Congress refused to enact this expansion of their authority, the EPA decided, well, let's plow ahead anyway regardless of congressional intent. Does that sound familiar with this administration?

To make matters worse, they are not doing this through a full rulemaking process with those pesky public comments and such. Instead, the EPA sat down with the Corps of Engineers, the Department of Interior, and the U.S. Department of Agriculture, and issued a so-called guidance document. That happened in May. EPA claims this approach includes exemptions for agriculture, but the whole story is not told.

Instead, it says irrigated areas, stock tanks, and low-lying areas are ''generally not waters of the U.S.'' Generally? What do you mean by generally? Well, that word ''generally'' produces a tremendous amount of uncertainty. It creates fear. It creates confusion and gives farmers and ranchers zero peace of mind. You see, they do not trust the EPA.

Further, the guidance shifts the burden of proving exemption from regulation to our producers. Instead of EPA or State regulators being forced to explain why on Earth agricultural producers should be subjected to such regulations, producers will now have to explain why it is ridiculous to regulate their stock tanks in irrigated areas under runoff regulations. This will result, of course, in increased permitting costs, paperwork, and other redtape, and it is far from farmer friendly.

Yet the FDA exemptions for agriculture do not end there. Let us not forget EPA's backdoor energy tax where EPA is promising farms and ranches an exemption. EPA is once again lulling farmers to complacency by sending this message: do not worry; we are not going to force you to buy permits. To quote the EPA Administrator, ''EPA is proposing reducing greenhouse gas emissions in a responsible, careful manner and we have even exempted agricultural sources from regulation.''

Producers, quite justifiably, heard the words ''exempted agriculture'' and may have thought: we are going to be OK here. The reality is far different and very definitely a course has been set that should concern every single farmer, rancher, small business person in this great Nation.

The American Farm Bureau put it best in testimony to the House Energy and Commerce Committee. I am quoting:

> Any costs incurred by utilities, refiners, manufacturers to comply with the greenhouse gas regulatory requirements will be passed on to the consumers of these products including farmers and ranchers. As a result, our Nation's farmers and ranchers will have higher input costs—namely fuel and energy costs—to grow food and fiber and fuel for our Nation and the world.

So picture this: A Nebraska farmer gets the electric bill, calls up the power company and says, whoa, wait a minute here. EPA told me its climate change efforts were not going to target me. In fact, they said I was exempted. So why am I paying so much more?

Unfortunately, they are going to have the same conversation with the diesel supplier, their fertilizer retailer, and the local gas station where they fill up the pickup and truck.

The EPA promise of exemption will, unfortunately, meet the reality of dramatic increases in input costs. EPA's reassuring words about an exemption will turn out to be absolutely empty, misleading, and absolutely 100 percent unhelpful when the electricity and diesel bill come due. But the public relations effort and charm offensive marches on. It even includes an Executive order titled ''Improving Regulation and Regulatory Review,'' issued by the President in January. Isn't that enticing?

The directive instructs each Federal agency to consider ''how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient or excessively burdensome.''

According to the order, ''our regulatory system must protect public health, welfare, safety and our environment while promoting economic growth, innovation, competitiveness and job creation.''

My goodness, that is all of the right words. Once again, it sounded as though we are headed in the right direction. But then, in April, an EPA official stated that the Agency—this is remarkable—the Agency was unaffected by the President's Executive order because they do not propose rules where costs exceed the benefits. However, the same official admitted that the Agency does not consider direct job impacts in its economic analysis. Can anybody figure that out?

These two statements obviously conflict. EPA's actions in drafting several of these costly, excessive burdensome regulations fail to meet the goals of the Executive order issued by the President of the United States, but their public relations campaign speeds forward.

Back home in Nebraska, as in other States in this great country, we make agreements on a handshake, because we believe if you shake somebody's hand, you can trust them. That is the way it works. Unfortunately, within the bureaucratic walls of the EPA, that is not the case. Instead of spouting charming verbiage about the benefits of increased regulation, EPA should be looking for ways to work with farmers and ranchers and small businesses to find solutions to environmental challenges while creating jobs for Americans who are out of work.

After all, the men and women who depend on the land to feed their own families and to feed us are responsible stewards of the environment. Unfortunately, based on what we have seen over the past couple of years, EPA used agricultural producers as offenders, not partners. EPA's shift into campaign mode to appear farmer friendly is disingenuous. They rolled out this charm offensive to make it sound as though they were farmer friendly.

