive as we think it ought to be. If it is,  
6153 we will certainly, if invited, sign it. But meanwhile, this  
6154 resolution is apropos and especially apropos since we had  
6155 heard nothing about any investigations prior to this.

6156         So I commend Mr. Deutch for his amendment; I urge its  
6157 adoption. And again, I urge the adoption of the amendment.  
6158 And if the gentleman is asking me to yield, I will yield to  
6159 him.

6160         Mr. Cohen. Please, thank you. I just want to ask you

6161 a question. As an individual who has gone through grief  
6162 recently, if you go through stages of grief and you thought  
6163 somebody that was close to you were murdered, do you just  
6164 accept it and move on, or do you go back and want an  
6165 investigation who murdered your loved one?

6166 Mr. Nadler. Well, let me put it this way. I have gone  
6167 through grief recently. My mother, as you know, passed away  
6168 at 97. But no one thinks she was murdered, so I have no  
6169 experience with that.

6170 Mr. Cohen. Well, but if it was the case, you would.  
6171 And the fact is, the election was the Russians hacked Mr.  
6172 Podesta; they hacked --

6173 Mr. Nadler. Well, reclaiming my time. The Russians,  
6174 we know, attempted to influence the election. Presumably,  
6175 they had some influence. Whether that was enough to  
6176 actually affect anything is unknowable. But they had ill  
6177 intent, and they tried to influence our election; we have to  
6178 make sure that it does not happen again. We have to find  
6179 out how it happened, if anyone colluded with them in making  
6180 it happen. We have to protect the integrity of our  
6181 democracy.

6182 Mr. Cicilline. Mr. Chairman?

6183 Chairman Goodlatte. For what purpose does the  
6184 gentleman from Rhode Island seek recognition?

6185 Mr. Cicilline. I move to strike the last word.

6186 Chairman Goodlatte. The gentleman is recognized for 5  
6187 minutes.

6188 Mr. Cicilline. Thank you, Mr. Chairman. I support  
6189 strongly the Mr. Deutch amendment, as well as the underlying  
6190 resolution. I do think it is disappointing that some of our  
6191 colleagues would describe our effort to defend the integrity  
6192 of our democracy and our political institutions as being  
6193 just about politics.

6194 Indeed, it is very sad to me that something as serious  
6195 as the allegations that we are focused on here would elicit  
6196 that sort of a description. I want to first say that the  
6197 notion that we should either pass these resolutions or send  
6198 letters and that we somehow have to pick the two, I say that  
6199 we should do both. And that would underscore the  
6200 seriousness of our effort. I would ask for unanimous  
6201 consent that the 5 page letter sent by all the Democrats  
6202 from this committee to the chairman dated November 30th, and  
6203 the 5 page letter dated January 24th to the chairman signed  
6204 by all the Democrats, requesting the same kind of  
6205 information be made part of the record.

6206 Chairman Goodlatte. Without objection, they will be  
6207 made part of the record.

6208 [The information follows:]

6209 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6210           Mr. Cicilline. There has also been a suggestion that  
6211 we have adopted an oversight plan, and we have already  
6212 included that we are going to do this in our oversight plan.  
6213 That should be enough. We are done. But of course, the  
6214 adoption of that oversight plan mandates that we begin the  
6215 work of doing oversight, and this resolution of inquiry is  
6216 the first step: to gather information, to ask questions.

6217           Last summer, I asked President Obama to cut off  
6218 candidate Donald Trump's access to classified information.  
6219 That was at a time when he encouraged the Russians to hack  
6220 the private emails of a presidential candidate while he was

6221 heaping praise on Vladimir Putin, a dangerous and brutal  
6222 dictator. Letters have been written; legislation has been  
6223 introduced; and public calls for investigations have gone  
6224 unanswered.

6225         The American people need to have confidence that their  
6226 government is acting in their interest free from foreign  
6227 interference or any personal or business conflicts.  
6228 Confidence in this regard is essential to the survival and  
6229 functioning of our democracy. I, like many others, was very  
6230 disturbed at the relationship between then-candidate Donald  
6231 Trump and Vladimir Putin. And since then, we have learned  
6232 much more about Donald Trump's ties to Moscow.

6233         Seventeen of our intelligence agencies reported that  
6234 Russians, at the direction of Vladimir Putin, engaged in a  
6235 wide-ranging effort to help make Donald Trump the President  
6236 of the United States. We know that his top aides, including  
6237 his campaign manager Paul Manafort, had repeated contacts  
6238 with Russian intelligence officials. We know his foreign  
6239 policy advisor, Carter Page, came under investigation for  
6240 his own ties to Russia.

6241         The president then appointed Secretary of State Rex  
6242 Tillerson, who personally received the Russian Order of  
6243 Friendship from Vladimir Putin. And we know acting Attorney  
6244 General Sally Yates told the White House that the  
6245 President's National Security Advisor, Michael Flynn, posed

6246 a security risk because of his untruthful statements about  
6247 speaking with the Russian Ambassador about sanctions relief.  
6248 She was subsequently fired by the President.

6249 And we know Michael Flynn resigned, not because of his  
6250 contacts with Russia, not because he lied to the Vice  
6251 President of the United States and to the American people,  
6252 but because the facts of those incidents were made public.

6253 President Trump has refused to divest his ownership  
6254 interest in his holdings and continues to keep his tax  
6255 returns secret. And that is what this resolution is  
6256 designed to get at. It asks Congress to fulfill its  
6257 responsibility of oversight of the executive branch. That  
6258 is how our system works. But in order for us to carry out  
6259 that oversight function, we need to get information and  
6260 passage of this resolution is the beginning of gathering  
6261 information for fulfilling our constitutional oversight  
6262 responsibility.

6263 And so we are asking the Attorney General to share with  
6264 Congress any information that the Department of Justice has  
6265 on the President's ties to the Kremlin, his ethics  
6266 violations, or his conflicts of interest.

6267 Donald Trump may be our president, but he is not above  
6268 the law. So, I urge my colleagues to join us in this  
6269 effort. The examples of conflicts of interests are too  
6270 numerous for me to mention in my remaining time, but we know



6271 that President Trump has sought and received funding from  
6272 his business from Russian financiers.

6273 Donald Trump Jr., who presumably manages day-to-day  
6274 business operations for the Trump organization, has  
6275 confirmed, "That Russians make up a pretty disproportionate  
6276 cross section of a lot of our assets." These facts are a  
6277 cause for concern in many respects. And that is what he  
6278 said on September 15th of 2008.

6279 The Industrial and Commercial Bank of China, which is  
6280 owned by the Peoples Republic of China, is the largest  
6281 tenant in Trump Tower. It is also a major lender to the  
6282 Trump Organization. Its lease is slated to end in October  
6283 2019, and the bank's rent payment, its ongoing extension of  
6284 credit to the President's business, and any financial  
6285 benefit that may accrue to President Trump during  
6286 renegotiation of that lease, also appear to constitute a  
6287 foreign emolument.

6288 Foreign diplomats and other Representatives of foreign  
6289 governments have been encouraged to move their business to  
6290 the President's Washington, D.C. hotel. At least one report  
6291 suggests that a foreign embassy was pressured to move their  
6292 event to a Trump property, and now we learn, according to  
6293 the Washington Post, they actually hired a director of  
6294 diplomatic sales to make good use of this. These all raise  
6295 very serious questions.

6296           And so I urge my colleagues put country above party;  
6297 this is not about Republican or Democrat. This is about  
6298 preserving the sanctity of our democracy, satisfying the  
6299 American people that we take this responsibility seriously,  
6300 and get to the bottom of this and have these questions  
6301 answered. And with that, I yield back.

6302           Mr. King. Mr. Chairman?

6303           Chairman Goodlatte. The gentleman's time has expired.  
6304 For what purpose does the gentleman from Iowa seek  
6305 recognition?

6306           Mr. King. To move to strike the last word.

6307           Chairman Goodlatte. The gentleman is recognized.

6308           Mr. King. Thank you, Mr. Chairman. I rise in  
6309 opposition to this amendment. I have listened to a whole  
6310 string of misstatements by the other side and my central  
6311 message in this is that this committee must avoid reacting  
6312 kneejerk reactions towards rumors and innuendos. We should  
6313 be dealing on facts. And I hear these things stated as  
6314 facts, among them that the Russians hacked into this intel  
6315 and that it is a universal position on the part of the  
6316 intelligence community, 17 members of the intelligence  
6317 community. And I will tell you that is the Obama  
6318 intelligence community that they are referring to.

6319           But I have in my hand an article. It is printed by CIA  
6320 veterans and the headline is this: Veterans Urge Caution on

6321 Leaks saying Russia's Putin Tried to Get Trump Elected. The  
6322 caution on those type of leaks.

6323 It says, "A senior FBI counterintelligence official  
6324 reportedly scoffed at the CIA's conclusion that Russia had  
6325 plotted to put Trump in office, calling the evidence 'fuzzy  
6326 and ambiguous.'"

6327 And in another article titled U.S. Intel Vets Dispute  
6328 Russian Hacking Claims, it identifies, as it says, "We have  
6329 gone through the various claims about hacking. For us, it  
6330 is child's play to dismiss them. The email disclosures in  
6331 question are the result of a leak, not a hack," and here is  
6332 the difference.

6333 "A leak is when someone physically takes out of the  
6334 organization data and gives it to some other person, such as  
6335 Edward Snowden or Chelsea Manning did. And a hack is when  
6336 someone, actually in a remote location, electronically  
6337 penetrates operating systems, firewalls, or any other cyber  
6338 protection system and then extracts that data."

6339 So, I would ask unanimous consent to introduce these  
6340 two articles into the record, Mr. Chairman.

6341 Chairman Goodlatte. Without objection, they will be  
6342 made part of the record.

6343 [The information follows]

6344 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6345           Mr. King. Thank you, Mr. Chairman. And I would  
6346 continue that, as near as we can tell, it is a leak, not a  
6347 hack. But when I hear, spoken definitively, that the Vice  
6348 President of the United States lied to the American people  
6349 coming out of this committee, members of this committee, we  
6350 sat on this committee with Mike Pence. Nobody that knows  
6351 Mike Pence can deny the integrity of the man. And Mike  
6352 Pence would not lie to the American people; he would not lie  
6353 to his wife; he would not lie to anybody on this planet.  
6354 That is who he is.

6355           And I would point out also for informational purposes,

6356 Charlton Heston advised us, during a re-election campaign of  
6357 Bill Clinton, what the difference is between a mistake and a  
6358 lie. And he looked into the camera, and he said, "Mr.  
6359 President, when what you say is wrong and you do not know  
6360 that it is wrong, that is a mistake. When what you say is  
6361 wrong and you know that it is wrong, that is a lie."

6362 And there is a big difference. And it troubles me when  
6363 I heard that word "liar" hurled out in this way. We do not  
6364 know that General Flynn directly lied to Mike Pence. We  
6365 know there was a loss of trust, and that is acknowledged by  
6366 everyone.

6367 Mr. Nadler. Will the gentleman yield?

6368 Mr. King. And I will not yield. And furthermore, the  
6369 allegation that there some crime was committed, if you are  
6370 the appointed person and advisor as he was, and you are not  
6371 contacting foreign interests and not laying the foundation  
6372 for those communications while you are waiting for the  
6373 President to be inaugurated, you do not wait until January  
6374 20th. There is no indication there were any laws that were  
6375 broken by General Flynn.

