

asked repeatedly, simply say no—at least not at the first. Why now, over 12 hours since this filibuster has proceeded, the White House has not put in writing the absolutely correct statement of constitutional law the Federal Government cannot kill U.S. citizens on U.S. soil if they do not pose imminent threats.

I would note, with the hypothetical that the Senator from Illinois posed to Senator PAUL, even in that situation, Osama bin Laden was a horrible enemy of the United States who committed a grievous act of terror and was the mastermind behind it. I am very glad that after a decade-long manhunt, we were able to find him and we were able to, on a military battlefield, take him out. I would suggest that if he were not in Pakistan, if he were living in an apartment in the suburbs of Chicago, and if he were asleep in bed—and even if he were Osama bin Laden, a really, really, really bad guy—there is nothing in the Constitution that gives the Federal Government the authority to fire a missile at an apartment with a sleeping person in it in the United States of America if that individual was a U.S. citizen. And if he was in the United States, what we would do is what we would expect to do with any other really, really, really bad guy, which is go in and apprehend him.

Behind enemy lines, you can't always do that. There are things that happen on the battlefield that we would never do at home. But I would suggest that any argument that says someone sleeping at home in bed presents an imminent threat is an argument that stretches the bounds of the word "imminence" beyond where its natural meaning should lie.

If an individual is pointing a bazooka at the Pentagon or robbing a bank or committing another crime of violence, there is no doubt that force—and lethal force—can be used to stop that crime of violence. But I think that there likewise should be no doubt that the Federal Government lacks the authority to kill U.S. citizens on U.S. soil if there is no imminent threat of death or grievous bodily harm.

So I am hopeful that the results of this extended discussion will be several. I am hopeful, No. 1, it will prompt the White House to do what the White House has heretofore refused to do, which is, in writing, explicitly answer the question posed by Senator PAUL now over a week ago and expressly state as the position of the United States of America that the Federal Government cannot kill a U.S. citizen on U.S. soil if that individual does not pose an imminent threat of death or grievous bodily harm.

I also hope that a consequence of this extended discussion is that we will find widespread agreement in this body behind passing legislation to make clear that the Constitution does not allow such killings. I am hopeful that legislation will command wide support on the Republican side of the aisle but like-

wise wide support on the Democratic side of the aisle.

I would hope for and would certainly welcome the support of the senior Senator from Illinois and, indeed, every Member of the Democratic caucus. And should this body come together in a bipartisan way or, even better, in a unanimous manner and clarify that the Constitution prohibits killing U.S. citizens on U.S. soil absent an immediate threat, I would suggest this debate will have accomplished a great deal because it will have made clear the limits of the Executive power, and it would be, indeed, carrying out the finest traditions of this body—serving as a check on unchecked government power.

So I would ask the Senator from Kentucky, does he agree that if those were the outcomes of these proceedings, this would have indeed been a beneficial proceeding for helping focus the American people on these issues and helping draw a line that the Executive cannot cross consistent with the Constitution?

Mr. PAUL. Mr. President, I am hopeful that we have drawn attention to this issue; that this issue won't fade away; that the President will tomorrow come up with a response. I would like nothing more than to facilitate the voting and the continuation of the debate tomorrow. I hope the President will respond to us. We have tried repeatedly throughout the day, and we will see what the outcome of that is.

I would like to thank my staff for being here for a long day, for their help. I would like to thank fellow Senators for being supportive of this cause. I would like to thank the Members of Congress who came over to support this cause, as well as the clerks, the Capitol Police, the staff of the Senate, the doorkeepers—who, apparently, I may have gotten in trouble—and anybody else who came to support us, and even the senior Senator from Illinois, for better or worse, for being here to support the cause. The cause here is one that I think is important enough to have gone through this procedure.

I sit at Henry Clay's desk, and they call Henry Clay the "Great Compromiser." When I came to Washington, one of my fellow Senators said to me: Oh, I guess you will be the great compromiser. I kind of smiled at him and laughed. I learned a little bit about Henry Clay and his career.

