To extend the trade adjustment assistance program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Hatch (for himself and Mr. Wyden), from the Committee on Finance, reported the following original bill; which was read twice and placed on the calendar

A BILL

To extend the trade adjustment assistance program, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Trade Adjustment As-
5 sistance Reauthorization Act of 2015”.


SEC. 2. APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE.

(a) Repeal of Snapback.—Section 233 of the Trade Adjustment Assistance Extension Act of 2011 (Public Law 112–40; 125 Stat. 416) is repealed.

(b) Applicability of Certain Provisions.—Except as otherwise provided in this Act, the provisions of chapters 2 through 6 of title II of the Trade Act of 1974, as in effect on December 31, 2013, and as amended by this Act, shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to petitions for certification filed under chapter 2, 3, or 6 of title II of the Trade Act of 1974 on or after such date of enactment.

(c) References.—Except as otherwise provided in this Act, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on December 31, 2013.

SEC. 3. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

note) is amended by striking “December 31, 2013” each place it appears and inserting “June 30, 2021”.

(b) Training Funds.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking “shall not exceed” and all that follows and inserting “shall not exceed $450,000,000 for each of fiscal years 2015 through 2021.”.


d) Authorizations of Appropriations.—

(1) Trade Adjustment Assistance for Workers.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking “December 31, 2013” and inserting “June 30, 2021”.

(2) Trade Adjustment Assistance for Firms.—Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended by striking “fiscal years 2012 and 2013” and all that follows through “December 31, 2013” and inserting “fiscal years 2015 through 2021”.

(3) Trade Adjustment Assistance for Farmers.—Section 298(a) of the Trade Act of 1974
(19 U.S.C. 2401g(a)) is amended by striking “fiscal years 2012 and 2013” and all that follows through “December 31, 2013” and inserting “fiscal years 2015 through 2021”.

SEC. 4. PERFORMANCE MEASUREMENT AND REPORTING.

(a) Performance Measures.—Section 239(j) of the Trade Act of 1974 (19 U.S.C. 2311(j)) is amended—

(1) in the subsection heading, by striking “DATA REPORTING” and inserting “PERFORMANCE MEASURES”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “a quarterly” and inserting “an annual”; and

(ii) by striking “data” and inserting “measures”;

(B) in subparagraph (A), by striking “core” and inserting “primary”; and

(C) in subparagraph (C), by inserting “that promote efficiency and effectiveness” after “assistance program”; and

(3) in paragraph (2)—
(A) in the paragraph heading, by striking “CORE INDICATORS DESCRIBED” and inserting “INDICATORS OF PERFORMANCE”; and

(B) by striking subparagraph (A) and inserting the following:

“(A) PRIMARY INDICATORS OF PERFORMANCE DESCRIBED.—

“(i) IN GENERAL.—The primary indicators of performance referred to in paragraph (1)(A) shall consist of—

“(I) the percentage and number of workers who received benefits under the trade adjustment assistance program who are in unsubsidized employment during the second calendar quarter after exit from the program;

“(II) the percentage and number of workers who received benefits under the trade adjustment assistance program and who are in unsubsidized employment during the fourth calendar quarter after exit from the program;

“(III) the median earnings of workers described in subclause (I);
“(IV) the percentage and number of workers who received benefits under the trade adjustment assistance program who, subject to clause (ii), obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent, during participation in the program or within one year after exit from the program; and

“(V) the percentage and number of workers who received benefits under the trade adjustment assistance program who, during a year while receiving such benefits, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable gains in skills toward such a credential or employment.

“(ii) INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV), a worker who received benefits under the trade adjustment assistance program who
obtained a secondary school diploma or its recognized equivalent shall be included in the percentage counted for purposes of that clause only if the worker, in addition to obtaining such a diploma or its recognized equivalent, has obtained or retained employment or is in an education or training program leading to a recognized post-secondary credential within one year after exit from the program.”;

(4) in paragraph (3)—

(A) in the paragraph heading, by striking “DATA” and inserting “MEASURES”; and

(B) by striking “quarterly” and inserting “annual”; and

(C) by striking “data” and inserting “measures”; and

(5) by adding at the end the following:

“(4) ACCESSIBILITY OF STATE PERFORMANCE REPORTS.—The Secretary shall, on an annual basis, make available (including by electronic means), in an easily understandable format, the reports of cooperating States or cooperating State agencies required by paragraph (1) and the information contained in those reports.”.
(b) Collection and Publication of Data.—Section 249B of the Trade Act of 1974 (19 U.S.C. 2323) is amended—

(1) in subsection (b)—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking “enrolled in” and inserting “who received”;

(ii) in subparagraph (B)—

(I) by striking “complete” and inserting “exited”; and

(II) by striking “who were enrolled in” and inserting “, including who received”;

(iii) in subparagraph (E), by striking “complete” and inserting “exited”;

(iv) in subparagraph (F), by striking “complete” and inserting “exit”; and

(v) by adding at the end the following:

“(G) The average cost per worker of receiving training approved under section 236.

