

IRAN

Mr. DURBIN. Madam President, this morning, the Republican majority leader took to the floor and spoke at great length about the execution of General Soleimani. General Soleimani, who was the head of the military forces in Iran, was killed by a drone strike at the authorization of the President of the United States, Donald Trump.

Senator MCCONNELL, this morning, made a lengthy case about the background of General Soleimani. It is hard to argue with the facts he brought to the floor. In fact, I would concede and most would agree that General Soleimani, in his time, was an architect of terrorism and that, in the course of his career, there has been American blood on his hands. That is fact, but it wasn't a fact just discovered in the last few weeks. The Presidents of both political parties have known this about General Soleimani for a long period of time. They have had opportunities to end his life, yet they didn't seize those opportunities. Presidents of both parties decided it was prudent not to do it.

The question that has been raised now is why this President, at this moment, made the decision to execute the general. We know this general and his past activity have had an impact not only on the United States but on the Middle East and many other innocent people. The question that has been raised is, Why at this moment? Why did it make sense at this moment?

But for a few Members of the Senate, most of us have not had extensive briefings or an opportunity to ask questions of this administration about the timing of this critical decision. We will get our chance tomorrow. There is a classified briefing in which representatives at the highest level of this administration will come before us and explain why they believe the President's decision at that moment was the right thing to do for America. So many of those who come to the floor and defend the decision or criticize those who question that decision really have not had the benefit of a classified briefing, which will be offered to Members tomorrow.

I am going to withhold any comments about those elements, as much as I can possibly say publicly, until I get the chance to have more information. But this much I do know: Regardless of that decision on General Soleimani, we know for certain the Constitution of the United States empowers the American people, through their elected Representatives in the Senate and the House, to make the ultimate decision about whether the United States will go to war with Iran or any other country on Earth. We have learned, bitterly, that the ignorance or refusal of Congress to exercise that constitutional right can be disastrous.

Many of us have memories of the war in Vietnam, where 58,000 American lives were lost, 2 million Vietnamese

were killed, and \$170 billion—now, in today's terms, \$1 trillion—was spent on a conflict that divided America and cost so many American lives. Congress did not exercise the authority given to it under the Constitution to make the initial decision about that war in Vietnam. Many times thereafter, people said: Why didn't you step up and make the decision before this costly mistake was made?

If there is to be a war with Iran, I join with Senator KAINE of Virginia in saying that the American people, once again, need to make this decision under the Constitution through Congress, article I, section 8, which provides, in clause 11, that only Congress has the power to declare war.

If we are going to proceed down a path to war with Iran, the American people have the right to know and the right to hear the fulsome debate. In the time I have served in the Senate, I have seen Presidents in the past who have come before the American people with flimsy evidence or even misleading evidence to justify military action. I know the bitter consequences of war. Even the best American troops are going to suffer casualties and deaths in the execution of a war.

Let us make certain that if we are going to move forward with hostilities against Iran, we do it under our constitutional requirement to have a fulsome debate before the American people and have an official declaration of war before we move forward. We owe the American people nothing less.

IMPEACHMENT

Madam President, secondly, I would like to address the issue of the impeachment trial, which the Senate majority leader, Senator MCCONNELL, raised this morning.

Before I was elected to Congress, I made a living as a lawyer. I took many cases to trial. Few, if any, ever moved to a final decision without the introduction of evidence. The evidence, of course, consists of documentation, sometimes physical evidence, but often the testimony of people who were witnesses to events critical to a jury's final decision.

This impeachment trial should be nothing less. This is an opportunity for us—a rare opportunity in American history—to come forward and to demonstrate that we are going to handle a trial in the U.S. Senate in a professional manner. For the Senate majority leader, Senator MCCONNELL, to announce that there will be no witnesses, there will be no evidence, there will be no documents in advance is to deny the very basis of a trial, as I understand it and as most Americans understand it.

If this President believes, as he has said so often, the charges in the impeachment articles do not rise to any serious or credible level, then, certainly, there is evidence that could prove his case. He will have his managers on the floor of the Senate when the articles are presented to us. They can certainly call witnesses. They can

bring evidence before us. But so far, the record is not very strong for that to happen.

One of the Articles of Impeachment, the second one, relates to the President's refusal to cooperate with the investigation in the House, refusal to provide documentation and witnesses. For a President who is arguing that there is really nothing to these charges, he has refused to provide even the most basic evidence to prove his point, if it exists.

What we are saying on the Democratic side is that if there is to be a trial for impeachment in the U.S. Senate, common sense and the Constitution require that it be a fair trial with evidence for not only the Senators but the American people themselves to see. What we have asked for so far is limited in terms of what we are looking for: four witnesses and documents that can be clearly identified. Those are things I think should be part of this trial record so that regardless of the outcome of the trial, the American people will believe it was handled fairly, in a dispassionate and nonpartisan way.

