

S. 2605

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 “Medicaid Coverage for Addiction Recovery Expansion Act”.

SEC. 2. STATE OPTION TO PROVIDE MEDICAL ASSISTANCE FOR RESIDENTIAL ADDICTION TREATMENT FACILITY SERVICES; MODIFICATION OF THE IMD EXCLUSION.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)(16)—

(A) by striking “effective” and inserting “(A) effective”; and

(B) by inserting “, and (B) effective January 1, 2018, residential addiction treatment facility services (as defined in subsection (h)(3) for individuals over 21 years of age and under 65 years of age” before the semicolon; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “paragraph (16) of subsection (a)” and inserting “subsection (a)(16)(A)”; and

(B) by adding at the end the following new paragraph:

“(3)(A) For purposes of subsection (a)(16)(B), the term ‘residential addiction treatment facility services’ means inpatient services provided—

“(i) to an individual for the purpose of treating a substance use disorder that are furnished to an individual for not more than 2 consecutive periods of 30 consecutive days, provided that upon completion of the first 30-day period, the individual is assessed by the facility and determined to have progressed through the clinical continuum of care, in accordance with criteria established by the Secretary, in consultation with the American Society of Addiction Medicine, and requires continued medically necessary treatment and social support services to promote recovery, stable transition, and discharge; and

“(ii) in a facility that—

“(I) does not have more than 40 beds; and

“(II) is accredited for the treatment of substance use disorders by the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, the Council on Accreditation, or any other nationwide accrediting agency that the Secretary deems appropriate.

“(B) The provision of medical assistance for residential addiction treatment facility services to an individual shall not prohibit Federal financial participation for medical assistance for items or services that are provided to the individual in or away from the residential addiction treatment facility during any 30-day period in which the individual is receiving residential addiction treatment facility services.

“(C) A woman who is eligible for medical assistance on the basis of being pregnant and who is furnished residential addiction treatment facility services during any 30-day period may remain eligible for, and continue to be furnished with, such services for additional 30-day periods without regard to any eligibility limit that would otherwise apply to the woman as a result of her pregnancy ending, subject to assessment by the facility and a determination based on medical necessity related to substance use disorder and the impact of substance use disorder on birth outcomes.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2018.

SEC. 3. GRANT PROGRAM TO EXPAND YOUTH ADDICTION TREATMENT FACILITIES UNDER MEDICAID AND CHIP.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall award grants to States for the purpose of expanding the infrastructure and treatment capabilities, including augmenting equipment and bed capacity, of eligible youth addiction treatment facilities that provide addiction treatment services to Medicaid or CHIP beneficiaries who have not attained the age of 21 and are in communities with high numbers of medically underserved populations of at-risk youth.

(2) USE OF FUNDS.—Grant funds awarded under this section may be used to expand the infrastructure and treatment capabilities of an existing facility (including through construction) but shall not be used for the construction of any new facility or for the provision of medical assistance or child health assistance under Medicaid or CHIP.

(3) TIMETABLE FOR IMPLEMENTATION; DURATION.—

(A) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall award grants under the grant program.

(B) DURATION.—The Secretary shall award grants under the grant program for a period not to exceed 5 years.

(b) APPLICATION.—A State seeking to participate in the grant program shall submit to the Secretary, at such time and in such manner as the Secretary shall require, an application that includes—

(1) detailed information on the types of additional infrastructure and treatment capacity of eligible youth addiction treatment facilities that the State proposes to fund under the grant program;

(2) a description of the communities in which the eligible youth addiction treatment facilities funded under the grant program operate;

(3) an assurance that the eligible youth addiction treatment facilities that the State proposes to fund under the grant program shall give priority to providing addiction treatment services to Medicaid or CHIP beneficiaries who have not attained the age of 21 and are in communities with high numbers of medically underserved populations of at-risk youth; and

(4) such additional information and assurances as the Secretary shall require.

(c) RURAL AREAS.—Not less than 15 percent of the amount of a grant awarded to a State under this section shall be used for making payments to eligible youth addiction treatment facilities that are located in rural areas or that target the provision of addiction treatment services to Medicaid or CHIP beneficiaries who have not attained the age of 21 and reside in rural areas.

