

bill because some contentious amendments that have nothing to do with the underlying bill are going to be offered. All I would say to colleagues is let's not allow these jobs bills to be weighed down so we do nothing. The American people are sick of it.

We have had a small business bill. MARY LANDRIEU, the chair of the Small Business Committee, stood right here day after day begging colleagues: Don't offer poison pill amendments to that bill. Do you know who lost? Not MARY LANDRIEU. The American people lost and the small businesses lost because this bill, the small business bill, became the way everybody offered everything they had ever dreamed about and thought about, and a lot of it was controversial.

So I urge colleagues on both sides of the aisle, if you are going to offer amendments that are not related, please agree to time agreements. Let's get rid of these amendments one way or the other. If they pass, fine; if they don't, that is life. But let's get to the reauthorization of the EDA. It started in 1965. It has saved jobs, it has created jobs, and any problems we have had because of some of the rules, we have addressed in this reauthorization.

I have here a letter, a legislative alert, hot off the press from the AFL-CIO. They support the passage of S. 782, the Economic Development Revitalization Act of 2011. They say it "has played an often unheralded but important role in creating jobs and spurring economic growth in economically distressed communities."

The public investments supported by this legislation make a little funding go a long way by leveraging private dollars in support of these projects. Resources for technical assistance and research infrastructure, and assisting in the development and implementation of economic development strategies helps revitalize communities. EDA established an admirable track record in assisting economically troubled low income communities with limited job opportunities by putting their investments to good use in promoting needed job creation and industrial and commercial development.

Today when the lack of jobs and income stagnation are the primary issues facing this Nation, S. 782 is a bipartisan bill that can help make a difference. We urge Congress to pass the Economic Development Revitalization Act of 2011.

I think that really says it.

I have one more letter I just got. We have a letter from the U.S. Chamber, the Business Civic Leadership, saying how much they support the program. They say, "I am writing to share with you the U.S. Chamber Business Civic Leadership Center's positive experience in working with the EDA. EDA has served as a valuable partner in many communities"—they cite "San Jose, California; Seattle, Washington; Cedar Rapids, Iowa; Mobile, Alabama; New Orleans, Louisiana; Atlanta, Georgia; Boca Raton, Florida; Minneapolis, Minnesota; Newark, New Jersey" and many others.

I know some of these programs that went into these cities with this rel-

atively small investment by the Federal Government spurring all this private sector capital and local and State funds. They say they worked with the EDA in "conducting regional forums to bring corporate contributions professionals together with economic development experts." They provide "opportunities to build up relationships between and among companies and government agencies."

They developed "a report that maps how and why companies invest in communities across the U.S."

They believe that as they work with them on these programs, including "working with local chambers of commerce in disaster affected regions to provide local recovery grants," that that worked very well.

They say they are the "corporate citizenship arm of the U.S. Chamber of Commerce." They "work with thousands of businesses and local chambers of commerce on community development and disaster recovery."

They are consistently looking for "best practices, lessons learned, technical assistance, planning and strategy support, and other insights, tools, and techniques to make their communities as economically competitive as possible."

They say:

In our experience EDA members have displayed a high degree of professionalism and technical expertise. They have engaged with us on multiple levels from consultations at the national level to sharing valuable field experience at the state and local levels.

They say:

We have canvassed many businesses and local chambers about their community development needs, and they almost unanimously tell us that some of their highest priorities include business recruitment and retention and helping small-and-medium sized businesses grow. They also tell us that support for regional economic development planning that transcends municipal boundaries is an increasing area of interest, and that this is a unique capability that EDA can and does support.

As you consider EDA's future roles and responsibilities, we would be happy to share with you our experiences and lessons learned in working with the agency and to provide you with additional information.

Signed by Stephen Jordan, executive director of the Business Civic Leadership Center of the Chamber of Commerce.

So here we have an arm of the Chamber of Commerce sending us a letter of praise for the EDA, and we have the AFL-CIO doing the same.

Senator INHOFE referred to the highway bill. That is another example where we have both sides coming together, and what I want to say to colleagues who may be watching in their office or hearing this as they do their other work, please, let's get this done.

Every single person in this Chamber goes home and talks about jobs, jobs, jobs. If we mean it, if we are not just posturing or posing for pictures and we mean it, then let's get it done.

We had a bad experience here with the small business bill. It got loaded up

with things that had nothing to do with anything, and we didn't get time agreements and we couldn't get it done. Let's hope that this gets done.

I cannot imagine anybody holding up this bill when we know that in 2009 it funded over a 2-year period 160,000 jobs at a very small cost to Federal taxpayers because that cost is leveraged.

I could go on about EDA, and I will later. I think I have spoken enough at this particular time.

Mr. President, unless there is someone on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to S. 782, the Economic Development Act, be withdrawn and the Senate adopt the motion to proceed to S. 782; further, that after the clerk reports the bill, the committee-reported amendment be agreed to, the bill, as amended, be considered as original text for the purposes of amendments, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that Senator TESTER be recognized to offer an amendment, followed by Senator DURBIN to be recognized to offer an amendment; following that, Senators BOXER and INHOFE be allowed to give their opening statements on this legislation.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, Senator INHOFE and I have already spoken on the floor. What I would appreciate is just 2 minutes before we turn to Senator TESTER just to set the stage.

Mr. REID. I think I have protected the Senator in that regard. I want to get the amendment laid down and the second-degree amendment laid down. All right.

Mrs. BOXER. All right.

Mr. REID. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

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.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment, as follows:

(Insert the part printed in italic.)

S. 782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Economic Development Revitalization Act of 2011”.

SEC. 2. FINDINGS AND DECLARATIONS.

Section 2 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121) is amended—

(1) in subsection (a)(3)(C), by inserting “, including the location of information technology and manufacturing jobs in the United States” after “investment”; and

(2) in subsection (b), by striking paragraph (3) and inserting the following:

“(3) whether suffering from long-term distress or a sudden economic dislocation, distressed communities should be encouraged to promote innovation and entrepreneurship, including, as appropriate, the support of the formation of business incubators in economically distressed areas, so as to help regions to create higher-skill, higher-wage jobs and foster the participation of those regions in the global marketplace; and”.

SEC. 3. DEFINITIONS.

Section 3(8) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122(8)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(E) the Southeast Crescent Regional Commission established by section 15301(a)(1) of title 40, United States Code;

“(F) the Northern Border Regional Commission established by section 15301(a)(3) of title 40, United States Code; and

“(G) the Southwest Border Regional Commission established by section 15301(a)(2) of title 40, United States Code.”.

SEC. 4. ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “economic development districts, university centers,” after “multi-State regional organizations,”;

(B) by striking paragraph (2) and inserting the following:

“(2) encourage and support public-private partnerships for the formation and improvement of regional economic development strategies that sustain and promote innovation and entrepreneurship that is critical to economic competitiveness across the United States; and”; and

(C) in paragraph (3), by inserting “, innovation, entrepreneurship, beneficial development,” after “infrastructure”; and

(2) in subsection (c), by inserting “(including economic development districts)” after “local government agencies”.

SEC. 5. ENCOURAGEMENT OF CERTAIN COORDINATION.

Section 102 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3132) is amended—

(1) by striking “In accordance with” and inserting the following:

“(a) IN GENERAL.—In accordance with”; and

(2) by adding at the end the following:

“(b) GOVERNMENTAL COOPERATION.—

“(1) IN GENERAL.—The Secretary is authorized and encouraged to consult and cooperate with other agencies, including representatives of the Federal Government, State and local governments, and consortia of govern-

mental organizations, that can assist in addressing challenges and capitalize on opportunities that require intergovernmental coordination.

“(2) LABOR.—In carrying out paragraph (1), the Secretary shall cooperate with the Secretary of Labor to support economic and workforce development strategies and the promotion of regional innovation clusters.”.

SEC. 6. ADDITIONAL SUPPORT FOR ENTERPRISE DEVELOPMENT ORGANIZATIONS WITHIN THE PUBLIC WORKS PROGRAM.

Section 201(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) other activities the conduct of which the Secretary determines would be necessary or useful to support the establishment and operation of those facilities on an ongoing basis, including—

“(A) related planning, technical assistance, and business development assistance to enable the recipient to bring together regional assets and encourage entrepreneurial development; and

“(B) to the extent needed to support entrepreneurial development, revolving loan funds pursuant to section 209.”.

SEC. 7. GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

Section 203 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking “and” at the end; and

(B) by striking paragraph (4) and inserting the following:

“(4) formulating and implementing an economic development program that includes systematic efforts to reduce unemployment and increase incomes by fostering innovation and entrepreneurship;

“(5) fostering regional collaboration among local jurisdictions and organizations; and

“(6) facilitating a stakeholder process that assists the community or region in creating an economic development vision that takes into account local and regional assets (including natural, social, community, and geographical resources) and global economic change.”;

(2) in subsection (d)—

(A) in paragraph (4)—

(i) in subparagraph (E), by striking “and” at the end;

(ii) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(G) support development practices that—

“(i) enhance energy and water efficiency;

“(ii) reduce the dependence of the United States on foreign oil; and

“(iii) encourage efficient coordination and leveraging of public and private investments.”; and

(B) in paragraph (5), by striking “subsection shall” and all that follows through the end of the paragraph and inserting the following: “subsection shall—

“(A) submit to the Secretary an annual report on the planning process assisted under this subsection; and

“(B) provide a copy of each annual report to each economic development district within the State.”; and

(3) by adding at the end the following:

“(e) ADDITIONAL AMOUNTS TO ADDRESS SEVERE NEED.—In determining the amount of funds to provide a recipient for planning assistance under this section, the Secretary

shall take into account those recipients located in regions that are—

“(1) eligible for an investment rate of 80 percent or higher; or

“(2) experiencing severe need due to long-term economic deterioration or sudden and severe economic distress.

