

The Most Honorable Paul Ryan
H-232 The Capitol
Washington, DC 20515

Dear Speaker Ryan,

The undersigned conservative organizations are writing to express our opposition to H.R.1215, the ironically entitled Protecting Access to Care Act of 2017, which advances the disturbing trend toward the ‘federalization’ of state tort law that is contrary to constitutional principles and represents an undue restriction on freedom.

Among other provisions, the legislation – which is being quietly fast-tracked through Congress without hearing and with limited debate – establishes federal caps on damages in malpractice suits. Regardless of the merits of this bill, it is critical to note that more than 30 states already have some form of cap on damages in such litigation, while 18 others bar such restrictions on awards either by constitutional provision or via state court decisions holding them unconstitutional.

This diversity of approach among the states, which may be viewed as inconvenient by members of Congress and special interests, IS a feature, not a bug, of our system of federalism. It is exactly the result the Founders intended when they ensured the ability of these sovereign units of government to serve as “laboratories of democracy” that allow our nation to test the outcomes of various policies – and give their citizens freedom of choice as to systems of government and the law under which they prefer to live.

It is worth noting that the House Judiciary Committee, in marking up the legislation, specifically rejected an amendment which would bar pre-emption of state constitutional provisions.

Overriding state constitutional provisions and interpretation denies states and their citizens essential liberties as well as an important check and balance on the power of the national government: the ability to protect their interests by keeping government and the settlement of legal disputes closest to them where actions can be monitored and held accountable. Moreover, federalization of the law in this manner snuffs out the spirit of innovation and the distinct regional strengths that lie at the heart of American greatness.

For all these reasons, we urge Members of Congress to reject the encroachment on the rights and prerogatives of states and citizens embodied in H.R. 1215 as it comes before the full House.

Sincerely,



Tom Giovanetti

Jim Gatz



John L. Harner



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George Landrith



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Matthew B. Kandrach



cc: Congressman Bob Goodlatte
House Freedom Caucus