

and in the 2 years or so it might take to get that case to the Supreme Court, other individuals impacted by the rule or regulation are trying to comply with it, only to find out later, as the Court ruled a handful of times during the recent years of this Presidency that, no, the President doesn't have the authority to do that.

They said: No, you don't have the authority to appoint people to the National Labor Relations Board when the Senate is in session just because you have decided somehow the Senate is not in session. You don't get to decide whether the Senate is in session, Mr. President, if they have met all the requirements to be in session. You particularly don't get to decide whether the Senate is in session if that same session of the Senate approves some things that you thought needed to be done and that was good enough for you.

Then they said: Mr. President, by the way, when you appoint these people illegally, whatever rules and regulations they put forward aren't legal either.

So the couple of years of businesses trying to comply with the National Labor Relations Act rules and regulations, all of that is to the wayside. Those rules are all gone, but that doesn't restore the time, effort, money, and needless compliance that happens when the President exceeds his authority or when the President's agencies, such as the Environmental Protection Agency, decide they could do something they would like to do without ever arguing before the Congress that we would like the authority to do this.

So passing the ENFORCE the Law Act would be a way to seek an earlier or quicker remedy. It does appear to me that the Federal judges are likely to decide pretty quickly—Federal judges, the court of appeals level and then the circuit level—that, no, Mr. President; you have gone beyond where you were in fact. You were right the first 22 times, not the November 2014 time that you decided if you don't like the law, you don't have to enforce the law.

I think we should move forward with that ability that the Congress currently doesn't have, but also I think we should continue to express our desire for this process to work the way it is supposed to work.

The House of Representatives, which is supposed to initiate spending bills, has done that. It is the job of the Senate to debate those spending bills. It is the job of Senators to offer amendments if they don't like them, and so far our friends on the other side have insisted they don't want to do that part of this job. Maybe we all should understand why they don't want to defend what the President has done because of all the times he said he couldn't do it.

#### RECESS

Mr. BLUNT. Mr. President, I ask unanimous consent that the Senate now stand in recess until 2 p.m. today.

There being no objection, the Senate, at 12:51 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. HOEVEN).

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I want to commend both of our leaders, Leader McCONNELL and Leader REID, for coming to the floor and agreeing to a path forward to fully fund Homeland Security, and I want to speak for a moment about how critical this is and how real—if we cannot get the House of Representatives to agree, if they are not willing to move forward and support this path—we have actually not one shutdown but the possibility of two different kinds of shutdowns that will happen within 3 days.

I am talking about the fact there are 3 days left before the funding for the Department of Homeland Security expires—on February 27, at the end of the day on Friday. We are in a situation where those who protect us from terror threats all around us will be in a situation where they either aren't at work or are working without pay. We will be working with pay but they won't be working with pay, which of course is an outrageous situation for us to put them in.

Every week we know there is a new terrorist threat. That is literally true now, and it is shocking, as we turn on the television and we read the papers and listen to the radio. The most recent threat we know is from al-Shabaab, a Somali terrorist group with ties to Al Qaeda. A video appeared this last week where we know they called for an attack at the Mall of America near Minneapolis, as well as at other shopping centers in the United States and Canada and Great Britain.

We also know that an attack on that mall would endanger as many as 100,000 people—men, women, and children. That is how many people come to that mall, that big mall, every single day. Al-Shabaab terrorists have attacked a mall before so we know this is not an idle threat. In 2013, they attacked the Westgate Mall in Nairobi, Kenya, where 63 innocent people were killed.

On February 14, a shooter at a synagogue in Copenhagen killed three people. In late January, an American was 1 of 10 people killed in a terrorist attack in Libya. Earlier in January, in Paris, an attack by a terrorist claimed 16 lives. I could go on and on. In October alone, gunmen attacked the Canadian Parliament in Ottawa, killing a Canadian soldier.

Michigan has the busiest northern border crossing in the country between Detroit and Windsor. Every day over \$1 billion in goods and people are crossing that border—every single day. We actually have three crossings—two of the

busiest in the country—and we count on border and Customs security. We count on our Homeland Security people to be on the job doing their job every single day.

We also count on the people at the airports—all of us. Most of us are on planes one or two times a week. We all understand the critical importance of the airport. And for those of us who are surrounded by water, the Coast Guard is absolutely critical.

I could go on and on with all of the ways in which the men and women of Homeland Security, border security, Customs, the Coast Guard, as well as police and firefighters, our first responders, are keeping us safe every single day.

If the House does not agree to what we are doing here, in 3 days we will see the Department of Homeland Security shut down—an entire infrastructure put together after 9/11, which we all worked together on in a bipartisan way because we saw and we felt what had happened in terms of the threats to our country and the loss of lives.

It is critical this not be just a game. This can't be just a trick, where we are somehow voting straight up on Homeland Security funding without other riders on immigration or other things where there are differences with the President. If it is straight-up funding, then we vote, and then it goes to the House and it gets completely changed again, that is not going to work. We are going to stand with the men and women who stand with us, put their lives on the line, and work hard every single day to keep us safe. It is critical the House decide to join us if in fact the Senate acts today to fully fund Homeland Security, which I hope we will.

There is another thing I am deeply concerned about, and that is the fact we have heard a lot of people talk about we will just do a continuing resolution from last year. That is effectively a shutdown of the first responders, because when we look at the list—immigration, Customs enforcement, detention, antitrafficking, smuggling—of those things that are funded under a continuing resolution, which is a fancy word for last year's funding, those things don't continue.

The new grants that keep firefighters in Michigan and across the country going—in Detroit alone we have 150 firefighters—were supposed to start in October. Because we haven't fully funded Homeland Security, they have been waiting. We have people who will be laid off—police officers, firefighters in Michigan and across the country under a CR—under a continuing resolution. It is effectively a first responders shutdown.

So that is the second shutdown I am concerned about. We could see Customs and Border Protection unable to award new contracts for new video surveillance. How many times do we talk about the need to protect the borders? But if we don't fully fund Homeland

Security, if we do what it sounds like may happen from the House, some short-term funding from last year, we will stop first responders, we will stop surveillance equipment, we will stop the ability to upgrade our Coast Guard, and we prevent and delay contracts for police and fire.

Also without a fully funded Homeland Security, nuclear detection equipment can't be replaced. That deals with our enemies trying to smuggle nuclear devices or dirty bombs into this country.

And what about emergency communications? Think about the malls or think about things such as FEMA and the unprecedented storms and snow that we have seen in parts of our country, the cold.

The idea we would somehow not fund upgrades to emergency equipment and effectively have a first responder shutdown is outrageous. I can't imagine the public, and rightly so, will understand this. I certainly don't understand it. We have all heard concerns about the Secret Service and the ability to upgrade those operations. I could go on and on as it relates to first responder funding.

So I am, on the one hand, pleased that it appears we may in fact have a path forward to separate the debate on fully funding our Homeland Security, our protections at the borders and airports, and so on, as well as police and fire and first responders across the country from a debate on immigration. I appreciate the differences, and we can have that debate. I appreciate that has been proposed to be separated. But we have to make sure there are no tricks and no doublecrosses when it comes to the House of Representatives, because we are not going to support an effort to go back again and hold Homeland Security funding hostage to other policies and disagreements with the President.

Finally, let me stress if the House does less than what the Senate is going to do on fully funding Homeland Security, they are shutting down first responders in this country. That is what they are doing. If we see a funding bill that has last year's numbers, they are putting in place a shutdown of our first responders in this country with threats all around us and new threats every day.

People in this country deserve a lot better. We can do better than that. So I hope we will come together today to do the right thing: Fund Homeland Security fully so our police and firefighters are available and on the streets, and we are securing our borders and our homeland operations. I dearly hope the House of Representatives will step up and join us in getting this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the distinguished Senator from Michigan has made an eloquent speech about the

importance of fully funding the Department of Homeland Security. What is astonishing to me is that she didn't listen to her own speech the first time the Republican majority leader brought up the House-passed bill to fully fund the Department of Homeland Security and the Democrats blocked it; and why she didn't listen to that speech the second time the Republican majority leader brought up the House-passed bill to fully fund the Department of Homeland Security and the Democrats blocked it; and why she didn't listen to that speech the third time the Republican majority leader brought up the House-passed proposal to fully fund the Department of Homeland Security and the Democrats blocked it; and why not the fourth time the Republican leader brought up a bill passed by the House of Representatives to fully fund the Department of Homeland Security and the Democrats blocked it.