“(f) ENCOURAGING PLANNING ASSISTANCE ON A BROADER REGIONAL SCALE.—In order to encourage district organizations to develop regional economic competitiveness strategies on a broader basis in collaboration with other district organizations and entities outside the confines of a single economic development district, the Secretary may increase—

“(1) the Federal share otherwise applicable to the recipients; or

“(2) the amount of Federal assistance to the recipients.”.

SEC. 8. COST SHARING.

(a) FEDERAL SHARE.—Section 204(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144(a)) is amended by striking “shall not exceed—” and all that follows through the end of the subsection and inserting “shall not exceed 50 percent, except as otherwise expressly provided in this Act.”.

(b) INCREASE IN FEDERAL SHARE.—Section 204(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144(c)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(2) by inserting before paragraph (1) the following:

“(1) RELATIVE NEEDS OF AN AREA.—

“(A) 150-PERCENT HIGHER UNEMPLOYMENT RATE.—In the case of a grant made in an area for which the 24-month unemployment rate is at least 150 percent of the national average or the per capita income is not more than 70 percent of the national average, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 60 percent of the cost of the project.

“(B) 175-PERCENT HIGHER UNEMPLOYMENT RATE.—In the case of a grant made in an area for which the 24-month unemployment rate is at least 175 percent of the national average or the per capita income is not more than 60 percent of the national average, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 70 percent of the cost of the project.

“(C) 200-PERCENT HIGHER UNEMPLOYMENT RATE.—In the case of a grant made in an area for which the 24-month unemployment rate is at least 200 percent of the national average or the per capita income is not more than 50 percent of the national average, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 80 percent of the cost of the project.

“(D) ADDITIONAL CRITERIA.—The Secretary may establish eligibility criteria in addition to the criteria described in this paragraph to address areas impacted by severe outmigration, sudden and severe economic dislocations, and other economic circumstances, on the condition that a Federal share established for such eligibility criteria shall not exceed 80 percent.”;

(3) in paragraph (2) (as redesignated by paragraph (1))—

(A) by striking “may” and inserting “shall”; and

(B) by inserting “to 75 percent of the cost of the project, and may increase” after “subsection (a)”; and

(4) by adding at the end the following:

“(5) FEDERALLY DECLARED DISASTER AREAS.—In the case of a grant for an area with respect to which a major disaster or

emergency has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) during the 18-month period ending on the date on which the Federal share is determined, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.”.

SEC. 9. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

Section 207(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147(a)) is amended—

(1) in paragraph (1), by striking “or under-employment” and inserting “, outmigration, or underemployment, or in assisting in the location of information technology and manufacturing jobs in the United States”; and

(2) in paragraph (2)—

(A) in subparagraph (H), by striking “and” at the end;

(B) by redesignating subparagraph (I) as subparagraph (J); and

(C) by inserting after subparagraph (H) the following:

“(I) a peer exchange program to promote industry-leading practices and innovations relating to the organizational development, program delivery, and regional initiatives of economic development districts; and”.

SEC. 10. ENHANCEMENT OF RECIPIENT FLEXIBILITY TO DEAL WITH PROJECT ASSETS.

(a) **PARTICULAR COMMUNITY ASSISTANCE.**—Section 209(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)) is amended—

(1) in the matter preceding paragraph (1), by striking “injured” and inserting “impacted”;

(2) by striking paragraph (1) and inserting the following:

“(1) military base closures, realignments, or mission growth, defense contractor reductions in force, or Department of Energy defense-related funding reductions, for help in—

“(A) diversifying the economies of the communities; or

“(B) otherwise supporting the economic adjustment activities of the Secretary of Defense through projects to be carried out on Federal Government installations or elsewhere in the communities;”;

(3) by striking paragraph (5) and inserting the following:

“(5) the loss of information technology, manufacturing, natural resource-based, agricultural, or service sector jobs, for reinvesting in and diversifying the economies of the communities.”.

(b) **REVOLVING LOAN FUND PROGRAM FLEXIBILITY.**—Section 209(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(d)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(2) by inserting after paragraph (1) the following:

“(2) **COMMENTS.**—

“(A) **IN GENERAL.**—The Secretary shall periodically solicit from the individuals and entities described in subparagraph (B)—

“(i) comments regarding the guidelines and performance requirements for the revolving loan fund program; and

“(ii) recommendations for improving the performance of the program and grantees under the program.

“(B) **DESCRIPTION OF INDIVIDUALS AND ENTITIES.**—The individuals and entities referred to in subparagraph (A) are—

“(i) the public; and

“(ii) in particular, revolving loan fund grantees, national experts, and employees of Federal agencies with knowledge of inter-

national, national, regional, and statewide trends, innovations, and noteworthy practices relating to business development finance, including public and private lending and technical assistance intermediaries.”;

(3) in subparagraph (A) of paragraph (5) (as redesignated by paragraph (1)), by striking “paragraph (2)(C)” and inserting “paragraph (3)(C)”; and

(4) by adding at the end the following:

“(6) **CONVERSION OF PROJECT ASSETS.**—

“(A) **REQUEST.**—If a recipient determines that a revolving loan fund established using assistance provided under this section is no longer needed, or that the recipient could make better use of the assistance in light of the current economic development needs of the recipient if the assistance was made available to carry out any other project that meets the requirements of this Act, the recipient may submit to the Secretary a request to approve the conversion of the assistance.

“(B) **METHODS OF CONVERSION.**—A recipient request to convert assistance that is approved under subparagraph (A) may accomplish the conversion by—

“(i) selling to a third party any assets of the applicable revolving loan fund; or

“(ii) retaining repayments of principal and interest amounts on loans provided through the applicable revolving loan fund.

“(C) **REQUIREMENTS.**—

“(i) **SALE.**—

“(I) **IN GENERAL.**—Subject to subclause (II), a recipient shall use the net proceeds from a sale of assets under subparagraph (B)(i) to pay any portion of the costs of 1 or more projects that meet the requirements of this Act.

“(II) **TREATMENT.**—For purposes of subclause (I), a project described in that subclause shall be considered to be eligible under section 301.

“(ii) **RETENTION OF REPAYMENTS.**—Retention by a recipient of any repayment under subparagraph (B)(ii) shall be carried out in accordance with a strategic reuse plan approved by the Secretary that provides for the increase of capital over time until sufficient amounts (including interest earned on the amounts) are accumulated to fund other projects that meet the requirements of this Act.

“(D) **TERMS AND CONDITIONS.**—The Secretary may require such terms and conditions regarding a proposed conversion of the use of assistance under this paragraph as the Secretary determines to be appropriate.

“(E) **EXPEDIENCY REQUIREMENT.**—The Secretary shall ensure that any assistance intended to be converted for use pursuant to this paragraph is used in an expeditious manner.

“(7) **PROGRAM ADMINISTRATION.**—The Secretary may allocate not more than 2 percent of the amounts made available for grants under this section for the development and maintenance of an automated tracking and monitoring system to ensure the proper operation and financial integrity of the revolving loan program established under this section.”.

SEC. 11. RENEWABLE ENERGY PROGRAM.

Section 218 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3154d) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **DEFINITION OF RENEWABLE ENERGY SITE.**—In this section, the term ‘renewable energy site’ means a brownfield site that is redeveloped through the incorporation of 1 or more renewable energy technologies, including, but not limited to, solar, wind, and geothermal technologies.”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “‘brightfield’ and inserting ‘‘renewable energy’’; and

(B) in paragraph (1), by striking “solar energy technologies” and inserting “renewable energy technologies, including, but not limited to, solar, wind, and geothermal technologies”; and

(3) in subsection (d), by striking “2004 through 2008” and inserting “2011 through 2015”.

SEC. 12. ENERGY EFFICIENCY AND ECONOMIC DEVELOPMENT.

(a) **AMENDMENT.**—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:

“SEC. 219. ENERGY EFFICIENCY AND ECONOMIC DEVELOPMENT.

“In administering programs under this Act, the Secretary shall support activities that employ economic development practices that—

“(1) enhance energy and water efficiency; and

“(2) reduce the dependence of the United States on foreign oil.”.

(b) **TECHNICAL AMENDMENT.**—The table of contents of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended by adding after section 218 the following:

“Sec. 219. Energy efficiency and economic development.”.

SEC. 13. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES IMPROVEMENTS.

Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “and opportunities” after “problems”; and

(B) in paragraph (2), by striking “and private” and inserting “, private, and non-profit”; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by inserting “and opportunities” after “economic problems”; and

(II) by striking “promotes the use” and inserting “promotes the effective use”; and

(iii) by striking “balances” and inserting “optimizes”; and

(ii) in subparagraph (B), by inserting “and take advantage of the opportunities” before the period at the end; and

(2) in subsection (c)(1), by inserting “, State, or locally” after “federally”.

SEC. 14. DESIGNATION OF ECONOMIC DEVELOPMENT DISTRICTS.

