

over a dozen Federal search warrants, made numerous undercover purchases, and painstakingly examined nearly 40,000 emails.

As a result of an extensive investigation, Special Agent O'Neill was able to trace the source of the stolen data to an individual in South Vietnam. In 2013, the culprit was arrested for his crimes. Since the investigation, Special Agent O'Neill has been able to identify and arrest over 20 other criminals who worked in conjunction with the culprit by illicitly purchasing the stolen data.

In addition to breaking up that complex network, Special Agent O'Neill's work has also thwarted attacks involving everyday transactions, saving businesses and saving consumers from financial harm. For example, he played a critical role in identifying, tracking, and identifying three Romanian nationals who were planning to hack into the computer system of a major fast food franchise with more than 25,000 restaurants in the United States.

Time and again, Special Agent O'Neill's supervisors and colleagues have noted his commitment and dedication to duty, including his willingness to work at all hours of the day and night to track criminals who use the Internet with malicious intent.

In 2012, he was recognized as the Investigator of the Year by the International Association of Financial Crimes Investigators. In 2013, he was honored by the Secret Service as its Special Agent of the Year for his efforts, and in 2014, he received the Department of Homeland Security Secretary's Meritorious Service Award.

But Special Agent O'Neill's service doesn't end with his work at the Department of Homeland Security. When he is not combatting cyber crime, he is serving his neighbors and community by volunteering for a local charity that provides financial assistance to families dealing with cancer. The charity also provides scholarship money for the continuing education of oncology nurses.

I thank Special Agent O'Neill's family for sharing him with his community and his Nation. We are a safer country because of him.

In closing, the actions taken by Special Agent Matthew O'Neill attest to this critically important work done by thousands of individuals across the Department of Homeland Security every single day. These men and women are courageous, dedicated, and exemplary Federal employees who selflessly serve our country year in and year out.

Like Special Agent Matthew O'Neill, these unsung heroes and heroines walk among us every day, protecting us from the unknown or from the unexpected. And more often than not, the good work they do goes unnoticed—but not today.

Special Agent O'Neill, thank you. Thank you for your dedication to this country. Thank you for your tireless service to all of us.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAINES). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I ask unanimous consent that at 7:10 p.m., the Senate proceed to the consideration of H.R. 2, which was received from the House, and that the only amendments in order be the following: Cornyn amendment No. 1114, repeal individual mandate; Democratic amendment No. 1115, extend SCHIP; Lee amendment No. 1116, motion to strike; Democratic amendment No. 1117, women's health; Cotton amendment No. 1118, fee schedule; Democratic amendment No. 1119, therapy; that following the use or yielding back of time, the Senate vote in relation to the amendments in the order listed, that all amendments except the Cotton and Lee amendments be subject to a 60-vote affirmative threshold for adoption, the bill then be read a third time and the Senate vote on passage of the bill, as amended, if amended; further, that there be 2 minutes equally divided between the votes and that the votes after the first be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, the reason we are not moving forward more quickly is we first had to get some of the holds lifted, and we were able to do that on both sides, and we wanted to make sure there would be no cuts in the physicians payments.

We thought if we finished this by early sometime tomorrow, noon or thereabouts, that the payments would not be cut but we don't have that assurance yet. So we are going to have to go ahead. If something comes from the Office of Management and Budget or the White House that that would not happen, we can allow people to go to the events they have around town.

In the meantime, I agree with the Republican leader, we should go forward. If something happens during some of these votes so we can finish them tomorrow, fine. But in the meantime, to protect not only the physicians but their patients, we should move forward on this legislation now.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, just briefly, the point to remember here is that at midnight, roughly 5 hours from now, CMS will begin to cut payments to doctors who treat Medicare patients. If we do not act tonight, these cuts of 21 percent will be real.

I yield the floor.

MEDICARE ACCESS AND CHIP REAUTHORIZATION ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2, which the clerk will report by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2) to amend title XVIII of the Social Security Act to repeal the Medicare sustainable growth rate and strengthen Medicare access by improving physician payments and making other improvements, to reauthorize the Children's Health Insurance Program, and for other purposes.