6376 So, we should take a deep breath, and let's get this  
6377 down to the reality and not be hurling these accusations.  
6378 Another accusation that Donald Trump that we know, that he  
6379 did not pay a billion dollars in taxes? We do not know  
6380 that. And furthermore, this search for his taxes, there is

6381 nothing in his taxes that are going to tell us what his  
6382 loans might be if he has any or who his debt might be to.  
6383 That is not part of the tax program.

6384 And furthermore, if we were to go through and answer  
6385 every one of these requests that are coming out of the left  
6386 side of the aisle today, answer every one of them, they  
6387 would make sure that this Congress is immobilized until  
6388 there is another President ensconced in the oval office.  
6389 And they did not hardly wait until he was inaugurated before  
6390 this resolution comes forward. So, this is about  
6391 obstructing the flow of government, trying to render the  
6392 presidency of Donald Trump ineffective, and trying to knock  
6393 this agenda, the American people's agenda, off the rails.

6394 So, we need to move on in this committee. We need to  
6395 move on with the Trump administration. We have a Nation to  
6396 save; we have a rule of law to restore; we have a foreign  
6397 policy to put back together; we have a budget that is going  
6398 to be a difficult time getting to balance.

6399 But the most important thing is, and I heard it said on  
6400 the left side of the aisle, too, we have got to protect the  
6401 Constitution, and we have got to restore the rule of law.  
6402 And we can only do that if we are honest with each other, if  
6403 we stop playing political games, and if we are objective  
6404 between the difference between facts and rumors --

6405 Mr. Nadler. Will the gentleman yield?

6406 Mr. King. -- and you are seeking to act on rumors --

6407 Mr. Nadler. Will the gentleman yield?

6408 Mr. King. And I will not yield.

6409 Mr. Issa. Will the gentleman yield to me?

6410 Mr. King. I am actually preferential in that, Mr.

6411 Nadler. I am going to yield to the gentleman from

6412 California.

6413 Mr. Issa. Thank you. Mr. Chairman, I ask unanimous  
6414 consent that today's Washington Post article that is titled,  
6415 "FBI Wants Plan to Pay Former British Spy Who Authored  
6416 Controversial Trump Dossier," into the record. And in it,  
6417 what it does is it outlines, during the Obama  
6418 administration, the FBI had an ongoing investigation, which  
6419 continued. I ask it be placed in the record.

6420 Chairman Goodlatte. Without objection, it will be made  
6421 a part of the record.

6422 [The information follows]

6423 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6424 Mr. Issa. I yield back.

6425 Mr. Johnson of Georgia. Move to strike the last word.

6426 Chairman Goodlatte. The gentleman from Georgia.

6427 Mr. Johnson of Georgia. Thank you, Mr. Chairman.

6428 Chairman Goodlatte. You will be recognized for 5

6429 minutes.

6430 Mr. Johnson of Georgia. Thank you. I rise in support

6431 of the Deutch amendment, and I note how my friends on the

6432 other side of the aisle are trying to swim in the ocean with

6433 a giant anchor chained to their necks. That anchor is

6434 called Donald Trump. And how they are swimming feverishly



6435 trying to stay above water, but the anchor is driving them  
6436 into the water, debilitating their vigor as every day goes  
6437 by.

6438         The groundswell of support from the American people for  
6439 an investigation into what 17 intelligence agencies of the  
6440 United States have confirmed, that being Russian attempts to  
6441 influence the election. Now, those attempts were not made  
6442 to influence the election in favor of Hillary Clinton. The  
6443 evidence is clear that the moves by the Russians were to  
6444 influence the election on behalf of Donald Trump.

6445         And Donald Trump himself, during the campaign, asked on  
6446 nationwide TV for the Russians to reveal anything that they  
6447 might have on Hillary Clinton, specifically, the 30,000  
6448 deleted emails. He said, "Please, Russians, WikiLeaks,  
6449 anybody. Come on and release."

6450         And what happened after that was we saw the drip-  
6451 dropping of Democratic Party information, private  
6452 information. Talk about leaks. We are talking about  
6453 hacking into Democratic National Committee, DCCC, John  
6454 Podesta, Hillary Clinton campaign. We saw a hacking into  
6455 their processes and the dripping out of information that  
6456 benefitted not Hillary Clinton, but Donald Trump.

6457         Mr. Issa. Will the gentleman yield?

6458         Mr. Johnson. Not yet. And what we then came to find  
6459 out is that he Russians have been cultivating Donald Trump

6460 for years, encouraging him to run for President. And then,  
6461 the people that the President surrounded himself with on the  
6462 campaign have contacts and business with Russian interest.  
6463 And we all know that Russia is corrupt to its core:  
6464 billionaires, including Vladimir Putin, and these people  
6465 running the country like their on piggy bank, getting rich,  
6466 and Trump wanting to put his name on everything and wanting  
6467 to build hotels and put his name on it, definitely  
6468 susceptible to Russian influence. They tried to help him.

6469         So, what other influence do they have over him? What  
6470 are the dealings that he has had with them? Why has not he  
6471 released his tax returns? Might they show some degree of  
6472 Russian involvement, maybe some loans through the Deutch  
6473 Bank, which has laundered a lot of money? I meant Deutch  
6474 Bank. I am glad somebody is still awake over there.

6475         But, you know, this is a serious situation that demands  
6476 an inquiry, and the American people are not going to rest  
6477 until they get to the bottom of this because they realize  
6478 that our national security is at stake, is at risk. All  
6479 that we have built up to this time as a Nation is at risk  
6480 with a guy who could be influenced by a foreign power being  
6481 on top of the innermost secrets of this Nation, with the  
6482 nuclear codes at his disposal.

6483         It is just too much. And so, prudence demands that we  
6484 get to the bottom of this. I am so happy that Congressman

6485 Nadler has filed this resolution, which I support, and I  
6486 urge my colleagues to do the same. And with that, I yield  
6487 back.

6488 Mr. Swalwell. Mr. Chairman, I move to strike the last  
6489 word.

6490 Chairman Goodlatte. The gentleman from California is  
6491 recognized for 5 minutes.

6492 Mr. Swalwell. Thank you, Mr. Chairman. And I also  
6493 would like to thank Mr. Nadler for bringing this forward and  
6494 Mr. Deutch for his amendment. And what this is about is not  
6495 politics. It is a statement to the public that our  
6496 democracy is worth defending. It is a democracy that so  
6497 many soldiers have defended and sacrificed themselves for on  
6498 the battlefield for so many years.

6499 It is a democracy that so many soldiers, right now,  
6500 across the globe, are defending. And when they see that  
6501 another country attacked us, they are looking at us right  
6502 now and asking, "What are you doing to defend our  
6503 democracy?" That is what this is about. And they are  
6504 asking, "What are you doing to get to the bottom of the  
6505 political, the personal, and the financial ties between  
6506 Donald Trump, his family, his businesses, and his campaign  
6507 with the Russian Government."

6508 Here are the plain facts. Russia attacked our  
6509 democracy this last presidential election. It was ordered

6510 by Vladimir Putin. It was intended to help Donald Trump.  
6511 Also, most disturbing, if we are looking forward is that  
6512 they intend to sharpen the knives and do this again. Our  
6513 Allies, Germany and France, have elections coming up,  
6514 important NATO partners. Of course, we will roll into  
6515 another election shortly. And if we do nothing, we will do  
6516 nothing but embolden Russia and other foreign adversaries  
6517 who have similar capabilities to do this again. That is  
6518 fact one. Russia attacked our democracy.

6519         Number two, as was pointed out so eloquently by Mr.  
6520 Jeffries from New York, Donald Trump really admires Vladimir  
6521 Putin. It is really bizarre. Either he is the number one  
6522 fan, the president of the Vladimir Putin fan club, or  
6523 something else is going on, but he cannot say a single bad  
6524 thing, even when presented, by Bill O'Reilly, with evidence  
6525 that he is a murderer; he is a thug; instead, our president  
6526 granted moral equivalence to Vladimir Putin.

6527         It is a fact that Donald Trump's family has had  
6528 extensive business dealings with Russia. It was declared  
6529 proudly by his son. It is a fact that Donald Trump wants to  
6530 reduce the sanctions and has talked about reducing the  
6531 sanctions and his incoming National Security Advisor on  
6532 December 28th made a phone call to Russia, winking and  
6533 nodding that the sanctions placed on Russia and penalty for  
6534 what they did in the election would be reduced.

6535 Mr. Issa. Will the gentleman yield?

6536 Mr. Swalwell. I will not yield yet.

6537 Mr. Issa. Just for a correction?

6538 Mr. Swalwell. I will yield when I am done. It is also  
6539 a fact that Donald Trump has spoken openly about reducing  
6540 the influence of NATO. NATO is the best check against  
6541 Russia and what they want to do in the Baltics, in the  
6542 Balkans. That is a fact. He has talked about that. And  
6543 most importantly, most disturbingly, it is a fact that  
6544 Donald Trump, for the first time in 40 years, is a President  
6545 who will not show us his taxes.

6546 And my colleague from Iowa said, "What would his taxes  
6547 tell us?" Well, actually, there is a part in your taxes  
6548 called your K1 partnership shares, and that would tell all  
6549 of us, who are the investors in his businesses?

6550 I do not think he is afraid that we will all find out  
6551 that he is not as wealthy as he says. I do not think he is  
6552 afraid that we will all find out that he is not as  
6553 charitable as he implies. It is that we would all find out  
6554 who he is doing business with. Now, all of those facts I  
6555 just laid out, if only one of them were true, we could say,  
6556 "Sure, Russia attacked us, but this is just a coincidence  
6557 that Donald Trump's family has done business with Russia or  
6558 that Donald Trump admires Russia or that he wants to reduce  
6559 sanctions with Russia." But all of them are true.

6560           So, either all of the arrows point to personal,  
6561 political, or financial ties with the Russian Government, or  
6562 Donald Trump is the unluckiest person in the world. But we  
6563 certainly deserve to get to the bottom of this. These dots  
6564 are all connected. We have a lot of questions. And this is  
6565 our democracy. And it is fair that we all get to the bottom  
6566 of these questions and try and connect the dots.

6567           And finally, it is not only in our country's interest,  
6568 it is in our President's interest to have these clouds of  
6569 questions swirling above his presidency cleared. If nothing  
6570 is there, this would benefit him more than anything. So,  
6571 Mr. Chairman, I submit that this is not about politics.  
6572 This is a declaration that our democracy is worth defending.  
6573 And with that, Mr. Issa, I would happily yield.

6574           Mr. Issa. I thank the gentleman. You said that his  
6575 incoming national security advisor; you actually mean his  
6576 former national security advisor. You said Russia, but  
6577 actually, it was the Ambassador here in the U.S. from  
6578 Russia. Is that correct?

6579           Mr. Swalwell. That is right.

6580           Mr. Issa. Okay. Very good.

6581           Mr. Lieu. Strike the last word.

6582           Mr. Swalwell. I yield back, Mr. Chair.

6583           Chairman Goodlatte. For what does the gentleman from  
6584 California seek recognition?

6585 Mr. Lieu. Thank you, Mr. Chairman.

6586 Chairman Goodlatte. The gentleman is recognized for 5  
6587 minutes.

6588 Mr. Lieu. you, Mr. Chairman. I think it is helpful to  
6589 take a step back and ask, "Why are we here today debating a  
6590 resolution if inquiry into the President?" And I think  
6591 there are at least three reasons, and the first and foremost  
6592 is that we cannot trust the President of the United States,  
6593 and it pains me to say that. I serve on active duty in the  
6594 military. I have great respect for the office of the  
6595 President, but we know that Donald Trump lies and makes  
6596 stuff up. The Washington Post has now fact checked him, and  
6597 they did a story saying that, in the first 33 days of his  
6598 presidency, he made 132 false or misleading statements.  
6599 That is not acceptable.

