without placing an unnecessary burden on those who are acting in the best interests of their consumers.

They deserve to know that this Congress, Republican and Democrat, should not, and I believe the Democrats will not stand idly by, allowing monstrous financial institutions to put our entire economy at risk, rake in billions and shell out egregious bonuses while everyday Americans lose their life savings and struggle from paycheck to paycheck.

As to the Wall Street Reform and Consumer Protection Act, we should give BARNEY FRANK and the Financial Services Committee, Republican and Democrat, every credit for extraordinary work in these extremely difficult times for our country. This act makes reasonable and responsible changes to our financial regulatory system and enacts long-needed consumer protections. After months of debate, countless hearings and votes on this very floor, this rule will finally allow for its complete and timely consideration.

Mr. Speaker, I urge a ''yes'' vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 183, not voting 12, as follows:

[Roll No. 951]

YEAS—239

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Baldwin
Barrett (SC)
Buyer
Deal (GA)
Hastings (FL)
Hoyer
McHenry
Mica
Moran (VA)
Murtha
Radanovich
Shea-Porter

□ 1540

Mr. BILBRAY changed his vote from ''yea'' to ''nay.''

Mr. RUSH changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4173, WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

Mr. PERLMUTTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 962 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 964

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes. No further general debate shall be in order.

SEC. 2.(a) The bill, as amended, shall be considered for amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived.

(b) Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chair of the Committee on Financial Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed

of Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chair of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chair of the Committee on Financial Services or his designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Financial Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 7. During consideration of H.R. 4173, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

SEC. 8. In the engrossment of H.R. 4173, the Clerk is authorized to make technical and conforming changes to amendatory instructions.

□ 1545

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS).

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 964.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 964 provides for consideration of amendments to H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009. The rules provide for consideration of 36 amendments and authorizes the chairman of the Financial Services Committee to move amendments en bloc. In the case of amendments reported from the committee, the question of their adoption in the House shall be put en gros and without division of the question. The rule provides one motion to recommit with or without instructions and allows the Chair to reduce to 2 minutes the minimum time for electronic voting and also authorizes the Clerk to make technical and conforming changes to amendatory instructions.

Mr. Speaker, as we have seen over the past year, our financial system is broken, and we can no longer afford to maintain the status quo. We face a recession. I call it a Republican recession based on the Wild West practices of Wall Street and the Republican Congress and the Bush administration.

As a result of this Republican recession, we are talking about people losing their investments and retirement savings last year when the stock market reacted to the heart attack our banking system suffered and the countless jobs that were lost throughout the recession. This bill makes critical reforms to our financial system to address this Wild West era of lax regulation that the Bush administration encouraged.

When Wall Street operates like the Wild West, Main Street suffers, and that is precisely what we've seen for the last few years. The Wall Street Reform and Consumer Protection Act preserves our economic system, restores confidence and takes reasonable steps to prevent future meltdowns. It establishes a robust regulatory oversight regime creating transparency in areas previously hidden from the public.

In this bill, we address consumer protection, investor protection, regulation of hedge funds, credit rating agencies, insurance, derivatives, executive pay, mortgage reform, and we eliminate ''too big to fail.'' Loopholes are closed, consolidated regulation is improved, and transparency is increased so there is no place to hide.

But, Mr. Speaker, yesterday we heard repeatedly from the other side that this bill puts the taxpayers on the hook in addressing ''too big to fail.'' Well, taxpayers were put on the hook by the lax regulation of the Bush administration which cost this country and each and every citizen trillions and trillions of dollars and millions of jobs, 4 million jobs during the last year of the Bush administration.

In this bill, with those institutions that are so big that they would create a domino effect such as we saw last year, we liquidate or close those firms at no expense to the taxpayer. And I put in precisely a provision that any moneys get paid to the taxpayer first.

Unlike our colleagues on the other side of the aisle, we do not want these firms to reorganize. We want to put them out of their existence, for no one is too big to fail. There is no guarantee for these institutions, and precisely what we do is provide preventive measures before this comes about, divestiture, increasing capital, a whole variety of preventive measures before bringing about a liquidation. But, ultimately, if an institution that affects the financial system grows so large or is so complex, ultimately, it is the liquidation.

This bill is about more than just reforming our financial system, though. It is about people's lives and the jobs lost and restoring confidence to a broken system. None of us wants to ever face anything like we did last year, and this bill will help ensure that the Wild West mentality and lax regulation promoted by the Republican Party, which led to huge frauds and robberies, like those committed by Bernard Madoff, Petters, and Stanford and their various Ponzi schemes, doesn't happen again. It is not a coincidence that those kinds of frauds on a scale unlike anything we had ever seen before occurred under the Bush administration.

We are reforming our regulatory system so it is able to fix problems before they become a threat to our economic system. The changes this bill makes are essential to rebuilding Main Street and getting credit flowing to small businesses, creating jobs, and rebuilding our economy.

I urge my colleagues to vote in favor of the rule and the underlying bill.

With that, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from Colorado yielding me the time, and I will use such time as I may consume.

Mr. Speaker, I do admit, I know the gentleman was not here back in 2003, but on September 11, 2003, President Bush formally asked the Congress for legislation to regulate Freddie and Fannie, seeing a problem that was ahead. The ranking member of the Financial Services Committee, the gentleman, Mr. FRANK, had a quick response that said there is no problem. There is no problem. That's the last thing we should be doing. Their books are clean. They knew that everything was okay. In 2005, just the next session, legislation did pass and was filibustered in the Senate by Democrats, filibustered by Democrats.

To say that the Wild West exists would be a misnomer in financial services terms. There were people who broke the law. There have always been people who break the law. But the people who broke the law knew that they were breaking the law and did so at the expense of other people's money.

But if you want to talk about recession, let's talk about the recession that we are in right now after 3 years of Democratic control in this House of Representatives. Let's talk about 85 percent increase in spending that this body is going to take up a bill today to spend 85 percent more in the last 2 years by this Democrat-controlled Congress. So, I think that we should be very careful about trying to describe a problem when, in fact, someone else is adding to it and making it worse.

Today we are going to consider a 1,300-page bill which will be a Federal takeover of the financial services industry. That is a heck of an answer. An hour ago, I discussed the flaws of the underlying bill, and now you will hear about a number of amendments that

were shut out by our friends, the Democrats. They shut out Democrats. They shut out Republicans. They shut out bipartisan amendments. And here we have on the floor today this massive bill.

