HONORING THE LIFE OF CRISANTA ROMERO

(Mr. RUIZ asked and was given permission to address the House for 1 minute.)

Mr. RUIZ. Mr. Speaker, I rise to recognize and honor the life of 81-year-old Crisanta Romero of Thermal, California. She passed away on January 2, 2016, but she leaves behind an extraordinary legacy.

Cris is an inspiration. She graduated from Coachella Valley High School and knew the importance of being disciplined, never missing a single day of work at J. C. Penney for over 40 years. After retiring, she returned to work in the food industry for another 13 years.

She still had the energy and passion to volunteer countless hours for over 30 years with nonprofit organizations like the Coachella church, library, Center for Employment Training, senior volunteer programs, senior centers, chambers of commerce, and the list goes on and on.

She was a photojournalist for her own column, ''The Adventures of Cris.'' Mrs. Romero led the Boy Scouts of America's Helping a Boy Grow for over 20 years.

Cris was named Riverside County's volunteer of the year in 2000, and in 2003 she was honored as the city of Coachella's Citizen of the Year.

Her attitude toward life was admirable, her sense of community was exceptional, and her smile was irreplaceable.

RESTORING HEALTHCARE FREEDOM FOR AMERICANS

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

Mr. LAMALFA. Mr. Speaker, after 5 years, the promises of ObamaCare that it would save families $2500 or so per year, let you keep your doctor, and let you keep your insurance plan have all been proven false.

In my district, rates will be seen again going up an additional 30 percent likely this year. People can no longer see their family doctor. Many people have been forced from their health insurance plans on to more expensive plans with less coverage and a higher deductible.

Thanks to a budget procedure known as reconciliation, we have avoided a Senate filibuster and placed a bill rolling back ObamaCare on the President's desk. This is a promise kept for restoring healthcare freedom for Americans.

If the President vetoes this measure, congressional Democrats have a choice to make. Will they side with Americans who need real reforms to the healthcare system and override this veto or with a President concerned solely with his legacy and a status quo that is destroying access to care and driving up costs? I wonder.

HOUSING ILLEGAL IMMIGRANT DETAINEES

(Mrs. ROBY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROBY. Mr. Speaker, I rise today to voice my strong opposition to the possible housing of illegal immigrant detainees on Maxwell-Gunter Air Force Base in Montgomery, Alabama.

An active military base like Maxwell-Gunter is no place to house detained minors, and I wasted no time making it clear to the Obama administration that I am paying attention to this and that I am going to fight any attempt to bring detained minors on the base.

I have written the Secretaries of Defense, Homeland Security, and Health and Human Services to express my strong objection and to explain why this is such a bad idea. I have also been in touch with leaders on base in Montgomery to discuss the potential effect on their missions.

Our personnel at Maxwell-Gunter are engaged in serious military activities: training, education, cyber warfare, many times in classified settings that are very sensitive. Their mission does not need to be distracted by being forced to house and secure hundreds of detained minors.

The most compassionate action we can take is to return these children to their homes. Housing illegal immigrants at an active military base like Maxwell-Gunter is a terrible idea, and I will continue to work every angle to shut it down, just like we did 1 year ago.

IRAN SANCTIONS ADVISER

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

Ms. ROS-LEHTINEN. Mr. Speaker, since the nuclear deal was adopted, Iran has blatantly violated U.N. Security Council resolutions on its ballistic missile program; yet once again the administration backtracked and announced a delay in applying U.S. sanctions, no doubt out of fear that the Iranians would back out of the nuclear deal. If the administration is unwilling to enforce existing law, then it is up to Congress to hold Iran accountable.

We need a senior adviser for sanctions policy in our House leadership office to help strengthen congressional oversight and coordination between the committees and ensure greater enforcement of our sanctions. This adviser would not supplant the roles of the relevant committees, but will coordinate with the committees to ensure maximum oversight and efficacy of our efforts in Congress to hold Iran accountable.

I urge my colleagues to support the creation of a slot for a House coordinator on Iranian sanctions.

THE PRESIDENT IS OVERSTEPPING HIS BOUNDARIES

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

Mr. ROE of Tennessee. Mr. Speaker, Tuesday morning President Obama formally announced his plans to unilaterally expand gun control laws. Unsurprisingly, the President has again overstepped the boundaries and powers of his office.

While we all want fewer senseless acts of violence, the President is choosing to punish lawful gun owners and restrict their Second Amendment rights instead of addressing the actual causes of mass murder, such as the need to improve our mental health system and the growing threat of terrorism.

In addition to the constitutional questions about his actions and the mislaid blame toward lawful gun owners, these executive actions won't even accomplish what the President claims is his reason for acting. Not a single mass shooting committed over the last few years would have been prevented by the gun control measures currently being discussed, a statement The Washington Post's Fact Checker gave a rare Geppetto checkmark, which is being described as ''the truth, the whole truth, and nothing but the truth.''

As a physician, I think if you want to try to prevent mass killings, you have to do more to intervene with individuals before they commit these heinous acts, which is why so many of us believe reforming our mental healthcare system is critically important.

