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

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

The yeas and nays were ordered.

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

Providing for Consideration of H.R. 1304, Self-Insurance Protection Act

Mr. BYRNE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 241 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 241

Resolved. That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1304) to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code to exclude from the definition of health insurance coverage certain medical stop-loss insurance obtained by certain plan sponsors of group health plans. All points of order against consideration of the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The question of offering an amendment shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without interjecting any motion except to call up the amendment. The question of ordering the previous question will be postponed.

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

Mr. BYRNE. Mr. Speaker, for the purpose of debate only, yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending the purpose of debate only.

Mr. POLIS. Mr. Speaker, on that I reserve the balance of my time, and I move the previous question.

The yeas and nays were ordered.
Mr. Speaker, I rise today to debate a Republican effort to repair the damage ObamaCare has done to our Nation's healthcare system. Our successful model of employer self-insured health insurance law. Furthermore, employer-sponsored self-insured plans are not subject to the same requirements under Obamacare, as are fully insured plans.

Thus, self-insured plans are desirable and successful because they are free from many government restrictions and regulations and allow employers to tailor their plans to meet the unique needs of their employees and to innovate.

For example, these plans do not require employees to purchase government-mandated coverage options that their employers do not want or need. This helps lower costs for working families while ensuring access to high-quality health care.

In hearings before the Education and the Workforce Committee, on which I sit, we heard testimony that today self-insurance is often the only way employers can afford coverage, thanks to Obamacare.

Mr. Speaker, in Alabama, we like to say: if it ain’t broke, don’t fix it. Prior to ObamaCare, there were problems in our Nation’s healthcare system, but the successful model of employer self-insurance wasn’t one of them. Today, self-insurance remains perhaps the best way for employers to provide health care to their workers.

Unfortunately, the prior administration seemed intent on disrupting this successful healthcare model. Rather than support self-insurance plans that worked, they repeatedly explored ways to impose new regulations that would negatively impact self-insurance. Specifically, the Obama administration wanted to disrupt the model by regulating stop-loss insurance and treating it as if it were health insurance.

Employers who self-insure often purchase stop-loss insurance to cover large medical claims and to protect against the financial risk of large claims. Despite decades of Federal regulation on employer health plans under ERISA, stop-loss insurance has never been regulated by the Federal Government. That is because stop-loss insurance is an actual risk management tool designed to protect employers from catastrophic claim expenses. Remarkably, in a regulatory grab, the Obama administration tried to reclassify it as “group health insurance.”

Mr. Speaker, if the last 7 years have taught us anything, it is that more Federal control over health insurance does not make health care more affordable for the American people. Stop-loss insurance is not health insurance, and it should not be regulated like it is.

The Self-Insurance Protection Act simply updates the law to make clear that Federal bureaucrats cannot redefine stop-loss insurance as group health insurance. This is about reaffirming longstanding policies and ensuring workers continue to have access to a health insurance model that is proven to lower costs and provide flexibility to consumers.

This bill will provide workers and employers alike with the regulatory certainty that they have desperately wanted and needed. They shouldn’t have to worry about unelected Federal bureaucrats stepping in and destroying their healthcare system.

To put it simply, this bill is necessary in order to prevent future bureaucratic overreach that would destroy the self-insurance model that has been so successful for so many working families.

I also think this bill is an area where we should have some bipartisan cooperation. It passed out of the Education and the Workforce Committee earlier this year on a voice vote, and I hope it earns bipartisan support here in the full House.

As we continue our efforts to increase choices, lower costs, and provide better healthcare options for working families, let us not forget to shore up and protect the health insurance programs that are actually working and getting the job done.

Mr. Speaker, I urge my colleagues to support House Resolution 241 and the underlying bill.

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

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

Mr. Speaker, I rise today to debate a rule for a piece of legislation that many on this side of the aisle do not necessarily have a serious issue with. The attempt here today is to ensure that a thing that is already happening continues to happen.

I suppose that, the next time we meet, we will take up a bill that declares that the Moon is not the Sun. Doing so is a complete waste of time, but that does not seem to necessarily be dispositive when deciding whether we should legislate on an issue these days.

Look, I get it. My friends across the aisle took one on the chin the other week when their Affordable Care Act repeal bill—a bill they spent 17 days working on, even though they had 7 long years to prepare for it—went down in flames in a most public and spectacular fashion, and now they need some time to dust themselves off and become reoriented.