People think some of us won't compromise, but there are many compromises. There are many things on which I am willing to split the difference. If the Democrats will ever come to us and say: We will fix and we will save Social Security, what age we change it to, how fast we do it—there are a lot of things on which we can split the difference. But the issue we have had today is one on which we don't split the difference. I think you don't get half of the fifth amendment. I don't think you acknowledge that the President can obey the fifth amendment when he chooses. I don't think you acknowledge that the fifth amend-

ment, due process, can somehow occur behind closed doors.

So while I am a fan of Henry Clay, I have often said I am a fan of Cassius Clay. Cassius Clay's weapons of choice were said to be his pen and his Bowie knife. He was said to be so good with the first, that he often had recourse to the latter. He was a fierce abolitionist. He didn't suffer fools, and he didn't compromise often.

But what I would say is that it is worth fighting for what you believe in. I think the American people can tolerate a debate and a discussion. There has been nothing mean-spirited about this debate for 12 hours. I think, in fact, more of it would be even better. I wish we had more open and enjoined debate. The senior Senator from Illinois has brought up good points, and I think there is much discussion. I just hope that this won't be swept under the rug and that this isn't the end of this but that it is the beginning of this.

I would go for another 12 hours to try to break Strom Thurmond's record, but I have discovered there are some limits to filibustering, and I am going to have to go take care of one of those in a few minutes here. But I do appreciate the Senate's forbearance in this, and I hope that if there are some on the other side of the aisle who have been listening and feel they may agree on some of these issues, they will use their ability to impact the President's decision and will, No. 1, say the Senate should be trying to restrain the executive branch, Republican or Democratic, and, No. 2, will use their influence to try to tell the President to do what I think really is in his heart, and that is to say: Absolutely, we are not going to be killing Americans not in a combat situation. We will obey the fifth amendment; that the constitution does apply to all Americans and there are no exceptions.

I thank you very much for your forbearance, and I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). There will be order. Expressions of approval or disapproval are not permitted in the Senate.

The Senator from Illinois.

Mr. DURBIN. Mr. President, let me first, on a personal note, thank the Senator from Kentucky. He and I have agreed on many things and worked together on many more, and there is much common agreement on what we hope to achieve with this issue, as important as it is, and I thank him for his spirited defense of his position today in these 12 hours. I want to excuse him from the floor whenever he wishes.

NOMINATION OF JOHN OWEN BRENNAN TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

Mr. DURBIN. Mr. President, I move to proceed to consideration of Calendar No. 43.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read as follows:

Nomination: Central Intelligence Agency. John Owen Brennan, of Virginia, to be Director of the Central Intelligence Agency.

The PRESIDING OFFICER. The Senator from Illinois.

CLOTURE MOTION

Mr. DURBIN. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The motion having been presented under rule XXII, the clerk will report the motion.

The 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, hereby move to bring to a close debate on the nomination of John Owen Brennan, of Virginia, to be Director of the Central Intelligence Agency.

Harry Reid, Dianne Feinstein, John D. Rockefeller IV, Debbie Stabenow, Sherrod Brown, Jack Reed, Benjamin L. Cardin, Thomas R. Carper, Christopher A. Coons, Robert P. Casey, Jr., Mark L. Pryor, Bill Nelson, Mark Begich, Barbara A. Mikulski, Patty Murray, Carl Levin, Joe Manchin III

LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

FOR-PROFIT COLLEGES

Mr. DURBIN. Grant Schaffer is a Marine veteran. He attended the Art Institute of Pittsburgh, a for-profit college owned by Education Management Corporation. Grant saw an advertisement for the school and thought the program he enrolled in would give him the skills he needed to succeed in the workforce after he left the Marines. After enrolling at the Art Institute of Pittsburgh, Grant became concerned about the quality of the school. He started doing his own research about the school, the program, and how many of the graduates actually got a job. What he realized was the program wasn't going to provide him with the skills that were promised. In fact, the jobs that his program would have prepared him to do didn't even require a college degree.

