

part of telehealth services, under part B of the Medicare program.

S. 967

At the request of Mrs. GILLIBRAND, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Mr. CARDIN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 967, a bill to amend title 10, United States Code, to modify various authorities relating to procedures for courts-martial under the Uniform Code of Military Justice, and for other purposes.

S. 1028

At the request of Mr. SANDERS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1028, a bill to reauthorize and improve the Older Americans Act of 1965, and for other purposes.

S. 1050

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1050, a bill to amend title 10, United States Code, to ensure the issuance of regulations applicable to the Coast Guard regarding consideration of a request for a permanent change of station or unit transfer submitted by a member of the Coast Guard who is the victim of a sexual assault.

S. 1059

At the request of Mr. KIRK, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1059, a bill to amend the Immigration and Nationality Act to deem any person who has received an award from the Armed Forces of the United States for engagement in active combat or active participation in combat to have satisfied certain requirements for naturalization.

S. 1096

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1096, a bill to establish an Office of Rural Education Policy in the Department of Education.

S. 1099

At the request of Mr. COBURN, the names of the Senator from Indiana (Mr. DONNELLY) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1099, a bill to ensure that individuals do not simultaneously receive unemployment compensation and disability insurance benefits.

S. 1100

At the request of Mr. BARRASSO, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1100, a bill to amend the Energy Independence and Security Act of 2007 to repeal a provision prohibiting Federal agencies from procuring alternative fuels.

S.J. RES. 11

At the request of Mr. SANDERS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of

S.J. Res. 11, a joint resolution proposing an amendment to the Constitution of the United States to restore the rights of the American people that were taken away by the Supreme Court's decision in the Citizens United case and related decisions, to protect the integrity of our elections, and to limit the corrosive influence of money in our democratic process.

S. CON. RES. 15

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Con. Res. 15, a concurrent resolution expressing the sense of Congress that the Chained Consumer Price Index should not be used to calculate cost-of-living adjustments for Social Security or veterans benefits, or to increase the tax burden on low- and middle-income taxpayers.

S. RES. 75

At the request of Mr. KIRK, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. Res. 75, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 151

At the request of Mr. CASEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 151, a resolution urging the Government of Afghanistan to ensure transparent and credible presidential and provincial elections in April 2014 by adhering to internationally accepted democratic standards, establishing a transparent electoral process, and ensuring security for voters and candidates.

S. RES. 154

At the request of Mr. HOEVEN, the names of the Senator from Florida (Mr. RUBIO), the Senator from Illinois (Mr. DURBIN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 154, a resolution supporting political reform in Iran and for other purposes.

S. RES. 164

At the request of Mr. UDALL of Colorado, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 164, a resolution designating October 30, 2013, as a national day of remembrance for nuclear weapons program workers.

S. RES. 167

At the request of Mr. MENENDEZ, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. Res. 167, a resolution reaffirming the strong support of the United States for the peaceful resolution of territorial, sovereignty, and jurisdictional disputes in the Asia-Pacific maritime domains.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1136. A bill to authorize the extension of preferential tariff treatment for certain textile goods imported from Nicaragua; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to extend a critical textile and apparel trade program with Nicaragua, currently set to expire at the end of 2014 through the end of 2024.

This is a unique program which benefits not only Nicaraguan apparel factories and U.S. apparel companies and retailers, but U.S. fabric and yarn mills as well.

Let me explain.

In an effort to promote trade between the United States and Nicaragua, the 2006 Central American Free Trade Agreement, CAFTA, allows Nicaragua to export to the United States a limited amount of apparel products duty free regardless of the source of the yarn or fabric.

Specifically, this Tariff Preference Level, TPL, allows Nicaragua to export 100 million square meter equivalents, SMEs, of apparel made with fabric from non-CAFTA countries as long as the apparel is assembled in Nicaragua.

In order to ensure that U.S. fabric producers could also take advantage of this program, it contains a special rule for trousers.

It requires Nicaragua to purchase one square meter of U.S. fabric for every one square meter of non-CAFTA woven trouser fabric.

That is, under this "one for one" rule, for each export of woven trousers made from non-CAFTA fabric, Nicaragua agreed to export to the U.S. an equal amount of woven trousers made of U.S. fabric, up to a certain level 50 million square meter equivalents.

This "one for one" feature has been especially successful, resulting in an increase in U.S. fabric exports to Nicaragua and an increase in apparel production jobs in Central America.

In fact, since 2006, when the program went into effect, U.S. fabric exports to Nicaragua have nearly doubled from \$57.3 million to \$110.2 million.

Nicaragua is now the fastest growing market for U.S. fabric exports to the CAFTA region.

Nicaragua has also greatly benefited from this program.