Section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by adding at the end the following:

“(c) **OPERATIONS.**—

“(1) **IN GENERAL.**—Each economic development district shall engage in the full range of economic development activities included in the list contained in the comprehensive economic development strategy of the economic development district that has been approved by the Economic Development Administration, including—

“(A) coordinating and implementing economic development activities in the economic development district;

“(B) carrying out economic development research, planning, implementation, and advisory functions identified in the comprehensive economic development strategy; and

“(C) coordinating the development and implementation of the comprehensive economic development strategy with other Federal, State, local, and private organizations.

“(2) **CONTRACTS.**—An economic development district may elect to enter into contracts for services to accomplish the activities described in paragraph (1).”.

SEC. 15. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

Section 503(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3193(a)) is amended by inserting “, outmigration,” after “regional unemployment”.

SEC. 16. NOTIFICATION OF REORGANIZATION.

Section 507 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3197) is amended—

(1) by striking “Not later than” and inserting the following:

“(a) NOTIFICATION.—Not later than”; and
(2) by adding at the end the following:

“(b) STATE OF MONTANA.—The State of Montana shall be served by the Seattle office of the Economic Development Administration.”.

SEC. 17. ADMINISTRATIVE EXPENSES.

Section 604(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3214(c)(2)) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) may be used for administrative expenses incident to the projects associated with the transfers to the extent that the expenses do not exceed—

“(i) 3 percent, in the case of projects not involving construction; and

“(ii) 5 percent, in the case of projects involving construction; and”.

SEC. 18. MAINTENANCE OF EFFORT.

Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211 et seq.) is amended by adding at the end the following:

“SEC. 613. MAINTENANCE OF EFFORT.

“(a) EXPECTED PERIOD OF BEST EFFORTS.—

“(1) ESTABLISHMENT.—To carry out the purposes of this Act, before providing investment assistance for a construction project under this Act, the Secretary shall establish the expected period during which the recipient of the assistance shall make best efforts to achieve the economic development objectives of the assistance.

“(2) TREATMENT OF PROPERTY.—To obtain the best efforts of a recipient during the period established under paragraph (1), during that period—

“(A) any property that is acquired or improved, in whole or in part, using investment assistance under this Act shall be held in trust by the recipient for the benefit of the project; and

“(B) the Secretary shall retain an undivided equitable reversionary interest in the property.

“(3) TERMINATION OF FEDERAL INTEREST.—

“(A) IN GENERAL.—Beginning on the date on which the Secretary determines that a recipient has fulfilled the obligations of the recipient for the applicable period under paragraph (1), taking into consideration the economic conditions existing during that period, the Secretary may terminate the reversionary interest of the Secretary in any applicable property under paragraph (2)(B).

“(B) ALTERNATIVE METHOD OF TERMINATION.—

“(i) IN GENERAL.—On a determination by a recipient that the economic development needs of the recipient have changed during the period beginning on the date on which investment assistance for a construction project is provided under this Act and ending on the expiration of the expected period established for the project under paragraph (1), the recipient may submit to the Secretary a request to terminate the reversionary interest of the Secretary in property of the project under paragraph (2)(B) before the date described in subparagraph (A).

“(ii) APPROVAL.—The Secretary may approve a request of a recipient under clause (i) if—

“(I) in any case in which the request is submitted during the 10-year period beginning on the date on which assistance is initially provided under this Act for the applicable project, the recipient repays to the Secretary an amount equal to 100 percent of the fair market value of the pro rata Federal share of the project; or

“(II) in any case in which the request is submitted after the expiration of the 10-year period described in subclause (I), the recipient repays to the Secretary an amount equal to the fair market value of the pro rata Federal share of the project as if that value had been amortized over the period established under paragraph (1), based on a straight-line depreciation of the project throughout the estimated useful life of the project.

“(b) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions under this section as the Secretary determines to be appropriate, including by extending the period of a reversionary interest of the Secretary under subsection (a)(2)(B) in any case in which the Secretary determines that the performance of a recipient is unsatisfactory.

“(c) PREVIOUSLY EXTENDED ASSISTANCE.—With respect to any recipient to which the term of provision of assistance was extended under this Act before the date of enactment of this section, the Secretary may approve a request of the recipient under subsection (a) in accordance with the requirements of this section to ensure uniform administration of this Act, notwithstanding any estimated useful life period that otherwise relates to the assistance.

“(d) CONVERSION OF USE.—If a recipient of assistance under this Act demonstrates to the Secretary that the intended use of the project for which assistance was provided under this Act no longer represents the best use of the property used for the project, the Secretary may approve a request by the recipient to convert the property to a different use for the remainder of the term of the Federal interest in the property, subject to the condition that the new use shall be consistent with the purposes of this Act.

“(e) STATUS OF AUTHORITY.—The authority of the Secretary under this section is in addition to any authority of the Secretary pursuant to any law or grant agreement in effect on the date of enactment of this section.”.

SEC. 19. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 701(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231(a)) is amended by striking “expended—” and all that follows through paragraph (5) and inserting “expended, \$500,000,000 for each of fiscal years 2011 through 2015.”.

SEC. 20. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

Section 704 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3234) is amended to read as follows:

“SEC. 704. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

“(a) IN GENERAL.—Subject to subsection (b), of the amounts made available under section 701 for each fiscal year, there shall be made available to provide grants under section 203 an amount equal to not less than the lesser of—

“(1) 12 percent; and

“(2) \$31,000,000.

“(b) SUBJECT TO TOTAL APPROPRIATIONS.—For any fiscal year, the amount made available pursuant to subsection (a) shall be increased to—

“(1) if the total amount made available under section 701(a) for the fiscal year is equal to or greater than \$291,000,000, an amount equal to the greater of—

“(A) \$32,000,000; and

“(B) 11 percent of the total amount made available under section 701(a) for the fiscal year;

“(2) if the total amount made available under section 701(a) for the fiscal year is equal to or greater than \$330,000,000, an amount equal to the greater of—

“(A) \$33,000,000; and

“(B) 10 percent of the total amount made available under section 701(a) for the fiscal year;

“(3) if the total amount made available under section 701(a) for the fiscal year is equal to or greater than \$340,000,000, an amount equal to the greater of—

“(A) \$34,000,000; and

“(B) 10 percent of the total amount made available under section 701(a) for the fiscal year; or

“(4) if the total amount made available under section 701(a) for the fiscal year is equal to or greater than \$350,000,000, an amount equal to the greater of—

“(A) \$35,000,000; and

“(B) 10 percent of the total amount made available under section 701(a) for the fiscal year.”.

SEC. 21. REPORT ON DUPLICATIVE PROGRAMS.

Not later than 90 days after the date of enactment of this Act, the Government Accountability Office shall submit to the Committee on Environment and Public Works of the Senate a report that describes a list of the specific programs and portions of specific programs of other Federal agencies that are duplicative of programs or portions of programs administered by the Economic Development Administration, including the programs or portions of programs carried out by—

(1) the Department of Housing and Urban Development;

(2) the Department of Agriculture; and

(3) the Small Business Administration.

The committee amendment was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 392

(Purpose: To improve the regulatory structure for electronic debit card transactions, and for other purposes)

Mr. TESTER. Mr. President, I have an amendment at the desk I would like to call up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER], for himself and Mr. CORKER, Mrs. HAGAN, Mr. CRAPO, Mr. BENNET, Mr. BLUNT, Mr. CARPER, Mr. KYL, and Mr. COONS, proposes an amendment numbered 392.

Mr. TESTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under “Text of Amendments.”)

Mr. TESTER. Mr. President, is it appropriate that I speak for 2 minutes?

Mr. REID. Mr. President, I object. The consent agreement was he would offer his amendment, Senator DURBIN would offer his amendment, and then Senator BOXER, the chairman of the committee, would be recognized. That is the order.

Mr. TESTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 393 TO AMENDMENT NO. 392

Mr. DURBIN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 393 to amendment No. 392.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To address the time period for consideration of the small issuer exemption)

On page 10, line 9, strike "2 years" and insert "one year".

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, over the last month, Senator CORKER and I have worked with several Senators who are concerned about the unintended consequences of the debit interchange amendment the Senate adopted last year. We voted against that amendment. We were concerned about the impact of those consequences on folks—especially across rural America—who rely on their small local banks and credit unions.

The Federal Reserve's rules based on this amendment are about to go into effect, and the result is going to be bad for small banks and credit unions and ultimately for the whole country but especially rural America. Even Chairman Bernanke admits that the rule could "result in some smaller banks being less profitable or even failing."

I am proud to be joined in this effort by Senators CRAPO, BENNET, HAGAN, and several others—all folks who share my concern about the impact of debit interchange fees on our local banks.

Senator CORKER and I began with a concern that local community banks and credit unions would end up being subject to the same one-size-fits-all regulation designed to address the excesses of some of the world's largest financial institutions. As I have said over and over, those big Wall Street banks are going to be just fine. They have plenty of sources for their revenue. No one needs to shed a tear for them. But the Main Street banks and credit unions will not be OK if these rules are implemented.

Let me give you one example. Community First Credit Union has two branches—one in Miles City and one in Ekalaka, MT. Those two towns are about as far away from Wall Street as

you can get. Ekalaka, in fact, is pretty far away from just about everywhere. But last year the Senate approved an amendment that was aimed at holding the big banks accountable for the fees they charge when you swipe your debit card at Walmart. Folks were promised we would have a split system where big banks such as Bank of America would get one interchange rate and Community First Credit Union would be able to get a higher rate. The reality is going to be quite different. Without changes, the small guys like Community First will not see this promised benefit.

This so-called two-tiered system will not work under the current law. That is not my opinion; it is the opinion of folks who regulate these small banks.

