

Struggling Students Act, that would once again permit private student loans to be discharged in bankruptcy as they were before 2005. Mark my words, there is no good reason why private student loans should be treated differently in bankruptcy from any other type of private unsecured debt.

This 2005 change in the law was a special interest favor. It was never justified, never debated, and cannot even be explained today. Filing for bankruptcy is never a walk in the park, and it should be the last resort for anyone, including student borrowers. But many private student loans have outrageous terms forced on kids—or just barely beyond being kids—and their families. Students are saddled with those loans. Many of them would not even understand the standard of “certainty of hopelessness” that is required before there is any relief in bankruptcy court. The problem is not going away; it is getting worse. The student debt, when they start to default, just grows in size.

One of my recent e-mails came from a victim of one of these for-profit schools. The initial debt this student had after the student dropped out of the for-profit school was about \$80,000 in private loans. Because the student could not get a job, the debt just grew. It is now \$103,000. The student lives in the basement of the family home and has no hope. She cannot borrow any money for a car to go back to school or for any purpose. She is stuck, and it is not dischargeable in bankruptcy.

Bankruptcy reform would help borrowers like Malissa Peloquin. She left Westwood College—one of the most notorious for-profit schools—in 2007 with \$75,000 in student loan debt. It is a debt that Westwood College advisers and counselors had lured her into. Her Federal loans have an interest rate below 4 percent, but her private student loans are at more than 11 percent.

Malissa has never defaulted on her loans, but with three kids, she struggles to make the payments every month. She fears that she will lose her home because the home payments are difficult to keep up because of the student loan debt.

Her mother, who is 65 years old, co-signed two of her daughter's student loans just to help her.

Malissa worries what will happen when she cannot pay. Will they go after her mother? We know they do. In the past there have been reports about garnishing Social Security checks on the parents and grandparents who co-signed student loans when the student defaulted.

Malissa has considered filing for bankruptcy, but she knows that private student loans are not dischargeable as set by this outrageous standard. She said if she could go back in time, there is no way she would have ever taken out those loans.

How many young people 18, 19, 20 years old sit across the desk from an admissions officer who pushes the papers in front of them and says: If you

sign these papers, you will be in class next week. How many think: I have been told, as long as I can remember, go to school, get a degree? They anxiously sign them never thinking that they are building up a debt in many cases that will dog them for life.

We need to help borrowers such as Malissa who are struggling. I hope my colleagues will take a serious look at this. This is totally unfair. The for-profit college industry is disgraceful. Remember three numbers: 12 percent of all the students after high school go to for-profit schools; 25 percent of all Federal aid to education goes to for-profit schools; and 47 percent of all student loan defaults are of the students at for-profit schools. It tells us the story.

They drag these kids deep in debt, hand them worthless diplomas, watch them default, and then lives ruined by what students thought was the right decision early in life. Who is responsible for it? The Congress? The President? The government? Check all of the above. We have created this circumstance that costs \$32 billion a year, money that we send to these for-profit colleges. If they were a separate Federal agency, for-profit colleges would be the ninth largest Federal agency in Washington, DC. They receive subsidies from 85 to 95 percent of all of their expenses directly from the Federal Government. Calling their employees Federal employees is not a stretch. They are all paid for by the Federal Government as are their advertising and marketing expenses.

When we put this all together, it is rotten. The students who are contacting my office, and many other Senators, are crying out for help and relief. If we cannot help these young people after the exploitation of the for-profit schools and others, shame on us.

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

FAREWELL TO THE SENATE

Mr. BINGAMAN. Mr. President, in 1981, in his first inaugural address, President Reagan said:

Government is not the solution to our problem; government is the problem.

I came to the Senate 2 years later in 1983 with the firm belief that in most cases his statement was wrong. I believed then and I believe now that the Federal Government can be a constructive force for good, in protecting and maintaining the civil liberties of all Americans, in maintaining and strengthening our economy, protecting our environment, and in helping Americans live productive and fulfilling lives.

As I look back over the last 30 years, many of the arguments that have consumed our time at the Senate, whether on questions of spending or taxes or regulation or fiscal policy, those questions have divided between those who saw government as the problem and those who believed it could and should be a constructive force for helping the American people deal with problems. I consider myself firmly in the second camp. In each of the major areas of national concern, I would like to be able to report progress for the country since I arrived in the Senate. Unfortunately, the record of progress is not so clear. In many areas, we have made progress, but there are also instances where we have lost more ground than we have gained. As issues continue to be reconsidered, I am reminded of the well-known statement that “success is never permanent in Washington.”

With regard to our Nation's security from foreign aggression, the end of the Cold War and the collapse of the Soviet Union were clearly the most positive developments we have seen in the last 30 years. If the end of the Cold War was the most positive national security development I witnessed since coming to the Senate, the invasion of Iraq to bring about regime change in that country was the biggest national security blunder. That blunder cost our Nation dearly in service men and women killed and injured and in resources that should have been used to strengthen our economy here at home. Last month, I was stopped by a woman from northern New Mexico who thanked me for my service in the Senate and particularly for my vote against granting President Bush the authority to take our country into that war.

The Nation's fiscal policy is very much the focus of the Senate's attention during these final weeks of the 112th Congress. On this issue, again, we have made one step forward during the time I have been in the Senate, but, unfortunately, we have taken two steps back. I arrived in the Senate in January of 1983, a period of large deficits compared to anything the country had experienced for several decades. Those large deficits grew and persisted through the Reagan Presidency.

In 1990, a democratically controlled Congress and President George H.W. Bush made a significant step forward, reining in those deficits with the enactment of the Omnibus Budget Reconciliation Act of that year, 1990. That law created the statutory pay-go requirement. It also increased marginal rates for the wealthiest Americans, and I was proud to support the measure. In 1993, another major step was taken when, at the urging of President Clinton, Congress enacted the Omnibus Budget Reconciliation Act of that year, 1993. Again, that measure both raised taxes and constrained spending. It was denounced by many in the Senate as sure to throw the economy into recession. In fact, the opposite occurred, and the economy prospered. As

a result of these policy changes and the strong economy of the 1990s, we enjoyed a period of balanced budgets and even surpluses in 1998, 1999, 2000, and 2001.

Unfortunately, those surpluses were not to continue. President George W. Bush urged Congress to cut taxes and Congress was all too willing to oblige, and although I didn't support the 2001 or 2003 tax cuts, they were passed. At about the same time we were cutting taxes more than we could afford, we were also going to war in Afghanistan and in Iraq and adding a new drug benefit to Medicare. No provision was made to raise revenue or cut spending elsewhere to pay for any of these mammoth undertakings. Of course, the cost of health care, both the cost to government and to families and businesses who purchased private insurance, continued to grow at too rapid a pace. So the result was a return to large deficits and, of course, those large deficits grew substantially larger because of the recession that began in December of 2007.

Today, we are trying to strengthen our economy while at the same time trying to reduce projected deficits. That long-term deficit reduction will, once again, require higher taxes as well as new constraints on spending, and I hope that even in these final days of this 112th Congress, we can reach agreement to proceed.

As regards health care, in the long-standing fight to provide Americans with access to affordable health care, we have seen significant progress. In 1997, we enacted the Children's Health Insurance Program which resulted in nearly 8 million American children obtaining access to health care. Of course, in 2010, we adopted the Patient Protection and Affordable Care Act. This unfairly maligned legislation has the promise of moving us much closer to the goal of universal health care, and I am proud to have worked with my colleagues in the writing of that legislation and in seeing it enacted. Now that the recent election is behind us, I hope the efforts to repeal that legislation are at an end. I also hope the two parties can find ways to improve the legislation with a particular focus on better controlling the growth and the cost of health care.

In addressing the various energy challenges facing the country, again, there is progress to report. In 2005 and 2007, Congress enacted major Energy bills. Those bills moved us toward a better and more comprehensive national energy policy. Those bills promoted an adequate and more diverse supply of energy. They increased the efficiency and effectiveness of how we use energy in our economy. They promoted strong market reforms and consumer protections for electricity, and they struck a balance between meeting our energy goals and lessening environmental impacts of energy, including overall greenhouse gas emissions. As a result of that balanced approach, we have arrested what had been an in-

creasing dependence on foreign oil. Coupled with technological advances that have opened new sources of supply, we are headed to greater levels of energy independence than we had thought possible even as recently as 7 years ago.

The bipartisan consensus that allowed us to enact those bills has, unfortunately, eluded us in the current Congress. I hope in future Congresses there will reemerge a recognition that climate change is a reality and that our policies to meet our energy needs must also deal responsibly with environmental issues, including the damage caused by greenhouse gas emissions.

As regards our Nation's policy on education, the good news is we seem to have moved past the period where the Republican nominee for President announced a commitment to eliminating the Federal Department of Education. President Clinton deserves great credit for making the support, particularly of higher education, a priority of his Presidency. President George W. Bush deserves credit for making a serious effort to reform and improve elementary and secondary education. Although that effort to improve elementary and secondary education has not succeeded as many of us who supported it had hoped, I remain persuaded the Federal Government needs to persist in trying to play a constructive role in improving education in this country.

The States and local school districts deserve great credit for developing and adopting the Common Core Standards, and I hope future Congresses will strongly support the steps and the funding needed to upgrade student performance by implementing those standards. President Obama and his administration have demonstrated their strong commitment to this goal.

In addition to these areas of concern I have mentioned, we have seen some progress in maintaining and advancing the science and engineering enterprise in this country. As the Cold War came to an end, we successfully found ways to better integrate the strengths of our defense laboratories into the civilian economy, through technology transfer and partnering. We have also seen some important increases in funding for research, particularly in support of the life sciences, and that growth has stagnated in recent years. It needs to continue and be replenished, but as we continue that support, we must also recognize the need to do more to support research and development in the physical sciences and in engineering.

One significant advance I was proud to support was the establishment of ARPA-E, the Advanced Research Projects Agency-Energy within the Department of Energy. That effort to identify breakthrough science and engineering initiatives to meet our energy challenges holds great promise for our Nation and for the entire world.

We have also seen progress in providing increased protection for public

lands. One particular bill in that area was the omnibus public lands bill that was passed in 2009. It added wilderness protection to over 2 million acres, designated 1,100 miles of wild and scenic rivers, and added more than 2,800 miles for the national trail system. I was proud to be part of the effort to enact that legislation.

Finally, I will make a few comments on the way we in the Congress conduct our own business. Any fair assessment has to conclude that in this area, we have lost ground in the last two decades. Public opinion of the performance of Congress is at an alltime low and it is not hard to see why. I will mention three obvious ways in which the functioning of Congress has worsened.

First is the willingness of some in Congress to shut down the government. In 1995, we saw the leadership of the House of Representatives demonstrate that they consider refusing to fund the government as an acceptable bargaining ploy in their efforts to prevail in disputes with President Clinton and Democrats on spending issues. Since 1995, that threat to withhold appropriations has been made several more times. As we saw then, shutting down the government is costly, it is wasteful, and it is harmful to Americans. I hope this irresponsible threat will soon be viewed as unacceptable.

A second way the malfunctioning of Congress became clear was when in August of 2011—just less than 18 months ago—the Republican leadership in Congress determined that another tool at their disposal was the ability to refuse to increase the debt ceiling. By doing so, they could deny the Secretary of the Treasury the authority to borrow money to meet the obligations the government had already undertaken. To my knowledge, this was the first time the congressional leadership of one of our major parties had stated their willingness to see our Nation default on its debt.

This threat to force a default on the obligations of the Federal Government resulted in the sequester of government spending, which is scheduled to begin January 1. It also resulted in a downgrading of U.S. debt by one of the leading credit rating agencies.

We now hear renewed threats to use this so-called leverage as a way to demand cuts in Medicare and in Social Security. Once again, I believe this is an irresponsible action I hope Congress will get beyond.

Of course, a third way in which the functioning of the Senate—not the full Congress but the Senate—has worsened is the abuse of Senate rules allowing unlimited debate or filibuster. As the Senate currently operates, a threat of filibuster is used routinely to obstruct the Senate from doing its business, even when the issue before the Senate is relatively uncontroversial. Many times following a delay caused by obstruction, an overwhelming number of Senators will vote for the legislation or

the nomination which the Senate has been delayed in considering. In the next Congress, I strongly encourage my colleagues to make the necessary changes in Senate rules to limit the ability of one or a few Senators to obstruct the Senate from doing its regular business. My colleague Senator UDALL of New Mexico is on the floor with me. He has been a leader in this effort to get these rules changed, and I commend him for that.

So the record of our progress both as a country and as a Congress over the last 30 years has been mixed. There is progress to report. I have mentioned some of that. There are also many missteps and failures we need to acknowledge.

My conclusion remains that many of our challenges as a nation can only be met with the help of a strong and effective national government. There are times when the actions of the government are more a problem than a solution, but there are many more occasions where enlightened action by the government is important and even essential.

I consider it an honor and a privilege to have represented the people of New Mexico in the Senate for the last 30 years. I thank the people of my State for their confidence in electing me and supporting me during the time I have served here. I thank the very capable and committed men and women who have worked on my staff, both in Washington and in New Mexico, during these 30 years. I thank all my colleagues here in the Senate for their friendship and help to me during this period. Of course, I thank my wife Anne and our son John and his wife Marlene for their support that has allowed me to serve in the Senate.

To all my friends and colleagues who will be here in the next Congress and in future Congresses, I hope you can find the common ground necessary for our country to effectively move forward and meet its challenges. The endeavor is a worthy one, and I wish you every success.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

TRIBUTES TO DEPARTING SENATORS

JEFF BINGAMAN

Mr. UDALL of New Mexico. Mr. President, I rise today with a difficult task: to honor a great Senator and a great friend, Senator JEFF BINGAMAN.

