matter, will not support the ''two-tier'' interchange system envisaged by Durbin. Ridiculous. Visa is the largest of the networks. It's already announced that it will implement Durbin. (Maybe this is an object lesson as to why Visa remains No. 1.)

For the small banks, MasterCard is the only other significant player. If MasterCard finds it politic not to add one more wrinkle to a skein of interchange levels that is already of Byzantine complexity, then let the small banks gravitate to Visa in order to benefit from Durbin.

A second argument of the big-bank lobbyists is that merchants will reject the debit cards of small banks if these carry a 1% interchange cost, versus 0.3% for the large banks. Really? Then why don't these merchants reject all credit cards, with interchange of 2% or more, if the customer could instead use a debit card? When is the last time a merchant politely asked you whether you could pay with a debit card instead of a credit card?

The reason merchants don't do this, apart from association rules that purport to prohibit it, is that the retailer's top priority is sales, not interchange. Selective ''suppression'' of cards by merchants has occurred with extreme rarity. One instance took place long ago when merchants in Boston revolted against higher interchange rates from American Express. This can't happen now. Are cashiers in stores going to look at a list of small banks in order to discriminate against their cards—and then have customers walk out and leave their would-be purchases at the cash register? The fraction of customers who would be persuaded to change banks or carry two debit cards is infinitesimal.

The notion that merchants will give discounts on big-bank debit cards but not small-bank debit cards is equally silly. Since when did they offer an incentive to use debit rather than credit cards? If they are not motivated to do so by 2.3% versus 1% interchange, then why should they be motivated by 1% versus 0.3%?

Finally, we are warned that a second, utterly unrelated provision of Durbin that mandates competitive network routing will somehow injure small banks. Impossible. It is predominantly the biggest banks that have negotiated exclusive or volume-dependent routing deals with Visa or others. This too gives them an advantage over small banks that Durbin will undermine or erase—to the benefit of the small banks.

The charm of the Durbin debate on interchange is that it largely amounts to ''Who's going to get the money, big banks or merchants?'' (In other words, ''Which do you like less, Congressman, big banks, or big merchants?'')

Outside the realms of taxation and appropriations, it is unusual to see such a choice so sharply focused for our representatives in Washington.

Ben Bernanke and other regulators would like to see less pressure on big-bank earnings and capital. That's understandable. Maybe it's even a winning—though illogical—argument.

But let's not talk nonsense about bogeyman danger to community banks.

Mr. DURBIN. Now, Kahr is no mouthpiece for merchants. He is a financial consultant who is recognized as the creator of many aspects of the modern card industry. But he says what I have been saying for months—that the arguments small banks have been making against my amendment defy economic logic and common sense.

I also believe interchange reform is essential for consumers. Banks will tell you consumers will be hurt by reform because banks will have to raise consumer fees to make up for lost revenue.

First, when did we start listening to banks and credit card companies to tell us what is good for consumers? Second, read the headlines for the past few years and you will see that banks were already raising consumer fees to record highs in 2008, 2009, and 2010—before my amendment became law. They are always looking for ways to raise fees on consumers as high as the market will allow.

Third, consumers are already paying for the current interchange system. Soaring interchange fees are passed on to consumers in the form of higher prices for gasoline and groceries. And the current system particularly hurts unbanked consumers who pay with cash.

I believe consumers benefit from transparency, competition, and choice. The current interchange system has been designed specifically to avoid these features. That is why consumer groups agree with me and support the interchange reform which we have on the books.

I know the financial industry lobbyists are out there now storming the Halls of Congress. They are saying: Let's delay the Fed's interchange rulemaking for a year or two. Let's study this issue some more. Study, study, study; this is one great study hall, this U.S. Senate. But there comes a point when we need to act, and we are prepared to act now with the Federal Reserve in April and in July.

There is no need to delay these rules. Read the comments I submitted to the Fed about their draft rulemaking. You will see how the new law provides reasonable timeframes for implementing every part of the Fed's rules.

I saw this call for delay and study before, on the Credit CARD Act back in 2009, and it does not surprise me we are hearing it again.

If my colleagues remember nothing else, they should remember this: Delaying interchange reform will have significant consequences to employers, small businesses, and consumers all across America. Not only will businesses, universities, government agencies, and charities keep paying the current $1.3 billion per month in debit interchange fees, the fees will keep going up further. There will be nothing to constrain Visa and MasterCard from setting higher and higher fees. There is no competition in this industry.

Some of my colleagues say they are concerned about small banks and consumers. So am I. That is why I drafted the amendment to exempt them. Independent analysts and consumer groups agree that the reform we passed protects small banks and consumers.

I say to my colleagues, do not tell me you are worried about small banks and consumers and then push for a delay that will serve to provide $1 billion a month in more fees primarily to the largest banks in America.

A delay in this implementation would give Visa and MasterCard and the big banks a multibillion-dollar handout—have we heard this song before?—while leaving merchants and consumers worse off than they already are. I am not going to sit by and let the big banks and card companies get away with trying to kill this reform. They have been bailed out enough already.

I urge my colleagues in Congress: Do not bail out the big banks on Wall Street another time. Once in a political lifetime is enough for most of us.

I am standing with the consumers and merchants on this issue. I hope my colleagues will join me and find it is a good place to stand.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, MARCH 14, 2011, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, March 14, 2011.

Thereupon, the Senate, at 5:35 p.m., adjourned until Monday, March 14, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL SECURITY EDUCATION BOARD

CHRISTOPHER B. HOWARD, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE KIRON KANINA SKINNER, TERM EXPIRED.

INTERNATIONAL MONETARY FUND

BEN S. BERNANKE, OF NEW JERSEY, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

DERETH BRITT GLANCE, OF NEW YORK, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE IRENE B. BROOKS.

RICHARD M. MOY, OF MONTANA, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE SAMUEL W. SPECK.

DEPARTMENT OF STATE

DANIEL BENJAMIN SHAPIRO, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be lieutenant (junior grade)

ZACHARY P. CRESS

CONFIRMATIONS

Executive nominations confirmed by the Senate March 10, 2011:

THE JUDICIARY

MAX OLIVER COGBURN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

DEPARTMENT OF JUSTICE

TIMOTHY J. FEIGHERY, OF NEW YORK, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2012.