What Ben Bernanke, Sheila Bair, and others say is that market forces will inevitably push the rate down to the lowest level. That push has already started. Retailers are seeking laws at the State level to give themselves the freedom to deny purchases with debit cards that have a higher interchange fee. Given the amount of money the big box retailers are putting into their lobbying campaigns, it is only a matter of time before they are successful. So what happens to the consumer who does her banking at a small community bank or credit union? These are the folks I am concerned about because they are the majority of Montanans. Unfortunately, they are going to get stuck with higher fees, with no access to capital or, even worse, no banks at all.

Let's be clear: If any single one of the regulators—whether it be the Chairman of the Federal Reserve or the Chair of the FDIC or the Comptroller of the Currency—had told me the interchange system proposed last year would actually protect small banks and credit unions, we would not be here. But that is not what happened.

The Chairman of the Federal Reserve said that without changes, the system that will be implemented on July 21 will cause small institutions—the kinds of banks that serve most Montanans—to suffer and some could even fail. The Chair of the FDIC said that unquestionably these banks would be hurt. The credit union administrator agrees. Perhaps they will make up for those losses by raising rates on checking accounts. Maybe it will be higher fees when a small business comes in looking for a loan to expand. That will surely help the biggest banks to capture more of the market share at the expense of the smaller banks like Community First.

This week, we have a chance to stop and rewrite these rules before they hurt those small banks, before they hurt those small credit unions, before the new rules hurt the consumers and the small businesses in rural America that prefer to do their banking business with folks who know them and who are a part of their communities.

Rural America is what I know. It is where I am from. As I have watched

consolidation in the agriculture industry and have watched rural America get smaller and smaller, I am not about to let this happen in the financial services industry. Fewer banking options in rural America is a death knell for rural America, and that is where we are headed today. One way to stop this from happening is for us to slow down and fix the debit interchange regulations so the small banks that serve rural America do not get hit.

We also know how dangerous it is to set a price for a product without understanding all the costs that go into that product. Small business owners certainly could not stay in business if they did not understand their own costs. Likewise, if we are going to be regulating debit interchange fees, we need to understand all the costs associated with debit transactions and debit programs.

When we voted on this amendment last year, we thought we were voting to allow the Federal Reserve to consider all costs. However, the reality is that last year's interchange amendment limited the costs that could be included. Some fraud costs were allowed to be included but others were not. Some technology costs were included but others not. The result is a proposed Fed rule that sets the debit interchange rate at 7 or 12 cents for all transactions—a level most folks agree is too low.

I am sure the big box retailers think 7 cents or 12 cents is too high. In fact, they have argued that the rate should be closer to 4 cents. I have heard from many of my retailers in my home State, and some have said 12 cents is probably too low, and they understand you absolutely cannot set the price of doing business below what it costs to do business.

If we are going to be regulating this market, we must do it in a way that is fair, in a way that still directs the Fed to determine what is "reasonable and proportionate" but gives them the discretion to look at all of the costs associated with debit transactions. That does not mean executive pay. That does not mean the cost of a corporate jet or a special rewards program. All the costs will still need to be justified, but the Fed will not be limited arbitrarily in what they can look at.

That is why my friend Senator CORKER and I are offering this amendment today. This amendment is a compromise, and that is how we do business in Montana. We find the common ground and we work together to do what is best.

Senator CORKER and I first proposed a 2-year delay of the Fed's rules to allow adequate time to study the impact on small banks and rewrite the rules based on what we learn in that study. The Fed tells us now that it may be able to do this joint study in 6 months. So that is what our amendment proposes—just 6 months to study whether the rules that will govern the

debit interchange marketplace can protect small banks.

In this amendment, we outline the topics the study should address, including taking a closer look at all of the actual costs associated with debit card transactions, the impact on consumers, and whether an exemption for small banks as proposed in the interchange amendment last year will actually work.

If, after the study, at least two of the agencies involved determine that the current rules do not take into account all costs, that the rules may harm consumers, or that the exemption meant to protect small banks and credit unions will not work, then the Fed has 6 more months to rewrite the rules considering all costs.

That is 1 year to address our concerns and to make sure rural banks do not get wiped out by this rule. If the agencies find that the rules consider all costs, consumers would not be harmed, and that the small issuer exemption will work, then the current rules pending would move forward.

What about the little guys? We put into place a process that will address any potential impact on small issuers. My contention has long been that market forces would drive fees for small issuers to the lowest rate. Since we cannot fully understand how the market will operate until interchange regulation is enacted, we direct the Fed to report the actual impact of the market on small issuers a year after the rules are implemented.

The Fed has to present a report to Congress and every other year thereafter on the impact of a regulated market on small issuers. Most importantly, the report will include recommendations for how to resolve any potential harm to small issuers and to enforce the exemption.

This will help make sure that when Congress acts, we will have the facts about how we would impact small banks. That means the regulatory process is over in 12 months, and Congress does not have to revisit this issue. Let me say it again. Congress does not have to revisit this issue.

At the end of the entire process, there is still a regulated market for debit interchange fees. That is what the Senate voted for last year, loudly and clearly, and we preserve the regulated marketplace, which is what Senator DURBIN and others have been calling for.

We will have regulated the marketplace once we fully understand all the costs relative to debit transactions and the impact of these rules on consumers and small issuers. That is what the majority of the Senate voted for last year, and that is what we will get. But it will be a regulatory framework that does not penalize small banks and credit unions and is fair by not setting prices below costs. When every banking regulator who has a role in overseeing the debit interchange market tells you that Congress has created a system

that will not work in the way that was intended, then we ought to listen. Today's debit interchange market is not fair for some retailers, so I understand their desire to see it fixed.

But the answer is not to create a new system that is unfair to the small banks in Montana and other parts of rural America. The amendment the Senate approved last year was designed to punish Wall Street. But the result may be the bank in Ekalaka and the other banks all over rural America that will lose customers and potentially even fail.

Let's measure twice and cut once. Let's do it quickly, but let's make sure we get this right and that if we are going to create regulations, we are doing it in a way that is fair and consistent with the intent.

I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Tennessee.

Mr. CORKER. Mr. President, I rise to speak favorably toward the Tester-Corker amendment.

Mr. DURBIN. Mr. President, may I ask the Senator from Tennessee if he would mind yielding and indicate how long he might be speaking?

Mr. CORKER. Mr. President, 8 minutes max—8 to 10.

Mr. DURBIN. I thank the Senator.

Mr. CORKER. I do wish to say that my friend from Montana has been a great partner in this effort. I know lots of times people use a lot of rhetoric down here to talk about what is happening and the fact that anyone who might be proposing this type of amendment might be supporting Wall Street institutions. But I think you can see that my friend from Montana is anything but Wall Street. Certainly, I think all of us are just trying to come up with a solution that makes sense.

I wish to give a brief history. Dodd-Frank came to the floor last year. There were numbers of amendments to the bill. One of the amendments that came to the floor was called the Durbin amendment. It was an amendment that had no hearings. A lot of us—people such as myself who are opposed to price fixing—what the Durbin amendment said was that the Fed was going to set prices on debit transactions—were opposed to it. On the other hand, there were numbers of people in this Chamber who supported Durbin because they were frustrated with where retailers were and their inability to negotiate prices with Visa and some of the other companies. So they thought this might be a type of solution to that dilemma of not being able to have appropriate negotiations.

I think what all have understood, regardless of where they are on this issue now, is that the Durbin amendment did not actually give the Fed the ability to set prices as it relates to cost on debit cards. It only allowed certain costs—in other words, the incremental cost of a

transaction. I think the retailers that I know are very strongly supportive of the Durbin language know—they all tell me this anyway in private—they could not operate under that same scenario.

But they are frustrated. So what TESTER and I and others—MIKE CRAPO, who voted for Durbin, I might add; KAY HAGAN, who voted for Durbin; Senator BENNET, who voted for Durbin—what people have realized is that the Durbin amendment is way too narrow and does not allow appropriate costs to be considered by the Fed when setting these rates.

So my friend from Montana who has numbers of rural institutions—I have the same in my State—we all realized this is going to be highly detrimental to the financial system. So what we tried to do is come up with a compromise that works for both sides.

As I mentioned, Senator CRAPO, Senator HAGAN, Senator BROWN, Senator CARPER, numbers of people have gotten involved in this and have come up with a one-vote strategy. I know numbers of people want to vote and get this behind them. I understand this is one of those issues where we have retailers on one side, we have bankers on the other side, and we feel, in some ways, we are trying to deal—we are trying to pick between friends. What I think we are trying to do is put a good, sound policy in place, a place that the retailers should be very happy because they are going to end up with a regulated market—something, candidly, I do not support.

But I think the Senator from Illinois has been very successful on that front. Basically, the retailers win on this because they are going to end up with something that is regulated. They feel as if they do not have the ability to negotiate with Visa and other institutions. So now the Fed is going to be setting pricing.

On the other hand, those Senators—most Senators in this body who understand economics, understand business—also know you cannot run a business if you are only going to change the incremental costs. It would be akin to a pizza parlor selling pizza, literally, and only being able to charge for the dough it takes to make the pizza, not to be able to charge for electricity, not to be able to charge for the other things it takes to actually run that particular place.