“(H) The percentage of workers who received training approved under section 236 and obtained unsubsidized employment in a field related to that training.”; and

(B) in paragraph (4)—
(i) in subparagraphs (A) and (B), by striking “quarterly” each place it appears and inserting “annual”; and

(ii) by striking subparagraph (C) and inserting the following:

“(C) The median earnings of workers described in section 239(j)(2)(A)(i)(III) during the second calendar quarter after exit from the program, expressed as a percentage of the median earnings of such workers before the calendar quarter in which such workers began receiving benefits under this chapter.”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(ii) by inserting after subparagraph (A) the following:

“(B) the reports required under section 239(j);”; and

(B) in paragraph (2), by striking “a quarterly” and inserting “an annual”.
(c) Recognized Postsecondary Credential Defined.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended by adding at the end the following:

“(19) The term ‘recognized postsecondary credential’ means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by a State or the Federal Government, or an associate or baccalaureate degree.”.

SEC. 5. APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS.

(a) Trade Adjustment Assistance for Workers.—

(1) Petitions filed on or after January 1, 2014, and before date of enactment.—

(A) Certifications of workers not certified before date of enactment.—

(i) Criteria if a determination has not been made.—If, as of the date of the enactment of this Act, the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition
described in clause (iii), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

(ii) Reconsideration of Denials of Certifications.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall—

(I) reconsider that determination;

and

(II) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.

(iii) Petition Described.—A petition described in this clause is a petition for a certification of eligibility for a group
of workers filed under section 221 of the Trade Act of 1974 on or after January 1, 2014, and before the date of the enactment of this Act.

(B) ELIGIBILITY FOR BENEFITS.—

(i) IN GENERAL.—Except as provided in clause (ii), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) shall be eligible, on and after the date that is 90 days after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment.

(ii) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in clause (i) under chapter 2 of title II of the Trade Act of 1974 before the date of the enactment of this Act shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in ef-
fect on the date of the enactment of this Act.

(2) Petitions filed before January 1, 2014.—A worker certified as eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before December 31, 2013, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on December 31, 2013.

(3) Qualifying separations with respect to petitions filed within 90 days of date of enactment.—Section 223(b) of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall be applied and administered by substituting “before January 1, 2014” for “more than one year before the date of the petition on which such certification was granted” for purposes of determining whether a worker is eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 on or after the date of the enactment of this Act and on or before the date that is 90 days after such date of enactment.

(b) Trade Adjustment Assistance for Firms.—
(1) Certification of firms not certified before date of enactment.—

(A) Criteria if a determination has not been made.—If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

(B) Reconsideration of denial of certain petitions.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

(i) reconsider that determination; and

(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, cer-
tify the firm as eligible to apply for adjustment assistance.

(C) Petition described.—A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 on or after January 1, 2014, and before the date of the enactment of this Act.

(2) Certification of firms that did not submit petitions between January 1, 2014, and date of enactment.—

(A) In general.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974, as in effect on the date of the enactment of this Act, if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

(B) Firm described.—A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—
(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on January 1, 2014, and ending on the day before the date of the enactment of this Act; and

(ii) the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).

SEC. 6. SUNSET PROVISIONS.

