I actually think the gentleman came forth with a good piece of legislation, and this may be an expedited way of getting it through, but hallelujah to him and hallelujah to people who will not wait on a prolonged system to bring about equity for people and justice for people who have suffered as long as my staff director has, for 15 years, paying taxes in two places, earning that money in a different place altogether.

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

Mr. Speaker, I thank the gentleman from California. He said it best thus far, and he has personal experience, does the gentleman from California, with a staffer, on the simple injustice which we are attempting to cure here today, albeit we did not conform to the procedures that the gentleman from Oregon would force upon us on a question that many times would have been cured by unanimous consent in any event.

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

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

Mr. Speaker, I just wanted to point out that when I began my statement this afternoon, I indicated that I was not going to object only because of the need here at the end of the session to move along, noting that the process is dreadful. I am a member of the subcommittee chaired by the gentleman from Pennsylvania [Mr. GEKAS], and I know that we could have sorted through issues such as those raised by my colleague form California that are broad and potentially national in scope. I certainly would be willing to do that. But as I am hearing more and more, I am seeing that what in fact may be a sensible, small exception, has raised questions about a nationwide scheme.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, in response to my colleague on the opposite side of the aisle, there were a number of times when I objected to the procedures under my own majority party, and there were times I voted against continuing resolutions, because I said we had not been given the opportunity to read them and understand them even if they were written by Democrats in the majority.

To say that because the Democrats, which I am fully willing to admit, at times abused their power or abused the rush to adjournment, then we should do it too, would it not be nice to change things around here? I thought we were going to have a revolution and do things in regular order.

This is not something that began last week, last month, this year, last year. This bill was originally introduced by Jay Inslee from Washington when the Democrats were in the majority. It received no action then. For some reason, whatever reason, it received no action, no hearings, no markup.

The esteemed gentleman from Pennsylvania chairs the subcommittee. I am certain in his busy schedule he could have found 2 hours, sometime in the last 6 months, to hold a hearing on this issue, and invite in the opposing parties and understand fully what we are entering into and doing here.

But that was not done. That was not done. It was not done under the Democrats, it has not been done under the Republicans. The only difference is in this case a few Members from Washington, despite the fact the former Speaker was from Washington, apparently had more clout with the leadership and they can jam something through that has not had hearings, it has not been heard, and no one fully understands the implications of.

The gentleman from California [Mr. MARTINEZ] opened an extraordinary Pandora's box here with what he is proposing, although I think there is a mistake. I think his staffer needs a new accountant. When I was a staffer and lived in Maryland, I paid taxes in Oregon. They once asked me to pay taxes in Maryland and I sent them my Oregon return. They said, are you crazy? Your taxes are much higher. You should be paying taxes here, but since you paid taxes in Oregon, you do not have to pay them here. So I am a bit puzzled by what is happening to his poor staffer.

But there are a whole host of issues here and a whole host of commuter taxes out there that are being paid across the country, and what precedent are we setting, if this is legal and constitutional?

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

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, a member of the committee.

□ 1400

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California for yielding this time to me.

Mr. Speaker, I rise really on a point of inquiry that I will probably have a colloquy with myself on. The concern I have, and as a member of local government we had the same experience——

Mr. GEKAS. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. If the gentleman would be kind enough to let me finish.

Mr. GEKAS. If the gentlewoman would yield, I simply want to tell her I am available for any inquiry that she might want to pose, and I would be glad to engage in a colloquy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, having this experience with local government, we are familiar with the concept of one entity and its citizens benefiting by salary from another entity and the question of taxation. The question that I would raise that I think is important, even as we may be trying to remedy this for certain isolated areas, process is important.

This does not fall into the category of correction or one that can be aptly categorized as appropriate for suspension, for as far as I may know this may be an appropriate procedure for the entire Nation.

Have we determined that there is in fact a problem between Oregon and Washington? Have we determined in fact that that problem does not find itself relevant to California, to Texas, to Virginia, to Ohio, to New York? If we are doing this isolated legislation, why should it not then create an opportunity for precedent to solve problems across the Nation?

I do not want double taxation, but what I am concerned about is that I am not being helped in the State of Texas. Those in Ohio are not being helped. Those in New York are not being helped. Those in the Washington-Virginia area are not being helped.