As a proud American and concealed-carry permit holder, I am opposed to this executive overreach but will work tirelessly to accomplish reforms that reduce the chance of mass shootings ever occurring.

PROVIDING FOR CONSIDERATION OF H.R. 1927, FAIRNESS IN CLASS ACTION LITIGATION ACT OF 2015

Mr. COLLINS of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 581 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 581

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1927) to amend title 28, United States Code, to improve fairness in class action litigation. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of

the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-38. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Further proceedings on any question on a motion relating to the disposition of the veto message and the bill, H.R. 3762, may be postponed through the legislative day of January 25, 2016, as though under clause 8 of rule XX.

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

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

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on House Resolution 581 currently under consideration.

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

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I am pleased to bring forward this rule today on behalf of the Committee on Rules. It is a structured rule that provides 1 hour of general debate equally divided and controlled by the chair and ranking member of the Committee on the Judiciary.

Given the House's schedule this month, the rule also provides that a vote on any motion relating to disposition of the veto message for reconciliation measure passed yesterday by the House may be postponed through January 25.

Consistent with the vision of Speaker RYAN and Chairman SESSIONS, I am pleased that the robust majority of amendments submitted to the Committee on Rules were made in order. Of the 13 amendments submitted, 10 amendments will be considered on the House floor.

Yesterday the House Committee on Rules received testimony from the chairman of the Committee on the Judiciary and the ranking member of the Subcommittee on the Constitution and Civil Justice, in addition to receiving amendment testimony from several Members.

Mr. FITZPATRICK from Pennsylvania brought forward an important amendment regarding FDA-approved medical devices. Although his amendment was not germane to this particular piece of legislation, he is a champion for his constituents, and I appreciate the testimony that he shared with the committee. His constituent suffered unimaginable pain, heartbreak, and ultimately her child because of Essure. It is my understanding that the FDA will release their Essure safety review next month. Once we assess the FDA's findings and conclusion, I hope Congress will take any appropriate action needed to protect the health of women and their unborn babies.

This rule provides for the consideration of H.R. 1927, the Fairness in Class Action Litigation and Furthering Asbestos Claim Transparency Act of 2015, introduced by the chairman of the Committee on the Judiciary, BOB GOODLATTE, and the chairman of the Subcommittee on the Constitution and Civil Justice, TRENT FRANKS.

Subcommittee hearings were held on this legislation. It was also marked up and reported by the Committee on the Judiciary. Although this bill went through regular order and enjoyed lively and meaningful discussion at the subcommittee and full committee levels, some misperceptions remain.

This legislation provides a targeted solution to a targeted problem. The core issue it presents is whether the injury suffered by named plaintiffs in a class action suit matches the injuries suffered by the class. Additionally, and this is the point to clarify, the civil rights class actions such as Brown v. Board of Education would not—and I repeat, would not—be impacted by H.R. 1927.

Let me be clear. This legislation does not kill class action. Virtually every time this body or the courts attempt to reform class action lawsuits after clear abuses, opponents claim the reforms, whatever they may be, will mean the demise of class action.

When Congress passed the Private Securities Litigation Reform Act in 1995 to limit frivolous securities lawsuits, opponents claimed it would kill securities class action. It did not. In fact, President Clinton vetoed the legislation, Congress overrode the veto, and our legal system is the better for it.

When Congress passed the Class Action Fairness Act, CAFA, in 2005, opponents once again claimed that the passage would mean the end of class actions. CAFA had two targeted goals: reducing abusive forum shopping by plaintiffs and requiring greater Federal scrutiny procedures for the review of class action settlements in certain circumstances.

You may recall an infamous Alabama class action involving Bank of Boston, where the attorneys' fees exceeded the relief to the class members, and the class members lost money paying attorneys for the victory. It doesn't sound like much of a victory. Yet at the time, the opponents of reform made virtually identical arguments against that legislation that they are making today against H.R. 1927. They are baseless and unsupported by history.

□ 1245

Researchers at the Federal Judicial Center conducted a study on the impact of CAFA and concluded that post-enactment there was an increase in the number of class actions filed in or removed to the Federal courts based on diversity jurisdiction, consistent with congressional intent.

The class action is alive and well and is an important part of our legal system, and it will remain that way. Claims to the contrary are overused and inaccurate.

H.R. 1927 is a targeted solution that says a Federal court may not certify a proposed class unless the party seeking the class action demonstrates through admissible evidentiary proof that each proposed class member suffered an injury of the same type and the extent of the injury of the named class representative or representatives.

This requirement already exists in rule 23 of the Federal Rules of Civil Procedure. Unfortunately, not all courts appropriately interpret and apply these standards. If my colleagues across the aisle disagree with rule 23 standards, then we can certainly debate the merits of that standard.

But to claim that codifying an existing standard to ensure consistent and appropriate application by the courts will kill the class action and discourage victims from seeking redress is simply not supported by the facts.

Class actions exist—and rightly so—to allow a group of individuals similarly harmed to seek monetary compensation for their injuries. Today, however, there are far too many cases in which a named plaintiff with an injury brings a lawsuit seeking to represent a class. No problem here. This is how the system was designed to work.

