

for more than 24 hours rather than being admitted to the hospital as inpatients. Being classified as “outpatient observation” status may result in higher out-of-pocket costs for Medicare beneficiaries and makes those beneficiaries ineligible for Medicare coverage of post-acute care in a skilled nursing facility after they are discharged from the hospital.

The use of “outpatient observation” status has become more prevalent in recent years, and the duration of these “outpatient observation” stays has grown longer—meaning that an increasing number of Medicare beneficiaries are spending more and more time in the hospital without being admitted as inpatients. According to the Department of Health & Human Services’s, HHS, inspector general, in 2012, Medicare beneficiaries had more than 600,000 “outpatient observation” stays that lasted 3 nights or more.

These “outpatient observation” stays can have serious financial consequences for seniors. Medicare beneficiaries classified as “outpatient observation” status are responsible for outpatient co-payments and prescription drug costs that they would not have had as an inpatient—and there is no out-of-pocket cap on these costs. Perhaps most importantly, Medicare will only cover post-acute care in a skilled nursing facility, SNF, if the beneficiary had 3 consecutive days of hospitalization as an inpatient—even though “outpatient observation” patients may spend multiple nights in the hospital and receive the same type and level of care as inpatients. This means Medicare beneficiaries classified as “outpatient observation” status who require skilled nursing care after discharge from the hospital must pay the entire cost themselves—an average out-of-pocket cost of more than \$10,000 per beneficiary.

Understandably, Medicare beneficiaries spending several nights in the hospital often simply assume that they have been admitted as inpatients. Many seniors are unaware that they have actually been classified as “outpatient observation” status and what that means in terms of the financial consequences for them and their families. In some cases, these seniors only become aware of their “outpatient observation” status after they receive a bill from the nursing home for tens of thousands of dollars.

Under the NOTICE Act, within 36 hours or, if sooner, upon discharge, hospitals are required to provide written notice to the Medicare beneficiary explaining, No. 1, that he or she has been classified as an outpatient under observation status, instead of being admitted as an inpatient; No. 2, the reason for that classification; and, No. 3, the implications on cost-sharing and eligibility for Medicare coverage of post-acute care in a skilled nursing facility.

The NOTICE Act is a no-cost, commonsense approach that will help en-

sure our seniors are fully informed about their hospital status and the financial implications. I thank my colleagues for joining with me and Senator ENZI to support this important legislation.

Mr. McCONNELL. Mr. President, I further 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. 876) was ordered to a third reading, was read the third time, and passed.

RECESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate stand in recess until 9:15 p.m.; further, that all time during the recess count postcloture.

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

Thereupon, the Senate, at 6:57 p.m., recessed until 9:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BOOZMAN).

HIRE MORE HEROES ACT OF 2015—
Continued

QUORUM CALL

Mr. WICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6 Leg.]

Alexander	Durbin	Murphy
Barrasso	Fischer	Perdue
Boozman	Franken	Rounds
Boxer	Heinrich	Tillis
Cardin	Lee	Udall
Cornyn	McConnell	Whitehouse

The PRESIDING OFFICER (Mr. TILLIS). A quorum is not present.

The majority leader.

Mr. McCONNELL. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, 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 of the Senator from Kentucky.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Tennessee (Mr. CORKER), the Senator from Arizona (Mr. FLAKE), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. MARKEY), and the Senator from Michigan (Mr. PETERS) are necessarily absent.

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

The result was announced—yeas 79, nays 14, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—79

Alexander	Franken	Murray
Baldwin	Gardner	Nelson
Barrasso	Gillibrand	Portman
Bennet	Graham	Reed
Blumenthal	Grassley	Reid
Booker	Hatch	Risch
Boxer	Heinrich	Roberts
Brown	Heitkamp	Rounds
Burr	Hirono	Sanders
Cantwell	Hoeven	Sasse
Capito	Inhofe	Schatz
Cardin	Isakson	Schumer
Carper	Johnson	Scott
Casey	Kaine	Sessions
Cassidy	King	Shaheen
Coats	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Cornyn	Leahy	Tester
Crapo	Lee	Thune
Cruz	Manchin	Tillis
Daines	McCaskill	Udall
Donnelly	McConnell	Warner
Durbin	Menendez	Warren
Enzi	Merkley	Whitehouse
Ernst	Mikulski	Wyden
Feinstein	Murkowski	
Fischer	Murphy	

NAYS—14

Ayotte	Lankford	Sullivan
Boozman	McCain	Toomey
Collins	Moran	Vitter
Cotton	Paul	Wicker
Heller	Perdue	

NOT VOTING—7

Blunt	Flake	Rubio
Coons	Markey	
Corker	Peters	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The majority leader.

VOTE ON AMENDMENT NO. 2329

Mr. McCONNELL. Mr. President, I move to table amendment No. 2329.