FOR-PROFIT COLLEGES AND UNIVERSITIES

Madam President, I have come to the floor many times to speak to the American people about an industry, the most heavily federally subsidized industry in America today. No, it is not a defense contractor. It has nothing to do with American agriculture. What I am speaking of are the for-profit colleges and universities of the United States. These colleges and universities, sadly, have written a notorious record when it comes to the treatment of their students. They have often cheated their students, luring them into signing up for expensive, often worthless college courses with false promises and inflated outcomes if they graduate.

At the end, the students are left with massive student debts, a diploma that is worthless, credits that can't be transferred to any other reputable college or university, and the prospects of a job that is almost impossible to find. In many cases, these sham operations actually go out of business in the middle of the student's education.

As an industry, for-profit colleges need to be remembered for two numbers—two numbers that tell the story of this industry. Nine percent of all postsecondary students go to for-profit colleges and universities in the United States. The University of Phoenix, DeVry—you have heard their names. They advertise quite widely. Nine percent of students are attracted to these for-profit colleges and universities. But 33 percent of all of the federal student loan defaults in the United States are by the students who chose to attend those colleges and universities.

What is going on here, with 9 percent of the students and 33 percent of the student loan defaults? The answer is obvious. The cost of education at for-profit colleges and universities is too

high. Students incur more debt than they would by attending community colleges, city colleges, or other universities and colleges that have good reputations.

Secondly, the education is substandard. You can advertise everything online about this great education. I can recall an ad that was on television in the Washington, DC, area a few years ago, and it showed a young woman—probably a teenager, not much beyond—in her pajamas, on her bed, saying: I am going to college on my laptop here.

Well, that kind of easy education, many times, is no education at all. At for-profit colleges and universities, too many students end up taking these expensive courses that are meaningless. It turns out that none of these courses can be transferred to some other school or university. When you take these courses and you spend your money and you spend your time and you end up with so-called college credits by for-profit colleges and universities, no one else will take them. No one else accepts them. They laugh at them. Then the students, if they can hang in there long enough with massive student debt, end up with a diploma that is a joke, a diploma that can't even lead to a job. That is what the for-profit colleges and universities are all about. Despite the fact that they have been pretty widespread across the United States, many of them have gone bankrupt.

What happens to you as a student if you have gone to one of these universities that has made all these promises to you along the way about taking college courses and how it is going to end up being an education that will lead to a job, and it turns out they were all lies, fraud, deceit, deception? You have the debt, right? You have the student debt, but you can't find a job. You went through 4, 5 years of these so-called courses at for-profit colleges and universities, and the only thing you have to show for it is a debt that is going to decide the rest of your life.

It is not just the for-profit college industry that is burdening and exploiting our students. I come to the floor this morning because, sadly, at this moment in time, an agency of our government is complicit. Secretary Betsy DeVos and the U.S. Department of Education have made a fateful decision for hundreds of thousands of American students that I have just described. Let me explain.

After a for-profit college defrauds a student—lies to the student—Federal law gives that student the right to have his or her Federal student loan discharged under a provision known as borrower defense. Follow me. I have gone to a school and incurred a debt. They lied to me about their courses leading to a certain degree or to a job. Now the college is going out of business, and I still have the debt, but, under American law, I am protected as a student.

The law says that if you were defrauded, you can use something called

a borrower defense to discharge the student debt, wipe it clean, and get another chance at life. Congress has rightly decided with this law that we shouldn't leave students holding the bag when these schools should be held responsible.

Is that something most Americans agree with? Take a look at this New America poll. Americans agree that students should have their Federal student loan debt canceled if their college deceived them. For Republicans, 71 percent agree with that statement; Democrats, 87 percent. Seventy-eight percent of the American people say that if these colleges lied to them, the students shouldn't end up holding the bag. It is pretty obvious.

But sadly, Secretary of Education Betsy DeVos is trying to make it difficult, if not impossible, for defrauded student borrowers to get the relief. Secretary DeVos has allowed a backlog of—listen to this—more than 223,000 claims of students with student debt who claimed they were defrauded by these colleges and universities. There are 223,000 queued up, waiting in line for the Department of Education to implement the law. For more than a year, she has also failed to approve one single claim of the 223,000 who say they were defrauded—not one. She couldn't help one student who was defrauded out of 223,000.

Now she wants to change the rules to make it impossible for future student borrowers to be relieved from their student debt when the schools have deceived them and defrauded them. She has put forward a new rule that places unreasonable burdens on student borrowers to seek and receive relief. Under this rule, the applicants looking for discharge of their student debt must prove that the school intentionally misled them. How is the student supposed to prove intention on the part of the school? Borrowers must also file a claim within 3 years of leaving the school, even though the conduct is often not discovered until many years later. The new rule also requires borrowers to apply individually instead of receiving automatic discharge when they are part of a group who has been harmed by similar widespread misconduct.

