

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 assistant legislative 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.

Reid (for Boxer) amendment No. 3737 (to amendment No. 3739), to prohibit taxpayers from ever having to bail out the financial sector.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I will be brief at this point.

First, let me thank the leadership and my colleagues, Democrats and Republicans, for allowing us to get to this point. Now we are on the bill after all this time.

I didn't hear all the comments of my friend from Tennessee, but clearly we are making an effort to reach agreement where we can on some of the critical issues. Senator SHELBY and I and our staffs have worked very hard over the weekend to try to come to closure on the resolution title of the bill, title I and title II, that Senator CORKER spent so much time working on. We thought we had done a pretty good job, but there is always room for improvement to satisfy the interests people have to make sure taxpayers will never be exposed. My hope is we will be able to present that, Senator SHELBY and I, to our colleagues to be able to close that issue and move on to the other areas of the bill that people have interests in.

We have a number of amendments that I believe should be relatively non-controversial—either bipartisan amendments that Senators want to offer dealing with the Federal Trade Commission or dealing with the consumer title. There are a number of amendments on which we have already reached some agreement. My hope is we could have some understanding—obviously, I want to wait until Senator SHELBY comes over—that we could enter a time agreement, a brief one, on the Boxer amendment. We have all talked about the Boxer amendment, so maybe, hopefully, we could have that vote when we come back from our respective caucus luncheons.

I hope at some point shortly thereafter, Senator SHELBY and I will offer a proposal dealing with the resolution titles of the bill to close that. I am told Senator TESTER and Senator HUTCHISON have an amendment, which sounds pretty good to us, dealing with some issues involving assessments on small banks that we agree with.

I know Senator SNOWE and some others have amendments which we have worked on as well which we think are helpful to agree to.

Senators HUTCHISON and ROCKEFELLER on the Federal Trade Commission, we have reached agreement on that as well. There are a number of issues which I would like to at least deal with here where we have consensus.

Then, obviously, there are going to be some areas and amendments that will come up that are controversial, that will require a good debate on the floor—hopefully, not an endless one but debate on those matters. I wish to get to those soon. I know my colleagues who have those ideas wish to be heard, and I certainly wish to give them the opportunity to do so. My hope is we will reach time agreements and have up-or-down votes on them. That is the way this institution is supposed to operate. We can avoid filibusters and those who want to extend the debate, even though they are not happy with the amendment and don't like the outcome. I think we serve our interests well if, with the exception of those that deserve some sort of attention like that, the overwhelming majority of these issues ought to be debated and voted up or down and move on to the next set of issues.

In the meantime, we try to work on ones that we know are coming along to see if we can't reach consensus as we have on a number of these items.

That is sort of the game plan as I see it, but I obviously am not going to make any unanimous consent requests regarding time agreements until my colleague from Alabama is here in order to agree with that, but my hope is to offer such unanimous consent proposal that on the Boxer amendment we reach a time certain fairly quickly. Again, it is a three-line amendment that I think everyone has had a chance to hear us discuss over the last couple days. That goes to the heart of what Senator CORKER was talking about; that is, to emphatically state taxpayers not be exposed to the costs of any institution that fails and is wound down, either through resolution or more likely through bankruptcy—there is not taxpayer exposure. Since we all agree on that and the language is rather clear, my hope is we could spend a few minutes talking about it, making that point and vote and then move on to these other matters, seeking time agreements where appropriate.

That is how we will proceed. I have talked to the leader. Obviously, we do not have an endless amount of time for this debate and this subject matter, but my hope is, over the next week or two, to conclude, starting early, staying a little later in the evening than we normally do, even, if necessary, spending some time on the weekend. I know that is not normally done here, but, again, to get to the finish line on this bill is going to take some time, given the numbers of amendments people

have on which they would like to be heard, in order to meet the goals of the leadership to complete our work on this bill and move to the other items that must be debated in this Chamber, aside from the financial services reform.

We have a lot of work to do in the coming 2 weeks on this matter. My hope is, people will bring their amendments early to us, to Senator SHELBY and to myself or our committee members, let us look at them and work on them. Where we can accept or modify them, we will try to do so; where we cannot, provide the time so we can have a debate and vote on your ideas. That is where we stand.