I offered a cautionary amendment that would make this bill ineffective if the Government Accountability Office were to find that this bill would kill more than 1 million free enterprise jobs. I stood before the Rules Committee and said that if this bill kills more than 1 million jobs, let's not do it. Forget it. On a party-line vote, my friends in the Rules Committee, the Democrats, voted ''no.'' That's because we are more concerned about politics than we are about the American people, jobs, and the economy.

Also, I offered two commonsense amendments that simply clarify that this bill would not create a bottomless fund for frivolous lawsuits by trial lawyers. The first amendment deals with giving shareholders a nonbinding vote on executive compensation packages. My amendment clarifies that this new vote creates no new private right of action. Without this amendment, trial lawyers will be able to exploit a brand new opportunity to shake down companies for huge payouts. This is a commonsense amendment, and it was rejected by the Rules Committee on a party-line vote. Once again, the Democrats said no, no.

The second amendment I introduced was to protect businesses from frivolous lawsuits and simply clarifies that none of the new registration requirements for investment advisers of private funds shall be construed as creating a private right of action. This is a noncontroversial measure, or it should be, seeking to protect investors from frivolous lawsuits, and this, too, was rejected.

Mr. Speaker, it is my belief that my colleagues on the other side of the aisle care more about creating a trial lawyer bonanza than protecting businesses, consumers, our financial systems and certainly the free enterprise system.

In an effort to clarify the intent of the executive compensation provisions, I introduced an amendment that would have provided sunshine and transparency for shareholders by requiring full SEC disclosure about who is financing that purchase to influence votes on this new, congressionally mandated, nonbinding shareholder resolution. Put simply, this amendment would provide shareholders with access to information about who is trying to influence a vote. Of course not. We would never want to do that. Trial lawyers would hate that. So the Democrat Party up in the Rules Committee, they got it. They complied. No.

As Federal candidates, we are obligated to disclose to the Federal Election Commission the name, occupation, and amount given by our donors. We require this because public interest is advanced by letting voters know who funds each candidate's campaign. This is important. My amendment asks for the same disclosure so that shareholders know who is trying to influence a vote, what people, what organizations, what groups, what consumer advocates, the amount of money, and who is influencing this. Surprisingly, this amendment was also voted down. So much for transparency and the light of day.

The goal of regulatory reform should be to help, not hinder, our economy and to sustain economic growth and job creation. This legislation does the opposite. It takes a one-size-fits-all approach to governing, undermining U.S. economic competitiveness and business growth. That's why so many business groups oppose this. This Democratic solution will only increase government intervention in the financial markets, ration resources, limit consumer choice, raise taxes, dictate wages, and kill jobs.

Mr. Speaker, the motives are clear. My Democrat colleagues are using policy and regulation to force a government takeover of the free enterprise system while paving the road for trial lawyers and killing American jobs. I guess this is nothing new. We should get used to this.

I encourage my colleagues to vote against this rule and the underlying legislation.

I reserve the balance of my time.

Mr. PERLMUTTER. I would like to yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

□ 1600

Mr. DOGGETT. Mr. Speaker, a year ago as home foreclosures shot up and retirement accounts fell to new lows, after years of permissiveness toward corporate misconduct, the Bush administration responded by handing Wall Street the biggest subprime loan in American history using American taxpayer money. I opposed that Bush bailout because it did not provide adequate protection for our taxpayers. I wanted those who caused the crisis to be responsible for a little more of the cleanup. Instead, Wall Street banks took taxpayer money and they continued their scams with teaser rates and hiding rate increases in the fine print.

Well, now today through this legislation, we respond with extensive reforms. Maybe not all the reforms that I personally would prefer, but reforms that can really empower the cops on the beat. One of the most important of these is the Consumer Finance Protection Agency envisioned by Professor Elizabeth Warren, who Democrats appointed to head the oversight committee over all of these bailout funds. Professor Warren is independent. She is a visionary and an expert in this area. Working with our colleagues Representatives MILLER, DELAHUNT, FRANK, and others of us, we have provided cops on the beat to address abusive lending practices that helped cause this crisis to see that they do not plague consumers once again.

There's a line in an old Hank Williams, Jr. song, ''The cops are against the robbers but the laws are against the cops.'' We need this law to create a new squad of financial cops whose sole job is to protect taxpayers from others' greed. It is working families that we cannot let fail, and it is time we enacted the meaningful protections for American consumers that are embodied in this legislation.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from San Dimas, California (Mr. DREIER), the ranking member of the Rules Committee.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong opposition to this rule.

It's been fascinating to listen to the debate here, and a lot of hyperbole has come forward. We have heard terms like the ''Republican recession,'' and ''Wild West mentality.'' And the fascinating thing that I have just been talking to a couple of my staff members about is much of the legislation which is being criticized so harshly was signed into law by not George W. Bush but the President before George W. Bush, President Bill Clinton. So I think that we should recognize that there has been a lot of bipartisanship in creating what we all admit have been excesses.

Unfortunately, Mr. Speaker, we found that the regulators were asleep at the switch. The name Bernie Madoff was thrown out earlier. The fact of the matter is we know that the regulators were asleep at the switch when it came to dealing with that. We can look at a wide range of other areas where inadequate oversight took place. The question that we have before us right now is do we want to create what many of us are concerned about, and that is unintended consequences?

One of the things that we have found over the past year plus has been a tremendous contraction in credit. Individuals who want to utilize their credit cards or start a business, buy a home, have been having real difficulty gaining access to credit. We've seen this contraction take place.

My concern, as we look at this legislation, is that we're going to take this contraction of credit and make it permanent. We will basically be making it permanent. Why? Because we are going to codify a regulatory structure which is going to undermine the ability of the American people to have access to the best quality product at the lowest possible price.

A lot of things have been said and done over the past year which I think lead us to be overreacting. This massive expansion of government. We can start with the stimulus bill, cap-and-trade, this 2,500-page bill that we just reported out with all these appropriation bills that had an 85 percent increase in nondefense discretionary spending. This is not a way to encourage and lay the groundwork for us to

get our economy moving again. So I am very concerned about that.

I want to talk about one particular amendment, Mr. Speaker, that I offered in the Rules Committee, and that amendment dealt with a huge inequity that unfortunately took place when the economic downturn began. We unfortunately have seen a lot of financial institutions go under. One of them that went under very early on was a California institution known as IndyMac Bank. At that time, which was July of last year, we found that we had the $100,000 guarantee and that was it. Shortly thereafter, as more institutions went down, we increased that level to $250,000.

