

to law, the report of a rule entitled “Revisions to Radiation Protection” (NUREG-0800) received in the Office of the President of the Senate on November 4, 2013; to the Committee on Environment and Public Works.

EC-3505. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Significant New Use Rule on Certain Chemical Substances; Removal of Significant New Use Rules” (FRL No. 9902-16) received in the Office of the President of the Senate on November 5, 2013; to the Committee on Environment and Public Works.

EC-3506. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Civil Monetary Penalty Inflation Adjustment Rule” (FRL No. 9901-98-OECA) received in the Office of the President of the Senate on November 5, 2013; to the Committee on Environment and Public Works.

EC-3507. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Extension of Deadline for Action on the Section 126 Petition from Eliot, Maine” (FRL No. 9902-55-OAR) received in the Office of the President of the Senate on November 5, 2013; to the Committee on Environment and Public Works.

EC-3508. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Ohio; Bellefontaine; Determination of Attainment for the 2008 Lead Standard” (FRL No. 9902-33-Region 5) received in the Office of the President of the Senate on November 5, 2013; to the Committee on Environment and Public Works.

EC-3509. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Addition of ortho-Nitrotoluene; Community Right-to-Know Toxic Chemical Release Reporting” (FRL No. 9902-12-OEI) received in the Office of the President of the Senate on November 5, 2013; to the Committee on Environment and Public Works.

EC-3510. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel (OSS-2013-1711); to the Committee on Foreign Relations.

EC-3511. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel (OSS-2013-1685); to the Committee on Foreign Relations.

EC-3512. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (RSAT-13-3485); to the Committee on Foreign Relations.

EC-3513. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to

law, a report entitled “United States Participation in the United Nations in 2012”; to the Committee on Foreign Relations.

EC-3514. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the Benjamin A. Gilman International Scholarship Program for 2013; to the Committee on Foreign Relations.

EC-3515. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the issuance of a determination to waive certain restrictions on maintaining a Palestine Liberation Organization (PLO) Office in Washington and on the receipt and expenditure of PLO funds for a period of six months; to the Committee on Foreign Relations.

EC-3516. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013-0179-2013-0184); to the Committee on Foreign Relations.

### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. CARPER for the Committee on Homeland Security and Governmental Affairs.

\*Nanci E. Langley, of Hawaii, to be a Commissioner of the Postal Regulatory Commission for a term expiring November 22, 2018.

\*Tony Hammond, of Missouri, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2018.

\*William Ward Nooter, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1344. A bill to promote research, monitoring, and observation of the Arctic and for other purposes (Rept. No. 113-117).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 987. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media (Rept. No. 113-118).

By Mr. CARPER, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1499. A bill to designate the facility of the United States Postal Service located at 278 Main Street in Chadron, Nebraska, as the “Sergeant Cory Mracek Memorial Post Office”.

S. 1512. A bill to designate the facility of the United States Postal Service located at 1335 Jefferson Road in Rochester, New York,

as the “Specialist Theodore Matthew Glende Post Office”.

### 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. BOOZMAN:

S. 1655. A bill to require the Secretary of Health and Human Services to approve waivers under the Medicaid Program under title XIX of the Social Security Act that are related to State provider taxes that exempt certain retirement communities; to the Committee on Finance.

By Mr. BOOZMAN (for himself and Mr. PRYOR):

S. 1656. A bill to clarify that volunteers at a children’s consignment event are not employees under the Fair Labor Standards Act of 1938; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico:

S. 1657. A bill to reduce prescription drug misuse and abuse; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TOOMEY (for himself and Mr. MENENDEZ):

S. 1658. A bill to amend the Internal Revenue Code of 1986 to make permanent certain small business tax provisions, and for other purposes; to the Committee on Finance.

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

S. 1659. A bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HAGAN (for herself, Mr. PRYOR, Mr. BEGICH, Mr. HEINRICH, Mr. TESTER, Mr. UDALL of Colorado, and Mr. WARNER):

S. 1660. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; to the Committee on Environment and Public Works.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FLAKE (for himself and Mr. COONS):

S. Res. 288. A resolution supporting enhanced maritime security in the Gulf of Guinea and encouraging increased cooperation between the United States and West and Central African countries to fight armed robbery at sea, piracy, and other maritime threats; to the Committee on Foreign Relations.

### ADDITIONAL COSPONSORS

S. 562

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of 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.

S. 623

At the request of Mr. CARDIN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 623, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 653

At the request of Mr. BLUNT, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 653, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 699

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 699, a bill to reallocate Federal judgeships for the courts of appeals, and for other purposes.

S. 700

At the request of Mr. KAINE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 700, a bill to ensure that the education and training provided members of the Armed Forces and veterans better assists members and veterans in obtaining civilian certifications and licenses, and for other purposes.

S. 795

At the request of Mr. COONS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 795, a bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes.

S. 842

At the request of Mr. SCHUMER, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 842, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 842, *supra*.

S. 928

At the request of Mr. SANDERS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 928, a bill to amend title 38, United States Code, to improve the processing of claims for compensation under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 932

At the request of Mr. BEGICH, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 932, a bill to amend title 38,

United States Code, to provide for advance appropriations for certain discretionary accounts of the Department of Veterans Affairs.

S. 1012

At the request of Mr. BLUNT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1012, a bill to amend title XVIII of the Social Security Act to improve operations of recovery auditors under the Medicare integrity program, to increase transparency and accuracy in audits conducted by contractors, and for other purposes.