The PRESIDING OFFICER. The majority whip.

AMENDMENT NO. 1114

Mr. CORNYN. Mr. President, I call up my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 1114.

The amendment is as follows:

(Purpose: To repeal the individual mandate)

At the appropriate place, insert the following:

SEC. . RESTORING INDIVIDUAL LIBERTY.

Sections 1501 and 1502 and subsections (a), (b), (c), and (d) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1114, offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas.

Mr. CORNYN. Mr. President, Speaker BOEHNER and Leader PELOSI have negotiated a package which enjoyed broad bipartisan support in the House. The one missing element is a pay-for for the so-called doc fix, for the sustainable growth rate fix. What my amendment does is offer that pay-for so that this is a deficit-neutral bill if it is adopted.

In order to find that pay-for, we would repeal the individual mandate. The latest CBO score shows it would save as much as \$400 billion. It hasn't been scored this year, so the number may be off a little bit, but there is more than an adequate amount of money to offset the deficit caused by this permanent doc fix.

I ask my colleagues to join me, along with then-Senator Barack Obama in 2008 in his campaign against Hillary Clinton, who when he was running for the Democratic nomination campaigned against the individual mandate.

Let's make that reality.

Mr. WYDEN. Mr. President, I urge colleagues to oppose this amendment. What Senator CORNYN seeks to do is to strike an idea that originally came

from the Heritage Foundation. If it is adopted, sick people will definitely sign up, healthy people will stay on the sidelines, premiums will skyrocket, according to the Congressional Budget Office, by as much as 20 percent, and start then what amounts to a death spiral for the affordability of American health care.

I urge my colleagues to oppose this amendment.

Mr. CORNYN. Mr. President, how much time remains?

The PRESIDING OFFICER. No time remains.

The question is on agreeing to the Cornyn amendment No. 1114.

Mr. CORNYN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—54

Alexander	Ernst	Murkowski
Ayotte	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Coats	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kirk	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker

NAYS—45

Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Sanders
Brown	Klobuchar	Schatz
Cantwell	Leahy	Schumer
Cardin	Manchin	Shaheen
Carper	Markey	Stabenow
Casey	McCaskill	Tester
Donnelly	Menendez	Udall
Durbin	Merkley	Warner
Feinstein	Mikulski	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—1

Coons

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Colorado.

AMENDMENT NO. 1115

(Purpose: To protect and retain our Children's Health Insurance Program for 4 years (PRO-CHIP).)

Mr. BENNET. Mr. President, I call up amendment No. 1115.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BENNET], for himself, Mr. BROWN, Ms. STABENOW, Mr. WYDEN, Mr. CASEY, Mr. REID, Ms. WARREN, Mr. MENENDEZ, Mr. REED, Mrs. SHAHEEN, and Mr. WHITEHOUSE, proposes an amendment numbered 1115.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BENNET. Mr. President, this amendment provides an additional 2 years of funding for the Children's Health Insurance Program, or CHIP. I wish to especially thank Senators BROWN, WYDEN, STABENOW, CASEY, and REID for their leadership on this amendment.

We have made great strides in recent years to ensure that Americans of all ages have access to quality health care, but a huge part of this success in increasing access for quality health care comes from CHIP, which provides insurance to low- and moderate-income children and pregnant women. We know CHIP works. The CHIP program serves more than 8 million children, including more than 115,000 in Colorado. This is health care they might not otherwise have.

Unfortunately, the House failed to take full advantage of this moment and this momentum for compromise and only extended funding for 2 years. CHIP is authorized through 2019. This amendment would extend it for 2 additional years.

The very physicians who would be helped by fixing the SGR would also see increased reimbursement when they treat these children instead of seeing millions of them lose access to affordable, comprehensive coverage.

I ask my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, remember that 212 Republicans and 180 Democrats supported H.R. 2. The decision to extend CHIP for 2 years with the current payment rate was part of the House bipartisan agreement. This amendment seeks to rewrite that amendment.