My colleague Ms. HARMAN introduced an amendment which I offered in the Rules Committee earlier today which would simply have allowed us to have a chance to debate that. There are just under 9,000 depositors and a total of $233 million that would be making these individuals whole who have been depositors because the depositors in other financial institutions, Mr. Speaker, were able to have the $250,000 guarantee provided, and yet these depositors at IndyMac, victimized in the same way that these other depositors were with the failure of institutions, were unfortunately prevented from being able to do that. We simply wanted the House to debate that amendment so that we'd have the chance to make these hardworking men and women from not only California but across the country who happened to be depositors at this institution to be able to receive what every other depositor who dealt with a failed institution following its failure was able to face.

I offered Ms. HARMAN's amendment, I was happy to join with her in doing that, and on a party-line vote, we as Republicans said that this amendment should be made in order; the Democrats chose to vote en masse against allowing a debate to take place for these hardworking individuals who had deposits that were in excess of $100,000.

So, Mr. Speaker, in light of that and the unintended consequences which I right now am foreseeing, I hope very much that we can defeat this rule. Defeating the rule, because so many amendments that should have been made in order were not made in order, will allow us to come back and put into place a very, very decent work product that can end this contraction of credit and get our economy back on track.

Mr. PERLMUTTER. Madam Speaker, first to respond to my good friend from California, he talked about getting the best quality product at the best price. Part of the problem that we had, Madam Speaker, is the fact that you didn't know if you had the best quality product because the way things were done under the Bush administration and the lax regulation that occurred, you didn't know whether there was money in the Bernie Madoff account. The whole approach here is to make sure that these things are scrutinized and that people know what it is that they're getting into when they invest or when they buy a product.

Mr. DREIER. Will the gentleman yield?

Mr. PERLMUTTER. I yield to my good friend.

Mr. DREIER. I just want to say that the issue of transparency and disclosure is what we are focusing on with the alternative that we put forward. This bill does not do that at all.

I thank my friend for yielding.

Mr. PERLMUTTER. Reclaiming my time, I would say that my friend is mistaken because the bill proposed by my friends on the Republican side does nothing but protect Wall Street, not make it transparent and to avoid hidden bombs that might go off from time to time.

I would like to yield now 3 minutes to my colleague from Colorado (Mr. POLIS).

(Mr. POLIS asked and was given permission to revise and extend his remarks.)

Mr. POLIS. Madam Speaker, I rise in support of the rule to bring H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, to the floor of the House. I'd like to thank Chairman FRANK and my colleagues on the Financial Services Committee as well as their staffs for the hard work in crafting this legislation. I'd also like to thank the other committees who worked on this bill, including the Agriculture Committee; the Energy and Commerce Committee; the Judiciary Committee; the Budget Committee; the Committee on Oversight and Government Reform; the Committee on Ways and Means; and, of course, my Chair, Chairwoman SLAUGHTER, on the Committee on Rules, as well as my colleague Representative PERLMUTTER for managing the rule. The crafting of this legislation has truly been an all-hands-on effort.

The rule is a fair one. I would like to thank Chairman FRANK for including two amendments which I offered into his manager's amendment.

Our economy is driven by private investment. In order to encourage investment, we need to give investors peace of mind that at the end of a fraud, they have some recourse. Due to limited protections available, many investors realized significant losses as a result of investment fraud, the most infamous of which was the Madoff Ponzi scheme. In my district in Colorado, the dreams of a comfortable retirement from a lifetime of work or a college education for their kids were stolen from many of my constituents, most of whom had no idea that they were investing in Madoff. The Securities Investor Protection Corporation, or SIPC, is a wise insurance program that is simply outdated and insufficient. Investor protection must evolve. My first amendment is an important step in this evolution. My amendment directs the Comptroller General to study the feasibility of optional, premium-based additional coverage for investors. While there is private insurance available, SIPC plus will give investors at once choice and peace of mind to know that should they become a victim of a fraud, they're protected and will be able to realize a cash settlement in the event of a fraud to begin rebuilding.

My second amendment relates to student loans. As a representative of the district that's home to one of our Nation's premier public institutions of higher learning, the University of Colorado at Boulder, I'm keenly aware of the importance of college affordability. Families have had less income to pay for students' education, and State governments have had fewer dollars to fund higher education, resulting in higher tuition for students and families. We have a healthy Federal student loan program because we recognize that subsidizing investment in education yields positive economic results. Unfortunately, high interest private industry loans disguised as equal alternatives to Federal loans have condemned graduates to debts so outrageous as to destroy the very opportunity for prosperity that college offers. An alarming number of students are taking out high-cost debt, frequently with interest rates as high as 18 percent, and debt that doesn't offer the same favorable deferment or repayment options as Federal loans. Even more troubling, one out of four private loan borrowers took out no Federal Stafford loans and more than half of them didn't even apply for student aid.

My amendment addresses this by requiring that before a private loan is funded, financial aid advisers inform students about the Federal loan options that are available to them. In 2007, two out of three students with private loans hadn't exhausted their lower-cost Federal financial aid. Students and their families should apply for and exhaust all of their available less-expensive Federal financial aid options before turning to risky and expensive student loans.

I am also grateful to Chairman FRANK and the Rules Committee for eliminating troubling language regarding liability of Internet access providers and also for the study of how best to fund dissolution authority and hopefully find alternatives to the current language.

Mr. SESSIONS. Madam Speaker, I yield 2 minutes to the gentlewoman from the great State of Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, I rise in strong opposition to this restrictive rule.

I filed several amendments to protect taxpayers in the economy from regulatory mismanagement. Unfortunately, they were summarily rejected by the Rules Committee. On a bill of this magnitude and significance, I would hope the majority wouldn't be so eager to shut the door on bipartisan amendments or, for that matter, any good

ideas from Members of any party that would improve the bill.

Thanks to the rule, Madam Speaker, amendments I offered to prevent a shift of U.S. businesses overseas are barred from consideration. My amendments would have preserved language in the underlying bill, a result of amendments that I offered in the Financial Services Committee that unfortunately will be undone by the Peterson-Frank amendment.

The result, according to testimony provided by one of my constituents who is the head of the largest U.S. futures exchange in the world, will be a dramatic shift of transactions out of the U.S. exchanges and over to foreign competitors abroad.

The two amendments I offered at Rules would have safeguarded competition, flexibility, and innovation in the U.S. markets. At a time of record job losses, how can we afford to push businesses out of the country?

My third amendment would have prevented the misuse of housing counseling funds by ACORN and its affiliates. It would withdraw ACORN's Federal housing certification. Given the group's clear link to illegal and inappropriate activities, how can we divert precious resources from legitimate housing counselors working overtime to help struggling homeowners?