I have a number of requests for time. I am not going to make any unanimous consent requests for these, but a number of Members have asked for some time to speak today either on amendments they are going to be proposing or on the bill itself. I have that list. I will try to accommodate those Members, when I can, this afternoon. Again, the first order of business would be on the Boxer amendment.

Let me just say about that amendment, that again, the language of the Boxer amendment is rather straightforward. I read it the other day. It is a very brief amendment and very clear. It says:

At the end of title II add the following.

At the end of the resolution title, which is an elaborate title we spent months working on so as to make sure we would get it right; that is, the presumption is bankruptcy and, in the most painful alternative, a resolution but one that you would not like to take at all. It is bankruptcy, putting these companies out of their misery and the country out of its misery without exposing the taxpayers to the cost. The managers all get fired under our bill. They are gone. Not only do they not get bonuses, they don't have a job having done what they did. The shareholders lose, so shareholders have to pay more attention to what is happening to their companies of which they are owners. Creditors also take tremendous hits in this proposal as well.

Senator BOXER has offered some very straightforward language, almost an exclamation point at the end of title II. I will read the amendment because it only takes about a minute to do so. She says:

LIQUIDATION REQUIRED.—All financial companies put into receivership under this title shall be liquidated.

If there was any doubt about the provisions—sentence No. 2.

No taxpayer funds shall be used to prevent the liquidation of any financial company under this title.

A very clear, declarative sentence.

(b) RECOVERY OF FUNDS.—All funds expended in the liquidation of a financial company under this title shall be recovered from the disposition of assets of such financial company, or shall be the responsibility of the financial sector, through assessments.

Then:

(c) NO LOSSES TO TAXPAYERS.—Taxpayers shall [again, shall] bear no losses from the exercise of any authority under this title.

Again, it is very straightforward, a very clear amendment, one that basically incorporates the views shared by all 100 Members of this body.

Maybe there is someone who disagrees. If they do, I don't know who they are. Every Senator I heard address this issue agrees with what Senator BOXER is suggesting with this very important language. It is not a sense-of-the-Senate resolution. This is statutory language in the bill. My hope is, unless people want to have an elaborate discussion about it, it seems pretty straightforward. I would like the first vote to be an amendment on which we can all come together as we begin our debate in this Chamber. Not all amendments are going to end up that way, but on this one I think there is clarity and we ought to get behind it and demonstrate our willingness to say, without any equivocation whatsoever: The taxpayers will not be exposed to the kind of charges and costs that they were in the fall of 2008.

I will sit and wait for Senator SHELBY to come over and, in the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3778

Mr. UDALL of Colorado. Mr. President. I rise to speak about a bipartisan amendment, No. 3778, which Senator LUGAR and I have filed based on our bill, the Fair Access to Credit Scores Act of 2010. This amendment has wide and growing support, both with consumer groups and legislators of all political persuasions. I thank Senators BOND, BROWN of Massachusetts, BROWN of Ohio, HAGAN, LEVIN, LIEBERMAN, MCCASKILL, and SHAHEEN who are also sponsors of this amendment.

Our amendment takes a common-sense yet significant step toward putting consumers back in control of their finances by offering Americans annual access to their credit score when they access their free annual credit report.

I wish to clarify, because this is important. A credit report tells consumers what outstanding credit accounts they have open, such as student loans, credit cards, even, perhaps, a car or a home loan. Unfortunately, it tells Americans little else. One's credit score, on the other hand, which our legislation makes available, has the critical information consumers need to know. A credit score affects consumer interest rates, monthly payments on home loans, and could be the difference between whether a child is able to afford college. Credit scores even affect the consumer's ability to buy a car,

rent an apartment, and get a phone or even Internet service.

In 2003, Congress enacted legislation requiring the three major consumer credit reporting agencies to provide a free annual credit report to consumers. This law, known as the FACT Act, was an important step in ensuring financial records of American consumers are accurate. However, since that time, many of my constituents have been misled to believe they have free access to their credit score, when what they have is free access to a credit report. So we have the score versus the report. Even thoughtful lawmakers in Congress do not realize American consumers ultimately have to buy access to their credit score.

