

powerful advocate of this principle that we don't stand in contradiction of this President or any President when we stand for the proposition that Congress should do its job under article I of the Constitution, and I applaud my colleague for his strong support.

I will take the floor later today to talk about the bipartisan resolution he has just described.

Madam President, I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

FOR-PROFIT COLLEGES AND UNIVERSITIES

Mr. DURBIN. Madam President, we are likely to postpone a vote this week that had been scheduled on a Congressional Review Act resolution of disapproval relative to Education Secretary Betsy DeVos's new borrower defense rule. I would like to explain the background behind this procedure. Although it is likely it will be postponed until after our 1-week President's Day recess, I still think Members should reflect on the importance of this measure.

In 1992 Congress added a provision to the Higher Education Act that allowed student borrowers who were defrauded by their schools to have their Federal student loans discharged. Here is what it boiled down to: The Federal Government recognizes the accreditation of colleges and universities. With that recognition, those colleges and universities can offer Federal loans to the students who attend. So there is a partnership that begins this process and this relationship, and the partnership is a seal of approval by the Federal Government in the authorization of Federal loans.

What we found was that some of the institutions that were given permission to authorize Federal student loans for those attending their institutions, in fact, were lying to their students. So the students were in a situation where they incurred a debt in student loans for promises made by a college or university that turned out to be false.

We said that under the law, that is not fair to the student and the student's family. Those students can be discharged from federal student debt if, in fact, that college or university defrauded them.

What would be a typical fraud? To invite students to enroll in your college with the promise that the courses they take in that college would be transferrable, that the credits are transferrable to another school, and then it turns out to be a lie; the promise that if you complete a certain number of courses in the school, you will have satisfied the requirements for licensure for nursing, for example, and that turns out to be a lie; or the possibility that you would finish the courses of this school and get a job in a certain field.

Great promises were made to the students, and it turns out they were lies. In those circumstances, students—many of whom are young and facing the first serious financial decision of their lives—were misled and defrauded. We said that under the law, those students should have an opportunity to discharge their student loan.

It is bad enough they were lied to, bad enough they wasted their time, and bad enough they had a college experience that didn't make life better for them, but to be saddled with debt because that school lied to them and defrauded them is unacceptable. The process for having their loans discharged is called borrower defense.

Under President Obama, we found that many schools—almost exclusively for-profit universities such as Corinthian, ITT, and others—lied to students about what their experience would be if they went there. So the students, saddled with debt, having been lied to, went to the Department of Education to have that debt discharged. There was some success in that, but then came the new President.

President Trump, with his Secretary of Education, Betsy DeVos, took a much different view and has ignored the claims of these students for discharge of their student loans. They started stacking up, and nearly 230,000 students from across the United States who were looking for this borrower defense relief from their student loans, after having been lied to and defrauded by these colleges and universities, just found no response whatsoever from the Trump administration and from Education Secretary DeVos. As a consequence, they asked Members of Congress to intervene, and we tried but with no success.

Then Secretary DeVos took this decisive step in changing the rules for future students. Do you know what she said? She said to these students: In the future, if you want relief from student debt from being defrauded, prove your case. Lawyer-up. Get your lawyer, and let's have a hearing.

Well, understand that these students—young and in debt to start with—are not likely to turn around and hire a lawyer to prove Corinthian, in its catalogues and representations to students, for example, misrepresented the education they were offering.

Under the previous administration, that could be established in evidence, and all the students affected by it could use that evidence. Under the DeVos administration, it is an individual burden of proof to qualify for borrower defense. So that will leave many students with no recourse. As a consequence, they will be stuck with the debt for a worthless education or one that didn't meet as promised.

More than 223,000 claims are pending before the Department. Many of them have been waiting for years. The claims come from every State in the Union—large, small, red, blue and purple—and they are not going to stop.

These claims have led to this CRA, this Congressional Review Act resolution of disapproval.

I doubt that we are going to be taking it up this week, so I am going to withhold making a presentation on this until we return after the President's Day recess. But I want to make one last point. We are not just bringing this up on behalf of students; we are bringing this matter before the Senate on behalf of veterans. Student veterans.

