

To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer term than two years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States.

It goes on and on.

The point I am trying to make is that the Constitution makes it clear that there is a division of responsibility, a sharing of responsibilities. Part of it lies with the executive branch, and a great deal lies with the legislative branch. For those of us who are trying to figure out which is the right side to come down on with respect to these issues, keep in mind the words of the Constitution.

When it comes to charting our Nation's course in Iraq, all three branches of Government do have responsibilities. For the President to go to war in Iraq, he had to come to us in Congress for approval, for authorization. Now, to continue that war he has had to come back to the Congress each and every year to request and receive approval for more funding.

Both Congress and the Supreme Court have exercised oversight over this President's war policies—Congress through oversight hearings, and the Supreme Court through rulings on constitutional questions concerning the detention and interrogation of prisoners. That Congress act as a coequal branch of Government, and not a rubberstamp for decisions made by the President, is what the Founding Fathers wanted in 1787. I believe it is what most of the American people want today. It was, in part, because Congress failed in recent years to exercise adequate oversight over the President's policies in Iraq that the American people went to the polls last November and demanded a change in this body and in the folks in the House of Representatives.

Let's not debate today, at this moment, whether Congress has a role to play in charting our course in Iraq. We do. Let's not kid ourselves that Congress can meet its responsibilities in this regard by continuing to rubberstamp the decisions of the President.

The President has come to Congress once again to request continued funding for the war in Iraq. To put matters in the most basic of terms, Congress has three options: We can say yes, we can say no, or we can say yes, but.

To simply to say yes, after U.S. policy and conditions on the ground have drifted in the wrong direction for more than 3 years, I believe would be to abdicate our responsibility as a coequal branch of Government.

To simply say no, when we have troops on the ground in harm's way,

would be a betrayal of the very Army this Congress is charged by the Constitution to raise and support.

The responsible action is to respond to the President's request by saying yes, but. It is to provide our troops with the support they need to perform their assigned mission but at the same time to exercise our power as a coequal branch to begin to change the nature of that mission.

The first part of our response to the President—funding the troops—should not be controversial. I don't believe it is in this body. The President has requested the funding. We are providing that funding for our troops. Indeed, we are not only providing what the President requested, we are making some additions, particularly to improve the care of the wounded when they come home.

The second part of our response to the President—seeking a change in the nature of our mission in Iraq—should not be controversial either.

There is an old saying: The definition of insanity is doing the same thing over and over again and expecting different results. We have been approaching the challenges we face in Iraq in essentially the same manner now for close to 4 years. Over that time, conditions on the ground have grown progressively worse. It is clearly time that we change our approach.

Last year, the minority in Congress called for such a change. In response, the American people, the voters of this country, made that minority in Congress last year a majority this year. That majority—this majority—has a responsibility to the people who elected us and who pay our keep to follow through and demand change from the President, from the executive branch.

The changes that we seek are not sudden nor are they rash. They reflect the sober assessments and the unanimous recommendations of the bipartisan Iraq Study Group, cochaired last year ably by Jim Baker, a prominent Republican, and former Representative Lee Hamilton, a highly regarded Democrat who also served as Vice Chair of the 9/11 Commission.

The Iraq Study Group said we need to make it clear to the leaders of the various factions in Iraq that we are not going to be there forever. That is the first message we are sending with this legislation.

The President, and some around him, equate this with surrender. But his own Secretary of Defense, Secretary Gates, said otherwise last week. He said the fact that Congress is beginning to send this message to the leadership in Iraq is having a beneficial effect on the ground in Iraq. His words, not mine.

Last year the Iraq Study Group said a political settlement between the factions in Iraq is needed to quell the sectarian violence. The legislation Congress will send to the President today or tomorrow establishes benchmarks by which Congress and the American people can measure the progress of the

administration and the leadership in Iraq toward achieving this political settlement.