This amendment is not a vote to show who really cares more about children's health because H.R. 2 extends the CHIP program for 2 years. Everyone who supports the underlying bill is supporting children's health. If my colleagues oppose this amendment, they are no less a supporter of children's health than the 392 Members of the House who supported H.R. 2, including 180 Democrats and Leader PELOSI. Are my colleagues really saying that Leader PELOSI didn't care enough about kids in forging this agreement?

Mr. President, I rise in opposition to this amendment.

I am a supporter of the Children's Health Insurance Program having participated in the initial creation of CHIP in 1997 and the reauthorization started in 2007. And while I am a supporter of children's health, this is not a

CHIP vote in a vacuum. This vote is in the context of the underlying bill and cannot be ignored.

An overwhelming majority of the House supported H.R. 2. 392 Members of the House vote for H.R. 2; 212 Republicans and 180 Democrats supported the bill. That is a sign of bipartisanship that is, on a major issue, extremely rare in the House.

The decision to extend CHIP for 2 years with the current payment rate was a part of the House bipartisan agreement. It is an agreement between House Republicans and House Democrats. This amendment seeks to rewrite that agreement.

So let's talk for a moment about what this amendment is not. This amendment is not a vote to show who cares more about children's health. H.R. 2 extends the CHIP program for 2 years. Everyone who supports the underlying bill is supporting children's health. Mr. President, 392 members of the House voted for this bill which extends CHIP for 2 years.

If you oppose this amendment, you are no less a supporter of children's health than the 392 Members of the House who supported H.R. 2 including 180 Democrats and Leader PELOSI. Are you really saying Leader PELOSI didn't care enough about kids in forging this agreement? Again, no one should accuse anyone who votes against this amendment as being insufficiently supportive of children's health.

I have also heard it said that Congress only authorizes 2 years now, there is little chance Congress will authorize two more years in 2017. That is a prediction, and as we all know, Congress can be hard to predict some times.

In two years, we will be back to consider CHIP. We will also be back to consider therapy caps, rural hospital programs, home visiting, the special diabetes program, and community health center funding, to name a few programs extended in this bill. The House agreement intentionally aligned these programs to be considered in tandem in 2017.

This amendment pulls one very specific provision out of that compromise. I have no concerns that CHIP can stand without the SGR. What we need to do is spend the next two years thinking about the future of health care coverage for children.

MAC-PAC has done some very good work examining what CHIP provides for children that is different than the private market. The pediatricians are in town this week for a conference, and as they will tell you, kids are not just little adults. Benefits and services need to be tailored to make sure that kids grow into healthy productive adults. This is something we need to settle in the next two years. It is something we can and should do. Voting against this amendment does nothing to jeopardize that process.

We have a choice here. We can pass the House bill without changes or we

can amend its bill and send it back to the House. I urge Senators to support the agreement and vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, the pending amendment, No. 1115, offered by Senator BENNET, would violate the Senate pay-go rule and increase the on-budget deficit over the 10-year period of fiscal years 2015 to 2024. Therefore, I raise a point of order against this measure pursuant to section 201(a) of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—50

Ayotte	Gillibrand	Nelson
Baldwin	Heinrich	Peters
Bennet	Heitkamp	Portman
Blumenthal	Heller	Reed
Booker	Hirono	Reid
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Collins	McCaskill	Udall
Coons	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NAYS—50

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Risch
Boozman	Graham	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kirk	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 50.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

The Senator from Utah.

AMENDMENT NO. 1116

Mr. LEE. I call up my amendment No. 1116, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE], for himself, Mr. SESSIONS, Mr. CRUZ, Mr. CRAPO, and Mr. SASSE, proposes an amendment numbered 1116.

The amendment is as follows:

(Purpose: To strike the provision excluding the budgetary effects of the Act from PAYGO requirements)

On page 261, strike line 21 and all that follows through page 262, line 4.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, just 2 weeks after the Senate passed a 10-year balanced budget, we find ourselves on the very brink of passing a bill that would promptly unbalance it. We find ourselves on the brink of passing a bill that would promptly unbalance the balanced budget we just passed to the tune of \$141 billion over the next decade. This is exactly the kind of bait-and-switch behavior that has eroded the public's trust in Congress in recent years.