This is the fifth vote to fully fund the Department of Homeland Security, which we want to do, and which we voted to do four times. So let us not confuse the issue here. I am amazed that Senate Democrats come up with this stuff on the other side. One would think they were living in a different world than we are.

The House has passed legislation to fully fund the Department of Homeland Security. Senate Republicans have brought up a bill to fully fund the Department of Homeland Security four times. The Presiding Officer knows that. Four times we voted yes and four times they voted no. This is the fifth opportunity they will have to fully fund the Department of Homeland Security, and I hope we can do that.

But let us not recreate events that never happened. Let us recognize the fact that for 2 weeks Senate Republicans have been prepared to fully fund the Department of Homeland Security and the Democrats themselves have blocked it not once, not twice, not three times, but four times.

#### HIGHER EDUCATION

Now, Mr. President, if I may switch gears, I came to the floor to talk on another subject which fortunately has bipartisan support. I am glad to speak about something like that because I think the people of this country gave us and the Republican majority an opportunity this year to come to Washington and shake things up, but also get things done.

In the Health, Education, Labor, and Pensions Committee, we are working hard to do just that with Senator MURRAY, the ranking Democrat on the committee, and just as I worked with Senator Harkin in the last Congress when our committee reported out 25 different pieces of legislation which became law. So we got things done in the last Congress, and I am fully confident that Senator MURRAY and I and the other members of our committee can do that in this Congress.

That doesn't mean we agree on everything. We don't agree on a lot of

things. If you had to pick a group of liberals and a group of conservatives and line them up, our committee would probably have as much difference as any committee in the Congress. But we also have about 30 percent of the jurisdiction in the Congress. That is what Senator Ted Kennedy used to say when he was in the Senate. And we know it is our responsibility to get things done.

We are working hard on fixing No Child Left Behind. We are working with Secretary Burwell and the President on finding ways to move discoveries and devices through the National Institutes of Health and the Food and Drug Administration into the medicine cabinets.

I see the Senator from Maryland on the floor. Yesterday we worked together to receive a report that Senator MIKULSKI from Maryland and I, Senator BENNET from Colorado, and Senator BURR from North Carolina, asked for 2 years ago to take a look at all the Federal regulations governing our 6,000 colleges and universities and give us an assessment of how much they cost, and how much confusion and duplication there is since the eight different times we have reauthorized the Higher Education Act of 1965. We asked how often we failed to weed the garden, how often we instead just dumped new laws and regulations on top of old ones, and to tell us exactly what to do.

Chancellor Zeppos of Vanderbilt University and Chancellor Kirwan of the University System of Maryland gave us this report. Senator MIKULSKI was there, I was there, and Senator MURRAY, Senator BURR, and Senator BENNET were there. It was a very impressive report. I won't speak for long about it because I see the Senator from Maryland would like to speak, but I wish to take 5 minutes and say these things. It is sometimes best to tell a story to underscore a point, and here is the first story. Vanderbilt University hired the Boston Consulting Group to tell the university how much it spent complying with Federal rules and regulations for higher education in a single year.

According to the Boston Consulting Group, Vanderbilt University spent \$150 million complying with Federal rules and regulations last year. That is 11 percent of Vanderbilt's non-hospital expenditures. That adds up to about \$11,000 of the tuition for each one of the 12,000 students at the university. It is absolutely absurd that somehow or another that could happen.

A second example is the student aid form 20 million families fill out every year. It is 108 questions long. Our committee has been told that two questions would provide all the necessary information for 95 percent of families: What is your income from two years ago and what is your family size? A bipartisan group of Senators have introduced a bill to do just that. This would save millions of hours and dollars across the country.

Here is a third example. Surveys conducted by the National Academy of

Sciences found that 42 percent of a principal investigator's time on a research project is spent on administrative tasks instead of research.

I asked the head of the National Academy of Sciences what would be a reasonable time?

He said about 10 percent.

We spend 30 billion in taxpayer dollars a year on research and development at colleges and universities. If we could save \$1 billion of that \$30 billion by reducing that 42 percent to closer to 10 percent, then we could fund a 1,000 more multiyear grants to investigate cancer research, Ebola research, and vaccines, and we should do that.

This is an enormously promising report.

Ten years ago the Senator from Maryland and I worked on a report called "Rising Above the Gathering Storm." We asked a group of distinguished Americans to tell us the 20 things that we might do in Congress to help make our country more competitive in the world. They gave us the 20 things, which formed a blueprint, and we passed most of them and eventually funded most of them.

So I think this report we received yesterday has the opportunity to be as important as "Rising Above the Gathering Storm," which later helped establish the America COMPETES Act. It is a blueprint for how we can reduce overregulation, simplify rules, save money, make consumer protection clear, keep tuition down, find more money for research, and let colleges and universities spend their time and money educating students instead of filling out forms.

I thank Senator MIKULSKI from Maryland, Senator BENNET from Colorado, Senator BURR from North Carolina, and my partner Senator MURRAY on the HELP Committee.

Mr. President, I ask unanimous consent that my opening statement from yesterday's hearing, followed by pages 1 through 6 of the report presented to us yesterday, be printed in the RECORD.

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

#### TASK FORCE ON GOVERNMENT REGULATION OF HIGHER EDUCATION

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my remarks at the Senate Health, Education, Labor, and Pensions Committee hearing earlier this week be printed in the RECORD.

#### TASK FORCE ON GOVERNMENT REGULATION OF HIGHER EDUCATION

This morning we are holding our first hearing this Congress on the reauthorization of the Higher Education Act which will focus on the final report from the Task Force on Government Regulation of Higher Education.

Over a year ago, Vanderbilt University hired the Boston Consulting Group to determine how much it costs the university to comply with federal rules and regulations.

The answer: \$150 million, or 11 percent of the university's total non-hospital expenditures last year.

Vanderbilt Chancellor Nick Zeppos says that this adds about \$11,000 in additional tui-

tion per year for each of the university's 12,757 students.

Each year, 20 million American families fill out a complicated, 108-question form called the FAFSA (Free Application for Federal Student Aid) to obtain a grant or loan to help pay for college. Several experts testified before our committee that just two questions would tell the Department of Education 95 percent of what it needs to know to determine a student's eligibility for a grant or loan: One, what is your family size? And, two, what is your family income?

So, in January a bipartisan group of six Senators introduced legislation to simplify the student aid application and repayment process, including reducing the 108-question FAFSA form to just two questions. If our legislation becomes law, then families, guidance counselors, and admissions officers would save millions of hours.

Most important, according to financial aid expert Mark Kantrowitz, the complicated, 108-question form discourages up to 2 million Americans each year from applying for aid. Last fall, the president of Southwest Tennessee Community College in Memphis told me that the complex form turns away from his campus 1,500 students each semester.

Tennessee has become the first state to make community college tuition-free for qualifying students. But first, each student must fill out the FAFSA. Now that tuition is free, the principal obstacle for a qualified Tennessee student to obtain two more years of education after high school is not money: it is this unnecessarily complicated federal form. Ten years ago, then again three years ago, surveys by the National Academy of Sciences found that principal investigators spend 42 percent of their time associated with federal research projects on administrative tasks instead of research.

I asked the head of the National Academies what a reasonable percent of time would be for a researcher to spend on administrative tasks. He replied: perhaps 10 percent or even less.

How many billions could we save if we reduced the administrative burden?

Taxpayers spend more than \$30 billion a year on research and development at colleges and universities.

This year, the average annual cost of an NIH research project grant is \$480,000. If we reduce spending on unnecessary red tape by \$1 billion, the NIH could potentially fund more than a thousand multi-year grants.

These should not be excused as normal, run-of-the-mill problems of government. These examples, and others like them, represent sloppy, inefficient governing that wastes money, hurts students, discourages productivity, and impedes research.

Such waste should be an embarrassment to all of us in the federal government.

And let me make clear: let's not just blame President Obama and Education Secretary Arne Duncan. They have contributed to the problem, but so has every President and every education secretary—and that includes me—since 1965 when the first Higher Education Act was enacted.

And the list of those embarrassed should also include the Congress of the United States for year after year adding to and tolerating a pile of conflicting, confusing regulations.