We have seen it before. Some of these names may ring a bell with you: Corinthian Colleges. They were all over the United States. They went bankrupt. It turned out they were defrauding students, saying: Go take these courses, and you can end up being qualified for these jobs.

It turned out it was a lie. After they went bankrupt, under the Obama administration, many of the students, as a group, were protected by this law, the borrower defense rule. Secretary DeVos says: Every student, you are on your own at this point. Lawyer up. You are going to have to prove your case as an individual.

This new rule requires borrowers to apply individually, instead of receiving

this automatic discharge, which was the case under the Obama administration. With this new rule, Secretary DeVos is saying to borrowers: We are not on your side. You are on your own.

In addition, if a borrower's claim for relief is denied, they would not be allowed to appeal under Secretary DeVos's new rule. Even if more evidence of deception and misconduct is found.

This new rule also puts taxpayers on the hook for relief, shielding schools from being held directly accountable by students. The DeVos rule eliminated the current prohibition on institutions using class action restrictions and mandatory arbitrations as conditions of enrollment.

These practices, which you have seen over and over again by Corinthian and ITT Tech and others, require borrowers to sign away their rights when they go to school. Think about that. You are 19 years old, and you are starting your college education. You are going before one of these schools. They push in front of you that you have to sign up for \$10,000 or \$20,000 in tuition and sign the following contract. There you are, at age 19 without much life experience, being asked to sign up. Do you know what the fine print says? The fine print says that if I am lying to you, you can't go to court. Most students don't even understand that. They sign it because they are off to college, thinking, finally, here is our opportunity to be educated and have a life, a future. They don't know they are being deceived by these schools.

Secretary DeVos has said: Sorry students, you signed that paper when you were 19, and now you are stuck with it.

It is impossible for student borrowers to get relief under this new rule by Secretary DeVos. According to an analysis by the Institute of College Access & Success, the new Secretary DeVos rule will end up forgiving, at most, 3 percent of the loans associated with school misconduct. They will be able to recoup just 33 percent of that relief from the schools themselves, and taxpayers will foot the difference. The current rule is estimated to forgive 53 percent of loans associated with misconduct and recoup a greater percentage of the relief from schools. Secretary DeVos has loaded up the U.S. Department of Education with people who were in the for-profit college industry. These are folks who are devising rules good for their industry but not good for the American student borrowers. The bottom line is, the DeVos rule makes it harder for borrowers to receive relief, and the schools who commit the misconduct will pay for a lower portion of the relief that is given.

I introduced S.J. Res. 56 last September to overturn Secretary DeVos's borrower defense rule. Representative SUSIE LEE of Nevada introduced a companion resolution in the House. Many organizations have endorsed my bill, including the Leadership Conference on

Civil and Human Rights, the AFL-CIO, American Federation of Teachers, National Education Association, Consumer Federation of America, Student Veterans of America, and the NAACP, but there is one most recently that I want to share with you because I think it is important that Members of the Senate of both political parties realize that we now have a major organization—a nonpartisan organization—that speaks for the veterans of America who have endorsed this effort.

I have in my hand a letter submitted to me by James Oxford, who goes by the nickname “Bill,” national commander of the American Legion of the United States of America, sent to me on December 18, 2019. He tells the story of veterans who were exploited by these for-profit colleges and universities. They ended up serving our country, earning their GI bill of rights, then losing their benefits to these schools—these worthless schools—and going further in debt to pay for their education. Commander Oxford sent this letter.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

DECEMBER 18, 2019.

DEAR SENATOR DURBIN: On behalf of the nearly 2 million members of The American Legion, I write to express our support for Joint Resolution 56, providing for congressional disapproval of the rule submitted by the Department of Education relating to, “Borrower Defense Institutional Accountability.” The rule, as currently written, is fundamentally rigged against defrauded borrowers of student loans, depriving them of the opportunity for debt relief that Congress intended to afford them under the Higher Education Act. Affirming this position is American Legion Resolution No. 82: Preserve Veteran and Servicemember Rights to Gainful Employment and Borrower Defense Protections, adopted in our National Convention 2017.

Thousands of student veterans have been defrauded over the years—promised their credits would transfer when they wouldn’t, given false or misleading job placement rates in marketing, promised one educational experience when they were recruited, but given something completely different. This type of deception against our veterans and servicemembers has been a lucrative scam for unscrupulous actors.

