Republican State legislature have done in passing the most divisive piece of legislation I can remember in my lifetime in Michigan. It is called right to work. It is really a right to have a race to the bottom. It is not about economics, it is about politics, plain and simple.

Instead of coming together and doing the right thing, we see the State legislature pursuing a political attack. Over and over, families in my State and across America, middle-class families, are being asked to sacrifice, to bear the burden for whatever is happening. They are fed up, and they have every right to be.

There are huge crowds at the Michigan State Capitol Building in Lansing showing how frustrated, how angry people are that one more time, in an age where we have Citizens United and the Supreme Court saying corporations can give not only unlimited dollars to campaigns but secret money; in an age when the House of Representatives in Washington is willing to protect millionaires from chipping in to solve our deficit problem at all costs, even holding middle-class families hostage—over and over again, working people are saying: What is going on here? We will not have an economy if we do not have a middle class, if people do not have money in their pockets to be able to buy things, to be able to drive the economy, to be able to take care of their families.

In Michigan it is one more blow to the whole process of whether we are going to have voices of working people at the table in the workplace able to effectively negotiate good wages, good benefits, safe working conditions, and know that everybody in the workplace who benefits from that is going to chip in to be able to make sure that continues.

We know all across the country we can either have a race to the bottom or a race to the top. When we see wages going down in places where this kind of legislation has been on the books across the country, we know what has been done in Michigan is going to be one more step in creating that race to the bottom. We see wages for union and nonunion workers go down when we have that kind of a race to the bottom. We see health benefits and pensions decrease. We see lower consumer spending because middle-class families have less money in their pocket.

These kinds of laws hurt families. It is not about economics or freedom, it is about raw politics. Workers need to have confidence they will have a voice in the workplace and they will have a decent wage and benefits they can count on to be able to have a good life for themselves and their families.

That is really what this is all about in so many ways, where families are under attack right now. Middle-class people, trying to hold it together, people trying to figure out how to get into the middle class, who have been knocked down over and over. It is time to stop saying the words ''middle class'' and actually believe and act as if it is important to our country—because it is. It is essential if we are going to have a quality of life and an economy and have families who know that the American dream is not just a couple of words, but they have the ability to create the American dream for their families.

We have 19 days for the House of Representatives to pass the middle-class tax cuts that we sent to them in July, July 25; 19 days before families see their taxes go up and they believe one more time, at least in the House, that they do not get what is happening to families.

I strongly urge the Speaker and Republican leadership to bring up this bill right away, get it done, and let families know they will have economic certainty—at least related to their taxes going into the new year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

THANKING SISTER SHEILA LYNE

Mr. DURBIN. Mr. President, if the rough and tumble of Chicago politics is not where you would expect to find a slightly built Catholic nun, you have never met Sister Sheila Lyne. Sister Sheila has been an icon in Chicago health care for almost half a century. For nearly 10 years in the 1990s she made history as Chicago's public health commissioner.

For 15 years before her work as Chicago's top public health officer and for another dozen years afterwards, this smart, visionary courageous woman also served as president and CEO of Mercy Hospital & Medical Center, a legendary institution that has helped care for poor families on the South Side of Chicago since before the Civil War. As public health commissioner, Sister Sheila was never afraid to tackle the powerful. Her decisions were based on conscience, and an iron will. She was once arrested for ignoring a judge's order to test every child in a Chicago public school for lead poisoning because she believed the edict was unnecessarily broad and could hurt children and deplete her department's limited resources. She was out of jail 2 hours later.

The first time she took over as president of Mercy Hospital, in 1976, Mercy was bleeding money and on the verge of closing. Sister Sheila's business savvy and innovative management ideas helped put the hospital back in the black. In 2000, following a series of management blunders, Mercy was losing $40 million a year and once again about to go down for the count. Sister Sheila stepped down as Chicago's public health commissioner and returned as Mercy's president and CEO to lead the hospital's turnaround effort. Once again, she succeeded with a series of shrewd business decisions, innovative reforms, and determination. A year ago, Sister Sheila helped engineer the sale of Mercy Hospital to Trinity Health, the tenth-largest health system in the Nation and the fourth-largest Catholic health system.