The Higher Education Act totals nearly 1,000 pages; there are over 1,000 pages in the official Code of Federal Regulations devoted to higher education; and on average every workday the Department of Education issues one new sub-regulatory guidance directive or clarification.

No one has taken the time to "weed the garden."

The result of this piling up of regulations is that one of the greatest obstacles to inno-

vation and cost consciousness in higher education has become—us, the federal government.

So if all of us created this mess, then it is up to all of us to fix it.

That is why more than a year ago, four members of this committee—two Democrats and two Republicans—asked a group of distinguished educators to examine the current state of federal rules and regulations for colleges and universities. We asked them not just to tell us the problem, but to give us specific solutions.

They have done so in a remarkable document entitled "Recalibrating Regulation of Colleges and Universities," in which they outline 59 specific regulations, requirements and areas for Congress and the Department of Education to consider—listing 10 especially problematic regulations.

I thank Vanderbilt University Chancellor Nick Zeppos and University System of Maryland Chancellor Brit Kirwan for leading the effort.

In their own words, America's 6,000 colleges and universities live in a "jungle of red tape" that is expensive and confusing and unnecessary.

The report makes clear that colleges and taxpayers expect appropriate regulation. But neither taxpayers nor colleges are well-served by the jungle that exists today. Consumer information that is too complicated to understand is worthless.

Colleges must report the amount of foreign gifts they receive; disclose the number of fires drills that occurred on campus. "Gainful employment" disclosures require 30 different pieces of information for each academic program subject to the regulation.

When a student withdraws from college before a certain time period, a student's federal money must be returned to the government. This is a simple concept.

Yet the regulations and guidance implementing this are ridiculously complex—200 paragraphs of regulatory text accompanied by 200 pages in the Federal Student Aid handbook.

The University of Colorado reports that they have two full-time staff devoted to this issue. One to do the calculation and the other one to recheck the other's work. Ohio State University estimates that it spends around \$200,000 annually on compliance for this regulation.

Institutions offering distance education are subject to an additional set of bureaucracy that can result in additional costs of \$500,000 to a million dollars for compliance.

All of these are examples of colleges and universities spending time and money on compliance with federal rules and not on students.

Senator Murray and I will discuss how to develop a bipartisan process to take full advantage of the recommendations in this report and to include many of them in reauthorization of the Higher Education Act, which we plan to do this year.

We will schedule additional hearings to gather comment on the report from institutions not directly involved with the report and consumers of higher education, including parents, students, and taxpayers.

Some of the recommendations require a change in the law. Many can be fixed by the Department itself.

I have talked with Secretary Duncan more than once about this effort and he is eager to do his part to solve the problem. I look forward to working with him and with President Obama on eliminating unnecessary red tape, saving students money, and removing unnecessary regulatory obstacles to innovation in the best system of higher education in the world.

This is not a new subject for me. One of the first things I did as a Senator was try to simplify student aid and the Free Application

for Federal Student Aid (FAFSA). And I'm told the net result was the reduction of approximately 7 questions. Those have been replaced by many more now.

Although I voted against the final reauthorization of the Higher Education Act of 2008, I authored a provision in the bill that required the Secretary of Education to publish a "compliance calendar" so schools can see all of their deadlines.

Unfortunately, 7 years later, the Department of Education has yet to implement this provision.

With bipartisan support and this groundbreaking report we have today, I'm counting on this effort to get farther than that one.

#### EXECUTIVE SUMMARY

The federal government's substantial fiscal investment in higher education recognizes that postsecondary education is a linchpin in the nation's social and economic strength. Through that support, the government helps ensure that colleges and universities continue to contribute broadly to the fabric of American society. To ensure prudent stewardship of federal support for higher education, the Department of Education is charged with developing procedures to carry out laws passed by Congress in regard to higher education and with overseeing institutional compliance. Institutions of higher learning recognize the important role regulations play in the oversight of federal investments.

Over time, oversight of higher education by the Department of Education has expanded and evolved in ways that undermine the ability of colleges and universities to serve students and accomplish their missions. The compliance problem is exacerbated by the sheer volume of mandates—approximately 2,000 pages of text—and the reality that the Department of Education issues official guidance to amend or clarify its rules at a rate of more than one document per work day. As a result, colleges and universities find themselves enmeshed in a jungle of red tape, facing rules that are often confusing and difficult to comply with. They must allocate resources to compliance that would be better applied to student education, safety, and innovation in instructional delivery. Clearly, a better approach is needed.

In 2013, a bipartisan group of U.S. Senators recognized that the pending reauthorization of the Higher Education Act (HEA) creates an opportunity to consider these issues in depth. They established a task force of college and university presidents and chancellors to study federal regulation of higher education broadly and identify potential improvements.

Looking at the landscape of regulation of colleges and universities writ large, the Task Force on Federal Regulation of Higher Education identified a number of challenges that are particularly problematic. As described in Section II of this report, we concluded that many rules are unnecessarily voluminous and too often ambiguous, and that the cost of compliance has become unreasonable. Moreover, many regulations are unrelated to education, student safety, or stewardship of federal funds—and others can be a barrier to college access and innovation in education.

Based on extensive discussions, consultations with experts, and site visits to campuses, the Task Force identified specific regulations that are of major concern to higher education institutions. Section III details those concerns, which include problematic financial responsibility standards, confusion and inconsistency in reporting requirements for campus crime, overreach in authorization of distance education programs, inefficient

rules concerning verification of financial aid eligibility, counterproductive micromanagement of the accreditation process, and policies that result in consumers being inundated with information of questionable value.

The Task Force also reviewed the processes by which higher education regulations are developed and implemented, and offers several specific ideas for improvement. Section IV outlines recommendations that include asking the Government Accountability Office to review the Department of Education's methodology for estimating institutional costs of compliance with regulations; the creation of clear "safe harbors" for institutional compliance; the recognition of "good faith" efforts to comply; and several proposals for better practices by the Department.

To help policy makers think about the most effective and efficient way to regulate higher education, the Task Force developed the following Guiding Principles to govern the development, implementation, and enforcement of regulations by the Department:

Regulations should be related to education, student safety, and stewardship of federal funds.

Regulations should be clear and comprehensible.

Regulations should not stray from clearly stated legislative intent.

Costs and burdens of regulations should be accurately estimated.

Clear safe harbors should be created.

The Department should recognize good faith efforts by institutions.

The Department should complete program reviews and investigations in a timely manner.

Penalties should be imposed at a level appropriate to the violation.

Disclosure requirements should focus on issues of widespread interest.

All substantive policies should be subject to the "notice-and-comment" requirements of the Administrative Procedure Act.

Regulations that consistently create compliance challenges should be revised.

The Department should take all necessary steps to facilitate compliance by institutions.

The Task Force believes that adherence to these principles would help improve regulation of higher education, and urges their adoption.

Again, to be clear: Regulations serve an important role in ensuring institutional accountability. But requirements that have an excessive reach, or that are unnecessarily costly and difficult to implement—or worse still, that hinder student access to college and drive costs up—are counterproductive. Smarter rules are needed. In the context of the forthcoming reauthorization of the HEA, this report from the Task Force on Federal Regulation of Higher Education proposes many specific avenues to improve the regulation of higher education.

#### THE TASK FORCE ON FEDERAL REGULATION OF HIGHER EDUCATION

The pending reauthorization of the Higher Education Act (HEA) provides an opportunity for Congress to examine how institutions of higher education are regulated and to identify ways to streamline and simplify regulatory policies and practices. With that goal in mind, a bipartisan group of U.S. Senators—Lamar Alexander (R-TN), Barbara Mikulski (D-MD), Richard Burr (R-NC), and Michael Bennet (D-CO) created the Task Force on Federal Regulation of Higher Education in the fall of 2013 and directed it to consider these issues in depth.

The Senators articulated a three-part charge for the group:

- 1) Provide specific recommendations to consolidate, streamline, and eliminate burdensome, costly, and confusing regulations, laws, and reporting requirements;

- 2) Review and quantify the extent of all federal requirements with which institutions must comply, including estimates of the time and costs associated with specific regulations; and,

- 3) Provide recommendations for reform to ensure future regulations are promulgated in a manner that appropriately considers existing law and accurately examines the costs and benefits to taxpayers, institutions, and students.