Unfortunately, this bill will not allow an up-or-down vote on any of these amendments. Madam Speaker, these issues deserve a full and fair debate and a vote on the House floor. I urge my colleagues to oppose this rule.

Mr. PERLMUTTER. Madam Speaker, I yield 3 minutes to the gentlewoman from Maine (Ms. PINGREE).

□ 1615

Ms. PINGREE of Maine. I thank the gentleman from Colorado, my good colleague on the Rules Committee, both for yielding me the time and for all of his hard work on the Financial Services Committee, and to the Chair, Barney Frank, as well. I know these committee members have worked long and hard on this particular bill that is soon to be before us.

For too long we have looked the other way as the big banks and the credit card companies ran roughshod over American consumers. By exploiting loopholes, they have acted recklessly and irresponsibly to line their pockets, leaving America's families and small businesses to pay the price.

Effective Wall Street reform is vital to creating jobs and growing our economy. This bill puts in place commonsense rules to ensure that these same irresponsible actors that caused the worst financial crisis since the Great Depression are not allowed to jeopardize the recovery we have worked so hard to begin. This bill, Madam Speaker, H.R. 4173, holds the big banks and the credit card companies accountable.

Today we can create a new Consumer Financial Protection Agency to make sure that credit card companies stop misleading consumers with hidden fees buried in the small print or teaser rates that lure people in and let the banks make huge profits. Americans look to the FDA and the Consumer Product Safety Commission to keep the food we eat, the medicine we take and the toys we buy for our children safe; now it's time to make sure that the financial products and services that we buy are secure, understandable, and transparent.

With this bill, we can ensure that hardworking families in Maine and across the country are never again on the hook for risky and irresponsible schemes by putting an end to taxpayer bailouts and ''too big to fail'' firms that threaten to bring down our entire economy. We can inject transparency and accountability into a financial system that has far too long been allowed to operate behind closed doors, trading complex financial instruments in secret without the necessary regulation and enforcement.

Madam Speaker, the big banks, irresponsible mortgage lenders, and predatory credit card companies have made a mess out of our economy, and they have expected the American taxpayer to clean up. We can't let that happen again. It is time to ensure that those who acted so irresponsibly are finally held accountable and made to play by rules that are fair.

I realize this bill is not perfect. It could go further, and I think many rightfully agree we should go further. But this bill before us today is a critical first step in restoring confidence in our financial markets. We must act now to create jobs and grow the economy. This is the fair and commonsense regulation that the American public expects and deserves.

Mr. SESSIONS. Madam Speaker, the Republican Party is made up of a group of Members here in Congress who have various backgrounds, and one of them who I am getting ready to yield to came as a small businessman from a manufacturing firm that employed people, cared about their community and the families that worked therein.

I am delighted to yield 2 minutes to the gentleman from Clarence, New York (Mr. LEE).

Mr. LEE of New York. Madam Speaker, I rise today to oppose the rule and to speak on behalf of two commonsense amendments I offered which were not accepted.

The first amendment, sponsored with my friend from Texas (Mr. HENSARLING), simply limits the power of the Consumer Financial Product Agency's credit czar if the national employment rate remains at these astronomical levels. Studies have shown that this bill will stifle job growth across our entire economic spectrum. We should be focusing on job creation, not job extinction. Handing off more control of the private sector to unelected bureaucrats is not going to solve our economic problems.

The second amendment I offered would restrict the CFPA, this new massive agency created by this bill, from mandating disclosures to be made in any language other than English. English is the principal language in which commerce is conducted in the United States. Imagine the nightmare if disclosures must be reported in any of the more than 300 languages that are spoken here in the United States; it would ultimately be sheer chaos. The cost of compliance for private businesses to print materials in multiple languages amounts to more or less an added tax and pushing people further into the unemployment ranks.

H.R. 4173 is going to eliminate jobs, raise taxes, create a new bailout authority, and create a massive new government bureaucracy. I urge my colleagues to vote against this rule.

Mr. PERLMUTTER. Madam Speaker, I would just say to my friend from the Financial Services Committee two things as to his amendments. It was in January of 2009, the last month that George Bush was in office, that we had the highest job loss throughout this whole period. Since that time, it has been shrinking. So under the Bush administration, tremendous job loss in 2008, up to 4 million jobs. And those job losses have been shrinking ever since.

I would also say to my friend from the Financial Services Committee, we had this debate in the committee on the language issue. As he knows, my grandparents are from Ukraine. My grandfather came over here, was a successful businessman, but even over a 40- or 50-year period, he had difficulty with the written language. And where we have seen so much fraud and so much con artistry is with people who have difficulty with the language being taken advantage of. And part of this bill, the consumer protection bill, is so that we avoid that kind of fraud and scheming because of people who can't speak the language.

With that, I would yield 1½ minutes to my friend from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, I rise today in support of this measure, which includes two important proposals that I wrote and worked with the Financial Services Committee to include.

The first one ensures that regulators can do their jobs and regulate effectively for systemic risk. Under current law, regulators are not best equipped to prevent systemically risky behavior because their focus is on individual firms, not on the system as a whole.

My second measure that is included in the manager's amendment came from a constituent request and is strongly supported by groups like the AFL–CIO, the NAACP, and the National Fair Housing Alliance. It simply says that if your loan modification is denied, you deserve to know why. It makes the loan modification program more transparent by giving homeowners the ability to verify their mortgage servicer's net present value analysis. If the servicer used an incorrect

credit score, or misstated income, or made any number of mistakes, then you might be improperly denied loan modification.

I urge my colleagues to support this measure which includes both of these proposals.

Mr. SESSIONS. Madam Speaker, the gentleman from Colorado keeps trying to search and search and search and find who to pin this on, this bad economy and the job loss. Well, I would direct the gentleman to something that we have known for a long, long time in this country. The answer is, pin the tail on the donkey.

Madam Speaker, at this time, I would like to yield 2 minutes to the gentleman from Clinton Township, New Jersey (Mr. LANCE).

Mr. LANCE. Thank you, Mr. SESSIONS.

I rise today in opposition to this restrictive rule and in opposition to the underlying legislation.

This bill will have severe negative consequences on our financial sector and economy as a whole. Specifically, I am strongly opposed to title I, which would create a permanent bailout fund at the FDIC, paid for in part by companies that will never see any real benefit. Furthermore, while every Member of this body supports increased consumer protection, title IV of the bill related to that important issue could do more harm than good by restricting choice and further tightening consumer credit markets.

The language of this title is far too broad and ill-defined. Its uncertainty will only hurt consumers while financial companies retreat from the market to avoid running afoul of a new Federal bureaucracy.

