

SEC. 808. COVERAGE AND PAYMENT FOR RENAL DIALYSIS SERVICES FOR INDIVIDUALS WITH ACUTE KIDNEY INJURY.

(a) **COVERAGE.**—Section 1861(s)(2)(F) of the Social Security Act (42 U.S.C. 1395x(s)(2)(F)) is amended by inserting before the semicolon the following: “, including such renal dialysis services furnished on or after January 1, 2017, by a renal dialysis facility or provider of services paid under section 1881(b)(14) to an individual with acute kidney injury (as defined in section 1834(r)(2))”.

(b) **PAYMENT.**—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(r) **PAYMENT FOR RENAL DIALYSIS SERVICES FOR INDIVIDUALS WITH ACUTE KIDNEY INJURY.**—

“(1) **PAYMENT RATE.**—In the case of renal dialysis services (as defined in subparagraph (B) of section 1881(b)(14)) furnished under this part by a renal dialysis facility or provider of services paid under such section during a year (beginning with 2017) to an individual with acute kidney injury (as defined in paragraph (2)), the amount of payment under this part for such services shall be the base rate for renal dialysis services determined for such year under such section, as adjusted by any applicable geographic adjustment factor applied under subparagraph (D)(iv)(II) of such section and may be adjusted by the Secretary (on a budget neutral basis for payments under this paragraph) by any other adjustment factor under subparagraph (D) of such section.

“(2) **INDIVIDUAL WITH ACUTE KIDNEY INJURY DEFINED.**—In this subsection, the term ‘individual with acute kidney injury’ means an individual who has acute loss of renal function and does not receive renal dialysis services for which payment is made under section 1881(b)(14).”.

SA 2066. Mr. McCONNELL proposed an amendment to amendment SA 2065 proposed by Mr. McCONNELL (for himself and Mr. HATCH) to the bill H.R. 1295, to extend the African Growth and Opportunity Act, the Generalized System of Preferences, the preferential duty treatment program for Haiti, and for other purposes; as follows:

At the end add the following.

“This Act shall take effect 1 day after the date of enactment.”

SA 2067. Mr. McCONNELL proposed an amendment to the bill H.R. 1295, to extend the African Growth and Opportunity Act, the Generalized System of Preferences, the preferential duty treatment program for Haiti, and for other purposes; as follows:

At the end add the following.

“This Act shall take effect 2 days after the date of enactment.”

SA 2068. Mr. McCONNELL proposed an amendment to amendment SA 2067 proposed by Mr. McCONNELL to the bill H.R. 1295, to extend the African Growth and Opportunity Act, the Generalized System of Preferences, the preferential duty treatment program for Haiti, and for other purposes; as follows:

In the Instructions

Strike “2 days” and insert “3 days”

SA 2069. Mr. McCONNELL proposed an amendment to amendment SA 2068 proposed by Mr. McCONNELL to the amendment SA 2067 proposed by Mr.

McCONNELL to the bill H.R. 1295, to extend the African Growth and Opportunity Act, the Generalized System of Preferences, the preferential duty treatment program for Haiti, and for other purposes; as follows:

In the amendment

Strike “3 days” and insert “4 days”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources’ Subcommittee on Water and Power be authorized to meet during the session of the Senate on June 18, 2015, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 18, 2015, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Dead End, No Turn Around, Danger Ahead: Challenges to the Future of Highway Funding.”

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 18, 2015, at 2:30 p.m.

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

SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Regulatory Affairs and Federal Management of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 18, 2015, at 9 a.m., to conduct a hearing entitled, “Re-examining EPA’s Management of the Renewable Fuel Standard Program.”

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016

AMENDMENT NO. 1474, AS MODIFIED

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding the passage of H.R. 1735, the Coons amendment No. 1474, which was agreed to, be modified by replacing the text therein with the text of Coons amendment No. 2058.

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

The amendment, as modified, is as follows:

(Purpose: To improve section 1204, relating to the National Guard State Partnership Program)

On page 599, after line 21, add the following:

(g) **ENHANCED SCOPE OF AUTHORITY.**—Subsection (a)(1) of such section, as amended by subsection (b)(1) of this section, is further amended by inserting after “activities described in paragraph (2)” the following: “, to support the security cooperation objectives of the United States.”.

