

Plans; Interest Assumptions for Paying Benefits" (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on March 8, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-828. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food and Color Additives; Technical Amendments" (Docket No. FDA-2012-N-0010) received in the Office of the President of the Senate on March 11, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-829. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation Findings—Performance Improvement 2011–2012"; to the Committee on Health, Education, Labor, and Pensions.

EC-830. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the fourth quarter of fiscal year 2012 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 150. A bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEE:

S. 560. A bill to provide that the individual mandate under the Patient Protection and Affordable Care Act shall not be construed as a tax; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. DURBIN, Mr. LEAHY, Mr. HARKIN, Mr. LEVIN, and Mrs. BOXER):

S. 561. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income controlled foreign corporations attributable to imported property; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. BARRASSO, and Mr. MERKLEY):

S. 562. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. CORKER (for himself, Mr. WARNER, Mr. VITTER, and Ms. WARREN):

S. 563. A bill to provide certainty that Congress and the Administration will undertake substantive and structural housing finance reform, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI:

S. 564. A bill to amend the Federal Power Act to remove the authority of the Federal Energy Commission to collect land use fees for land that has been sold, exchanged, or

otherwise transferred from Federal ownership but that is subject to a power site reservation; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 565. A bill to provide for the safe and reliable navigation of the Mississippi River, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself and Mr. KIRK):

S. 566. A bill to establish a pilot program to evaluate the cost-effectiveness of allowing non-Federal interests to carry out certain water infrastructure projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HARKIN:

S. 567. A bill to improve the retirement of American families by strengthening Social Security; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. RUBIO, Mr. CORNYN, Mr. HELLER, Mr. NELSON, Mr. SCHUMER, Ms. STABENOW, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, and Mrs. FEINSTEIN):

S. 568. A bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes; to the Committee on Rules and Administration.

By Mr. BROWN:

S. 569. A bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare; to the Committee on Finance.

By Mr. BENNET:

S. 570. A bill to establish a competitive grant program in the Department of Energy to provide grants to States and units of local government to carry out clean energy and carbon reduction measures, to close big oil company tax loopholes to pay for the competitive grant program and reduce the deficit, and for other purposes; to the Committee on Finance.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 571. A bill to amend the Federal Water Pollution Control Act to establish a deadline for restricting sewage dumping into the Great Lakes and to fund programs and activities for improving wastewater discharges into the Great Lakes; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. BOOZMAN, Mr. WICKER, Mr. RISCHE, Mr. MORAN, Mr. CHAMBLISS, Mr. ROBERTS, Mr. THUNE, Mr. ENZI, Mr. VITTER, Mr. CRAPO, and Mr. INHOFE):

S. 572. A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes; to the Committee on Veterans' Affairs.

By Ms. COLLINS (for herself, Mr. LEAHY, and Mr. CARPER):

S. 573. A bill to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 574. A bill to modify the project for navigation, Mississippi River Ship Channel, Gulf of Mexico to Baton Rouge, Louisiana, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 575. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHANNIS (for himself and Mr. TESTER):

S. 576. A bill to reform laws relating to small public housing agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON (for himself, Mr. REID, and Mr. SCHUMER):

S. 577. A bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes; to the Committee on Finance.

By Mrs. HAGAN:

S. 578. A bill to improve outcomes for students in persistently low-performing schools, to create a culture of recognizing, rewarding, and replicating educational excellence, to authorize school turnaround grants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. INHOFE, and Mr. COATS):

S. 579. A bill to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes; to the Committee on Foreign Relations.

By Mr. BROWN:

S. 580. A bill for the relief of Maha Dakar; to the Committee on the Judiciary.

By Mr. COATS (for himself and Mr. DONNELLY):

S. 581. A bill to amend section 1105(a) of title 31, United States Code, to require that annual budget submissions of the President to Congress provide an estimate of the cost per taxpayer of the deficit, and for other purposes; to the Committee on the Budget.

By Mr. HOEVEN (for himself, Mr. BAUCUS, Mr. ROBERTS, Mr. PRYOR, Mr. VITTER, Ms. HEITKAMP, Mr. CORNYN, Mr. BEGICH, Ms. MURKOWSKI, Ms. LANDRIEU, Mr. RISCHE, Mr. MANCHIN, Mr. BARRASSO, Mr. TESTER, Mr. DONNELLY, and Mr. PORTMAN):

S. 582. A bill to approve the Keystone XL Pipeline; read the first time.

By Mr. PAUL (for himself, Mr. WICKER, Mr. BARRASSO, Mr. BOOZMAN, Mr. BURR, Mr. COATS, Mr. COBURN, Mr. ENZI, Mrs. FISCHER, Mr. GRASSLEY, Mr. HOEVEN, Mr. INHOFE, Mr. MORAN, Mr. RISCHE, Mr. THUNE, and Mr. JOHANNIS):

S. 583. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person; read the first time.

### ADDITIONAL COSPONSORS

S. 84

At the request of Ms. MIKULSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 84, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 169

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 169, a bill to amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

S. 214

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont

(Mr. SANDERS) was added as a cosponsor of S. 214, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 289

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 289, a bill to extend the low-interest refinancing provisions under the Local Development Business Loan Program of the Small Business Administration.

S. 336

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 336, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 346

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 346, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 369

At the request of Mr. RUBIO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 369, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 370

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 370, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 413

At the request of Mr. CORNYN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include human trafficking as a part 1 violent crime for purposes of the Edward Byrne Memorial Justice Assistance Grant Program.

S. 415

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 415, a bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, to address assistance to out-of-State small business concerns, and for other purposes.

S. 482

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 482, a bill to amend the Public Health Service Act to provide protections for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates.

S. 511

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 511, a bill to amend the Small Business Investment Act of 1958 to enhance the Small Business Investment Company Program, and for other purposes.