I am also concerned with the title's insistence on completely separating consumer protection regulation from prudential safety and soundness regulation. In my judgment, to accomplish either, regulators should be looking at both. This bill does not accomplish that.

Finally, I want to express my disappointment that this body will not be allowed to debate and vote on an issue of importance to all taxpayers, renewing the Troubled Asset Relief Program set to expire on December 31. I offered an amendment last evening in the Rules Committee to ensure that TARP ends as scheduled and any funds repaid or not yet spent are used for the statutorily mandated purpose of debt reduction and not for further spending. The amendment failed on a purely partisan basis.

The President's plan announced earlier this week to use TARP to fund more governmental spending violates the intent of the law, does very little to create jobs, and further adds to America's ever-growing debt burden. Colleagues on both sides of the aisle believe we need to end TARP. This body should have been allowed to have a substantive debate on this issue.

Mr. PERLMUTTER. Madam Speaker, to my good friend from Texas, I think it is easy to know who to blame, and that is the policies of the Republican Congress and the President, George Bush, because things fell apart, jobs were lost, trillions of dollars lost, and companies fleeing as a result of those policies, which we are trying to repair and correct.

Madam Speaker, I would like to inquire as to how much time each side has remaining.

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). The gentleman from Colorado has 13½ minutes. The gentleman from Texas has 11½ minutes.

Mr. PERLMUTTER. Madam Speaker, I would like to yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I have had to sit here and listen as one Republican after another comes down and says that this bill facilitates bailouts. Most of those Republicans have quoted me. I did say that the Treasury draft of this bill submitted last summer was ''TARP on steroids,'' but apparently they didn't notice that the bill changed in committee. In fact, the gentleman from New Jersey came down and said he wants to end TARP—which I voted against twice—and that on a straight party-line vote, the Rules Committee turned down his amendment. I voted for such an amendment in the Financial Services Committee, and last I checked, I was a Democrat. But I want to focus on the issue of bailouts, comparing the bill to the Republican substitute.

Now, keep in mind that most of the bailouts we've done have not been through the TARP program, but rather were pursuant to sections of law that existed long ago, including, and especially, 13–3 of the Federal Reserve Act, which was adopted in 1932. It is that one code section alone that has allowed $3 trillion to be spent on what could be called bailouts.

So, since the biggest bailouts have come from the Fed, we ought to end secrecy at the Fed. The Democratic bill includes the Ron Paul-Alan Grayson amendment to audit the Fed; for reasons I do not understand, the Republican substitute does not. Their substitute allows the Fed to continue to be exempt from many GAO audits.

Now, as I said, the biggest bailouts are under section 13–3 of the Federal Reserve Act. That has been used for $3 trillion, but the Fed could legally use it for $30 trillion. The Republican bill does very little to limit the Fed's power under section 13–3. The Democratic bill includes my amendments to put a dollar limit on the amount that the Fed can obligate and my amendment to require that only the most secure loans are made. For some reason, the Republican bill limits the Fed barely at all.

12 U.S.C. 1823(c)(4)(G)(i) under the Federal Deposit Insurance Act has been used by the FDIC to make loan guarantees of more than $300 billion, and in fact there is no dollar limit on this section. What they've done with $300 billion they could have done with $800 billion. The Democratic bill suspends this broad authority. The Republican bill contains no limits on this authority.

So if you want to live in Bailout Nation, then you've got to make sure that the Fed doesn't lose its exemptions from audits.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. PERLMUTTER. I yield the gentleman another 30 seconds.

Mr. SHERMAN. You have to make sure that the Fed's powers under 13–3, which have already been used to the tune of $3 trillion, remain unlimited and could go to $30 trillion. And you have to keep the FDIC with unlimited powers under 12 U.S.C. 1823(c)(4)(G)(i). If you want to live in Bailout Nation, you have to vote for the Republican substitute.

If you want to rein in the bailout powers of the executive branch, and if you want to make sure that the Fed is subject to audit, you have to vote for the Democratic bill.

□ 1630

Mr. SESSIONS. I yield 2 minutes to the gentleman from Eden Prairie, Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentleman.

Madam Speaker, I rise to oppose this rule because there were numerous amendments which would have improved this bill, but they were not made in order in the Rules Committee.

Now, many of these amendments were actually ''good government'' amendments. They were amendments that would have assured the reforms we were making were smart and would not be harmful to the economy. One amendment I offered with Representative TIAHRT would have guaranteed the end of the TARP bailout program at the end of this year, and it would have applied the remaining $200 billion-plus worth of taxpayer money towards reducing the Federal budget deficit.

We all know that the TARP program has had a myriad of problems since day one. We have heard testimony in committee that has said the funds have not been properly monitored. This is the program that was used to fund executive bonuses by taxpayers. We have been told by the special inspector general that the program is ''almost certainly'' going to result in a loss to the taxpayers. Last month, it was just reported that now taxpayers could lose over $5 billion in investments in foreign banks.

Rather than ending this flawed program once and for all, the administration announced just yesterday that they will extend the bailout for TARP for another 10 months. This was after the Treasury Secretary just said last month that he wanted to work to put TARP out of its misery. So the Treasury Secretary has kind of flip-flopped now, and taxpayers are going to be

forced to stand idly by while this administration will have the ability with Congress to spend over $200 billion of taxpayer money as ''walking around'' money.

What is even more alarming, I think, Madam Speaker, is the fact that the legislation before us creates a TARP second bailout program and more bailout authority. With all of the problems we've had on this first bailout program, why on Earth is the Federal Government pursuing a sequel?

Without these amendments, the underlying legislation will make it harder to create jobs, harder to get credit for companies, and most importantly, it will make it more difficult for consumers to have freedom in their financial decisions.

I would urge Members to oppose this closed rule, which has effectively limited debate on many good amendments.

Mr. PERLMUTTER. I would just remind my friend from Minnesota that he has an amendment that was made in order, and he and I cosponsored an amendment in the Financial Services Committee, an amendment which has become part of the manager's amendment.

I would also remind him that we create in this a fund assessed against the banking institutions to deal with their liquidation. There is no bailout. As much as my friends on the other side of the aisle would like to be on message and continue to repeat that, there is no bailout.

I yield 3 minutes to the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Madam Speaker, when the American people listen to this debate, they hear a lot of rhetoric, but they don't get much in the way of facts as they were not able to sit through all of the committee hearings which so many of us went through. I want to go through some facts because I hear about amendments not being offered.

