

PROVIDING FOR CONSIDERATION
OF SENATE AMENDMENT TO H.R.
5297, SMALL BUSINESS JOBS ACT
OF 2010

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1640 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1640

Resolved, That upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Financial Services or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Financial Services, the chair and ranking minority member of the Committee on Small Business, and the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 2. It shall be in order at any time through the legislative day of October 1, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of October 1, 2010.

The SPEAKER pro tempore (Mr. PASITOR of Arizona). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1640 provides for consideration of the Senate amendment to H.R. 5297, the Small

Business Jobs and Credit Act of 2010. The rule makes in order a motion by the chair of the Committee on Financial Services to concur in the Senate amendment. The rule waives all points of order against consideration of the motion and provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate on the motion controlled by the Committees on Financial Services, Small Business, and Ways and Means.

The rule also allows the Speaker to entertain motions to suspend the rules through the legislative day of October 1, 2010. Finally, the rule waives clause 6(a) of rule XIII which would allow for same day consideration through Friday, October 1, of any measure reported from the Committee on Rules.

Mr. Speaker, today the House considers a tremendously important piece of legislation that provides long-overdue assistance to the millions of small businesses in our country. The Small Business Jobs and Credit Act of 2010 grants immediate tax relief to small business owners, increases access to much-needed capital, and enhances the ability of small businesses to export goods overseas.

□ 1030

Today, the House delivers on a promise it made to small businesses. With the passage of this bill, small businesses, the backbone of our economy, will be given the tools and relief they need to expand their companies, to create more jobs and to help this Nation recover from the worst economic recession in decades.

Mr. Speaker, this bill provides more than just assistance for short-term economic recovery, which it accomplishes by increasing the amount of money that banks can lend to small businesses, by eliminating certain Small Business Administration loan fees, and by giving States the increased flexibility to manage their own small business lending programs.

This bill is also a blueprint for new and long-term job creation. We have heard the pleas from entrepreneurs and small business owners in our districts, and we closed the legal loopholes which gave multinational corporations an advantage in securing government contracts over HUBZone, 8(a), service-disabled veterans, and women-owned businesses. Everyone is now on a level playing field when it comes to competing for Federal contracts.

Perhaps the most important provision in this bill is the increased access to credit. As a small business owner myself, I know how difficult it is to make ends meet. When I first started my business, long before the credit crunch hit, fortunately I was able to work with a small community bank that was in a position to give me access to capital that was critical to getting my company up and running.

Today, not all small businesses are so fortunate. No one was harmed more in

the credit market collapse than small businesses. Throughout my home State of Maine, the stories I hear each week are the same:

"They say the economy is getting better, but I still can't get the capital I need to make payroll or rehire those employees I was forced to lay off, much less think about expanding."

This bill changes that by providing real relief at the same time small businesses need it the most.

The benefits are not theoretical. This isn't wishful thinking. We know that increasing the 7(a) loan limits from \$2 million to \$5 million, that increasing the 504 loan limits from \$1.5 million to \$5.5 million and that increasing the 7(a) Express Loan limits from \$300,000 to \$1 million will produce growth and jobs in communities all over our country.

In July, the owner of Mount Desert Island Ice Cream, a small business in Bar Harbor, Maine, wrote to me to share her incredible success story. Despite the turbulent economy, she expanded her business and created 10 new jobs this summer because of a Recovery Act ARC loan.

She explained if it weren't for the access to new capital, she wouldn't have been able to expand from two stores to three. She was able to use the Federal loan to manage the debt burden on her existing store locations, which freed up her cash flow, letting her expand.

The results were a mini-economic boom in Portland. Mount Desert hired a staff of 10. It employed contractors and suppliers to retrofit the new store, and it buys more and more ingredients from local Maine producers, all because she had access to government-backed loans.

I will say it obviously didn't hurt, Mr. Speaker, that business is also booming because her store sells really, really good ice cream. I think President Obama even got to enjoy a scoop or two when he went to Maine this summer.

