

As we celebrate Women's History Month, let us continue to work to create equal opportunities for future generations of women.

**PROVIDING FOR CONSIDERATION OF H.R. 3716, ENSURING REMOVAL OF TERMINATED PROVIDERS FROM MEDICAID AND CHIP ACT**

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 632 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 632

*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. 3716) to amend title XIX of the Social Security Act to require States to provide to the Secretary of Health and Human Services certain information with respect to provider terminations, and for other purposes. 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 Energy and Commerce. 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 Energy and Commerce 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 114-45. 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.

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

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the cus-

tomary 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. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 632 provides for a rule to consider a commonsense, bipartisan piece of legislation that will address waste, fraud, and abuse within the Medicaid program.

The rule provides for 1 hour of debate, equally divided between the majority and the minority of the Committee on Energy and Commerce. The Committee on Rules made in order four amendments that were submitted to the committee, three Democratic amendments and one bipartisan offering.

Finally, the rule affords the minority the customary motion to recommit, a final opportunity to amend the legislation should the minority choose to exercise that option.

H.R. 3716, the Ensuring Access to Quality Medicaid Providers Act, combines two bipartisan bills that were unanimously reported out of the Energy and Commerce Committee: H.R. 3716, the Ensuring Terminated Providers Are Removed from Medicaid and CHIP Act that was introduced by Dr. LARRY BUCSHON, a member of the committee; and H.R. 3821, the Medicaid DOC Act authored by Representative CHRIS COLLINS, also on the committee.

Not only is this bill bipartisan, it has received support of the administration, and it is an important illustration of the work we are doing in the House right now to improve health care for all Americans.

The Medicaid program continues to suffer from fraud, waste, and abuse. These issues cause direct harm to the beneficiaries and waste billions of taxpayer dollars.

Medicaid beneficiaries frequently end up in the emergency room, not because they need emergency care, but because they cannot find a physician participating in their Medicaid program. This is an inefficient and ineffective way to access health care.

H.R. 3716 is commonsense legislation that resolves both of these problems and improves beneficiary access to quality providers. Not only is this bill good for patients, it is fiscally responsible.

According to the Congressional Budget Office, this package would reduce Federal outlays by \$15 million over the budget window because the Medicaid program would no longer be paying providers who had been terminated for reasons of fraud, integrity, or quality.

Although the Congressional Budget Office does not estimate State-specific savings, this bill would also save State Medicaid programs from several million dollars over the same timeframe.

The Office of Inspector General at the Department of Health and Human Services has previously found that 12 percent of terminated providers were participating in a State Medicaid program as of January 1, 2012, after the same provider was terminated for reasons of integrity or quality from another State Medicaid program.

□ 1230

The base bill, H.R. 3716, will ensure that we put an end to this problem.

State Medicaid and State CHIP programs will be required to report terminated providers to the Centers for Medicare & Medicaid Services within 21 business days. The Centers for Medicare & Medicaid Services will then be required to include that data and Medicare provider terminations in its Termination Notification database within 21 business days. In addition, State Medicaid and State CHIP managed care contracts will be required to include a provision that providers terminated for reasons of integrity or quality from Medicare, Medicaid, or SCHIP be terminated from participation in their provider networks. Where Medicaid or CHIP payments are made to providers for services performed more than 60 days after the provider's termination, those States will be required to pay back the Federal portion of the Medicaid match of those payments.

The bill will also ensure that State Medicaid agencies have a current and complete list of providers serving Medicaid patients by requiring providers to enroll with the State agency. To streamline reporting requirements and eliminate duplication, the Centers for Medicare & Medicaid Services will be required to develop uniform terminology for terminations related to fraud, integrity, or quality.

These simple reforms will ensure that we stop paying millions of Federal taxpayer dollars for fraudulent and wasteful care and that beneficiaries are not receiving care from providers who have failed to adhere to basic standards of quality or integrity.

The second key issue this bill tackles is one of access to care. Beneficiaries in the Medicaid program have historically struggled to find a physician who will accept Medicaid and can provide treatment. H.R. 3716 includes H.R. 3812, introduced by Representative CHRIS COLLINS of New York, to empower beneficiaries with better information that will arm them with the information that they need to access care without first going to an emergency room.

While Medicaid beneficiaries enrolled in managed care plans have a defined network of providers, about half of States use delivery systems other than risk-based managed care, and those served under a fee-for-service or primary care case management program

include some of the most vulnerable Medicaid enrollees, such as the elderly and disabled children. Unfortunately, these enrollees may have limited assistance in identifying physicians who participate in the Medicaid program.

Specifically, the policy would require State Medicaid programs to publish an electronic directory of physicians who have billed Medicaid in the prior year—an indication that the physician has or likely still accepts Medicaid patients. That directory would include the physician's name, specialty, address, telephone number, and, where relevant, information on whether the physician is accepting new patients and linguistic capabilities.

Medicaid is estimated to cover 83 million people this year, and it is growing. H.R. 3716 makes two targeted but important reforms to strengthen the integrity of the Medicaid program and to improve access to quality care. This legislation is another example of the Energy and Commerce Committee's record of success on bipartisan reform to improve the state of health care in America. I encourage my colleagues to vote for this package.

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

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

Mr. Speaker, I thank the gentleman from Texas for yielding me the customary 30 minutes for debate.

Mr. Speaker, I rise today to debate the rule for H.R. 3716, Ensuring Removal of Terminated Providers from Medicaid and CHIP Act. Among other things, this bill requires State Medicaid and CHIP programs to report providers terminated for reasons of fraud, integrity, or quality to CMS within 21 business days.

The requirements in this legislation are straightforward and have achieved broad bipartisan support. I find myself strangely in the position of agreeing with all of what my colleague from Texas had to say. I listened to him intently. So it only leaves the question: Why is this bill being presented here today instead of under the suspension calendar?

Rather than taking the time to debate a rule for a bill that could be passed without the need for a special rule, would it not be a better use of this body's valuable legislative time to debate and pass a budget resolution and get the appropriations process started?

Mr. Speaker, I applaud Speaker RYAN's promises to end Republican obstruction and dysfunction and return to regular order, but I cannot see how what is unfolding now is a step in that direction.

Last fall, Republicans and Democrats came together to pass a bipartisan budget agreement. Now Republicans, appeasing the most extreme fringe of their party, are considering breaking that agreement. Breaking this agreement will not be without consequences for this Nation, including deeper cuts to seniors and working families.

Mr. Speaker, the majority's fumble on the budget has ushered in a new level of dysfunction for this institution. My Republican friends' inability to govern has gotten so bad that they can't even agree to follow through on an agreement they have already agreed to and has been signed into law.

As we debate today, it is still not clear how the majority plans to move forward on one of this body's most basic constitutional obligations: appropriating funds to run the country.

I told the young people working with me that I thought of a metaphor last night about when I first learned to swim. I grew up in an area where there were a lot of lakes, so it was automatic that all of us would learn how to swim, and we did. In learning to swim, among the things that the young boys taught me was there were times when you just tread water, where you don't move forward or backward. If you are backstroking, just tread water. Some learned to float. I didn't. But apparently my Republican friends have learned to float and have learned to tread water because we are not going anywhere fast in this institution of dysfunction.

The inability to fulfill this obligation is truly astounding and reveals a Republican majority that may wish upon every star in the sky to return to regular order but has no earthly idea of how to do so. Indeed, the only regularity we see coming out of today's Republican leadership is one dedicated to disorder.

The inability to even begin a fruitful discussion of a budget process is but one among many pieces of evidence that prove that the Republican hopes of regular order are as elusive as is their ability to put forth a plan that will benefit working class Americans, strengthen our infrastructure, and provide for the least among us. It would be comical if it were not so dire.

Let's recap how we have arrived at this point of Republican inability to govern. For the first time in 40 years, Republicans refuse to even invite a representative from the administration to testify on the President's budget proposal. Then, Republican leaders failed to hold a committee markup on a budget resolution last week and fumbled their plans to present their conference with a promised budget blueprint. Now, in order to appease the insatiable radical fringe of his party, Speaker RYAN is threatening to break the terms of the bipartisan budget agreement passed into law last year—totally unbelievable.

Mr. Speaker, the American people deserve better. They want us to work together to fund their government and solve the problems of this country. This whole Republican budget process has shown that the majority and the radical fringe rightwing of their party are simply not up to that task.

I might add that I read last night that the majority leader in the other body has made it very clear that he is

not going to play along with House Republican functionaries who would send stuff to the Senate that is not going to pass. I predict that we will one day have the usual omnibus at the end of this process, and that is tragic.

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

Mr. BURGESS. Mr. Speaker, I have no further speakers, so pending Mr. HASTINGS' conclusion, I will reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I have no further speakers as well, and I am prepared to close.

I yield myself the balance of my time.

Mr. Speaker, if we defeat the previous question, I am going to offer an amendment to the rule to bring up a resolution that would require the Republican majority to stop its partisan games and finally hold hearings on the President's budget proposal.

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.

Mr. Speaker, the bill underlying this rule institutes a number of proposals that have broad bipartisan support. So again I ask: Why are we here debating a rule for such a bill? Quite obviously, it is because Republicans have no choice but to tread water. In doing so, they have called a time-out on helping the American people; they have called a time-out on doing their job.

They have done so that they may make haste in putting Humpty Dumpty back together again.

Good luck, my friends. Truly, truly, I wish you good luck.

In the meantime, rest assured that those of us on this side of the aisle stand ready in getting to the people's business once you can pull yourselves together and put forth a budget plan. I am, of course, suspect of whether our friends on the other side of the aisle will be able to do so.

Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, I do want to point out today is March 2, significant for many of us in Texas because that is Texas Independence Day, a date that is recognized across the Nation as one that brought independence to the State of Texas.

I would point out it seems like oftentimes, in my role here presenting the Republican case for the rule from the Rules Committee, it also becomes my duty to provide some historical perspective for the House of Representatives, and today is no exception.

March 2, today, the first year that the Democrats had the majority in recent memory was calendar year 2007.

When was a budget passed in calendar year 2007? It was passed on March 29. I would point out that the only thing bipartisan about that budget resolution was the opposition.

Calendar 2008, a bit better, the budget passed on March 13, the middle of the month, about 2 weeks from where we are today. Once again, on that budget, 212 yeas and 207 nays. But the nays were bipartisan. The yeas, of course, were of a single party.

Calendar year 2009, the budget didn't pass until the month of April, and, once again, the only thing bipartisan about the budget that year was its opposition.

Then, finally, I would point out that the following calendar year, 2010, there was no budget submitted.

So, Mr. Speaker, my understanding from the chairman of the Budget Committee is they are actively working on the budget. I wish them Godspeed. I am thankful that I don't have to be in the room while it is being done, but I have every confidence that they will produce a budget document that the House will then consider. But today—today—Mr. Speaker, today's rule provides for consideration of an important fix to the Nation's Medicaid program.

I certainly want to thank Dr. LARRY BUCSHON and Mr. COLLINS of New York—both, of the Energy and Commerce Committee, two important members of the Committee on Energy and Commerce—for their work on this legislation.

Mr. Speaker, I urge my colleagues to vote “yes” on the rule and “yes” on the underlying bill.

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

AN AMENDMENT TO H. RES. 632 OFFERED BY  
MR. HASTINGS OF FLORIDA

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

SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 624) Directing the Committee on the Budget to hold a public hearing on the President's fiscal year 2017 budget request with the Director of the Office of Management and Budget as a witness. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Budget.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H. Res. 624.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1245

RECESS

The SPEAKER pro tempore (Mr. BENISHEK). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess.

□ 1301

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOLD) at 1 o'clock and 1 minute p.m.

ENSURING REMOVAL OF TERMINATED PROVIDERS FROM MEDICAID AND CHIP ACT

GENERAL LEAVE

Mr. BUCSHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3716.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 632 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3716.

The Chair appoints the gentleman from North Carolina (Mr. HOLDING) to preside over the Committee of the Whole.

□ 1302

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3716) to amend title XIX of the Social Security Act to require States to provide to the Secretary of Health and Human Services certain information with respect to provider terminations, and for other purposes, with Mr. HOLDING in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Indiana (Mr. BUCSHON) and the gentleman from New York (Mr. TONKO) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUCSHON. Mr. Chairman, I yield myself such time as I may consume.

The bipartisan bill before us today improves access to quality healthcare providers for vulnerable Medicaid patients.

Today, State Medicaid programs too often suffer from waste, fraud, and abuse, which can harm beneficiaries and waste taxpayer dollars. At the same time, too many Medicaid patients may have a hard time finding a doctor. Our bill takes an important step forward in addressing both of these issues.

First, H.R. 3716 would ensure healthcare providers that are terminated from Medicaid or from one State's Medicaid program for reasons