I would remind my colleagues that Nicaragua, with a GDP per capita of \$3,300, is the poorest country in Central America and the second poorest country in the Western Hemisphere.

Approximately 42.5 percent of Nicaragua's population lives below the poverty line.

It is vital that Nicaragua develop and grow new export opportunities to help lift its people out of poverty. And that is what this program has done.

Since 2006, total apparel exports from Nicaragua to the U.S. have doubled. The program now accounts for 25 percent of those exports.

Between 2005 and 2013, jobs in the apparel sector in Nicaragua have grown

by 23 percent. That is, 13,236 new jobs have been created since CAFTA went into effect.

With a program that has proven to be so successful and mutually beneficial, it is appropriate for Congress to extend it and ensure that these benefits continue.

Some of my colleagues may wonder why I am introducing legislation now to extend a textile and apparel trade program that will not expire until the end of 2014.

The simple answer is that an early renewal is critical for business planning purposes.

U.S. companies that have taken advantage of this program are making decisions now about their long-term investments and where they will source apparel products.

Extending this program several months before its expiration date will help give U.S. companies the necessary confidence to continue to invest in Nicaragua and take advantage of its benefits.

If we wait until the last minute to extend the program, the ties that have been developed between U.S. and Nicaraguan companies and the benefits accrued will be put at risk.

Simply put, U.S. companies will not make the commitments to Nicaragua if there is a chance the textile and apparel trade program will lapse.

They will look elsewhere for new business opportunities to avoid what would in essence be a new trade barrier to U.S. textile exports and U.S. apparel companies in Nicaragua.

And as U.S. apparel orders from Nicaragua decline, U.S. textile exports to Nicaragua will also decline. Jobs will be lost.

U.S. companies are looking for assurances that the U.S. is committed to this program after 2014 and that is why this legislation is needed now.

It is supported by the American Apparel and Footwear Association, the National Retail Federation, the Retail Industry Leaders Association, and the United States Association of Importers of Textile and Apparel.

It is a win-win trade program promoting jobs and economic growth in both countries.

Nicaragua will be able to continue to develop a vital export industry and U.S. apparel companies, retailers, and textile manufacturers will continue to access a growing, thriving market in Central America.

I urge my colleagues to support this legislation.

By Mr. WYDEN (for himself, Mr. CRAPO, Ms. LANDRIEU, Ms. CANTWELL, Mr. MERKLEY, and Mr. BLUMENTHAL):

S. 1137. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1137

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Ambulatory Surgical Center Quality and Access Act of 2013”.

**SEC. 2. ALIGNING UPDATES FOR AMBULATORY SURGICAL CENTER SERVICES WITH UPDATES FOR OPD SERVICES.**

Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 1395l(i)(2)(D)) is amended—

(1) by redesignating clause (vi) as clause (vii);

(2) in the first sentence of clause (v), by inserting before the period the following: “and, in the case of 2014 or a subsequent year, by the adjustment described in subsection (t)(3)(G) for the respective year”; and

(3) by inserting after clause (v) the following new clause:

“(vi) In implementing the system described in clause (i) for 2014 and each subsequent year, there shall be an annual update under such system for the year equal to the OPD fee schedule increase factor specified under subsection (t)(3)(C)(iv) for such year, adjusted in accordance with clauses (iv) and (v).”.

**SEC. 3. TRANSPARENCY OF QUALITY REPORTS AND APPLICATION OF VALUE-BASED PURCHASING TO ASCS.**

(a) **QUALITY MEASURES.**—Paragraph (7) of section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) is amended by adding at the end the following new subparagraphs:

“(C) To the extent that quality measures implemented by the Secretary under this paragraph for ambulatory surgical centers and under section 1833(t)(17) for hospital outpatient departments are applicable to the provision of surgical services in both ambulatory surgical centers and hospital outpatient departments, the Secretary shall make reported data available on the website ‘Medicare.gov’ in a manner that will permit side-by-side comparisons on such measures for ambulatory surgical centers and hospital outpatient departments in the same geographic area.

“(D) For each procedure covered for payment in an ambulatory surgical center, the Secretary shall publish, along with the quality reporting comparisons provided for in subparagraph (C), comparisons of the Medicare payment and beneficiary copayment amounts for the procedure when performed in ambulatory surgical centers and hospital outpatient departments in the same geographic area.

“(E) The Secretary shall ensure that an ambulatory surgery center and a hospital has the opportunity to review, and submit any corrections for, the data to be made public with respect to the ambulatory surgery center under subparagraph (C)(ii) prior to such data being made public.”.

