

occurring during a fiscal year beginning on or after the date on which the Secretary develops new measures under item (aa), the Secretary shall ensure that measures selected under subparagraph (A) (such as measures related to the Hospital Consumer Assessment of Healthcare Providers and Systems survey) include such new measures.”.

#### SEC. 9. NATIONAL ACADEMY OF MEDICINE STUDY.

(a) **STUDY.**—The Secretary of Health and Human Services shall enter into a contract with the National Academy of Medicine to carry out a study on the addition of coverage under the Medicare program under title XVIII of the Social Security Act of alternative treatment modalities (such as integrative medicine, including acupuncture and exercise therapy, neural stimulation, biofeedback, radiofrequency ablation, and trigger point injections) furnished to Medicare beneficiaries who suffer from acute or chronic lower back pain. Such study shall, pursuant to the contract under this paragraph, include an analysis of—

(1) scientific research on the short-term and long-term impact of the addition of such coverage on clinical efficacy for pain management of such beneficiaries;

(2) whether the lack of Medicare coverage for alternative treatment modalities impacts the volume of opioids prescribed for beneficiaries; and

(3) the cost to the Medicare program of the addition of such coverage to treat pain and mitigate the progression of chronic pain, as weighed against the cost of opioid use disorder, overdose, readmission, subsequent surgeries, and utilization and expenditures under parts B and D of such title.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, pursuant to the contract under subsection (a), the National Academy of Medicine shall submit to Congress a report on the study under subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there are authorized to be appropriated such sums as may be necessary.

#### SEC. 10. EXCISE TAX ON OPIOID PAIN RELIEVERS.

(a) **IN GENERAL.**—Subchapter E of chapter 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

##### “SEC. 4192. OPIOID PAIN RELIEVERS.

“(a) **IN GENERAL.**—There is hereby imposed on the manufacturer or producer of any taxable active opioid a tax equal to the amount determined under subsection (b).

“(b) **AMOUNT DETERMINED.**—The amount determined under this subsection with respect to a manufacturer or producer for a calendar year is 1 cent per milligram of taxable active opioid in the production or manufacturing quota determined for such manufacturer or producer for the calendar year under section 306 of the Controlled Substances Act (21 U.S.C. 826).

“(c) **TAXABLE ACTIVE OPIOID.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘taxable active opioid’ means any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), as in effect on the date of the enactment of this section) manufactured in the United States which is opium, an opiate, or any derivative thereof.

“(2) **EXCLUSIONS.**—

“(A) **OTHER INGREDIENTS.**—In the case of a product that includes a taxable active opioid and another ingredient, subsection (a) shall apply only to the portion of such product that is a taxable active opioid.

“(B) **DRUGS USED IN ADDICTION TREATMENT.**—The term ‘taxable active opioid’ shall not include any controlled substance (as so

defined) which is used exclusively for the treatment of opioid addiction as part of a medication-assisted treatment.”.

(b) **CLERICAL AMENDMENTS.**—

(1) The heading of subchapter E of chapter 32 of the Internal Revenue Code of 1986 is amended by striking “**Medical Devices**” and inserting “**Other Medical Products**”.

(2) The table of subchapters for chapter 32 of such Code is amended by striking the item relating to subchapter E and inserting the following new item:

“SUBCHAPTER E. OTHER MEDICAL PRODUCTS”.

(3) The table of sections for subchapter E of chapter 32 of such Code is amended by adding at the end the following new item:

“Sec. 4192. Opioid pain relievers.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

#### SEC. 11. OPIOID CONSUMER ABUSE REDUCTION PROGRAM.

(a) **OPIOID TAKE-BACK PROGRAM.**—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

“(h)(1) The Attorney General shall establish a national take-back program for the safe and environmentally responsible disposal of controlled substances.

“(2) In establishing the take-back program required under paragraph (1), the Attorney General—

“(A) shall consult with the Secretary and the Administrator of the Environmental Protection Agency; and

“(B) may coordinate with States, law enforcement agencies, water resource management agencies, manufacturers, practitioners, pharmacists, public health entities, transportation and incineration service contractors, and other entities and individuals, as appropriate.

“(3) The take-back program established under paragraph (1)—

“(A) shall—

“(i) ensure appropriate geographic distribution so as to provide—

“(I) reasonably convenient and equitable access to permanent take-back locations, including not less than 1 disposal site for every 25,000 residents and not less than 1 physical disposal site per town, city, county, or other unit of local government, where possible; and

“(II) periodic collection events and mail-back programs, including public notice of such events and programs, as a supplement to the permanent take-back locations described in subclause (I), particularly in areas in which the provision of access to such locations at the level described in that subclause is not possible;

“(ii) establish a process for the accurate cataloguing and reporting of the quantities of controlled substances collected; and

“(iii) include a public awareness campaign and education of practitioners and pharmacists; and

“(B) may work in coordination with State and locally implemented public and private take-back programs.