The fact of the matter is that we have spent weeks marking up this bill in committee. We had over 65 hours of debate alone in the markup. The hearings concerning these issues have been going on for the entire year. The number of Republican amendments heard in committee was 137. One hundred thirty-seven Republican amendments were heard in committee. There were over 50 rollcall votes on those Republican amendments. There were over 140 Democratic amendments and over 30 bipartisan amendments. There were days and days of markup in considering the legislation.

What the Republicans don't want you to pay any attention to is their inaction for years on these critical issues. We had predatory lending legislation in 2001. They don't want to let you know that it was ignored, that it was ignored again in 2002, in 2003, in 2004, in 2005, in 2006, and in 2007. They don't want you to know that, for all of the years that they were in power, they failed to take up this legislation.

Now we have legislation, and they bring out stacks of paper with fewer words than in a Harry Potter book. I don't know if we have to get as small as ''Good Night, Moon'' or as ''Harold and the Purple Crayon.'' I'm not quite sure what it takes. This is a big topic, and that's why we took so much time in committee to address the complexities of a derivatives market run astray. That's why we took the time to address the complexity of mortgage-backed securities, which wasn't addressed during those many years the Republicans were in power.

The results of that inaction are millions of foreclosures across the States, the worst recession since the Great Depression, over 700,000 jobs lost the month the President was sworn into office. This is because of the inaction of the Republican Party.

Now the American people demand that we step up and that we take action. What do they want to do? They want to do the same thing they did when they were in power year after year after year, which is nothing.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Fullerton, California (Mr. ROYCE).

Mr. ROYCE. Madam Speaker, I would like to make a couple of points here.

One is that the Democrats have been in control of this institution—of the House and the Senate. If anybody remembers back in November of 2006, the Republicans lost control of the House and Senate. So, for 2007, 2008 and 2009, the Democrats have controlled this process. Every spending bill originates in this House, and under that Democratic leadership in this House, we have watched the unemployment rate more than double for the American public.

As far as those of us attempting to do something about the cockamamie schemes put forward years ago in 1992—and it was under Democratic leadership in this Congress that this was done—we gave Fannie Mae and Freddie Mac the ability to go out there and participate in arbitrage at a 100–1 leverage for affordable housing. That was the goal. Yet look at the consequences of it when you pushed that zero down payment loan on them, when you pushed the requirement that 50 percent of their mortgage portfolio be in subprime and in Alt-A. Well, we see those results today.

Let me speak to another issue, which is the opposition to this bill. I voted against the bailouts. Regardless of what you call it, this is an extension of bailouts. While the new language regarding the preemption of State consumer financial laws in the manager's amendment represents a step in the right direction, I believe it is far from sufficient and should be improved.

For example, there are aspects of the preemption standard and process for reaching preemption decisions which need to be clarified. In addition, the visitation provisions dealing with the authority of State officials over federally chartered banks and thrifts continue to contain serious problems. These provisions are an unnecessary extension of State jurisdiction over federally chartered institutions which are already subject to Federal oversight, which raise significant new potential liabilities and uncertainties and which go far beyond the standards recognized in the recent Supreme Court decision in the Cuomo case.

I raise this issue because, as it is currently written, the underlying legislation will move us in the wrong direction in terms of Federal preemption.

The architects of our Constitution threw out the Articles of Confederation and added the commerce clause precisely to prevent a fragmented economy. They envisioned one national market, not a market where local and State governments could strangle free trade among the States. We have seen the ill-effects of an inconsistent regulatory framework in our insurance market where we have 50 separate markets with 50 sets of rules. It is inefficient, anticompetitive, and it fails to provide adequate, consistent consumer protections.

If we are looking for the most effective regulatory model for our financial sector, we should not move toward a regulatory framework with varying standards from State to State for federally chartered institutions.

Mr. PERLMUTTER. Madam Speaker, may I inquire as to how much time both sides have remaining?

The SPEAKER pro tempore. The gentleman from Colorado has 6½ minutes remaining. The gentleman from Texas has the equivalent.

Mr. PERLMUTTER. I would like to first say to my friend from California—and this does cut both ways—the House of Representatives in 2005 did pass legislation to reform Fannie Mae and Freddie Mac. It was bipartisan. I am referring to an article from September 9, 2008, in the FinancialTimes.com, which interviewed Mr. Oxley, who was the chairman of the Financial Services Committee at the time. The bill was never acted on.

In that article he fumed about the criticism of his House colleagues. ''All the handwringing and bedwetting is going on without remembering how the House stepped up on this,'' he says. ''What did we get from the White House?''—remember, George Bush was in the White House—''We got a one-finger salute.''

That was from the Republican chairman of the House Financial Services Committee.

Mr. ROYCE. Will the gentleman yield?

Mr. PERLMUTTER. No, I am going to yield 3 minutes to my friend from North Carolina (Mr. WATT).

Mr. WATT. I thank the gentleman for yielding time.

Madam Speaker, obviously, I am a very strong supporter of this legislation, and I was here on into the

evening last night to express my support for it; but there is one aspect of it that I want to point out that I have some discomfort with and which I would like to speak about. There is really nothing we can do about it, and it is not going to cause me to vote against the bill, but I think we need to continue to work on it.

The Financial Services' version of the bill requires swap dealers and major participants to execute their standardized swaps on exchanges, or swap execution platforms. These provisions, we thought, were very important to the bill. The reason for that is, 15 years ago, the only way to search for a swap transaction was to use the telephone. It was time-consuming, expensive, and a company was never sure that it had found the best deal.

Today, new electronic technology creates pre-trade price transparency. The House Financial Services' version required the use of that platform for transparency purposes so that companies could get the best price in an open transparent market and so that regulators could have a high-resolution view of risk as they moved through the system.

It was our intent that the regulators would require these new technologies to be used for price discovery so that impartial, instantaneous information was available to all participants at the same time. So we kind of lost the totality of that in merging the Financial Services' version of the bill and the Agriculture Committee's version of the bill. I just want to rise to put it back on the radar screen as something that we need to continue to try to resolve. When you have got a $600 trillion over-the-counter derivatives business, there needs to be absolute transparency as there is in the stock market. That is the only way you can bring this out of the shadows and onto a transparent platform.

So I hope we will be able to continue to work with it. The chairman of Financial Services has been excellent on this issue. I hope we will continue, as the House and the Senate move these bills, to figure out a way to make sure that we have the maximum amount of transparency as we did in the Financial Services' version of the bill.

I thank the gentleman for yielding me time to raise this issue.

Mr. SESSIONS. Madam Speaker, without challenging the gentleman's words on the floor, I challenge anyone to think that there would be $600 trillion worth of derivatives business that has taken place in this country.

