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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The PRESIDING OFFICER. Our visiting Chaplain today is Father Claude Pomerleau from the University of Portland, OR. Father Pomerleau will lead us in prayer.

The guest Chaplain offered the following prayer:

Let us pray.

O Lord, Master of the universe and everything in it, Your generosity gives us life, gives us hope, gives us the imagination to envision a world where no child weeps, where violence is a dark memory, where peace is the story of every day and year.

As the gift of this day unfolds, as the creative men and women in this Chamber turn their gifts and talents to making laws that seek to elevate and protect the lives of millions of their fellow Americans, do not let them lose the sweet peace and long vision of this first moment. In the face of so many distractions and challenges, may they be filled with grace and generosity, wisdom and wonder, calm and compassion. Open their hearts, Lord, and open their minds, and fill them with Your love, and make of them beacons of Your light, so that their deliberations this day take this country and this sweet planet ever closer to Your peace and Your joy. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PATRICK J. LEAHY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 6, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of S. 3217, which is the Wall Street reform legislation. The time until 10 a.m. will be for debate with respect to the Tester-Hutchison amendment dealing with FDIC insurance premiums. At 10 a.m., the Senate will proceed to a vote in relation to that amendment. Additional votes are expected to occur throughout the day in relation to amendments to the Wall Street reform bill. Currently, Shelby amendment No. 3826 regarding consumer protection is pending. The next amendment upon disposition of that amendment will be the Sanders amendment regarding an audit of the Federal Reserve. That is amendment No. 3738.

As a reminder, there will be an all-Senators briefing on the START treaty

and related national security issues from 4:30 to 5:30 p.m. today. We will remain in session during that time.

We expect to arrive at a time for voting on the Shelby amendment. If not, there will be a motion to table that amendment. We have a lot of amendments to get through, and we are going to work into the night. We have work we need to do tomorrow. So everyone should be aware, we have a lot of issues we have to resolve on this most important legislation.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the distinguished Republican leader for letting me step forward ahead of him.

WELCOMING THE GUEST CHAPLAIN

Mr. LEAHY. Madam President, I just want to note what a great pride it is in our family to have welcomed the visiting pastor today, Father Claude Pomerleau, who is also my wife Marcelle's brother. He, with the gracious concurrence of our Chaplain, Dr. Black, has opened the Senate on other occasions. But it is with a great deal of pride for both Marcelle and myself when he is here and has a chance to visit with us. Father Pomerleau is a dear friend of all our family and has been a guide and spiritual leader for our family for decades.

Madam President, I ask unanimous consent that a short bio of him by the University of Portland, which even speaks about his clarinet playing, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CAMPUS MINISTRY: REV. CLAUDE POMERLEAU,
C.S.C.

Rev. Claude Pomerleau, C.S.C., was born of French Canadian parents in Newport, Vermont on beautiful Lake Memphermagog,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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a lake that connects geographically and spiritually to the Plains of Abraham in Quebec. He began his academic career studying engineering and philosophy at Notre Dame followed by theology in France and Italy. He earned his Ph.D. in International Relations from the University of Denver in 1975 and has taught at the University of Notre Dame and the University of Chile. Since 1991, he has served as an associate professor in the department of history and political science here at the University of Portland and became department chair in 1994. Fr. Claude also currently serves at the Director of the Social Justice Program and is the Religious Superior of the Holy Cross brothers and priests at UP. He enjoys traveling and observing the universe, but especially visiting the University of Chile where he is a visiting professor in the summer. Fr. Claude is an accomplished clarinet player, sometimes playing loudly and late at night in Tyson Hall where he is grateful to be chaplain to a bunch of wonderfully tolerant students.

Mr. LEAHY. Madam President, again, I thank our leaders, and I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

FINANCIAL REGULATORY REFORM

Mr. MCCONNELL. Madam President, last night, the Senate took a strong stance on protecting taxpayers from the unintended consequences of a bill that was originally meant to hold Wall Street accountable for its mistakes.

Put aside for a moment the latest talking points the other side is using about Republicans. Our goal throughout the debate has been to protect taxpayers who got burned during the last crisis, and last night's vote showed that those efforts are beginning to yield results.

A \$50 billion fund for failing financial firms that would have distorted the market by encouraging the same kinds of risky investments that led to the last crisis is now out of the bill.