To be clear, banks and lenders can easily obtain these scores while consumers cannot. That simply is not fair. We have all seen the frequent television commercials or Internet advertisements which claim to offer consumers free access to their credit score. Unfortunately, consumers are often disappointed to learn they only have access to their credit report, not the critical information they need to judge their own creditworthiness, their score. In the most troubling cases, consumers often believe they are signing up to get a free credit score, only to find out later that they unwittingly signed up for a costly monitoring service that could cost nearly \$200 a year.

In considering reforms to hold Wall Street accountable and rein in their shady dealings, we believe Congress should also work to protect consumers from other unscrupulous financial practices. When there is a deal that often seems too good to be true, many Americans ask themselves: What is the catch. There certainly is a catch in this instance. The problem is that Federal law tacitly supports it by directing consumers to credit rating agencies under false pretenses. We all know consumers want their score, but it is the last thing they receive. We are literally sending Americans every day into a fine print trap.

I am not surprised the credit reporting agencies and their lobbyists have been hard at work over the last several days perpetuating fine print arguments in opposing our amendment. They even claim credit scores belong to them, not the consumers whose livelihoods depend on them. Would a doctor say that someone's blood pressure reading is their information, not the patient's? These agencies have also been circulating a document opposing our effort because, according to them, it would not provide consumers any greater benefit than already available. Something is up. They oppose our bill because it does not offer consumers enough benefits.

This is precisely the kind of misleading information included in their advertisements, as we see here in this photograph. This snapshot does not fully reflect the deception in this particular ad. It does picture a squirrel di-

recting consumers to one of the Web sites claiming to offer a free credit score. But there is more to the story. While it patently seems to offer a free score, this credit reporting agency requires consumers to enter their credit card information and registers them for a costly credit monitoring service. We have to look closely at the top of the ad to read the fine print that actually tells consumers the real story. They have to subscribe to the company's service to receive the actual credit score.

Members have probably seen this commercial which tells a sad story about an individual whose poor credit score landed him in a dead-end job. If only he had access to his credit score, the ad explains with a catchy jingle, he would have been able to take action and improve his credit and his quality of life. Again, we have to look closely to read the fine print. If the consumer goes to this site, they once again have to enter their credit card information and register for a service costly of nearly \$200 a year.

It says:

Free credit score and report with enrollment in Triple Advantage.

Ironically, these credit reporting agencies are walking the halls of Congress telling Members that our bill is somehow "unfair and unfounded." They want to protect a Federal law that has given them a monopoly on this information and continues to direct unwitting consumers their way. We agree, those of us who have sponsored this legislation, with these credit reporting agencies that a credit score is important information. Perhaps their misleading ads have convinced consumers they need to know this information. However, luring hard-working Americans into a costly credit monitoring service is simply not fair, especially when Federal law nudges consumers in their direction.

We have all come to the floor this week from both sides of the aisle explaining what we want to do to protect consumers and do what is right for Main Street. We have a chance to right this wrong here and now, this week. Put simply, this amendment accomplishes what the television commercials and their fine print caveats have deceptively claimed for years—the offer of a free credit score. That is why the Consumer Federation of America, the Consumers Union, and a wide range of consumer advocates support this legislation. While free access to a consumer's credit score is only a small part of the larger reforms needed, it addresses one of the fundamental inequities that pervades the current financial system. Put simply, our one-sided marketplace today is often rigged to benefit large financial institutions at the expense of hard-working Americans struggling to support their families and save for retirement.

If we want to empower Americans to reclaim their financial health, we have to start with a dose of transparency.

When so much is at stake, this amendment is a small step that will help restore balance and give Americans the tools they need to take back control of their personal finances.

My strong hope is that we will be able to vote on this important amendment in order to restore an even greater dose of fairness to consumers in my state of Colorado and all around the Nation.

I urge and request that each one of my colleagues support its passage.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, briefly, let me say to my colleague, I appreciate his efforts in this regard. He and Senator LUGAR and others have worked on it. They are absolutely right. People ought to have a right to know what their credit scores are. They are critical when it comes to that home mortgage. The interest rate that one pays, the downpayment they are required to meet, are all linked to what the credit score is. We have seen in the past how credit scores can actually be very different than what they should be. When people have had to fight for years to get a credit score restored because of identity theft, all sorts of things can happen. We had a hearing not too many years ago on this issue where the theft of identity requested in a person running wild with some credit cards. The individual who had his credit cards stolen then spent years trying to rehabilitate his own name and reputation because of what had happened and could never get access to his credit scores except that every financial transaction he went to engage in, he paid an awful price because the credit scores were obviously low, in light of the fact that people had stolen his cards and had run up huge debt. So in, everything else he was involved in where an interest rate was involved, his family paid a price for it.