I think we have come up with something that is a good middle-of-the-road solution. The Fed is directed to consider both fixed costs and incremental costs, something any retailer or any business in America would want to be considered if they were being regulated. We have also come up with a solution that allows the Fed to look back every 2 years and make sure those smaller institutions Senator TESTER is so concerned about, and I am so concerned about, that the Fed look at those to ensure that every 2 years these policies that are being put into

place do not disproportionately negatively affect those institutions. If so, they recommend—they do not prescribe, they recommend to Congress—possible legislative remedies.

As the Senator mentioned, I think we should measure twice, cut once. I think this ends up putting this issue in the place that is fair. I am feeling momentum building around this. I will say the Senator from Illinois is an outstanding legislator. I think he has done a very good job championing this issue. I do not think we would be where we are on this issue without the efforts he has put forth.

But I think he realizes possibly that by not keeping in place all costs as it relates to a transaction, what you are doing is limiting the availability of that to the public down the road. You limit innovation. You limit the amount of technology investment that goes toward each transaction.

I hope very soon to be paying my bills by just swiping my electronic device in front of a cash register. I think we all see us moving toward this. But what the Durbin amendment does now, in the form it is in, is basically say to these institutions, when you conduct these types of transactions, debit transactions, you are going to lose money every time you do it. I do not think that is where we want to be.

Again, there are going to be some unintended consequences whenever there is a bill the size of Dodd-Frank that passes. Surely, all of us can come together and figure out more common-sense ways of solving problems such as this when they arise. I would have so to say that I like the way this body is functioning around this issue. We have people on both sides of the aisle who have realized this policy is one that is detrimental. We have people on both sides of the aisle who have tried to work together. We have three iterations now of Corker-Tester to try to get it in a place that is in the middle of the road, that takes into account the concern of retailers, and takes into account the concern of small credit unions and small banks around this country that are going to be devastated, as all of the regulators have said.

This is unusual, by the way. We talk about regulatory overreach in this body. This is a case where we have given regulators the ability to regulate, and they are saying, please, do not make us do this. This is bad policy. That rarely happens in Washington. But it has happened in this case.

Out of respect for the tremendous amount of work so many people have put into coming up with a slightly better solution than the Senator from Illinois, who worked so hard on this issue, to put it forth originally, I would ask every Member to please, whether you end up voting with us or not—and I hope you will—please sit down for 10 minutes, just 10 minutes, and allow your staff to at least explain. I know a lot of people have made commitments

10 days ago, 1 week ago, to be on the other side of this. But I think most people have not seen the last iteration that puts this in the middle of the road, that keeps debit cards regulated but gives the regulators the ability to at least consider the costs that any normal business has when it functions.

I thank you for the time to talk about it. I thank the Senator from Illinois, who looks like he is getting ready to speak. I thank him for the way he has conducted himself. As a matter of fact, I think we have come up with such a great solution I would hope the Senator from Illinois would consider being a cosponsor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. To my friend from Tennessee, not a chance. My wife over the weekend, in Springfield, said: I would like you to clean the garage. I said: Well, I have decided to clean half the garage. It is a compromise. She said: With whom did you compromise? That is what we are faced with. Senators CORKER and TESTER have come to the floor and said: We have a compromise. With whom did you compromise?

It was not with the people who are affected by these debit card fees. No. They compromised among the banks. The banks all sat down and said: Let's work this out among us because we are talking about real money. That is their compromise. It is not a compromise.

What is this all about? The average person listening to this debate is going to think: What are they fighting over there in the Senate, this bipartisan battle? What we are talking about is something we all carry around in our wallets and purses these days, a debit card.

If I take this card and go to a local restaurant—well, let's use a different one. If I went to a local convenience store and said: I want to get a pack of chewing gum—Wrigley's because that is based in Chicago—I want to get a pack of Wrigley's chewing gum, here is my debit card, they take the debit card these days and they swipe it and they complete the transaction.

What you do not know, but the merchant knows, is he just lost money on that because it costs more to the merchant selling the goods to process the piece of plastic than they could possibly profit on the goods they are selling. So you wonder, how did it reach this point, where the use of this piece of plastic costs so much? It reached that point because the big giants of credit cards, Visa and MasterCard, said to merchants and retailers all across America: If you want to accept plastic at your place of business, then you are going to pay us a swipe fee every time that piece of plastic goes through the reader.

How much is that swipe fee? Turns out it is 1.10 percent, on average. It does not sound like a lot, but it is. The banks that issue these cards receive each month in swipe fees from all

across the United States, from convenience stores, restaurants, hotels, charities—if you gave a donation to Red Cross because of the terrible tragedy that happened in Joppla, MO, and used your debit card, guess what. Visa and MasterCard got a percentage of it, the amounts you thought you were giving to the charity—college book stores, you name it.

Every time you sweep these, it ends up generating, each month, on average, for the banks across America, \$1.3 billion.

Each year, there are more than \$15 billion in swipe fees. What did the merchants have to say about how much they were being charged? Nothing. Take it or leave it, buddy. If you don't want to pay the swipe fee, don't take plastic.

Over the years, as you might expect, merchants and retailers said this is a rotten deal. Not only is this an invisible charge that we have to add to the cost of doing business on everything, we have no control over it. We are faced with paying a swipe fee or not accepting plastic and, in this day and age, imagine how long you would last in many businesses if you didn't accept debit cards.

So 4 or 5 years ago, I called for a study asking: What is a reasonable amount to charge? I was opposed, naturally, by the banking industry. They put out an all-points bulletin to kill the Durbin study of debit fees. They didn't want to study it. All that could do is put the spotlight on them. They don't want that to happen. So we waited and waited and last year we had the Wall Street financial reform bill. I sat here patiently on the floor saying I want to offer this amendment to finally come up with a reasonable way to regulate this fee, which is not a product of competition and isn't transparent or disclosed. The vote finally came along.

After 25 amendments on Wall Street reform, they decided this vote would not require a majority, it would require 60 votes, a supermajority. OK. We won with 64 votes in favor of our position. It surprised a lot of people. It sure surprised the banks. They didn't think this Senate, on a bipartisan basis, would hold them accountable for the fees they are charging on the debit cards.

What do we say in the law? The Federal Reserve—a nonpartisan bank regulating agency—would have the authority to determine what is a reasonable and proportional fee for swiping the card, and that fee would go into effect this July—July 21—1 year after we passed the law. We said, in the meantime, to anybody who has thoughts, ideas or comments, send them to the Federal Reserve. They received 11,000-plus comments. Everybody had an idea. Some didn't like the law, some did—on and on.

So they came out with a preliminary report—not a rule—in December. You know what they found? They found

that the average charge per transaction in the United States was 44 cents and the average cost to the bank for processing the debit transaction was about 12 cents—one-fourth. So the plot thickens.

It turns out the banks issuing these cards are not only charging this invisible fee, they are dramatically overcharging merchants and retailers. Guess what Mr. and Mrs. Consumer. We pay it; we pay it in additional charges. Even if you go into that store to buy a package of chewing gum with cash, the price has been raised because they are expecting you to give plastic instead, and you pay more. So then the battle was on—whether the Federal Reserve would issue this rule establishing a more reasonable swipe fee for these debit cards. It is a big battle.

Imagine, if you will, what it means to the biggest banks in America when they have on the line \$1.3 billion a month. They pulled out all the stops. A friend of mine—a lobbyist in Washington—said: Praise the Lord. Come up with some more ideas. This is a full employment amendment. Everybody in Washington who is a lobbyist is working on this amendment. We love you to pieces.

The sad reality is, it is coming—maybe—to a close with a vote on this amendment. But the banks and credit card companies started piling it on. Let me be fair. The other side did too. The merchants and retailers said: We want fair treatment, and if we have to fight to protect this new law, we are going to do that.

Senators TESTER of Montana and CORKER of Tennessee have offered an amendment I am about to describe. This is interesting, though. They are offering this amendment in an effort to stop the Federal Reserve from issuing a rule that will establish how much that swipe fee is going to be. How soon would the Fed issue the rule? Within the month, within a matter of days. They are desperate to get this amendment to the floor to try to stop the Federal Reserve from saying what is a fair swipe fee and to protect merchants, retailers, small businesses, and consumers across America. The banks want to stop them.

There is one other part of the story that is important. We decided that when we wrote this law, we would give smaller banks, community banks, and smaller credit unions an exemption. In other words, they are not covered by the Federal rule.

You say, why? From a consumer's point of view, all the arguments made still apply.

Well, that is true. But many of these smaller institutions are more financially vulnerable. I happen to agree with Senators TESTER and CORKER. I believe in community banks and local banks and want them to survive. So we carved them out. Instead, if the value of your bank is below \$10 billion, you will not be affected by this. If the value of the credit union is below \$10 billion,

you will not be affected. How many did we exempt? Out of 7,000 banks in America, only 100 would be affected by the law. Out of 7,000 credit unions, only 3 would be affected by the law.

Then there is another part of the story. It turns out that the three biggest banks in America are the ones that make the most money on debit fees. Each month, they collect more than 50 percent of the debit fees. What are those banks? Chase, Wells Fargo, and Bank of America.

They have been fighting viciously to stop this rule from going into effect because there are billions of dollars at stake. They don't want to lose that income.

Let's have a little trip down memory lane about these banks. Do you remember a few years ago when these banks got us into the biggest economic mess in current memory? Did you notice any change in your savings account or perhaps your IRA—the money you put away for retirement? I sure did. I think Loretta and I lost about 30 percent of our value because they were playing games with subprime mortgages, new derivatives and AIG offices in London and this holy mess ended up being visited on families, businesses, and consumers across America. We were in a panic. The Chairman of the Federal Reserve, Ben Bernanke, and Treasury Secretary Hank Paulson met with us and said: If you don't do something immediately, banks all across America are going to fail and our economy will collapse and not just here but across the world. So you have to come to their rescue.