A provision that would have given investors in failing firms special treatment is out. Congress will now have to approve any government effort to ensure bank debt. So improvements are being made to this financial regulatory bill in the right direction.

Now it is time to focus on what has emerged as another central point of contention, and that is the new government bureaucracy this bill would create over at the Fed. The first thing to know about this new agency is that Congress would not have any power over it. The second thing to know is what it would do. Some of that is still vague, but the ambiguities are part of the problem.

What we do know is that this new agency would be authorized to gather information on banking and purchasing patterns and on anyone—anyone—operating in consumer financial markets. One provision, section 1071, could lead financial institutions to maintain a

record on the number and dollar amount that each customer deposits at bank branches and ATMs.

Now, understandably, a lot of Americans and a lot of small business owners have serious concerns about all of this. They are also concerned about the potential of this bill to further dry up credit at a time when they are trying to dig themselves out of a recession.

We received a letter just yesterday from groups representing hundreds of thousands of businesses—from florists to orthodontists to builders to car dealers—all concerned about the potential impact this new agency would have.

Now, let me state the obvious: None of these businesses had anything whatsoever to do with the financial crisis. None of these businesses had anything to do with the financial crisis. Why on Earth would we want to punish them for the reckless behavior we saw on Wall Street? Why on Earth would we want to punish these small businesses for the reckless behavior we saw on Wall Street?

The fact is, this agency is more about using this crisis as an opportunity to slip a vast new European-style regulatory bureaucracy past the American people than it is about holding Wall Street accountable.

I say let's focus on Wall Street and the GSEs and leave ordinary Americans out of this. Let's put the middle-class families and small business owners who shouldered the burden of this crisis ahead of the bureaucratic wish lists in Washington. At a moment of near double-digit unemployment and exploding debts and deficits, let's have at least one Democratic idea for expanding the reach of government on the shelf.

Later today, the Senate will have an opportunity to blunt the potential impact of this agency. Senator SHELBY and I have joined several cosponsors on an amendment that would deflect the focus of this bill from Main Street and back to Wall Street where it belongs. Let's take the bill off Main Street and send it back to Wall Street where it belongs.

The National Federation of Independent Business supports our amendment because, in the place of this new bureaucratic agency, it would establish a new division within the FDIC that would oversee mortgage originators and other big financial service providers. That is where the target should lie—not on the backs of America's small businesses and middle-class Americans who expected to be protected by the bill, not punished by it.

I urge my colleagues on both sides of the aisle not to lose our focus in this debate. I also urge everyone to support the Shelby-McConnell amendment.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3217, which the clerk will report.

The bill clerk read as follows:

A bill (S. 3217) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail," to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

Pending:

Reid (for Dodd/Lincoln) amendment No. 3739, in the nature of a substitute.

Shelby amendment No. 3826 (to amendment No. 3739), to establish a Division of Consumer Financial Protection within the Federal Deposit Insurance Corporation.

Tester amendment No. 3749 (to amendment No. 3739), to require the Corporation to amend the definition of the term "assessment base."

AMENDMENT NO. 3749

The PRESIDING OFFICER. Under the previous order, the time until 10 a.m. will be for debate on amendment No. 3749, with the time equally divided and controlled in the usual form.

The Senator from Nebraska.

Mr. JOHANNIS. Madam President, I am just going to speak for 2 minutes this morning, but I would like to stand to take a moment to voice my support for the Tester-Hutchison amendment.

This amendment will ensure that banks of all sizes pay their fair share by broadening the assessment base that is used by the FDIC. The FDIC would determine bank premiums by basing it on total assets, not just domestic deposits. For far too long, community banks have paid a disproportionate share of the deposit insurance premiums.

This amendment levels the playing field. It is a good piece of policy. It will put community banks on a more equal footing with the large bank conglomerates. So I urge my colleagues to vote for this commonsense amendment.

Let me wrap up by saying, the Independent Community Bankers have looked at this amendment. This amendment would reduce assessments for 98 percent of the banks with less than \$10 billion in assets, keeping nearly \$4.5 billion in the banks—much needed capital to make our economy grow.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. Madam President, how much time is on our side?

The PRESIDING OFFICER. Eight minutes.

Mrs. HUTCHISON. Madam President, would you notify me when I have consumed 5 minutes because there is another speaker.

The PRESIDING OFFICER. Yes.

Mrs. HUTCHISON. Thank you, Madam President.

I rise to join my colleague, Senator TESTER, and an increasing number of