(h) **PROCEDURES.**—Such section, as amended by subsections (b) through (f) of this section, is further amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **COORDINATION OF ACTIVITIES.**—The Chief of the National Guard Bureau shall designate a director for each State and territory to be responsible for the coordination of activities under a program established under subsection (a) for such State or territory and reporting on activities under the program.”.

(i) **ANNUAL REPORT.**—Paragraph (2)(B) of subsection (f) of such section, as redesignated by subsection (h)(1) of this section, is amended—

(1) in clause (iii), by inserting “or other government organizations” after “and security forces”;

(2) in clause (iv), by adding at the end before the period the following: “and country”;

(3) in clause (v), by striking “training” and inserting “activities”;

(4) by adding at the end the following:

“(vi) An assessment of the extent to which the activities conducted during the previous year met the objectives described in clause (v).”.

ORDER FOR PRINTING

Mr. McCONNELL. Mr. President, I further ask unanimous consent that the bill as passed by the Senate be printed.

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

(The bill, H.R. 1735, as amended, will be printed in a future edition of the RECORD.)

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that on Monday, June 22, at 5 p.m., the Senate proceed to executive session to the en bloc consideration of Executive Calendar Nos. 156 and 124; that there be 30 minutes of debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed, and that following disposition of the nominations the motions to reconsider be considered made and laid upon the table; that no further motions be in order to the nominations; 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.

SURFACE TRANSPORTATION BOARD REAUTHORIZATION ACT OF 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 94, S. 808.

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

The senior assistant legislative clerk read as follows:

A bill (S. 808) to establish the Surface Transportation Board as an independent establishment, and for other purposes.

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

Mr. McCONNELL. 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 (S. 808) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 808

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Surface Transportation Board Reauthorization Act of 2015”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 49, United States Code.
- Sec. 3. Establishment of Surface Transportation Board as an independent establishment.
- Sec. 4. Surface Transportation Board membership.
- Sec. 5. Nonpublic collaborative discussions.
- Sec. 6. Reports.
- Sec. 7. Authorization of appropriations.
- Sec. 8. Agent in the District of Columbia.
- Sec. 9. Department of Transportation Inspector General authority.
- Sec. 10. Amendment to table of sections.
- Sec. 11. Procedures for rate cases.
- Sec. 12. Investigative authority.
- Sec. 13. Arbitration of certain rail rates and practices disputes.
- Sec. 14. Effect of proposals for rates from multiple origins and destinations.
- Sec. 15. Reports.
- Sec. 16. Criteria.
- Sec. 17. Construction.

SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. ESTABLISHMENT OF SURFACE TRANSPORTATION BOARD AS AN INDEPENDENT ESTABLISHMENT.

(a) REDESIGNATION OF CHAPTER 7 OF TITLE 49, UNITED STATES CODE.—Title 49 is amended—

- (1) by moving chapter 7 after chapter 11 in subtitle II;
- (2) by redesignating chapter 7 as chapter 13;
- (3) by redesignating sections 701 through 706 as sections 1301 through 1306, respectively;
- (4) by striking sections 725 and 727;
- (5) by redesignating sections 721 through 724 as sections 1321 through 1324, respectively; and

(6) by redesignating section 726 as section 1325.

(b) INDEPENDENT ESTABLISHMENT.—Section 1301, as redesignated by subsection (a)(3), is amended by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT.—The Surface Transportation Board is an independent establishment of the United States Government.”.

(c) CONFORMING AMENDMENTS.—

(1) ADMINISTRATIVE PROVISIONS.—Section 1303, as redesignated by subsection (a)(3), is amended—

(A) by striking subsections (a), (c), (f), and (g);

(B) by redesignating subsections (b), (d), and (e) as subsections (a), (b), and (c), respectively; and

(C) by adding at the end the following:

“(d) SUBMISSION OF CERTAIN DOCUMENTS TO CONGRESS.—

“(1) IN GENERAL.—If the Board submits any budget estimate, budget request, supplemental budget estimate, or other budget information, legislative recommendation, prepared testimony for a congressional hearing, or comment on legislation to the President or to the Office of Management and Budget, the Board shall concurrently submit a copy of such document to—

“(A) the Committee on Commerce, Science, and Transportation of the Senate; and

“(B) the Committee on Transportation and Infrastructure of the House of Representatives.