We had to come up with a bailout for the banks. Remember that, taxpayers of America? How did the big three debit card banks do in the bailout? Chase got \$25 billion in taxpayer money because they had acted so recklessly and endangered their bank, and they needed a helping hand. Bank of America got \$45 billion in taxpayer bailout funds. Wells Fargo got \$25 billion in taxpayer bailout funds. Remember, taxpayers of America, when the same banks that will profit from these debit card fees were so desperate that they needed a helping hand from taxpayers to save their banks? Do you remember how they expressed their gratitude to us? It was heartwarming. As soon as they could, they called a meeting of the boards of directors and awarded one another bonuses for their reckless conduct. It warmed my heart that they were so appreciative of the taxpayers across America sacrificing with their taxes to save these big old banks.

Well, I have news for the taxpayers: They are back. They are back today, and now it is smaller—I will concede that—it is only \$15 billion a year. But these same big banks are asking for a handout and a subsidy from the Senate. Are we going to get shakedown a second time?

That is what this debate is all about. At the end of the day, if this amend-

ment that is pending on the floor passes, then for at least 1 year—I think way beyond that—these banks will continue to take in \$1.3 billion out of the wallets and purses of consumers across America every time a person uses one of these plastic cards. I don't think that is fair. I don't think it is right. I think there is a way to deal with this honestly. I will tell you what it is.

Let the Federal Reserve issue its rule this month. They will come out with it. Let's look at it. Nobody knows what they are going to say. I have heard both Senators who introduced this amendment say: Well, we cannot accept this rule. They don't know what the rule is, and neither do I. It has not been published yet. At a minimum, should we not see it before we say it is unacceptable?

I am ready to wait. I trust that the Federal Reserve will do its job. I think it can produce a good rule—a rule that is fair to consumers, retailers, small businesses, and the banks too. Senator CORKER said the problem with Durbin's amendment is, he doesn't allow the banks to add in all the possible charges and costs in a debit card transaction; he is just allowing them to count the value of the dough and the pizza, not all the other things they might add in.

No. What we said was that you can charge a fee that is reasonable and proportional to the cost of the transaction. Pretty simple, right? Reasonable and proportional. Well, this amendment on the floor decides to open the door wide. It is no longer reasonable and proportional. They have full pages describing all the different things the banks can add in to establish the fee they charge small businesses and consumers. Are you trusting of these banks to be careful with what they add in? I am not. I can tell you that when you look at the list of things they include, it includes executive compensation, because it is about the costs of the operation of the program, which happens to include a lot of managers and officers as well. I don't know what else it includes, but it is wide open.

Here is what the banks have said. Incidentally, I guess it is somewhat gratifying when your name is associated with an amendment and you hear it over and over—Chase, for example, wrote to every person that is a customer in my State of Illinois and said: Beware of the Durbin amendment. If it goes through, it reduces the debit fee charge we can charge, and your fees are going up. Your benefits and premiums are going to go down. Here is what Chase failed to mention—and the other banks as well. The total amount the Big Three banks take in in a year from debit cards fees is about a little over—almost half the total amount collected, about \$8 billion a year. So the argument that JP Diamond and Chase are making is that if you cut our credit card fees, your fees are going to have to go up, and it is a cost of doing business. What Mr. Diamond and others in

that business failed to note is, last year on Wall Street, the banks awarded, in bonuses, \$20.8 billion. So when they argue that an \$8 billion loss means fees are going up, oh, really? Or does it mean bonuses might go down? On behalf of consumers and businesses across America, that is part of it.

Let me tell you a few things about the pending amendment. It is not a compromise. Second, it includes costs that cover the whole ballpark, that they can say we are going to add in the cost of ATM machines to the debit card fees and pretty soon, get serious, they are right back up to 44 cents a transaction. That is how it is designed.

They carefully wrote this so there is no effective date for the rule. It says the Board will decide the effective date. There is no effective date for this going into effect. That is awful.

Finally, the argument made on the floor over and over is that we just want to protect the community banks and credit unions. That is why we are doing all this—not a word in here—I take that back—there is one reference to these smaller exempt institutions. There are ways—and they know it—if they wanted to, to have even more protection and reassurance for the smaller community banks and credit unions. They didn't include them because that is not what this is about. This is about all of the banks. Particularly, it is about the giant banks on Wall Street that have at stake in this amendment \$8 billion a year in profits—\$8 billion a year in subsidies through this amendment and through the second round of bailouts.

This is a good test for the Senate. I don't know how it is going to end. I won last year, but they have poured it on ever since. The banks have done everything they can to reverse what we accomplished last year. It is up to my colleagues now. They have to decide whose side they will be on. It is simple. They are either going to be on the side of the banks and credit card companies or on the side of consumers and businesses all across America, to give them a fighting chance. How many speeches have we heard on the floor of the Senate about small business? If we could unleash the power of small business—their expansion and hiring of more people—we could turn this economy back where it should be. This will be a direct hit on small businesses all across America if this pending amendment is enacted.

This is our chance to say to the big banks on Wall Street: If you can have \$20.8 billion in bonuses last year, you are doing quite well, thank you. Incidentally, one of these banks had a 48-percent increase in profits. They are doing okay, folks. We don't need a tag day for any of the Wall Street banks.

Secondly, if you believe in small businesses and merchants and retailers in your hometowns, stand up for them, fight for them. That is what they are asking for. That is what this debate is all about.

Let's wait until this rule comes out. Let's defeat this amendment, and see what the Federal Reserve says. I have given my word—and I will say it again—to work with any Senator on either side of the aisle. If we need to have any kind of reassurance or protection added to what we have done in this law, I am there. As I have said many times, the only perfect law I am aware of was carried down a mountain on stone tablets by Senator Moses. The rest of the time we just do our best. If there is a way to improve it, I will be there.

But at the end of the day, let's finally, finally, finally stand up for consumers and small businesses across America and say to the Wall Street banks and Visa and MasterCard: Sorry, this party is over.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I rise to speak about the Tester-Corker amendment that, hopefully, will be before us shortly.

I have to say I have just witnessed a great discussion of populism, and that is, if an institution is making some money, let's take it from them and give it to others in the name of fairness.

I think everybody knows there certainly are tremendous numbers of small institutions across America that are very concerned about the Durbin amendment and its effects—and a number of small retailers. And there is no question, let's face it, the big boxes, my friends—Walmart, Home Depot, and Target—have funded this effort, as was mentioned, on K Street with the lobbyists. There is no question a lot of the larger financial institutions have funded the effort on the other side. There is no question. But the people who Senator TESTER and myself and others listen to are those folks who come in from our home States—the small community banks and credit unions around our country that are very concerned.

Let me talk about a couple of things. No. 1, the Senator from Illinois talked about timing. Well, we have been trying to find some vehicle to attach this amendment to for some time. The fact is, the Senate hasn't done any business this year. We come in from time to time and vote on a noncontroversial judge, but we have been trying to find some vehicle to attach this to, and we have been trying to do that for months.

Secondly, the Federal Reserve, which has been asked to put forth this rule, is the one saying what they have been asked to do is not appropriate. They have testified publicly saying the Durbin amendment is inappropriate.

Let me describe what the Senator said about reasonable and proportioned. That means if you went out and built a debit system—you invested in all the technology, the computers, the marketing, the fraud prevention, all the things that went into that—the Fed can now look at setting the price.

After you have set all that up, and you are processing millions of transactions a year, if you send one more transaction across the wire, what does that cost you—after you have invested? That is what he is saying about reasonable and proportional.

There is no way any business in America could possibly operate under that scenario. Again, retailer after retailer after retailer has been in my office and said: We know the criteria laid out by the Durbin amendment is absolutely inappropriate. We couldn't function with that criteria. We don't know of any other way of solving this problem, and we hate to have the Fed involved in price setting.

So all of us set out to try—many of us set out to try—to solve that problem. What we have come up with is, in fact, a compromise, and this is what it says: We agree the debit card industry should be regulated. We agree retailers are having difficulty in negotiating with Visa and others. Let's get the Fed to set the prices based on the cost of the transaction, which do include, I hate to say, some fixed costs in technology and other kinds of things, such as fraud prevention. The Fed has asked us to do that.

It is not as if we are usurping the Fed coming in and making a rule. They have testified publicly the way the Durbin amendment is written it is going to be terrible for community banks and rural banks.

I think we all know the Senator from Illinois likes to use these larger institutions, but all of us know the big guys just get bigger—they just get bigger—when we do these kind of things, and that creates hardships for the smaller institutions.

The fact that some two-tiered system was set up and won't work—I mean the FDIC has come in and said, look, you cannot make it work where the small banks and small credit unions are held harmless. It won't work. The OCC has come in and said it won't work. Market forces will take over. This will not work. They are going to get crushed. The State examiners, the State bank commissioners have come in and said the Durbin amendment, as written, is going to be disastrous for consumers. It is going to be disastrous for the smaller institutions with which we all deal.

I am not trying to carry water for either side. I am trying to come up with a solution that is fair. I have worked with Senator TESTER, Senator CRAPO, Senator HAGAN, Senator BENNET, Senator BROWN, and numbers of other people, trying to come up with language that hits that sweet spot. The Senator from Illinois is right, we have probably never developed a perfect law. But I think we have a responsibility, when we know something is about to happen that won't work, that is going to be devastating, to come up with something that meets the test of trying to be fair to both sides. And I think that is what this amendment does.