(d) DEFINITIONS.—For purposes of this section:

(1) ADDICTION TREATMENT SERVICES.—The term “addiction treatment services” means services provided to an individual for the purpose of treating a substance use disorder.

(2) CHIP.—The term “CHIP” means the State children’s health insurance program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(3) ELIGIBLE YOUTH ADDICTION TREATMENT FACILITY.—The term “eligible youth addiction treatment facility” means a facility that is a participating provider under the State Medicaid or CHIP programs for purposes of providing medical assistance or child health assistance to Medicaid or CHIP beneficiaries for youth addiction treatment services on an inpatient or outpatient basis (or both).

(4) MEDICAID.—The term “Medicaid” means the medical assistance program established

under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(5) MEDICAID OR CHIP BENEFICIARY.—The term “Medicaid or CHIP beneficiary” means an individual who is enrolled in the State Medicaid plan, the State child health plan under CHIP, or under a waiver of either such plan.

(6) MEDICALLY UNDERSERVED POPULATIONS.—The term “medically underserved populations” has the meaning given that term in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3)).

(7) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$50,000,000 to carry out the provisions of this section. Funds appropriated under this subsection shall remain available until expended.

SUBMITTED RESOLUTIONS**SENATE RESOLUTION 377—DIRECTING THE SENATE LEGAL COUNSEL TO BRING A CIVIL ACTION TO ENFORCE A SUBPOENA OF THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS**

Mr. JOHNSON submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was placed on the calendar:

S. RES 377

Whereas the Senate Permanent Subcommittee on Investigations (in this preamble referred to as the “Subcommittee”) is currently conducting a duly authorized investigation of human trafficking on the Internet pursuant to section 12(e)(3) of Senate Resolution 73, 114th Congress, agreed to February 12, 2015, which authorizes the Subcommittee to issue subpoenas for the production of documents;

Whereas on October 1, 2015, the Subcommittee issued a duly authorized subpoena to Carl Ferrer, Chief Executive Officer of Backpage.com, LLC, directing him to produce certain documents to the Subcommittee by 10:00 a.m. on October 23, 2015;

Whereas on October 23, 2015, counsel for Mr. Ferrer and Backpage.com, LLC submitted to the Subcommittee legal objections to the compelled production of documents under the subpoena issued by the Subcommittee and declined to comply with the subpoena;

Whereas, having considered the legal objections that had been submitted by counsel for Mr. Ferrer and Backpage.com, LLC, on November 3, 2015, the Subcommittee overruled those objections in their entirety and ordered and directed that Mr. Ferrer comply with the subpoena issued by the Subcommittee by 10:00 a.m. on November 12, 2015;

Whereas Mr. Ferrer has refused to comply with the subpoena issued by the Subcommittee as ordered and directed by the Subcommittee; and

Whereas under sections 703(b) and 705 of the Ethics in Government Act of 1978 (2 U.S.C. 288b(b) and 288d), the Senate Legal Counsel shall bring a civil action under section 1365 of title 28, United States Code, to enforce a subpoena of a Senate subcommittee when directed to do so by the adoption of a resolution by the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel shall bring a civil action in the name of the

Senate Permanent Subcommittee on Investigations to enforce the subpoena issued by the Subcommittee to Carl Ferrer, Chief Executive Officer of Backpage.com, LLC, and that the Senate Legal Counsel shall conduct all related civil contempt proceedings.

SENATE RESOLUTION 378—EXPRESSING THE SENSE OF THE SENATE REGARDING THE COURAGEOUS WORK AND LIFE OF RUSSIAN OPPPOSITION LEADER BORIS YEFIMOVICH NEMTSOV AND RENEWING THE CALL FOR A FULL AND TRANSPARENT INVESTIGATION INTO THE TRAGIC MURDER OF BORIS YEFIMOVICH NEMTSOV IN MOSCOW ON FEBRUARY 27, 2015

Mr. JOHNSON (for himself, Mr. CARDIN, Mr. RUBIO, Mrs. SHAHEEN, Mr. McCAIN, Mr. MENENDEZ, and Mr. KAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 378

