The President needs to act. I appreciate the President's goal of doubling exports. Having goals is great. But we all know that if one doesn't do the work and take action, goals become little more than false hope. They never become reality.

The President and his Cabinet admit these agreements are essential to their goal of doubling exports and creating jobs here at home. Yet, the action necessary to achieve that goal and create those jobs—submission of the agreements—remains in the distant future. Instead of benefiting from these agreements, we watch the days slip by, the explanations and excuses pile up, our export markets decline, and our economy suffers.

I strongly urge the President to submit implementing bills for the Colombia, Panama, and South Korea trade agreements to Congress this summer. There is no time like the present when it comes to encouraging economic growth and business creation.

I understand they want to help their union employees throughout the country who are less than 7 percent of the private sector economy. What about the millions and millions of others who are losing their jobs not because of this but because we don't export and we don't have these free trade agreements with these three very important countries to us, both from a neighbor standpoint and from a strategic standpoint?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Madam President, it is my understanding I have 10 minutes; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. CORKER. If I happen to go 8 minutes or so, would the Chair let me know when I have 2 minutes remaning?

The ACTING PRESIDENT pro tempore. Yes.

Mr. CORKER. Thank you very much, Madam President.

## DURBIN AMENDMENT

Mr. CORKER. Madam President, I rise today to speak about something that is affectionately known as the Durbin amendment. During the Dodd-Frank debate that occurred about a year ago and upon its passage, there was an amendment brought to the floor called the Durbin amendment which dealt with debit cards and regulating debit cards. This was an amendment that never had been debated. There had never been a hearing on this amendment. In the height of people being very concerned about the large financial institutions in our country, this was an amendment that passed. I voted against it. I thought it was bad for us as a country to allow the Federal Reserve to begin setting prices for specific industries as the Durbin amendment called for. In any event, the Durbin amendment became law. I know numbers of people in this body have been contacted since that time about the effects of the Durbin amendment.

What the Durbin amendment did was tell the Federal Reserve to set prices on debit cards based on incremental cost. Let me say that one more time: based on incremental cost. In other words, when a business does business, there are fixed costs and there are incremental costs. It would be like saying to a pizza company that sells pizzas across the counter that the only thing they can charge for is the dough. They couldn't charge for anything else that went into the cost of the product that was being sold.

I am obviously opposed to price setting. I realize we don't have 60 votes in this body to do away with price fixing in general as it relates to debit cards. I also realize a lot of people in this body believe there is a problem, if you will, with an almost monopolistic-type atmosphere as it relates to debit cards in general. So what I have tried to do is seek a better solution than the one that has come forth. Senator TESTER and I have worked together. We have made actually three revisions to an amendment that I hope we will be voting on over the course of the next 48 hours, maybe 72 hours. It has been crafted in a way to bring people together. What it does, the essence of it, is that it directs the Fed to—instead of setting prices on debit cards based solely on the incremental cost of the transaction—consider all costs, both fixed and incremental, which is something that anybody in this body who happened to be in business certainly would want to be the case.

I know there has been a lot of populism in this body and a lot of people have tried to rail, if you will, against financial institutions. I know a lot of people have empathy with retailers who find themselves in a situation where it is difficult for them to negotiate prices as it relates to debit cards. What this would do, though, is still leave debit cards as a regulated entity. It is not the solution I would ultimately like to see, but I think it is a solution we may be able to agree to in this body. It would leave that regulated, but it would direct the Fed to consider all costs, fixed and incremental. Again, it is a very commonsense measure.

I know there have been lots of discussions about a solution to this Durbin amendment. I know it is an issue most people in this body wish to see go away. A lot of people feel as though they are being pitted, if you will, between the financial industry and retailers.

I think the solution Senator TESTER and I, working with Senator CRAPO and others, have come up with is one that meets the commonsense test. It brings people together around a policy of solving a problem that was created, again, without a lot of discussion on the Senate floor, and certainly no hearings. So I ask Members of the body to please talk with their staffs about the most recent changes that have been put forth in this amendment.

