

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Lieutenant Colonel James ‘Maggie’ Megellas Post Office”.

#### ELECTRONIC HEALTH FAIRNESS ACT OF 2015

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 185, S. 1347.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1347) to amend title XVIII of the Social Security Act with respect to the treatment of patient encounters in ambulatory surgical centers in determining meaningful EHR use, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Electronic Health Fairness Act of 2015”.*

##### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) Ambulatory surgery centers were not covered under the provisions of the HITECH Act of 2009, which created certification standards and incentives for adopting electronic health record (EHR) technology in the physician office and hospital settings.

(2) The Centers for Medicare & Medicaid Services (CMS) defines a meaningful EHR user as an eligible professional having 50 percent or more of the professional’s outpatient encounters at practices or locations equipped with certified EHR technology.

(3) Physicians with patient encounters in an ambulatory surgical center are at a disadvantage when attempting to meet meaningful use requirements because there currently is not certified EHR technology for such centers.

(4) Until such time as EHR technology is certified specifically for use in the ambulatory surgical centers, patient encounters that occur in such a center should not be used when calculating whether an eligible professional meets meaningful use requirements, unless an eligible professional elects to include those encounters.

##### SEC. 3. TREATMENT OF PATIENT ENCOUNTERS IN AMBULATORY SURGICAL CENTERS IN DETERMINING MEANINGFUL EHR USE.

*Section 1848(o)(2) of the Social Security Act (42 U.S.C. 1395w-4(o)(2)) is amended by adding at the end of the following new subparagraph:*

“(E) TREATMENT OF PATIENT ENCOUNTERS AT AMBULATORY SURGICAL CENTERS.—

“(i) IN GENERAL.—Subject to clause (ii), any patient encounter of an eligible professional occurring at an ambulatory surgical center (described in section 1832(i)(1)(A)) shall not be treated as a patient encounter in determining whether an eligible professional qualifies as a meaningful EHR user.

“(ii) SUNSET.—Clause (i) shall no longer apply as of the first year that begins more than 3 years after the date the Secretary certifies EHR technology for the ambulatory surgical center setting.”.

Mr. GARDNER. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; the bill, as amended, be read a third time and passed, and the motion to re-

consider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 1347), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### AMENDING TITLE XI OF THE SOCIAL SECURITY ACT

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 187, S. 1362.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1362) to amend title XI of the Social Security Act to clarify waiver authority regarding programs of all-inclusive care for the elderly (PACE programs).

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. CLARIFICATION OF WAIVER AUTHORITY REGARDING PACE PROGRAMS.

*Subsection (d)(1) of section 1115A of the Social Security Act (42 U.S.C. 1315a) is amended by striking “and 1903(m)(2)(A)(iii)” and inserting “1903(m)(2)(A)(iii), and 1934 (other than subsections (b)(1)(A) and (c)(5) of such section)”.*

Mr. GARDNER. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 1362), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### LAND MANAGEMENT WORKFORCE FLEXIBILITY ACT

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 192, H.R. 1531.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1531) to amend title 5, United States Code, to provide a pathway for temporary seasonal employees in Federal land management agencies to compete for vacant permanent positions under internal merit promotion procedures, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GARDNER. I ask unanimous consent that the bill be read a third time

and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 1531) was ordered to a third reading, was read the third time, and passed.

#### J. WATIES WARING JUDICIAL CENTER

Mr. GARDNER. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 2131 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 2131) to designate the Federal building and United States courthouse located at 83 Meeting Street in Charleston, South Carolina, as the “J. Waties Waring Judicial Center.”

There being no objection, the Senate proceeded to consider the bill.

Mr. GARDNER. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 2131) was ordered to a third reading, was read the third time, and passed.

#### PFC MILTON A. LEE MEDAL OF HONOR MEMORIAL HIGHWAY

Mr. GARDNER. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 2559 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 2559) to designate the “PFC Milton A. Lee Medal of Honor Memorial Highway” in the State of Texas.

There being no objection, the Senate proceeded to consider the bill.

Mr. GARDNER. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 2559) was ordered to a third reading, was read the third time, and passed.

#### NATIONAL OVARIAN CANCER AWARENESS MONTH

Mr. GARDNER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further

consideration of and the Senate proceed to the consideration of S. Res. 228.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 228) designating September 2015 as "National Ovarian Cancer Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARDNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 228) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of July 23, 2015, under "Submitted Resolutions.")

#### NATIONAL LOBSTER DAY

Mr. GARDNER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 230 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 230) designating September 25, 2015, as "National Lobster Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARDNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 230) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of July 27, 2015, under "Submitted Resolutions.")

#### NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 248, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 248) designating September 2015 as "National Prostate Cancer Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARDNER. Mr. President, I ask unanimous consent that the resolution

be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 248) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### EXECUTIVE SESSION

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of all nominations on the Secretary's desk in the Foreign Service except for the list which is at the desk; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

##### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### FOREIGN SERVICE

PN573—3 Foreign Service nominations (161) beginning Maura Barry Boyle, and ending Anthony Wolak, which nominations were received by the Senate and appeared in the Congressional Record of June 10, 2015.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### AUTHORITY FOR COMMITTEES TO FILE BILLS AND REPORTS

Mr. GARDNER. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees be allowed to file bills and reports on August 6, from 11:30 a.m. until 1:30 p.m., and August 28, from 12 noon until 2 p.m.

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

#### ORDER FOR RECORD TO REMAIN OPEN

Mr. GARDNER. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, that the RECORD be kept open on August 6, from 11:30 a.m. until 1:30 p.m. for the introduction of bills and resolutions, statements, and cosponsor requests.

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

ORDERS FOR THURSDAY, AUGUST 6, 2015, AND TUESDAY, SEPTEMBER 8, 2015

Mr. GARDNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11:30 a.m., Thursday, August 6, for a pro forma session with the only business conducted being that under the previous orders; further, that when the Senate adjourns on August 6, 2015, it next convene on Tuesday, September 8, at 2 p.m., pursuant to the provisions of H. Con. Res. 72; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following leader remarks, the Senate begin consideration of H.J. Res. 61, as under the previous order.

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

#### ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. GARDNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:19 p.m., adjourned until Thursday, August 6, 2015, at 11:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF DEFENSE

MARCEL JOHN LETTRE, II, OF MARYLAND, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE, VICE MICHAEL VICKERS, RESIGNED.

PATRICK JOSEPH MURPHY, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF THE ARMY, VICE BRAD R. CARSON.

##### DEPARTMENT OF TRANSPORTATION

THOMAS F. SCOTT DARLING, III, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, VICE ANNE S. FERRO, RESIGNED.

##### DEPARTMENT OF ENERGY

CHERRY ANN MURRAY, OF KANSAS, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY, VICE WILLIAM F. BRINKMAN.

##### FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

CHARLES P. BLAHOUS, III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

##### FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND

CHARLES P. BLAHOUS, III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

##### FEDERAL HOSPITAL INSURANCE TRUST FUND

CHARLES P. BLAHOUS, III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

##### FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

ROBERT D. REISCHAUER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

##### FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND

ROBERT D. REISCHAUER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-