

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.

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days within which to revise and extend their remarks and to insert extraneous material on the motion to instruct just withdrawn by the gentleman from Texas (Mr.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.

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.

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.

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;