they like seeing. Those are the questions, and those are the concerns of the American people. My colleagues know my second opinion on the health care bill that we were told by NANCY PELOSI: You have to pass it before you get to find out what is in it.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. CORKER. Mr. President, could I make an inquiry as to the time remaining? I see Senator HUTCHISON is here.

The ACTING PRESIDENT pro tempore. The Republican side has 8 minutes 27 seconds.

Mr. CORKER. I need about 4 minutes, but if the Senator from Texas wishes to go first, that is fine.

Mrs. HUTCHISON. Then I will split the remaining time, unless—is there any further time? What is the order of business after the 8 minutes?

The ACTING PRESIDENT pro tempore. After the expiration of morning business, the Senate will proceed to executive session.

Mr. CORKER. I understand we might extend, with permission, for 10 more minutes, is that correct?

The ACTING PRESIDENT pro tempore. That is correct. If there is unanimous consent, that is correct.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to extend morning business for 10 minutes, and that the added time be split between Senator CORKER and myself; and if a Member of the majority comes forward, we will certainly agree to allow the equal time.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, if there were 4 minutes and we added 10, I would have 9 minutes and Senator CORKER would have 9 minutes?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Tennessee.

FINANCIAL REGULATORY REFORM

Mrs. HUTCHISON. Mr. President, I rise today to speak on financial regulatory reform. During the current economic downturn, we have seen far too many Americans lose their jobs, homes, and their savings. Today, 15 million of our citizens are still out of work, and national unemployment continues to hover near 10 percent.

It is this uncertain climate in which we consider financial reform legislation. The crisis is going to remain in the forefront of our national consciousness for years to come, mainly due to the immense government intervention that was pushed through over the past year and a half, attempting to stabilize our frozen credit markets but instead accumulating massive debt that threatens to harm our economy much worse than the original problems.

The current legislation continues the government's failed ''too big to fail'' policy. Too big to fail perverts free market capitalism and suggests that entities can privatize their profits, yet socialize their risks, and taxpayers foot the bill. The American taxpayer should not be forced to pay the gambling debts of risky bets made by large financial institutions.

Republicans and Democrats alike agree that we must end too big to fail, but the bill that is being proposed does not do that. Chairman DODD's bill provides both the FDIC and the Treasury Department emergency authority to provide broad debt guarantees in times of ''economic distress'' to ''struggling firms.'' As written, it is foreseeable that the FDIC or Treasury could step in to prop up a firm under any circumstance, all without seeking to resolve and unwind the firm.

The chairman's bill authorizes continued emergency lending authority for the Federal Reserve, but conceivably only for large banks. Under the Dodd bill, the Federal Reserve would retain supervisory authority over bank holding companies with assets over $50 billion. The Federal Reserve supervision essentially predesignates the firms that are too big to fail. These banks would have the implicit backing of the government and the taxpayers and, with it, the competitive advantage, giving it access to cheaper credit from lenders expecting to be made whole. This puts our Nation's community and independent banks at a severe competitive disadvantage.

I will offer an amendment, if this bill comes to the floor, to permit community banks to remain under the supervision of the Federal Reserve. If the Fed supervises only the largest firms, it will gear monetary policy toward these large financial institutions, effectively leaving out the voice and real-time experience of community bankers in my State and across the country.

While the large financial institutions were making bad bets on subprime mortgage markets, community banks were making home and business loans to local customers. Local community banks provide the lending and deposit services for our Nation's small businesses so they can operate, invest, create jobs, and drive our economy. It is this business lending that will help create jobs and grow our economy.

Tom Hoenig, President of the Federal Reserve Bank of Kansas City, said recently that our Nation's largest banks would be well served to take lessons from our community banks. Why? Because community banks have been committed to providing the credit and services needed for small business. They know their customers, and they can make good, solid loans that are supportable.

In Texas, Richard Fisher, President of the Dallas Federal Reserve Bank, said the provision in the bill would leave the Dallas Federal Reserve jurisdiction with only one or two bank holding companies, down from 36 member banks, for $74 billion in assets that he now has supervisory authority over. The Fed should know the needs and the economic conditions throughout the country, not just New York and Washington, DC.

It is precisely the ability to foster bottom-up growth through small businesses that sets community banks apart from other financial institutions. Unlike the big financial institutions we see in the headlines for bailouts and bonuses, community banks don't have a systemic risk to our financial system and they are not identified as primary contributors to our latest crisis.

However, community banks would soon be subjected to a considerable amount of new costs and regulatory burdens as a result of this legislation. Community banks are already regulated. They are well regulated. Adding additional layers of Federal bureaucracy with limitless authority would be a burden that would only serve to hamper the ability of community banks to effectively provide depository and lending services to America's consumers and small businesses.

Community banks should not be punished as a result of this legislation. We should preserve and enhance our dual banking system, not impose additional Federal regulations that stifle their ability to serve their communities.

I am also concerned about the direction of the regulation of over-the-counter derivatives. In the wake of the collapse of the mortgage market where the use of derivatives and even derivatives of derivatives helped cause great losses to banks and nearly brought our economy to its knees, it is important that Federal regulators have a greater understanding of this derivatives market. We have Members on both sides of the aisle who are negotiating these terms. Republicans and Democrats have the same goal. We want to end too big to fail. We want to end bailouts. We want to assure that our community banks still have the capability to serve Main Street customers.

The bill before us that is not being brought to the floor because it did not have any input from the Republican side does not achieve those goals. So we are now meeting in small groups. We are meeting with the Secretary of the Treasury and others within the administration to try to come to terms that would do the right thing and meet the goal that we all agree is the goal. That is what is going on right now in the Senate.

It is my great hope—and I see my colleague from Tennessee who is also on the Banking Committee with me, and he too is a part of the negotiations and wants to bring this bill to the floor—we can do something good for our economy. Passing the bill or letting it come to the floor and roll out of here in its present form would not