The Iraq Study Group said that a diplomatic settlement is needed among Iraq's neighbors to ensure regional stability. The legislation Congress will send to the President this week creates a window of opportunity, while our forces are transitioned to a new mission for a regional diplomatic offensive aimed at containing Iraq's sectarian violence and preventing a broader regional conflict.

The President does not want to change the mission in Iraq. I believe he wants to do more of the same. The bipartisan Iraq Study Group rejected that approach, the American people have rejected that approach, and now the Congress of the United States is rejecting that approach.

For all who wonder what this debate is really about, it comes down to two points—one a point of agreement, the other a point of disagreement.

On one point, the Congress and the President do agree that we should support the troops. The way to support the troops is for Congress to pass this bill and I believe for the President to sign it. The funding is all there.

On one point, Congress and the President disagree. Congress wants to begin to change the mission in Iraq. Unfortunately, the President apparently wants to do more of the same. We disagree on the second point of whether the time has come for a change. The question is whose view should ultimately prevail. The answer is the will of the American people should prevail. They are the ones paying for this war, not only with their dollars, they are paying for it by sending their sons and daughters to fight, in some cases to be wounded, in some cases to die in this war. As they told us loudly and clearly at the ballot box last fall, the American people want a change. Provide our troops with the support they deserve and provide the American people with the change they demand.

I realize the conventional wisdom around here is the President will veto this bill, he will send it back to us, and then we will all get serious about hammering something out that can become law.

With all due respect, Mr. President, this legislation should become law. I urge you to drop your veto threat, pick up your pen, and sign it.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VIRGINIA TECH SHOOTINGS AND KOREAN AMERICANS

Mr. DURBIN. Madam President, the shootings last week at Virginia Tech

touched every American, indeed people around the world. Those who were most deeply affected, of course, were the family and friends of the victims, the students who were injured, the entire Virginia Tech community. Our hearts go out to them as we read each day in the papers across this country about young lives ended too soon. We mourn with the families and their friends and students at Virginia Tech. But the ripples of pain of this terrible incident reach far beyond Blacksburg, VA.

Among the others who care are the people of the Republic of South Korea, Korean Americans and Korean immigrants in our Nation. In Seoul, South Korea, more than 1,000 people gathered last week to sing hymns and pray for the victims. Closer to home in Chicago, in my State of Illinois, leaders of the Korean-American community held a candlelight vigil last Thursday at the headquarters of the Korean-American Association to express their condolences to the families of those who died. These vigils were everywhere—from Illinois to California to Korea. Around the world, sympathy and compassion was felt for the victims, their families, and Virginia Tech and its community.

In addition, a coalition of Korean-American organizations has joined together to form a foundation to assist the families and the Virginia Tech community in this time of healing. The Korean American Coalition, the Korean American League for Civic Action, the Korean American Students Conference, the Mirae Foundation, the Southern California Korean College Student Association, the Korean Academy for Educators, the Network of Korean American Leaders, and others have joined to create the Virginia Tech Memorial Fund to support those who have been affected by the recent tragedy. This is another example of the amazing compassion communities throughout our Nation and the world feel for these victims.

Sadly, some members of the Korean community have also shared feelings of guilt that they are somehow responsible simply because the Virginia Tech gunman, Seung Hui Cho, was Korean. Last week, South Korea's Ambassador to the United States, Lee Tae Sik, spoke at a candlelight vigil in Fairfax County, VA. Through tears, Ambassador Lee said that the Korean-American community needed to repent. He even went so far as to suggest that a fast by individuals in his community, 1 day for each of the victims of the Virginia Tech gunman, would prove that Koreans were "a worthwhile ethnic minority in America."

But Korean Americans do not need to apologize for the tragedy at Virginia Tech. To those members of the Korean-American community who have been so pained by this terrible tragedy, I repeat what one young woman said in the Washington Post Special Edition last week. She said:

The actions of Seung Hui Cho are no more the fault of Korean Americans than the ac-

tions of the Washington area snipers were the fault of African Americans.