To honor the promises we made to each other and that we made to the American people, my amendment would simply subject H.R. 2 to the same pay-as-you-go budget rules that cover other spending bills in Congress. Paying for the new spending in this bill is the right thing to do, and we just passed a budget promising we would do exactly that. My amendment does nothing more than hold us to this very promise.

I implore my colleagues to join me in supporting this amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise in opposition to the Lee amendment.

Colleagues, the Lee amendment is the bluntest possible instrument that would cut spending across government on every possible program. The SGR, the doctors reimbursement formula, has always been a fake. The \$140 billion in this bill eliminates the budget fakery that Democrats and Republicans believe has gotten out of hand. The underlying bill gets rid of the budget fakery.

I urge colleagues on both sides of the aisle to reject the amendment, and I yield back.

Mr. LEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—42

Ayotte	Flake	Portman
Barrasso	Gardner	Risch
Blunt	Grassley	Roberts
Boozman	Hoeven	Rounds
Burr	Inhofe	Rubio
Coats	Isakson	Sasse
Corker	Johnson	Scott
Cotton	Kirk	Sessions
Crapo	Lankford	Shelby
Cruz	Lee	Sullivan
Daines	McCain	Thune
Enzi	Moran	Toomey
Ernst	Murkowski	Vitter
Fischer	Paul	Wicker

NAYS—58

Alexander	Franken	Murray
Baldwin	Gillibrand	Nelson
Bennet	Graham	Perdue
Blumenthal	Hatch	Peters
Booker	Heinrich	Reed
Boxer	Heitkamp	Reid
Brown	Heller	Sanders
Cantwell	Hirono	Schatz
Capito	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Cassidy	Manchin	Tillis
Cochran	Markey	Udall
Collins	McCaskill	Warner
Coons	McConnell	Warren
Cornyn	Menendez	Whitehouse
Donnelly	Merkley	Wyden
Durbin	Mikulski	
Feinstein	Murphy	

The amendment (No. 1116) was rejected.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Washington.

AMENDMENT NO. 1117

(Purpose: To improve women's access to quality health care)

Mrs. MURRAY. Mr. President, I call up amendment No. 1117 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. WYDEN, Mr. BROWN, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Ms. HIRONO, Ms. MIKULSKI, Mr. MENENDEZ, Mr. MURPHY, Mr. SANDERS, Ms. STABENOW, Mrs. SHAHEEN, Mr. FRANKEN, Mr. REID, Mr. WHITEHOUSE, Ms. CANTWELL, Ms. WARREN, and Mr. BOOKER, proposes an amendment numbered 1117.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. MURRAY. Mr. President, many of us have been working for years to protect Medicare access for seniors, invest in our community health centers, and expand access to health care for our children. So I am glad Democrats and Republicans in the House were able to come together on these issues. But it is disappointing that in a bill which takes so many good bipartisan steps forward, Republicans have insisted on trying to score political points with their base on women's health.

The House SGR bill includes language that is just one more example of using women's health as a political football. It is redundant, and it is unnecessary.

I am offering an amendment tonight that shows we are making sure women have comprehensive access to health

care. It focuses on moving women's health care forward by providing a clean extension of community health care funding for 4 years, not 2, to provide certainty. It will invest \$2 billion in safety net providers for women and their families through title X clinics. Finally, it will invest in strengthening the women's health care workforce to make sure women have access through their providers.

I hope my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as has been mentioned repeatedly regarding the 10-day CMS hold, this 10-day CMS hold period will expire tonight. Doctors who serve our seniors will be facing a 21-percent cut.

Senator MURRAY's bill costs \$21.1 billion over 10 years, and it is not offset. Therefore, the pending amendment, No. 1117, offered by Senator MURRAY, would violate the Senate pay-go rule and increase the on-budget deficit over the 10-year period of fiscal years 2015 to 2024. Therefore, I raise a point of order against this measure pursuant to section 201(a) of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that Act and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 43, nays 57, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—43