6600 President Reagan made a phrase to us to verify --

6601 Mr. Issa. Mr. Chairman, I would ask that the  
6602 gentleman's words be taken down.

6603 Chairman Goodlatte. The gentleman will suspend. The  
6604 gentleman can withdraw his words or have them taken down.

6605 Mr. Lieu. I withdraw the words.

6606 Chairman Goodlatte. The gentleman withdraws his words.  
6607 He may proceed.

6608 Mr. Lieu. So, the Washington Post reported the first  
6609 33 days of his presidency, President Trump made 132 false or

6610 misleading statements. President Reagan made famous the  
6611 statement, "Trust but verify," but we are in a situation,  
6612 right, where we now have to distrust and verify. That is  
6613 why it is so important that we get these documents because  
6614 we cannot trust the executive branch. That is why the  
6615 legislative branch has to exercise our oversight.

6616         The second reason we are here today is because Donald  
6617 Trump became the first President in history to be in  
6618 violation of the Constitution the second he finished his  
6619 oath of office. The Framers wrote in Article I, section 9,  
6620 Clause 8 of the Constitution, also known as the Emoluments  
6621 Clause, to prevent foreign conflicts of interest in terms of  
6622 foreign payments and gifts because they understood that the  
6623 threat of foreign influence on American elected officials  
6624 was a danger to the republic.

6625         Donald Trump has vast global business holdings all over  
6626 the world. He can solve this by divesting those business  
6627 holdings and putting them in a blind trust. He refuses to  
6628 do so. That is why on my web I created the cloud  
6629 illegitimacy clock. You can go on it and see how long he  
6630 has this cloud over him. As of right now, he has been in  
6631 violation of the Constitution for 39 days, 5 hours, 35  
6632 minutes, and 17 seconds. We need to know what his business  
6633 holdings are if he is not going to divest them, and does he  
6634 have these holdings in Russia or China, where he just got a



6635 trademark after he agreed with the One China policy? These  
6636 are very troubling issues.

6637         And then the third reason we are here today is because  
6638 we have a known attack by foreign power, Russia. They did a  
6639 massive cyber attack last year. You can read an  
6640 unclassified intelligence report. If you just search for it  
6641 on the internet, put in unclassified intelligence report,  
6642 the first thing that pops up is this report on Russia by our  
6643 17 intelligence agencies.

6644         I also read the classified intelligence report. I am a  
6645 computer science major. I read it from the perspective of a  
6646 very technical view, and I can say that there is clear and  
6647 convincing evidence in my mind that the conclusions of the  
6648 unclassified report are accurate. What are those  
6649 conclusions? They say, first of all, that Russia did this  
6650 cyber attack. So, when the President of the United States  
6651 says it could have been other countries, he is misleading  
6652 you. It is Russia.

6653         We also know, in the conclusions, that Russia did it to  
6654 undermine faith in our democracy, to help Trump, and to hurt  
6655 Secretary Clinton. It also says that Russia hacked into 20  
6656 State electoral boards. These are very troubling  
6657 allegations. So, we need to have the source documents.  
6658 Now, I am pleased that our Republican colleagues are so  
6659 disturbed by the behavior of the President and his

6660 associates that they are going to write a letter to the  
6661 Attorney General. I think that is great. This resolution  
6662 of inquiry can only help that.

6663       There is no reason we cannot do both, and if we do not  
6664 do this, it does suggest to me a fear of too much  
6665 information. We should not have that fear. We should have  
6666 the information, look at it, and if there is nothing there,  
6667 this cloud of illegitimacy over Donald Trump goes away.

6668       As an American, I would want that to happen. I hope  
6669 all of us would want that to happen. So, let's seek the  
6670 truth, see what it says, and maybe it is not a big deal.  
6671 Maybe it is a monumentally huge deal. And as a legislative  
6672 branch, we owe it to the American people to exercise our  
6673 legislative responsibility to conduct oversight and to do  
6674 what the Framers wanted, which is have a separation of  
6675 powers, where we make sure that we are a check and balance  
6676 on the executive branch. With that, I yield back.

6677       Ms. Jackson Lee. Mr. Chairman? Mr. Chairman? Mr.  
6678 Chairman, I would like to strike the last word.

6679       I rise to support the Deutch amendment, in particular  
6680 because of its explicit pointing to the Chief of Staff and  
6681 others, who were in the early stages of communication with  
6682 Mr. Trump.

6683       I want to do this from a different perspective, why I  
6684 think this resolution of inquiry is so very important.

6685 There was an election on, I believe, the first week in  
6686 November 2016. That election generated, by the conclusion  
6687 of the electoral college, an individual that now serves as  
6688 the President of the United States. The accusations or the  
6689 facts did not become transparent to the American people  
6690 until post the election, with respect to details that were  
6691 easing out. Most of what the American people heard during  
6692 that election, besides the particular positions of the  
6693 individual candidates, was emails, servers, which, by the  
6694 way, were never breached, the former Secretary, and lock her  
6695 up.

6696 That was the noise that was leading the American people  
6697 to the poles. I would have wanted it to be issues on both  
6698 sides. I would have accepted the election run fair and  
6699 square, but this resolution is so important. I started out  
6700 by mentioning the constitutional premise and responsibility  
6701 of legislation that the Congress has the right to do, and  
6702 this is legislation, but upon reflection, as I look at Mr.  
6703 Deutch's resolution, if I might borrow this for a moment,  
6704 and I see the individuals who are added to this; Mr. Priebus  
6705 was the head of the RNC.

6706 So, we have a set of circumstances where we have not  
6707 answered, to the satisfaction of many in this country, was  
6708 the election legitimate? Did, in fact, a foreign power so  
6709 skew the election that America's one vote, one person, prior

6710 to the counting of the electoral college, did not exist?  
6711 Was there fault, and if so, who, when, and where? This  
6712 inquiry can generate documents that would answer the  
6713 questions of no fault, but right now, we have questions  
6714 about an election and the disparate treatment of candidates.

6715       It could have been 2012. It could have been Mr. Romney  
6716 and Mr. Obama. And if there was something that has so  
6717 tainted what we hold sacred, I believe the questions would  
6718 have to be asked. This is very different from 2001; 2001  
6719 was a question of the votes in Florida. We could have  
6720 agreed or disagreed. The count went all the way to the  
6721 Supreme Court. You could agree or disagree with them. And  
6722 I think it should be very clear: anything that adds to the  
6723 edifying of our knowledge of whether or not we need to do  
6724 something to correct the process of elections for a  
6725 presidential candidate, so that we can be sure of the  
6726 sanctity of that election, we should do.

6727       And I would just offer to my friends on the other side  
6728 of the aisle that, if the results were different, if there  
6729 was any suggestion that another candidate won with the  
6730 influence of an outside power, how quiet would they be? Not  
6731 partisan, not political, but they would make the argument  
6732 that we have a question about the election process. And  
6733 with that in mind, as American's, we need to have the  
6734 answer. So, this is getting the answers, from the committee

6735 that stands in the best position to secure those answers.

6736 Documents do not fib. Documents are what they are.

6737 That is all Mr. Nadler and, now, Mr. Deutch's amendment

6738 says, and that is, give us the information to begin our

6739 review. I yield back.

6740 Chairman Goodlatte. The gentlelady's time has expired.

6741 Any other member who seeks recognition?

6742 Mr. Raskin. Move to strike the last word.

6743 Chairman Goodlatte. The gentleman is recognized from

6744 Maryland for 5 minutes.

6745 Mr. Raskin. Thank you, very much, Mr. Chairman.

6746 America is a great country, and our Founders set it up, so

6747 we would not have a king in America. That was a radical

6748 break from everything that had come before. As the great

6749 Tom Payne put it, in an authoritarian society or what he

6750 called an absolute society, the king is law, but in a free

6751 society, Payne said, the law is king. The law is king.

6752 So, what did he mean by that? Well, a king can do

6753 anything. A king can make foreign alliances with despots

6754 and dictators. A king can decide not to reveal anything

6755 about his own personal finances. A king cannot submit his

6756 tax records. A king can even grab women whenever he wants

6757 to. But our Constitution turned all that on its head. Our

6758 Constitution began with those three magic words, "We the

6759 people." All power flows from the people. All of us here

6760 in this room work for the people. The President works for  
6761 the people. The Supreme Court works for the people. All of  
6762 us work for the people, and in the Constitution, the first  
6763 article belongs to Congress because we are the lawmaking  
6764 branch.

6765 We are the representatives of the people, and the  
6766 President's job is just to take care that the laws be  
6767 faithfully executed. The President is implementing and  
6768 executing the laws that we adopt. The reason why we have  
6769 the oversight power, the reason we have a judiciary  
6770 committee here is because we are responsible for the law,  
6771 and we cannot do it if we do not have all of the information  
6772 that is available.

6773 The great James Madison from the State of Virginia,  
6774 from which hales our chairman in this committee, Madison  
6775 said that popular government without popular information is  
6776 prologue to a farce or a tragedy or perhaps both. Those who  
6777 mean to be their own governors must arm themselves with the  
6778 power that knowledge brings. We must have the knowledge.  
6779 That is what the Deutch amendment is about. That is what  
6780 this resolution is about.

6781 But our Founders did not just rest in saying that we  
6782 would not have a king. Our Founders said that our Congress  
6783 and our President would not be subject to the will of kings  
6784 or princes or foreign governments. They know how we could

6785 be financially compromised by foreign emissaries coming over  
6786 and dangling money and gold and presents, and they said none  
6787 of us, members of Congress or President -- we are all  
6788 subject to it --can receive a present, an emolument, which  
6789 is just a payment of any kind, an office, or a title, like,  
6790 for example, an order of friendship from a foreign  
6791 government, from a prince, or a king.

6792         And yet, now, we have the first President in American  
6793 history whose entire administration looks like a moneymaking  
6794 operation. All over the world golf courses, hotels, the  
6795 Trump Hotel, deals with embassies, foreign potentates coming  
6796 over, taking out ballrooms, having parties, millions of  
6797 dollars in and out all of the time. This is America. We  
6798 are a country that was founded on a rejection of monarchy  
6799 and being compromised by foreign governments and foreign  
6800 kings.

6801         The gentlemen, with their simple resolution asking for  
6802 information, are trying to get to the bottom of this, so we  
6803 can vindicate what a great Republican President called  
6804 government of the people, by the people, and for the people.  
6805 Despotism is on the march on earth today. We have got a new  
6806 king on earth: King Putin, the former chief of the KGB, who  
6807 declared the single greatest catastrophe in the 20th century  
6808 was the collapse of the Soviet Union. King Putin.

6809         So, they get the Brexit vote. They had our vote on

6810 November 8th, which our intelligence agencies, and let us be  
6811 very clear about it, told us it was the definitive goal and  
6812 object of Vladimir Putin and his government to undermine  
6813 American democracy, not just with espionage and cyber  
6814 sabotage, but with fake news and propaganda and, as my  
6815 colleague from California says, they will do it again. It  
6816 is a dress rehearsal for 2020.

6817       Next stop is France where they are putting millions of  
6818 dollars into Maureen Le Pen's National Front immigrant-  
6819 bashing campaign all over France. Thank God for Germany,  
6820 the last stronghold of liberal democracy on earth, but our  
6821 job, as Americans, is to get to the bottom of this and  
6822 vindicate our constitutional values, all of us: Democrats,  
6823 Republicans, and Independents, let's work together, and get  
6824 it done.