I agree with what she said. The actions of this 23-year-old young man is no more the fault of Korean Americans than the fault of every 23-year-old young man in our Nation. When will we move away from racial tensions that sometimes threaten to break apart our national community? We are all part of a greater community that feels tremendous sorrow and grief, as Americans and as human beings, no matter what our nationality may be.

If there are any glimmers of hope to come out of these horrible events at Virginia Tech, they are, first of all, the great courage, faith, and compassion demonstrated by these Hokies and the extended Virginia Tech family.

One other glimmer of hope is the fear many Korean Americans and Korean immigrants have expressed of being persecuted and blamed are not being realized. Rather than blaming a group of people, Americans of all ethnic backgrounds are showing a deeper understanding of what it means to be one community to mourn together, to work together so that this may never happen again.

One man was responsible for the tragedy at Virginia Tech, but we all share responsibility to do what we can to prevent such a horrific loss from ever occurring again.

STUDENT LOANS

Mr. DURBIN. Madam President, in April, students all across the Nation will make final decisions about where they want to go to college, and with college costs higher than ever, they are figuring out how they are going to pay for school. For most, the financial aid office at their chosen school is their only guide through the complex world of higher education funding.

Students are making financial decisions and choosing their colleges. They are making decisions, though, that will affect them for 20 or 30 years after they graduate. They are making these decisions based on what they believe to be impartial advice from their future school's financial aid officers. Unfortunately, we have learned over the last few weeks, the advice given to many may not have always been passed on with the student's best interest in mind.

Where is the student loan industry today? Here is where we are: Student loans are an \$85 billion industry. Lenders have been clamoring to be placed on schools' preferred lenders' list. Financial aid officers of prominent schools have been placed on leave over allegations of holding significant financial interest in the parent company of a lender they have been recommending to students.

A top official at the Department of Education's Federal student aid office has been placed on leave after it was disclosed that he held a significant amount of stock in a parent company of a lender.

Let's go back in history for a moment to 1965, the year that Congress began guaranteeing loans to needy students and paying the interest while the student was in school. To entice the financial industry to loan money to students without a credit history, lenders were given a helping hand from the Government. Congress created the Federal family education loan program, the FFEL program, which subsidizes lenders and guarantees them against default. Congress also chartered the Government-sponsored entity then known as the Student Loan Marketing Association, euphemistically called Sallie Mae, to create a secondary market for lenders participating in the loan program. Sallie Mae would purchase loans from the lenders, thereby providing liquidity so that the FFEL lenders could continue loaning money to each new class of students.

Now fast-forward to 1994 when the Direct Loan Program went into effect and the Federal Government began loaning money directly to students. The General Accounting Office, the Congressional Budget Office, even President Bush found that the Direct Loan Program cost the Federal Government a lot less than the FFEL program. Using the President's numbers, for every \$100 private lenders loaned to students in 2006, it cost the Federal Government \$13.81 for the FFEL Government loans, while the same amount borrowed through the Direct Loan Program cost the Federal Government only \$3.85—\$13.81 for the private lenders, \$3.85 per \$100 for the direct loans.

For a few years, the Direct Loan Program grew quickly, capturing one-third of the student loan market. My predecessor in office, Senator Paul Simon of Illinois, was one of its strongest advocates. However, the private lenders weren't going to go down without a fight. They were making too much money on these students. They didn't want to lose this opportunity. They wanted this market to be there for years to come. College costs were on the rise, students needed to borrow more and more money, and private lenders saw potential profits in student debt. So they began to offer money to schools to pull out of the Direct Loan Program.

Even though the program cost the Federal Government less money, these private lenders went to the universities and said, well, why don't you just use our private lending operation. Don't go the direct loan route. Of course, they had a profit motive in doing that. They sued to prevent the Direct Loan Program from becoming more competitive. Their efforts paid off. The direct loan market is now down to less than a quarter of the student loan market. It is shrinking.

It is about this time that Sallie Mae, led by a man named Albert Lord, decided to become independent of the Federal Government so it could offer student loans, not just purchase loans on the secondary market. It successfully shed its GSE status in 1997 and