Aside from having the knowledge of what it is, the ability to correct it as well is something we have spent a lot of time on. There is hardly an American citizen at one point or another who hasn't run into this difficulty. Today, in an era when so much of our well-being depends upon our credit scores, how we are rated, this becomes a critical point. People ought to know, what is my credit score, so they can either strengthen it or understand why they are being charged the various rates they are.

I commend my friend from Colorado and Senator LUGAR. He mentioned others who are on the bill with him as well. I thank him for raising it. In the coming days, my hope is we will be able to provide some time to further debate it, if he so desires, and maybe get agreement to adopt the amendment.

Mr. UDALL of Colorado. I thank the Banking Committee chairman for his interest in this bipartisan amendment. I take to heart his comments on the importance of having access to one's

credit score. We all have access to our credit reports. Those are important. But frankly, one ought to understand what is in their credit report. It is the loans, the financial obligations and liabilities one has. It is much harder to get one's credit score. We hear a lot about financial literacy, about taking control of one's own destiny when it comes to their financial future. This would be an important tool to have in the hands of consumers.

The agencies and the institutions that develop these scores are saying, as I said, that this is unfair and unfounded. But they have found, frankly, when they made the credit reports available on a one-time basis annually for free, it actually created more traffic and more business. I predict that when you get your score that one time each year for free, you will want to check over time on that score, and that will create additional business for these companies. Much like when I to go my ATM, I am always curious about the flow in and out of my checking account. Sometimes I check the last ten transactions. That results in a little bit of income stream to the bank. I don't resent that because I have the information at hand. When I was given the opportunity to have that information initially, that triggered a greater interest in being more financially engaged.

This is common sense. Its bipartisan support shows there is widespread support for this idea. I thank the chairman again for his interest and support.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 3737

Mrs. BOXER. Mr. President, I am delighted to be here this morning. I am anxious to get started on voting on amendments so we can tackle the issue of Wall Street reform. We have to keep an eye on what happened to our economy, because Wall Street had no reasonable regulation. Markets were operating in the dark. There was very little fiduciary responsibility involved. There was all of this gambling with credit default swaps and CDOs. I am reading a book called "The Big Short." If anyone wants to try to understand what happened, read that. It is unbelievable what happened with derivatives, all operating in the dark.

I wish to say to Senator DODD how much I appreciate the work he has put into this bill. To put it simply, what the bill does is it ends taxpayer bailouts, flat out. That is why I was shocked when Members of the Senate on the other side of the aisle came down to the Senate floor and started criticizing the bill, saying it didn't end taxpayer bailouts, when that is what it does. That led me to think I would like to work with Senator DODD on an amendment that clarifies this main point in the bill.

Senator DODD and his staff—and I worked with the Obama administration on it as well—said let's sit down and

work it out. So we have a very strong amendment here that is not a sense of the Senate; it is real law. It is strong law. I hope it passes. I say to my friend Senator DODD I hope this passes by a huge number of votes. What we do here is summed up in part C:

Taxpayers shall bear no losses from the exercise of any authority under this title.

This isn't saying they shouldn't bear a loss; it says taxpayers shall bear no loss. They shall bear no loss. The rest of it basically says: No company is going to be kept alive in this bill with any taxpayer money. If a company is in trouble and they need to be liquidated, then the funds that are used will be recovered from the disposition of assets of such financial company or shall be the responsibility of the financial sector, through assessments.

It is very similar to FDIC. As we know, when we put our hard-earned dollars into the bank, we are covered now up to \$250,000 because there is an insurance program which is paid for via an assessment on the banks. It is called the FDIC, and we all know because we worry about that. If there was anything that was learned from the Great Depression, it is that there was a run on the banks, and guess what. The banks were out of money. People literally lost their world. So after those years a long time ago, FDIC insured. It is very important.

We are doing the same thing here. We are saying that if there is a liquidation required of some of these hot-shot firms that continue to gamble, that continue to take risks and something goes wrong, they are not going to be kept alive, they are going to be put to sleep and the money that is expended to do that will come from the financial sector itself, and taxpayers, again, shall bear no losses from the exercise of any authority under this title.