6825       Chairman Goodlatte. The gentleman's time has expired.  
6826 No demonstrations.

6827       Mr. Issa. Mr. Chairman?

6828       Chairman Goodlatte. The young lady is recognized.

6829       Mr. Issa. Mr. Chairman, I would like to be recognized  
6830 for unanimous consent.

6831       Chairman Goodlatte. The gentleman is recognized.

6832       Mr. Issa. Chairman, I would ask unanimous consent that  
6833 the 2016 financial disclosure reporting by then-candidate  
6834 Trump, Donald Trump, be placed in the record.



6835 Chairman Goodlatte. Without objection, so ordered.

6836 [The information follows:]

6837 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6838 Mr. Labrador. Mr. Chairman?

6839 Chairman Goodlatte. Is the gentleman seeking  
6840 recognition?

6841 Mr. Labrador. Yes, I move to strike the last word.

6842 Chairman Goodlatte. Okay. The gentleman is recognized  
6843 for 5 minutes.

6844 Mr. Labrador. Thank you, Mr. Chairman. This new-found  
6845 concern about Russia and interference with U.S. politics is  
6846 almost laughable, if it were not so serious.

6847 In 2012, Presidential Candidate Mitt Romney stated in a  
6848 Presidential debate that Russia is the United States' number  
6849 one geopolitical foe. President Obama, at the time, looked  
6850 at him and said, "The 1980s are now calling to ask for their  
6851 foreign policy back because the Cold War has been over for  
6852 20 years." There was no reaction by the Democrats at that

6853 time. There was no complaint, and there was no request for  
6854 any kind of investigation.

6855 During President Obama's entire Presidency, because  
6856 people need to understand that and especially you who are  
6857 here, Russia has been interference with our elections and  
6858 with our government for the last 8 years and with our  
6859 commerce and with everything that we have been doing. In  
6860 fact, in 2014, Russia penetrated computer networks at the  
6861 White House at the State Department, and I did not hear a  
6862 peep from the Democrats or the American media reacting with  
6863 any type of alarm.

6864 House Intelligence Committee Chairman Devin Nunez  
6865 accused President Obama of not taking Russia's cyber threats  
6866 issue seriously, and the Obama administration and Democrats  
6867 did not take that threat seriously until President Trump won  
6868 the election. Hillary Clinton asked to reset relationships  
6869 with Russia, and none of the members of this committee  
6870 demanded any investigations. Apparently, they awoke to the  
6871 threat of the Russians when President Trump won the  
6872 election.

6873 The Democrats claim that they are doing this to defend  
6874 our democracy. Why were they not defending our democracy  
6875 during the last 8 years when the chairman of the  
6876 Intelligence Committee was asking for a democracy to be  
6877 defended? Finally, during the 2012 election, then-President

6878 Obama, who was running for re-election, told the President  
6879 of Russia, "This is my last election. After my election, I  
6880 have more flexibility." There was no reaction by the  
6881 Democrats at the time.

6882 So, somebody asked on the other side, why are we here  
6883 today? Well, the reality is that Obama and the Democrats  
6884 did not object because they thought Hillary Clinton was  
6885 going to win, and they are now upset because she did not  
6886 win, so this entire hearing is the very definition of  
6887 partisanship.

6888 The only person that we actually have evidence of  
6889 becoming wealthy off of the government are Bill and Hillary  
6890 Clinton, and there was no objection about the Clinton  
6891 Foundation, and there was no objection about them actually  
6892 doing dealings with other governments and becoming wealthy  
6893 off of it.

6894 I would like to remind my friends on the other side of  
6895 the aisle that even the New York Times has reported that the  
6896 officials who have investigated this matter have found no  
6897 evidence of collusion. And I repeat that: no evidence of  
6898 collusion. These are the same people that are leaking to  
6899 the New York Times. They have said on numerous occasions  
6900 that they found no evidence of collusion.

6901 I believe that even the ranking member of the  
6902 Intelligence Committee said yesterday the same thing, that

6903 so far they have found no evidence of collusion. We should  
6904 allow the Intelligence Committees to do their job. I  
6905 actually think we should have an investigation, and that is  
6906 what the Intelligence Committee is doing. I also believe  
6907 the FBI is doing that, and I think we should allow them to  
6908 do their job.

6909 If we find any evidence of wrongdoing, I hope that this  
6910 committee will be the first committee to try to stand up for  
6911 the Constitution. But it is time to stop playing politics.  
6912 It is time to accept the result of the election, and it is  
6913 time for us to get back to the business of the American  
6914 people. And I yield back.

6915 Mr. Chabot. The gentleman yields back. The gentlelady  
6916 will be escorted from the room here, please.

6917 Ms. Jayapal. Mr. Chairman?

6918 Mr. Chabot. Just a moment.

6919 The gentlelady from Washington is recognized for 5  
6920 minutes.

6921 Ms. Jayapal. Thank you, Mr. Chairman. I move to  
6922 strike the last word, and I wanted to say that I do not  
6923 understand why, if the other side is so intent on  
6924 distinguishing between rumor and fact, that they would not  
6925 support this underlying resolution. I rise in strong  
6926 support of the Deutch amendment, and of the underlying  
6927 resolution by my colleague Mr. Nadler, who I think has

6928 crafted a very fair resolution, which does not come to any  
6929 pre-judgement.

6930         It simply says "give us, the Judiciary Committee, the  
6931 information so that we can look at what has actually  
6932 happened." That is the basis of this resolution, and if  
6933 there is nothing to hide, then let's release the  
6934 information. Mr. Chairman, I think that the reason this  
6935 room is full -- and has been full the entire day, with  
6936 people waiting for this resolution and the debate, and  
6937 people across the country waiting for this debate to happen  
6938 -- is because people do not feel that this Congress, that  
6939 the Republicans in this Congress, are taking this issue  
6940 seriously.

6941         Now, you know, part of the reason for that is we have  
6942 the chairman of the House Intelligence Committee, Devin  
6943 Nunes, insisted he did prejudge. He prejudged. He insisted  
6944 that there is no evidence that members of the Trump campaign  
6945 were in contact with Russian officials before the election.

6946         And because both Mr. Labrador and Mr. Issa have  
6947 referenced Adam Schiff, our ranking Democrat on that  
6948 committee, I want to say that he was misquoted in that it  
6949 was a fragment of what he said, when he said "we have no  
6950 evidence of collusion." The full quote that he gave is that  
6951 "we have, I think, reached no conclusion because we have not  
6952 called in a single witness, or reviewed a single document on

6953 that issue, as of yet." And when Sean Spicer tried to say  
6954 the same things that have been said in this committee, Mr.  
6955 Schiff said that was absolute nonsense.

6956 His words are being taken out of context. He told me  
6957 that I had the liberty to say that they are being taken out  
6958 of context again, because I wanted to check the news  
6959 reports. So let's be very clear that where we are today is  
6960 that we have no confidence that an actual independent  
6961 investigation is continuing.

6962 The reason that we are asking for this information, and  
6963 this underlying resolution, is because we have a right to  
6964 have this information. That is how we put to rest whether  
6965 this is rumor or fact -- and Mr. Chairman, the reality is  
6966 that protecting our democracy and our Constitution is the  
6967 responsibility of all of us, and when the President -- the  
6968 office holder of the highest office of this land -- puts  
6969 himself above accountability and transparency, it is truly a  
6970 terrifying time.

6971 Now, we have not talked as much about all of the  
6972 conflicts of interest, but the Atlantic had a wonderful  
6973 article that is 32 pages long, that documents just a  
6974 fragment of the conflicts of interest that are there. Now,  
6975 we have no way of assessing whether these are real or not,  
6976 because we have no documents to look at. We have no tax  
6977 returns that have been filed, but there are 35 of these

6978 conflicts that are here.

6979 Now, I submit that there are certain things that all of  
6980 us, on both sides of the aisle, should be clear and united  
6981 on. Number one, that the presidency is not for sale.  
6982 Number two, that the President, any more than any member of  
6983 this body, should not be above the law. Number three, that  
6984 the President should put the interests of the American  
6985 people first, and not his own profits, or the profits of his  
6986 own family first.

6987 And finally, that the president should actually want to  
6988 prove to the American people that any indications of  
6989 impropriety should be resolved. He should want to earn the  
6990 trust of the American people, and I believe that all of us  
6991 in this body, the Judiciary Committee, should also demand  
6992 the same, which is why I hope all of our colleagues on both  
6993 sides of the aisle support this amendment from Mr. Deutch,  
6994 and the underlying resolution from Mr. Nadler.

6995 I yield back.

6996 Mr. Chabot. Gentlelady yields back. Are there any  
6997 other members who seek recognition?

6998 Mr. Issa. Mr. Chairman?

6999 Mr. Chabot. The gentleman from California is  
7000 recognized for 5 minutes.

7001 Mr. Issa. Thank you, Mr. Chairman. I ask unanimous  
7002 consent that an article from the Washington Times, in July

7003 12, 2016 entitled "Obama administration Sent Taxpayer Money  
7004 to Campaign to Oust Netanyahu," be placed in the record.

7005 Mr. Chabot. Without objection, so ordered.

7006 [The information follows:]

7007 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7008 Mr. Issa. Thank you. Now I am putting that in the  
7009 record without further comment. I think it speaks for  
7010 itself. I also had put in the record 104 pages by May of  
7011 last year's disclosure by Donald Trump of his holdings, and  
7012 I think what is interesting is, first of all, it is more  
7013 pages than I have, which was surprising. I finally found  
7014 one longer than what I go through to do this.

7015 But also, it was a reminder that the United States  
7016 Office of Government and Ethics has for a very long time, by  
7017 a law passed by this body, and another law, 6103, made two  
7018 decisions. One was that no one shall involuntarily release  
7019 their tax records, except to a very limited group with  
7020 limited ability to do it, and a law making it illegal for  
7021 the House and Senate's Ways and Means of the Joint Tax  
7022 Committee and the IRS, illegal to disclose those.



7023           As a matter of fact, this committee has no right to see  
7024 the tax records of any citizen under any circumstances, and  
7025 cannot subpoena them. But we do have an extensive reporting  
7026 requirement under the government ethics requirement, and  
7027 this requires that every single corporation or partnership  
7028 or holding, and all assets and debts, and of course income,  
7029 be reported. We have a right to change that reporting, and  
7030 while I was waiting for an opportunity to speak, I thought  
7031 back on this body saying "no one has failed to release their  
7032 tax returns."

7033           Well actually it is a relatively modern decision, goes  
7034 back pretty much to Gerald Ford, and it is interesting that  
7035 it has become a political game of who would like to produce  
7036 their tax returns, and then challenge the other side to do  
7037 it, and it has become a tradition. President Trump made a  
7038 decision not to do it. Candidate Mitt Romney made a  
7039 decision to do it, and I watched him be excoriated for every  
7040 nuance of his tax returns. It is an interesting game.

7041           Mr. Deutch. Will the gentleman yield? Will the  
7042 gentleman yield for a question?

7043           Mr. Issa. No, I will not. Not yet. Not yet. So what  
7044 I would suggest to our colleagues who have said a great many  
7045 things -- it is evident to me that many of the things they  
7046 are saying they want to find, they will find in these  
7047 financial reportings. And I would suggest that the

7048 minority, in concert with the majority, if they want to have  
7049 greater reporting, not just on President Trump and Vice  
7050 President Pence, but on all high-ranking Federal officers  
7051 and members of the House and the Senate, and high-paid staff  
7052 that you are welcome to open up the procedure Mr. Conyers  
7053 has done for more than 4 decades, I have done for 16 years,  
7054 all of you in this room on both sides have done. If we  
7055 think there is further reporting required, I think we should  
7056 do so.