The Senators appointed Task Force members representing institutions from across all sectors of higher education, and named Chancellors William E. Kirwan of the University System of Maryland and Nicholas S. Zeppos of Vanderbilt University (TN) as co-chairs. In addition to Chancellors Kirwan and Zeppos, the Task Force includes these members:

William L. Armstrong, President, Colorado Christian University

Bruce D. Benson, President, University of Colorado

Molly Corbett Broad, President, American Council on Education (DC)

Thomas V. Chema, President Emeritus, Hiram College (OH)

Margaret L. Drugovich, President, Hartwick College (NY)

Dana G. Hoyt, President, Sam Houston State University (TX)

Brice W. Harris, Chancellor, California Community College System

Jonathan A. Kaplan, Chief Executive Officer, Laureate Online Education (MD)

Cornelius M. Kerwin, President, American University (DC)

J. Michael Locke, Former CEO, Rasmussen College (IL)

Harold L. Martin Sr., Chancellor, North Carolina Agricultural and Technical State University

Claude O. Pressnell Jr., President, Tennessee Independent Colleges and Universities Association

Thomas W. Ross, President, University of North Carolina

Robert G. Templin Jr., President, Northern Virginia Community College

In addition, the Senators asked the American Council on Education (ACE) to support the work of the Task Force.

#### SCOPE OF WORK AND TASK FORCE ACTIVITIES

The word "regulation" can be viewed broadly or narrowly. Narrowly defined, federal regulation means only a requirement imposed on institutions through the Code of Federal Regulations, the codification of all the regulations promulgated by federal agencies. Considered more broadly, it means any requirement placed on colleges and universities in order to participate in the federal student aid program. For the purposes of this Task Force and our report, we use "regulation" in this broader sense.

The Task Force engaged in extensive consultations for this project and solicited insights from higher education associations, campus officials, and other organizations and stakeholders. To gather input from individuals on campuses who are responsible for implementing regulations, ACE staff conducted extensive site visits and met with representatives from more than 60 institutions around the country.

Our aim was not simply to reduce the number of regulations imposed by the Department of Education, but rather to foster more effective and efficient rules that still meet federal objectives. To that end, we sought to accomplish these goals:

Summarize the increasing burden of federal regulation on higher education.

Identify regulations of particular concern to institutions of higher education, explain why they are problematic, and recommend changes to ameliorate them.

Offer longer-term process improvements that would minimize similar concerns about regulations in the future.

Section I of this report frames the current regulatory landscape for higher education. Section II describes specific current challenges. Section III details 10 regulations that colleges and universities find especially problematic, and recommends solutions. Finally, Section IV proposes ways to improve the regulatory process.

Effective oversight can help colleges and universities keep costs down, keep students safe, focus on educating students, and be good stewards of federal funds. In that spirit, the Task Force developed the following Guiding Principles to help govern the development, implementation, and enforcement of regulations by the Department:

Regulations should be related to education, student safety, and stewardship of federal funds.

Regulations should be clear and comprehensible.

Regulations should not stray from clearly stated legislative intent.

Costs and burdens of regulations should be accurately estimated.

Clear safe harbors should be created.

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Disclosure requirements should focus on issues of widespread interest.

All substantive policies should be subject to the “notice-and-comment” requirements of the Administrative Procedure Act.

Regulations that consistently create compliance challenges should be revised.

The Department should take all necessary steps to facilitate compliance by institutions.

We believe that these principles would help improve the regulation of higher education, and we urge their adoption.

While the primary focus of this report is on requirements imposed by the Department of Education, institutions of higher education are also regulated by every Cabinet-level agency, as well as many sub-Cabinet-level agencies. In that regard, we acknowledge the important work by other groups and organizations, including the National Research Council of the National Academy of Sciences and the National Science Board, to examine regulations stemming from other agencies, particularly in connection with federally funded research.

Mr. ALEXANDER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I come to the floor to speak about the issue of funding for Homeland Security. However, I wish to note and acknowledge the comments just made by my colleague from Tennessee, Senator ALEXANDER, the chair of the HELP Committee. I couldn't agree with him more.

Hello, America. Two Senators, different parts of the country, different political parties, different political views on some social issues or whatever, but I couldn't agree more with this outstanding report whose original

idea came from the gentleman from Tennessee.

When we worked on the reauthorization of the Higher Education Act about 5 years ago now, we agreed upon goals to make college more accessible, to make college more affordable, to always insist that that college offer a quality education and that students on the campus be safe and secure so they could be in a true learning environment.

I am a student loan/student grant person, so I was focusing on the students. I taught at Loyola University in Baltimore, in the community college, but my colleague, who was the president of a university, said: We ought to look at regs. Regulation could have a tremendous impact.

So we put our heads together. Our co-chairs came from Tennessee. The Maryland cochair was Dr. Kirwan, a retiring but very able chancellor. And it is a terrific report. It is exactly what we wanted.

Where are the regs that, No. 1, are duplicative—the same darned report after report, and then you do a report on the reports so that then they can ask you questions and ask for a followup addendum. Then there are also instances where the requirements are contradictory. So there they are, the administrators of both the colleges and universities themselves or of an individual grant program. So we want to clarify that.

Not only under Senator ALEXANDER's leadership did we go for what were the top 10 concerns that were really burdensome, duplicative, or contradictory, they gave us a checklist on what would constitute criteria for a good reg. I think they gave us a great roadmap, and now it is our part to use the report. So we are not like everybody else where we got them to do a report and we don't do anything with it.

When we did “Rising Above the Gathering Storm,” which I was so excited to be part of, it was truly a bipartisan effort. It led to legislation, and it led to other executive branch input.

So I thank my colleague from Tennessee. I think this is the way we should be working together—put our heads together, get the best advice from what is out there in the real world, and then let's put our shoulders to the wheel and get it done.

Does the Senator have a sense of when he would like to move or the timetable to implement this?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Maryland for her comments and her leadership.

I would say to the Senator from Maryland that I will need to sit down and talk to the Senator from Washington, Mrs. MURRAY, which we plan to do in March. My hope would be that in April we could begin five or six hearings aligned with the recommendations in the report, and on other matters such as accreditation, form working

groups within our committee, and then by the fall move ahead with the reauthorization of the Higher Education Act and complete it by the end of the year.

Ms. MIKULSKI. I thank the Senator from Tennessee and look forward to working with him.

Mr. President, this is the way it ought to be, where Senators come together and bring our best ideas. We also bring our concerns and we put them all on the table. But we began with civility, we began with respect, and we established what were agreed-upon goals and how each one of us thought we could get to the roadmap to do that. This is the way I would hope we would work.

Now, as we come to almost a crisis with the funding for Homeland Security running out on Friday, this is the time for us to put our party differences aside, put our pet projects aside, and focus not on what is good for our politics but what is good for America.

I understand that our leadership on both sides of the aisle—Senator McCONNELL and Senator REID—have arrived now at a framework where we will go through a set of parliamentary procedures, which is our way, to then arrive at a point where we could be voting on a full year's funding for Homeland Security without any additional riders that could derail the bill placed on it. I wish to compliment the leadership for beginning a communication and establishing a parliamentary choreography where we could actually get the job done. The leaders have been working on this. We know they will be coming here on the floor in a few minutes to share with us that idea and begin the procedures where every Senator can exercise their will and their judgment.

But I just want to say this as the ranking member or the vice chair of the Appropriations Committee: We have to fund the Department of Homeland Security. We just have to do it. We have to do it, and we have to do it now. I hope we can do it in the Senate this afternoon and that the House really follows what we are doing here.

This is so crucial because of the very nature of what the bill is—homeland security. This isn't about a new agency that might be duplicative of another. This isn't about new programs. It is not even about great big new sums of money. This Appropriations Committee arrived at its recommendations when we were working on the omnibus.

The Presiding Officer is the chair of the Subcommittee on Homeland Security. I know that in the way he does his due diligence, he has reviewed this bill. So the money part I don't think is controversial and it actually does the job. And the job is to do the full funding to protect the homeland.

I really worry about our country. Here we are, and we have ISIL making additional threats to the United States about the security of our malls. While

we were all pondering what our strategy would be and parsing what the politics would be, our great Federal agents were on the scene making sure that four Americans didn't go to join ISIL to fight against us and perhaps organize predatory attacks against us. Our people are on the job, and now it is time that we do our job and fully fund this agency.

