force to end this conflict as quickly as possible. My understanding is that other allied governments may not be so completely constricted on their ability to provide especially the critical role of forward air controllers, who will direct allied air power to the most effective targets to attrite and eventually eliminate the Libyan military. My hope is, though, that we bring all combat assets to bear of the United States and our allies so that we quickly eliminate especially Qadhafi's armor and artillery force and so that this comes to a quick end on the military battlefield.

Finally, the Powell doctrine often has included a final point, which is, Can the support of the American people be demonstrated?

I think in this case we have fallen short. While the Congress and the Senate have adopted a resolution calling for a no-fly zone in Libya, cosponsored by myself and the Senator from New Jersey, Mr. MENENDEZ, I think this is inadequate in fully demonstrating the American people's support for what our troops are doing over in Libya.

I think it is clear that our mission is sustained, and the critical political will of the United States is enhanced if we can formally express support for what our men and women are doing overseas. This has been done in some pretty tough conflicts in the past, particularly Afghanistan and Iraq.

For this conflict, the administration should call for a resolution of approval, and the elected representatives of the American people should vote. In general, I support the President's policy and would vote for this resolution. But I think it is essential for those who are on the field to understand that the Congress is formally with them in a vote cast up or down for this mission and for all of its unintended consequences, potential upsides or downsides.

As Colin Powell leaves the White House today, I hope he carries this advice. I hope all of us recall the key points he laid out. He has wisely put forward for past Presidents and this President a key checklist that all of us as citizens, or those of us who are Senators, as policymakers, can have in reviewing the Powell doctrine.

In the end, the Powell doctrine is a key checklist to use to make sure we resist the call for military action until absolutely necessary; but once necessary, that we hit the enemy with everything we have; that we make the conflict as short and, therefore, as humanitarian as possible; that we demonstrate the full support of the American people for the men and women of the Army, Navy, and Air Force; and that we give them a clear mission with one allied commander. I hope the President gets this advice directly from the general today. I hope the President and the Senate follow it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to speak for up to 15 minutes.

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

CREDIT UNION LENDING

Mr. UDALL of Colorado. Madam President, I urge the Senate to free up capital for small businesses to allow them to grow, expand, and begin hiring again. Unfortunately, there is a burdensome Federal regulation that currently limits the number of small business loans credit unions can make to family entrepreneurs. Credit unions have money to lend, and they know small businesses in their communities. They know these businesses desperately wanted to jump-start the economy by taking out new loans to grow their companies and hire more workers.

Two weeks ago I came to the floor to ask consideration of a bipartisan amendment, No. 242, which I offered to the underlying bill to raise this cap I have alluded to on small business loans. The amendment would simply get government out of the way and allow credit unions to increase small business lending in their communities without costing American taxpayers a dime.

I wish to repeat that. It would not cost American taxpayers a single dime.

When I spoke previously in support of this amendment and asked for the amendment to be considered, the chairman of the Small Business Committee, Senator LANDRIEU, objected to my request and indicated that Senator JOHNSON, chairman of the Senate Banking Committee, opposed the amendment. I wish to clear up some misinformation the American people may have heard at that time and thank Senator LANDRIEU for removing from the CONGRESSIONAL RECORD her assertion that Chairman JOHNSON opposed my amendment.

I understand that as new chairman of the Banking Committee, Senator JOHNSON has an interest in revisiting this legislation which I negotiated with the Treasury Department, the National Credit Union Administration, and the previous chairman of the Banking Committee, Senator Chris Dodd. But I wish to make it clear in the CONGRESSIONAL RECORD that Chairman JOHNSON does not in fact oppose the amendment.

I also wish to clear up some confusion related to the $30 billion small business lending fund established as a part of the Small Business Jobs Act which arose when I tried to call up my amendment 2 weeks ago. As I pointed out in my original remarks, banks were given access to the small business lending fund, but credit unions have not been allowed to expand their small business lending because of the very cap on loans my amendment addresses.