What else does the Dodd bill do? It ends taxpayer bailouts and, with my amendment, that is going to be even clearer. It puts a cop on the beat for consumers. Why is this important? Because the people who were trampled upon during the whole Wall Street crisis were middle-class families who depended on these big firms to protect their pension funds, to protect their assets that they might have had in mutual funds. Instead, all of that went out the window.

We need to also have a cop on the beat to look at credit card companies and the kinds of things they do that harm our people.

The third thing is it brings disclosure to dark markets. The bill eliminates loopholes that allow reckless speculative practices to go unnoticed, and it brings real regulation to the derivatives markets and the shadow banking system that grew up around it. These kinds of instruments, as they are called—derivatives—they are based on—let's take an example of a bunch of mortgages that are packaged together and sold. Somebody came up with the great idea: Well, maybe we should take

insurance against them going broke, and they played both sides of it. They had derivatives on derivatives on derivatives. The house of cards came down. We want disclosure for these dark markets; otherwise, the regulators simply don't know what is going on.

Risky behavior on Wall Street will be curbed. There are strict new capital and borrowing requirements as financial companies grow in size and complexity. There are restrictions on proprietary trading, which means a bank trading for their own interests. We had circumstances where a bank was telling its customers to buy a stock or a bond and they were shorting. They were making a bet that it would go down while they were selling it to people and saying, Oh, it has a great future. There is something so unfair about this and, frankly, corrupt about this. Where is the fiduciary responsibility? How do you go out and tell your best customers: Hey, this is good. We are going to go forward. Buy this. Then they go back to their office and short it so they can make money on it collapsing. There is something very wrong with that. We have lost our way. They have lost their way.

We have protection against securities market scams, improvements at the FTC, where we will have the Office of Credit Rating Agency that will strengthen the regulation of credit rating agencies, many of which failed to correctly rate risky financial products. My colleagues know that Moody's is one example, Standard & Poor's is the other. They said, Oh, this is a AAA. These assets that are based on all of these mortgages, this is a AAA, feel comfortable with it, when they knew, frankly, it wasn't. It was a conflict of interest. They were getting paid by the people who wanted them to come out and say they were rated AAA. There is something awful about this. If we cannot trust a rating agency, how are we going to know what we want to buy for our portfolio? I don't care if you are a very small investor or an institutional investor, an investor who is investing say for a pension company that you work for. I think we have to have even greater oversight over these rating agencies than is in the bill. I applaud what is in the bill. I am going to be offering something that holds these people accountable. Again, if my colleagues read the book I am reading, they realize how the people who work at these rating agencies were doing the bidding of those who wanted to get a AAA rate.

So we end taxpayer bailouts in this bill. The Boxer amendment is going to ensure that is so clearly stated. We put a cop on the beat for consumers. We bring disclosure to these formerly dark markets. We curb risky behavior on Wall Street because we require them to have more capital, less gambling. We create an early warning system with a financial stability oversight council to make sure we see trouble coming be-

fore it hits. We protect against securities market scams by going after these rating companies and saying, Hey, you have a responsibility to be honest when you rate an instrument; it shouldn't be rated a certain way because the person who is paying you wants it rated a certain way. That should be criminal.

I think it is going to be very clear as we get into this bill.

I am a little surprised it is taking so long. I say to Chairman DODD, I am a little surprised it is taking so long to get a vote on the simplest amendment of them all.

Let's put this chart back up. What is the problem here? If people want to talk about making this stronger, let's talk, but don't hold us up. I would ask my friend, do we have any agreement yet on voting on the Boxer amendment, which is so clear? Here it is on one board. This is the whole amendment. Do we have an agreement yet?

Mr. DODD. Mr. President, if my colleague will yield.