The problem is, while they are doing that, while they are recovering from that, while they are putting together a bucket strategy that makes little to no sense, let alone to the American people, they want to reboot. What do they want? At first, it was repeal, then it was repeal and replace, then it was repeal and delay, followed finally by access to coverage, and would you believe another one: patient-centered.

That is repeal, repeal and replace, repeal and delay, access to coverage, and patient-centered. We still don’t have a plan. Then it turned toward a three-bucket strategy that makes little to any sense, let alone to the American people but even to two elected leaders in the Republican Party.

At the end of the day, Mr. Speaker, do you know what all this talk was?
Exactly what Senator Cotton said: nothing but political spin.

My fear is that it will all come down to whatever it takes to win in the eyes of the other side of the aisle, regardless of the consequences to the American people.

While we were told there was no plan B, we now hear there is a plan B. Donald John Trump “doesn’t lose,” and doesn’t like to lose. So I guess they are going to pass something, even if it is just two letters, the word “stop,” just so our Republican friends can say they did something. I am sure Donald John Trump will tweet about this great victory.

Mr. Speaker, Republicans must end their secretive plan B option and embrace the opportunity to do what is right, which is to pursue a path that strengthens and builds upon the strong foundation that has been set by the Affordable Care Act.

Democrats stand ready to work with my friends in the Republican Party on this task to continue to provide affordable coverage to millions of American citizens.

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

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

Mr. Speaker, my colleague from Florida said that the Moon is not the Sun. Well, stop-loss insurance is not health insurance, but the Obama administration tried to make it so. Because they tried to make it so, we need to put into statutory law what I think we all agree on both sides of the aisle, not only is the law but should be the law so that there is no question about it in the future. It is unfortunate we have to do that, but, because of some of the actions of the prior administration, it is necessary.

He talked about the strong foundation of the ACA, ObamaCare. That foundation is crumbling beneath the legislation of the ACA, ObamaCare. There are no carriers. In other States, there are no carriers. Soon enough, we will see the State of Alabama is down to one carrier on the exchange. This is a measure that violates American privacy by selling your most personal and intimate information, including your email content and your app usage, all without your consent. Not only is this wrong and violative of policy, but it jeopardizes Americans’ personal data and puts them at risk of internet hacking.

The resolution negating essential protections for private citizens was signed by President Trump last night. The October 2016 FCC rule was the only rule that required internet service providers to obtain consumers’ permission before selling their private internet browsing history and other sensitive information.

I am simply shocked that my colleagues across the aisle would vote for a measure that violates American privacy by selling your most personal and intimate information, including your email content and your app usage, all without your consent. Not only is this wrong and violative of policy, but it jeopardizes Americans’ personal data and puts them at risk of hacking.

Repealing the FCC rule with S.J. Res. 34 allows broadband providers to turn over your personal information to the highest bidder. Mr. Speaker, we stand here ready to fight for the privacy of the American people.

If we defeat the previous question, I am going to offer an amendment to the rule to bring up legislation which would reestablish the Federal Communications Commission’s internet privacy rule.

Mr. Speaker, I ask unanimous consent to insert the text of my 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 yield 5 minutes to the gentlewoman from Nevada (Ms. ROSEN), a member of the Armed Services and Science, Space, and Technology Committees to discuss our proposal.

Ms. ROSEN. Mr. Speaker, if today’s vote on the previous question fails, we will have the opportunity to vote on my bill, H.R. 1888, Restoring American Privacy Act of 2017, which will reverse last night’s disastrous action by President Trump when he signed a bipartisan congressional resolution allowing internet providers to sell their customers’ personal information without their knowledge or consent.

Before my time in Congress, I started my career as a systems analyst. I have firsthand experience writing code, and I can tell you that the first thing to protect vulnerable and sensitive data is to make sure it is kept private.

S.J. Res. 34, which the House passed last Tuesday, unraveled those vital protections for sensitive information belonging to millions of Americans nationwide.

The American people's browser histories: not for sale. The American people's financial information: not for sale. The American people's health information: not for sale. And the American people's location data: not for sale.

