

the bill S. 2553, to amend title XVIII of the Social Security Act to prohibit Medicare part D plans from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals; as follows:

Amend the title so as to read: "A bill to amend title XVIII of the Social Security Act to prohibit Medicare part D plans from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals."

AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have a request for one committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, September 4, 2018, at 9.30 a.m. to conduct a hearing on the nomination of the Honorable Brett M. Kavanaugh, to be an Associate Justice of the Supreme Court of the United States.

PRIVILEGES OF THE FLOOR

Mr. UDALL. Mr. President, I ask unanimous consent that Olubukola Adebayo and Christina Youn, congressional fellows in my office, be granted floor privileges for the remainder of the 115th Congress.

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

Ms. WARREN. Mr. President, I ask unanimous consent that Stephen McCall, a fellow in my office, be granted floor privileges for the remainder of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following calendar bills en bloc: Calendar No. 420, H.R. 1109 and Calendar No. 469, S. 186.

The PRESIDING OFFICER. The clerk will read the titles of the bills en bloc.

AMENDING SECTION 203 OF THE FEDERAL POWER ACT

The senior assistant legislative clerk read as follows:

A bill (H.R. 1109) to amend Section 203 of the Federal Power Act.

FAIR RATES ACT

The senior assistant legislative clerk read as follows:

A bill (S. 186) to amend the Federal Power Act to provide that any inaction by the Federal Energy Regulatory Commission that allows a rate change to go into effect shall be treated as an order by the Commission for purposes of rehearing and court review.

There being no objection, the Senate proceeded to consider the bills en bloc as follows:

H.R. 1109, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following: **SECTION 1. CLARIFICATION OF FACILITY MERGER AUTHORIZATION.**

Section 203(a)(1) of the Federal Power Act (16 U.S.C. 824b(a)(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) merge or consolidate, directly or indirectly, its facilities subject to the jurisdiction of the Commission, or any part thereof, with the facilities of any other person, or any part thereof, that are subject to the jurisdiction of the Commission and have a value in excess of \$10,000,000, by any means whatsoever;"

SEC. 2. NOTIFICATION FOR CERTAIN TRANSACTIONS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) is amended by adding at the end the following new paragraph:

"(7)(A) Not later than 180 days after the date of enactment of this paragraph, the Commission shall promulgate a rule requiring any public utility that is seeking to merge or consolidate, directly or indirectly, its facilities subject to the jurisdiction of the Commission, or any part thereof, with those of any other person, to notify the Commission of such transaction not later than 30 days after the date on which the transaction is consummated if—

"(i) the facilities, or any part thereof, to be acquired are of a value in excess of \$1,000,000; and

"(ii) such public utility is not required to secure an order of the Commission under paragraph (1)(B).

"(B) In establishing any notification requirement under subparagraph (A), the Commission shall, to the maximum extent practicable, minimize the paperwork burden resulting from the collection of information."

SEC. 3. EFFECTIVE DATE.

The amendment made by section 1 shall take effect 180 days after the date of enactment of this Act.

SEC. 4. FEDERAL ENERGY REGULATORY COMMISSION REPORT.

(a) *IN GENERAL.*—Not later than 2 years after the date of enactment of this Act, the Federal Energy Regulatory Commission shall submit to Congress a report that assesses the effects of the amendment made by section 1.

(b) *REQUIREMENTS.*—In preparing the report under subsection (a), the Federal Energy Regulatory Commission shall—

(1) take into account any information collected under paragraph (7) of section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) (as added by section 2); and

(2) provide for public notice and comment with respect to the report.

S. 186, which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

(The part of the bill intended to be stricken is shown in boldfaced brackets, and the part of the bill in be inserted is shown in italic.)

S. 186

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 "Fair Ratepayer Accountability, Transparency, and Efficiency Standards Act" or the "Fair RATES Act".

SEC. 2. AMENDMENT TO THE FEDERAL POWER ACT.

Section 205(d) of the Federal Power Act (16 U.S.C. 824d(d)) is amended by adding at the end the following: "Any absence of action by the Commission that allows a change to take effect under this section (including the Commission allowing the 60 days of notice provided under this section to expire without Commission action) shall be considered to be an order issued by the Commission accepting the change for purposes of section 313."]

SEC. 2. AMENDMENT TO THE FEDERAL POWER ACT.

Section 205 of the Federal Power Act (16 U.S.C. 824d) is amended by adding at the end the following:

"(g) *INACTION OF COMMISSIONERS.*—

"(1) *IN GENERAL.*—If the Commission permits the expiration of the 60-day period established under the first sentence of subsection (d) because the members of the Commission are divided two against two as to the lawfulness of the change, as a result of vacancy, incapacity, or recusal on the Commission—

"(A) the failure to act by the Commission shall be considered to be an order issued by the Commission accepting the change for purposes of section 313(a); and

"(B) there shall be added to the record of the proceeding of the Commission—

"(i) the proposed order;

"(ii) notice of the division of the Commissioners with respect to the proposed order; and

"(iii) the written statement of each member of the Commission explaining the views of the Commissioner with respect to the proposed order.

"(2) *APPEAL.*—If any party to a proceeding of the Commission described in paragraph (1) seeks a rehearing under section 313(a) and the Commission fails to act on the merits of the rehearing request by the date that is 30 days after the date of the rehearing request because the members of the Commission are divided two against two, as a result of vacancy, incapacity, or recusal on the Commission, any party that sought the rehearing may appeal under section 313(b)."

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bills, as amended, be considered read a third time en bloc.

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

The committee-reported amendment in the nature of a substitute was ordered to be engrossed and the bill (H.R. 1109) to be read the third time.

The bill (H.R. 1109) was read the third time.

The bill (S. 186) was ordered to be engrossed for a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bills, as amended, en bloc.

PRESIDING OFFICER. The bills having been read the third time, the question is, Shall the bills pass en bloc?

The bill (H.R. 1109), as amended, was passed.

The bill (S. 186), as amended, was passed.

S. 186

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