S. 1046

At the request of Mr. SCHATZ, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1046, a bill to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994.

S. 1053

At the request of Mr. WYDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1053, a bill to amend title XVIII of the Social Security Act to strengthen and protect Medicare hospice programs.

S. 1069

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1069, a bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1089

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1089, a bill to provide for a prescription drug take-back program for members of the Armed Forces and veterans, and for other purposes.

S. 1143

At the request of Mr. MORAN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 1155

At the request of Mr. TESTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1155, a bill to provide for advance appropriations for certain information technology accounts of the Department of Veterans Affairs, to include mental health professionals in training programs of the Department, and for other purposes.

S. 1158

At the request of Mr. WARNER, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors

of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1187

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Massachusetts (Ms. WARREN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1187, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 1296

At the request of Mr. NELSON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1296, a bill to amend the Wounded Warrior Act to establish a specific timeline for the Secretary of Defense and the Secretary of Veterans Affairs to achieve interoperable electronic health records, and for other purposes.

S. 1302

At the request of Mr. HARKIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1310

At the request of Mr. PORTMAN, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 1310, a bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes.

S. 1332

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1505

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1505, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from definition under that Act.

S. 1557

At the request of Mr. NELSON, his name was added as a cosponsor of S. 1557, a bill to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

S. 1590

At the request of Mr. ALEXANDER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1590, a bill to amend the Patient Protection and Affordable Care

Act to require transparency in the operation of American Health Benefit Exchanges.

S. 1600

At the request of Ms. MURKOWSKI, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1600, a bill to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, research, and international capabilities in the United States, and for other purposes.

S. 1602

At the request of Mr. BLUMENTHAL, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1602, a bill to establish in the Department of Veterans Affairs a national center for the diagnosis, treatment, and research of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces, to provide certain services to those descendants, to establish an advisory board on exposure to toxic substances, and for other purposes.

S. 1610

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1610, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

S. 1622

At the request of Ms. HEITKAMP, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1624

At the request of Mr. BLUMENTHAL, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1624, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit for hiring veterans, and for other purposes.

S. 1632

At the request of Mr. WICKER, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1632, a bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes.

S. 1644

At the request of Mrs. BOXER, the names of the Senator from Nebraska (Mrs. FISCHER), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1644, a bill to amend title 10, United States Code, to provide for preliminary hearings on alleged offenses under the Uniform Code of Military Justice.

S. 1647

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1647, a bill to amend the Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. RES. 128

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 128, a resolution expressing the sense of the Senate that supporting seniors and individuals with disabilities is an important responsibility of the United States, and that a comprehensive approach to expanding and supporting a strong home care workforce and making long-term services and supports affordable and accessible in communities is necessary to uphold the right of seniors and individuals with disabilities in the United States to a dignified quality of life.

S. RES. 251

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 251, a resolution expressing the sense of the Senate that the United States Preventive Services Task Force should reevaluate its recommendations against prostate-specific antigen-based screening for prostate cancer for men in all age groups in consultation with appropriate specialists.

S. RES. 284

At the request of Mr. CRUZ, his name was added as a cosponsor of S. Res. 284, a resolution calling on the Government of Iran to immediately release Saeed Abedini and all other individuals detained on account of their religious beliefs.

At the request of Mr. RISCH, the names of the Senator from Florida (Mr. RUBIO), the Senator from Illinois (Mr. KIRK) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. Res. 284, *supra*.

S. RES. 287

At the request of Ms. COLLINS, her name was added as a cosponsor of S. Res. 287, a resolution congratulating the Boston Red Sox on winning the 2013 World Series.

AMENDMENT NO. 2011

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 2011 intended to be proposed to S. 815, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1659. A bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and tax-

payers; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. 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. 1659

*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 "Protecting Our Students and Taxpayers Act of 2013" or "POST Act of 2013".

#### SEC. 2. 85/15 RULE.

(a) IN GENERAL.—Section 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(F) meets the requirements of paragraph (2).";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) REVENUE SOURCES.—

"(A) IN GENERAL.—In order to qualify as a proprietary institution of higher education under this subsection, an institution shall derive not less than 15 percent of the institution's revenues from sources other than Federal funds, as calculated in accordance with subparagraphs (B) and (C).

"(B) FEDERAL FUNDS.—In this paragraph, the term 'Federal funds' means any Federal financial assistance provided, under this Act or any other Federal law, through a grant, contract, subsidy, loan, guarantee, insurance, or other means to a proprietary institution, including Federal financial assistance that is disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution, except that such term shall not include any monthly housing stipend provided under the Post-9/11 Veterans Educational Assistance Program under chapter 33 of title 38, United States Code.

"(C) IMPLEMENTATION OF NON-FEDERAL REVENUE REQUIREMENT.—In making calculations under subparagraph (A), an institution of higher education shall—

"(i) use the cash basis of accounting;

"(ii) consider as revenue only those funds generated by the institution from—

"(I) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under title IV;

"(II) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

"(aa) conducted on campus or at a facility under the control of the institution;

"(bb) performed under the supervision of a member of the institution's faculty; and

"(cc) required to be performed by all students in a specific educational program at the institution; and

"(III) a contractual arrangement with a Federal agency for the purpose of providing job training to low-income individuals who are in need of such training;

"(iii) presume that any Federal funds that are disbursed or delivered to an institution on behalf of a student or directly to a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits