

## AMENDMENT NO. 253

(Purpose: To prevent fraud in small business contracting)

(The amendment is printed in the RECORD of March 28, 2011, under "Text of Amendments.")

Ms. LANDRIEU. Mr. President, I thank Senator CARDIN for his patience and Senator SNOWE as we have worked up through the last hour or two on their two proposals. Both have to do with perfecting our contracting programs. While not specific to the SBIR Program and STTR Program, they are very relevant to the work we do on the Small Business Committee.

I appreciate all the Members who allowed these two amendments to go forward. They are pending and hopefully tomorrow we can get some agreement on some additional votes. We have had a very busy day today on the underlying bill, the SBIR bill. We voted on seven amendments. We had heated discussions on issues that are not related to this bill but are very important to this body.

I thank the Senators for working in good faith as we try to move through the many amendments that have been filed, most of which are not germane to the issue at hand but are important to be discussed on the floor of the Senate and in Congress.

I thank particularly Senator CARDIN. I notice he is on the floor. He may want to say a word now about his amendment briefly. I commit to the Senator that we will discuss his amendment and Senator SNOWE's amendment as soon as we can tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator LANDRIEU for her extraordinary work and patience. She gives us credit. We give her credit for patience in the manner this legislation has been considered.

This bill is very important not just to the small business community but to our economy. We are talking about providing the wherewithal for innovation in America. Small businesses will produce the largest amount of innovation in this country and the largest job growth. This bill gives them some degree of predictability on getting the types of resources so they can innovate.

I do applaud the Senator. I am proud to be part of the committee. This has been a very bipartisan bill. I thank her. I thank her for accommodating the amendment that she was helpful in getting passed initially, along with Senator SNOWE, that increases the size of surety bonds from \$2 million to \$5 million, which makes a difference for a small construction company getting government procurement. It is critically important. It has worked much more successfully than we thought when we first put the increase into effect. We actually had a lot more contracts than we thought when we originally suggested this.

I am pleased to tell the chairman that it has no scores as far as cost. There is no taxpayer cost involved. This is a win-win situation to help small businesses get construction work, adding to our economy and job growth.

I look forward to talking about this amendment tomorrow. Hopefully, we will be able to get a vote. I again thank the Senator for her attention.

Mr. President, I yield the floor.

Ms. LANDRIEU. Mr. President, I wish to speak for 2 minutes in general wrapup. There may be other Senators coming to the floor. I am hopeful we can lock in a time to vote on Cardin amendment No. 240 and the Snowe amendment No. 253. There are other amendments, a few amendments that are pending. Many others have been filed. The Senators are working together to see what kind of accommodations we can make.

Again I remind everyone, while we are working hard behind the scenes in many rooms and meetings today to try to keep our government open and operating while reducing spending where we can in an effective and a smart and constructive way, I remind our Senators how important this bill is because it will be reauthorizing a program that actually creates jobs in America by the small businesses that are represented on all of our Main Streets in our States and our communities.

This is the Federal Government's largest program for research and development. We do not believe that only big business, only international corporations have the best technology, the best approaches, or the best methods. We actually believe there are small businesses, some quite tiny, just one scientist and an assistant who can come up with cutting-edge technology, an engineer or an assistant, or a doctor and an assistant, who can come up with cutting-edge technologies that can cure a disease of the time or create a new mechanical system or technology system that helps not only our Federal agencies to cut spending, operate more efficiently, but can be commercialized in a way that creates manufacturing jobs and service jobs in America.

There are many ways to get to a balanced budget. We have heard a lot about cutting spending. Yes, we need to do that. But we also need to create jobs which generate income to close that budget gap. If we can get a more robust economy underway, this program most certainly is one of the ones.

I am proud of the new economic data that has come out. We are not where we need to be. Unemployment is still too high, but it is coming down. We are not creating enough jobs, but we are creating more and more every month. In large measure, it is because of some of the work our Committee on Small Business has done, both in the stimulus package and in our last small business bill opening up lending, getting credit lines started in partnership with com-

munity banks. Part of it is smart programs such as this. There are some government programs that do not work. This is not one of them.

I thank our Members for being patient. We now have the Cardin-Snowe amendments pending. We will hopefully lock in a time to vote on those and a few others we are considering as well.

Tomorrow, hopefully, we will start at an early hour and will continue to work on this important bill.

## MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Ms. LANDRIEU. Mr. President, I yield the floor.

## INTERCHANGE FEE REFORM

Mr. DURBIN. Mr. President, I continue to receive letters weighing in on the issue of interchange fee reform. I ask unanimous consent to have printed in the RECORD letters or statements from the following organizations: the Rainbow PUSH Coalition, the Main Street Alliance, Consumer Federation of America, and the National Black Church Initiative.

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

APRIL 1, 2011.

DEAR SENATOR: The Rainbow PUSH Coalition expresses its views on the Durbin swipe fee reform amendment now being debated in the Congress. Rainbow PUSH is a strong advocate of the Dodd-Frank financial reform legislation which provides critical consumer protections and safeguards against predatory lending.

The Durbin swipe fee reform amendment should be implemented as scheduled. It will usher in needed reform to bring competition, transparency and choice to the interchange system, and provide incentives for the retail sector to pass on interchange savings to lower the price of products for consumers. Numerous consumer rights organizations, civil rights groups, universities, unions, and other constituencies have weighed in to support swipe fee reform.

We respect the concerns that some groups have raised about the provision, but are unconvinced that a delay in its implementation as proposed by Sen. Tester and the American Banking Association (representing the financial services industry) will be beneficial to consumers and students, and small businesses. It appears that their interest is to maintain a deregulated environment to continue the virtual monopoly status of the credit card transaction process, and to protect their massive profits derived from debit interchange fees.

Deregulation, greed and lack of congressional oversight led to the most severe economic collapse since the great depression. But Wall Street got billions in public funds because they were deemed too big to fail—they've been bailed out and are once again recording record profits and issuing millions

in executive bonuses, while homeowners and working families are still left out. The big banks are already charging consumers higher interest rates and raising consumer fees to record levels in virtually every dimension of banking and credit card use. We stand ready to meet with all concerned to ensure the implementation of a sustainable debit card system going forward.

The Durbin credit card swipe fee amendment will afford the protections and regulations that consumers need.

Sincerely,

REVEREND JESSE L. JACKSON, SR.,  
*President and Founder,*  
*Rainbow PUSH Coalition.*

MARCH 31, 2011.

Senator DICK DURBIN,  
*Assistant Majority Leader, Hart Senate Bldg.,*  
*Washington, DC.*

DEAR SENATOR DURBIN: We write to express the National Black Church Initiative's continued support for the Durbin swipe fee amendment which we supported and was included in the Dodd-Frank Wall Street Reform and Consumer Protection Act. The current interchange system is uncompetitive, non-transparent and harmful to consumers. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card or banking system to pay for excessive debit interchange fees that are passed through to the costs of goods and services. As a result, NBCI does not support Congressional delay of implementation of the new law.

As you may know, The National Black Church Initiative (NBCI) is a faith-based coalition of 34,000 churches comprised of 15 denominations and 15.7 million African Americans committed to eradicating racial disparities and improving the lives of African Americans nationwide.

We oppose efforts to delay implementation of the Durbin amendment through Congressional action. The new law gives the Federal Reserve adequate authority it can use without delay to make sure that the debit interchange reimbursement financial institutions receive covers their legitimate, incremental costs for providing debit card services. We know that there are banks, like BB&T for example, who would like to delay this process. Their continued profit off the backs of low income African Americans will no longer be tolerated and we will continue to advocate on behalf of laws that support our agenda.

From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans, generally cash customers, are required to subsidize at the store and at the pump.

Thank you for your consideration of our views. Please contact us directly to discuss these important issues.

Sincerely,

REV. ANTHONY EVANS,  
*President, National Black Church Initiative.*

MARCH 31, 2011.

To: U.S. Senators and Representatives.

Re Main Street Alliance support for implementing debit interchange protections for small businesses in the Restoring American Financial Stability Act of 2010.

DEAR SENATOR DURBIN: The Main Street Alliance, a national network of small business coalitions representing small business owners across America, writes to express our strong support for the provision of the Restoring American Financial Stability Act of 2010 that set out to ensure that debit card interchange fees are reasonable and propor-

tional. This provision is an important step toward putting small businesses back on stable footing by limiting burdensome fees on small businesses when we process debit transactions.

Small businesses have faced ever-rising fees on debit card transactions over the years. For some businesses, these interchange fees have grown to the point that they represent some of the highest operating costs, rivaling the costs of labor and utilities. There is no such thing as fair competition in this market: the card companies have a duopoly. Limiting fees to twelve cents per transaction, as proposed in new rules, will free small businesses from disproportionate and burdensome costs, allowing economic growth.