(b) **AMBULATORY SURGICAL CENTER VALUE-BASED PURCHASING PROGRAM.**—Section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) is amended by adding at the end the following new paragraph:

“(8) **VALUE-BASED PURCHASING PROGRAM.**—“(A) **ESTABLISHMENT.**—The Secretary shall establish an ambulatory surgical center value-based purchasing program (in this subsection referred to as the ‘Program’) under which, subject to subparagraph (I), each ambulatory surgical center that the Secretary determines meets (or exceeds) the performance standards under subparagraph (D) for the performance period (as established under subparagraph (E)) for a calendar year is eli-

gible, from the amounts made available in the total shared savings pool under subparagraph (I)(iv), for shared savings under subparagraph (I), which shall be in the form, after application of the adjustments under clauses (iv), (v), and (vi) of paragraph (2)(D), of an increase in the amount of payment determined under the payment system under paragraph (2)(D) for surgical services furnished by such center during the subsequent year, by the value-based percentage amount under subparagraph (H) specified by the Secretary for such center and year.

“(B) **PROGRAM START DATE.**—The Program shall apply to payments for procedures occurring on or after January 1, 2015.

“(C) **MEASURES.**—

“(i) **IN GENERAL.**—For purposes of the Program, the Secretary shall select measures from the measures specified under paragraph (7).

“(ii) **AVAILABILITY OF MEASURE AND DATA.**—The Secretary may not select a measure under this paragraph for use under the Program with respect to a performance period for a calendar year unless such measure has been included, and the reported data available, on the website ‘Medicare.gov’, for at least 1 year prior to the beginning of such performance period.

“(iii) **MEASURE NOT APPLICABLE UNLESS ASC FURNISHES SERVICES APPROPRIATE TO MEASURE.**—A measure selected under this paragraph for use under the Program shall not apply to an ambulatory surgical center if such center does not furnish services appropriate to such measure.

“(D) **PERFORMANCE STANDARDS.**—

“(i) **ESTABLISHMENT.**—The Secretary shall establish performance standards with respect to measures selected under subparagraph (C)(i) for a performance period for a calendar year.

“(ii) **ACHIEVEMENT AND IMPROVEMENT.**—The performance standards established under clause (i) shall include levels of achievement and improvement.

“(iii) **TIMING.**—The Secretary shall establish and announce the performance standards under clause (i) not later than 60 days prior to the beginning of the performance period for the calendar year involved.

“(E) **PERFORMANCE PERIOD.**—For purposes of the Program, the Secretary shall establish the performance period for a calendar year. Such performance period shall begin and end prior to the beginning of such calendar year.

“(F) **ASC PERFORMANCE SCORE.**—The Secretary shall develop a methodology for assessing the total performance of each ambulatory surgery center based on performance standards with respect to the measures selected under subparagraph (C) for a performance period (as established under subparagraph (E)). Using such methodology, the Secretary shall provide for an assessment (in this subsection referred to as the ‘ASC performance score’) for each ambulatory surgical center for each performance period. The methodology shall provide that the ASC performance score is determined using the higher of its achievement or improvement score for each measure.

“(G) **APPEALS.**—The Secretary shall establish a process by which ambulatory surgery centers may appeal the calculation of the ambulatory surgery center’s performance with respect to the performance standards established under subparagraph (D) and the ambulatory surgery center performance score under subparagraph (E). The Secretary shall ensure that such process provides for resolution of appeals in a timely manner.

“(H) **CALCULATION OF VALUE-BASED INCENTIVE PAYMENT.**—

“(i) **VALUE-BASED PERCENTAGE AMOUNT.**—For purposes of subparagraph (A), the Secretary shall specify a value-based percentage

amount for an ambulatory surgical center for a calendar year.

“(ii) REQUIREMENTS.—In specifying the value-based percentage amount for each ambulatory surgical center for a calendar year under clause (i), the Secretary shall ensure that such percentage is based on—

“(I) the ASC performance score of the ambulatory surgery center under subparagraph (F); and

“(II) the amount of the total savings pool made available under subparagraph (I)(iii)(I) for such year.

“(I) ANNUAL CALCULATION OF SHARED SAVINGS FUNDING FOR VALUE-BASED INCENTIVE PAYMENTS.—

“(i) DETERMINING BONUS POOL.—In each year of the Program, ambulatory surgery centers shall be eligible to receive payment for shared savings under the Program only if for such year the sum of—

“(I) the estimated amount of expenditures under this title for Medicare fee-for-service beneficiaries (as defined in section 1899(h)(3)) for surgical services for which payment is made under the payment system under paragraph (2), adjusted for beneficiary characteristics, and

“(II) the estimated amount of expenditures under this title for Medicare fee-for-service beneficiaries (as so defined) for the same surgical services for which payment is made under the prospective payment system under subsection (t), adjusted for beneficiary characteristics,

is at least the percent specified by the Secretary below the applicable benchmark determined for such year under clause (ii). For purposes of this subparagraph, such sum shall be referred to as ‘estimated expenditures’. The Secretary shall determine the appropriate percent described in the preceding sentence to account for normal variation in volume of services under this title and to account for changes in the coverage of services in ambulatory surgery centers and hospital outpatient departments during the performance period involved.