America is at risk. We face terrorism. We face the consequences of natural disasters, which FEMA and the Coast Guard are really helping us with right now. We face cyber threats. We need the Department of Homeland Security funded in a way to prevent and respond to these situations.

When I look at this, it is really standing sentry in terms of all we need to do in terms of port security, airport security, guarding our borders through our Border Patrol agents, 23,000 Border Patrol agents. But I also look at the first responders. If anything happens in our country, it is local law enforcement and local firefighters who are the first to respond. We have helped them with this response by providing them with Federal funds. I am really proud of what we have done on this.

I want to speak particularly about the Fire Grant Program. Now think about what they do. Every day when they report to duty, our first responders don't know what they will face. In my own home State of Maryland, will they face a train derailment? We have had those. Will they face a Metro fire? We have had that. Will we have a multiple-vehicle accident on 95 that could involve a horrific accident that requires rescue from hazardous and toxic waste? Because of who we are, with our airports and our seaports, we also are a big threat for a terrorist attack. Our first responders are asking us to give them the money they need to pay the bills and also help them with these necessities.

Over 10 years ago I joined with one of my Republican counterparts, Senator Kit Bond of Missouri. We were both concerned with what was happening to our volunteer fire departments. As he crisscrossed Missouri and I crisscrossed Maryland, we were shocked to find out that a new firetruck could cost as much as \$1 million, that wonderful SCBA protective gear that would be fire retardant or fire resistant could cost \$2,000, that the special breathing apparatus that is being developed can cost over \$5,000. When we put our heads together and listened to our firefighters, we realized you could not fund that on tip jars, pancake breakfasts, crabcake dinners, or oyster fries in my own State. We wanted to help them. We wanted to make sure we helped them so they could protect us.

So we looked at the Fire Grant Program. It has been a tremendous success in my own State in the decades since we passed it. Over 600 fire departments have been helped with the new equipment they need. When I travel my State, I have people who defend and

protect me in my community shake my hand. The Presiding Officer knows what the volunteer firefighters do. I am sure it is the same situation in North Dakota as it is western Maryland. They say: You have helped me be able to do the job. Volunteer fire departments do all of this on their own time and on their own dime.

So what happens if we don't fund Homeland Security? It means that those \$2 billion grants for emergency firefighters, port security, for local efforts and so on will not be funded. Make no mistake. For those people perhaps in the Senate or in the House that say that we just do a continuing resolution, a continuing resolution means that grants cannot be funded.

Under current law, for any program with an agency that is on a CR, it cannot issue grant money at all. So that means right now they are getting ready to take the Fire Grant Program proposals. Secretary Jeh Johnson can't put out communication to say it is now the annual time for fire chiefs to come in with their requests.

So we are placing America at risk—not only with the really big picture stuff. Often the big picture comes back home. On that terrible, terrible day of 9/11, who ran up into those burning buildings? Who ran up those steps of the World Trade Center? It was our firefighters.

I am flinching, flagging, abashed at their heroism and their desire to rescue. And every day—right this minute—one of them somewhere is doing something. Certainly we can fund the grant program so they can have the truck they need, so they have the breathing apparatus they need, so they have the protective gear they need, so we can protect them while they are protecting us—rather than protecting our political butts. We have got to get off our butts and fund this bill.

I look forward to the leadership on both sides of the aisle coming forward with a program to do it. I hope we have a sense of urgency. There is a saying from Tip O'Neill that "all politics is local," but ultimately, all homeland security is local.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I appreciate our Democrat colleagues joining us and proceeding to the House-passed bill. I have spoken to the Democratic leader and my colleagues on the Republican side and commit to offering an amendment to the House bill to fully fund the Department of Homeland Security, while addressing the President's Executive actions on a separate

adjacent track through consideration of the Collins bill.

When the Senate proceeds to H.R. 240, I will offer a clean substitute and work to expedite consideration of the bill, as amended, to get it back over to the House this week. I would welcome bipartisan cooperation to pass the DHS funding bill as well as the common-sense Collins bill.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, the majority leader and I have had very good discussions in the last 24 hours or so. We have agreed that, in order to pass a clean Homeland Security appropriations bill for the remainder of this fiscal year, the Democrats will support getting on the House Homeland Security funding bill. In exchange, the majority leader will provide that the only amendment will be a clean Homeland Security funding substitute, which he just outlined. The substance of this amendment is the same as the bill that was introduced by Senators MIKULSKI and SHAHEEN about a month ago.

The Senate will adopt that amendment and send the amended bill to the House in an expedited fashion. The Senate will then vote on cloture on the motion to proceed to the Collins bill.

Personally, I don't believe the Collins bill is a compromise. It would undermine law enforcement and tear families apart. So until full-year funding for the Homeland Security Department is enacted, I will vote against going to the Collins bill.

After a clean bill is signed into law, I will be happy to have a vigorous debate on immigration and the best way to fix our broken system.

I want to be very clear that Democrats would be willing to expedite the plan we have before us by consent.

In conclusion, I thank the majority leader for working with Democrats to come to a solution of this impasse that we have been faced with for the last 4 weeks.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I move to proceed to the motion to reconsider vote No. 53, the vote by which cloture was not invoked on the motion to proceed to H.R. 240.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the motion to invoke cloture on the motion to proceed to H.R. 240.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015.

Mitch McConnell, Thad Cochran, Tom Cotton, Roger F. Wicker, David Vitter, Jerry Moran, Daniel Coats, Michael B. Enzi, Mike Crapo, Bill Cassidy, John Boozman, John Thune, Tim Scott, John Hoeven, James Lankford, Jeff Sessions.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 240, an act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes, shall be brought to a close, upon reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 98, nays 2, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—98

Alexander	Fischer	Murray
Ayotte	Flake	Nelson
Baldwin	Franken	Paul
Barrasso	Gardner	Perdue
Bennet	Gillibrand	Peters
Blumenthal	Graham	Portman
Blunt	Grassley	Reed
Booker	Hatch	Reid
Boozman	Heinrich	Risch
Boxer	Heitkamp	Roberts
Brown	Heller	Rounds
Burr	Hirono	Rubio
Cantwell	Hoeven	Sanders
Capito	Isakson	Sasse
Cardin	Johnson	Schatz
Carper	Kaine	Schumer
Casey	King	Scott
Cassidy	Kirk	Shaheen
Coats	Klobuchar	Shelby
Cochran	Lankford	Stabenow
Collins	Leahy	Sullivan
Coons	Lee	Tester
Corker	Manchin	Thune
Cornyn	Markey	Tillis
Cotton	McCain	Toomey
Crapo	McCaskill	Udall
Cruz	McConnell	Vitter
Daines	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Enzi	Moran	Wicker
Ernst	Murkowski	Wyden
Feinstein	Murphy	

NAYS—2

Inhofe	Sessions
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The PRESIDING OFFICER (Mr. TOOMEY). On this vote, the yeas are 98, the nays are 2.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion, upon reconsideration, is agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I just want to applaud the vote we just had. A 98-to-2 vote shows very clearly that our colleagues in the Senate want to see funding for Homeland Security. Everybody understands that the risks to this country are too great for us not to provide the resources the Department

needs so they can continue to do their jobs.

We just heard that the Department of Homeland Security was involved with the FBI in the case of three people in Brooklyn who were threatening this country because they wanted to go to the Middle East and join ISIS. We need to make sure DHS has the funding they need. This is real progress. I applaud Senators McCONNELL and REID for their efforts to get to this point.

I hope we can continue down this road to get funding for the Department, and that when we send the bill over to the House, the House will also work together in a bipartisan way to get a clean funding bill before the resources run out, before the money runs out for the Department of Homeland Security this Friday. We have a little bit of time. We need to get this done. The Senate took a giant step forward today to do that. I applaud my colleagues. I hope we can keep this going and that we can get this done very soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### INCOME INEQUALITY

Mr. SANDERS. Mr. President, I do not agree with Speaker of the House JOHN BOEHNER on very much, but I do agree that it is an excellent idea for there to be a joint session of Congress in the fall to hear from Pope Francis. To my mind, in the last few years the Pope has played an extraordinary role in speaking out on issues of enormous consequence that impact every man, woman, and child, not just in our country but on the planet. He has shown great courage in raising issues that we very rarely discuss here in the Congress or in parliaments around the country.