I yield 2 minutes to a member of the Financial Services Committee, the gentleman from Lubbock, Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. I thank the gentleman.

Madam Speaker, Treasury Secretary Geithner gave my colleagues, the Democrats on the other side of the aisle, a Christmas present yesterday in that he extended their revolving slush fund until October of next year—again, going down the road of rewarding bad behavior and punishing good behavior. The American people were deceived from the very beginning on this—this TARP money, this revolving slush fund as it has evolved into—because they were told it was just for emergency purposes.

□ 1645

Now we are told that, even by the Secretary and the President, that maybe the financial emergency is over. Well, if it's over, we ought to be giving that money back to the American people or, unfortunately, some of that money was borrowed, and we are borrowing the money from the Chinese. But, no, we are going to put that money back into a slush fund and now we are going to use it for whatever purposes our colleagues on the other side of the aisle decide to do with it. Let me tell you, they are very good at it. If you want somebody to teach you how to spend, they can teach you how to spend.

Unfortunately, Mr. President, and to my colleagues on the other side of the aisle, we are spending money that we don't have. We are borrowing all of this money. Here we are today talking about now making a permanent slush fund, a permanent TARP fund, over $150 billion.

The American people are tired of the bailouts. They are tired of making their own mortgage payment and then they are being asked to make their neighbor's house payment. You know what the American people are doing is they are getting their own financial household in order.

But the other part of this bill that bothers me, and it should bother the American people, is we are going to have this new czar or czarina that is going to be able to tell you what kinds of financial products that are appropriate for you. Maybe there is only a certain kind of mortgage that you should have or a certain kind of car loan you should have, certain kind of student loan that you should have when you are trying to send your kids to college.

But the big concern I have is it's going to hurt the credit, limit the credit for small businesses across this country, the people that create the most jobs in this country and have the ability to bring us out of this economic slump. Yet now we are going to be able to put this big regulatory umbrella over them.

Defeat this bill. It's a bad bill.

Mr. PERLMUTTER. Madam Speaker, I would ask my friend from Texas how many more speakers he might have, because we have no other speakers, and I will close.

Mr. SESSIONS. Good, I appreciate the gentleman. It sounds to me like you would like me to go ahead and take the time to close.

Mr. PERLMUTTER. Yes.

I reserve the balance of my time.

Mr. SESSIONS. I appreciate the gentleman advising me of such.

Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Rockledge, Florida (Mr. POSEY).

Mr. POSEY. Madam Speaker, I have been sitting here listening to the debate, and it's almost laughable that I have heard my friends across the aisle blame everything except Hurricane Katrina and the tsunami on President Bush and the Republicans. I think everyone with half a brain knows this meltdown created—or began a couple of administrations ago when they came up with the Community Redevelopment Act and Congress decided to get in and start telling Fannie Mae and Freddie Mac how to behave, when they said everybody in this country deserved to own a home, doesn't matter if you don't have a job, doesn't matter if it's overpriced, doesn't matter if you can't afford it, this is the better world we are looking for.

I think most of the people back home, at least where I am from, remember the days when no banker wanted to make a bad loan. If you wanted to borrow money from a bank, you had to convince the bank you needed the money before they were going to loan it to you, basically. That all changed after the Community Redevelopment Act, so it's no surprise that we have people buying houses they can't afford and that they can't pay for, and that's the tip of the iceberg.

Yes, we need to make some changes in the way that we deal with derivatives and some of the downstream spending. To blame it all on one side or the other is laughable. There is more than enough blame to go around to both sides of this Chamber, and I think it's unfair to the people that we represent that we spend so much time trying to place blame and not focus on a solution.

This bill is very well intended, but it's not going to solve the problem. If regulation and creating more bureaucracies would have solved the problem, we wouldn't be here today. We have gone through that cycle a couple of times. We know what happened with Bernard Madoff. We know the attorneys at the SEC only file one-half a case every other year. That's one case each lawyer files every other year.

Somebody is not watching out for the citizens of this country, the people that put us here. Our job, I think, is to put those people to work before we hire more bureaucrats and create more bureaucracies that will lead to more of the same.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as I said earlier, while it's important to provide consumer safety and security in the marketplace, our constituents are more concerned with the economy, the debt and the loss of jobs. When my friends on the other side of the aisle finally

focus on this, I think we are going to start making advances for the American people to reduce our debt and to get back to where we have a growing economy.

Week after week we come to the House floor to debate bills that kill and diminish jobs. It's not what I want to spend my time doing, but, by golly, the Republican Party is going fight the Democrat Party all the way on these job-killing bills, whether it's cap-and-trade, health care, or government takeover of the financial sector. And we are talking about millions of jobs at a time that are coming up for unemployment. The Republican Party will stand up for the American people.

I would like to encourage our friends and Democrats to start listening to the American people. Stop the borrowing, stop the taxing, stop the spending policies, including an 85 percent increase in spending in a 2-year cycle increase, that have led this country to record deficits and record unemployment.

Unfortunately, due to a tragic event that happened back in my home State, I will be unable to be here tomorrow to vote ''no'' on all these bills. I will be attending a funeral tomorrow in Dallas, Texas, of a dear friend. However, if I were here, I would vote ''no''—''no'' on taxing, ''no'' on spending, and ''no'' on bigger government.

So I will encourage my colleagues right now to do the same. Just say ''no.'' We have heard that before. Just say ''no'' to more taxes, more spending, and more unemployment in this country.

Madam Speaker, I yield back the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I yield myself so much time as I might consume.

''Just say 'no.' '' That is the Republican mantra. ''Just say 'no'; we like the status quo.'' We are opposed to any movement to get this country back on track.

They oppose health care. They oppose the Recovery Act. They oppose everything, because they like the way it is. They like it so that their friends on Wall Street can continue to reap billions of dollars and record profits.

This is to look, their opposition is solely to look after their friends so their friends can continue to make money at the expense of average Americans, average Americans who lost jobs last year because of the credit crunch on Wall Street which resulted from the lax regulation and the gambling-type approach taken by the Bush administration and the Republican Congress before that.

The recession that we faced, which is as great as anything we have seen since the 1930s, has got to be pinned on my friends in the Republican Party in this Congress and on President Bush.

Really, in the last fall, we saw millions of jobs lost. We are not out of the woods, but that trend has reversed so that we are losing fewer and fewer jobs each month. But there is no recognition of that, because my friends don't want to take any credit for ruining the economy last year to the tune of trillions of dollars to this country, to its taxpayers, and millions of jobs to the people who work every day.