7057 I am going to close. I am not going to use all the  
7058 time. I will yield to the gentleman, but for 16 years, my  
7059 family back home has had to deal with a small amount of real  
7060 estate we own, and our foundation, and they have tried to do  
7061 it keeping me out of it, because there is a wall that I want  
7062 to have, where I do not want to be in the middle of it.

7063 And our first President was one of the richest  
7064 Presidents ever, and if they took his wealth and they  
7065 normalized it for today -- the value of those lands, those  
7066 extensive lands that go about 16 miles from the Capital  
7067 until about half that distance, 8 or 9 miles at least --  
7068 they would find out that he was incredibly wealthy, and he  
7069 had huge holdings, and he fed many of us of that time. And  
7070 during those battles, and during his presidency, he wrote  
7071 very famous letters -- and I suggest you go over to the  
7072 National Archives and ask to see a few of them -- detailing

7073 to Martha Washington how to conduct the farm, and how to  
7074 deal with those assets, and tried to give her as much relief  
7075 as he could while he worked long hours.

7076 It is a sacrifice to walk away from your assets, and in  
7077 the case of President Trump, to make a decision not to run  
7078 them, but to leave them entirely to your family. So I hope  
7079 as the dialogue continues, we will at least give credit to  
7080 the financial reporting, to the fact that he is not the  
7081 first President of the United States to tell others to  
7082 manage his affairs.

7083 AFTER 6:00 p.m.

7084 Mr. Deutch. Would the gentleman yield?

7085 Mr. Chabot. Gentleman's time is expired.

7086 Mr. Issa. I would ask an additional minute, so I can  
7087 yield to the gentleman.

7088 Mr. Chabot. Without objection, 1 minute.

7089 Mr. Deutch. I thank my friend. I just wanted -- for  
7090 the record, since my friend played the role of fact--checker  
7091 earlier in our markup -- to set the record straight. My  
7092 recollection is that candidate Donald Trump did not tell us  
7093 he was not going to release his tax returns. In fact, what  
7094 he told us was "I am unable to release my tax returns,  
7095 because I am under audit." That was false, but that is what  
7096 he told us.

7097 He told us when that audit was complete, he would

7098 release them. It was not until he became President of the  
7099 United States that he then changed his mind, and announced  
7100 that he was not going to release his tax returns. So to be  
7101 fair, candidate Trump's position on this, I think while  
7102 troubling, was at least much closer to where the American  
7103 people wanted him to be, to get that full disclosure, than  
7104 President Trump.

7105 Mr. Issa. I certainly would agree that candidate Trump  
7106 did cite an audit as the reason, but of course he was  
7107 effectively rewarded or punished by the American people,  
7108 because they did not have the opportunity to see it. But  
7109 again, I would like my members on both sides to take note  
7110 that on May 16 of 2016, now-President Trump did release 104  
7111 pages detailing his holdings, his profits, and his  
7112 obligations. And with that I yield back.

7113 Mr. Chabot. The gentleman's time is expired. Does any  
7114 other member seek recognition?

7115 Mr. Schneider. Mr. Chairman?

7116 Mr. Chabot. The gentleman from Illinois is recognized  
7117 for 5 minutes.

7118 Mr. Schneider. Thank you, Mr. Chairman, and I want to  
7119 speak in support of my colleague from Florida's amendment,  
7120 which I support. I strongly support and am proud to  
7121 cosponsor this resolution of inquiry. Our Founders  
7122 exercised great foresight in creating the constitutional

7123 checks and balances inherent in our three co-equal bodies of  
7124 government.

7125         What was important at the founding of our Nation is  
7126 certainly no less important today. In the context of  
7127 President Trump's decisions, actions, and possible  
7128 conflicts, it is probably more important today than at any  
7129 time in our history. Like many of those who spoke before  
7130 me, I believe Congress in general, and this committee in  
7131 particular, has a responsibility to seek full disclosure in  
7132 pursuit of the truth.

7133         The American people deserve, and our system of  
7134 government demands, assurance that this administration is  
7135 working in the interests of the people, rather than their  
7136 own personal or business interests, or even the interests of  
7137 foreign powers. Furthermore, Congress as an equal branch of  
7138 government must be a critical check on current or potential  
7139 White House interference into investigations, interference  
7140 that was already reported just last week.

7141         This resolution simply seeks any and all information  
7142 the Department of Justice has, to be shared with Congress,  
7143 on President Trump and his associates' conflicts of  
7144 interest, ethical violations, potential ethical violations,  
7145 including the Emoluments Clause, or their ties with Russia.  
7146 Congress has a responsibility for conducting oversight of  
7147 the Executive Branch, and the American people deserve the

7148 truth on Trump's potential conflicts, ethics violations, and  
7149 Russian ties.

7150 Finally, this is not a partisan issue. Possible  
7151 contact between any presidential campaign and Russia, and  
7152 entangling conflicts of interest, are not partisan issues.  
7153 They affect every American, and go to the heart of the  
7154 integrity of our political system. Personally, I would be  
7155 just as concerned with Russian interference on behalf of a  
7156 Democratic candidate as a Republican one, and I would be  
7157 disappointed if my party were blocking investigations into  
7158 following the truth, to wherever it takes us.

7159 Nothing has been prejudged. We cannot make judgements  
7160 without information. But the American people, my  
7161 constituents, are calling for us to have that information,  
7162 and this resolution calls for that information, and that is  
7163 why I support it. Before I yield back my time, I would like  
7164 to yield some time to my colleague from Florida, Mr. Deutch.

7165 Mr. Deutch. I thank my friend from Illinois. Our  
7166 colleagues on the other side of the aisle have questioned  
7167 our intent. They have questioned our politics. They have  
7168 even questioned our mental state, in moving this resolution  
7169 forward. I would just simply suggest that we all take a  
7170 deep breath and look at the words, and look at what we are  
7171 trying to do.

7172 And I would ask my colleagues, I would ask my

7173 colleagues to go through each of these. All we are asking  
7174 is that the Attorney General deliver us any information that  
7175 he has about criminal our counterintelligence investigations  
7176 targeting the President, Mike Flynn, Paul Manafort, Carter  
7177 Page, or Roger Stone. I do not see what the objection could  
7178 be to that.

7179 We have asked the Attorney General if he has the  
7180 information, provide to us that information as it relates to  
7181 investments by any foreign government, or agent of foreign  
7182 government, in entities owned by the President. I do not  
7183 see what the objection is to that. It says that the  
7184 Attorney General should give us any information that he has  
7185 about the President's proposal to maintain an interest in  
7186 his business holdings, which cannot be objectionable.

7187 We ask that the Attorney General turn over any  
7188 information that he has about the President's plan to donate  
7189 the profits of any foreign government's use of his hotels to  
7190 the Treasury, including the decision to exclude other  
7191 payments by foreign governments to other business holdings  
7192 of the Trump organization. I do not know what the objection  
7193 is to that. And we ask that the Attorney General turn over  
7194 any information that he has, with respect to the President  
7195 or any employee of the executive office, with respect to the  
7196 foreign Emoluments Clause that binds the President just as  
7197 it binds every one of us.

7198           And finally, this requires that the Attorney General  
7199 turn over to us any information that he holds about the  
7200 possible violation of statutes governing conflicts of  
7201 interest, which I do not understand what the objection is.  
7202 The fact is, while my friends have criticized us for playing  
7203 politics, question our intent, our motives, our mental  
7204 state, the fact is that it is inconceivable that there could  
7205 be an objection to any one of these.

7206           And Mr. Chairman, I would to that end suggest that  
7207 should this resolution fail today, that we simply request  
7208 each and every one of these items in a letter to the  
7209 Attorney General, and that we put an outside date by which  
7210 he delivers it to us. And if he fails to deliver it, then  
7211 bring the Attorney General here and let me him sit at that  
7212 table, in closed session if need be, to answer all of these  
7213 questions, because the American people deserve to know.

7214           Chairman Goodlatte. The question occurs on the  
7215 amendment offered by the gentleman from Florida.

7216           All those in favor respond by saying aye.

7217           All those opposed, no.

7218           The noes have it.

7219           Mr. Deutch. Can I ask for a recorded vote?

7220           Chairman Goodlatte. A recorded vote is requested, and  
7221 the clerk will call the role.

7222           Ms. Adcock. Mr. Goodlatte?



7223 Chairman Goodlatte. No.

7224 Ms. Adcock. Mr. Goodlatte votes no.

7225 Mr. Sensenbrenner?

7226 [No response.]

7227 Mr. Smith?

7228 Mr. Smith. No.

7229 Ms. Adcock. Mr. Smith votes no.

7230 Mr. Chabot?

7231 [No response.]

7232 Mr. Issa?

7233 Mr. Issa. No.

7234 Ms. Adcock. Mr. Issa votes no.

7235 Mr. King?

7236 Mr. King. No.

7237 Ms. Adcock. Mr. King votes no.

7238 Mr. Franks?

7239 [No response.]

7240 Ms. Adcock. Mr. Gohmert?

7241 [No response.]

7242 Mr. Jordan?

7243 Mr. Jordan. No.

7244 Ms. Adcock. Mr. Jordan votes no.

7245 Mr. Poe?

7246 [No response.]

7247 Mr. Chaffetz?

7248 Mr. Chaffetz. No.

7249 Ms. Adcock. Mr. Chaffetz votes no.

7250 Mr. Marino?

7251 Mr. Marino. No.

7252 Ms. Adcock. Mr. Marino votes no.

7253 Mr. Gowdy?

7254 Mr. Gowdy. No.

7255 Ms. Adcock. Mr. Gowdy votes no.

7256 Mr. Labrador?

7257 Mr. Labrador. No.

7258 Ms. Adcock. Mr. Labrador votes no.

7259 Mr. Farenthold?

7260 [No response.]

7261 Mr. Collins?

7262 [No response.]

7263 Mr. DeSantis?

7264 [No response.]

7265 Mr. Buck?

7266 [No response.]

7267 Mr. Ratcliffe?

7268 Mr. Ratcliffe. No.

7269 Ms. Adcock. Mr. Ratcliffe votes no.

7270 Ms. Roby?

7271 Ms. Roby. No.

7272 Ms. Adcock. Ms. Roby votes no.

7273 Mr. Gaetz?

7274 [No response.]

7275 Mr. Johnson of Louisiana?

7276 Mr. Johnson of Louisiana. No.

7277 Ms. Adcock. Mr. Johnson votes no.

7278 Mr. Biggs?

7279 Mr. Biggs. No.

7280 Ms. Adcock. Mr. Biggs votes no.

7281 Mr. Conyers?

7282 Mr. Conyers. Aye.

7283 Ms. Adcock. Mr. Conyers votes aye.

7284 Mr. Nadler?

7285 Mr. Nadler. Aye.

7286 Ms. Adcock. Mr. Nadler votes aye.

7287 Ms. Lofgren?

7288 Ms. Lofgren. Yes.

7289 Ms. Adcock. Ms. Lofgren votes yes.

7290 Ms. Jackson Lee?

7291 Ms. Jackson Lee. Aye.

7292 Ms. Adcock. Ms. Jackson Lee votes aye.

7293 Mr. Cohen?

7294 Mr. Cohen. Aye.

7295 Ms. Adcock. Mr. Cohen votes aye.

7296 Mr. Johnson of Georgia?

7297 Mr. Johnson of Georgia. Aye.

7298 Ms. Adcock. Mr. Johnson votes aye.  
7299 Mr. Deutch?  
7300 Mr. Deutch. Aye.  
7301 Ms. Adcock. Mr. Deutch votes aye.  
7302 Mr. Gutierrez?  
7303 [No response.]  
7304 Ms. Adcock. Ms. Bass?  
7305 [No response.]  
7306 Mr. Gutierrez. Aye.  
7307 Ms. Adcock. Mr. Gutierrez votes aye.  
7308 Mr. Richmond?  
7309 [No response.]  
7310 Mr. Jeffries?  
7311 Mr. Jeffries. Aye.  
7312 Ms. Adcock. Mr. Jeffries votes aye.  
7313 Mr. Cicilline?  
7314 Mr. Cicilline. Aye.  
7315 Ms. Adcock. Mr. Cicilline votes aye.  
7316 Mr. Swalwell?  
7317 Mr. Swalwell. Aye, aye, aye, aye.  
7318 Ms. Adcock. Mr. Swalwell votes aye.  
7319 Mr. Lieu?  
7320 Mr. Lieu. Aye.  
7321 Ms. Adcock. Mr. Lieu votes aye.  
7322 Mr. Raskin?