“(ii) ESTABLISH AND UPDATE BENCHMARK.—For purposes of clause (i), the Secretary shall calculate a benchmark for each year described in such clause equal to the product of—

“(I) estimated expenditures described in clause (i) for such year, and

“(II) the average annual growth in estimated expenditures for the most recent three years.

Such benchmark shall be reset at the start of each calendar year, and adjusted for changes in enrollment under the Medicare fee-for-service program.

“(iii) PAYMENTS BASED ON SHARED SAVINGS.—If the requirement under clause (i) is met for a year—

“(I) 50 percent of the total savings pool estimated under clause (iv) for such year shall be made available for shared savings to be paid to ambulatory surgical centers under this paragraph;

“(II) a percent (as determined appropriate by the Secretary, in accordance with subparagraph (H)) of such amount made available for such year shall be paid as shared savings to each ambulatory surgery center that is determined under the Program to have met or exceeded performance scores for such year; and

“(III) all funds made available under subsection (I) for such year shall be used and paid as sharing savings for such year in accordance with subclause (II).

“(iv) ESTIMATE OF THE TOTAL SAVINGS POOL.—For purposes of clause (iii), the Secretary shall estimate for each year of the Program the total savings pool as the product of—

“(I) the conversion factor for such year determined by the Secretary under the payment system under paragraph (2)(D) divided by the conversion factor calculated under subsection (t)(3)(C) for such year for covered OPD services, multiplied by 100, and

“(II)(aa) the product of the estimated Medicare expenditures for surgical services described in clause (i)(I) furnished during such year to Medicare fee-for-service beneficiaries (as defined in section 1899(h)(3)) for which payment is made under subsection (t) and the average annual growth in the estimated Medicare expenditures for such services furnished to Medicare fee-for-service beneficiaries (as so defined) for which payment is made under subsection (t) in the most recent available 3 years, less

“(bb) the estimated Medicare expenditures for surgical services described in clause (i)(I) furnished to Medicare fee-for-service beneficiaries for which payment was made under subsection (t) in the most recent year.

“(J) NO EFFECT IN SUBSEQUENT CALENDAR YEARS.—The value-based percentage amount under subparagraph (H) and the percent determined under subparagraph (I)(iii)(I) shall apply only with respect to the calendar year involved, and the Secretary shall not take into account such amount or percentage in making payments to an ambulatory surgery center under this section in a subsequent calendar year.”

#### SEC. 4. ADVISORY PANEL ON HOSPITAL OUTPATIENT PAYMENT REPRESENTATION.

(a) ASC REPRESENTATIVE.—The second sentence of section 1833(t)(9)(A) of the Social Security Act (42 U.S.C. 1395l(t)(9)(A)) is amended by inserting “and suppliers subject to the prospective payment system (including at least one ambulatory surgical center representative)” after “an appropriate selection of representatives of providers”.

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

#### SEC. 5. REASONS FOR EXCLUDING ADDITIONAL PROCEDURES FROM ASC APPROVED LIST.

(a) IN GENERAL.—Section 1833(i)(1) of the Social Security Act (42 U.S.C. 1395l(i)(1)) is amended by adding at the end the following: “In updating such lists for application in years beginning after the date of the enactment of this sentence, for each procedure that was requested to be included in such lists during the public comment period but which the Secretary does not propose (in the final rule updating such lists) to so include in such lists, Secretary shall cite in such final rule the specific criteria in paragraph (b) or (c) of section 416.166 of title 42, Code of Federal Regulations, based on which the procedure was excluded. If paragraph (b) of such section is cited for exclusion of a procedure, the Secretary shall identify the peer reviewed research or the evidence upon which such determination is based. The Secretary may not use or cite section 416.166(c)(7) of such title as criteria or a basis for exclusion of a procedure from such lists.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to lists of ambulatory surgery procedures for application in years beginning after the date of the enactment of this Act.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1181. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1182. Mr. LEAHY submitted an amendment intended to be proposed by him to the

bill S. 744, supra; which was ordered to lie on the table.

SA 1183. Mr. LEAHY (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 744, supra.

SA 1184. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1185. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1186. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1187. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1188. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1189. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1190. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

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SA 1195. Mr. GRASSLEY (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 744, supra.

SA 1196. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1197. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1198. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1199. Mrs. BOXER (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1200. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1201. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1202. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1203. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1204. Mr. INHOFE submitted an amendment intended to be proposed by him to the