“(4) From time to time, beginning in the second calendar year that begins after the date of enactment of this subsection, the Secretary of the Treasury shall transfer from the general fund of the Treasury an amount equal to one-half of the total amount of taxes collected under section 4192 of the Internal Revenue Code of 1986 to the Attorney General to carry out this subsection. Amounts transferred under this subparagraph shall remain available until expended.”.

(b) **FUNDING OF SUBSTANCE ABUSE PROGRAMS.**—From time to time, beginning in the second calendar year that begins after the

date of enactment of this Act, the Secretary of the Treasury shall transfer from the general fund of the Treasury an amount equal to one-half of the total amount of taxes collected under section 4192 of the Internal Revenue Code of 1986, as added by this Act, to the Director of the Center for Substance Abuse Treatment of the Substance Abuse and Mental Health Services Administration for programs of the Center, including the Block Grants for Prevention and Treatment of Substance Abuse program under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.) and Programs of Regional and National Significance. Amounts transferred under this subsection shall remain available until expended.

#### SEC. 12. GAO STUDY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study evaluating the various State laws, commercial insurance methods, and existing research on requirements that place limitations on opioid prescribing practices and provide analysis on best practices to address over-prescribing of opioids, while ensuring that individuals who need such opioids can access them safely. Such study shall provide recommendations, including with respect to—

(1) limiting first-time opioid prescriptions to a patient for acute pain to a 72-hour supply;

(2) allowing patients or practitioners to request that a prescription for a schedule II opioid be partially filled by a pharmacist; and

(3) pain management treatment contracts between practitioners and patients that establish informed consent regarding the expectations, risks, long-term effects, and benefits of the course of opioid treatment, treatment goals, the potential for opioid misuse, abuse, or diversion, and requirements and responsibilities of patients, such as submitting to a urine drug screening.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 495—RECOGNIZING THE BOY SCOUTS OF AMERICA ON THE 100TH ANNIVERSARY OF THE ORGANIZATION BEING GRANTED A FEDERAL CHARTER AND FOR THE LONG HISTORY OF HERITAGE AND SERVICE OF THE BOY SCOUTS OF AMERICA

Mr. ENZI (for himself, Mr. CARPER, Mr. INHOFE, Mr. BROWN, Mr. BURR, Mr. ALEXANDER, Mr. TOOMEY, Mr. CRAPO, Mr. COCHRAN, Ms. MURKOWSKI, Mr. BOOZMAN, and Mr. HOEVEN) submitted the following resolution; which was considered and agreed to:

S. RES. 495

Whereas the Boy Scouts of America was founded on February 8, 1910, in Washington, D.C. by Chicago publisher William D. Boyce after the “unknown scout” aided a lost Mr. Boyce through a dense London fog and refused a tip for the assistance;

Whereas the birth of the Boy Scouts of America was based on the principles of the Scout Movement founded by famed British retired General Lord Robert Stephenson Smyth Baden-Powell;

Whereas the Federal charter of the Boy Scouts of America was passed by the House of Representatives and the Senate, and was

signed into law by President Woodrow Wilson, the Honorary President of the Boy Scouts of America, on June 15, 1916;

Whereas, with the enactment of the Federal charter, the Boy Scouts of America became the preeminent Scout organization for boys and was granted exclusive use of the name, "Boy Scouts of America";

Whereas the Boy Scouts of America, with a Federal charter, joins other distinguished organizations with a similar charter for service to the community, including the American Red Cross, the Girl Scouts of the United States of America, and the American Legion;

Whereas the Boy Scouts of America continues to prepare young people to make ethical and moral choices by teaching them the values of the Scout Oath and Scout Law;

Whereas the Boy Scouts of America continues to pursue the mission of "patriotism, courage, self-reliance, and kindred values" and the goal of providing "citizenship, service and leadership";

Whereas both youth and adult members strive to fulfill the Scout Motto of "Be Prepared" and the Scout Slogan of "Do a Good Turn Daily";

Whereas more than 2,400,000 youth and 1,000,000 adult volunteers are active members of the Boy Scouts of America, and more than 110,000,000 people in the United States have participated as members since 1910;

Whereas the Cub Scouts is a family-oriented program of the Boy Scouts of America that has been designed specifically to address the needs of younger boys since its origin in 1930;

Whereas youth and adult members of the Cub Scouts strive to fulfill the Cub Scout Motto of "Do Your Best";

Whereas the Venturing Program, the co-ed portion of the Boy Scouts of America, and the Exploring Program, the career initiative-based portion of the organization, continue to serve older youth;

Whereas special programs, including Scoutreach, the "History Of Scouting Trail", and the national High Adventure Bases, continue to bring Scouting to inner-city youth, educate people about the important history and heritage of the Scout Program, and provide outdoor challenges and experiences for members of the Boy Scouts of America; and

Whereas Boy Scouts and Eagle Scouts of the Boy Scouts of America organization provide more than 28,000,000 hours of community service every year throughout cities and neighborhoods in the United States, including its territories: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes more than 100 years of service and leadership development by the Boy Scouts of America;

(2) encourages the continued emphasis of the Boy Scouts of America on character building, responsible citizenship, and outdoor stewardship;

(3) applauds the Boy Scouts of America for instilling the values of the Scout Oath and the Scout Law in young people of the United States; and

(4) congratulates the Boy Scouts of America on the 100th anniversary of the granting of a Federal charter on June 15, 1916.