7323 Mr. Raskin. Aye.

7324 Ms. Adcock. Mr. Raskin votes aye.

7325 Ms. Jayapal?

7326 Ms. Jayapal. Aye.

7327 Ms. Adcock. Ms. Jayapal votes aye.

7328 Mr. Schneider?

7329 Mr. Schneider. Aye.

7330 Ms. Adcock. Mr. Schneider votes aye.

7331 Chairman Goodlatte. The gentleman from Ohio.

7332 Mr. Chabot. No.

7333 Ms. Adcock. Mr. Chabot votes no.

7334 Chairman Goodlatte. The gentleman from Arizona.

7335 Mr. Franks. No.

7336 Ms. Adcock. Mr. Franks votes no.

7337 Chairman Goodlatte. The gentleman from Texas.

7338 Mr. Gohmert. No.

7339 Chairman Goodlatte. The other gentleman from Texas.

7340 Mr. Poe. No.

7341 Chairman Goodlatte. The gentleman from Florida.

7342 Mr. DeSantis. No.

7343 Chairman Goodlatte. Has every member voted who wishes

7344 to vote? The clerk will report.

7345 Ms. Adcock. Mr. Chairman, 15 members voted aye; 18

7346 members voted no.

7347 Chairman Goodlatte. And the amendment is not agreed

7348 to. Are there further amendments to House Resolution 111?

7349 For what purpose does the gentleman from New York seek

7350 recognition?

7351 Mr. Jeffries. I have an amendment at the desk.

7352 Chairman Goodlatte. The clerk will report the

7353 amendment.

7354 Ms. Adcock. Amendment to the amendment in the nature

7355 of a substitute to H.Res111 offered by Mr. Jeffries. Page

7356 2, line 16. Strike "and at the end." Page 2 --

7357 [The amendment of Mr. Jeffries follows:]

7358 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7359 Chairman Goodlatte. Without objection, the amendment  
7360 is considered read, and the gentleman is recognized for 5  
7361 minutes on his amendment.

7362 Mr. Jeffries. Thank you, Mr. Chairman. This amendment  
7363 asks the Attorney General to transmit copies of any  
7364 document, record, memo, correspondence, or other  
7365 communication of the Department of Justice including the  
7366 Office of Legal Counsel that refers or relates to the  
7367 application of law governing when it is appropriate for the  
7368 Attorney General to recuse himself.

7369 Under 28 CFR 45.2, titled Disqualification from  
7370 Personal or Political Relationship, employees of the  
7371 Department of Justice are not to participate in a criminal  
7372 investigation or prosecution if that individual has a  
7373 personal or political relationship with the subject of the

7374 investigation. A political relationship is defined as a  
7375 "close identification with an elected official, a candidate,  
7376 whether or not successful for elective, public office, a  
7377 political party, or a campaign organization arising from  
7378 service as a principal advisor thereto or principal official  
7379 thereof."

7380 Applying these standards, past Attorney Generals have  
7381 found that it is appropriate to recuse oneself not only in  
7382 circumstances where there is an actual conflict of interest  
7383 but where there is an appearance of conflict as well.

7384 The choice to recuse oneself is not indicative of  
7385 wrongdoing in and of itself. In many cases, it is simply  
7386 the mark of sound judgment and commitment to the duty of the  
7387 office. Mr. Sessions was a staunch supporter of Donald  
7388 Trump throughout his campaign, a prominent member of his  
7389 transition team, and now serves as his appointed Attorney  
7390 General.

7391 His ascension is inextricably linked to and tied to the  
7392 President of the United States. Sessions was the first  
7393 senator to endorse Donald Trump. Throughout the campaign,  
7394 Sessions attended numerous rallies for Trump, acted as a  
7395 surrogate for Trump on television interviews and at events,  
7396 and served as an advisor on a variety of issues. In March  
7397 of last year, the Attorney General, then a senator, was  
7398 named the chairman of Donald Trump's National Security



7399 Advisory Committee.

7400 In the months following that appointment, Jefferson  
7401 Sessions seemed to have changed his longstanding views on  
7402 the threat Russia poses to the United States. Back in 2014  
7403 Senator Sessions, following acts of Russian aggression in  
7404 Ukraine and Georgia, called for sanctions against the  
7405 Kremlin, saying that "a systematic effort should be  
7406 undertaken so that Russia feels pain for this."

7407 However, during an interview with CNN during July of  
7408 2106, he said Donald Trump is right. We need to figure out  
7409 a way to end this cycle of hostility that is putting this  
7410 country at risk. And that the big issue is can we -- should  
7411 we -- be able to create a new and positive relationship with  
7412 Russia. All of a sudden he changed his tune.

7413 In Sessions' confirmation, here in question here, when  
7414 asked about the circumstances under which he would recuse  
7415 himself, Sessions wrote that if a specific matter arose  
7416 where he believed his impartiality may be reasonably  
7417 questioned, he would consult with the Department, ethics  
7418 officials, and would always be fair and work within the law  
7419 and established procedures of the Department of Justice.

7420 In this vein, he stated that he would recuse himself  
7421 from investigations into Secretary Clinton, recognizing that  
7422 statements that he had made during the campaign would place  
7423 his objectivity into question. If you would recuse yourself

7424 from investigating Hillary Clinton, the same logic applies  
7425 to Donald Trump. As a senator, Sessions demanded the same  
7426 of both of Obama's Attorney Generals.

7427         Days before the 2016 presidential election, he wrote a  
7428 column arguing it was time for Attorney General Lorretta  
7429 Lynch to appoint a special counsel to investigate former  
7430 Secretary Clinton's unsecured email server. He wrote "when  
7431 a high public official is accused of serious wrongdoing, and  
7432 there is a sufficient, factual predicate to investigate, it  
7433 is imperative that the investigation be thorough, with  
7434 dispatch, and without partisanship. The appropriate  
7435 response in a highly charged political atmosphere is for the  
7436 Attorney General to appoint a special counsel of public  
7437 stature." That was his standard for Hillary Clinton. It  
7438 should also be his standard for Donald Trump. And I ask my  
7439 colleagues to support this amendment.

7440         Chairman Goodlatte. The chair recognizes himself in  
7441 opposition to the amendment, and I urge my colleagues to  
7442 oppose it as well. Again, this amendment seeks to broaden  
7443 the scope of this already overly broad resolution and seeks  
7444 any documentation in the possession of the Department of  
7445 Justice relating to the application of the Code of Federal  
7446 Regulations to the Attorney General's relationship with the  
7447 President.

7448         Just as with the other amendments, this is based on

7449 nothing more than a supposition that there may be something  
7450 improper there, which could be used to damage the  
7451 administration politically. My colleagues on the other side  
7452 of the aisle have consistently stated they are seeking the  
7453 truth, but in reality, this is little more than a fishing  
7454 expedition based on unfounded allegations and designed to  
7455 delegitimize a president who has been in office for all of 5  
7456 weeks.

7457         This is not the way to conduct oversight. There is a  
7458 better, legitimate way to do so. Just as we did with the  
7459 previous administration, this committee will act  
7460 appropriately, and I would point out that when assertion was  
7461 made earlier, that we were all about the investigation of  
7462 Hillary Clinton.

7463         It should be noted that it was not until the Federal  
7464 Bureau of Investigations Director made a public statement  
7465 that the investigation was concluded that we then called for  
7466 him to come before this committee and explain himself,  
7467 particularly why he was the one making that decision and not  
7468 the Attorney General of the United States who had  
7469 compromised herself by going on board an airplane with the  
7470 Democratic candidate's husband, the former President,  
7471 thereby compromising her ability to make an appropriate  
7472 decision about whether or not a prosecution should have  
7473 taken place there.

7474           That would be the appropriate time. That would be the  
7475 appropriate time to request all of the things that are being  
7476 requested here of the Department of Justice, not at the  
7477 outset, not at the time when the FBI and the Department of  
7478 Justice would be beginning an investigation.

7479           These requests could compromise that investigation, not  
7480 help it. And, therefore, I oppose this amendment, and I  
7481 believe that the Attorney General of the United States  
7482 should be allowed to do his job.

7483           Mr. Conyers. Mr. Chairman?

7484           Chairman Goodlatte. For what purpose does the  
7485 gentleman from Michigan seek recognition?

7486           Mr. Conyers. I support the resolution of the gentleman  
7487 from New York.

7488           Chairman Goodlatte. The gentleman is recognized for 5  
7489 minutes.

7490           Mr. Conyers. I think this is an important modification  
7491 to the Nadler resolution, and I commend Mr. Jeffries for  
7492 bringing it forward. The regulation that he cites in his  
7493 amendment is quite clear: The Attorney General may not  
7494 participate in a criminal investigation if he has a personal  
7495 or political relationship with any person substantially  
7496 involved in the conduct that is the subject of the  
7497 investigation.

7498           According to the regulation, a political relationship

7499 is a close identification with an elected official, a  
7500 candidate for elective, public office, a political party, or  
7501 a campaign organization arising from service as a principal  
7502 advisor thereto. In this case, Attorney General Sessions  
7503 was one of the earliest supporters of President Trump.  
7504 Campaigned with him and even served as his Senior Advisor  
7505 both before and after the election.

7506       If indeed the FBI is investigating the Trump  
7507 administration with respect to any of the items listed in  
7508 the underlying resolution, then Attorney General Sessions,  
7509 likely, has an obligation to recuse himself. And if those  
7510 conversations are taking place, then we, as members of the  
7511 committee, with oversight responsibility for the Department  
7512 of Justice, have an obligation to ask the Department for  
7513 basic information about their legal analysis here. And so  
7514 this Jeffries Amendment is an important addition to this  
7515 resolution, and accordingly, I urge its adoption.

7516       Mr. Swalwell. Would the ranking member yield?

7517       Mr. Conyers. Of course.

7518       Mr. Swalwell. Thank you. I, too, support my  
7519 colleague's amendment. I also think there is a  
7520 responsibility when President Washington is invoked to make  
7521 sure that we understand the comparison here. We all know  
7522 who George Washington is. We all are here because of his  
7523 sacrifices, resigning his commission to the Continental

7524 Congress, not serving beyond two terms.

7525 I am sorry to my colleague from California, but Donald  
7526 Trump is no George Washington. In fact, he had an  
7527 opportunity to make a sacrifice when the Wall Street Journal  
7528 called on him on November 18 when they said, "President  
7529 Elect Trump should liquidate his stake in the family  
7530 business. One reason 60 million voters elected Donald Trump  
7531 is because he promised to change Washington's culture of  
7532 self-dealing, and if he wants to succeed, he is going to  
7533 have to make a sacrifice and lead by example."