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

The motion was agreed to.

The PRESIDING OFFICER. The Democratic leader.

AMENDMENT NO. 2328

Mr. REID. Mr. President, I raise a germaneness point of order against amendment No. 2328.

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

VOTE ON AMENDMENT NO. 2327

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 2327, offered by the Senator from Kentucky, Mr. McCONNELL, for Mr. KIRK.

The yeas and nays were previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Tennessee (Mr. CORKER), the Senator from Arizona (Mr. FLAKE), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. MARKEY), and the Senator from Michigan (Mr. PETERS) are necessarily absent.

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

The result was announced—yeas 64, nays 29, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—64

Alexander	Gillibrand	Murphy
Ayotte	Graham	Murray
Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Portman
Blumenthal	Heller	Reed
Booker	Hirono	Reid
Boxer	Hoeven	Roberts
Brown	Isakson	Rounds
Burr	Johnson	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Scott
Carper	Kirk	Shaheen
Casey	Klobuchar	Stabenow
Coats	Leahy	Tester
Cochran	Manchin	Udall
Collins	McCain	Udall
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Enzi	Merkley	Whitehouse
Ernst	Mikulski	Wicker
Feinstein	Moran	Wyden
Franken	Murkowski	

NAYS—29

Barrasso	Gardner	Sanders
Boozman	Grassley	Sasse
Capito	Hatch	Sessions
Cassidy	Inhofe	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Crapo	McConnell	Tillis
Cruz	Paul	Toomey
Daines	Perdue	Vitter
Fischer	Risch	

NOT VOTING—7

Blunt	Flake	Rubio
Coons	Markey	
Corker	Peters	

The amendment (No. 2327) was agreed to.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture vote on the McConnell amendment No. 2266, as modified, be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McConnell amendment No. 2266, as modified.

Mitch McConnell, John Cornyn, Orrin G. Hatch, John Barrasso, Pat Roberts, Richard Burr, Thom Tillis, David Vitter, Lindsey Graham, Kelly Ayotte, Lamar Alexander, Daniel Coats, John Hoeven, James M. Inhofe, Roger F. Wicker, Susan M. Collins, John Thune.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 2266, as modified, offered by the Senator from Kentucky, Mr. MCCONNELL, to H.R. 22, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Arizona (Mr. FLAKE), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. MARKEY), and the Senator from Michigan (Mr. PETERS) are necessarily absent.

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

The yeas and nays resulted—yeas 62, nays 32, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—62

Alexander	Fischer	McConnell
Ayotte	Franken	Moran
Baldwin	Gardner	Murray
Barrasso	Graham	Nelson
Bennet	Grassley	Portman
Blunt	Hatch	Roberts
Boozman	Heitkamp	Rounds
Boxer	Heller	Sanders
Burr	Hoeven	Schatz
Cantwell	Inhofe	Scott
Capito	Isakson	Sessions
Cassidy	Johnson	Shaheen
Coats	Kaine	Stabenow
Cochran	King	Sullivan
Collins	Kirk	Tester
Cornyn	Klobuchar	Thune
Daines	Lankford	Tillis
Durbin	Leahy	Vitter
Enzi	Manchin	Whitehouse
Ernst	McCain	Wicker
Feinstein	McCaskill	

NAYS—32

Blumenthal	Heinrich	Reid
Booker	Hirono	Risch
Brown	Lee	Sasse
Cardin	Menendez	Schumer
Carper	Merkley	Shelby
Casey	Mikulski	Toomey
Cotton	Murkowski	Udall
Crapo	Murphy	Udall
Cruz	Paul	Warner
Donnelly	Perdue	Warren
Gillibrand	Reed	Wyden

NOT VOTING—6

Coons	Flake	Peters
Corker	Markey	Rubio

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 32.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

AMENDMENT NO. 2421 TO AMENDMENT NO. 2266

(Purpose: Of a perfecting nature)

Mr. MCCONNELL. Mr. President, I call up amendment No. 2421.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2421 to amendment No. 2266.

Mr. MCCONNELL. 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 the RECORD of July 26, 2015, under "Text of Amendments.")

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2533 TO AMENDMENT NO. 2421

(Purpose: To improve the amendment)

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. INHOFE, proposes an amendment numbered 2533 to amendment No. 2421.

Mr. MCCONNELL. 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.")

AMENDMENT NO. 2417

Mr. MCCONNELL. Mr. President, I have an amendment to the text of the underlying bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2417 to the language proposed to be stricken by amendment No. 2266.

The amendment is as follows:

At the end add the following:

"This act shall be effective 1 day after enactment."

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2418 TO AMENDMENT NO. 2417

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2418 to amendment No. 2417.

Mr. MCCONNELL. 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 as follows:

On line 2, strike "1 day" and insert "2 days."

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. 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.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business,