This is not something that is trying to stave off or keep the effects of the Durbin amendment from taking place, but what it does is put a more fair structure in place where the Fed can actually look at all costs relating to a transaction. Again, think about it. If someone is selling pizzas in a pizza restaurant or a retail establishment and they were told the only thing they could do is charge for the dough that went into the pizza and nothing else—none of the rent, none of the other costs that go with operating the facility—obviously they wouldn't be in business very long.

I think all of us want to see the financial industry continue to be innovative. I think all of us see a day when we are going to be able to basically pay bills with our electronic devices, and continued innovation is going to take place, which causes our economy to expand.

I believe this amendment, which has been shaped by a number of people in this body, meets the commonsense test. I think it provides a good solution for those people who actually voted for the Durbin amendment on the floor and realized afterwards what was happening, which was putting in place a price structure that is not sustainable for debit cards and over time, no question—over a very short amount of time—quickly—is going to be very adversely affecting consumers all across this country.

I thank the Chair for the time. The Tester-Corker amendment is designed to create a more productive solution than was offered under the Dodd-Frank debate and the Durbin amendment. I hope all Members of this body will look at this seriously. I know everybody has been contacted. I understand this is a very contentious issue. This solution is being put forth to solve a problem, not to take one side or another. It leaves the debit card industry as a regulated industry, but allows the Fed, as it should, to take into account both fixed and incremental costs as they look at what the pricing structure ought to be.

In addition, I know a lot of people have been concerned about what is going to happen with small financial institutions. Obviously, their costs for debit transactions are much higher than the larger institutions in this country. People have been concerned about the impact on them. What this would also do is give the Fed the ability every 2 years to see if the policy they put in place is adversely affecting the smaller and rural banks or the community banks or smaller credit unions, to make sure that if they are being affected adversely, then they can recommend—not prescribe but recommend—some legislative fixes for that.

Again, I hope Members of this body will see this as a reasonable solution. I urge all of my colleagues to contact me personally or Senator TESTER personally to talk this through if they have any questions, and hopefully we can bring to an end this contentious debate over an amendment that was passed on the Senate floor without any hearings, and which I think all of us know is going to create a lot of unintended consequences for people all across this country.

With that, I yield the floor, and I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

## MEDICARE

Mr. WHITEHOUSE. Madam President, we are discussing the Federal budget in Washington on a nonstop basis. One point that seems very noteworthy is that instead of working to create jobs to help grow the economy out of recession, Republicans are still trying to end Medicare as we know it, as it has been relied on for generations of Americans, in order to pay for tax cuts for millionaires. This is the Wall Street Journal describing the Republicans' plan to essentially end Medicare.

The Republican plan to end Medicare would put insurance company officials between seniors and their doctors. You no longer have a claim to the individual benefit under their plan. You get a voucher that goes to the insurance company, and you are at the mercy of the insurance company. First of all, they raise drug costs for seniors from day No. 1 by repealing the repair we did to the doughnut hole. Then, of course, 10 years out, you are left at the mercy of private insurance companies.

The effect of that is that, on average, seniors will pay nearly $6,400 more out of pocket every year as a result of this Republican plan. Rhode Island has a lot of seniors. I do not know a lot who have an additional $6,359 every year to spend on health care costs that would no longer be covered.

It is worth noting that one of the first things that happens when you take the $1 that goes to Medicare and give it to private insurance companies instead is, the 2-percent or 3-percent administrative costs that Medicare takes out—which leaves you, let's say, 97 cents of the $1 to pay for health care—that jumps to between 15 percent and 25 percent, leaving you only 85 cents to 75 cents out of your $1 to pay for health care because the private system is so inefficient and eats up so much in administrative costs for salaries and for quarreling with doctors and hospitals about payment and all that.

They do not even use this to reduce the deficit in a significant way. The savings achieved by ending Medicare and raising seniors' health care costs by nearly $6,400 every year out of pocket are being used to pay for, guess what. More tax cuts for America's millionaires and billionaires. Every 33 seniors who have to pay that extra $6,400 will add up to one millionaire's $200,000 bonus tax break.