So we have a piece of legislation that has no basis in credibility for us on the Federal level to be dealing with, without hearings, to suggest that there is need to correct the entire problem.

I would hope that we would have an opportunity to address this not from the question of whether it is right or wrong, because I do not think anyone would rise to the floor of the House and support double taxation. They do raise the question, however, what is the precedent, the data, the basis for making this decision, whether there is a fair applicability of State laws in Oregon and Washington, and whether or not there is a penalty that is being assessed against those citizens by this legislation without precedence, hearing and process.

Ms. LOFGREN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 3163.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just under consideration.

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

There was no objection.

RESIDENT REVIEWS FOR NURSING FACILITIES UNDER MEDICAID

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent to move to suspend the rules and pass the bill (H.R. 3632) to

amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid Program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

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

Mr. DINGELL. Mr. Speaker, reserving the right to object, is this a unanimous-consent request?

The SPEAKER pro tempore. Yes. Is there objection?

Mr. DINGELL. Mr. Speaker, would the gentleman please restate the unanimous-consent request?

Mr. BILIRAKIS. Mr. Speaker, if the gentleman will yield, the reason I asked for the unanimous-consent request was because the 1-hour notice was not given regarding the bill H.R. 3632.

It was an inadvertent mistake on the part of the majority. The 1-hour notice was given for H.R. 3633, and it was the intent it also be given for H.R. 3632, so I thought I would go through the process but raise the red flag, and do it right and ask for unanimous consent.

Mr. DINGELL. Mr. Speaker, I am trying to understand. What is the unanimous-consent request here?

Mr. BILIRAKIS. To suspend the rules and to pass this bill.

Mr. DINGELL. To suspend the rules and pass the bill.

Mr. BILIRAKIS. With the understanding that the 1-hour's notice was not given.

THe SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. DINGELL. Mr. Speaker, reserving the right to object, could the gentleman tell me why we are doing this under unanimous consent?

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, as I said earlier, I indicated that the 1-hour notice was required to be given. We gave the notice, as I understand it, at 1:15. That is less than the hour, and for that reason I asked for the unanimous consent. It is a technicality.

Mr. DINGELL. I wondered. Now, continuing my reservation of objection, could my dear friend from Florida tell me a little about this bill we are bringing up before the hour's notice?

Is this a bill we have seen before? Was this bill up in committee?

Mr. BILIRAKIS. Mr. Speaker, if the gentleman will continue to yield, this is a bill we marked up a few days ago in the Committee on Commerce.

Mr. DINGELL. We marked it up?

Mr. BILIRAKIS. We did, sir. Questions were raised. It was a bipartisan thing. It was approved by the gentleman from California [Mr. WAXMAN].

I know question was raised by either Mr. WAXMAN or someone in the minority about the quality standards, does this hurt the quality standards. Assurances were given there would not be any adverse consequences.

Mr. DINGELL. Mr. Speaker, continuing my reservation of objection, it is normally considered appropriate to consult with the minority before unanimous-consent requests are made. Was there any consultation on this?

Mr. BILIRAKIS. If the gentleman will continue to yield, consultation between the minority and majority staffs took place, I understand, regarding bringing up this piece of legislation at this time.

Mr. DINGELL. By unanimous consent.

Mr. BILIRAKIS. The only reason I added unanimous consent in there is because of the technicality. We are about 5 minutes short of that 1-hour notice.

Mr. DINGELL. But the gentleman said that there was consultation with the minority staff?

Mr. BILIRAKIS. I saw them with my own eyes consulting.

Mr. DINGELL. Mr. Speaker, it is strange that this is the first that I am hearing of it. I do have a little to do, as my good friend knows, with the business of the minority, and I am happy to hear that there was some consultation. Perhaps I should speak to the minority staff about this.

Mr. BILIRAKIS. I wish the gentleman would talk to Mr. WAXMAN's staff about this.

Mr. DINGELL. I am told Mr. WAXMAN is in California.

Mr. BILIRAKIS. His staff is what I said.

Mr. DINGELL. It would be very wonderful if the gentleman would speak to the staff of the minority side of the committee. I am sure Mr. WAXMAN is being informed of this out in California. We are seeing some rather extraordinary events.