The abuse of the system arises when the class includes countless others that have suffered no injury at all. These no-injury class actions are designed simply to exploit companies and achieve a quick payday because either no genuine injury has occurred yet or because it never will.

Class actions should be preserved as a tool for those harmed to receive compensation. H.R. 1927 will allow the courts to focus their resources on cases where injury has occurred and ensuring those responsible are held accountable.

Not surprisingly, this commonsense approach is supported by the American people. A recent DRI National Poll on the Civil Justice System found that 78 percent of Americans would support a law requiring a person to show that they were actually harmed by a company's products, services, or policies to join a class action rather than just showing potential for harm.

Further illustrating this body's commitment to do right by victims and ensure that they are compensated for their injuries, H.R. 1927 also contains the text of the Furthering Asbestos Claim Transparency Act, or the FACT Act.

The FACT Act is designed to reduce fraud in compensation claims for asbestos-related diseases so we can ensure that resources exist for true victims. Double-dipping is an all too common occurrence in asbestos claims, and for every dollar inappropriately given, it means $1 less for true victims who face mesothelioma and other asbestos-related illnesses.

True victims are often those to whom our country owes its greatest debt: our veterans. Veterans currently comprise 9 percent of the population; yet, they make up approximately 30 percent of asbestos victims. Veterans are uniquely positioned to benefit from the increased transparency that would result from the enactment of this bill.

Many veterans groups support this legislation, including the American Military Society, Save our Veterans, the Veterans Resource list, and numerous other State and local veterans groups.

Opponents of this bill also claim that it will negatively impact privacy rights for claimants. This is not true. The bill actually requires far less personal information than is currently required by State courts in their current disclosure forms.

This legislation will reduce fraud in the asbestos trust system, which will ultimately protect and maximize assets available to compensate future asbestos victims, veterans or otherwise.

I thank Chairman GOODLATTE and his staff for their tireless work to bring forward these pro-victim reforms, and I am pleased we will have robust general and amendment debate on this important topic.

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

Mr. HASTINGS. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Georgia for yielding me the customary 30 minutes for debate.

Mr. Speaker, I rise in opposition to this rule, which provides for consideration of H.R. 1927, called the Fairness in Class Action Litigation Act, which in practice will unfairly hamper large numbers of injured parties from effectively seeking redress in court, including civil rights, employment discrimination, consumer protection, and asbestos victim litigants.

Let me put my bona fides on the table here. I have filed class actions, particularly in civil rights cases. Each of them were certified as class actions. They led to the desegregation of schools in the county that I am privileged to serve, the desegregation of juvenile detention facilities, and several others too numerous to mention.

As a United States district court judge, I also had the privilege of presiding in cases where certification was sought for class actions. The great majority of those cases were not certified by me, largely for the reason that they did not meet the rigorous test that is already in place and that has been in place for nearly 40 years, with many changes having taken place over the years through the Federal process. That is what I would argue would be the best for us to do.

First, this bill includes language that prohibits Federal courts from certifying that a group can file a class action lawsuit unless the group demonstrates by admissible evidentiary proof that each proposed class member suffered an injury of the same type and scope of the injury of the named class representative.

A footnote right here. My read is that Brown v. Board of Education, the most significant school desegregation case in the history of this country, would not have qualified as a class action under this measure, as proposed.

My friends in the majority claim that this measure is necessary to reduce fraud and exploitation in the class action system, maintaining that, under current rules, Federal courts have certified classes that include individuals who have not been injured, but have been forced into a class action lawsuit against their will.

This claim and the legislation it inspired has been met by much opposition from a broad range of legal, civil rights, labor, consumer, and public interest groups, including the American Bar Association, the American Civil Liberties Union, AFSCME, NAACP, Consumer Federation of America, National Consumer Law Center, Public Citizen, Public Justice, and American Association for Justice, among a myriad of others.

Mr. Speaker, I include in the RECORD letters from the American Bar Association, Public Citizen, American Federation of Labor and Congress of Industrial Organizations, the Asbestos Disease Awareness Organization, and the Military Order of the Purple Heart. All of those organizations that I just identified are opposed to this legislation. Their language speaks for itself, for those who may peruse the CONGRESSIONAL RECORD.

AMERICAN BAR ASSOCIATION,
Washington, DC, June 23, 2015.

Hon. BOB GOODLATTE,
Chairman, House Judiciary Committee,
Washington, DC.

DEAR CHAIRMAN GOODLATTE: On behalf of the American Bar Association and its almost 400,000 members, I write to offer our views as the Committee considers class action reform. I understand that your Committee intends to mark up H.R. 1927, the ''Fairness in Clam Action Litigation Act of 2015'' tomorrow. The ABA has long recognized that we must continue to improve our judicial system; however, we cannot support legislation such as H.R. 1927, because it would unnecessarily circumvent the Rules Enabling Act, make it more difficult for large numbers of injured parties to efficiently seek redress in court, and would place added burdens on an already overloaded court system.

