

Security Act, to choose a level that reflects a requirement that State plans for medical assistance under such title XIX provide for adequate reimbursement of physicians, providers of services, and suppliers furnishing items and services under the plan in the State.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Texas (Mr. BENTSEN) and the gentleman from Florida (Mr. BILIRAKIS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BENTSEN).

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

Mr. Speaker, let me say at the outset that in a couple of minutes I am going to move to withdraw this motion and I will tell my colleagues why, but I do want to take just a couple of minutes to talk about it.

Let me start out by saying what this motion would do is, in effect, would call on the conferees to reinstate what has been known as the Boren amendment which would require that States establish reasonable rates of reimbursement under the Medicaid program. As my colleagues know, the Boren amendment was repealed in the 1997 Balanced Budget Act, but we still find that in many cases for providers, both hospitals and individual medical providers, that the reimbursement rates under the Medicaid program by the States is not sufficient; and, in fact, a recent study found that in some cases those rates are as low as 65 percent of the comparable Medicare reimbursement rate. This is something that raises concerns when we consider that more than a third of the births in this country are funded through the Medicaid program and yet we have these low reimbursement rates.

My personal concern in this has to do in trying to stand up for my district and my State. The largest medical center in the world is in my congressional district with the largest children's, independent children's hospital, as well as another children's hospital and a very large public hospital system, where they have a very large, disproportionate share census that they have to deal with in not getting sufficient reimbursement. I think Members around the country would find that is true.

Mr. Speaker, as we know today the National Governors Association and the National Conference of State Legislators sent out letters with some questionable arguments against this motion, and I am not going to pursue it because I do not want to put Members on either side of the aisle in a difficult situation.

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Mr. Speaker, I will say this. Last week when the House considered the tax bill with the balanced budget revision that was in it, I would remind my Republican colleagues that that included an uptick in the reimbursement for managed care companies, for Medicare providers; and I actually joined

my Republican colleagues in voting for that. There were not a lot of Democrats who did, but I was one of the ones who did. I thought it could be a better bill, but I was willing to take what we could get at the time.

I guess what I want to say is what is good for the goose is good for the gander, and that we may want to take a look at the Medicare bill as well to see how we may want to make that a better program for the people who rely on the Medicaid program.

Now, let me just say with respect to what the Conference of State Legislatures said, and the governors. I think it is somewhat of a stretch for the Conference of State Legislatures to say that by going back to the Boren Amendment language that somehow they would not be able to move forward with the breast and cervical cancer bill that this House passed overwhelmingly and was signed into law by the President just last week, or the Ticket to Work program that was passed. I and others were cosponsors of both of those bills. I think that is a little bit of a red herring on their part. I do not, quite frankly, think this is an issue that we are going to deal with this year, but it is something that I think Members on both sides of the aisle do want to take a look at.

Mr. RODRIGUEZ. Mr. Speaker, I stand before you today in support of the motion to instruct conferees on H.R. 4577 by my friend and colleague, Representative KEN BENTSEN.

The Bentsen motion to instruct urges conferees to do the right thing by providing adequate funding levels for Medicaid.

We face a health crisis in our states because the Balanced Budget Act of 1997 put Medicaid rates too low.

Everyone is impacted: physicians, hospitals, home health providers, and nursing homes.

Many of the health care providers in my district and throughout my state face severe financial difficulties due to low Medicaid rates.

These Medicaid reimbursement reductions have especially hurt our nursing homes. The situation in Texas is a good example of why we need immediate action.

Today I released a special report prepared by the minority staff of the House Committee on Government Reform, "Nursing Home Conditions in Texas," which found widespread inadequacies—sometimes horrible situations—in our nursing homes.

In many nursing homes in Texas and across the country, our parents and grandparents suffer intolerable conditions.

More than half of the nursing homes in Texas had violations of federal health and safety standards that caused actual harm to residents, or placed them at risk of death or serious injury.

Another 29 percent of Texas nursing homes had violations that created potentially dangerous situations.

In other words, 4 out of 5 nursing homes in Texas violated federal health and safety standards during recent state inspections.

Why are the conditions so bad?

One reason is inadequate levels of staffing. In Texas, more than 90 percent of the homes do not have the minimal staffing levels recommended by the U.S. Department of Health and Human Services.

And why are staffing levels so low? Because the low level of funding makes it impossible for nursing homes to provide adequate care.

This Congress still has the opportunity to address these glaring problems. The Bentsen motion would be a bold step in defense of our most vulnerable seniors by requiring states to provide adequate reimbursements to all health care providers.

Mr. BENTSEN. With that, Mr. Speaker, I withdraw my motion to instruct.

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#### PARLIAMENTARY INQUIRIES

Mr. BARTON of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman will state it.

Mr. BARTON of Texas. Mr. Speaker, can the gentleman withdraw without unanimous consent?

The SPEAKER pro tempore. The gentleman can withdraw the motion to instruct without unanimous consent.

Mr. THOMAS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. Mr. Speaker, since the gentleman introduced his motion and then spoke on his motion without an opportunity for other Members of the House to address the question, which some people would believe did not reflect fair play, would it be appropriate, for example, for the gentleman from Florida (Mr. BILIRAKIS) to ask unanimous consent to address the House for 5 minutes to provide some subject matter on the motion just withdrawn?

The SPEAKER pro tempore. The general practice of the House would be to seek a unanimous consent agreement to speak out of order for 1 minute.

(Mr. BILIRAKIS asked and was given permission to speak out of order for 1 minute.)