S. 545

At the request of Mr. BENNET, his name was added as a cosponsor of S. 545, a bill to improve hydropower, and for other purposes.

S. RES. 65

At the request of Mr. GRAHAM, the names of the Senator from Florida (Mr. NELSON) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 65, a resolution strongly supporting the full implementation of United States and international sanctions on Iran and urging the President to continue to strengthen enforcement of sanctions legislation.

AMENDMENT NO. 28

At the request of Mr. PAUL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 28 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 29

At the request of Mr. INHOFE, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of amendment No. 29 proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 43

At the request of Mr. BLUNT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of amendment No. 43 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 47

At the request of Mr. HOEVEN, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of amendment No. 47 intended to be proposed to H.R. 933, a bill making ap-

propriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 55

At the request of Mr. MORAN, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from West Virginia (Mr. MANCHIN), the Senator from New Hampshire (Ms. AYOTTE), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Idaho (Mr. RISCCH), the Senator from Montana (Mr. BAUCUS) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of amendment No. 55 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 60

At the request of Mr. BEGICH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 60 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 72

At the request of Mr. INHOFE, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from Kansas (Mr. MORAN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 72 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 74

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 74 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 76

At the request of Mr. GRASSLEY, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 76 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 82

At the request of Mr. COONS, his name was added as a cosponsor of

amendment No. 82 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 82 intended to be proposed to H.R. 933, *supra*.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. BARRASSO, and Mr. MERKLEY):

S. 562. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I am honored to join my colleague from Wyoming, Senator JOHN BARRASSO, in introducing a bill essential to enhancing the delivery of mental health services to our senior citizens, The Seniors Mental Health Access Improvement Act.

Currently, there are limitations on the types of mental health practitioners who may be reimbursed for services in the Medicare program. Our legislation permits mental health counselors and marriage and family therapists to bill Medicare for their services, and it pays them at the rate of clinical social workers. With this legislation, seniors will have more opportunities as part of their Medicare benefit to access professional mental health counseling assistance.

Throughout the United States there are approximately 77 million older adults living in 3,000 so-called "mental health profession shortage areas." Moreover, 50 percent of rural counties have no practicing psychiatrists or psychologists. Seniors living in these areas will be the primary beneficiaries of our efforts.

Mental health counselors and marriage and family therapists are often the only mental health providers in some communities, and yet presently they are not recognized as covered providers within the Medicare program. These therapists have equivalent or greater training, education and practice rights as some existing provider groups that can bill for their services through Medicare.

Additionally, other government agencies, including The National Health Service Corps, the Veteran's Administration and TRICARE, already recognize these mental health professionals and reimburse for their services. We need to utilize the skills of these providers and ensure that seniors have access to them. These professionals play a critical role in the delivery of our Nation's mental health care.

In Oregon, the passage of this legislation will focus the talents of over 2,000

additional qualified providers on the mental health issues of one of our most vulnerable populations. This represents a commonsense approach to relieving a persistent and chronic healthcare workforce shortage.

Finally, I commend our mental health professionals nationwide, for their dedicated work and efforts, and I encourage passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 562

*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 "Seniors Mental Health Access Improvement Act of 2013".

#### SEC. 2. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES UNDER PART B OF THE MEDICARE PROGRAM.

##### (a) COVERAGE OF SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(A) in subparagraph (EE), by striking "and" after the semicolon at the end;

(B) in subparagraph (FF), by inserting "and" after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

"(GG) marriage and family therapist services (as defined in subsection (iii)(1)) and mental health counselor services (as defined in subsection (iii)(3));"

(2) DEFINITIONS.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Marriage and Family Therapist Services; Marriage and Family Therapist; Mental Health Counselor Services; Mental Health Counselor

"(iii)(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(2) The term 'marriage and family therapist' means an individual who—

"(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

"(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

"(C) in the case of an individual performing services in a State that provides for licensure or certification of marriage and family therapists, is licensed or certified as a marriage and family therapist in such State.

"(3) The term 'mental health counselor services' means services performed by a mental health counselor (as defined in paragraph

(4) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(4) The term 'mental health counselor' means an individual who—

"(A) possesses a master's or doctor's degree in mental health counseling or a related field;

"(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

"(C) in the case of an individual performing services in a State that provides for licensure or certification of mental health counselors or professional counselors, is licensed or certified as a mental health counselor or professional counselor in such State."

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

"(v) marriage and family therapist services (as defined in section 1861(iii)(1)) and mental health counselor services (as defined in section 1861(iii)(3));"

(4) AMOUNT OF PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking "and (Z)" and inserting "(Z)"; and

(B) by inserting before the semicolon at the end the following: ", and (AA) with respect to marriage and family therapist services and mental health counselor services under section 1861(s)(2)(GG), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under subparagraph (L)";

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting "marriage and family therapist services (as defined in section 1861(iii)(1)), mental health counselor services (as defined in section 1861(iii)(3))," after "qualified psychologist services,".

(6) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clauses:

"(vii) A marriage and family therapist (as defined in section 1861(iii)(2)).

"(viii) A mental health counselor (as defined in section 1861(iii)(4))."

(b) COVERAGE OF CERTAIN MENTAL HEALTH SERVICES PROVIDED IN CERTAIN SETTINGS.—

(1) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking "or by a clinical social worker (as defined in subsection (hh)(1))" and inserting ", by a clinical social worker (as defined in subsection (hh)(1)), by a marriage and family therapist (as defined in subsection (iii)(2)), or by a mental health counselor (as defined in subsection (iii)(4))".

(2) HOSPICE PROGRAMS.—Section 1861(dd)(2)(B)(i)(III) of the Social Security Act (42 U.S.C. 1395x(dd)(2)(B)(i)(III)) is