Mrs. BOXER. I will yield.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I have read the amendment so many times I could almost recite it verbatim. It is only four sentences. As I understand it, I don't hear any objection to it whatsoever. Someone recently said can't we just accept it. I said I think my friend from California would like to have a vote on it and she has a right to a vote. So, again, my hope is, frankly, we could have an agreement to cast a vote on this at 2:15 when we return from the respective caucus lunches. I am waiting to hear from my Republican friends and colleagues because obviously I can't make a unanimous consent without them being in the room.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank my colleague. I would say the reason I think it is important to have a vote is because for days and days and days, my friend, the Senator from Connecticut, and my friend, the Senator from Virginia, were down on this floor defending this bill and making it clear that this would finally put an end to too big to fail; that, in fact, taxpayers are not going to be on the hook. We are going to wind these companies down and they are going to have to be gone. They are going to go to sleep. They are going to be gone. They are going to be liquidated, and then taxpayers are going to be made whole. This is clear.

Our colleagues on the other side were all over national television. I don't know how many times they said this bill is ensuring that there will be more taxpayer bailouts. That is why I wrote this. It seems to me a little odd that we are waiting and waiting. Since our friends say they want an amendment such as this, why don't we get started.

There are lots of amendments on both sides of the aisle, some of which will make this bill stronger, in my opinion, and some of which will make

this bill weaker, in my opinion. We will do what the Senate does. We will debate these issues. I know my friend is waiting. It seems to me that if we are going to this crisis—and I ask to show the charts—we cannot sit around here day after day and waste time.

These are some of the headlines we had: "Economy In Crisis." "What Now?" "Tax Problems." "This Is A Nightmare."

This is what we saw.

We have another chart that shows the headlines.

"U.S. Consumer Sentiment Decreases to 28-year Low." "Jobs, Wages Nowhere Near Rock Bottom yet."

What a mess.

"Wall Street Crash Leaves New Yorkers In The 'Eye Of The Hurricane.'"

This is just a smattering of these headlines.

We have some more to share:

"Where Do We Go From Here?" "Nightmare On Wall Street."

This is what the country went through. I know we want to forget it. We never want to have it happen again, but we can't wish it away. "Nightmare On Wall Street." "Where Do We Go From Here?"

Today we are ready to answer the question. No more nightmares and no more taxpayer bailouts, and no more gambling.

Will this bill solve every single problem? No. There will be people who think something else up. But here is the good news about this bill: It puts a cop on the beat, so any of these new ideas that come to the forefront—these new instruments, these new derivatives—will finally be under the watchful eye of a consumer regulatory agency that has only one thing on its plate: protecting consumers from the rip-offs and the gambling and the callous disregard for morality that we saw on Wall Street.

So I say to my friends on the other side: Let's go. Let's do this. Let's get started. Let's have the Senate work its will, and let's be able to tell the people of this country that in a bipartisan fashion, we took a stand against the nightmare on Wall Street and we basically said those days are gone and we will get back to sensible rules of the road.

I will close with this. A lot of us I think were interested in watching the Kentucky Derby, a few minutes of the most exciting sport. I thought to myself as I watched that there are rules of the road in this sport. It is all about gambling. People out and out gamble. There is no hiding it.

They just go out and gamble. They put the dollars on the horse they choose. But there are rules of the road. You can't have a horse running that has been drugged. You cannot do that. You cannot have a jockey in the race who uses foul play to knock over another jockey or run in a fashion that would disqualify him. So even in a sport like horseracing, which is out-

and-out gambling, there are rules of the track, rules of the road.

It seems to me that on Wall Street, where you are dealing with the life savings and the hopes and dreams of our people, our businesses, and our children, that there need to be reasonable rules of the road and no more taxpayer bailouts. Let's get started and vote aye on the Boxer amendment and make this bill even better. It is a terrific bill, but we can make it even better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend my colleague from California who has been patient and has done a good job. I describe her statutory language as sort of the exclamation point in this. As the amendment reads, the very first line—and, again, I don't have to read it—at the end of this title includes the following. So it is at the end of the title. It is complicated to get this right, so we have a winding down and a disposition in receivership and bankruptcy in these institutions.

In case anybody had doubts about what the language does, the amendment says the word "shall" in every sentence. There are no "mays." The taxpayer "shall" not be exposed. There "shall" be liquidation. It is very clear what we are trying to achieve. I know nobody objects.

We are on the bill. We ought to be able to start on a positive note. We are going to have times of significant division and debate on this bill coming up. I thought it might be worthwhile for the American public to witness a Senate that can actually, as it begins debate, do so with some unanimity. That doesn't happen with great frequency, but to start on that basis makes sense to me.