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#### OPPOSING MOTION TO INSTRUCT CONFEREES

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for allowing us the opportunity.

Mr. Speaker, this motion actually reverses a policy set in legislation enacted only 3 years ago, at the bipartisan request of our Nation's governors. Provisions to repeal the Boren Amendment were included in the 1997 Balanced Budget Act. That measure was approved by the House with the support of 193 Republicans and 153 Democrats, and it was signed into law by President Clinton.

I would also refer to remarks made by the President of the National Governors Association on August 8 of last year in St. Louis, Missouri, when he said, we have waived or eliminated scores of laws and regulations on Medicaid, including one we all wanted to get rid of, the so-called Boren Amendment.

As I intended to explain earlier, the proposal, Mr. Speaker, is unnecessary.

The Medicaid statute already includes provisions which address the gentleman's concern. Under title 19, States are specifically required to provide adequate reimbursement. Section 1902(a)(30)(A) requires States plans to, and I quote, "provide such methods and procedures relating to the utilization of and the payment for care and services available under the plan as may be necessary to safeguard against unnecessary utilization of such care and services, and to ensure that payments are consistent with efficiency, economy and quality of care, and are sufficient to enlist enough providers so that care and services are available under the plan, at least to the extent that such care and services are available to the general population in the geographic area."

Mr. Speaker, this has been true in regulation for years, Mr. Speaker, but it was also codified in statute by the 1989 omnibus budget reconciliation act. Imposing additional mandates on the States would not accomplish any justifiable public policy purpose.

The other interpretation of the gentleman's motion to instruct is that in the spirit of Halloween, he is attempting to breathe life into the now-dead Boren Amendment. History has shown us that the use of such general terms as "adequate reimbursement" and "suppliers furnishing items and services" will lead to litigation.

Mr. PALLONE. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The House is proceeding under regular order.

Mr. PALLONE. Mr. Speaker, the gentleman asked for 1 minute.

The SPEAKER pro tempore. The gentleman asked for 5 minutes. The gentleman will suspend. The gentleman from Florida has the time.

Mr. BILIRAKIS. Mr. Speaker, the gentleman from Florida asked for 5 minutes.

The SPEAKER pro tempore. The gentleman was recognized for 1 minute.

Mr. BILIRAKIS. Mr. Speaker, the original Boren Amendment was intended to serve as a ceiling for State reimbursement decisions, but over many years of judicial interpretation, it became a tool to create an ever-increasing floor.

Mr. Speaker, I would urge all to vote against this motion, and I thank the gentleman for his courtesy.

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#### GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the motion to instruct just withdrawn by the gentleman from Texas (Mr. BENTSEN).

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

There was no objection.

#### REQUEST TO SPEAK OUT OF ORDER

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

Mr. PALLONE. I object, Mr. Speaker. The SPEAKER pro tempore. Objection is heard.

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#### REQUEST TO ADDRESS THE HOUSE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. PALLONE. I object, Mr. Speaker. The SPEAKER pro tempore. Objection is heard.

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#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

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#### CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION BOARD

Mr. McKEON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2789) to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

The Clerk read as follows:

S. 2789

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION.

(a) IN GENERAL.—The Congressional Award Act (2 U.S.C. 801-808) is amended by adding at the end the following:

#### "TITLE II—CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION

##### "SEC. 201. SHORT TITLE.

"This title may be cited as the 'Congressional Recognition for Excellence in Arts Education Act'.

##### "SEC. 202. FINDINGS.

"Congress makes the following findings:  
"(1) Arts literacy is a fundamental purpose of schooling for all students.

"(2) Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem-posing and problem-solving.

"(3) Arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy.

"(4) Arts education improves teaching and learning.

"(5) Where parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are ac-

tively engaged in instructional programs, arts education is more successful.

"(6) Effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence.

"(7) The 1999 study, entitled 'Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education', found that the literacy, education, programs, learning and growth described in paragraphs (1) through (6) contribute to successful district-wide arts education.

"(8) Despite all of the literacy, education, programs, learning and growth findings described in paragraphs (1) through (6), the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts.

"(9) The Arts Education Partnership, a coalition of national and State education, arts, business, and civic groups, is an excellent example of one organization that has demonstrated its effectiveness in addressing the purposes described in section 205(a) and the capacity and credibility to administer arts education programs of national significance.

#### "SEC. 203. DEFINITIONS.

"In this title:

"(1) ARTS EDUCATION PARTNERSHIP.—The term 'Arts Education Partnership' means a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work, and was formed in 1995.

"(2) BOARD.—The term 'Board' means the Congressional Recognition for Excellence in Arts Education Awards Board established under section 204.

"(3) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' mean—

"(A) a public or private elementary school or secondary school (as the case may be), as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

"(B) a bureau funded school as defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

"(4) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

#### "SEC. 204. ESTABLISHMENT OF BOARD.

"There is established within the legislative branch of the Federal Government a Congressional Recognition for Excellence in Arts Education Awards Board. The Board shall be responsible for administering the awards program described in section 205.

#### "SEC. 205. BOARD DUTIES.

"(a) AWARDS PROGRAM ESTABLISHED.—The Board shall establish and administer an awards program to be known as the 'Congressional Recognition for Excellence in Arts Education Awards Program'. The purpose of the program shall be to—

"(1) celebrate the positive impact and public benefits of the arts;

"(2) encourage all elementary schools and secondary schools to integrate the arts into the school curriculum;

"(3) spotlight the most compelling evidence of the relationship between the arts and student learning;

"(4) demonstrate how community involvement in the creation and implementation of arts policies enriches the schools;