Baldwin	Gillibrand	Murphy
Bennet	Heinrich	Murray
Blumenthal	Heitkamp	Nelson
Booker	Hirono	Peters
Boxer	Kaine	Reed
Brown	King	Reid
Cantwell	Klobuchar	Sanders
Cardin	Leahy	Schatz
Carper	Markey	Schumer
Coons	McCaskill	Shaheen
Durbin	Menendez	Stabenow
Feinstein	Merkley	
Franken	Mikulski	

Tester	Warner	Whitehouse
Udall	Warren	Wyden

NAYS—57

Alexander	Enzi	Moran
Ayotte	Ernst	Murkowski
Barrasso	Fischer	Paul
Blunt	Flake	Perdue
Boozman	Gardner	Portman
Burr	Graham	Risch
Capito	Grassley	Roberts
Casey	Hatch	Rounds
Cassidy	Heller	Rubio
Coats	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kirk	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Toomey
Daines	McCain	Vitter
Donnelly	McConnell	Wicker

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 57.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Arkansas.

AMENDMENT NO. 1118

Mr. COTTON. Mr. President, I call up my amendment No. 1118.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. COTTON] proposes an amendment numbered 1118.

The amendment is as follows:

(Purpose: To provide steady updates of payment rates under the Medicare physician fee schedule)

Beginning on page 5, strike line 22 and all that follows through page 127, line 6, and insert the following:

(2) UPDATE OF RATES FOR 2015 AND SUBSEQUENT YEARS.—Subsection (d) of section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended by striking paragraph (16) and inserting the following new paragraphs:

“(16) UPDATE FOR JANUARY THROUGH JUNE OF 2015.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), (12)(B), (13)(B), (14)(B), and (15)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2015 for the period beginning on January 1, 2015, and ending on June 30, 2015, the update to the single conversion factor shall be 0.0 percent.

“(17) UPDATE FOR JULY THROUGH DECEMBER OF 2015.—The update to the single conversion factor established in paragraph (1)(C) for the period beginning on July 1, 2015, and ending on December 31, 2015, shall be 0.5 percent.

“(18) UPDATE FOR 2016 AND SUBSEQUENT YEARS.—The update to the single conversion factor established in paragraph (1)(C) for 2016 and each subsequent year shall be 0.5 percent.”.

Mr. COTTON. Mr. President, I want to replace the SGR permanently, but I also want to do it correctly. This bill has two payment models in the future. The first 4 years would give physicians a half-percent increase. In future years, though, CMS would be empowered to issue qualitative, subjective rules purporting to evaluate physician performance and patient outcomes.

My amendment would simply extend the half-percent increase indefinitely. I think there are many reasons to vote for this amendment. CMS has not effectively used a blunt bureaucratic tool,

such as SGR, so we shouldn't give them a nuance tool; second, CMS itself predicts we are going to have future doc fixes, which is going to undermine the stability doctors and patients need; third, the complexity of the outyear model is going to further drive consolidation, especially for rural and independent doctors; and, finally, CBO estimates this bill saves \$10 billion.

I urge a “yes” vote. Let us have a permanent doc fix that works for all doctors and patients.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise in opposition to this amendment. Today, the Medicare Program is a fee-for-volume system. The underlying bill junks this and turns out the lights on millions of users.

The underlying bill before the Senate says the future will be about rewarding value and good quality care for our Medicare patients. The Cotton amendment embraces the outdated status quo and says there is no need to coordinate care, no need to pay for value, no need to pay for quality for our Medicare patients. I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COTTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 11, nays 89, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—11

Boozman	Lee	Sessions
Cotton	Paul	Shelby
Cruz	Rubio	Vitter
Inhofe	Sasse	

NAYS—89

Alexander	Fischer	Murkowski
Ayotte	Flake	Murphy
Baldwin	Franken	Murray
Barrasso	Gardner	Nelson
Bennet	Gillibrand	Perdue
Blumenthal	Graham	Peters
Blunt	Grassley	Portman
Booker	Hatch	Reed
Boxer	Heinrich	Reid
Brown	Heitkamp	Risch
Burr	Heller	Roberts
Cantwell	Hirono	Rounds
Capito	Hoeven	Sanders
Cardin	Isakson	Schatz
Carper	Johnson	Schumer
Casey	Kaine	Scott
Cassidy	King	Shaheen
Coats	Kirk	Stabenow
Cochran	Klobuchar	Sullivan
Collins	Lankford	Tester
Coons	Leahy	Thune
Corker	Manchin	Tillis
Cornyn	Markey	Toomey
Crapo	McCain	Udall
Daines	McCaskill	Warner
Donnelly	McConnell	Warren
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Ernst	Mikulski	Wyden
Feinstein	Moran	

