

in accordance with that. I think if you asked people in Nevada: Boy, hasn't NAFTA helped us a lot, they would just sneer and walk away. We keep talking about free-trade agreements, but where is the fair part of those trade agreements? Shouldn't we be more worried about our American workers than workers in other places? I think that certainly is the case.

In keeping with the theme of jobs, I thought it was important we do something about creating jobs. I have talked about patents, I have talked about, of course, what we did with the FAA bill, and I talked about what we tried to do with the small jobs innovation bill. What we have decided to bring up now is the EDA, the Economic Development Administration. This has been something that has been in effect since 1965. It has been a wonderful program. In the last 5 years, we have invested \$1.2 billion, creating more than 300,000 jobs. For every dollar invested, we get \$7 of private capital. That is a pretty good deal. We want to bring that to the floor and have a debate on it, pass it, and put more money in the stream of creating jobs. As I said, for every dollar we invest, we get \$7 that comes from the private sector. We plan to work this week on debating and reauthorizing this Economic Development Administration bill, which for more than 45 years has created jobs for the most needy and economically distressed communities—as I have said, in just the last 5 years, more than 300,000 jobs.

This is our first bill of this new work period because creating jobs is our first priority. But Republicans are stopping us from moving to it because creating jobs, it appears, is the last thing they care to do. They are more concerned about what jobs are being created in Colombia or Panama or Korea than what jobs are being created here in America.

The merits of reauthorizing this job-creating administration bill are very clear: EDA works with businesses, universities, and leaders at local levels, so it creates jobs from the bottom up, and it helps manufacturing producers compete in the global marketplace. I repeat, it is a great investment. Seven-to-one is an incredible return rate.

Last night, I had to file cloture on this bill. I hope we don't have to invoke cloture. We have it set up now so we will have the vote in the morning, an hour after we come in. Maybe during the recess we have for our caucus meetings the Republicans will be able to bring in these people who are stopping us from doing this and we will be able to move to it and do something meaningful here on the Senate floor for the rest of this day and tomorrow rather than invoking cloture, waiting 30 hours, and doing nothing. We need to start creating jobs.

Let me repeat. The FAA bill, the House has killed it. On patents, we have done it, and the House has killed it. We tried to do small jobs innova-

tion, but it was killed here in the Senate. We are now trying to do EDA. At this stage, we are not able to move forward.

We are ready to create jobs—we Democrats. We have done it before with programs such as the Economic Development Administration, and we are ready to do it again. The American people are desperate for stable and secure jobs. All they ask of us is that we do our job, and we haven't been doing that because we have been prevented from doing it. Why haven't we passed the FAA bill? Why haven't we completed work on the patent bill? Why were we stopped from moving forward on the small jobs innovation bill? Why are we unable to move on the EDA bill?

Would the Chair announce morning business?

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#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent that I be permitted to speak until I finish my remarks.

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

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#### FREE-TRADE AGREEMENTS AND TRADE ADJUSTMENT ASSISTANCE

Mr. HATCH. Madam President, I rise today to speak in support of our pending trade agreements with Colombia, Panama, and South Korea.

Right before Memorial Day, the Finance Committee held two trade hearings, the first on the U.S.-Panama Trade Promotion Agreement, the second on the U.S.-Korea Free Trade Agreement. Earlier, the Finance Committee held a hearing on the U.S.-Colombia Trade Promotion Agreement. These agreements have been thoroughly reviewed by our Finance Committee. In fact, given that the Colombia agreement was signed in 2006 and the Panama and South Korea agreements in 2007, these agreements have been more than thoroughly reviewed by U.S. elected officials and U.S. agencies over the past several years. For the sake of the U.S. economy and for the sake of our country's standing in the world, it is clearly time to take the next step. It is time for President Obama to submit implementing legis-

lation for these agreements to the Congress.

The U.S. trade agreements with Colombia, Panama, and South Korea are good agreements that will benefit the United States and American workers. According to the nonpartisan U.S. International Trade Commission, these trade agreements, once fully implemented, will likely increase U.S. exports by over \$12 billion and grow the U.S. gross domestic product by over \$14 billion. Put simply, our trade agreements with Colombia, Panama, and South Korea will boost U.S. exports, expand the U.S. economy, and thus promote job growth in the United States.