What I want to do briefly this afternoon is quote and discuss some of the statements that the Pope has made that I think we need to listen to. I think it is a wonderful idea that Speaker BOEHNER has invited the Pope, but I think it is important we also listen to what he has said. This is from Pope Francis.

We have created new idols. The worship of the golden calf of old has found a new and heartless image in the cult of money and the dictatorship of an economy which is faceless and lacking any truly humane goal.

On another occasion what he says is: “Man is not in charge today, money is in charge, money rules.”

Then he says in another quote:

Today everything comes under the laws of competition and the survival of the fittest, where the powerful feed upon the powerless. As a consequence, masses of people find themselves excluded and marginalized: without work, without possibilities, without any means of escape.

Then he says this on an issue that is, I think, very relevant to this body:

In this context, some people continue to defend trickle-down theories which assume that economic growth, encouraged by a free market, will inevitably succeed in bringing

about greater justice and inclusiveness in the world. This opinion, which has never been confirmed by the facts, expresses a crude and naive trust in the goodness of those wielding economic power and in the sacralized workings of the prevailing economic system.

Then he says:

... these things become the norm: that some homeless people die of cold on the streets is not news. In contrast, a ten point drop on the stock markets of some cities, is a tragedy.

In other words, when people die because they are poor and hungry and cold, that is not news. But a 10-point drop in the stock market becomes a tragedy.

Then he says:

We must say “we want a just system! A system that enables everyone to get on”. We must say: “we don’t want this globalized economic system which does us so much harm!”

Here we have the leader of the Catholic Church raising profound issues about the state of the economy—certainly not just to the United States but all over the world. I don’t want to paraphrase him, but my interpretation of what he is saying is that money cannot be an end in itself. The function of an economic system is not just to let the marketplace reign and end up in a situation where a small number of people have incredible wealth while so many people have virtually nothing.

That is true not just of the United States, but it is even more true around the world. We have a situation right now—incredible as it may sound—where the wealthiest 85 people in the world own more wealth than the bottom half of the world’s population. So 85 phenomenally wealthy billionaires are here, and half of the world’s population are over here—over 3 billion people. Does anybody in the wildest stretch of their imagination think this is anything close to a just world economic system?

Oxfam recently told us that within the global economy within a year or two, the top 1 percent of the world’s wealthiest people will own more wealth than the bottom 99 percent. What religion condones this type of economic disparity? What political party should condone this type of economic disparity?

What the Pope is essentially saying is we need to pay attention to those people who are hurting—not just the homeless, not just the hungry, but those people who are working longer hours for low wages and at exactly the same time when in this country we have seen a proliferation of millionaires and billionaires. Is that what our economy is supposed to be about?

Let me just amplify what the Pope was saying by giving you some cold statistics in terms of what is going on in the United States of America. I am not talking about the global economy. I am not talking about Greece, where unemployment is 25 percent and where their economy has contracted by a quarter in the last 6 years. I am talking about the American economy.

Since 1999 the median middle-class family—that family right in the middle of the American economy—has seen its income go down by almost \$5,000 after adjusting for inflation. Incredibly, that family earned less income last year than it did 26 years ago, back in 1989.

Do you want to know why people in America are angry? Whether they are in the Occupy Wall Street movement and consider themselves progressive, whether they are in the tea party movement and consider themselves conservative, the median male worker—that man right in the middle of the American economy—earned \$783 less last year than he did 42 years ago. In other words, you have seen an explosion of technological productivity, but the male worker in the middle of the economy—inflation adjusted for dollars—made \$783 less last year than he did 42 years ago, while the median female worker—the woman in the middle of the American economy—earned \$1,300 less last year than she did in 2007.

All over this country we are seeing men and women working longer hours for lower wages. We are seeing people working not one job but two jobs or three jobs in order to cobble together the income they need and maybe some health care as well. But while the middle class continues to disappear on a 40-year trajectory, the wealthiest people and the largest corporations are doing phenomenally well. The gap between the very, very rich and everybody else is growing wider.

This is what the Pope means, I think, when he says this:

While the income of a minority is increasing exponentially, that of the majority is crumbling. This imbalance results from ideologies which uphold the absolute autonomy of markets and financial speculation, and thus deny the right of control to States, which are themselves charged with providing for the common good.

This is from Pope Francis. So what does he mean when he talks about the income of a minority increasing exponentially while the majority is crumbling? Let me give you some examples. I talked about male wages, female wages, and median family income. Let me talk about what is going on in the top 1 percent.

Today the top 1 percent in America now own about 41 percent of the entire wealth of our country while the bottom 60 percent own less than 2 percent. Let me repeat that. The top 1 percent own over 40 percent of the wealth. The bottom 60 percent own less than 2 percent. Today, incredibly, the top one-tenth of 1 percent now own almost as much wealth as the bottom 90 percent—one-tenth of 1 percent. So 16,000 families own almost as much wealth as the bottom 300 million people in our country. Today the Walton family—the owners of Walmart and the wealthiest family in America—is now worth \$153 billion. That is more wealth in one family than the bottom 40 percent of Americans. Over the past decade, the net worth of the top 400 billionaires in this country

has doubled, up to an astronomical \$1 trillion in just 10 years.

In terms of income as opposed to wealth, almost all of the new income generated in recent years, since the Wall Street crash, has gone to the top 1 percent. In fact, the last information that we have indicates that over 99 percent of all new income generated in this country goes to the top 1 percent.

The top 25 hedge fund managers on Wall Street made more than \$24 billion in 2013, equivalent to the full salaries of more than 425,000 public school teachers. What we are seeing in this country is growing income and wealth inequality. What we are seeing around the world is the same.

What troubles me very much is that in the midst of a disappearing middle class, at a time when we have more people living in poverty today than at almost any time in recent history, I believe my Republican colleagues on the Budget Committee will bring forth a budget in the next few years which will move us in exactly the wrong direction. When the rich get richer, their proposal will be let's give more tax breaks to millionaires and billionaires.

When large corporations are enjoying huge profits, and major corporation after major corporation is paying nothing in Federal income tax, their proposal will be let's give more tax breaks to large multinational corporations.

Then after giving tax breaks to the rich and large corporations, they say: Well, we want a balanced budget, and the way we are going to balance the budget is on the backs of a disappearing middle class, on the backs of millions of working families, and on the backs of the poorest and most vulnerable people in this country.

This is the Robin Hood principle in reverse. This is taking from the poor and working people and giving it to the millionaires and billionaires.

I would hope the American people say: Enough is enough. We don't need more tax breaks for the rich and large corporations. We don't need to cut Social Security, Medicare, Medicaid, education, nutrition programs for hungry people, and Pell grants so the kids can go to college. That is not what we should be doing. In fact, we should be moving in exactly the other direction.

From 1983 to a few years ago, what we have seen in this country is an incredible transfer of wealth from the bottom 90 percent to the top 1 percent. We are talking about trillions of dollars in wealth going from the bottom 90 percent to the top 1 percent. Most Americans are saying: Enough is enough. We don't need more austerity for the middle class. We don't need to cut Social Security, Medicare, and Medicaid. Maybe it is time for some austerity for the top 1 percent.

I hope when we come together to discuss the budget, Members of the Senate will listen to what Pope Francis has been talking about and give us a budget which works for the most vulnerable people in this country, which works for

tens of millions of working families, and does not simply work for large campaign donors.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, somebody asked me a little while ago, shouldn't we be voting on the mish-mash on Homeland Security that the House of Representatives sent over because of the immigration matters in it.

I reminded them that the Senate in the last Congress voted by a 2-to-1 margin, on a bipartisan comprehensive immigration bill which we sent to the House of Representatives and the Speaker refused to bring the bill up. It probably would have passed.

Had it passed, it would have been signed into law and President Obama would not have issued any Executive orders. There would be no need to. We had everything from border security, which Republicans and Democrats voted for, to minors and the DREAMers, which Republicans and Democrats voted for.

In fact, we had hundreds of hours of hearings and markups. We had around 140 amendments that were brought up, and I would call for one Republican amendment and one Democratic amendment. We went back and forth day after day, night after night. We did 140 or 141 amendments.