Whereas February 27, 2016, marks the first anniversary of the murder of former Russian Deputy Prime Minister, Boris Yefimovich Nemtsov (referred to in this preamble as “Dr. Nemtsov”);

Whereas Dr. Nemtsov dedicated his life to the causes of freedom and human rights for the Russian people and sought to reduce the corruption in the government of Russia;

Whereas on February 27, 2015—

(1) Dr. Nemtsov was murdered on the Bolshoi Moskvoretsky Bridge in Moscow in view of the Kremlin; and

(2) President Obama called for a “prompt, impartial, and transparent” investigation into the murder of Dr. Nemtsov;

Whereas on March 1, 2015, tens of thousands of people marched through central Moscow in remembrance of Dr. Nemtsov;

Whereas the Russian courts and the Investigative Committee of the Russian Federation have consistently rejected requests to qualify the murder of Dr. Nemtsov under Article 277 of the Russian Criminal Code as “an attempt on the life of a public statesman”;

Whereas within 10 days of the murder of Dr. Nemtsov, Chechen suspect Zaur Dadayev admitted to killing Dr. Nemtsov at the behest of Ruslan Geremeyev, a senior officer in the Sever Battalion of Chechnya;

Whereas on March 8, 2015, Chechen leader Ramzan Kadyrov called Zaur Dadayev a “true patriot”;

Whereas on March 9, 2015, Mr. Kadryov was awarded the Order of Honor by Russian President Vladimir Putin;

Whereas on January 20, 2016, Aleksandr Bastrykin, the chief of the Investigative Committee of the Russian Federation responsible for investigating the murder of Dr. Nemtsov, declared that the case had been fully solved;

Whereas the Investigative Committee of the Russian Federation charged only Ruslan Muhudinov, the driver of Ruslan Geremeyev, with organizing the murder of Dr. Nemtsov;

Whereas on May 26, 2015, Russian opposition activist Vladimir Kara-Murza, a close friend and colleague of Dr. Nemtsov, was severely poisoned by an unknown assailant, resulting in multiple organ failures and a coma;

Whereas on January 25, 2016, the daughter of Dr. Nemtsov, Zhanna Nemtsova, appealed to the Parliamentary Assembly of the Council of Europe to investigate the murder of her father;

Whereas on February 1, 2016, Chechen leader Ramzan Kadyrov posted a video on Instagram that shows Russian opposition leaders Mikhail Kasyanov and Vladimir Kara-Murza through the crosshairs of a sniper rifle accompanied by the comment, “Those who did not understand, will understand”; and

Whereas the Russian Federation is a member of the Organization for Security and Cooperation in Europe and the Council of Europe, which have the capacity to conduct a more credible investigation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the legacy of courageous Russian opposition leader Boris Yefimovich Nemtsov, who dedicated his life to fighting corruption and promoting the principles of democracy, rule of law, and the inherent dignity of human beings;

(2) encourages the public release of all surveillance tapes in the area surrounding the crime scene to aid in the investigation;

(3) urges the United States Government, in official contacts with representatives of the Russian government, to emphasize the importance of bringing to justice all of the conspirators in the murder of Boris Yefimovich Nemtsov; and

(4) calls on the President to significantly increase United States Government support for the causes for which Boris Yefimovich Nemtsov gave his life.

SENATE RESOLUTION 379—CELEBRATING BLACK HISTORY MONTH

Mrs. GILLIBRAND (for herself, Mr. COCHRAN, Mr. REID of Nevada, Mr. BROWN, Mrs. McCASKILL, Mrs. MURRAY, Mr. CASEY, Mr. WYDEN, Mr. COONS, Mr. PORTMAN, Mr. WICKER, Ms. KLOBUCHAR, Mr. WARNER, Mr. BOOKER, Mr. CARPER, Mrs. SHAHEEN, Mr. SANDERS, Mr. DURBIN, Mr. REED of Rhode Island, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. MERKLEY, Mr. NELSON, Mr. KAIN, Ms. WARREN, Mrs. BOXER, Mr. CARDIN, Mr. BENNET, Ms. STABENOW, Mr. MARKEY, Ms. AYOTTE, Mr. PERDUE, Mr. BURR, Mr. MORAN, Ms. MURKOWSKI, Mr. PAUL, Mr. SCHUMER, Mr. PETERS, Mr. SCOTT, Mr. TILLIS, Mr. MURPHY, Mr. SESSIONS, Mr. ISAKSON, Mr. MENENDEZ, Mr. GRASSLEY, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 379