The Republican budget makes average cuts of $165 billion per year in Medicare between 2022 and 2030. That gives $131 billion in tax cuts for millionaires, billionaires, big corporations, and Big Oil—$165 billion out of seniors' pockets, $131 billion to millionaires, billionaires, big corporations, and Big Oil. We think it is time for our colleagues to get serious about creating jobs to grow our economy out of this recession and abandon their attempts to ram through a clearly ideological agenda against Medicare—indeed, that ends Medicare and helps the Nation's very wealthiest at the expense of seniors and the middle class.

Let me talk for just a minute about where we are in the Tax Code with our wealthiest versus seniors and the middle class. Clearly, we agree we have to bring our finances into balance. Clearly, we have to avoid a debt-limit failure that causes a default by our country for the first time in its history. Eliminating unnecessary spending should be part of the Federal balancing equation. Indeed, through multiple appropriations bills this year, we have pared back billions of dollars in Federal spending, and we will do more, but bipartisan consensus seems to end here when we move to the revenue side of the Federal budget. Just last month, Republicans filibustered a measure that would have ended $21 billion of unnecessary tax breaks for the largest oil and gas companies in the world, companies that have been enjoying record multibillion-dollar profits and do not need continued support from the American taxpayer.

That made the Republican message clear: In balancing the budget, closing tax loopholes and repealing corporate subsidies is not on the table. The debt and the deficit, they tell us, are the most important problems facing the country. But evidently they are less important than protecting tax subsidies for Big Oil. That is what their vote proves. They will cut education, police protection, health care, job training, and environmental protection but will not touch tax subsidies for large corporations or for millionaires and billionaires.

There is a basic question underlying all this; that is, are the superrich paying a fair share? Each year, the Internal Revenue Service publishes a report that details the taxes paid by the highest earning 400 Americans. I gave a speech a few weeks ago showing from what was then the most recent data, that in 2007, these super high income earners, earning nearly one-third of a billion dollars each in just 1 year, paid a lower tax rate than an average hospital orderly pushing a cart down the halls of a hospital in Rhode Island. I showed the Helmsley Building in New York, big enough to have its own ZIP Code, because we know from IRS information gathered by ZIP Code that the wealthy, successful occupants of this building actually paid a 14.7-percent total Federal tax rate. There is the building. There is the Helmsley Building in New York. The people who live there do very well. They are very successful, which is wonderful. That is the American way. They are very well compensated. That too is the American way.

But what is different is that they actually paid a 14.7-percent total Federal tax rate, which is lower than the average New York janitor or doorman or security guard pays. If averages hold, the very successful and well-off inhabitants of this building are paying a significantly lower tax rate to the Federal Government than the doorman who works for them and the security guard who keeps an eye out for their security and the janitors who clean up the halls.

The most recent IRS report is out about the top 400, from 2008. Let's take a look at that information. The top 400 incomes in America in 2008 had an average income each in that 1 year of $270 million. That is a pretty good year when you can make more than one-quarter of a billion dollars. That is the American dream, big time. But what they actually paid in taxes, those 400, on average, was a rate of 18.2 percent. That is their total Federal tax rate, all the taxes put in. What did they actually pay—not what the nominal rate is but what did they actually pay? The IRS calculated this. This is not an estimate, this is the IRS's calculation. Although we spend a lot of time debating around here whether the top income tax rate for the wealthy should be 35 percent or 39.6 percent, that is not what they pay. The Tax Code is filled with special provisions that tend to either exclusively or disproportionately benefit the wealthy so the top 400 income earners in the country pay an average tax rate of 18.2 percent.

Who else pays an 18.2 percent tax rate in this country? If you are a single filer, you hit 18.2 percent when your salary gets to $39,350. When you are making $39,350 your Federal taxes—income and withholding, payroll taxes—combine to 18.2 percent, just like the 400 millionaires and billionaires who made actually over one-quarter of a billion dollars in the same year that this taxpayer would have made less than $40,000.

What does that equate to in terms of jobs? The Bureau of Labor Statistics for the Providence, RI, labor market says, on average, a truckdriver will earn about $40,200. At that income point, $40,200, that truckdriver is paying the same tax rate as the 400 biggest interest earners in the country. They each earned over one-quarter of a billion dollars. They paid 18.2 percent. The truckdriver earns $40,000. He would be paying 18.2 percent, maybe a little