7534 These amendments are important because we have seen no  
7535 sacrifices and only conflicts from this President.

7536 Mr. Raskin. Would the gentleman yield?

7537 Mr. Swalwell. I would yield back, and yeah --

7538 Mr. Conyers. We would be pleased to yield to the  
7539 gentleman from Maryland.

7540 Mr. Raskin. My thanks to the ranking member. I would  
7541 just take it one step further than my good friend from  
7542 California. Our first president was invoked in the context  
7543 of a series of statements that members on this side of the  
7544 aisle made about the Foreign Emoluments Clause. So when you  
7545 make the point that George was in constant contact with  
7546 Martha about the management of the estate, I think it is a  
7547 bit off point.

7548 Martha Washington was not a foreign king, prince, or

7549 government. Martha Washington was his wife and an American  
7550 citizen, and so I think you are going to have to search  
7551 harder through the history of American presidents to find  
7552 one who launched his presidency with an international  
7553 business empire and refused to divest himself from it, and  
7554 refused to create a blind trust and rather continues to be  
7555 involved in ways known and unknown in the management and  
7556 participation in those business affairs.

7557         And, really, the accusation that we are somehow being  
7558 political, it takes me up short. None of us wants to be  
7559 overly political. I understand that there is a certain  
7560 reservoir of hypocrisy that sloshes back and forth during  
7561 different administration changes and so on, but are you  
7562 telling me that if Barack Obama had hotels and had golf  
7563 courses and business interests all over the world that you  
7564 would not be interested in determining whether there is a  
7565 violation in the Foreign Emoluments Clause?

7566         Are you telling me if Barack Obama said the kinds of  
7567 things about Vladimir Putin that Donald Trump has said that  
7568 you would not be interested in getting to the bottom of that  
7569 relationship? That that defies my ordinary ability to  
7570 believe. I yield back, Mr. Chair.

7571         Ms. Jackson Lee. Mr. Chairman?

7572         Mr. Conyers. I yield back.

7573         Ms. Jackson Lee. Mr. Chairman?

7574 Chairman Goodlatte. The gentleman from California is  
7575 recognized.

7576 Mr. Swalwell. Chairman, I would move to strike the  
7577 last word.

7578 Chairman Goodlatte. The gentleman is recognized for 5  
7579 minutes.

7580 Mr. Swalwell. Since the gentleman brought up our first  
7581 President again, I thought we will continue the professor's  
7582 learning experience here. You are right. Martha Washington  
7583 was an American. All of the Trump family are Americans.  
7584 The President has made a decision to turn over the operation  
7585 of his assets to his family. That is very consistent, and I  
7586 am sure the gentleman from Maryland would agree that that  
7587 is, in fact, the exact same thing that President Washington  
7588 did except President Washington actively managed through  
7589 letters. So --

7590 Mr. Raskin. Would the gentleman yield?

7591 Mr. Issa. -- I hope that the gentleman sees that. I  
7592 also would like to caution the gentleman. I put in the  
7593 record a while ago -- 104 pages -- from President Trump's  
7594 then last filing. He will have to make one every year. I  
7595 looked through it. I did not find any holdings in Russia.  
7596 I did not find any corporations that, as far as I can tell,  
7597 are there. I did not find any liabilities to Russian  
7598 entities.



7599           Now, if the gentleman goes through those pages and  
7600 others and finds it or believes that it is there, then that  
7601 is very different than asking for his tax records, which  
7602 would not tell you any more than the financial holdings. So  
7603 I would hope that we can have an honest debate. I know the  
7604 gentleman wants to have an honest debate. I am on record  
7605 and will continue to be on record saying this committee and  
7606 every committee of jurisdiction needs to be very concerned  
7607 about foreign countries or the allegation of foreign  
7608 countries attempting to influence our elections, and that  
7609 especially would have the evil many empire known as Russia  
7610 and the evil killer of his opponents, Putin. So you have  
7611 got a total ally in me, but I do think that we have to limit  
7612 ourselves to what we know, what we can know, and what we  
7613 need to know.

7614           And I, for one, would say that many of the things you  
7615 said are, in fact, true, but when it comes to the historic  
7616 people who have had money, they do not turn them over.  
7617 Turning over a blind trust a bunch of mutual funds may be  
7618 easy. Turning over active businesses that need to be  
7619 managed are not, and I do think that the decision made by  
7620 the President, if legal, and I believe it is, is beyond the  
7621 scope of what we should be talking about here.

7622           We should concentrate on the fact that over the last  
7623 several years, the Russians have attempted and succeeded in

7624 interfering with elections around the world. They have  
7625 invaded their neighbors.

7626 They have, in fact, killed people. They are famous now  
7627 for the little green men who are actually Russian soldiers  
7628 who come in to invade another country. We should be  
7629 concerned about it, and in this case, we need to get as much  
7630 cooperation from the Attorney General, and I, for one, want  
7631 to move toward the Attorney General voluntarily giving us  
7632 information, and if he does not voluntarily share  
7633 appropriate information, then call him to this committee.  
7634 We did that under the last President. I would expect to do  
7635 it under this President.

7636 I am going to tell you one thing right here: I am not  
7637 voting for this resolution. I intend on voting against it,  
7638 but I also intend and will continue, and my chairman knows  
7639 this, to push all the committees to look at everything in  
7640 the way of waste, fraud, and abuse in government and  
7641 certainly to keep an eye on the ethical handling of all  
7642 affairs by the President, the Vice-President, and every  
7643 Cabinet member. And I thank the gentlemen for the time.

7644 Mr. Nadler. Would the gentleman yield?

7645 Chairman Goodlatte. For what purpose does the  
7646 gentleman from New York seek recognition?

7647 Mr. Nadler. Strike the last word.

7648 Chairman Goodlatte. The gentleman is recognized for 5

7649 minutes.

7650 Mr. Nadler. And, Mr. Chair, as this debate comes to a  
7651 close, I will be very brief: I just want to say with respect  
7652 to this amendment that all it does is request information  
7653 with regard to recusal. It was Mr. Issa who quite properly  
7654 pointed out that the Attorney General had not recused  
7655 himself and drew some appropriate conclusions from that. I  
7656 commend him for doing that.

7657 This amendment, which I support, simply asks for any  
7658 information about recusal. The underlying resolution, which  
7659 I authored, simply asks for all relevant information to be  
7660 given to this committee so that we can do our job, and that  
7661 is all that it really does.

7662 And all of our suspicions that some people are more  
7663 suspicious than others will be more informed and perhaps  
7664 less suspect or perhaps more suspect when we get the  
7665 information, information we ought to have. I am glad to  
7666 hear that the chairman is composing a letter. It will be  
7667 interesting to see that letter, to see how complete that it  
7668 is, maybe to sign it, and to join it, but meanwhile, we  
7669 ought to pass this resolution in order to get the  
7670 information that we can get. I thank you and I yield back.

7671 Chairman Goodlatte. For what purpose does the  
7672 gentlewoman from Texas seek recognition?

7673 Ms. Jackson Lee. I rise to support the Jeffries

7674 amendment.

7675 Chairman Goodlatte. The gentlewoman is recognized for  
7676 5 minutes.

7677 Ms. Jackson Lee. I just commend the gentleman for his  
7678 thoughtful presentation. I thought that he was particularly  
7679 pointed in the analysis of which he used. This is not a  
7680 questioning of a personality. This is recognizing the  
7681 integrity required, transparency required, of the chief law  
7682 enforcement legal officer of the Nation. It has been well-  
7683 documented that the Attorney General is not the counsel of  
7684 the President; there is a White House counsel. We have seen  
7685 incidences that have required the independence of the  
7686 Attorney General; for example, Elliot Richardson during the  
7687 Nixon administration.

7688 I think this is an important addition to Mr. Nadler's  
7689 very thoughtful amendment because just a few weeks ago, the  
7690 deputy acting Attorney General, or the acting Attorney  
7691 General, Deputy Attorney General Sally Yates, had to march  
7692 to the White House to indicate that the former NSA director,  
7693 General Flynn, had lied to the Vice-President. What is  
7694 required is complete, impeccable ability to be able to see  
7695 and call it as it is without a reflection on anyone who  
7696 serves in that position at this time.

7697 It is clear that if you have befriended the general,  
7698 the President, if you were part of the transition team, you

7699 have advocated and counseled him on immigration issues and  
7700 other issues, there is a close intimacy that raises the  
7701 question of making sure that you, the Attorney General,  
7702 acknowledge yourself whether or not there is anything that  
7703 would suggest you could not be fair and transparent. So I  
7704 thank the gentleman, Mr. Jeffries, for offering this  
7705 particular amendment to the resolution.

7706         And as I close, Mr. Chairman, a moment of personal  
7707 privilege to acknowledge Chief Michael Dirden, who is here  
7708 from the Houston Police Department, who has been sitting  
7709 here with us all day, who knows Judge Poe. Stand up, Chief  
7710 Dirden. And since we have the police working group, I just  
7711 want to acknowledge, unfortunately, Chief Dirden is away; we  
7712 had two officers who were shot in Houston and he is  
7713 monitoring their condition. Thank God they have survived  
7714 and they are both in the hospital. But I want to thank  
7715 Chief Dirden, on behalf of all of us, for your service, and  
7716 certainly on behalf of the Houston Police Department for  
7717 your service to the Houston Police Department. I thank you  
7718 --

7719         Chairman Goodlatte. Will the gentlewoman yield?

7720         Ms. Jackson Lee. I would be happy to yield.

7721         Chairman Goodlatte. I thank the gentlewoman for  
7722 introducing the chief, and would tell the chief that we are  
7723 hoping to visit Houston very soon with our policing

7724 strategies group. I look forward to that occasion and will  
7725 see you there again.

7726 Ms. Jackson Lee. Thank you very much and I yield back  
7727 my time.

7728 Chairman Goodlatte. The question occurs on the  
7729 amendment offered by the gentleman from New York.

7730 All those in favor, respond by saying aye.

7731 Those opposed, no.

7732 In the opinion of the chair, the noes have it and the  
7733 amendment is not agreed to.

7734 A recorded vote is requested and the clerk will call  
7735 the roll.

7736 Ms. Adcock. Mr. Goodlatte?

7737 Chairman Goodlatte. No.

7738 Ms. Adcock. Mr. Goodlatte votes no.

7739 Mr. Sensenbrenner?

7740 [No response.]

7741 Mr. Smith?

7742 Mr. Smith. No.

7743 Ms. Adcock. Mr. Smith votes no.

7744 Mr. Chabot?

7745 [No response.]

7746 Mr. Issa?

7747 Mr. Issa. No.

7748 Ms. Adcock. Mr. Issa votes no.

7749 Mr. King?

7750 Mr. King. No.

7751 Ms. Adcock. Mr. King votes no.

7752 Mr. Franks?

7753 Mr. Franks. No.

7754 Ms. Adcock. Mr. Franks votes no.

7755 Mr. Gohmert?

7756 [No response.]

7757 Mr. Jordan?

7758 [No response.]