I hope our colleagues will agree with that conclusion and allow this amendment to be voted on as soon as we come back from our caucuses and then move to other amendments, hopefully, where there is agreement, demonstrating again that we are not fighting every single issue with each other. There is a lot of agreement about what ought to be in the bill.

Mrs. BOXER. I thank my colleague. The reason I did this, frankly, was because the other side seemed to be misunderstanding what this bill did. So I was hopeful that they would just say: Terrific; now it is clear. No losses to taxpayers—"taxpayers shall bear no losses from the exercise of any authority under this title."

I understand Senator KYL said yesterday this was a sense of the Senate. It is clear. It is not a sense of the Senate: liquidation required, recovery of funds, taxpayers shall. There is no "should." It is real. So that is why I am hopeful that if we can get started with a bipartisan vote, it will make the life of our chairman a lot easier because at least we would come forward with something on which we can stand together.

I thank the Senator so much for working with me to make sure this is clear as a bell. As the Senator says, bills are complex. And people say: Why is this bill 800 pages? Well, it is complicated because we have to amend language in so many parts of the Federal law. But this is clear. We sum it up. We sum up the title in this way.

I am excited about voting on this. I will be back after the luncheon hour to—if I need to—make the case again—not that my colleague hasn't done it for me, but I want to lift a little bit of the burden off his shoulders.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the Senator from California for her amendment. As one of the people who was charged by the chairman to work on this section of how we make sure we put appropriate barriers to firms getting too large and barriers to firms being too big to fail, and should they fail, making sure taxpayers are never on the hook again, I think the amendment of the Senator from California adds that emphasis. We took the chairman's charge at his word.

This is an area where there was complete bipartisan agreement. I had the good fortune of working with my friend and colleague, the Senator from Tennessee, on this issue. We put a strong preference in the bill toward bankruptcy as the normal process, and even put into place a new series of requirements for large firms—particularly internationally significant firms—to come forward to the regulators and describe how they can unwind themselves through an orderly bankruptcy process, that being the normal process. But in the event, as we saw in 2008, there may be times, even with the best laid plans, when you may reach a level of crisis that would require resolution, if there is resolution, it should not be propping up firms the way we did it in the fall of 2008. The resolution should be a death knell for any firm that is put into that process. It should be something any logical management team or series of shareholders would want to avoid at all costs.

We put forward a process where it is postfunded. I think reasonable folks can agree on which is the best option. At the end of the day, if there are any funds used to make sure we can unwind this firm in an orderly process so that it doesn't cause any further systemic damage to the overall financial system, and indirectly to the American taxpayer, and if the financial system is shored up by that action, that any costs not recouped—if this firm goes out of business and it is being put out of business, if there are funds expended and they have to be recouped from some source, that source should not be the American taxpayer.

Again, I commend the Senator from California for her efforts with this amendment. It adds that exclamation point. Again, I cannot imagine that my colleagues on the other side, who I

know share the same view, do not want to make sure taxpayers will never be exposed again by the mistakes made by Wall Street. I think this amendment is a good place to start this debate, where we have that common cause.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—Continued

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. GREGG. Mr. President, will the Senator yield for a second?

I ask unanimous consent that after Senator BROWN speaks, Senator MIKULSKI be recognized and then I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

HONORING OUR ARMED FORCES

SERGEANT ROBERT J. BARRETT

Mr. BROWN of Massachusetts. Mr. President, I rise today to say a few words about a hero: Massachusetts Army National Guard SGT Robert J. Barrett who was killed in Afghanistan on April 19. I had the sad honor of attending his funeral this past weekend.

So everyone knows, Robert was on foot patrol south of Kabul when an IED exploded, killing him and injuring eight of his fellow soldiers of 1st Battalion, 101st Field Artillery Regiment. He was 21 years old.

Robert was from Fall River, a city of 90,000 in the southeastern part of Massachusetts. He was a long-time member of the 54th Massachusetts Volunteer Regiment. He geared his life toward helping others, especially veterans.

He was selected for the regiment's honor guard in early 2008 and took part in more than 350 events honoring our fallen soldiers, including marching in the President's inaugural parade a little more than a year ago.

His primary mission in Afghanistan was of the utmost importance. He was training Afghan soldiers so they would be able to stand up and provide security for their own country. Rather than spend his free time relaxing, he gave of his time and knowledge by volunteering at local orphanages and