The President and members of his administration understand this. They have spoken on numerous occasions on the benefits of the U.S. trade agreements with Colombia, Panama, and South Korea for our country. Please bear with me as I review some of their statements.

Four months ago, President Obama, in his State of the Union Address—4 months ago—expressed his support for the U.S.-Korea Free Trade Agreement, which he stated will support at least 70,000 American jobs. He then asked Congress to pass the Korea agreement as soon as possible.

Last December, President Obama noted that the South Korea agreement is expected to increase annual exports of American goods by up to \$11 billion. In that same speech, he said:

I look forward to working with Congress and leaders in both parties to approve this pact because if there is one thing Democrats and Republicans should be able to agree on, it should be creating jobs and opportunities for our people.

I couldn't agree more.

Just 2 months ago, the President stated that he believes a recently announced labor action plan of Colombia serves as a basis for moving forward on a U.S.-Colombia free-trade agreement and that this represents a potential \$1 billion of exports—our exports—and could mean thousands of jobs for workers here in the United States.

After meeting with President Martinelli of Panama, President Obama said he is confident now that a free-trade agreement would be good for our country, would create jobs here in the United States and open up new markets with potential for billions of dollars of cross-border trade.

The President's principal trade adviser, U.S. Trade Representative Ron Kirk, just last month recognized that the U.S.-Korea trade agreement will support more than 70,000 American jobs, and he noted as well that it will result in over \$10 billion in increased annual exports from the United States.

In April, Ambassador Kirk said Colombia represents \$1.1 billion in new export opportunities for the United States. Regarding Panama, he stated that the Panama agreement will provide access to one of the fastest growing markets in Latin America.

In speaking of all three pending agreements only last month, Ambassador Kirk said that “the pending agreements with South Korea, Panama, and Colombia are at the forefront of our efforts to open new markets.”

In April, Secretary of Commerce Gary Locke emphasized the need to pass the U.S.-Korea Trade Promotion Agreement through Congress as soon as possible. He also said that the administration feels similar urgency to get the pending Panama and Colombia trade deals done. He noted that all three pending trade agreements will move us even closer to President Obama’s National Export Initiative goal of doubling American exports by 2015.

Secretary of Agriculture Tom Vilsack has spoken on behalf of the administration in favor of our pending trade agreements with Colombia, Panama, and South Korea. On May 12, he stated that the paramount reason to implement these three pending trade agreements is jobs. He went on to note that these trade agreements will result in over \$2 billion in additional sales of U.S. agricultural products. Secretary Vilsack has also stated that until we complete these three trade agreements, U.S. agriculture will not have a level playing field in Colombia, Panama, or South Korea.

Secretary of State Hillary Clinton has spoken on the benefits of these three trade agreements for our country. When discussing the U.S.-Korea Free Trade Agreement in April, she stated not only that this agreement will increase U.S. exports by billions of dollars and thus support tens of thousands of American jobs but also that implementing the South Korea agreement is profoundly in our strategic interest. In speaking on the subject of trade and economic growth last month, Secretary Clinton said that “one of our top goals is to complete free trade agreements with Colombia and Panama.”

As someone might say, there is a lot of upside to these agreements—billions in new exports, billions in economic growth, and thousands of new jobs. What is not to like?

So I have a question. What is the holdup? What on Earth is the administration waiting on? This country needs all the jobs and economic growth we can get. So why does the administration refuse to submit these agreements to Congress for consideration? Despite declaring the benefits of these agreements for the United States at every turn, the Obama administration is sitting on them, hurting our economy, and undermining our job growth.

With respect to international trade, the administration has adopted a policy of delay and dither. I see few signs that the administration is working hard to move these agreements through Congress. I don’t see administration officials walking the Halls of Congress in attempts to build support for the Colombia, Panama, and South

Korea agreements. While the administration has said great things about these agreements, as I have mentioned, its efforts to build any type of momentum to advance them on Capitol Hill are tepid at best.