In our discussion on the Senate floor, it was pointed out to me that credit unions had been asked if they wanted to participate in the small business lending fund, but the credit union industry had turned down the invitation. I was unaware of such an offer; I appreciate being told of it. But unlike many banks, most credit unions do not need extra capital in order to make loans, which is what the small business lending fund intended to provide. Rather, as I have said, most credit unions currently have capital to lend to small businesses, but, unfortunately, they are being prevented from making those loans due to the arbitrary cap limiting their small business lending to no more than 12.25 percent of their assets.

It is no wonder credit unions didn't have an interest in the $30 billion bank fund because they don't need the money and couldn't use it anyway because of this burdensome cap that is put on small business loans.

I appreciate the opportunity to discuss the confusion about amendment No. 242. I thank the chairman and ranking member for their great work on the underlying bill which is important to my home State of Colorado.

I wish my amendment would get a vote today, but regardless of what happens I will continue to work with Chairman LANDRIEU, Ranking Member SNOWE, and the rest of my colleagues to find innovative means to free up credit for small businesses in a responsible way.

On a final note, the Presiding Officer hails from a great State that has significant banking and credit union sectors. We know they don't always see eye to eye, which is the root of the objection to my amendment. Yet they still manage to operate side by side to serve the community's credit needs. They both make up the fabric of America and continue to grow our economy. It is simply the way we do business in the United States.

I wish to highlight that spirit, which is in stark contrast to the kind of divisive politics that have been brewing in America; one that furthers disagreements and draws ideological lines in the sand and, frankly, sows disrespect at the expense of shared interests and collective prosperity. The American people are seeing a disappointing example of that today. There is a vocal minority outside this very Capitol demanding acrimony and a combative approach for Members of Congress which I believe—and many of us believe—in the end will further disable our capacity to get the economy back on its feet.

While this is happening outside, many of us are inside doing the people's business. We treat each other with respect, and we are working on a bill to help small businesses invest in R&D. We are also negotiating a compromise to keep our government running.

That is the American way I have always known. I applaud my colleagues who remain committed to working together.

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

The PRESIDING OFFICER. The clerk will call the roll. The 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.

INTERCHANGE FEE REFORM

Mr. DURBIN. Madam President, I rise to speak about the issue of swipe fees. Most people do not know what a swipe fee is, but it is almost part of your daily life. The next time you reach into your wallet or purse and pull out a piece of plastic to pay for something—such as my debit card—and present it at a retailer or a restaurant or a hotel or a gas station, understand what is happening in that transaction. There are several things that are not even visible.

What is happening in that transaction is, you are paying that merchant and your bank is going to honor that payment from your account on your debit card, but then the bank and credit card company are going to charge the merchant for the transaction.

In days gone by, if we paid in cash, obviously, there was no fee involved. If we paid with a check—which was done for a long time and is done less and less now—there were pennies charged to process the check. Whether the face amount of the check was $1 or $100—pennies to process the piece of paper through the system.

A much more efficient system is being used with debit cards, where we actually are withdrawing money from our own account to the credit of the restaurant or the retailer. Unfortunately, there is a fee involved charged to the merchant or retailer called the swipe fee—accurately called the swipe fee because what has happened is, these major companies—Visa and MasterCard and the banks that issue their cards—have established how much each transaction will pay in this swipe fee or interchange fee.

The Federal Reserve recently did an analysis and found something interesting: They found that the average swipe fee across America is 44 cents for each transaction. Then they said: Well, what does it actually cost to process this debit account movement of money from one place to another? The answer was: 10 cents or less.

So there is a substantial charge involved in the hundreds, thousands, tens of thousands, millions of transactions that go on every single day, and it has a direct impact on the places where we do business. It means there is an added cost to the retailer or merchant that we are doing business with for the use of the debit card that goes beyond the actual cost to the bank involved.