The Senator talked about all kinds of things being added. The banks can't

just add it. The Fed is regulating them. The Fed will decide what is reasonable and proportioned. The Fed will decide, but they will use all of the costs that it takes to actually do those operations and the cost, which the Durbin amendment did not do.

I think this amendment meets the test. I know there are numbers of people who voted for the Durbin amendment in the past who have now coauthored this. They coauthored this because they realize the Durbin amendment was far too narrow; that the Durbin amendment didn't take into account anything but, again, the cost of adding one transaction on top of an infrastructure that had already been built. There is no business that could operate that way.

The Presiding Officer used to be part of a weekly broadcast. If all that was charged was the incremental cost of that going out and being broadcast to other television stations around the country, and that was the only cost he could get, there is no way our Presiding Officer would have been known to America the way he is now known because there is no way that operation could have succeeded.

This is a very commonsense solution. People who supported the Durbin amendment during this debate—even though there was never a hearing held; and it was a pretty major issue to never have a hearing in the Banking Committee—and it was passed at a time when many people around this country were rightfully upset with some of the larger players in our financial system—have now woken up and they realize this is a bad piece of policy. But if we tweak it, then the retailers still end up with a regulated market where they are not overcharged.

The institutions are providing this service. By the way, it is a service or people wouldn't use it. Retailers like getting their money instantly and people like being able to carry around plastic to pay their bills instead of cash. But what this amendment does is puts it in the middle of the road where it is fair to the retailers, fair to the institutions involved, and most of all it protects consumers around this country. I think we have seen the letters that were sent out as to what is going to happen to consumers if the Durbin amendment goes into effect as it is now laid out.

The Senator does a great job, I know, in taking a few of these institutions that no doubt behaved badly, and causing the whole thrust of this to be about poking a stick in the eye of these institutions that have paid bonuses and made bad decisions. But the fact is, this is a bad policy as it exists. The Tester-Corker amendment, with many other cosponsors, is something to bring that into the middle of the road. So I ask each Senator to please spend 10 minutes with your staffers and understand what the third round of revisions does. Look at this commonsense solution that has been put forth by the best

efforts of this body, with people working together to get here, and hopefully we can end up with a piece of legislation of which we are all proud.

We can continue to have a financial system that is strong and that includes the many small players we depend upon in small communities across this country, and we can also continue to have a viable retail industry that counts on the additional sales they get from having access to these types of transactions.

With that, Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wanted to make sure the Senator from Tennessee knows his amendment is pending. It has already been put into play, and we are on it at this time. I just wanted to be sure he knew that.

Mr. CORKER. I thank the Senator. There was some discussion a minute ago about when it was going to occur. I thank you for that and for your deft management of this bill.

Mrs. BOXER. Thank you very much. The Senator from Tennessee probably won't agree with my position on his amendment, but I do know my friend has worked long and hard with Senator TESTER and others, and I appreciate all the time he has put into trying to come up with what he considers to be a compromise.

I do want to say this. The Senator talks a lot about the Durbin amendment. There is no Durbin amendment. It is the law. The Durbin amendment was included in the bill that is now the law of the land. So it is a question of saying that we should essentially repeal it or delay it, study it, whatever the word is, before it has a chance to actually go forward.

I understand that, and I want to say for the record where I stand on it. I have met with all sides. I have met with the retailers, that are very strongly supportive of the Durbin law. I have met with the banks, and they are fiercely against it. The credit unions are very worried they are going to get hit with a situation where they will not be able to compete with the banks. I have told them all the same thing, which is I think what is important when we pass a reform is to see if it is going to work, and if it doesn't work, I agree with Senator DURBIN, we will do everything in our power to work that out.

I understand the Fed says, help me, give me guidance. I think there is a lot of guidance in the law. I think every bureaucracy in the world would rather have the details fall on us. I think the details fall to them. So I am going to be voting no on the amendment. I do appreciate, however, all the work and all the time and effort that went into trying to pull us all together.

I will say the last thing on the swipe fee that I find compelling is the swipe fee reform my friends want to delay—and was signed into law last year—

places reasonable constraints on the fees Visa and MasterCard fix on behalf of the Nation's largest banks. But here is the thing. The United States has the highest debit interchange fees in the world, and the rates keep going up. The average debit interchange fee in the U.S. is 1.14 percent. The average debit interchange fee in the European Union is 0.20 percent, and the average debit interchange fee in Canada is zero. So it is not as if the banks are taking it on the chin here.

I feel we should give this a chance to work. I am not saying it is the perfect law. As Senator DURBIN said, maybe there was one perfect law—the Ten Commandments—but as far as laws here, they can all be made better. It may well be once the Fed acts, if we are not happy, we can move at that time.

I want to get back to the bill, the underlying bill we are debating, which is the Economic Development Administration reauthorization, and to thank Senator INHOFE for his remarks he made on the floor about it. He pointed out that we have a lot of work to do here to create jobs. When we have a program that takes \$1 of Federal funds and it attracts \$7 of private investments and many jobs, we ought to come together.

I will go through a couple of charts. The EDA is an efficient job creator. They just are. In 2009 and 2010, investments by EDA created over 160,000 jobs and saved nearly 45,000. One dollar of EDA investment is expected to attract—and this is a fact—it has attracted nearly \$7 in private sector investment on average. Sometimes it is \$10, sometimes it is \$15, sometimes it is \$4, \$3, \$2, but the average is \$7. EDA project funding creates one job for every \$2,000 to \$4,600 invested. You see the average cost of creating a job is very low in terms of the Federal investment. This is terrific. This program really works.

There are a couple of things we believed we ought to take a look at—duplication and also a way for the community to buy out the Federal Government share of a project. We put that in the reauthorization. We believe we really strengthened this law, and I again thank the Democrats and Republicans on the Environment and Public Works Committee.

This morning, I went through some of the programs in California:

The city of Dixon, \$3 million for a water system that is expected to create 1,000 jobs and leverage \$40 million in private investment—\$3 million attracting \$40 million in private investment.

The city of Shafter, \$2 million for sewer and water. It is going to develop an additional 600 acres to enable continued growth of the East Shafter Logistical Center and is expected to create 1,400 jobs and leverage \$250 million in private investment.

San Jose, \$3 million for the renovation and expansion of the Center for Employment Training. They can then

expand their capacity by 860 students, expand access to the GED, the literacy, language, and small business entrepreneurship classes to low-income areas. This is absolutely key. It really should bring us together because they are training students so students get out and get their GED, get their literacy, and can really make sure the community is growing and thriving. That particular grant is expected to leverage \$3 million in private investment and create 4,900 jobs. So it is a 1-to-1. In that case, it is \$3 million of public and \$3 million of private.

Nationwide—I talked about this. I talked about other examples, but I didn't mention ones on the west coast. In the Central Valley, there was a 23,000-square-foot water and energy technology incubator, and the incubator has housed more than 15 entrepreneurs since it opened in 2007. They obtained \$17 million in private capital and created jobs for Californians, so \$1.8 million attracted \$17 million.

We have the case of Boeing, and they were able to expand one of their campuses. It created 2,000 jobs.

I talked about Duluth. In 2001, an EDA grant of \$3.5 million matched by \$2.3 million from the city of Duluth helped build the Duluth Aviation Business Incubator at the Duluth Airport. This investment helped Cirrus Aircraft grow from a handful of employees to 1,012 by 2008. It is now leased to Cirrus Design Corporation, which has the largest share of the worldwide general aviation market.

When we are talking about the EDA and the way it attracts private sector funding and creates jobs, this is not hyperbole, this is not just rhetoric, this is reality. This is a program that has been going on since 1965. Republicans and Democrats have supported it. The last time it was authorized was when George W. Bush was President. It passed unanimously.

So I stand here today on the opening day full of hope, hoping that is not naive, hoping we will see a few amendments—that is all fine. We don't mind amendments. Amendments are fine, but let's have reasonable discussion and reasonable time set aside and move on.

There is the Maytag plant in Newton, IA, which employed 1,800 factory and administrative workers. It was closed. We all know how painful that is. We remember back when we were losing 700,000 to 800,000 jobs a month. It was not that long ago. By 2008, the city identified two new manufacturing operations that could be located at that old plant—TPI Composites, Inc., a wind turbine blade manufacturer, and Trinity Structural Towers, Inc., a manufacturer of massive steel towers for windmills. The EDA invested \$580,000 in 2008 for grading, site preparation, and surfacing for a wind tower storage facility that was leased to Trinity and created 140 jobs and generated \$21 million in private investment.

That same year, EDA also invested \$670,000 in the Central Iowa Water As-

sociation in Newton to help build a booster station and storage tank to serve TPI. This project helped create 500 jobs and generate \$40 million in private investment.

On the east coast, in 2010 the EDA gave a \$750,000 grant to Seedco Financial Services, Inc., a national nonprofit community development financial institution. Seedco used this funding to provide capital to Sub Zero Insulation and Refrigeration Technologies, LLC, which is a family-owned manufacturer of custom, environmentally friendly, energy-efficient insulated commercial truck and van liners—Sub Zero. It is pretty famous. They are located in Brooklyn, NY. They had been denied financing by a major bank.

