

In the coming weeks, I will introduce legislation designed to add protections to Medicare and Medicaid to bolster enforcement efforts and improve residents' rights. I hope my colleagues will join me in supporting additional efforts to improve the quality of care in our nation's nursing facilities.

Mrs. CAPPAS. Mr. Speaker, I rise today in strong support of this important legislation to protect some of the most vulnerable in our society—residents of nursing homes.

This bill would prohibit a nursing home from discharging or transferring a resident if the nursing home voluntarily withdraws from Medicaid. It would also require nursing homes that do not participate in Medicaid to inform individuals who would become residents that it does not participate in Medicaid and that it may transfer or discharge such a resident if he or she no longer is able to pay on their own, even if they become Medicaid-eligible.

The series of events that brought us this legislation are the worst nightmare for nursing home residents and their families. In April, 1998, a Tampa, FL, nursing home attempted to evict 52 Medicaid residents under the guise of remodeling the facility. Eventually, after the courts and the state intervened, the nursing home relented and invited back all the discharged patients.

But the point is not that the residents are back in their nursing home. The point is that they shouldn't have had to put up with this callous and potentially fatal disruption in their lives. The culmination of a year of confusion came last April. As Nelson Mongiovi of Tampa testified before the Health Subcommittee last month, when he went to the facility where his mother was living after newspaper stories began to appear about Medicaid dumping:

(I) saw many residents being moved out so rapidly that no one knew what was going on. The residents were crying hysterically, not knowing what was happening or where they were going. Within two days, ten residents had been evicted from this facility . . . There was utter chaos at the facility at this time with everyone, residents and family members, trying to determine what, if anything, would we be able to do.

Mr. Speaker, this legislation will hopefully put an end to scenes like that.

Protection for Medicaid-eligible nursing home residents is critical because of the large proportion of residents, often over 60% of a facility, who eventually end up on Medicaid. Typically, nursing home residents rely on Medicare to finance the first 100 days of nursing home, and then the resident relies on his or her own resources until they become eligible for Medicaid. According to some estimates, 63% of the elderly exhaust their own resources within 13 weeks and 87% within 52 weeks. These residents, who have spent all their own resources, should not be treated as second class citizens in nursing home facilities just because they now fall under Medicaid. This bill offers that protection, for residents now in homes and for future residents.

I am pleased that the Commerce Committee acted swiftly on this legislation and that the House has seen fit to act quickly as well. We must protect our vulnerable seniors in nursing homes, and their families, from the type of callous disruptions that the Mongiovi family faced.

Mr. PACKARD. Mr. Speaker, I rise today in support of H.R. 540, the Nursing Home Resident Protection Amendment. This legislation

will prevent nursing homes from discriminating against residents who rely on Medicaid to cover their nursing home costs.

We have all heard the horror stories of seniors who have been evicted because their nursing home decided to withdraw from the Medicaid program. H.R. 540 will protect our seniors from being unfairly removed from their homes. This legislation will also serve to protect the nursing homes ability to withdraw from the Medicaid program, or determine which residents are admitted in the future. Under H.R. 540, nursing homes which choose to leave Medicaid are required to provide a "clear and conspicuous" notice to incoming residents that Medicaid payments are no longer accepted. Facilities will also be allowed to transfer residents who pay with private funds, but later become Medicaid-eligible.

Mr. Speaker, the choice to enter a nursing home is often one of the most difficult decisions to make for individuals and families. Let's not increase the stress associated with this decision by leading our seniors to believe that they could be evicted simply for the method of payment they choose.

I urge my colleagues to support H.R. 540 and protect our Nation's seniors.

Mr. BROWN of Ohio. Mr. Speaker, I 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. 540.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed until tomorrow.

REREFERRAL OF H.R. 809, FEDERAL PROTECTIVE SERVICE REFORM ACT OF 1999, TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill, H.R. 809 and that it be rereferred to the Committee on Transportation and Infrastructure.

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

There was no objection.

THREE-MONTH EXTENSION OF REENACTMENT OF CHAPTER 12, TITLE 11, UNITED STATES CODE

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 808) to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted, as amended.

The Clerk read as follows:

H.R. 808

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105-277 is amended—

(1) by striking "April 1, 1999" each place it appears and inserting "October 1, 1999",

(2) in subsection (a)—

(A) by striking "September 30, 1998" and inserting "March 31, 1999", and

(B) by striking "October 1, 1998" and inserting "April 1, 1999", and

(3) by striking subsection (c).

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on April 1, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

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 H.R. 808, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, the bill before us today will extend for 6 months a very important segment of the bankruptcy law, which is at this very moment undergoing gigantic reform considerations. But as to this particular segment, there is no dispute, no controversy, no opposition of any worth with respect to whether or not the current bill will see the light of day.

This 6-month extension for the special segment having to do with farmers and agriculture enterprises in our communities is a natural extension borne of the first introduction of specialized, particularized bankruptcy for farmers dating back to 1986. Since that time, again with very little opposition and with full understanding of the need to meet the changing requirements constantly of the farm community, those extensions have brought us up to April 1, 1999, and we will need this extension in order to continue granting to farmers the options accorded them through the bankruptcy under chapter 12.

The bill that we have introduced, which is also fast approaching full debate, the full bankruptcy legislation reform bills that we have comprehensively bonded together, that debate will include eventual inclusion of chapter 12 considerations. But in the meantime, following the pattern that we have seen evolving over the last year, we do not want to jeopardize any single farm, farmer, or entrepreneur in agriculture from taking full advantage, if need be, for the fresh start that is available to them under chapter 12.

With that in mind, we would then urge the passage of this 6-month extension under the current extension, which dates back to last year, and this will comprise an extra promise on the part of the Congress that the concerns