The American Legion of the United States has stepped up and said to us that veterans have been defrauded just like the students we are talking about on the floor of the Senate.

If you believe in these veterans and these military families who are stuck with student loan debt because of lies from colleges and universities, I urge my colleagues to think twice and join us in this effort to stop the DeVos rules and give our veterans a fighting chance not to be burdened with this unfair debt.

Madam President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

IMPEACHMENT

Mr. SCHUMER. Madam President, in voting to acquit President Trump of an abuse of power and obstruction of Congress, Senate Republicans sought to justify their vote by claiming that the President had "learned his lesson." The implication was that the ordeal of impeachment and its permanent stain on his reputation that can never be erased would chasten President Trump's future behavior—a toddler scolded into compliance.

The explanation, frankly, looked like an excuse. It was unconvincing the moment it was uttered. No serious person believes President Trump has learned any lesson. He doesn't learn any lessons. He does just what he wants and what suits his ego at the moment. Observers of the President would question whether he is even capable of learning a lesson, and, unsurprisingly, the flimsy rationalization by some Senate Republicans, desperate to have an excuse because they were so afraid of doing the right thing, was disproven within a matter of days.

President Trump was acquitted by Senate Republicans last Wednesday. On Friday, he began dismissing members of his administration who testified in the impeachment inquiry, including the patriot, LTC Alexander Vindman and Ambassador Gordon Sondland, a clear and obvious act of retaliation—very simply, that is all it was—against witnesses who told the truth under oath.

President Trump hates the truth, time and time again, because he knows he lies, and when other people tell the truth, he hates it, so he fired them. The President even fired the brother of Lieutenant Colonel Vindman for the crime of being related to someone the President wanted out. How vindictive,

how petty, how nasty, and yet there are rumors now that the President might dismiss the inspector general of the intelligence community, the official who received the whistleblower report. These are patriots all. President Trump can't stand patriots because they stand for country, not for what he wants.

Yesterday, once again and typically, the White House reportedly decided to withdraw the nomination of Elaine McCusker, who was in line to serve as the Pentagon Comptroller and Chief Financial Officer. Why did he dismiss her—a longtime serving, very capable woman? Because over the summer, Ms. McCusker advised—merely advised—members of the administration about the legal ramifications of denying assistance to Ukraine. Her crime, in the eyes of President Trump and his so many acolytes—henchmen—in the administration, was attempting to follow the law. How dare she try to follow the law. How dare she even voice this is what the law is in this kind of administration.

Of course, yesterday, after career prosecutors recommended that Roger Stone be sentenced to 7 to 9 years in Federal prison for witness tampering and lying abjectly to Congress, the President tweeted that his former confidant was being treated extremely unfair. It appears the Attorney General of the United States and other political appointees of the Justice Department intervened to countermand the sentencing recommendation. As a result, in an unprecedented but brave, courageous, and patriotic move, four career prosecutors working on the Roger Stone case—all four of them—withdrew from the case or resigned from the Justice Department.

When asked about the clear impropriety of intervening in a Federal case, the President said he has an "absolute right" to order the Justice Department to do whatever he wants. This morning, the President congratulated the Attorney General, amazingly enough, for taking charge of the case.

The President ran against the swamp in Washington, a place where the game is rigged by the powerful to benefit them personally. I ask my fellow Americans: What is more swampy, what is more fetid, and what is more stinking than the most powerful person in the country literally changing the rules to benefit a crony guilty of breaking the law?

As a result, I have formally requested that the inspector general of the Justice Department investigate this matter immediately. This morning, I call on Judiciary Committee Chairman GRAHAM to convene an emergency hearing of the Judiciary Committee to do the same—to conduct oversight and hold hearings. That is the job of the Judiciary Committee, no matter who is President and whether the President is from your party or not. Something egregious like this demands that the inspector general investigate and de-

mands that the chairman of the Judiciary Committee hold a hearing now.