All but one of them passed by a bipartisan vote. We then had dozens of amendments on the floor, all of which passed with bipartisan votes. The final bill got 68 votes.

We have done the work on immigration. Let's not play games and endanger the needed funding for the Department of Homeland Security at a time when we face all kinds of dangers in this country. Let's not close down Department of Homeland Security on a made-up mission of doing something for immigration.

We passed an immigration bill. They could take out the draft of that old bill, vote it up, and vote it down. Sixty-eight Senators, Republicans and Democrats alike, voted for it. Let's bring up something similar. Let's have a real debate. Let's have amendments. Let's go to immigration. Then in the meantime, let's pass the Department of Homeland Security bill.

Millions upon millions of taxpayer dollars are being wasted even today as they prepare for a shutdown, not knowing whether these tactics are going to close down the Department, that major part of our government, or not. They have to spend the money. That is money wasted, to say nothing about the job that's not being done.

I refer to my speech about Groundhog Day because we have seen this one.

Our friends across the way in the Capitol closed down the government before.

In just 2 days, unless Congress acts, the doors at the Department of Homeland Security, one of the country's primary national security agencies, will shutter. Unless we act, 30,000 workers will be furloughed without pay. Another 130,000 will be asked to work in defense of our nation's security, without pay.

This is another needless, made-in-Washington crisis. We find ourselves here today because of the House's initial failure to act for more than a year and a half on bipartisan legislation that the Senate passed to help fix our broken immigration system. The House's inaction forced the President to do what he could through the executive authorities available to him. Those actions are welcomed. But they are not permanent, legislative fixes. Now, because Republicans in the House are angry that the President acted where they would not, they are threatening the functions of the very agency that helps protect our borders, our airspace, our waterways, and our communities.

Every State in this country will be affected by a shutdown of the Department of Homeland Security. In the midst of a fiercely cold winter, when the Northeast has been devastated by life-threatening storms, we put at risk important recovery resources available through FEMA. We put at risk counterterrorism efforts and analysis of critical intelligence, as we continue to mount and improve our national security in the face of unprecedented violent threats from enemies overseas. It is appalling that in the face of reports that terrorists want to target such domestic sites as the Mall of America, some in Congress are playing petty politics with the vital operations of the Department of Homeland Security.

A short-term continuing resolution will not solve this problem. A continuing resolution for the Department of Homeland Security recognizes neither the evolving threats to our Nation's security, nor the continuing stresses on our immigration system. A continuing resolution for the Department will tear immigrant families apart, rather than support keeping them together. A continuing resolution will not support an increase of \$400 million for the Department. It will freeze FEMA resources at their current levels.

And let's remember one key fact that I do not hear these reckless voices in Congress acknowledging: The funding bill we should be considering—the Shaheen-Mikulski bill—already is a compromise bill. It is far from perfect. For example, I strongly oppose the new funding for family detention. Incarcerating women and children fleeing violence runs contrary to our long history as a nation that offers refuge to those most in need. Nonetheless I am prepared to support the bill, because it

will help State and local communities with disaster recovery, with law enforcement activities, and will support our national security and counterterrorism efforts.

The Shaheen-Mikulski bill is the product of bipartisan negotiations between Republicans and Democrats in both the Senate and the House. But for the President's executive actions in November, it would have been included in the omnibus spending bill that was signed into law last year. Now we are on the brink of a potential shutdown of the Department of Homeland Security. This is a fabricated crisis. The solution is simple. The Senate should approve the Shaheen-Mikulski bill, send it to the House, and end this stalemate. The House should promptly consider the bipartisan, comprehensive immigration legislation approved overwhelmingly by the Senate in 2013.

If there is another debate to be had about fixing our immigration system, let's have that debate. But let's stop holding the operations of one of the Nation's key national security agency captive, while asking tens of thousands of hardworking Americans—including more than 2,500 Vermonters—to either work without pay or take an unpaid leave of absence. This is not the way to run a country. Unlike in so many other questions facing our country, the solution to this contrived disaster is easy. Members of Congress just need to have the courage to act.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

#### UKRAINE

Mr. MENENDEZ. Mr. President, I rise once again in support of the people of Ukraine in their struggle against Russian aggression. The most recent diplomatic efforts seem to have only emboldened President Putin.

Since Minsk II, which is the last time they came to an agreement with reference to a ceasefire, there have been hundreds of ceasefire violations and the city of Debaltseve has fallen under rebel control. Putin's forces now threaten Mariupol, which would provide a key land bridge to Crimea, and his intentions are clear.

In my view, we need to urgently increase the cost to Putin with tougher sanctions and by providing more security assistance to the Ukrainian military.

At a press conference on February 9 with Chancellor Merkel, the President said that his team was considering options including the provision of defensive military equipment if the diplomatic effort with respect to Russia has failed.

As recent events have shown, Minsk II is clearly dead, and we need to take a different approach.

At so many points in history, there have been opportunities for the international community to deter rogue actors from violating the sovereignty of other countries. Unless bullies such as Putin are confronted, they will always bully, they will always force a response, and they will always be an even greater problem for their neighbors and the broader international community.

Putin took Crimea, then he took Donetsk, then he took Luhansk, and last week he took Debaltseve. While he has paid a price because of the sanctions regime, that price has not changed his behavior. So now is the time to increase the cost to Putin. Now is the time to increase sanctions on Russia and work with Europe to consider additional sanctions in other sectors of the economy. Now is the time for the President to abide by his words on February 9—to provide badly needed defensive weapons to the Ukrainian Government and to rethink our strategic response to Russia's encroachment in Ukraine and across the former Soviet territories.

The international community simply cannot remain passive in the face of such unbridled aggression that will only invite further aggression. So I call upon the administration to fully implement measures this body authorized when it passed the Ukraine Freedom Support Act, which the President signed into law on December 18.

Last month I wrote to Secretary Kerry in the wake of the bloodiest period since the start of this crisis. I urged the administration to fully implement the authorities provided in the law and to comply with the clear reporting deadlines.

The legislation passed with unanimous consent in both Houses of Congress. It authorizes the President to provide much needed military and humanitarian aid to Ukraine, and it imposes additional sanctions against Russia in this time of crisis. The legislation was necessary in December, and it is even more necessary today.

We know the sanctions implemented by the United States and the European Union have had a tangible effect on the Russian economy. Combined with the decrease in global energy markets, they have put unprecedented pressure on President Putin. But he is undeterred. He continues to provide illegitimate and illegal support to separatists in eastern Ukraine, evidenced by OSCE and NATO reports cataloging the growing number of Russian troops and artillery that remain in the region and as evidenced by the spiking violence by so-called Russian-backed separatists against both military troops and civilians. Russian troops and these so-called Russian-backed rebels have carried out deadly attacks on civilians in eastern Ukraine. They have killed scores—they have killed women, they have killed children. They have ignored Minsk I. They have ignored

Minsk II. And now they have gained control of Debaltseve and have made moves towards Mariupol. This must end. The violence must end and the killing must stop.

We must renew our commitment to the people of Ukraine and stand against Putin's blatant aggression. I appreciate the administration's comprehensive efforts to counter Russian aggression, but I also believe it is not enough. We must act immediately to influence the course of events on the ground and urge the President to fully implement the Ukraine Freedom Support Act. The violence threatening Ukraine's territorial integrity is threatening the region. The international community has an obligation to respond to Putin's clear signals that his intention is to escalate tensions in Ukraine and across the region.

Since Senator CORKER and I, along with other committee members, introduced the Ukraine Freedom Support Act, Putin has escalated his belligerent and aggressive tactics. NATO has deployed more than 400 times last year to intercept Russian military flights near members' European airspace.

In July of 2014, Ukrainian pilot Nadiya Savchenko was captured by Russian forces and is being illegally detained in Russia despite Russia's commitment to Minsk to free her.

In September of last year, Russians abducted the Estonian security service officer Eston Kohver from Estonian territory. He was taken from Estonian territory to Moscow where he has been languishing in prison without due process.

In October, Sweden's military discovered what it believed was a Russian submarine outside of Stockholm. In December, about a dozen Russian aircraft, including bombers, flew into the Baltic Sea region. In January, attacks on civilian buses took the lives of 20 Ukrainians. It is time for the international community to say enough is enough.

