

health and education bill. That bill, as Bill Natcher used to say, is a bill that is the people's bill. It takes care of the children. It takes care of the sick, and it takes care of the workers who produce the wonderful prosperity that enable all of us to brag about the surpluses that we have created.

What is at stake here is very simple. We did have an agreement and the majority leadership decided that they were going to break it up. Now they can argue that all they want, but the fact is that that is what happened.

I think if we are going to discuss values, as we have so often been lectured about by the distinguished majority whip, if we are going to talk values let me say that I can think of no value more important than to say to the most humble worker in this country that their health comes before the wishes of the national lobbyists for the United States Chamber of Commerce. I can think of no value more important than to let the most humble worker in this country know that the Congress of the United States and the President of the United States are not so busy focusing on their own needs that they will allow the needs of the neglected to be forgotten.

That is what the President said in his veto message. He is saying, do to the best of these. That is what he is saying or as the Book some of us have read that reminds us to do that, what you do to the least of my brethren, you do for me. That is what we are trying to do when we stand here protecting the interests of workers who have no place else to go but here, no place to go but here; to be protected so that they can keep their bodies whole, so that they can continue to work to put food on the table for their families.

Do you think that I am going to apologize for one second for supporting the President's veto of a bill that takes care of us before it takes care of them? I do not know what planet you are on, but those are not my values. I am proud to support his veto.

I would say that the gentleman from Arizona (Mr. KOLBE) himself has done his job. The President's veto in no way is a criticism of his work. We all know he has done an honest job of negotiating. He, like many of us are simply caught in the situation that we would like to see not exist, and that situation was caused by the majority leadership of his party in this House.

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

Mr. Speaker, let me just very briefly close this debate. I know it has taken longer than we had intended. I know the gentleman from Texas (Mr. DELAY), the majority whip, will certainly be pleased with the very fine comments that the gentleman from Wisconsin (Mr. OBEY) made about his bipartisan nature of finding solutions to appropriation bills. My experience

has always been that the majority whip, the gentleman from Texas (Mr. DELAY), always has been very constructive in trying to find those solutions.

The gentleman from Wisconsin (Mr. OBEY) also made reference to the 1995 legislative bill and the veto of that for essentially the same reasons. Although my memory does not take me back that many votes and that many appropriation bills, I believe at that time when that was vetoed there was no agreement on the Treasury Postal Bill; and, therefore, the argument was we should not be passing or should not be accepting the legislative appropriations without an agreement on the appropriations that affected the executive branch, the White House and all the executive agencies, the White House agencies.

In this case, they are tied together. We have them together. So signing this bill would have made sure that we moved forward that part of the final budget that would have covered these two very large agencies, the Congress and all of its related agencies, including the Congressional Research Service and the Library of Congress, our Capitol Police, and the Treasury, with all of its agencies, the Treasury itself, the Secret Service, the Customs, the Bureau of Alcohol, Tobacco and Firearms, the Internal Revenue Service, the Federal Elections Commission and everything at the White House.

So I think it would be very important for us to recognize that these are tied together and we should move forward with this.

There is a great deal of misunderstanding or, I think, unfortunate misunderstanding about the events last night. I was not there, but I certainly understand that when an agreement is reached by appropriators that is on something as delicate as this, that includes language that is not an appropriation item, that the leadership is going to have to sign off on that. Apparently that last step had not been done. There was agreement on the basic provision, but they had not signed off on it.

Mr. Speaker, I would just say that I hope we can find a solution to this very quickly and move this bill forward as rapidly as possible so these appropriations might become law.

The SPEAKER pro tempore (Mr. SUNUNU). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. YOUNG).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Accordingly, the veto message and the bill will be referred to the Committee on Appropriations.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 2001

Mr. BENTSEN. Mr. Speaker, I offer a motion to instruct conferees on H.R. 4577.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BENTSEN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed, in resolving the differences, between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social 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.

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.)

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.