# SENATE RESOLUTION 496—CONDEMNING THE TERRORIST ATTACK ON THE PULSE ORLANDO NIGHTCLUB, HONORING THE MEMORY OF THE VICTIMS OF THE ATTACK, OFFERING CONDOLENCES TO AND EXPRESSING SUPPORT FOR THEIR FAMILIES AND FRIENDS AND ALL THOSE AFFECTED, AND APPLAUDING THE DEDICATION AND BRAVERY OF LAW ENFORCEMENT, EMERGENCY RESPONSE, AND COUNTERTERRORISM OFFICIALS IN RESPONDING TO THE ATTACK

Mr. NELSON (for himself, Mr. RUBIO, Mr. MCCONNELL, Mr. REID, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

## S. RES. 496

Whereas, in the early hours of Sunday, June 12, 2016, a 29-year-old man from Ft. Pierce, Florida, killed 49 and wounded 53 innocent people in a horrific terrorist attack on Pulse Orlando, a lesbian, gay, bisexual, and transgender nightclub, during Latin night;

Whereas the gunman, who was investigated in 2013-2014 by the Federal Bureau of Investigation (in this preamble referred to as the "FBI") for possible connections to terrorism, pledged his allegiance to the leader of the Islamic State of Iraq and the Levant (in this preamble referred to as "ISIL");

Whereas President Barack Obama called the attack an act of both terror and hate as well as an attack on all of the people of the United States and the fundamental values of equality and dignity;

Whereas the attack is the deadliest mass shooting in the modern history of the United States and the worst terrorist attack on United States soil since September 11, 2001;

Whereas the law enforcement professionals of the city of Orlando and Orange County, Florida, the Florida Department of Law En-

forcement, the FBI, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and other emergency and health care professionals responded to the attack bravely and admirably and in a coordinated manner, saving many lives;

Whereas following the attack hundreds of people stood in long lines to donate blood for those injured in the attack, and the people of Orlando, the State of Florida, and the United States expressed overwhelming support for the victims and their families regardless of race, ethnicity, religion, sex, or sexual orientation; and

Whereas the threat of terrorist attacks against the United States and the people of the United States persists, including the threat posed by homegrown terrorists inspired by foreign terrorist organizations like ISIL: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the horrific terrorist attack on the Pulse Orlando nightclub on June 12, 2016, in which 49 innocent people were killed and 53 injured;

(2) honors the memory of the victims killed in the attack and offers heartfelt condolences and deepest sympathies for their families, loved ones, and friends;

(3) expresses hope for a full and speedy recovery by and pledges continued support for those injured in the attack;

(4) applauds the dedication and bravery of local, State, and Federal law enforcement and counterterrorism officials for their efforts to respond to the attack and secure communities;

(5) stands together with all people of the United States, regardless of race, ethnicity, religion, sex, or sexual orientation, in the face of terror and hate; and

(6) reaffirms the commitment of the United States and its allies to defeat the Islamic State of Iraq and the Levant and other terrorist groups at home and abroad and to address the threat posed by homegrown terrorism.

# SENATE RESOLUTION 497—HONORING THE LIFE AND LEGACY OF GORDON "GORDIE" HOWE

Ms. STABENOW (for herself and Mr. PETERS) submitted the following resolution; which was considered and agreed to:

## S. RES. 497

Whereas Gordon Howe (in this preamble referred to as "Gordie Howe") was born in Floral, Saskatchewan, Canada, on March 31, 1928, and was invited to his first tryout with a professional hockey team at 15 years of age;

Whereas Gordie Howe entered the National Hockey League (in this preamble referred to as the "NHL") in 1946 at 18 years of age when he joined the Detroit Red Wings and scored a goal in his very first game;

Whereas Gordie Howe played right wing on the "Production Line", the most productive offensive scoring unit in the NHL from the late 1940s through the mid-1950s;

Whereas Gordie Howe played 25 seasons with the Detroit Red Wings and led the team to 4 Stanley Cup championships;

Whereas, in 1972, Gordie Howe was inducted into the Hockey Hall of Fame;

Whereas, in 1973, Gordie Howe joined the Houston Aeros of the World Hockey Association (in this preamble referred to as the "WHA") to fulfill a dream of playing hockey on the same professional team as his sons;

Whereas Gordie Howe proceeded to win the Most Valuable Player award of the WHA and lead the Houston Aeros to the WHA championship;