Last week, at the age of, as she says, ''76½''—she insists including the half—Sister Sheila announced that she will step down as president and CEO of Mercy Hospital as soon as her successor can be named. While she will remain with Mercy as senior adviser to Mercy Foundation, the hospital's philanthropic arm, her departure as Mercy's president and CEO will bring to a close one of the most remarkable careers in Chicago health care in our lifetimes.

Sheila Lyne was born and raised on the South Side of Chicago, one of three children of Irish immigrants who met in America. She attended Little Flower Elementary School and Mercy High School. She joined the Sisters of Mercy, a Catholic religious order, in 1953. She earned a master's degree in psychiatric nursing from St. Xavier College and an MBA from the University of Chicago and served three years as an assistant professor at the University of Iowa before joining Mercy Hospital in 1970. In 1976 she became Mercy's president and CEO.

In 1991, Mayor Richard M. Daley appointed her city health commissioner—the first woman and the first non-physician ever to hold that job. The department's responsibilities ran the gamut from inspecting restaurants, to monitoring and controlling epidemics, and protecting the public against the spread of infectious diseases. Its clinics receive a million patient visits a year and are the ''family doctor'' to more Chicagoans than any other single entity.

HIV and AIDS were taking a devastating and rising toll on the city and the nation, and gay and lesbian groups protested Sister Sheila's appointment strongly, fearing she would allow Church policies to dictate public health decisions. Sister Sheila surprised her critics by taking on the cause of fighting AIDS, increasing care and prevention funding from $4 million to $40 million and promoting aggressive, even controversial prevention efforts. She gained national acclaim for her innovative programs to improve the health of poor women and children.

When she learned that the department had no way to know which areas of the city faced particular problems, she set up an epidemiology department. Data from that department helped her department to focus and improve its efforts. She visited elementary schools, pregnancy crisis centers, welfare clinics, homeless shelters and senior centers throughout the city, listening to people's stories in order to better understand their lives—and always looking for better ways to combat the city's health challenges.

When she started, the infant mortality rate in some poor Chicago neighborhoods was lower than in many developing nations. Sister Sheila recruited two women in the Robert Taylor Homes, a large public housing complex, asked them to find pregnant residents and escort them to one of the department's eight free-standing clinics for prenatal care. During her tenure, she reduced the city's infant mortality rate by 39 percent.

She sent a van to circulate through Chicago's poorer neighborhoods, providing immunizations for children and dramatically increasing the percentage of kids who are up to date on their shots. She created a citywide plan—hailed by the Centers for Disease Control—as a model to combat what she called the insidious public health epidemic of domestic violence. She created special programs to reach minority and immigrant families and established an Office of Lesbian and Gay Health, only the second such office in the Nation.

Sister Lyne received many honors, including the Excellence in Public Award from the blue-ribbon panel of Chicago's business and industry leaders.

Dr. Joanne Smith, president and CEO of the Rehabilitation Institute of Chicago, recently praised Sister Sheila and said she was one of those leaders who, when she gets behind something, is a train that is difficult to stop.

Three years ago Sister Lyne helped prod the Illinois General Assembly to pass a groundbreaking new law capping how much hospitals could charge uninsured patients, so that instead of being the only people who are billed the full sticker price, their bills are closer to what other patients pay.

She comes to the office 7 days a week—usually by 7 a.m.—half walks and half jogs 3 miles a day. Some days she trades the walk for the elliptical and Stairmaster. She is 76½ years old. She speaks of Mercy Hospital as a mission and believes that health care is a public good. She is, in her own words, ''so grateful and so privileged that I have been able to be a part of making things better.''

However, she is troubled and frustrated by all the unmet needs. When asked what changes she has seen in health care in the last half century, she replies very simply: Not enough. She asks pointedly: Who doesn't deserve health care?

In closing, I want to read a short excerpt from the Chicago Sun-Times editorial. Here is what they said:

> Some people fight for the poor and dispossessed by marching on the castle, torches high. Others, fighting the same fight, cross the drawbridge and work from the inside, maneuvering the levers of power, mastering the arts of management and poll politics.
>
> Sister Sheila Lyne . . . is the second kind of activist, remarkably so, having done much to make Chicago a more caring city for half a century.