This proposed legislation would circumvent the time-proven process for amending the Federal Rules of Civil Procedure established by Congress in the Rules Enabling Act. Rule 23 of the Federal Rules of Civil Procedure governs determinations whether class certification is appropriate. This rule was adopted in 1966 and has been amended several times utilizing the procedure established by Congress. The Judicial Conference, the policymaking body for the courts, is currently considering changes to Rule 23, and we recommend allowing this process to continue. In addition, the Supreme Court is poised to rule on cases where there are questions surrounding class certification. For example, the Court agreed to hear Tyson Foods v. Bouaphakeo, where they will determine whether a class can be certified when it contains some members who have not been injured. We respectfully urge you to allow these processes for examining and reshaping procedural and evidentiary rules to work as Congress intended.

Currently, to proceed with a class action case, plaintiffs must meet rigorous threshold standards. A 2008 study by the Federal Judicial Center found that only 25 percent of diversity actions filed as class actions resulted in class certification motions, nine percent settled, and none went to trial. These data show that current screening practices are working. However, if the proponents of this legislation are concerned about frivolous class action cases and believe that screening can be even more effective through rule changes, those changes should be proposed and considered utilizing the current process set forth by Congress in the Rules Enabling Act.

In addition to circumventing the rulemaking process, the proposed legislation would severely limit the ability of victims who have suffered a legitimate harm to collectively seek justice in a class action lawsuit. The proposed legislation mandates that in order to be certified as a class each individual member must prove he or she suffered an injury of the same type and scope to the proposed named class representative(s), and requires plaintiffs to show they suffered bodily injury or property damage.

We were pleased learn that a manager's amendment is expected to be offered during tomorrow's markup that removes the requirement that the alleged harm to the plaintiff involved bodily injury or property damage. This improves the bill, but the remaining requirement leaves a severe burden for people who have suffered harm at the hands of large institutions with vast resources, effectively barring them from forming class actions. For example, in a recent class action case against the Veterans Administration, several veterans sued for a variety of grievances centered on delayed claims. The requirement in this legislation

that plaintiffs suffer the same type of injuries might have barred these litigants from forming a class because each plaintiff suffered harms that were not the same.

Class actions have been an efficient means of resolving disputes. Making it harder to utilize class actions will add to the burden of our court system by forcing aggrieved parties to file suit in smaller groups, or individually.

We appreciate the opportunity to provide our input and urge you to keep these recommendations in mind as you continue to debate class action reform legislation. If the ABA can provide you or your staff with any additional information regarding the ABA's views, or if we can be of further assistance, please contact me or ABA Governmental Affairs Legislative Counsel, David Eppstein.

Sincerely,

THOMAS M. SUSMAN,
Director,
Governmental Affairs Office.

PUBLIC CITIZEN,
Washington, DC, May 13, 2015.

Re Oppose H.R. 26

HOUSE OF REPRESENTATIVES,
Judiciary Committee, Washington, DC.

DEAR HONORABLE COMMITTEE MEMBERS: On behalf of Public Citizen's more than 350,000 members and supporters, we strongly urge you to oppose H.R. 526, the Furthering Asbestos Claim Transparency Act (FACT Act).

The FACT Act invades the privacy of asbestos disease victims and will have the effect of delaying compensation for those suffering with lethal diseases like mesothelioma. Congress should act to protect these victims instead of opening the door for the asbestos industry to further escape accountability for poisoning the public and exposing trust claimants to scams, identity theft, and other privacy violations.

The dangerous product asbestos was once ubiquitous as insulation and flame retardant in buildings, homes and workplaces like naval vessels. The frightening reality is that an unknown amount of the cancer-causing substance is still present in our surroundings, but the asbestos industry does not have to disclose where and when it was and is being used.

The Centers for Disease Control and Prevention report that roughly 3,000 people continue to die from mesothelioma and asbestosis every year and some experts estimate the death toll is as high as 12,000–15,000 people per year when other types of asbestos-linked diseases and cancers are included.

Instead of helping these victims, H.R. 526 would put unworkable burdens on claims trusts. For example, the bill would impose a requirement for trusts to respond to any and all corporate defendants' information requests. Such a requirement would have the effect of slowing or virtually stopping the ability of trusts to provide compensation for victims. Since patients diagnosed with fatal asbestos-caused diseases like mesothelioma have very short expected lifespans, a delay in justice could leave victims' next of kin struggling to pay medical and funeral bills.

The FACT Act does nothing to improve the lives of those facing an asbestos death sentence through no fault of their own. The bill instead adds insult to injury and inexcusably invades the privacy of victims by requiring public disclosure of personal claim information, including portions of their social security numbers, opening the door to identity theft and possible discrimination.

Instead of the FACT Act's misguided push for ''transparency'' via asbestos trust claim information disclosures, an appropriate transparency standard would ensure that workers and consumers have all the information necessary to limit their potential exposure to the deadly substance. Specifically, companies should publicly disclose their activities related to the manufacture, processing, distribution, sales, importation, transport or storage of asbestos or asbestos-containing products. That's why Public Citizen supports Sens. Durbin and Markey's and Reps. DelBene and Green's Reducing Exposure to Asbestos Database Act (READ Act, S. 700/H.R. 2030) which would create an information portal for the public to learn about the many asbestos-containing products that are currently bought and sold in the U.S.A.

The real outrage is the double oppression of asbestos victims, and the real need for transparency is disclosure of past and ongoing asbestos exposures. Please oppose H.R. 526.

Sincerely,

LISA GILBERT,
Director, Public Citizen's Congress Watch division.
SUSAN HARLEY,
Deputy Director, Public Citizen's Congress Watch division.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, January 5, 2016.

DEAR REPRESENTATIVE: I am writing to express the strong opposition of the AFL–CIO to H.R. 1927, the ''Fairness in Class Action Litigation and Furthering Asbestos Claim Transparency Act'' which is scheduled for consideration by the House of Representatives this week. This bill incorporates H.R. 526, the Furthering Asbestos Claim Transparency Act (FACT Act), which would invade the privacy of asbestos victims by posting personal exposure and medical information online and create new barriers to victims receiving compensation for their asbestos diseases. The AFL–CIO urges you to oppose this harmful bill.

Decades of uncontrolled use of asbestos, even after its hazards were known, have resulted in a legacy of disease and death. Hundreds of thousands of workers and family members have suffered or died of asbestos-related cancers and lung disease, and the toll continues. Each year an estimated 10,000 people in the United States are expected to die from asbestos related diseases.

Asbestos victims have faced huge barriers and obstacles to receiving compensation for their diseases. Major asbestos producers refused to accept responsibility and most declared bankruptcy in an attempt to limit their future liability. In 1994 Congress passed special legislation that allowed the asbestos companies to set up bankruptcy trusts to compensate asbestos victims and reorganize under the bankruptcy law. But these trusts don't have adequate funding to provide just compensation, and according to a 2010 RAND study, the median payment across the trusts is only 25 percent of the claim's value. With compensation from these trusts so limited, asbestos victims have sought redress from the manufacturers of other asbestos products to which they were exposed.

The AFL–CIO is well aware that the system for compensating asbestos disease victims has had its share of problems, with victims facing delays and inadequate compensation and too much money being spent on defendant and plaintiff lawyers. We have spent years of effort trying to seek solutions to make the asbestos compensation system fairer and more effective. But the FACT Act does nothing to improve compensation for asbestos victims and would in fact make the situation even worse. In our view, the bill is simply an effort by asbestos manufacturers who are still subject to asbestos lawsuits to avoid liability for diseases caused by exposure to their products.

The FACT Act would require personally identifiable exposure histories and disease information for each asbestos victim filing a claim with an asbestos trust, and related payment information, to be posted on a public docket. This public posting is an extreme invasion of privacy. It would give unfettered access to employers, insurance companies, workers compensation carriers and others who could use this information for any purpose including blacklisting workers from employment and fighting compensation claims.

The bill would also require asbestos trusts to provide on demand to asbestos defendants and litigants any information related to payments made by and claims filed with the trusts. This would place unnecessary and added burdens on the trusts delaying much-needed compensation for asbestos victims. Such a provision allows asbestos defendants to bypass the established rules of discovery in the civil justice system, and provides broad unrestricted access to personal information with no limitations on its use.

Congress should be helping the hundreds of thousands of individuals who are suffering from disabling and deadly asbestos diseases, not further victimizing them by invading their privacy and subjecting them to potential blacklisting and discrimination.

The AFL–CIO strongly urges you to oppose H.R. 1927.

Sincerely,

WILLIAM SAMUEL,
Director, Government Affairs Department.

ASBESTOS DISEASE AWARENESS ORGANIZATION,
Redondo Beach, CA, February 4, 2015.

Re Opposition to the Furthering Asbestos Claim Transparency Act of 2015 (H.R. 526)

Hon. BOB GOODLATTE,
Chairman, House Committee on the Judiciary, Washington, DC.

Hon. JOHN CONYERS, JR.,
Ranking Member, House Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN GOODLATTE AND RANKING MEMBER CONYERS: As both a mesothelioma widow and the President and Co-Founder of the Asbestos Disease Awareness Organization, I respectfully write to express my strong opposition to the Furthering Asbestos Claim Transparency (FACT) Act of 2015, H.R. 526.

Asbestos is a known human carcinogen that causes deadly cancerous diseases. Asbestos-related diseases kill at least 10,000 Americans every year. Yet, it remains a major public health hazard that severely affects too many American families. Notwithstanding these lethal exposures, the 2014 U.S. Geological Survey World Report confirmed that although Asbestos has not been mined in the United States since 2002, the U.S. continues to import Asbestos to ''meet manufacturing needs.''

These same manufacturing interests who for years hid the dangers of their lethal Asbestos products, are now asking Congress—under the guise of transparency—to impose new time and cost-consuming requirements on the asbestos trusts, grant asbestos defendants new rights to infringe upon victims' privacy, and operate the trusts in a manner that will unduly burden asbestos victims and their families, without justification. I oppose the bill not only because it is both fundamentally unfair and discriminatory toward asbestos cancer victims, but because it is entirely one-sided, and seeks absolutely nothing in the way of increased transparency from the same industry that caused the largest man-made disaster in human history, and covered it up for years.