(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on July 1, 2021, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as in effect on January 1, 2014, shall be in effect and apply, except that in applying and administering such chapters—

(1) paragraph (1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

(2) section 233 of that Act shall be applied and administered—
(A) in subsection (a)—

(i) in paragraph (2), by substituting “104-week period” for “104-week period” and all that follows through “130-week period”); and

(ii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by substituting “65” for “52”; and

(II) by substituting “78-week period” for “52-week period” each place it appears; and

(B) by applying and administering subsection (g) as if it read as follows:

“(g) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week
for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

“(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

“(2) the worker participates in training in each such week; and

“(3) the worker—

“(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

“(B) is expected to continue to make progress toward the completion of the training; and

“(C) will complete the training during that period of eligibility.”;

(3) section 245(a) of that Act shall be applied and administered by substituting “June 30, 2022” for “December 31, 2007”;

(4) section 246(b)(1) of that Act shall be applied and administered by substituting “June 30, 2022” for “the date that is 5 years” and all that follows through “State”;

(5) section 256(b) of that Act shall be applied and administered by substituting “the 1-year period
beginning on July 1, 2021” for “each of fiscal years 2003 through 2007, and $4,000,000 for the 3-
month period beginning on October 1, 2007”;

(6) section 298(a) of that Act shall be applied
and administered by substituting “the 1-year period
beginning on July 1, 2021” for “each of the fiscal
years” and all that follows through “October 1,
2007”; and

(7) section 285 of that Act shall be applied and
administered—

(A) in subsection (a), by substituting
“June 30, 2022” for “December 31, 2007”
each place it appears; and

(B) by applying and administering sub-
section (b) as if it read as follows:

“(b) OTHER ASSISTANCE.—

“(1) ASSISTANCE FOR FIRMS.—

“(A) IN GENERAL.—Except as provided in
subparagraph (B), assistance may not be pro-
vided under chapter 3 after June 30, 2022.

“(B) EXCEPTION.—Notwithstanding sub-
paragraph (A), any assistance approved under
chapter 3 pursuant to a petition filed under sec-
tion 251 on or before June 30, 2022, may be
provided—
“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

“(2) Farmers.—

“(A) In general.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after June 30, 2022.

“(B) Exception.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before June 30, 2022, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.”.

(b) Exceptions.—The provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall continue to apply on and after July 1, 2021, with respect to—
(1) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before July 1, 2021;

(2) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act before July 1, 2021; and

(3) agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act before July 1, 2021.

SEC. 7. EXTENSION AND MODIFICATION OF HEALTH COVERAGE TAX CREDIT.

(a) EXTENSION.—Subparagraph (B) of section 35(b)(1) of the Internal Revenue Code of 1986 is amended by striking “before January 1, 2014” and inserting “before January 1, 2020”.

(b) COORDINATION WITH CREDIT FOR COVERAGE UNDER A QUALIFIED HEALTH PLAN.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (11) as paragraph (13), and
(2) by inserting after paragraph (10) the following new paragraphs:

"(11) Election.—

"(A) In general.—This section shall not apply to any taxpayer for any eligible coverage month unless such taxpayer elects the application of this section for such month.

"(B) Timing and applicability of election.—Except as the Secretary may provide—

"(i) an election to have this section apply for any eligible coverage month in a taxable year shall be made not later than the due date (including extensions) for the return of tax for the taxable year, and

"(ii) any election for this section to apply for an eligible coverage month shall apply for all subsequent eligible coverage months in the taxable year and, once made, shall be irrevocable with respect to such months.

"(12) Coordination with premium tax credit.—

"(A) In general.—An eligible coverage month to which the election under paragraph
(11) applies shall not be treated as a coverage month (as defined in section 36B(c)(2)) for purposes of section 36B with respect to the taxpayer.

“(B) COORDINATION WITH ADVANCE PAYMENTS OF PREMIUM TAX CREDIT.—In the case of a taxpayer who makes the election under paragraph (11) with respect to any eligible coverage month in a taxable year or on behalf of whom any advance payment is made under section 7527 with respect to any month in such taxable year—

“(i) the tax imposed by this chapter for the taxable year shall be increased by the excess, if any, of—

“(I) the sum of any advance payments made on behalf of the taxpayer under section 1412 of the Patient Protection and Affordable Care Act and section 7527 for months during such taxable year, over

“(II) the sum of the credits allowed under this section (determined without regard to paragraph (1)) and section 36B (determined without re-
guard to subsection (f)(1) thereof) for such taxable year, and

“(ii) section 36B(f)(2) shall not apply with respect to such taxpayer for such taxable year, except that if such taxpayer received any advance payments under section 7527 for any month in such taxable year and is later allowed a credit under section 36B for such taxable year, then section 36B(f)(2)(B) shall be applied by substituting the amount determined under clause (i) for the amount determined under section 36B(f)(2)(A).”.

(e) Extension of Advance Payment Program.—

(1) In general.—Subsection (a) of section 7527 of the Internal Revenue Code of 1986 is amended by striking “August 1, 2003” and inserting “the date that is 1 year after the date of the enactment of the Trade Adjustment Assistance Reauthorization Act of 2015”.