The amendment (No. 1118) was rejected.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 1119

(Purpose: To repeal the therapy cap and provide for medical review of outpatient therapy services)

Mr. CARDIN. Mr. President, I call up amendment No. 1119.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, Mr. VITTER, Mr. REID, Mr. WHITEHOUSE, Ms. HIRONO, Mr. CASEY, Mrs. SHAHEEN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. BROWN, Ms. STABENOW, Mr. REED, Mr. LEAHY, Ms. CANTWELL, Mr. BENNET, Mr. BOOKER, Ms. WARREN, and Ms. KLOBUCHAR, proposes an amendment numbered 1119.

Mr. CARDIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CARDIN. Mr. President, I have explained this amendment a little earlier.

I ask unanimous consent that Senator KLOBUCHAR be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. This deals with the therapy cap on which we now have had 12 patches. It is almost the identical problem we have with the SGR, which is the underlying bill. It deals with seniors, Medicare beneficiaries, having access to therapy services, those who have had strokes, those who have serious issues and need rehab therapy.

The cap never made sense in 1997 when it was put into effect. It was not the right policy. We have had bipartisan support to correct this as we have the SGR, and my underlying amendment does that.

I ask my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this bill is far from perfect, but we cannot let perfect be the enemy of the good on this bipartisan compromise that passed the House with almost 400 votes.

The House leadership has made it clear to us, they will not pass another package, and I don't blame them. Time is of the essence.

The therapy caps provision may not be the best policy, but it is in place to ensure there is a governor on unnecessary utilization and spending in the Medicare Program.

Congress should use the next 2 years to find a solution to this problem and work to pay for that solution, and I intend to do that. But to have that on this bill would be a catastrophe at the end of what has been a really, really very, very tough-fought bill all the way through.

The pending amendment, No. 1119, offered by Senator CARDIN would violate the Senate pay-go rule and increase the on-budget deficit over the 10-year period of fiscal years 2015 to 2024. There-

fore, I raise a point of order against this measure pursuant to section 201(a) of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 58, nays 42, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—58

Ayotte	Graham	Paul
Baldwin	Heinrich	Peters
Bennet	Heitkamp	Portman
Blumenthal	Hirono	Reed
Booker	Hoeven	Reid
Boxer	Kaine	Rounds
Brown	King	Sanders
Burr	Kirk	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Markey	Stabenow
Casey	McCaskill	Tester
Cassidy	Menendez	Udall
Collins	Merkley	Vitter
Coons	Mikulski	Warner
Donnelly	Moran	Warren
Durbin	Murkowski	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	
Gillibrand	Nelson	

NAYS—42

Alexander	Ernst	McConnell
Barrasso	Fischer	Perdue
Blunt	Flake	Risch
Boozman	Gardner	Roberts
Capito	Grassley	Rubio
Coats	Hatch	Sasse
Cochran	Heller	Scott
Corker	Inhofe	Sessions
Cornyn	Isakson	Shelby
Cotton	Johnson	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Enzi	McCain	Wicker

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on final passage.

Mr. REED. Mr. President, I am pleased to see that after 12 years of temporary patches to delay cuts under the Sustainable Growth Rate, Congress is finally acting to reform the Medicare physician payment system for the long term. In so doing, we not only ensure access to care for seniors but also help improve the quality of care they receive through Medicare.

However, I am disappointed that the same certainty is not provided to children and families impacted by the Children's Health Insurance program, CHIP. This legislation extends funding for CHIP for 2 years and continues policies that encourage enrollment in the program. But it does not extend this critical funding for a much longer period of time, like the 4 years my colleagues and I have been urging for months. We are missing a crucial opportunity to ensure that children and pregnant women have access to comprehensive, affordable health insurance coverage for years to come. Currently, more than 10 million children benefit from this program. In 2 years, funding for this program will expire, putting children at risk of becoming uninsured once again. Moreover, the bill takes the same temporary approach with respect to the Maternal, Infant, and Early Childhood Home Visiting, MIECHV, program, Community Health Centers, and other initiatives.

