

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 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. I ask unanimous consent that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

DESIGNATING THE UNITED STATES COURTHOUSE LOCATED AT 300 SOUTH FOURTH STREET IN MINNEAPOLIS, MINNESOTA, AS THE DIANA E. MURPHY UNITED STATES COURTHOUSE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 550, S. 3021.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3021) to designate the United States courthouse located at 300 South Fourth Street in Minneapolis, Minnesota, as the ‘Diana E. Murphy United States Courthouse.’

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 3021) was passed, as follows:

S. 3021

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

SECTION 1. DIANA E. MURPHY UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 300 South Fourth Street in Minneapolis, Minnesota, shall be known and designated as the “Diana E. Murphy United States Courthouse”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the “Diana E. Murphy United States Courthouse”.

DESIGNATING THE J. MARVIN JONES FEDERAL BUILDING AND MARY LOU ROBINSON UNITED STATES COURTHOUSE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 551, H.R. 5772.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 5772) to designate the J. Marvin Jones Federal Building and Courthouse in Amarillo, Texas, as the “J. Marvin Jones Federal Building and Mary Lou Robinson United States Courthouse.”

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

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 5772) was ordered to a third reading, was read the third time, and passed.

DR. BENJY FRANCES BROOKS CHILDREN’S HOSPITAL GME SUPPORT REAUTHORIZATION ACT OF 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5385, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 5385) to amend the Public Health Service Act to reauthorize the program of payments to children’s hospitals that operate graduate medical education programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered 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. 5385) was ordered to a third reading, was read the third time, and passed.

CONGRATULATING THE HONOLULU LITTLE LEAGUE BASEBALL TEAM OF HAWAII ON WINNING THE 2018 LITTLE LEAGUE BASEBALL WORLD SERIES CHAMPIONSHIP

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 621, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 621) congratulating the Honolulu Little League Baseball team of Hawaii on winning the 2018 Little League Baseball World Series Championship.

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

Mr. MCCONNELL. I further 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. 621) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

PROTECTING RELIGIOUSLY AFFILIATED INSTITUTIONS ACT OF 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 394, S. 994.

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

The senior assistant legislative clerk read as follows:

A bill (S. 994) to amend title 18, United States Code, to provide for the protection of community centers with religious affiliation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary 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 “Protecting Religiously Affiliated Institutions Act of 2018”.

SEC. 2. PROTECTION OF COMMUNITY CENTERS WITH RELIGIOUS AFFILIATION.

Section 247 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by inserting after “threat of force,” the following: “including by threat of force against religious real property,”;

(2) in subsection (d)—
 (A) in the matter preceding paragraph (1), by inserting “or (c)” after “subsection (a)”;
 (B) in paragraph (3), by striking “and” at the end;
 (C) by redesignating paragraph (4) as paragraph (5); and
 (D) by inserting after paragraph (3) the following:

“(4) if damage to or destruction of property results from the acts committed in violation of this section, which damage to or destruction of such property is in an amount that exceeds \$5,000, a fine in accordance with this title, imprisonment for not more than 3 years, or both; and”;

(3) in subsection (f), by inserting before the period at the end the following: “, or real property owned or leased by a nonprofit, religiously affiliated organization”.

Mr. MCCONNELL. I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motions 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. 994), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 994

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 “Protecting Religiously Affiliated Institutions Act of 2018”.

SEC. 2. PROTECTION OF COMMUNITY CENTERS WITH RELIGIOUS AFFILIATION.

Section 247 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by inserting after “threat of force,” the following: “including by threat of force against religious real property,”;

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting “or (c)” after “subsection (a)”;
 (B) in paragraph (3), by striking “and” at the end;

(C) by redesignating paragraph (4) as paragraph (5); and
 (D) by inserting after paragraph (3) the following:

“(4) if damage to or destruction of property results from the acts committed in violation of this section, which damage to or destruction of such property is in an amount that exceeds \$5,000, a fine in accordance with this title, imprisonment for not more than 3 years, or both; and”;

(3) in subsection (f), by inserting before the period at the end the following: “, or real property owned or leased by a nonprofit, religiously affiliated organization”.

KNOW THE LOWEST PRICE ACT OF 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 2553 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 (S. 2553) to amend title XVIII of the Social Security Act to prohibit health plans and pharmacy benefit managers from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals.

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

Mr. MCCONNELL. I further ask unanimous consent that the Stabenow amendment, which is at the desk, be considered and agreed to; that the bill, as amended, be considered read a third time and passed; that the amendment to the title, which is at the desk, be agreed to; and that 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 amendment (No. 4009) was agreed to, as follows:

(Purpose: To improve the bill)

Strike section 2 and insert the following:

SEC. 2. PROHIBITION ON LIMITING CERTAIN INFORMATION ON DRUG PRICES.

(a) IN GENERAL.—Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

“(m) PROHIBITION ON LIMITING CERTAIN INFORMATION ON DRUG PRICES.—A PDP sponsor and a Medicare Advantage organization shall ensure that each prescription drug plan or MA–PD plan offered by the sponsor or organization does not restrict a pharmacy that dispenses a prescription drug or biological from informing, nor penalize such pharmacy for informing, an enrollee in such plan of any differential between the negotiated price of, or copayment or coinsurance for, the drug or biological to the enrollee under the plan and a lower price the individual would pay for the drug or biological if the enrollee obtained the drug without using any health insurance coverage.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2020.

The bill (S. 2553), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2553

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 “Know the Lowest Price Act of 2018”.

SEC. 2. PROHIBITION ON LIMITING CERTAIN INFORMATION ON DRUG PRICES.

(a) IN GENERAL.—Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

“(m) PROHIBITION ON LIMITING CERTAIN INFORMATION ON DRUG PRICES.—A PDP sponsor and a Medicare Advantage organization shall ensure that each prescription drug plan or MA–PD plan offered by the sponsor or organization does not restrict a pharmacy that dispenses a prescription drug or biological from informing, nor penalize such pharmacy for informing, an enrollee in such plan of any differential between the negotiated price of, or copayment or coinsurance for, the drug or biological to the enrollee under the plan and a lower price the individual would pay for the drug or biological if the enrollee ob-

tained the drug without using any health insurance coverage.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2020.

The title amendment (No. 4010) was agreed to as follows:

(Purpose: To amend the title)

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.”.

ORDERS FOR WEDNESDAY, SEPTEMBER 5, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Wednesday, September 5; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session for the consideration of the Roisman nomination and that notwithstanding rule XXII, the Senate vote on confirmation of the nomination.

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

ADJOURNMENT UNTIL TOMORROW

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

There being no objection, the Senate, at 7:17 p.m., adjourned until Wednesday, September 5, 2018 at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 4, 2018:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF AIR FORCE RESERVE AND APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE RESERVE OF THE AIR FORCE WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 803B:

To be lieutenant general

MAJ. GEN. RICHARD W. SCOBEE

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. ANTHONY H. ADRIAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS S. JAMES, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES M. RICHARDSON