There is no justification for exposing families to the additional burdens set forth in H.R. 526. Information needed to verify the health of the trusts is already publicly available in a way that protects the privacy of the victims of asbestos disease and their families. And trusts established by asbestos companies undergoing reorganization effectively compensate current and future asbestos victims while allowing business operations to continue. Trusts are designed to decrease litigation and costs, yet the proposed reporting requirements contained in the FACT Act work contrary to that very purpose. Instead, the FACT Act grants asbestos companies the right to require from the trusts any information they choose, at any time, and for practically any reason. The resulting delay in compensation will gravely impact patients' pursuit of medical care, negatively affects all victims of asbestos exposure, and effectively limits the justice they deserve. Accordingly, I am strongly opposed to the FACT Act, which creates even greater burdens for patients and families to overcome during an already extremely difficult time.

I am extremely disappointed that recent Congressional legislative efforts have focused on ways to limit the litigation designed to compensate victims, when the most obvious way to limit the impact of asbestos exposure is through increased public awareness of the dangers posed, and prevention. Americans need legislation that will stop the continued import of asbestos into our country, and prevent the continued expanse of environmental and occupational asbestos-related diseases. As consumers and workers, Americans deserve transparency to prevent exposure to asbestos, not to penalize victims.

More than 30 Americans die each day from a preventable asbestos-caused disease. On behalf of the American citizens, we urge you to take the time to hear from the victims of asbestos exposure and consider legislation that will protect public health, not legislation designed only to delay and deny justice for victims of asbestos exposure.

Sincerely,

LINDA REINSTEIN,
President and Co-Founder,
Asbestos Disease Awareness Organization.

MILITARY ORDER
OF THE PURPLE HEART,
Springfield, VA, July 8, 2015.

Hon. JOHN CONYERS,
Washington, DC.

DEAR REPRESENTATIVE CONYERS: As H.R. 526 ''FACT Act'' makes it way through the legislative process, the Military Order of the Purple Heart of the U.S.A. (MOPH) wishes to reiterate its firm opposition to this bill.

We are disappointed to see that our declaration of opposition in February of this year has not stopped this bill in its tracks. Have no doubt and make no mistake, the FACT Act will have a very burdensome and detrimental effect on the asbestos personal injury trust claims for veterans and their families who have been exposed to this deadly product. The Association of the United States Navy (AUSN) and American Veterans (AMVETS) recognize this as well and recently joined us in opposing this legislation.

On May 14th during the full Judiciary Committee mark-up of H.R. 526 ''FACT Act'', the legislation's author, Representative Blake Farenthold shared with the committee a list of eleven ''veterans organizations'' that support the FACT Act. It needs to be noted that none of the groups mentioned were a national veterans service organization such as the MOPH. In fact, the majority of the groups listed by the Representative are not recognized veterans service organizations at all.

The Military Order of the Purple Heart, of the U.S.A. is a Congressionally chartered national veterans service organization and is the only one that is exclusively made up of combat wounded Purple Heart veterans. We carefully consider each piece of veterans' related legislation to assure it is either truly beneficial or truly negative for veterans before we take an official position. We speak on behalf of our 45,000 members across the nation, not just a couple of hundred in a few states.

H.R. 526 is bad for veterans. The MOPH has been, and will continue to be, staunch advocates for our members and all veterans of the United States Armed Forces. We continue to oppose H.R. 526 and respectfully ask you to join us.

Respectfully,

J. PATRICK LITTLE,
National Commander.

Mr. HASTINGS. Mr. Speaker, the reality is that the current screening practices for certifying which individuals may file a class action lawsuit are working. Currently, plaintiffs must meet, as I said earlier, rigorous threshold standards to proceed with a class action.

In fact, a 2008 study by the Federal Judicial Center found that only 25 percent of diversity actions filed as class actions resulted in class certification motions. In the cases I presided in, there were less than 25 percent. 9 percent settled and none went to trial.

Why must we begin this new year with yet another piece of legislation that is a solution in search of a problem?

In short, this ill-conceived and unneeded bill unnecessarily circumvents the Rules Enabling Act, the process established by the Congress to amend the Federal Rules of Civil Procedure, making it more difficult for large numbers of injured parties to effectively seek redress in court and would place additional burdens on an already overloaded court system.

I should add that the Judicial Conference, the policymaking body for the Federal courts of this country, is currently considering changes to rule 23, which governs determination of whether class certification is appropriate, and the Supreme Court has agreed to hear cases where there are questions surrounding class certification, including Tyson Foods v. Bouaphakeo.

It would behoove us to allow these processes for examining and revising procedural and evidentiary rules to work as Congress intended.

The requirement in this bill that each proposed class member must prove he or she suffered an injury of the same type and scope of the injury of the named class representative effectively bars individuals who have suffered harm at the hands of large institutions with immense resources from forming class actions.

I am also highly concerned that the injury language included in this bill will exclude from the courts entire categories of lawsuits, most significantly, victims of discriminatory practices or civil rights violations seeking redress.