I am also concerned that Medicare beneficiaries will see increases in out-of-pocket costs to help pay for the legislation. Faced with the threat of looming cuts to health care providers and the resulting risk of disruption of services should doctors withdraw from Medicare, we are being forced to instead choose to increase costs on seniors, rather than any number of offsets that could have asked the wealthiest Americans or corporations to pay a little more to ensure that Medicare is protected for everyone. Indeed, the majority in the other body insisted on paying for this bill, at least in part, by increasing these out-of-pocket costs. For a bill designed to protect access to health care for seniors, it should not turn around and then demand they pay more. We should be reaffirming our commitment to protecting Medicare beneficiaries and these cuts do just the opposite. With these provisions not taking effect until 5 years from now, I hope that gives us ample time to revisit this.

After years of disagreements on health care issues, it is good to see that we can move on this bill on a bipartisan basis. So while I have the reservations I have outlined, and will support amendments to address these issues, I will vote for this legislation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, this legislation has not gone through the regular order in the Senate. It will add \$174 billion to the debt. It is subject to seven different budget points of order. We have had a series of budget point of order votes where we have affirmed the budget and the responsibility we have to adhere to it. Let's do the right thing. Let's tell the House, which tried to send this bill over at 3:30 in the morning for us to pass right before we recessed after the budget votes, that, yes, we are absolutely committed to fixing the doctors' payments and in a responsible, long-term way, but it

needs to be paid for in a responsible, long-term way. Upholding the budget point of order does not kill the bill; it sends it back to committee to make sure it is fully paid for.

So let's not be afraid tonight. Let's say to our House colleagues: Colleagues, we agree with you on your vote, but we must pay for this bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I need to make a budget point of order.

The PRESIDING OFFICER. There is still time remaining in favor of the bill.

Mr. SESSIONS. Mr. President, the pending measure, H.R. 2, the Medicare Access and CHIP Reauthorization Act of 2015, violates section 311(b) of the fiscal year 2009 budget resolution by causing a net increase in the long-term deficit in excess of \$5 billion in the 10-year period of fiscal years 2025 through 2034. Therefore, I raise a point of order against this measure pursuant to section 311(b) of S. Con. Res. 70, the concurrent resolution on the budget for fiscal year 2009, and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield back the time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I move to waive all applicable sections of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

The yeas and nays resulted—yeas 71, nays 29, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—71

Alexander	Flake	Murkowski
Baldwin	Franken	Murphy
Bennet	Gillibrand	Murray
Blumenthal	Graham	Nelson
Blunt	Hatch	Paul
Booker	Heinrich	Peters
Boozman	Heitkamp	Reed
Boxer	Heller	Reid
Brown	Hirono	Roberts
Burr	Isakson	Rounds
Cantwell	Kaine	Sanders
Capito	King	Schatz
Cardin	Kirk	Schumer
Carper	Klobuchar	Shaheen
Casey	Leahy	Stabenow
Cassidy	Manchin	Tester
Cochran	Markey	Tillis
Collins	McCain	Udall
Coons	McCaskill	Warner
Corker	McConnell	Warren
Cornyn	Menendez	Whitehouse
Donnelly	Merkley	Wicker
Durbin	Mikulski	Wyden
Feinstein	Moran	

NAYS—29

Ayotte	Enzi	Johnson
Barrasso	Ernst	Lankford
Coats	Fischer	Lee
Cotton	Gardner	Perdue
Crapo	Grassley	Portman
Cruz	Hoeben	Risch
Daines	Inhofe	Rubio

Sasse
Scott
Sessions

Shelby
Sullivan
Thune

Toomey
Vitter

The PRESIDING OFFICER. On this vote, the yeas are 71, the nays are 29.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The point of order is not sustained, and the motion is agreed to.

The Senator from Utah.