(2) Conforming amendment.—Paragraph (1) of section 7527(e) of such Code is amended by striking “occurring” and all that follows and inserting “occurring—
“(A) after the date that is 1 year after the date of the enactment of the Trade Adjustment Assistance Reauthorization Act of 2015, and

“(B) prior to the first month for which an advance payment is made on behalf of such individual under subsection (a).”.

(d) INDIVIDUAL INSURANCE TREATED AS QUALIFIED HEALTH INSURANCE WITHOUT REGARD TO ENROLLMENT DATE.—

(1) IN GENERAL.—Subparagraph (J) of section 35(e)(1) of the Internal Revenue Code of 1986 is amended by striking “insurance if the eligible individual” and all that follows through “For purposes of” and inserting “insurance. For purposes of”.

(2) SPECIAL RULE.—Subparagraph (J) of section 35(e)(1) of such Code, as amended by paragraph (1), is amended by striking “insurance.” and inserting “insurance (other than coverage enrolled in through an Exchange established under the Patient Protection and Affordable Care Act).”.

(e) CONFORMING AMENDMENT.—Subsection (m) of section 6501 of the Internal Revenue Code of 1986 is amended by inserting “, 35(g)(11)” after “30D(e)(4)”.

(f) EFFECTIVE DATE.—
(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to coverage months in taxable years beginning after December 31, 2013.

(2) PLANS AVAILABLE ON INDIVIDUAL MARKET FOR USE OF TAX CREDIT.—The amendment made by subsection (d)(2) shall apply to coverage months in taxable years beginning after December 31, 2015.

(3) TRANSITION RULE.—Notwithstanding section 35(g)(11)(B)(i) of the Internal Revenue Code of 1986 (as added by this Act), an election to apply section 35 of such Code to an eligible coverage month (as defined in section 35(b) of such Code) (and not to claim the credit under section 36B of such Code with respect to such month) in a taxable year beginning after December 31, 2013, and before the date of the enactment of this Act—

(A) may be made at any time on or after such date of enactment and before the expiration of the 3-year period of limitation prescribed in section 6511(a) with respect to such taxable year; and

(B) may be made on an amended return.

(g) AGENCY OUTREACH.—As soon as possible after the date of the enactment of this Act, the Secretaries of
the Treasury, Health and Human Services, and Labor (or such Secretaries’ delegates) and the Director of the Pension Benefit Guaranty Corporation (or the Director’s delegate) shall carry out programs of public outreach, including on the Internet, to inform potential eligible individuals (as defined in section 35(c)(1) of the Internal Revenue Code of 1986) of the extension of the credit under section 35 of the Internal Revenue Code of 1986 and the availability of the election to claim such credit retroactively for coverage months beginning after December 31, 2013.

SEC. 8. CUSTOMS USER FEES.

(a) In General.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (B)(i), by striking “September 30, 2024” and inserting “September 30, 2025”; and

(2) by adding at the end the following:

“(D) Fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on July 29, 2025, and ending on September 30, 2025.”.

(b) Rate for Merchandise Processing Fees.—

Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 125 Stat. 460) is amended by adding at the end the following:
“(c) FURTHER ADDITIONAL PERIOD.—For the period beginning on July 15, 2025, and ending on September 30, 2025, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

“(1) in subparagraph (A), by substituting ‘0.3464’ for ‘0.21’; and

“(2) in subparagraph (B)(i), by substituting ‘0.3464’ for ‘0.21’.”.

SEC. 9. CHILD TAX CREDIT NOT REFUNDABLE FOR TAXPAYERS ELECTING TO EXCLUDE FOREIGN EARNED INCOME FROM TAX.

(a) IN GENERAL.—Section 24(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) EXCEPTION FOR TAXPAYERS EXCLUDING FOREIGN EARNED INCOME.—Paragraph (1) shall not apply to any taxpayer for any taxable year if such taxpayer elects to exclude any amount from gross income under section 911 for such taxable year.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2014.
SEC. 10. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2020 shall be increased by 2.75 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

SEC. 11. 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).”

SEC. 12. MODIFICATION OF THE MEDICARE SEQUESTER FOR FISCAL YEAR 2024.

Section 251A(6)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)(D)(ii)) is amended by striking “0.0 percent” and inserting “0.25 percent”.