Fully implementing the sanctions and assistance in the Ukraine Freedom Support Act will help restore its sovereignty, it will help restore its territorial integrity, and it will help deter Russia from further destabilizing the region.

I urge the President to implement these measures immediately, without delay. That said, I understand there are individuals on the European Union and Canadian targeted sanctions list who do not appear on the American list of sanctions. Now why is this the case?

Perhaps the most egregious example is Alexander Bortnikov, the head of the Russian FSB. Mr. Bortnikov is not on the U.S. lists in relation to either Ukraine or the Magnitsky act, but he is on the European Union and Canadian lists. To make matters worse, Mr. Bortnikov was here in the United States last week for President Obama's CVE conference. To say that I am puzzled would be an understatement.

The fact is there are almost 150 individuals and entities on the Canadian

and EU sanctions lists that are not on the U.S. lists. If there is no justifiable reason for excluding these individuals, then they should be added.

Yesterday before the Senate Foreign Relations Committee, Secretary Kerry indicated that these lists will be synced, harmonized, in the coming days, and I will keep a close eye on this process. Clearly, for the international effort to be effective, we need to be in lockstep with our Canadian and European allies. When we passed this legislation last December, it coincided with a Wall Street Journal report about the fortune that Russians were spending to lobby Washington against passing that very bill. They claimed the sanctions would affect the West's willingness to invest in Russia, and I say that is exactly what these sanctions should do.

Putin is using his military power to impose his will in Ukraine, but he is also using every economic tool at his disposal, and we must do the same. We must make it clear to Mr. Putin that there will be consequences for his actions.

This is not only obviously important in the context of Ukraine, which it certainly is in the first instance, but it is also about sending a very clear global message that if you violate and upend the international order, there will be consequences for doing so. Because in the absence of real consequences to doing so, there are other actors in the world who are looking at what is happening in Ukraine who will say, well, what did the United States, what did the West do to stop the aggression of Russia? And if the answer is not very much, at the end of the day—certainly not enough to stop that aggression—then other actors in the world who may be more powerful than their neighbors, who may have nuclear weapons in their possession, such as North Korea, will think about what they want to do. And whether that is China in the South China Sea which has had territorial disputes with our allies South Korea and Japan, or whether it is the challenge we have in North Korea of a nuclear armed North Korea, whether it is Maduro in Venezuela oppressing his people—I can go through a list of global actors who will wonder that if, at the end of the day, there isn't much consequence for violating the international order, then I will do what I wish to do because I have the power to do it without consequences. That is an incredibly risky world to live in.

So I urge the President to implement our bill now. The military situation on the ground is clear. The Organization for Security and Cooperation in Europe, NATO, the Ukrainian National Security Defense Council, have all reported on the presence of Russian military convoys and troops in eastern Ukraine.

As a matter of fact, I was there last year in the midst of the invasion—and I call it an invasion, because last time I checked, where I come from, if you have Russian troops crossing from Rus-

sia into another sovereign country, if you have surface-to-surface missiles, if you have armored vehicles and tanks and all of them are crossing without provocation, then you clearly have an invasion—and that has only mounted. You can take a soldier and take his Russian insignia off and put something else on, but they are still Russian soldiers coming into Ukraine from Russia.

Fear is mounting in Mariupol that pro-Russian rebels with Russian support will conduct further attacks to ease land access to Crimea from Russia. If Russia gets its land access to Crimea, despite all of our talk that we will not forget that Crimea was taken by force illegally in violation of international law, Crimea is gone. If Russia continues down this path, its illegal occupation will be solidified and Putin clearly intends to continue to play his game.

Prior to Minsk II, Oleksandr Zakharchenko, the head of the separatists in Donetsk, said "there will be no ceasefires" and that the separatists will not stop their attacks until they have "reached the borders of the former Donetsk region."

He has stayed true to his word. There are no more ceasefires. He issued an order to "take no prisoners," claiming that the separatists were no longer interested in prisoner swaps.

So I say to my colleagues, the situation is dire and it is becoming increasingly clear we are not doing enough to change it. We must raise the costs to Putin and his cronies by providing Ukraine with the assistance it needs to defend itself. The world is watching and waiting and the time is now. The Ukraine Freedom Support Act explicitly authorizes the provision of defensive military assistance. Let's provide it.

We have sent over night vision goggles, and I guess those are great to see the enemy, but if they can't stop the enemy, what good is that? What good is that?

Let's provide anti-tank and anti-armor weapons, crew weapons, and ammunition. Let's provide counterartillery radar to identify and target artillery batteries, fire control, range finder, and optical and guidance control equipment. Let's provide tactical troop-operated surveillance drones and secure command and communications equipment.

The administration was required to report to Congress on February 15 regarding its plan for increasing military assistance to the Government of Ukraine. Ten days later, we are still waiting on this report. I urge the President to impose the more stringent sanctions on Russia's defense and energy sectors that we outlined in the law. I urge him to enact further sanctions on Rosoboronexport and other Russian defense firms that we know contribute to the instability in Ukraine, Moldova, Georgia, and Syria. These firms outfit pro-Russian rebels and Russian troops who have invaded

eastern Ukraine and established illegitimate republics recognized by no one but President Putin. It is time to enact those sanctions. It is time that we put an end to the chaos and violence these firms spread around the world. It is time to impose additional targeted sanctions on the Russian energy sector to add to existing sanctions that are already costing the Russian economy about \$140 billion a year, or about 7 percent of its economy.

By imposing the energy sanctions called for in the act, the administration will tighten restrictions on shale deposits, arctic drilling, and offshore drilling.

The Ukraine Freedom Support Act calls for the administration to impose sanctions on other defense industry targets as well as on special Russian crude oil projects by January 31. We are still waiting to see the administration's response.

On September 18, Petro Poroshenko, the President of Ukraine, addressed a joint session of Congress. We applauded his message of solidarity. Now it is time to move past the applause. Now is the time to stand together in solidarity with the people of Ukraine. President Poroshenko asked for defensive arms, he asked us for aid, and he asked us for tougher sanctions on Russia. We all want a diplomatic solution to this problem, but I believe this can only come about when Putin believes the cost of continuing to ravage Ukraine is simply too high. We have a responsibility to increase that cost.

I ask the President to heed our call and to fully exercise the authority granted by the Ukraine Freedom Support Act and to do it now.

If we do that, not only do we save a key country that is presently bleeding—the eastern part of Ukraine is one of the most productive parts of the country. It is tough to keep providing financial support to it when it cannot openly stabilize itself because of the violence and the economic bleeding that goes on by virtue of the war in the East. This is about a country that is looking westward toward democracy, toward the European Union. We should be helping countries that want to make that decision and have made that decision by themselves be able to achieve their sovereign right to do so. We should be sending a clear international message about not violating the international order, and we should be sending a clear and powerful message that when you do, there are repercussions.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEE). Without objection, it is so ordered.

## MORNING BUSINESS

### COMMITTEE ON APPROPRIATIONS

#### RULES OF PROCEDURE

Mr. COCHRAN. Mr. President, the Senate Appropriations Committee has adopted rules governing its procedures for the 114th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Vice Chairwoman MIKULSKI, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

#### SENATE COMMITTEE ON APPROPRIATIONS

##### COMMITTEE RULES—114TH CONGRESS

###### I. MEETINGS

The Committee will meet at the call of the Chairman.

###### II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

###### III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

#### IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of staff members at closed sessions of the Committee shall be limited to those members of the Committee staff who have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

#### V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the full Committee for its decision.

#### VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

#### VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking

Minority Member twenty-four hours prior to such markups.

#### VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriations bill is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriations bill.

#### IX. EX OFFICIO MEMBERSHIP

The Chairman and Ranking Minority Member of the full Committee are ex officio members of all subcommittees of which they are not regular members but shall have no vote in the subcommittee and shall not be counted for purposes of determining a quorum.

### SELECT COMMITTEE ON INTELLIGENCE

#### RULES OF PROCEDURE

Mr. BURR. Mr. President, the Select Committee on Intelligence has adopted rules governing its procedures for the 114th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator DIANNE FEINSTEIN, I ask unanimous consent to have printed in the RECORD a copy of the Committee rules.

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

#### RULES OF PROCEDURE OF THE SELECT COMMITTEE ON INTELLIGENCE

##### RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Tuesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as the Chairman may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

##### RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.