7759 Mr. Poe?

7760 Mr. Poe. No.

7761 Ms. Adcock. Mr. Poe votes no.

7762 Mr. Chaffetz?

7763 Mr. Chaffetz. No.

7764 Ms. Adcock. Mr. Chaffetz votes no.

7765 Mr. Marino?

7766 Mr. Marino. No.

7767 Ms. Adcock. Mr. Marino votes no.

7768 Mr. Gowdy?

7769 Mr. Gowdy. No.

7770 Ms. Adcock. Mr. Gowdy votes no.

7771 Mr. Labrador?

7772 Mr. Labrador. No.

7773 Ms. Adcock. Mr. Labrador votes no.

7774 Mr. Farenthold?  
7775 [No response.]  
7776 Mr. Collins?  
7777 [No response.]  
7778 Mr. DeSantis?  
7779 [No response.]  
7780 Mr. Buck?  
7781 [No response.]  
7782 Mr. Ratcliffe?  
7783 Mr. Ratcliffe. No.  
7784 Ms. Adcock. Mr. Ratcliffe votes no.  
7785 Ms. Roby?  
7786 Ms. Roby. No.  
7787 Ms. Adcock. Ms. Roby votes no.  
7788 Mr. Gaetz?  
7789 Mr. Gaetz. No.  
7790 Ms. Adcock. Mr. Gaetz votes no.  
7791 Mr. Johnson of Louisiana?  
7792 [No response.]  
7793 Mr. Biggs?  
7794 Mr. Biggs. No.  
7795 Ms. Adcock. Mr. Biggs votes no.  
7796 Mr. Conyers?  
7797 Mr. Conyers. Aye.  
7798 Ms. Adcock. Mr. Conyers votes aye.



7799 Mr. Nadler?

7800 Mr. Nadler. Aye.

7801 Ms. Adcock. Mr. Nadler votes aye.

7802 Ms. Lofgren?

7803 Ms. Lofgren. Aye.

7804 Ms. Adcock. Ms. Lofgren votes aye.

7805 Ms. Jackson Lee?

7806 Ms. Jackson Lee. Aye.

7807 Ms. Adcock. Ms. Jackson Lee votes aye.

7808 Mr. Cohen?

7809 Mr. Cohen. Aye.

7810 Ms. Adcock. Mr. Cohen votes aye.

7811 Mr. Johnson of Georgia?

7812 Mr. Johnson of Georgia. Aye.

7813 Ms. Adcock. Mr. Johnson votes aye.

7814 Mr. Deutch?

7815 Mr. Deutch. Aye.

7816 Ms. Adcock. Mr. Deutch votes aye.

7817 Mr. Gutierrez?

7818 Mr. Gutierrez. Yes.

7819 Ms. Adcock. Mr. Gutierrez votes yes.

7820 Ms. Bass?

7821 [No response.]

7822 Mr. Richmond?

7823 [No response.]

7824 Mr. Jeffries?

7825 Mr. Jeffries. Aye.

7826 Ms. Adcock. Mr. Jeffries votes aye.

7827 Mr. Cicilline?

7828 Mr. Cicilline. Aye.

7829 Ms. Adcock. Mr. Cicilline votes aye.

7830 Mr. Swalwell?

7831 Mr. Swalwell. Aye.

7832 Ms. Adcock. Mr. Swalwell votes aye.

7833 Mr. Lieu?

7834 Mr. Lieu. Aye.

7835 Ms. Adcock. Mr. Lieu votes aye.

7836 Mr. Raskin?

7837 Mr. Raskin. Aye.

7838 Ms. Adcock. Mr. Raskin votes aye.

7839 Ms. Jayapal?

7840 Ms. Jayapal. Aye.

7841 Ms. Adcock. Ms. Jayapal votes aye.

7842 Mr. Schneider?

7843 Mr. Schneider. Aye.

7844 Ms. Adcock. Mr. Schneider votes aye.

7845 Chairman Goodlatte. The gentleman from Ohio?

7846 Mr. Jordan. No.

7847 Ms. Adcock. Mr. Jordan votes no.

7848 Chairman Goodlatte. The gentleman from Texas.

7849 Mr. Farenthold. No.

7850 Ms. Adcock. Mr. Farenthold votes no.

7851 Chairman Goodlatte. The clerk will report.

7852 Ms. Adcock. Mr. Chairman, 15 members voted aye; 16  
7853 members voted no.

7854 Chairman Goodlatte. And the amendment is not agreed  
7855 to. The question is on the amendment in the nature of a  
7856 substitute. All those in favor, respond --

7857 Mr. Nadler. Mr. Chairman? Parliamentary inquiry.

7858 Chairman Goodlatte. The gentleman will state his  
7859 inquiry.

7860 Mr. Nadler. I just want to clarify for the members  
7861 that we are going to have two votes now. One is on the  
7862 motion to substitute, which is a technical correction in  
7863 effect and I do not think anybody is going to object to  
7864 that, and then we will have a motion on the underlying bill  
7865 as substituted for, which your motion will be to report  
7866 unfavorably and therefore those of us who support it will  
7867 vote no and those of you who oppose it will vote yes. Is  
7868 that correct?

7869 Chairman Goodlatte. That is correct.

7870 Mr. Nadler. Then let me simply commend the chairman  
7871 for not exercising his prerogative to move the previous  
7872 question.

7873 Chairman Goodlatte. I thank the gentleman.

7874 Mr. Nadler. On this bill.

7875 Chairman Goodlatte. And I thank the members on both  
7876 sides of the aisle for moving this reasonably expeditiously.

7877 The question is on the amendment in the nature of a  
7878 substitute. All those in favor, respond by saying aye.

7879 All those oppose, no.

7880 In the opinion of the chair, the ayes have it and the  
7881 amendment in the nature of a substitute is adopted.

7882 The question is on reporting the bill unfavorably as  
7883 amended. All those in favor, respond by saying aye.

7884 Those opposed, no.

7885 The clerk will call the roll.

7886 Ms. Adcock. Mr. Goodlatte?

7887 Chairman Goodlatte. Aye.

7888 Ms. Adcock. Mr. Goodlatte votes aye.

7889 Mr. Sensenbrenner?

7890 [No response.]

7891 Mr. Smith?

7892 Mr. Smith. Aye.

7893 Ms. Adcock. Mr. Smith votes aye.

7894 Mr. Chabot?

7895 [No response.]

7896 Mr. Issa?

7897 Mr. Issa. Aye.

7898 Ms. Adcock. Mr. Issa votes aye.

7899 Mr. King?

7900 Mr. King. Aye.

7901 Ms. Adcock. Mr. King votes aye.

7902 Mr. Franks?

7903 [No response.]

7904 Mr. Gohmert?

7905 [No response.]

7906 Mr. Jordan?

7907 Mr. Jordan. Yes.

7908 Ms. Adcock. Mr. Jordan votes yes.

7909 Mr. Poe?

7910 Mr. Poe. Yes.

7911 Ms. Adcock. Mr. Poe votes yes.

7912 Mr. Chaffetz?

7913 Mr. Chaffetz. Aye.

7914 Ms. Adcock. Mr. Chaffetz votes aye.

7915 Mr. Marino?

7916 Mr. Marino. Yes.

7917 Ms. Adcock. Mr. Marino votes yes.

7918 Mr. Gowdy?

7919 Mr. Gowdy. Yes.

7920 Ms. Adcock. Mr. Gowdy votes yes.

7921 Mr. Labrador?

7922 Mr. Labrador. Yes.

7923 Ms. Adcock. Mr. Labrador votes yes.

7924 Mr. Farenthold?

7925 Mr. Farenthold. Yes.

7926 Ms. Adcock. Mr. Farenthold votes yes.

7927 Mr. Collins?

7928 [No response.]

7929 Mr. DeSantis?

7930 [No response.]

7931 Mr. Buck?

7932 [No response.]

7933 Mr. Ratcliffe?

7934 Mr. Ratcliffe. Yes.

7935 Ms. Adcock. Mr. Ratcliffe votes yes.

7936 Ms. Roby?

7937 Ms. Roby. Aye.

7938 Ms. Adcock. Ms. Roby votes aye.

7939 Mr. Gaetz?

7940 Mr. Gaetz. Aye.

7941 Ms. Adcock. Mr. Gaetz votes aye.

7942 Mr. Johnson of Louisiana?

7943 [No response.]

7944 Mr. Biggs?

7945 Mr. Biggs. Aye.

7946 Ms. Adcock. Mr. Biggs votes aye.

7947 Mr. Conyers?

7948 Mr. Conyers. No.

7949 Ms. Adcock. Mr. Conyers votes no.  
7950 Mr. Nadler?  
7951 Mr. Nadler. No.  
7952 Ms. Adcock. Mr. Nadler votes no.  
7953 Ms. Lofgren?  
7954 Ms. Lofgren. No.  
7955 Ms. Adcock. Ms. Lofgren votes no.  
7956 Ms. Jackson Lee?  
7957 Ms. Jackson Lee. No.  
7958 Ms. Adcock. Ms. Jackson Lee votes no.  
7959 Mr. Cohen?  
7960 Mr. Cohen. No.  
7961 Ms. Adcock. Mr. Cohen votes no.  
7962 Mr. Johnson of Georgia?  
7963 Mr. Johnson of Georgia. No.  
7964 Ms. Adcock. Mr. Johnson votes no.  
7965 Mr. Deutch?  
7966 Mr. Deutch. No.  
7967 Ms. Adcock. Mr. Deutch votes no.  
7968 Mr. Gutierrez?  
7969 Mr. Gutierrez. No.  
7970 Ms. Adcock. Mr. Gutierrez votes no.  
7971 Ms. Bass?  
7972 [No response.]  
7973 Mr. Richmond?

7974 [No response.]

7975 Mr. Jeffries?

7976 Mr. Jeffries. No.

7977 Ms. Adcock. Mr. Jeffries votes no.

7978 Mr. Cicilline?

7979 Mr. Cicilline. No.

7980 Ms. Adcock. Mr. Cicilline votes no.

7981 Mr. Swalwell?

7982 Mr. Swalwell. No.

7983 Ms. Adcock. Mr. Swalwell votes no.

7984 Mr. Lieu?

7985 Mr. Lieu. No.

7986 Ms. Adcock. Mr. Lieu votes no.

7987 Mr. Raskin?

7988 Mr. Raskin. No.

7989 Ms. Adcock. Mr. Raskin votes no.

7990 Ms. Jayapal?

7991 Ms. Jayapal. No.

7992 Ms. Adcock. Ms. Jayapal votes no.

7993 Mr. Schneider?

7994 Mr. Schneider. No.

7995 Ms. Adcock. Mr. Schneider votes no.

7996 Chairman Goodlatte. The gentleman from Ohio?

7997 Mr. Chabot. Yes.

7998 Ms. Adcock. Mr. Chabot votes yes.



7999 Chairman Goodlatte. The gentleman from Wisconsin?

8000 Mr. Sensenbrenner. Aye.

8001 Ms. Adcock. Mr. Sensenbrenner votes aye.

8002 Chairman Goodlatte. The gentleman from Arizona?

8003 Mr. Franks. Aye.

8004 Ms. Adcock. Mr. Franks votes aye.

8005 Chairman Goodlatte. Has every member voted who wishes

8006 to vote?

8007 The gentlewoman from California?

8008 Ms. Bass. No.

8009 Ms. Adcock. Ms. Bass votes no.

8010 Chairman Goodlatte. The clerk will report.

8011 Ms. Adcock. Mr. Chairman, 16 members voted no; 18

8012 members voted aye.

8013 Chairman Goodlatte. The ayes have it and the bill as  
8014 amended is reported unfavorably to the House. Members will  
8015 have 2 days to submit views. Without objection, the bill  
8016 will be reported as a single amendment in the nature of a  
8017 substitute incorporating all adopted amendments, and staff  
8018 is authorized to make technical and conforming changes.

8019 It has been a long day. I appreciate the participation  
8020 of all the members, and the meeting is adjourned.

8021 [Whereupon, at 6:44 p.m., the committee adjourned  
8022 subject to the call of the chair.]