“(2) NO APPROVAL REQUIRED.—No officer or agency of the United States has any authority to require the Board to submit budget estimates or requests, legislative recommendations, prepared testimony for congressional hearings, or comments on legislation to any officer or agency of the United States for approval, comments, or review before submitting such recommendations, testimony, or comments to Congress.”.

SEC. 4. SURFACE TRANSPORTATION BOARD MEMBERSHIP.

(a) IN GENERAL.—Section 1301(b), as redesignated by subsection 3(a), is amended—

(1) in paragraph (1)—

(A) by striking “3 members” and inserting “5 members”; and

(B) by striking “2 members” and inserting “3 members”; and

(2) by striking paragraph (2) and inserting the following:

“(2) At all times—

“(A) at least 3 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of transportation, transportation regulation, or economic regulation; and

“(B) at least 2 members shall be individuals with professional or business experience (including agriculture) in the private sector.”.

(b) REPEAL OF OBSOLETE PROVISION.—Section 1301(b), as amended by this section, is further amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively; and

(3) in paragraph (4), as redesignated, by striking “who becomes a member of the Board pursuant to paragraph (4), or an individual”.

SEC. 5. NONPUBLIC COLLABORATIVE DISCUSSIONS.

Section 1303(a), as redesignated by subsections (a) and (c) of section 3, is amended to read as follows:

“(a) OPEN MEETINGS.—

“(1) IN GENERAL.—The Board shall be deemed to be an agency for purposes of section 552b of title 5.

“(2) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

“(A) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the members may hold a meeting that is not open to public observation to discuss official agency business if—

“(i) no formal or informal vote or other official agency action is taken at the meeting;

“(ii) each individual present at the meeting is a member or an employee of the Board; and

“(iii) the General Counsel of the Board is present at the meeting.

“(B) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under subparagraph (C), not later than 2 business days after the conclusion of a meeting under subparagraph (A), the Board shall make available to the public, in a place easily accessible to the public—

“(i) a list of the individuals present at the meeting; and

“(ii) a summary of the matters discussed at the meeting, except for any matters the Board properly determines may be withheld from the public under section 552b(c) of title 5.

“(C) SUMMARY.—If the Board properly determines matters may be withheld from the public under section 555b(c) of title 5, the Board shall provide a summary with as much general information as possible on those matters withheld from the public.

“(D) ONGOING PROCEEDINGS.—If a discussion under subparagraph (A) directly relates to an ongoing proceeding before the Board, the Board shall make the disclosure under subparagraph (B) on the date of the final Board decision.

“(E) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this paragraph may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the members other than that described in this paragraph.

“(F) STATUTORY CONSTRUCTION.—Nothing in this paragraph may be construed—

“(i) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under subparagraph (B)(ii); or

“(ii) to authorize the Board to withhold from any individual any record that is accessible to that individual under section 552a of title 5, United States Code.”.

SEC. 6. REPORTS.

(a) REPORTS.—Section 1304, as amended by section 3, is further amended—

(1) by striking the section heading and inserting the following:

“§ 1304. Reports”;

(2) by inserting “(a) ANNUAL REPORT.—” before “The Board”;

(3) by striking “on its activities.” and inserting “on its activities, including each instance in which the Board has initiated an investigation on its own initiative under this chapter or subtitle IV.”; and

(4) by adding at the end the following:

“(b) RATE CASE REVIEW METRICS.—

“(1) QUARTERLY REPORTS.—The Board shall post a quarterly report of rail rate review cases pending or completed by the Board during the previous quarter that includes—

“(A) summary information of the case, including the docket number, case name, commodity or commodities involved, and rate review guideline or guidelines used;

“(B) the date on which the rate review proceeding began;

“(C) the date for the completion of discovery;

“(D) the date for the completion of the evidentiary record;

“(E) the date for the submission of closing briefs;