Let me wrap up by saying, why not just do it? Be job friendly, farmer friendly, agriculture friendly.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

THE ECONOMY

Mr. SESSIONS. Madam President, I appreciate my colleague's remarks about the agricultural community. I am certainly hearing that, and one of the very real factors in our inability to create jobs in America is the surging regulations that burden the private sector including the agricultural community. Mr. Bernanke, the Chairman of the Federal Reserve, was asked about that yesterday. He said no study had been done about it, talking about the banking regulation primarily. We need to do more about that and face the reality that that is so. Last week's economic numbers were not good. They were very troubling. We saw an increase in unemployment. We saw a decline in consumer confidence. We saw a decline in manufacturing in the Midwest—a key area of our country for manufacturing. A number of factors were noted during that period which were not good. I guess it is part of an accelerated decline in the stock market, which is down 5 percent, maybe 6 percent, after 5 consecutive weeks of decline, and the Senate has gone 770 days without passing a budget. It is a fundamental responsibility of this body, required by statute, that we pass a budget. The date is April 15—and April 1 to commence hearings in the Senate—and we have not met that responsibility. In fact, we haven't even had a markup in the Budget Committee to commence considering a budget. Our Democratic leader, Senator REID, the majority leader in the Senate, has stated it would be foolish to pass a budget. By that he means politically foolish for the Democrats because they are enjoying trying to attack the House Members who passed a responsible, long-term budget that changes the debt trajectory of America. Instead of trying to do the same thing, they just attack the House budget and produce nothing of their own.

The American people are rightly worried about our debt. They are worried about our economy. They are worried about overregulation. They are worried about the lack of jobs.

This week, Austan Goolsbee, the senior economic adviser to the President, announced he would be resigning his post this summer. His departure is just the latest in a trend of top economic advisers abandoning the administration over the course of the 2-plus years since the passage of the failed $820 billion stimulus package, every penny of which was borrowed. The idea was to send out money and somehow artificially create a stronger economy. It failed, and many predicted it would fail.

The President's first Director of the Office of Management and Budget, Peter Orszag, left in July of last year. Christina Romer, the President's first Chair of the Council of Economic Advisers, left last September. Larry Summers, the former president of Harvard, former Director of the National Economic Council for the President, left last December after less than 2 years.

As a result of the failed stimulus and other debt we have accrued, we are in much deeper debt, but Americans know it has not made them better off. In fact, increased debt has further eroded the economic confidence that is necessary for a spirited recovery and has made our situation worse. Many say we have to borrow money to spend it and that is how we get the economy on a sound footing. Thoughtful economists and others have said that this not so. I believe history has proven them to be correct; that borrowing to spend does not make us better off.

The last deficit before the President took office was $450 billion—far too high. The year before that, the deficit was $162 billion. This year, the deficit will be $1.5 trillion, the third consecutive trillion-dollar deficit. Yet the President and some on his economic team have promised that their spending program would keep unemployment from rising above 8 percent, but more than 2 years later unemployment now stands at 9.1 percent, after having increased again last week.

The economic numbers released Friday show this to be the most disappointing economic recovery in 70 years. Only 54,000 jobs were created in May, marking the worst jobs report in 8 months. The President asserts he is responsible for adding 2 million jobs since he took office. But the percentage of our working age population that is employed—and we have had an increase in the working age population—has declined to 58.4 percent. We have to go back to October of 1983 to find such a low number.

Nearly half the unemployed—45.1 percent—are now classified as long-term unemployed, meaning they have been unemployed for 27 weeks or more. While the official unemployment rate increased from 9 percent to 9.1 percent, adding those who are underemployed—meaning those who can't find full-time work or those who are so discouraged by the job market they have given up trying to find work—would boost the unemployment rate to 16.1 percent.

But perhaps most alarming of all, as pointed out in the June 4 lead editorial by Alan Abelson in Barrons, is that actual private sector employment today is now 2 percent below where it stood 10 years ago. Two percent fewer people are working today than were working 10 years ago.

Citing Philippa Dunne and Doug Henwood of the Liscio Report, Mr. Abelson notes:

> Job losses over a 10-year period is unprecedented since the advent of something resembling reliable tallies began in 1890. So far, they point out somewhat grimly—

He is talking about Mr. Dunne and Mr. Henwood—

> we've regained just 1.8 million jobs lost in the Great Recession and its aftermath, or about one in five.

So the policies we are following are not working. We have to get this economy moving. We added only 54,000 jobs, a net decline in percentage in terms of employment. We have to get jobs created, and 54,000 is way below what we need to have to stay level. About 180,000 a month need to be added.

I would suggest that it is no wonder the President's top economic team is leaving the administration.