You say to yourself: Well, that is business, isn't it? If you are going to take these cards, and you want the convenience of using these cards, you have obviously negotiated 44 cents and that is the way it goes. Wrong. There is no negotiation involved. The retailers and merchants literally have no bargaining power in what that fee will be, and over the years, that swipe fee, or interchange fee, has been creeping higher and higher. For many businesses across America, it is the second or third most expensive item in doing business. That is right. Beyond the cost of personnel and workers and beyond the rental and utilities paid or health insurance comes the swipe fee—the fees charged by credit card companies for the use of debit cards and credit cards.

What we said last year, while we were debating financial reform, was, this price fixing by the credit card companies—and there are two giants, Visa and MasterCard, that control 80 percent of the card transactions in America—this swipe fee that is being charged by them should be reasonable and proportional to the actual cost of the transaction. They should not be able to force feed and price fix an excessive swipe fee, or interchange fee, on retailers and merchants across America.

We said to the Federal Reserve: Take a look at this and try to figure out a way to establish a reasonable, proportional fee since the credit card companies and the big banks are not going to negotiate. The Fed is in the process of doing it.

We also said any bank or credit union with less than $10 billion in assets will not be affected by this. Our object was to make sure the hometown banks, the local banks, the local credit unions, could continue to receive interchange fees without any type of oversight by the Federal Government. Some people said: Why didn't you include them? Well, we tried to give them an opportunity to continue to do business because, frankly, those who are closest in the communities are the ones we ought to be mindful of and protective of.

Perhaps I have a little prejudice involved too. The biggest banks in America—the top 1 percent of banks in America—are the ones that do almost 60 percent of this card business. I am talking about the same Wall Street banks that ended up getting a bailout from the Federal Government, to the tune of hundreds of billions of dollars. I do not have a lot of sympathy for them. They made some stupid mistakes and the taxpayers came to their rescue. From my point of view, we should not be subsidizing them or creating an opportunity for them to fix prices when it comes to merchants and retailers across America.

This passed last year with a strong bipartisan vote of 64 Senators, and the biggest banks in America and the biggest credit card companies in America have been working nonstop ever since to stop this from going into effect. They have poured more resources into this effort than I have ever seen, and I have been around this place for a while. They want to stop this because they hate swipe fee reform like the devil hates holy water. For them, it is a dramatic loss of money. How much? Each month—each month in America—these debit swipe fees generate $1.3 billion—$1.3 billion—for the banks at the expense of merchants and small businesses and large businesses, too, for that matter, across America. But not just at their expense. These swipe fees are being paid every time a person uses a debit card or a credit card to pay the government, to pay a university, to make a charitable contribution. That is a reality, and $1.3 billion a month—most of it going to the biggest banks in America—they believe is worth fighting for.

So the fight has been joined, and Senators have come to the floor and submitted an amendment to postpone this swipe fee reform for 2 years—2 years—to study it. Let me see, 24 months times $1.3 billion—over $30 billion they want in a handout to the biggest banks and credit card companies in America. I do not think that is fair. It is sure not fair to the small businesses that had asked me to introduce this and ask me to continue to fight for it. It is not fair to these businesses or their customers.

You see, our reform efforts are not just supported by the businesses. They are supported by the Consumer Federation of America, the largest consumer advocacy group in the United States. They understand that if you are dealing with a competitive business—let's assume you have gas stations across the street from one another and you make more profitability at one gas station, they can lower prices and be more competitive with the gas station across the street. The same is not true when it comes to big banks and credit cards. When it comes to credit cards, we have not a monopoly but a duopoly—two monopolistic companies, very little competition between them. There is a lot of competition in small town America and Main Street America.

Some people ask me why I tackle some of these issues that involve the big banks and credit card companies and others. They say: Don't you understand these operations you are fighting are pretty large in terms of their resources and their political might? There is truth in that. The banks are a $13 trillion industry in America, according to the American Bankers Association—$13 trillion—and last year the banking industry in America made over $87 billion in profits.

Visa and MasterCard were spun off from big banks a few years ago and now are multibillion-dollar companies that control nearly 80 percent of the payment card market.

People tell me these financial industry giants have unlimited resources,