This is the thing. A lot of our companies—while the banks want to charge very high swipe fees, they are somehow absent when our companies need them. In 2010—that is just last year—Sub Zero was denied financing. EDA provided access to capital, which allowed Sub Zero to fulfill its contract with Edible Arrangement to outfit delivery vehicles and to win contracts from Ford, Chevy, and Dodge. This allowed Sub Zero to hire 15 new staff. They started in 2004 with just 3 employees and producing 75 vehicles a year, and the company now has 20 employees and produces approximately 400 vehicles a year.

It goes on.

EDA provided \$2 million to help build the Knowledge Works preincubator facility as part of the development of the Virginia Tech Corporate Research Center, and now we have seen 2,000 high-wage jobs created and the inception of 140 high-tech businesses.

The way EDA works is there are regional offices, about six of them, and they get funded through the Appropriations Committee to the Commerce Department, and then each region makes the decision as to which projects really meet the goals of the legislation, which is to bring economic development to distressed areas, create jobs, and leverage the dollars.

In addition to this, EDA—in 2008 we gave them an extra \$500 million in disaster assistance to give to areas which were experiencing disaster problems, and they assumed the role of a secondary responder, working with affected communities to support long-term postdisaster rebuilding. As an example of that, again back in Iowa, they provided funding to help construct and install an upgraded, energy-efficient natural gas-fired boiler system in Cedar Rapids, IA, following a flood that destroyed the boiler that had provided steam heat and hot water to Saint Luke's Hospital and Coe College. We all know what happens when a hospital can't count on a backup generator: they can't count on energy. We know what happens when that occurs: everything shuts down, and people are in peril. EDA steps in in these areas, and while FEMA is dealing with the immediate impacts, they are looking a little

bit more at the long-term work that could be done so that when and if there is another disaster, the community is ready.

All I can tell you is nothing is perfect. I am sure there are examples we have that are not as good as the ones I mentioned. I am sure there are because nothing is perfect and nobody is perfect. But this is a very good program. It is time-tested, signed into law by Democratic Presidents and Republican Presidents. The last time, it passed here by unanimous consent, was voted out of the committee which I am privileged to chair with almost unanimous consent. We had one dissent, and that is fine. We hope we will win over that dissenter. But here is where we are. We have a chance to reauthorize this program.

There are reforms we have made. I want to share some of the reforms we have made. This can go on without an authorization and stumble around. But what is important at this particular time, when the main three issues on people's minds are jobs, jobs, and jobs, is we have to do a jobs bill. This is a jobs bill. This creates jobs at very low cost to the Federal Government. This creates jobs in the private sector in some of our cities and public works areas.

This is what we did in order to help people understand why we think it is important to reauthorize this. Working with my ranking member, Senator INHOFE, we came up with some good reforms.

We changed the current cost-share requirements, so we increased the Federal share for areas in which unemployment is especially high and per capita income is especially low because we want to make sure that when we go into an area that is deeply in need, we do a little more for them.

We require additional planning assistance if overall funding levels increase. In other words, we want to keep our eye on these projects. We want to make sure they are meeting their goals.

We modified the existing Revolving Loan Fund Program to allow recipients to convert an existing revolving loan fund to carry out another EDA-eligible project. So we take the bureaucracy and say: Look, if they have a better idea, let's go forward and let them use those funds in that way.

We modify rules to allow recipients of grants that are more than 10 years old to buy out the Federal Government's interest at a depreciated rate. In other words, if a State, city, county or participant says: You know what, we want to do this on our own, this is an older grant and we believe we want to take it over, they can buy out the Federal Government's interests.

We emphasize that EDA should work with Federal, State, and local agency partners to support economic and workforce development strategies.

Senator INHOFE mentioned his reform that he made sure happened, which is

that we are not duplicating other programs. That is important. We don't want to be duplicative. We want to be sure that what we are doing is not being done elsewhere.

We walk in and we do something, frankly, that people need now: We create jobs and we leverage. That word "leverage" has become the first thing out of my mouth when I talk about things I support now. That is why we support the highway bill that we hope is going to come here in a bipartisan way. We leverage dollars. Anytime you can leverage dollars—you put \$1 down for something good, and people come to the table from local government, the nonprofit sector, the profit sector, State, all the different agencies, all the different parties come together and say: This is a great idea. If we all kick in just a little, we are going to do something big. That is the idea behind the EDA.

I visited projects in my own State, shopping malls and other things that were done in these very fine communities where it is tough to get capital, where the banks just turn their backs, where perhaps the venture capitalists are saying: This isn't our cup of tea. That is why this is a successful program.

Again, I hope we will have debate today on the Tester-Corker amendment. It is a very controversial one. It is not happy because it is one of these things where, if you do one thing, 50 percent of the people think you are right, and if you do the other, 50 percent think you are wrong, although Senator DURBIN says the polls show that people support these lower fees in this case. But I respect the fact that the amendment was offered on this bill. It is an amendment that is directly related to our economy. But I hope we vote tomorrow, as early as possible, and I hope we do not have a lot of amendments dragging us down because, guess what, people are looking at us and they are thinking: Why aren't they doing more to create jobs? This will send a signal that we are making EDA a priority.

This is not a big spending measure. This is an authorization, and the number at which we are authorizing has been frozen so we are not adding to it. But we are sending a signal to the appropriators and to the Commerce Department that we think this is a good and important program.

Madam President, I thank you very much. I have said my piece for the moment. I note the absence of a quorum.

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

The bill clerk called the roll.

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

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that following morning business on Wednesday, June 8, the

Senate resume consideration of S. 782, the EDA Revitalization Act, with the time until 2 p.m. equally divided between the proponents and opponents of the Tester amendment No. 392 regarding swipe fees; that at 2 p.m. the Durbin amendment No. 393 be withdrawn and the Senate proceed to vote in relation to the Tester amendment No. 392, with no amendments, motions, or points of order in order prior to the vote other than budget points of order and the applicable motions to waive; the Tester amendment be subject to a 60-vote threshold; and the motion to reconsider be considered made and laid on the table.

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

Mr. REID. Mr. President, I want to express my appreciation to Senators DURBIN and TESTER for their warm relationship and to every Senator here on this most difficult issue, for allowing us to get this done tomorrow expeditiously. It is something that had to be done and it is the right thing to do and we will move forward upon completing this to try to do other things on this very important piece of legislation.

MORNING BUSINESS

NATIONAL HUNGER AWARENESS DAY

Mr. DURBIN. Mr. President, I rise today in honor of National Hunger Awareness Day. On this day, we focus on the more than 50 million people in the United States without enough to eat and reassert our commitment to assist those in need.

Millions of families live each day not knowing if they will have enough to eat. Rather than thinking about what the next meal will be, these parents worry if there will be a next meal. Rather than concentrate on homework, these children are trying not to think about their hunger pangs. In a nation as resourceful and agriculturally abundant as ours, this is inexcusable. If children—or adults—are hungry in America, that is a problem for all of us.

The level of hunger in our Nation is at the highest level since the government began tracking food insecurity in 1995. The number of Americans experiencing hunger increased from 35.5 million in 2006 to 50 million in 2011. In Illinois, over 11 percent of households are food insecure. These are working families who just aren't able to make ends meet and are forced to skip meals to make sure food will last through the week.

At a time when millions of middle class Americans are struggling to keep up with higher gas prices and grocery bills, more families are looking to Federal programs for assistance. Throughout the country, Federal hunger assistance programs have responded to this growing need by providing essential support to hungry families. Over the

past 2 years, Illinois food banks have seen a 50-percent increase in requests for food assistance.

According to the U.S. Department of Agriculture, applications for food stamps are on the rise at the same time recipients are making more frequent use of food pantries to fill gaps in their grocery needs. Over 44 million people nationwide rely on the Federal food stamp program. Currently, 1,802,252 people in Illinois receive food stamps, an increase of 14 percent from last year and the highest level ever in Illinois. But for the millions of people who don't have assistance, everything is different.

We know hunger is a reality in our communities. We see long lines at our food pantries. We have heard from seniors forced to choose between groceries and medication. And children are in our schools who have not had a decent meal since the previous day's school lunch. We see families showing up a day earlier than normal at the food pantry because the monthly pay is not stretching as far as it once did. Parents are giving up their own meal to make sure their child has something to eat at night.

Last week, I visited a Summer Food Service Program at the Boys & Girls Club in Decatur, IL. This summer program provides 2 free meals a day to up to 150 children. For the over 500,000 Illinois children in food insecure households, the summertime means months without the free and reduced breakfasts and lunches available in school. Thanks to the Summer Food Service Program, food banks, and food pantries, families who are having a difficult time keeping up in our tough economy are able to put meals on the table. One woman with three kids in the Summer Food Service Program in Decatur said the meals provided in the program help her save money so she can afford to put gas in her car to get to work.

In the Nation that prides itself as the land of plenty, we cannot hide the fact that we need to protect these vital antihunger programs and that we need to do better at making sure everybody has at least enough to eat. As Congress works to rein in our Nation's debt, I look forward to working with my colleagues to ensure we make responsible decisions that protect vital antihunger programs like the Supplemental Nutrition Assistance Program and the Emergency Food Assistance Program.

If there is one hungry person in our Nation, hunger will be a problem for all of us. I hope we will continue to work together to fulfill our duty to end hunger in our Nation and the world.

TAIWAN AIR DEFENSES

Mr. CORNYN. Mr. President, on February 23, 2011, the RAND Corporation released a report funded by and prepared for the U.S. Air Force entitled, "Shaking the Heavens and Splitting the Earth." This report provides a