

title 42, Code of Federal Regulations, from June 30, 2016, to June 30, 2017 (with the full implementation described in clause (ii) of such section applying to items and services furnished with dates of service on or after July 1, 2017).

**SEC. 3. FLOOR ON BID CEILING FOR COMPETITIVE ACQUISITION FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM.**

Section 1847(b)(5) of the Social Security Act (42 U.S.C. 1395w-3(b)(5)) is amended—

- (1) in subparagraph (A)—
  - (A) by inserting “, subject to subparagraph (E),” after “subsection (a)(2)”; and
  - (B) by inserting “, subject to subparagraph (E),” after “Based on such bids”; and
- (2) by adding at the end the following new subparagraph:

“(E) FLOOR ON BID CEILING FOR DURABLE MEDICAL EQUIPMENT.—

“(i) IN GENERAL.—The ceiling for a bid submitted for applicable covered items may not be less than the fee schedule amount that would otherwise be determined under section 1834(a), section 1834(h), or section 1842(s) for such items furnished on July 1, 2016 (determined as if section 2 of the Patient Access to Durable Medical Equipment Act of 2016 had not been enacted).

“(ii) APPLICABLE COVERED ITEMS DEFINED.—For purposes of this subparagraph, the term ‘applicable covered items’ means competitively priced items and services described in subsection (a)(2) that are furnished with respect to rounds of competition that begin on or after January 1, 2017.”.

**SEC. 4. REQUIREMENTS IN DETERMINING ADJUSTMENTS USING INFORMATION FROM COMPETITIVE BIDDING PROGRAMS.**

(a) IN GENERAL.—Section 1834(a)(1)(G) of the Social Security Act (42 U.S.C. 1395m(a)(1)(G)) is amended by adding at the end the following new sentence: “In the case of items and services furnished on or after January 1, 2019, in making any adjustments under clause (ii) or (iii) of subparagraph (F), under subsection (h)(1)(H)(ii), or under section 1842(s)(3)(B), the Secretary shall—

“(i) solicit and take into account stakeholder input; and

“(ii) take into account the highest amount bid by a winning supplier in a competitive acquisition area and a comparison of each of the following with respect to non-competitive acquisition areas and competitive acquisition areas:

“(I) The average travel distance and cost associated with furnishing items and services in the area.

“(II) Any barriers to access for items and services in the area.

“(III) The average delivery time in furnishing items and services in the area.

“(IV) The average volume of items and services furnished by suppliers in the area.

“(V) The number of suppliers in the area.”.

(b) CONFORMING AMENDMENTS.—(1) Section 1834(h)(1)(H)(ii) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)(ii)) is amended by striking “the Secretary” and inserting “subject to subsection (a)(1)(G), the Secretary”.

(2) Section 1842(s)(3)(B) of the Social Security Act (42 U.S.C. 1395m(s)(3)(B)) is amended by striking “the Secretary” and inserting “subject to section 1834(a)(1)(G), the Secretary”.

**SEC. 5. REPORTS ON THE RESULTS OF THE MONITORING OF ACCESS OF MEDICARE BENEFICIARIES TO DURABLE MEDICAL EQUIPMENT AND OF HEALTH OUTCOMES.**

Not later than October 1, 2016, January 1, 2017, April 1, 2017, and July 1, 2017, the Secretary of Health and Human Services shall publish on the Internet website of the Centers for Medicare & Medicaid Services the results of the monitoring of access of Medicare beneficiaries to durable medical equipment and of health outcomes, as described on page 66228 in the final rule published by the Center for Medicare & Medicaid Services on November 6, 2014, and entitled “Medicare Program; End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies” (79 Fed. Reg. 66120-66265).

**SEC. 6. REVISION OF EFFECTIVE DATE OF PROVISION LIMITING FEDERAL MEDICAID REIMBURSEMENT TO STATES FOR DURABLE MEDICAL EQUIPMENT (DME) TO MEDICARE PAYMENT RATES.**

(a) IN GENERAL.—Section 1903(i)(27) of the Social Security Act (42 U.S.C. 1396b(i)(27)) is amended by striking “January 1, 2019” and inserting “October 1, 2018”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 503 of division O of Public Law 114-113.

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

Mr. McCONNELL. I know of no further debate on this measure.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 2736), as amended, was passed.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

ORDER FOR PRINTING—S. 2943

Mr. McCONNELL. Mr. President, I ask unanimous consent that the engrossed version of S. 2943 be printed as passed.

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

(The bill, S. 2943, as passed by the Senate, is printed in the RECORD of Wednesday, June 15, 2016.)

ORDERS FOR WEDNESDAY, JUNE 22, 2016

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, June 22; 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; further, that following leader remarks, the Senate resume consideration of H.R. 2578, with the time until the cloture vote equally divided between the managers or their designees.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. 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 6:46 p.m., adjourned until Wednesday, June 22, 2016, at 9:30 a.m.