It is a simple concept and one I hope my colleagues across the aisle will recognize and support. The American people don’t want the legislation that was signed last night. In overwhelming numbers, they are calling Congress and letting it be known that they want to keep their private information private.

I am proud to stand up for the American people by introducing the Restoring American Privacy Act of 2017, which reverses this misguided resolution and says, once and for all, that your privacy is not for sale, period.

Mr. Byrne, Mr. Speaker, I yield myself the balance of my time.

It is time for my friends on the other side of the aisle to end their self-proclaimed political spin designed to bewilder and confuse average Americans, making them believe that their Republican representatives are fighting for the future of their health care and the health care of their families, when in fact they are really fighting for powerful corporate interests.

Now is the time for us to face facts and accept truths.

Fact: House Republicans made an attempt to replace the Affordable Care Act and pass a bill that would never have the out-cry from their own constituents that they were forced to pull it.

Truth: There are serious issues in health care that need to be addressed for the betterment of all Americans, and it is going to take the effort of both parties in both the House and the Senate working together to strengthen our healthcare system.
No more smokescreens, no more political rhetoric, only collaborative discourse using only the well-being of the American people as our compass. It is this approach that will steer us back onto course for the betterment of this and future generations. Unfortunately, this bill does neither of those things.

Mr. Speaker, I urge a “no” vote on the rule and underlying measure, and I yield back the balance of my time.

Mr. BYRNE. I yield myself the balance of my time.

Mr. Speaker, I thank my colleague from Florida for his remarks. I completely agree with him. Both parties should be working together to make sure that we provide what we can reasonably for the health care of the people of America, and we should be collaborating, not just in this House across the aisle but in the Senate as well. I think it is a good place to start right here with this bill because we really don’t have a substantive disagreement about it.

Both sides understand that stop-loss insurance is not health insurance. It is just the Obama administration tried to turn it into that. This bill would stop that and bring the certainty we need back to providers of broadband Internet access services, which while the main small employers have and will make sure that we have in place for working families across America a system that is working for them and maintain that.

I know that my colleagues on the other side of the aisle will join with us, will collaborate with us, and that our colleagues in the other House, in the Senate, will do as well and pass this legislation because it truly is bipartisan in substance and, I hope today, in the vote.

Mr. Speaker, I again urge my colleagues to support House Resolution 241 and the underlying bill.

The material previously referred to by Mr. HASTINGS follows:

AN AMENDMENT TO H. RES. 241 OFFERED BY MR. HASTINGS

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

Sec. 2. 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. 1868) to provide that providers of broadband Internet access service shall be subject to the privacy rules of the Federal Communications Commission on October 27, 2016. The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill shall be subject to the privacy rules of the Federal Communications Commission as adopted by the Federal Communications Commission on October 27, 2016. The first reading of the bill shall be dispensed with.

The vote was taken by electronic device, and there were—yeas 232, nays 188, not voting, 9 as follows:

[Representative Names and Votes Listed]
Mr. BRADY of Pennsylvania, Ms. KUSTER of New Hampshire, Messrs. RUSH, JOHNSON of Georgia, and Ms. CLARKE of New York changed their vote from "yea" to "nay." Mr. ISSA changed his vote from "nay" to "yea." So the previous question was announced as above recorded.

The SPEAKER pro tempore (Mr. ROGERS of Kentucky). The question is on the resolution. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 184, not voting 11, as follows:

[AYES—234]

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Casar
Castor (FL)
Castor (LA)
Chaffetz
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Culias
Cummins
Davis (CA)
Davis (GA)
DeFazio
DeGette
DeLauro
DeLauro
Demings
Dent
Deutch
Diebold
Dingell
Dooley, Michael F
Ellison
Engel
Eric
Eshoo
Estoff
Evans
Foster
Frankel (FL)
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Franks
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The SPEAKER pro tempore (Mr. ROGERS of Kentucky). The question is on the resolution. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

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The SPEAKER pro tempore (Mr. ROGERS of Kentucky). The question is on the resolution. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
The SPEAKER pro tempore. The question on the previous question is ordered by the ayes appearing to have it. 

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

**NOT VOTING—13**

Bridenstine
Davis, Danny
Gallagher
Grothman
Hoyer

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore (during the vote) announces that there are two minutes remaining.

**1241**

So the previous question was ordered, and the result of the vote was announced as above recorded.

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