The editorial went on to say:

> Sister Sheila . . . says it's time she calls it quits, but we suspect we'll see her again. She is of a generation of Catholic sisters, and of a particularly steely order—the Sisters of Mercy—who tend to work until they can't work anymore. They are smart, educated women who run things. They are tough and ramrod straight. And we would rather they never retire. Certainly not this one.

Well, anyone anywhere who questions the catholicity or the Christianity of American Catholic nuns needs to meet Sister Sheila, a woman who has given her life to the least of our brethren.

Loretta and I and countless Chicagoans of three generations feel exactly the same way. Sister Sheila Lyne's passionate devotion to health care and justice has made Chicago a healthier and better city, and we are all in her debt.

I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

STUDENT DEBT

Mr. DURBIN. Mr. President, every week I hear from students across my State and around the Nation who are struggling with student loans. Congress has acted on important legislation to help students with these loans by keeping the interest rate of Federal subsidized student loans at a low 3.4 percent, but we need to do more for borrowers and their families because the private student loans have become burdensome and unmanageable.

While other types of consumer loan debt are decreasing, there is one category that is increasing, student loan debt. Student loan debt is more burdensome than other debts. Lenders often will not work with borrowers; take it or leave it. As we all know, student loans—because of the action of Congress—are not dischargeable in bankruptcy. Only in extremely rare circumstances when the debtor can establish undue hardship is a student loan dischargeable from a bankruptcy.

Undue hardship is a court-defined term, and most courts use a three-part analysis called the Brunner test that was created by the Second Circuit in 1987 to determine whether a student loan can be discharged in bankruptcy. The Brunner test requires that to establish ''undue hardship'' and receive a discharge of a student debt, a debtor must show ''that the debtor cannot maintain a minimal standard of living if forced to repay the loan.'' Second, that this state of affairs is likely to persist for a significant portion of the loan repayment period; and, third, that the debtor made good-faith efforts to repay the loan.

This test—and especially the second part—is almost impossible to satisfy.

Back in March I chaired a hearing in the Judiciary Committee on student loans and bankruptcy. One of the witnesses was Deanne Loonin of the National Consumer Law Center. Ms. Loonin testified that the ''undue hardship system is random, unfair and costly'' and that ''effectively it has become no choice at all for those who most need it.''

Ms. Loonin noted that the second prong of the Brunner test ''forces borrowers to prove a negative—they must somehow prove that their future is as hopeless as their present.''

In 2004 the Tenth Circuit Court of Appeals noted that courts have applied the Brunner test to deny discharge under even the most dire circumstances. That is because in many jurisdictions courts have construed that second prong of the Brunner test to require borrowers to show ''certainty of hopelessness.''

On August 31, the New York Times ran an article about the Brunner test and this ''certainty of hopelessness'' standard. It was entitled ''Last Plea on Student Loans: Proving a Hopeless Future.'' The article said:

> Lawyers sometimes joke about the impossibility of getting over this high bar, even as they stand in front of judges. ''What I say to the judge is that as long as we've got a lottery, there is no certainty of hopelessness,'' said William Brewer Jr., a bankruptcy attorney in Raleigh, N.C. ''They smile, and then they rule against you.''

The New York Times discussed a 2008 undue hardship case in my State of Illinois—in deep southern Illinois. The debtor, David Whitener, was visually disabled, unemployed, and living on about $900 a month of Social Security disability payments. The bankruptcy court rejected the undue hardship request finding that he had not proved ''certainty of hopelessness.'' Whitener's lawyer, Steve Stanton of Granite City, said of the case:

> I didn't even have the client pay me. In all of the cases in 30 years of bankruptcy work, I came away with about the worst taste in my mouth that I've ever had.

Not only is it almost impossible to prove the hardship required by the Brunner test, most student borrowers are not even able to afford to try. That is because debtors have to bring a separate court case in addition to the bankruptcy case in order to seek this exception. That means paying a lawyer for another case and likely for an appeal.

How can it be that the deck is so stacked against students who borrowed to go through school? How can ''certainty of hopelessness'' be the standard for borrowers to obtain any relief in bankruptcy court. This harkens back to the debtors prisons of Europe and England. Charles Dickens would have a ball with this standard.

Congress needs to address this issue. Right now there is $150 billion in outstanding private student loan debt that is crushing many borrowers—$150 billion. I have a bill, the Fairness for