A commonsense reading of this provision, as I indicated, might well have excluded class actions such as Brown v. Board of Education. Brown served as a catalyst for the modern civil rights movement, ultimately leading to full equality for African Americans.

Under this legislation, class action plaintiffs must effectively prove the merits of their case as a condition of class certification, making most class actions nearly impossible to pursue.

A mechanism must exist to hold corporations and other entities accountable when they engage in systemic discrimination, unfair and deceptive practices, consumer fraud, and other wrongdoing that harms large numbers of people. This bill undermines this vital tool.

Let me give you an example, which is the cases brought against airbag deception that are currently being litigated and that we see much of in the news. If we were to look at scope of injury, some people were killed, and some people received minor injuries. Some people who had those airbags did not receive injuries.

But it seems logical to allow that all of the persons who had those automobiles should have an opportunity for corrective procedures, regardless of whether or not that was a wrongful death or whether or not there was an injury. The scope becomes nebulous when you look at it from the perspective of actual circumstances that we are confronted with sometimes in class actions.

H.R. 1927 also includes a provision—and this troubles me deeply and should trouble everybody that is in Congress and in this Nation—that would delay the work of asbestos compensation trusts. Formerly, the Furthering Asbestos Claim Transparency Act, section 3 of this bill, will shield the asbestos industry from accountability while exposing trust claimants to scams, identity theft, and other privacy violations.

This portion of the bill is similarly opposed by a number of groups that I have identified, including the Military Order of the Purple Heart, the Asbestos Disease Awareness Organization, and the Environmental Working Group, just to name a few.

For instance, the bill requires trusts to respond to any and all corporate defendants' requests for information. Ladies and gentlemen, that could take years. By that time, many of the complainants may very well have died. And what troubles me a lot is that the trust fund is making money.

It is similar to what automobile insurance companies do. When there is an automobile accident, if they think that there was harm perpetrated by their insured, they immediately establish a fund that would cover that liability. Then their lawyers go to work to not pay the claim at all and, next, to delay the claim.

The longer they keep it away from an ultimate settlement, the more money the insurance company makes. And they make enough money sometimes

to pay the claim that they could have settled or paid the claim of the injured victim in the first place.

□ 1300

The measure also requires public disclosure of personal claim information, including portions of those with asbestos-related diseases' Social Security numbers.

Interestingly, this legislation does not impose these same burdensome reporting requirements for the companies that exposed Americans to asbestos.

Despite its promise, this bill does nothing to improve judicial efficiency or reduce fraud in the court system and, instead, severely hampers justice for victims of corporate wrongdoing.

I reserve the balance of my time.

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

Mr. HASTINGS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. WATSON COLEMAN), a good friend of mine.

Mrs. WATSON COLEMAN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today against another handout to corporate interests, this time needlessly limiting access to courts for American consumers and workers.

The bill we would consider under this rule is the second blow in a one-two punch for American families. We kicked off 2016 by defunding Planned Parenthood and, effectively, repealing the Affordable Care Act.

Now we are considering legislation that would limit class action lawsuits, and needlessly threaten the privacy of asbestos victims, as well as other victims of faulty product designs, negligence, and dangerous environmental occurrences.

The end goal is obvious: enable corporations to avoid both blame and accountability when they have harmed consumers or knowingly exposed workers to toxic chemicals.

I wish that I were more surprised, but I am not. The truth is clear in this bill. It is just the next step in Republican efforts to lift corporate interests above any level of scrutiny, endangering citizens and consumers in the process.

Our courts are a cornerstone of justice for everyday Americans. We need to find ways to expand, not restrict, access to our legal system for victims.

Class actions have cleaned up the environment after oil spills, banned cigarette ads aimed at children, and policed price-fixing on Wall Street, among many other things.

Other nations allow big corporations to run amok, harming people through dangerous products, fraud, and dishonesty, virtually unchecked. But here in the United States of America, class action lawsuits are a vital tool that hold even the very powerful accountable for their malfeasance.

Mr. Speaker, it is time to get to work on policies for the American people, not against them, and I urge my colleagues to vote against the rule and the underlying bill, H.R. 1927.

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

Mr. HASTINGS. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. WELCH), my good friend and former member of the Rules Committee; and we miss him.

Mr. WELCH. Mr. Speaker, the 114th Congress will be remembered as the Congress that tried and tried again to unravel the extraordinary and great achievements of that American President of a century ago, Theodore Roosevelt.

President Roosevelt was a Republican. He believed in capitalism, he believed in profit, he believed in commerce. But he understood something that this Congress seems to forget: The axiom that power corrupts, and absolute power corrupts absolutely, applies to Wall Street and to large corporations as much as it does to oligarchs and despots.

Mr. Speaker, this legislation does end any realistic opportunity for consumers who are hammered by corporate negligence or irresponsibility or outright deceit from joining together to get the justice they are entitled to by using the only practical means available to obtain it, the class action lawsuit.

Instead, this legislation would deny class action status to all consumers affected by the exact same corporate misconduct—say, faulty brakes—unless they suffered the identical injury, a broken arm, but not a broken leg.