Mr. HATCH. Mr. President, we will soon be voting on final passage of H.R. 2, the Medicare Access and CHIP Reauthorization Act of 2015.

As I mentioned earlier, this bill represents more than 2 years of hard work on both sides of the Capitol. And, it represents a real step forward for bipartisan health care policy. I am proud to have been one of the authors of this legislation and I look forward to what I believe we will see—the bill pass with bipartisan support.

I want to commend everyone who worked on this legislation. I particularly want to thank Senator Max Baucus who worked with me from the beginning on this effort here in the Senate. In addition, I would like to thank the current ranking member of the Finance Committee, Senator WYDEN for all his work. I also want to thank our colleagues on the House Energy and Commerce and Ways and Means Committees who also worked very hard in crafting this SGR fix.

As with any major legislative effort, there are a number of staffers—both current and former—who also deserve our thanks. From my own Finance Committee staff, I want to thank Dan Todd, Kristin Welsh, Erin Dempsey, Katie Simeon, Kim Brandt, and Becky Shipp for all of their hard work. I also want to thank my senior team—Jay Khosla, Chris Campbell, and Mark Prater. On the Democratic side of the committee, I want to thank Karen Fisher, David Schwartz, Matt Kazan, Juan Machado, Scott Levy, and Colin Goldfinch.

I also want to commend the efforts of Scott Raab and Monica Popp from the Senate Republican leadership offices.

In addition, from the House side, I specifically want to thank Charlotte Ivancic and Wendell Primus.

We have also gotten quite a bit of help from CBO in this effort. For that, I want to thank Lori Housman, Tom Bradley, and Holly Harvey.

CMS also provided vital technical assistance as we put this legislation together. For that, I'd like to thank Jennifer Druckman, Ira Burney, and Anne Scott.

And, of course, we couldn't have done without the help of the Legislative Counsels' offices, particularly John Goetcheus, Kelly Malone, Ruth Ernst, and Phil Lynch on the Senate side and Jessica Shapiro and Jessica Cross over in the House.

I wish to once again urge my colleagues to support this bill. It is a monumental achievement. It is legislation that has been long in the offing. I

wish to thank everybody on both sides for the cooperation we have had. I just want to personally express my gratitude for being able to pass this bill.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. I think tonight is a milestone for the Medicare Program—a lifeline for millions of older people. That is because tonight the Senate is voting to retire the outdated, inefficiency-rewarding, commonsense-defying Medicare reimbursement system.

As Senator HATCH noted, it has been bipartisan; it has long been bipartisan. I think this is an important night for the Senate and it is going to be long remembered.

I yield the floor.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—92

Alexander	Feinstein	Moran
Ayotte	Fischer	Murkowski
Baldwin	Flake	Murphy
Barrasso	Franken	Murray
Bennet	Gardner	Nelson
Blumenthal	Gillibrand	Paul
Blunt	Graham	Peters
Booker	Grassley	Portman
Boozman	Hatch	Reed
Boxer	Heinrich	Reid
Brown	Heitkamp	Risch
Burr	Heller	Roberts
Cantwell	Hirono	Rounds
Capito	Hoeben	Sanders
Cardin	Inhofe	Schatz
Carper	Isakson	Schumer
Casey	Johnson	Shaheen
Cassidy	Kaine	Stabenow
Coats	King	Sullivan
Cochran	Kirk	Tester
Collins	Klobuchar	Thune
Coons	Lankford	Tillis
Corker	Leahy	Toomey
Cornyn	Manchin	Udall
Cotton	Markey	Vitter
Crapo	McCain	Warner
Daines	McCaskill	Warren
Donnelly	McConnell	Whitehouse
Durbin	Menendez	Wicker
Enzi	Merkley	Wyden
Ernst	Mikulski	

NAYS—8

Cruz	Rubio	Sessions
Lee	Sasse	Shelby
Perdue	Scott	

The bill (H.R. 2) was passed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. What is the pending business?

JUSTICE FOR VICTIMS OF TRAFFICKING ACT OF 2015—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The senior assistant legislative clerk read as follows:

A bill (S. 178) to provide justice for the victims of trafficking.