Whereas in 1776, people envisioned the United States as a new nation dedicated to the proposition stated in the Declaration of Independence that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness . . .”;

Whereas Africans were first brought involuntarily to the shores of America as early as the 17th century;

Whereas African Americans suffered enslavement and subsequently faced the injustices of lynch mobs, segregation, and denial of the basic and fundamental rights of citizenship;

Whereas in 2016, the vestiges of those injustices and inequalities remain evident in the society of the United States;

Whereas in the face of injustices, people of good will and of all races in the United States have distinguished themselves with a commitment to the noble ideals on which the United States was founded and have

fought courageously for the rights and freedom of African Americans and others;

Whereas African Americans, such as Lieutenant Colonel Allen Allensworth, Maya Angelou, Arthur Ashe Jr., James Baldwin, James Beckwourth, Clara Brown, Blanche Bruce, Ralph Bunche, Shirley Chisholm, Holt Collier, Frederick Douglass, W. E. B. Du Bois, Ralph Ellison, Medgar Evers, Alex Haley, Dorothy Height, Lena Horne, Charles Hamilton Houston, Mahalia Jackson, Stephanie Tubbs Jones, B.B. King, Martin Luther King, Jr., Thurgood Marshall, Constance Baker Motley, Rosa Parks, Walter Payton, Bill Pickett, Homer Plessy, Bass Reeves, Hiram Revels, Amelia Platts Boynton Robinson, Jackie Robinson, Aaron Shirley, Sojourner Truth, Harriet Tubman, Booker T. Washington, the Greensboro Four, and the Tuskegee Airmen, along with many others, worked against racism to achieve success and to make significant contributions to the economic, educational, political, artistic, athletic, literary, scientific, and technological advancements of the United States;

Whereas the contributions of African Americans from all walks of life throughout the history of the United States reflect the greatness of the United States;

Whereas many African Americans lived, toiled, and died in obscurity, never achieving the recognition they deserved, and yet paved the way for future generations to succeed;

Whereas African Americans continue to serve the United States at the highest levels of business, government, and the military;

Whereas the birthdays of Abraham Lincoln and Frederick Douglass inspired the creation of Negro History Week, the precursor to Black History Month;

Whereas Negro History Week represented the culmination of the efforts of Dr. Carter G. Woodson, the “Father of Black History”, to enhance knowledge of Black history through the Journal of Negro History, published by the Association for the Study of African American Life and History, which was founded by Dr. Carter G. Woodson and Jesse E. Moorland;

Whereas Black History Month, celebrated during the month of February, originated in 1926 when Dr. Carter G. Woodson set aside a special period in February to recognize the heritage and achievement of Black people of the United States;

Whereas Dr. Carter G. Woodson stated: “We have a wonderful history behind us. . . . If you are unable to demonstrate to the world that you have this record, the world will say to you, ‘You are not worthy to enjoy the blessings of democracy or anything else.’”;

Whereas since the founding of the United States, the Nation has imperfectly progressed toward noble goals;

Whereas the history of the United States is the story of people regularly affirming high ideals, striving to reach those ideals but often failing, and then struggling to come to terms with the disappointment of that failure, before committing to trying again;

Whereas on November 4, 2008, the people of the United States elected Barack Obama, an African-American man, as President of the United States; and

Whereas on February 22, 2012, people across the United States celebrated the groundbreaking of the National Museum of African American History and Culture on the National Mall in Washington, District of Columbia, which will open to the public in the fall of 2016: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges that all people of the United States are the recipients of the wealth of history provided by Black culture;

(2) recognizes the importance of Black History Month as an opportunity to reflect on