This is difficult for two reasons. First, Senator BINGAMAN is not one to call attention to himself, and, second, he does so as briefly as possible. On both counts—let me just say now—I am going to fall short.

JEFF is that rare combination of character—brilliant and humble. For JEFF, it is about the work, not about his own ego, not about a monument to himself. For three decades in the U.S. Senate, he has been making a dif-

ference, for the American people and for our home State of New Mexico.

Public service is a noble profession—when it isn't swamped by money, when it isn't held hostage to hyperpartisanship. JEFF is the best example I know of the nobility of politics. The origin of the word "noble" is "nobilis"—well-known—from the Latin "noscere" to come to know. JEFF, who is a scholar, probably knows that. I had to look it up. But, knowing, making sense of the world, using that knowledge to make the world a better place, that is what public service is supposed to do, and that is what JEFF BINGAMAN does.

By Washington standards, JEFF is a man of few words. And when he comes to this floor to speak, we listen. If I am at my desk in my office, I will turn up the television, I will stop what I am doing, because I know that he will say something insightful, something worth knowing, something worth thinking about.

When JEFF came to the Senate 30 years ago, this was a different place. There was a new President. There was a fierce battle of ideas, of ideology, of where the country needed to go. Principles did not matter any less than they do now. But folks worked together. They clashed, but they also compromised.

We all know what has happened since then. Washington has become more and more polarized. But, time and again, JEFF BINGAMAN has been a voice of reason, of doing what is best for our country—no grandstanding, just hard work, paying attention to details, getting problems solved, getting the job done. He is an inspiring role model.

In his own quiet way, JEFF does something essential: He challenges us to think a little harder, look further down the road, see how we can move our country forward, not just today, but far into the future. He doesn't look for the limelight. He looks for solutions. And his accomplishments make for a very long list.

He has been a truly great chairman of the Energy and Natural Resources Committee. He has done so much to protect our natural resources, to build a clean energy economy, for jobs, for the environment. I was proud to work with JEFF on the first renewable electricity standard in Congress. He led the Senate bill, and I led the House bill. And, as always, I learned from his example: steady, focused, and reasonable.

We will continue to carry the torch on renewable and clean energy standards in Congress, following in his footsteps. But today, we can be proud that 30 States—including New Mexico—have enforceable renewable standards. Together, these cover the large majority of the U.S. population.

JEFF also shepherded the Energy Policy Act of 2005, the first comprehensive energy bill in 13 years. A "do it all" energy bill that covered renewables, nuclear, clean coal, and oil and gas.

And 2 years later, he took the lead in the Energy Independence and Security

Act of 2007. That bill was an even more ambitious effort than 2005. As the National Journal reported, it was "the most sweeping energy efficiency legislation ever put into law."

On both of these bills, JEFF worked in a commendable, bipartisan fashion with Senator Domenici, a Republican from New Mexico. He also achieved these compromise bills with a Republican House in 2005, a Democratic House in 2007, and both were signed into law by Republican President George W. Bush.

The public lands package of 2009 was another great achievement. JEFF reached across the aisle for compromise and protected 2 million acres in nine States as new wilderness areas, and more than 1,000 miles of rivers and streams—one of the greatest land protection laws ever. It will benefit generations to come, and it is part of the legacy of JEFF BINGAMAN.

We are spending time these days debating the failings of the Senate, the gridlock, the partisanship. In contrast, JEFF's committee has been a leading light of cooperation and compromise. When other committees lost their bipartisan way, the Energy Committee kept steady. I believe the standard he set will shape future energy and natural resources policy in years to come. I hope it guides us next year.

When this body has looked for answers, so often it has turned to JEFF. No surprise that he was one of the Gang of 6 to negotiate health care reform. When real solutions are on the agenda, JEFF will have a seat at the table.

JEFF was also one of the key negotiators in the No Child Left Behind Act, and he pushed for the Technology for Education Act and the America COMPETES Act—raising standards for all students, increasing opportunity for all Americans. Because he knows that investments in education and technology and training are crucial, crucial for the jobs of the future, crucial for our country.

Education, health care, jobs, energy, and the environment—JEFF has been a leader in all these areas. And what comes through over and over: he never forgets the people who brought him here. He never forgets that what we do here is about families, is about communities, is about making a better future for our children and grandchildren. That is what drives him, and that is what has made him such a great Senator.

One of the things I admire most about JEFF BINGAMAN is his courage. You know where he stands, and he is not afraid to go against the current. He was one of 23 Senators who voted against war with Iraq. As he said later: "I think that was the right vote, but it was not a popular vote."

I have valued his counsel on many occasions. It has been an honor to serve with him. He is going to be missed—not just for his good humor, not just for his friendship, but, more