But rather than recognizing the need to change course, the President doubled down with the budget he submitted to Congress. He told the American people his budget would ''not add to the debt'' and that it would allow us to ''live within our means.'' But the Congressional Budget Office analyzed that budget and found otherwise—dramatically. In fact, CBO said that the budget the President submitted to this Congress in February would double our debt over the next 10 years.

Meanwhile, economists are warning that if we don't change our debt trajectory—and soon—our debt could stifle the very economic recovery that is already moving far too slowly.

This is the important point, and it goes right to the heart of the argument that we have to artificially stimulate this economy by borrowing money from our children so we can spend it today and that this is going to make us more healthy. A study by Carmen Reinhart and Ken Rogoff titled ''Growth in a Time of Debt'' in American Economy Review (2010) shows that economic growth is 1 percent lower, on average, in countries with gross debt above 90 percent of GDP—90 percent of their economy. It is 1 percent lower. If we want growth, we have to look at how big our debt is. If it gets over 90 percent of GDP, then we show an average of a 1-percent reduction in growth.

When asked about this study while testifying before the Budget Committee earlier this year, Treasury Secretary Geithner called the Reinhart and Rogoff study excellent, adding that ''in some ways . . . it understates the risks.'' In other words, it creates greater risks of economic and financial spasm that could put us back into a recession. Stephen Roach, chairman at Morgan Stanley and lecturer at Yale, was recently asked on CNBC—yesterday, I believe—about what is happening with the economy, why we see the disappointing results. This is what Mr. Roach, a professional economist and player in the world financial markets, said:

> I come down on it as Ken Rogoff and Carmen Reinhart do, in their analysis of post-crisis economies. This is the way it is. When you have such a massive buildup of debt pre-crisis, when you hammer the consumers the way we did in this crisis, the economy is going to sputter.

America's debt stands now at 95 percent of GDP. It is set to exceed the entire economy by the end of this year, and the President's own Treasury Secretary and widely respected economists are saying this could have a negative impact on the economy and jobs. It could cause a 1-percent decrease in economic growth, according to Rogoff and Reinhart.

According to the Council of Economic Advisers, a 1-percent decrease in growth could cost about 1 million jobs—not 54,000 but 1 million. If we had less debt, we would be seeing more than the anemic 1.8-percent growth in the first quarter as we come out of this recession. We would have probably had 2.8 percent growth, if this study, which Mr. Geithner considers to be excellent, is accurate. Certainly, debt pulls down economic growth. Common sense tells us so. Numerous experts agree this debt is dangerous. It threatens our fragile economic recovery. Growth is what we need for jobs and it brings in more tax revenue and helps us balance our budget.

But in response to the debt threat, what do we see? We got a budget from the President that would double the Nation's Federal debt in 10 years. When that budget was released it received immense criticism, so the President gave us a speech that suggested some changes. He called it a framework. Members of the Budget Committee wrote to the President and said: Well, put this in budget language. Send us a new budget then. If you are changing, if people didn't like your first one, let's see this one in detail. But they refused to do that. Recently, we voted on the President's budget in this Senate. It was brought up and voted on. Not one Senator, Republican or Democratic, voted for that budget. It was utterly rejected.

Meanwhile, our Democratic leadership in the Senate, which has the power to call the committee hearings that would commence a budget markup and eventually pass a budget, hasn't offered a budget this year. Indeed, they haven't passed a budget in the last 770 days. At least one was brought out of committee last year but never brought up by Senator REID on the floor to be voted on, so we didn't have a budget last year. This year, they didn't even bring the budget to committee to be marked up. The majority leader said it would be foolish for us to have a budget. It would be foolish to have a budget in a time of the largest deficit the Nation has ever incurred, which will occur this year—approximately $1.5 trillion in deficits. We bring in $2.2 trillion, and we are spending $3.7 trillion this year. Forty cents of every $1 we spend is borrowed, and we don't even have a budget. What do we do? The majority leader calls up the House budget, a responsible, historic alteration of the unacceptable debt path we are on, putting us on the right path.

You can argue about some of the things that are in it, fine. But it courageously and honestly changed the trajectory of America's debt path and was widely praised in that regard. The majority leader brought it up so he could vote it down and attack it, producing nothing on his own. So I brought up the President's budget. It got zero votes.

The failure of this body to produce a spending plan to tackle our Nation's debt only creates more uncertainty in the economy. Doubt and fear are driving away jobs, stifling growth and investment. That is a fact.

For nearly 3 years, the White House has been seduced by the vision of growth through artificial means, including trillions in fiscal stimulus spending and so-called investments. Indeed, in a time of dramatic fiscal irresponsibility, the budget the President submitted to us called for a 10-percent increase in the Department of Education, a 10-percent increase in the Department of Energy, a 10.5-percent increase in the State Department, and a 60-percent increase in rail and transportation spending. We do not have the money.