As veterans are aggressively targeted due to their service to our country, they must be afforded the right to group relief. The Department of Education’s “Borrower Defense” rule eliminates this right, forcing veterans to individually prove their claim, share the specific type of financial harm they suffered, and prove the school knowingly made substantial misrepresentations. The preponderance of evidence required for this process is so onerous that the Department of Education itself estimated that only 3 percent of applicants would get relief.

Until every veteran’s application for student loan forgiveness has been processed, we will continue to demand fair and timely decisions. The rule that the Department of Education has promulgated flagrantly denies defrauded veterans these dignities, and The American Legion calls on Congress to overturn this regulatory action.

Senator Durbin, The American Legion applauds your leadership in addressing this critical issue facing our nation’s veterans and their families.

For God & Country,

JAMES W. “BILL” OXFORD,

National Commander, The American Legion.

Mr. DURBIN. Let me read one paragraph from Commander Oxford:

As veterans are aggressively targeted due to their service to our country, they must be afforded the right to group relief. The Department of Education’s “Borrower Defense” rule eliminates this right, forcing veterans to individually prove their claim, share the specific type of financial harm they suffered, and prove the school knowingly made substantial misrepresentations. The preponderance of evidence required for this process is so onerous that the Department of Education itself estimated that only 3 percent of applicants would get relief.

Whether you are a Democrat or Republican, don’t go waving that flag and tell everybody how much you love our veterans and ignore this letter. The leader of the largest veterans group in the United States of America—a nonpartisan group—told us these schools exploited veterans, and Secretary DeVos’s new rule means that these veterans will never get relief. Ninety-seven percent will never get any relief.

In a matter of a few days—maybe weeks—I will be calling this matter to the floor. I am asking my colleagues on both sides of the aisle to put the party labels outside, hang them up in the cloakroom, come on inside here, and stand up for students across America who did their best to get a college education and were deceived in the process, stand up for students who were loaded up with student debt, which could destroy their lives, and give them a fighting chance for a future by saying that Secretary DeVos’s borrower defense rule is unfair to veterans, unfair to students, and unfair to American families.

I ask my colleagues on both sides of the aisle to do the right thing when the time comes and give these borrowers a second chance at being financially independent Americans who can contribute to their families and our national economic growth. For our veterans, please join me in making sure that Secretary DeVos’s borrower defense rule is disapproved by both the House and the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Connecticut.

IRAN

Mr. MURPHY. Mr. President, at a time of international turmoil and crisis like this, all of us, I think, are sometimes prone to hyperbole. I count myself as part of that club. I endeavor to do better.

It doesn’t serve this body well to warn of bad decisions that could lead to war if we are only doing it to serve political ends or to bloody up a political opponent. Crying wolf also anesthetizes the public and risks dulling the country’s senses at a moment when

the peril is real. Anytime we are considering asking the men and women of our Armed Forces and their families to make further sacrifices for their country, we have to treat those moments with the gravity they deserve.

Let me state at the outset of my remarks that there are important reasons why I believe that both Iran and the United States do not want to enter into a conventional conflict that would likely involve the United States taking steps to remove the Supreme Leader from power and which would likely involve an invasion that would make Iraq in 2003 look like child’s play.

The United States, of course, remembers the Iraq war—at least, I think we do. Our military leaders know that a short-term fight in Iran would be much bloodier and would be much more costly than the initial invasion of Iraq. Iran, for instance, has twice the population of Iraq. A long-term counterinsurgency in Iran would be endless, potentially costing hundreds of thousands of lives.

The Iranian leadership also knows that the United States might never defensively defeat a drawn-out insurgency on Iranian turf, but Iran’s leaders also know they likely wouldn’t be around to see that eventual conclusion because the United States would, at the very least, likely be successful in ending the existing regime.

So neither side is likely war-gaming for victory. Even those of us who are deeply critical of President Trump’s Iran policy should acknowledge this, but as a student of history, I know that the annals of war are replete with cataclysmic conflicts that began not by choice but by accident, negligence, and incompetence.

So today, when I warn of the United States being on a potential path to war with Iran, that is my concern, that the utter lack of strategy, the complete absence of nuance, the abandoned communication and coordination with our allies, and the alarming deficiency of experienced counsel will end up getting thousands of Americans needlessly killed.

This is not the first warning of this kind I have presented. A year and a half ago, the President ignored the advice of his first Secretary of State and his first Secretary of Defense, and he unilaterally pulled the United States out of the Iran nuclear agreement, despite the fact that every expert agreed that Iran was in compliance. Then, to make things worse, President Trump enacted a series of devastating unilateral sanctions on Iran. No other nations joined with us. In fact, most of our allies actively and aggressively worked against us, trying to undermine and work around those sanctions in order to save the nuclear agreement. That fact, in and of itself, is simply extraordinary and a sign of how weak President Trump has made America abroad.