In a case of current moment, of real corporate misconduct and actual deceit, Volkswagen lying about its emissions control and, really, fudging the numbers on its mileage, the 3,000 Vermonters and 11 million Americans would have to file individual suits unless each suffered the same exact economic loss.

What is the justification for building this barrier to access to the courts? There is none.

But the proponents of this legislation are advocating, idealistically and ideologically, the underpinning of so much other legislation for Americans who are seeking safety, who are seeking opportunity, who are seeking justice.

Think about it. Repealing the ACA, Affordable Care Act, with no replacement for those 17 million Americans who are now covered; unraveling Dodd-Frank, leaving Wall Street to its old ways that led to the collapse of the economy in 2008; denying Puerto Rico, at the last minute, the option that every other municipality or State has if there is a credit situation to go into bankruptcy, all in service of hedge fund billionaire investors from Wall Street.

Starving the FTC and the SEC of their budgets so that they are no longer able to provide protections to consumers and small investors that they are entitled to.

Teddy Roosevelt, capitalist that he was, would never have stacked the deck so high against everyday Americans.

You know, we are talking a lot in this country about income inequality that is real. We can debate the causes.

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

Mr. HASTINGS. I yield the gentleman an additional 30 seconds.

Mr. WELCH. But the reality is we are building a structure of inequality, bill by bill, brick by brick. Denying class action access to the courts for everyday Americans injured by similar or the same corporate misconduct is to deny them a basic American right.

Mr. Speaker, I urge our colleagues to vote against this legislation and stand up for access to justice.

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

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

Mr. Speaker, yesterday the House of Representatives cast its 62nd vote to repeal the Affordable Care Act.

That we began the second session of the 114th Congress in this manner sends the regrettable, but undeniable message that it may be a new year, and we may have a new Speaker, but we are dealing with the same old majority Congress, intent on advancing partisan measures with little chance of becoming law.

H.R. 1927 will serve to close the courthouse doors to concerned and vulnerable citizens injured by large corporations.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up bipartisan legislation that will close a glaring loophole in our gun laws, allowing suspected terrorists to legally buy firearms. This bill would bar the sale of firearms and explosives to those on the FBI's terrorist watch list.

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

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

There was no objection.

Mr. HASTINGS. Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question, and vote ''no'' on the rule.

I yield back the balance of my time.

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

Again, a lot can be said, and I am so glad for the coming to the floor later. This will be debated, amendments will be offered. The House is in regular order doing what the House is supposed to be doing.

One thing that I would like to share is, as the previous speaker had talked about history—and I am currently, myself, reading a biography outtake on Theodore Roosevelt and his time in the Presidency and the things that he did—there is an amazing balance that he

struck for, basically, common people and victims.

I think that is exactly what we are doing here, because one of the things that the underlying bills do not do is they do not close the courthouse. They do not do the things that, if you look in history, as I pointed out in my opening statement, if you look at every time the Congress has taken up the class action issue, there has been the falling-of-the-sky phenomenon, that it is going to tear the courthouse down, nobody is going to get anything done.

The actual truth is the class action has increased and efficiency was found. And for the true victims, they find their compensation.

The courthouse that I have had the wonderful privilege of practicing in is a place where people find justice. It is not a place to be abused. It is not a place to sometimes take advantage of an open system. That is what we are doing here, and that is what I want people who read and understand this opportunity, because these are the same arguments that have been had before.

But, you know, Mr. Speaker, I appreciate the opportunity to come before this body, explore the differences between the Republican majority's vision for our country and that of this administration and those who share the President's view.

The Republican majority is fighting for a legal system that is victim-focused; a legal system that supports our veterans and ensures that those injured have their day in court and receive compensation.

A legal system full of fraud, abuse, and waste is a legal system ill-equipped to provide justice to victims.

The Republican majority is committed to making life better for all Americans. We have done that this week through reducing the regulatory burden on families and small businesses so we can jump-start our economy.

We have done that this week by sending to the President's desk a bill that rescinds ObamaCare so that we can get to work on restoring a patient-centered healthcare system, such as the Empowering Patients First Act proposed by my colleague, Dr. PRICE.

And let it be said, just as has been said over the centuries, doing the right thing over and over is still the right thing. And I believe if it is 62 times, it can be 62 more times, because this Congressman from the Ninth District of Georgia believes, as his constituents have found in the Ninth District, that ObamaCare is not for the people and needs to be gone and replaced with a patient-centered approach that we can do as a Republican majority.

You see, we have also sent to the President's desk a measure to stop Planned Parenthood from destroying our next generation of men and women and directing those funds to organizations that provide mammograms and true women's health care.

And we will continue to fight to keep our Nation safe from enemies, foreign and domestic, while preserving the sacred constitutional rights of all Americans.

Mr. Speaker, I urge my colleagues to support this rule and H.R. 1927.

The material previously referred to by Mr. HASTINGS is as follows:

AN AMENDMENT TO H. RES. 581 OFFERED BY MR. HASTINGS

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

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

The SPEAKER pro tempore (Mr. HOLDING). The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1315

SUNSHINE FOR REGULATORY DECREES AND SETTLEMENTS ACT OF 2015

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous remarks on H.R. 712.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 580 and rule