On trade policy, the administration is all talk and no action, or, as my friends from Texas might put it, on these agreements, the President and his team are all hat and no cattle. This is definitely a strange economic strategy. While our economy remains shaky, unemployment remains high—the unemployment rate is at 9.1 percent—and while the rest of the world watches in bewilderment as the United States lets other countries take over our export markets, the administration just sits there. It just sits there.

Actually, let me correct myself. The administration doesn’t just sit there; instead, the administration is actually going out of its way, finding new excuses for not moving forward with the implementation of these trade agreements.

Despite countless speeches from the President and his administration about the importance of the three trade agreements to American exports, creating American jobs, and strengthening our alliances with key friends, his administration busies itself concocting more roadblocks, more delays, and more excuses. It is time to be blunt about this. This schizophrenic trade policy is doing nothing but hurting American workers, hurting jobs, and undermining our recovery.

I believe each free-trade agreement, standing on its own merits and with the full backing of the White House and congressional leadership, will pass with significant bipartisan margins. But we are now told we will never have a chance to vote on any of these agreements unless the White House and Democratic Senators get what they want on trade adjustment assistance.

Let’s put this in perspective. Our economy teeters on the brink with a weak economic recovery. One in seven Americans happens to be on food stamps. Durable goods orders dropped 3.6 percent in April. Last month, the economy added only 54,000 private sector jobs, and unemployment went up to 9.1 percent. The real estate market remains in tatters with the average single family home price falling by 33 percent since 2007. We face an historic spending crisis that has generated warnings from Standard & Poors and Moody’s that the Federal Government faces a downgrade in its debt rating—an action that would be devastating for this Nation and to America’s families.

To forestall this coming crisis, leaders in Congress and the administration are meeting on an almost daily basis to determine how best to get our Nation’s deficits and debt under control. Every spending program and expenditure is being reviewed to find cuts to get our fiscal house in order.

Everyone recognizes these three trade agreements will promote jobs and

economic growth at a time when both are in short supply. Submitting and passing free trade agreements would be a quick and cost-free way of generating economic growth. Yet, in an environment where Congress is desperately attempting to encourage economic growth and rein in spending to avert a fiscal crisis, the White House and many Democrats are delaying the pro-growth trade agreements until we get more government spending through TAA, the trade adjustment assistance program. And for what? If an expanded TAA is so critical, where is the record of success to prove it? What evidence is there that giving some workers who have lost their jobs more benefits than others improves U.S. competitiveness or is a responsible way to spend taxpayer dollars? The mere fact that more people are in a program, and that more taxpayer money is being spent, is not evidence of success.

Congress does not pick winners and losers in the movie rental business. When Blockbuster employees lost their jobs because of the rise of Netflix, nobody stood up and said we should create a new, big, spending government program to help displaced Blockbuster employees.

President Reagan recognized the problems inherent in this program when he said:

[t]he purpose [of TAA] is to help these workers find jobs in growing sectors of our economy. There’s nothing wrong with that, but because these benefits are paid out on top of normal unemployment benefits, we wind up paying greater benefits to those who lose their jobs because of foreign competition than we do to their friends and neighbors who are laid off due to domestic competition. Anyone must agree that this is unfair.

That is what President Reagan said.

By tacking the expansion of TAA onto the stimulus bill, and refusing to allow Congress to vote on the extended TAA program on its own merits, it is unclear whether there is, in fact, bipartisan support for this expanded program. It is billions of dollars more. If the expanded TAA program can stand on its own merits, as each of the FTAs can, then it should be introduced and voted on separately from the free trade agreements. Demanding an expanded TAA as another excuse to delay voting on these important agreements is irresponsible and self-defeating.

At the same time, by not submitting these agreements for approval by Congress, the administration is doing a disservice to the American economy and, at the same time, is letting down some of our strongest allies. Nothing good can come from this continued inaction.

Make no mistake about it. Failure to submit these agreements is a failure in Presidential leadership. I am convinced the window for the administration to submit these agreements will soon pass. Given the upcoming election season, I am afraid if these agreements aren’t submitted this summer, they never will be.

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 remaining?

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