Grant decided the program at the Art Institute of Pittsburgh was not worth his time or the Government's money—he was on the GI bill—so he decided to transfer to a community college. The problem was none of his credits from

the Art Institute of Pittsburgh would transfer to any school, not even to a community college. Although he received GI bill benefits, those benefits did not cover the costs, all the costs of the inflated tuition of this Art Institute of Pittsburgh. After 1 year in the program—1 year—Grant had borrowed \$32,000 over and above his GI bill benefits. Now Grant is in debt with worthless college credits from a for-profit school, the Art Institute of Pittsburgh. He is now attending a community college, learning the skills he needs to succeed. He still is going to have to struggle to pay off \$32,000 in debt to a for-profit school that was a worthless experience. He says one-quarter of his paycheck goes to his loans and he is living paycheck to paycheck. He says he cannot save for anything and all his money goes for student loans. He would save for retirement if he could.

Grant was lucky, in some ways. Many of his peers stay at for-profit colleges and take on \$70,000 or \$80,000 or more in student loans, only later to find out the education at these for-profit schools was virtually worthless. Students also discover their credits will not transfer. That ought to be the first question any student asks: If I go to your for-profit school, will any other school recognize my credits? In this case the Art Institute of Pittsburgh would have had to answer no, and that might have given Grant some pause.

These students such as Grant are stuck with mortgage-sized debts and end up with no home to show for it and worthless college credits. Grant Schaffer's credits would not transfer because his school had a different accreditation than even the community college he now attends.

It is a little known fact these for-profit schools do not reveal to students: The credits will not transfer anywhere because the school is not accredited.

Our current accreditation system favors schools, not students. That is upside-down. Schools pay accreditors to accredit them, creating a cozy relationship that does not foster any real accountability. Once a school is accredited, the Government dollars just flow in, but an accreditation is not always the guarantee of academic quality that most students believe it is and not all accreditations are equal.

The University of Phoenix, the largest university in the United States, was recently told by its accrediting agency that the school would be put on notice. The regional accreditor, the Higher Learning Commission, announced it had some real problems with the way the University of Phoenix is running its business and treating its students. More accreditors, both regional and national, should take a closer look at the schools they accredit and the standards used to accredit them.

How many more people have to go through the experience of Grant Schaffer? Essentially, this former Marine

wasted his GI bill benefits and got into more debt than he can realistically manage and has nothing to show for it from a for-profit school. We need to look at the current system of accreditation, consider how for-profit schools are aggressively recruiting our military, as well as using up the DOD tuition assistance benefits and veterans' GI bill benefits for low-income students. We need to commit to reforming our current system to protect our students and not to protect those who are in charge of the for-profit schools. We need to direct taxpayers' dollars to affordable, meaningful education that will literally help our men and women in uniform and students across America.

I yield the floor.

TRIBUTE TO LYMAN HUBBARD, SR.

Mr. DURBIN. Mr. President, last year, we lost a great American from my hometown of Springfield, IL, and I rise today to pay tribute to him and his legacy.

Lyman Hubbard, Sr., grew up on a small farm near Springfield that had been in his family for 165 years—long enough that at one point the family's lawyer for the land was a local attorney named Abraham Lincoln.

In high school, Mr. Hubbard was a member of the National Honor Society, ran track, and played basketball and football. I have heard someone who knew him at the time say that he was "the best athlete in Springfield." And he was an Eagle Scout.

During World War II, before he had even graduated from high school, he signed up to serve his country in the Air Force.

When he graduated from pilot training, he became the only person from Springfield to join the Tuskegee Army as the first African-American military aviators in the U.S. Armed Forces. From there, he fought for both our Nation and for racial equality. He logged more than 7,000 hours of flight time in the course of his multi-tour career, flying planes from the B-25 bomber to the EC-121 Super Constellation. He flew them well and became a leader among his peers, ultimately earning a Bronze Star, an Air Medal with oak leaf clusters, the Air Force Commendation Medal, and a Vietnamese Honor Medal. Lyman Hubbard accomplished all of this despite the well-documented discrimination that the Tuskegee Army men faced.

The people of Springfield, and all of us, owe a great deal to Lyman Hubbard, Sr., not just for his exceptional valor in combat but also for his devotion to preserving the history of the city of Springfield.

When the Lincoln Colored Home, one of the first African-American orphanages in the United States and a historic property, was at risk of being destroyed, Mr. Hubbard purchased the home outright to save it and planned to turn it into a community center.