Just to help me a little more, and I will continue my reservation of objection——

Mr. BILIRAKIS. If the gentleman would forgive me. I am not sure who has the time, but, Mr. Speaker, I would at this point to take back my unanimous-consent request.

The SPEAKER pro tempore. The gentleman withdraws his unanimous-consent request.

Mr. BILIRAKIS. Mr. Speaker, I move the House suspend the rules and pass the bill H.R. 3632, a bill to amend title XIX of the Social Security Act regarding nursing home facility inspections.

POINT OF ORDER

Mr. DINGELL. Mr. Speaker, parliamentary inquiry, and reserving a point of order.

Is the hour that we are supposed to proceed in the way of this——

The SPEAKER pro tempore. The gentleman will kindly suspend.

The Chair is unable to entertain the gentleman's motion due to the fact that the 1 hour time limitation has not expired.

Mr. DINGELL. Mr. Speaker, I do not want to lose my rights here. I reserve a point of order and make a parliamentary inquiry.

The SPEAKER pro tempore. The Chair has already indicated that he cannot entertain the gentleman's motion and so there is nothing to respond to at this moment in time.

Mr. DINGELL. Mr. Speaker, I have no objection to my good friend renewing his unanimous consent request.

Mr. BILIRAKIS. Well, the gentleman certainly sounded, with all due respect, like he did have some objection a few minutes ago.

So where are we now? All I want to do is get this bill passed that both sides wanted to get through the system today.

Mr. DINGELL. I have no objection to proceeding. I am just trying to establish if we are dealing with the regular order here, Mr. Speaker.

The SPEAKER pro tempore. The Chair would ask for regular order. Does the gentleman have a request of the Chair?

Mr. BILIRAKIS. I did not hear the question, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Florida seek recognition?

Mr. BILIRAKIS. The gentleman from Florida, Mr. Speaker, moves that the House suspend the rules and pass the bill (H.R. 3632) a bill to amend title XIX of the Social Security Act regarding nursing home facility inspections.

The SPEAKER pro tempore. Is there objection to the present consideration of the motion?

Mr. DINGELL. Is this a unanimous-consent request, Mr. Speaker, or is this a motion?

The SPEAKER pro tempore. The Chair is asking whether there is objection to the present consideration of the motion.

Mr. DINGELL. It is a motion, then; am I correct?

The SPEAKER pro tempore. It amounts to a unanimous-consent request to offer a motion.

Mr. DINGELL. Has the hour passed, Mr. Speaker?

The SPEAKER pro tempore. It amounts, sir, to a unanimous-consent request.

Mr. DINGELL. I am not quite sure which one of my questions the Chair is answering. Are we answering my parliamentary inquiry as to whether the hour has passed, or whether this is appropriate, or is this a unanimous-consent request?

Could the Chair help me, please?

The SPEAKER pro tempore. Because the hour has not passed, only without objection may the gentleman's motion be considered. Therefore, the gentleman's request is in the nature of a unanimous-consent request.

The Chair has inquired as to whether or not anyone has objection.

Mr. DINGELL. Mr. Speaker, I do not want to object, but I do want to reserve the right to object simply to ask questions of my dear friend from Florida,

for whom I have the most enormous respect and affection.

Mr. BILIRAKIS. Mr. Speaker, I renew my request for unanimous consent.

Mr. DINGELL. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. DINGELL] reserves the right to object.

Mr. DINGELL. Simply to continue to have this very helpful colloquy with my good friend from Florida.

Mr. BILIRAKIS. It might be helpful to the gentleman form Michigan, but it is not to me.

Mr. DINGELL. Well, I apologize because it is my intent to be helpful in every particular to my good friend from Florida.

I am trying to understand. This is a bill that was reported out of the committee?

Mr. BILIRAKIS. The bill was marked up, I believe last week, out of committee.

Mr. DINGELL. Mr. Speaker, if I could continue on my reservation of objection, is this the bill that was the amendment, that is exactly the same as the amendment? This is a different bill? Oh.

Well, I will not object, and I gather, then, Mr. Speaker, that we are proceeding under the suspension rules and I will be immensely cooperative.

The SPEAKER pro tempore. And the Chair thanks the gentleman. The gentleman from Michigan withdraws his reservation of objection.

Without objection, the Clerk will report the title of the bill.

There was no objection.

The Clerk read the title of the bill.