That budget reflected utter confusion and a detachment from reality.

Are our cities, are our counties, are our States increasing spending by 10.5 percent? Aren't most of them actually reducing spending? That is reality. That is what is happening in the rest of the world. The British reduced some of their spending recently—far more than we have. Some people there did not like it, and they complained that it was too difficult and too tough. But the International Monetary Fund, in a recent report, said: Stand to your guns. Get your debt under control. In the long run, the International Monetary Fund said, this is the way to build a strong economy, and we have been going in the other direction.

The Keynesian siren call to spend did not lead us to prosperity. We have restored only one-fifth of the jobs lost in the recession. As a percentage of our population fewer are working today than during the so-called worst period of this recession, and we are experiencing the weakest recovery in modern history. Unemployment is back up again, and the housing market is back down. Bad housing numbers came in last week also.

Our fast-rising debt and our unwillingness to adopt a credible budget plan—and we can do that—is shattering economic confidence and jeopardizing our future. But our Democratic leadership in this Senate refuses to put forward a budget plan to confront the debt that they have themselves increased so greatly.

We are told the President has not involved himself personally in discussions over the debt limit. That has been turned over to the Vice President. One report says he no longer receives daily economic briefings. What signals do these actions send to our out-of-work Americans, to struggling industries and businesses, and the anxious financial markets throughout the world?

Instead of stonewalling a budget, the Senate should be working together, Republicans and Democrats, to produce a budget that puts us on a sound path and makes our economy as robust and as dynamic as possible. That is so basic. Blocking a budget under these economic circumstances is simply unthinkable. There is no quick fix, no accounting gimmick, no political trick that will solve these problems. We have a potentially healthy, growing economy. Our American businesses have never been leaner or more efficient, as the Dallas Federal Reserve Governor, Mr. Fisher, said the other day on one of these interview programs. We have never had a more efficient, competitive business environment in America.

But in the long run—and that is what we must focus on—sound principles, common sense, spending restraint, less regulation, and more commitment to the free markets will, if allowed, lift us out of this malaise in which we find ourselves. To put America back to work, the Senate needs to get back to work.

I thank the Acting President pro tempore and yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 782, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

Pending:

Tester amendment No. 392, to improve the regulatory structure for electronic debit card transactions.

Durbin amendment No. 393 (to amendment No. 392), to address the time period for consideration of the smaller issuer exemption.

AMENDMENT NO. 392

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 2 p.m. will be equally divided between the proponents and opponents of amendment No. 392 offered by the Senator from Montana, Mr. TESTER.

The Senator from Montana.

Mr. TESTER. Madam President, I will yield to the Senator from Rhode Island, and then I will make my statement.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, I thank the Senator from Montana for yielding and also for bringing this issue before the Senate. I am reluctantly opposing my dear friend but doing so on the principles that are inherent in what we have tried to accomplish in the Dodd-Frank legislation; that is, to provide for transparency in the pricing of financial products. With that as a starting point, I will begin.

One aspect I think we have to consider is not just this specific amendment but the growing attempt to undermine the ability to implement the reforms incorporated in the Dodd-Frank legislation, which are actually critical not just to protecting consumers but also to providing a foundation for an effective financial system in the United States, which is the foundation, I believe, of a growing and thriving economy.

So this debate is not just about interchange fees; it is about comprehensively dealing with the problems we saw manifest themselves in the financial crisis of 2008 and 2009, where market discipline collapsed, where some great institutions failed and some were on the verge of failure. If they had failed, then the ramifications would not be simply restricted to Wall Street; they would have been felt on Main Street, and we would be in a worse financial position than we are today.

But this specific amendment deals with the interchange fees or swipe fees. The first issue I think we have to recognize is these are hidden fees. They are charged in each transaction a consumer makes using a debit card. Every time you swipe the card—which serves as an electronic check—there is a fee. But the consumers do not see this fee. So basically you have a disguised price. If the price is disguised, then the consumer does not have a real indication of the cost. If he does not know the cost, then that affects the rational economic decisions we assume consumers are making every time they make an economic decision.

But at the end of the day, despite the fact that the consumer is unaware of these fees, he or she ends up paying them in higher prices for gas, for milk; in fact, they have been paying these higher prices for the privilege of using a debit card for years and years and years.

Debits cards are used more than checks today, more than credit cards to pay for everyday purchases. These secret fees—in a sense, you might even describe them as hidden taxes on consumers—add up to billions of dollars a month. The Durbin interchange provision of the Dodd-Frank Wall Street reform law sought to make these interchange fees transparent and public for