The new rules are a step forward, a step toward parity and a reasonable balance. We ask that these rules not be delayed further. Implementing them as planned this summer will provide a shot in the arm for small businesses and our local economies. Small businesses are better off with these protections; we urge you not to allow the lobbying tactics of the big banks deter the enactment of rules that protect small business.

The country is counting on small businesses to serve as an engine of economic recovery and create the jobs we need to get people back to work across America. The debit interchange provisions enacted in the financial overhaul last year and codified in the new rules support these aims. We urge you to fight efforts to delay or derail the implementation of these rules.

Mike Craighill, Soup and Such, Billings, MT; Garry Owen Ault, All Makes Vacuum, Boise, ID; Nancie Koerber, Champions Real Time Training, Central Point, OR; David Borris, Hel's Kitchen Catering, Northbrook, IL; Carson Lynch, Gorham Grind, Gorham, ME; Tammy Rostov, Rostov's Coffee & Tea, Richmond, VA.

Kelly Conklin, Foley-Waite Associates, Bloomfield, NJ; Melanie Collins, Melanie's Home Childcare, Falmouth, ME; Rashonda Young, Alpha Express, Inc., Waterloo, IA; Jose Gozalez, Tu Casa Real Estate, Salem, OR; Rosario Reyes, Las Americas Business Center, Lynnwood, WA.

CONSUMER FEDERATION OF AMERICA,  
*Washington, DC.*

POSITION OF THE CONSUMER FEDERATION OF AMERICA ON DEBIT CARD "INTERCHANGE" FEE LEGISLATION AND RULES

NO POSITION ON DEBIT INTERCHANGE LAW OR ON LEGISLATION TO DELAY IT

CFA did not take a position on the "Durbin Amendment" to the Dodd-Frank Wall Street Reform and Consumer Protection Act and has also not supported or opposed legislation introduced in Congress to delay the interchange law.

FEDERAL RESERVE SHOULD ALTER PROPOSED RULE IMPLEMENTING DEBIT INTERCHANGE LAW

CFA filed comments with the Federal Reserve in February (<http://www.consumerfed.org/pdfs/debit-cards-FRB-interchange-rule-comments-2-22-11.pdf>) that came to the following conclusions:

The current interchange system is uncompetitive, non-transparent and harmful to consumers. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans are required to subsidize. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card system to pay excessive fees that are passed through to the cost of goods and services.

The Federal Reserve should ensure that financial institutions are reimbursed for legitimate, incremental debit card costs as it finalizes rules that implement the new interchange requirements. In particular, the Federal Reserve should increase proposed interchange price standards as allowed under law to include several specific expenses incurred by financial institutions when processing debit card transactions. If such compensation does not occur, these institutions could increase debit card and other related banking charges on their least desirable and most financially vulnerable consumers: low-to-moderate income account holders.

Once it is implemented, the Federal Reserve should pay close attention to how it affects the financial viability of small depository institutions, especially credit unions, which often provide safe, lower-cost financial services to millions of Americans.

The Federal Reserve should launch a broad, balanced study upon implementation of the effects of the rule on consumers.

#### CONGRATULATION TEXAS A&M LADY AGGIES

Mrs. HUTCHISON. Mr. President, something happened last night, and I feel compelled to say on the floor of the Senate that I am very proud of the Texas Aggies women who won the NCAA national basketball championship.

It is so important, I want to say a couple of words about that, because this is the first national championship that the Lady Aggies have ever won. It was a great game last night. I certainly congratulate the Notre Dame Fighting Irish as well. But the Texas Aggies played with spirit. They came from behind at the half, and 76 to 70, they defeated Notre Dame.

I congratulate the Texas Aggie ladies, but I also want to say that Texas A&M's coach, Gary Blair, became the oldest coach to ever win a national women's championship. He has turned the Lady Aggies basketball team into this national championship team.

I mention Danielle Adams. Her All American performance last night was incredible. It is a great day. I am a Texas Longhorn, and most days I am for all of our Texas teams, and I love to say "Gig 'Em Aggies." There is one day that I cannot say that. That is Thanksgiving Day. But 364 days a year, I am all for the Aggies when they are playing. And when they played like they did last night in any sport, all America should recognize it.

With that, I wish to say that my colleague Senator CORNYN and I are going to ask unanimous consent to offer a resolution congratulating the Lady Aggies of Texas A&M on winning the 2011 National Collegiate Athletic Association women's basketball championship.

Mr. CORNYN. Mr. President, congratulations to the Texas A&M Women's Basketball team for their NCAA Women's Division I Basketball Championship victory against Notre Dame. The game was an exciting and hard fought victory, and a fitting end to a championship season.