The President is claiming that rigging the rules is perfectly legitimate. He claims an absolute right to order the Justice Department to do anything he wants. The President has, as his Attorney General, an enabler—and that is a kind word—who actually supports this view. Does anyone think it is out of the question that President Trump might order the FBI to investigate Hillary Clinton, Joe Biden, or anyone else without any evidence to support such an arbitrary violation of individual rights? Oh, I know, some far-right conspiratorial writer, who has no credibility, who just makes things up, writes it, FOX News puts it on, Sean Hannity or someone talks about it, and then the President says "investigate." That is third-world behavior, not American behavior. That kind of behavior defiles that great flag that is standing above us. This is not ordinary stuff. I have never seen it before with any President—Democratic, Republican, liberal or conservative.

Does any serious person believe the President's abuse would be limited to the Justice Department? Does any serious person think that Trump might not order the Justice Department to treat his friends, associates, and family members differently than it treats ordinary citizens and that Attorney General Barr would just carry out these orders?

Of course, none of this is out of the question. The President asserted his absolute right to do whatever he wants yesterday. We are witnessing a crisis in the rule of law in America, unlike one we have ever seen before. It is a crisis of President Trump's making, but it was enabled and emboldened by every Senate Republican who was too afraid to stand up to him and say the simple word "no" when the vast majority of them knew that was the right thing to do.

Republicans thought the President would learn his lesson. It turned out that the lesson he learned was not that he went too far and not that he needed to rein it in. The lesson the President learned was that the Republican Party will not hold him accountable, no matter how egregious his behavior—not now, not ever.

Senate Republicans voted to excuse President Trump's abuses of power. They voted to abdicate the constitutional authority of Congress to check on an overreaching Executive. Senate Republicans now own this crisis, and they are responsible for every new abuse of power President Trump commits. John Adams famously described our grand Republic that he helped create as a government of laws, not of men. Our Founding Fathers' foremost concern, of course, was to escape the tyranny of a government of men—more specifically, a King. That is why the Founders created a republic in America. That is why the patriots died for the freedom we are now blessed with.

Yet, after almost 2½ centuries of experience in self-government as a republic, we are, once again, faced with a very serious and looming question: Do we want a government of laws or of men? Do we want to be governed by the laws of the United States or by the whims of one man?

I don't think my Republican colleagues fully appreciated what they were unleashing when they voted in the impeachment trial to excuse the President's conduct—although, maybe they did. They were just afraid, fearful, shaking in their boots because Trump might take vengeance out on them as he did on Senators Flake and Corker. They voted to acquit the President after he used his immense power to pressure a foreign leader to announce an investigation to smear a rival.

What we have seen in the hours and days since that fateful acquittal vote last Wednesday is so disturbing. In a parade of horrors, this is one of the most horrible things President Trump has done. In a parade of horrors, this is one of the most feeble and servile actions of Republicans, just no one saying a peep about it. We are seeing the behavior of a man who has contempt for the rule of law beginning to try out the new unrestrained power conferred on him by 52, 53—well, 52 Republican Senators, 1 brave one.

Left to his own devices, President Trump would turn America into a banana republic with a dictator who can do whatever he wants, and the Justice Department is the President's personal law firm, not a defender of the rule of law. It is a sad day in America—a sad day.

The Founding Fathers created something brand new, a republic, because they were afraid of monarchy. The Senate Republicans aided and abetted President Trump to get much closer to that monarchy than we have been in a long time. Senate Republicans have created something very close to a monarchy, if they can keep it.

WAR POWERS RESOLUTION

Madam President, now, on war powers, later today, the Senate will begin debate on Senator Kaine's War Powers Resolution, preventing President Trump from unilaterally escalating military action against Iran.

The Constitution is clear, Congress alone has the power to declare wars. The President has no authority to enter the United States into another endless conflict in the Middle East, but I fear that the strike against Iranian Major General Soleimani last month may bumble us into one.

With this bipartisan resolution, the Senate can assert its constitutional authority and send a clear bipartisan message to the President that he cannot sidestep Congress when it comes to matters of war and peace. It was immediately clear that the strike against General Soleimani was carried out with insufficient transparency, without proper notification of Congress, and without a clear plan for what comes next.