The text of H.R. 3632 is as follows:

H.R. 3632

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

SECTION 1. REPEAL OF REQUIREMENT FOR ANNUAL RESIDENT REVIEW FOR MENTALLY ILL AND MENTALLY RETARDED NURSING FACILITY RESIDENTS.

(a) IN GENERAL.—Section 1919(e)(7) of the Social Security Act (42 U.S.C. 1396r(e)(7)) is amended—

(1) in subparagraph (B)—

(A) by striking ''ANNUAL'' in the heading, and

(B) by striking clause (iii); and

(2) in subparagraph (D)(i), by striking ''ANNUAL'' in the heading.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 2. REQUIREMENT FOR REVIEW IN CASE OF SIGNIFICANT CHANGE IN PHYSICAL OR MENTAL CONDITION OF MENTALLY ILL OR MENTALLY RETARDED NURSING FACILITY RESIDENTS.

(a) REQUIREMENT FOR NOTIFICATION OF STATE AUTHORITY.—Section 1919(b)(3)(E) of the Social Security Act (42 U.S.C. 1396r(b)(3)(E)) is amended by adding at the end the following: ''In addition, a nursing facility shall notify the State mental health authority or State mental retardation or developmental disability authority, as applicable, promptly after a significant change in the physical or mental condition of a resident who is mentally ill or mentally retarded.''.

(b) REQUIREMENT FOR REVIEW.—Section 1919(e)(7)(B) of such Act (42 U.S.C. 1396r(e)(7)(B)), as amended by section 1(a)(1), is amended by inserting after clause (ii) the following new clause:

''(iii) REVIEW REQUIRED UPON CHANGE IN RESIDENT'S CONDITION.—A review and determination under clause (i) or (ii) must be conducted promptly after a nursing facility has notified the State mental health authority or State mental retardation or developmental disability authority, as applicable, under subsection (b)(3)(E) with respect to a mentally ill or mentally retarded resident, that there has been a significant change in the resident's physical or mental condition.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to changes in physical or mental condition occurring on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Michigan [Mr. DINGELL] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

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

Mr. Speaker, H.R. 3632 has received strong bipartisan support and will correct a problem with the current implementation of the nursing home quality assurance standards. Let me say that Congressman EHRLICH, the sponsor of the bill, deserves special recognition for his efforts in moving this bill.

One of the requirements of the act was annual resident assessment for all Medicaid nursing home residents. The underlying statute also has as a requirement that for each resident of a nursing facility who is mentally ill or mentally retarded, an additional evaluation be completed. These additional reviews have proved to be costly and unnecessary. The Commerce Committee, the States, and the administration have come to the conclusion that this additional annual review is unnecessary.

This bill repeals this requirement for an additional assessment for the mentally ill and the mentally retarded. It would require, as an alternative, that additional assessments only occur when there is a significant change in the resident's physical or mental condition.

I urge my colleagues to support this bill.

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

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I strongly support this bill. I want to express my respect and affection for my good friend from Florida. We are not always able to keep track of the way these matters move around here, and so I always out of great affection, some respect of the very high character and desire to work with my Republican colleagues, I always ask questions to try to find out what it is we are doing here during these closing days.

I would observe parenthetically that we just checked with the staff of the gentleman from California [Mr. WAXMAN], and they have not heard a word about this bill. So I hope the gentleman from Florida will excuse my inability to respond as speedily and as sharply and crisply as I might have liked to have done.

In any event, the bill is a good bill and we support this excellent legislation.

□ 1415

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. EHRLICH], the sponsor of the bill.

Mr. EHRLICH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, just briefly, I want to thank everyone involved with this bill, particularly the gentleman from California [Mr. WAXMAN], and I would also point out that this is a Corrections Day bill. As you know, the Speaker came up with the Corrections Day process in order to facilitate the elimination of regulations that simply do not make sense and that cost a lot of money. That is the very purpose of the corrections day process.

I also congratulate the Speaker for implementing this process, and I believe this bill is probably the best example I can think of as to the way the Corrections Day process was supposed to work and actually does work. It has been a great honor for me to be a part of the process.

Mr. DINGELL. Mr. Speaker, we do not have any further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I too have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from Florida [Mr. BILIRAKIS] that the House suspend the rules and pass the bill, H.R. 3632.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3632.

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

There was no objection.

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The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House