Now, my friends say that this is a job-killing bill. The only thing killed in this bill are failing financial institutions which would affect the economy, just like that domino effect last fall.

We protect consumers. We protect investors. We look at hedge funds. We deal with credit rating agencies. We look at the derivatives and try to rein them in so that they have to post and there aren't dramatic losses as a result of that. We look at insurance, executive pay, but, most importantly, we take a look at institutions that are so big that they, in a prior administration, couldn't fail. Under this bill, we either take them apart or put them out of their misery. There are no bailouts as we had under George Bush.

We are trying to end this recession, and you do it by restoring confidence in the financial system. I urge an ''aye'' vote, and I would urge passage of this bill.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 186, not voting 10, as follows:

[Roll No. 952]

YEAS—238

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harman
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg

Shimkus	Sullivan	Walden
Shuler	Taylor	Wamp
Shuster	Terry	Westmoreland
Simpson	Thompson (PA)	Whitfield
Smith (NE)	Thornberry	Wilson (SC)
Smith (NJ)	Tiahrt	Wittman
Smith (TX)	Tiberi	Wolf
Souder	Turner	Young (AK)
Stearns	Upton	Young (FL)

NOT VOTING—10

Baldwin	Deal (GA)	Murtha
Barrett (SC)	Lofgren, Zoe	Radanovich
Buyer	Mica	
Cardoza	Moran (VA)	

□ 1723

Ms. KAPTUR changed her vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Madam Speaker, I attended the funeral of former Florida U.S. Senator Paula Hawkins and was unable to vote on rollcalls 947, 948, 949, 950, 951, and 952. Had I been present, I would have voted "yea" on rollcall 950, and "nay" on rollcalls 947, 948, 949, 951, and 952.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 951

Mr. DAVIS of Illinois. Madam Speaker, I ask to have my name removed as cosponsor of H. Res. 951.

The SPEAKER pro tempore (Ms. RICHARDSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

NATIONAL PRADER-WILLI SYNDROME AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 55.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 55.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 964 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4173.

□ 1625

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes, with Ms. LORETTA SANCHEZ of California (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, December 9, 2009, all time for general debate had expired pursuant to House Resolution 956.

Pursuant to the House Resolution 964, no further general debate shall be in order. The bill, as amended, shall be considered for amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 4173

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 ''The Wall Street Reform and Consumer Protection Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—FINANCIAL STABILITY IMPROVEMENT ACT

Sec. 1000. Short title; definitions.
Sec. 1000A. Restrictions on the Federal Reserve System pending audit report.

Subtitle A—The Financial Services Oversight Council

Sec. 1001. Financial Services Oversight Council established.
Sec. 1002. Resolution of disputes among Federal financial regulatory agencies.
Sec. 1003. Technical and professional advisory committees.
Sec. 1004. Financial Services Oversight Council meetings and council governance.
Sec. 1005. Council staff and funding.
Sec. 1006. Reports to the Congress.
Sec. 1007. Applicability of certain Federal laws.
Sec. 1008. Oversight by GAO.

Subtitle B—Prudential Regulation of Companies and Activities for Financial Stability Purposes

Sec. 1101. Council and Board authority to obtain information.
Sec. 1102. Council prudential regulation recommendations to Federal financial regulatory agencies.
Sec. 1103. Subjecting financial companies to stricter prudential standards for financial stability purposes.
Sec. 1104. Stricter prudential standards for certain financial holding companies for financial stability purposes.
Sec. 1105. Mitigation of systemic risk.
Sec. 1106. Subjecting activities or practices to stricter prudential standards for financial stability purposes.
Sec. 1107. Stricter regulation of activities and practices for financial stability purposes.
Sec. 1108. Effect of rescission of identification.
Sec. 1109. Emergency financial stabilization.
Sec. 1110. Corporation must receive warrants when paying or risking taxpayer funds.
Sec. 1111. Examinations and enforcement actions for insurance and resolutions purposes.
Sec. 1112. Study of the effects of size and complexity of financial institutions on capital market efficiency and economic growth.
Sec. 1113. Exercise of Federal Reserve authority.
Sec. 1114. Stress tests.
Sec. 1115. Contingent Capital.
Sec. 1116. Restriction on proprietary trading by designated financial holding companies.
Sec. 1117. Rule of construction.

Subtitle C—Improvements to Supervision and Regulation of Federal Depository Institutions

Sec. 1201. Definitions.
Sec. 1202. Amendments to the Home Owners' Loan Act relating to transfer of functions.
Sec. 1203. Amendments to the revised statutes.
Sec. 1204. Power and duties transferred.
Sec. 1205. Transfer date.
Sec. 1206. Expiration of term of comptroller.
Sec. 1207. Office of Thrift Supervision abolished.
Sec. 1208. Savings provisions.
Sec. 1209. Regulations and orders.
Sec. 1210. Coordination of transition activities.
Sec. 1211. Interim responsibilities of office of the comptroller of the currency and office of thrift supervision.
Sec. 1212. Employees transferred.
Sec. 1213. Property transferred.
Sec. 1214. Funds transferred.
Sec. 1215. Disposition of affairs.
Sec. 1216. Continuation of services.
Sec. 1217. Contracting and leasing authority.
Sec. 1218. Treatment of savings and loan holding companies.
Sec. 1219. Practices of certain mutual thrift holding companies preserved.
Sec. 1220. Implementation plan and reports.
Sec. 1221. Composition of board of directors of the Federal Deposit Insurance Corporation.
Sec. 1222. Amendments to section 3.
Sec. 1223. Amendments to section 7.
Sec. 1224. Amendments to section 8.
Sec. 1225. Amendments to section 11.
Sec. 1226. Amendments to section 13.
Sec. 1227. Amendments to section 18.
Sec. 1228. Amendments to section 28.
Sec. 1229. Amendments to the Alternative Mortgage Transaction Parity Act of 1982.
Sec. 1230. Amendments to the Bank Holding Company Act of 1956.
Sec. 1231. Amendments to the Bank Protection Act of 1968.
Sec. 1232. Amendments to the Bank Service Company Act.
Sec. 1233. Amendments to the Community Reinvestment Act of 1977.
Sec. 1234. Amendments to the Depository Institution Management Interlocks Act.
Sec. 1235. Amendments to the Emergency Homeowners' Relief Act.
Sec. 1236. Amendments to the Equal Credit Opportunity Act.
Sec. 1237. Amendments to the Federal Credit Union Act.
Sec. 1238. Amendments to the Federal Financial Institutions Examination Council Act of 1978.
Sec. 1239. Amendments to the Federal Home Loan Bank Act.