You know, I held a workshop in my district at the height of the recession in June of 2009, before the Recovery Act loans were available; and I invited small business owners from across Maine to attend. The response, frankly, was overwhelming. Hundreds of small, struggling businesses came because they had nowhere else to turn. They needed help to stay afloat and to meet their payrolls. They were adamant that loan limits were insufficient and that lending had dried up.

In Maine, fishermen who run small businesses need capital for boat repairs—to replace gears and engines. Some of our fishermen are having a particularly difficult time gaining access to funds because they are already heavily in debt for their boats and permits, making it difficult for lenders to assess their levels of risk and exposure. Worse, fishermen who want to purchase and increase processing capacity to boost prices for the catches they receive face enormous difficulties in purchasing the facilities they need to process multiple species at once.

One Maine fisherman explains it to me this way: "The main problem is that, when most of us took out loans for our businesses, it was some time ago, and we could operate like a normal business. Now the struggle is getting even harder. Banks that I have dealt with do not seem to realize or care that things are different, and they still have fairly rigid rules that are based in the past about financing these operations. They pretty much laugh us out of the room now when they see the income from the last few years, mostly due to a lack of price for the fish we catch. We need some kind of low-interest loan program with very affordable payments if we are to keep the fleet in Maine until rebuilding occurs."

The loan guarantees included in this bill will make it more attractive for local lenders with the experience and know-how to provide access to the financing to our Nation's small business owners, and the reduced fees will make it more affordable for small businesses to grow, expand, and create jobs. This is why those at SBA support this bill, because they are able to work closely with lending institutions to assist our small businesses.

Mr. Speaker, the recovery is under way, but we are certainly not out of the woods yet. Unemployment in my home State of Maine is about 8 percent. That means almost 56,000 Mainers are out of a job. Passing the Small Business Jobs and Credit Act will provide much needed help. If the number of Maine small businesses with fewer than five employees added just one employee, then we could cut unemployment in half in our State. If every small business in Maine hired one more person because of the benefits in this bill, then we would certainly be on the road to recovery.

This bill will also stimulate long-term job growth, once the economy is back on track, by implementing provisions that small businesses have long sought:

There are numerous tax benefits that will entice rather than discourage our budding entrepreneurs from starting their own businesses;

This bill will allow a taxpayer to deduct up to \$10,000 in trade or business start-up expenses, an amount currently capped at \$5,000. Allowing owners to keep more money and to reinvest it in their companies at the outset, as they work to grow and expand their businesses, is critical;

This bill also allows owners to write off up to \$500,000 in capital expenditures in 2010 and 2011, subject to a phase-out when they exceed \$2 million. It also eliminates all capital gains taxes on certain small business investments for the 2010 tax year. For owners who have held off on hiring or making significant investments in their businesses, these tax provisions will allow them to act this year or next instead of continuing to wait;

When it comes to competing for Federal Government contracts, we level

the playing field for small businesses by closing loopholes that previously gave large companies a built-in advantage in seeking those contracts;

We require a regular review of size standards to make sure that small businesses that are fortunate enough to expand don't retain an advantage over their smaller competitors in competition for small-business-only contracts;

We treat those in the aquaculture industry on par with other small businesses, and we make those companies eligible to receive SBA economic injury disaster loans.

Could this bill be better? Of course it could, but small businesses demand our help now. They can't wait, and we have an obligation to act swiftly to pass this bill today to make good on our promise to reward innovation, to loosen outdated limits on lending, and to encourage entrepreneurs to go to the SBA for help in starting and building their own businesses.

I look forward to the passage of this critical bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentlewoman from Maine (Ms. PINGREE), for the time; and I yield myself such time as I may consume.

Today, the majority, Mr. Speaker, brings forth another closed rule, denying the minority the right to offer amendments to what many colleagues contend is a flawed product from the Senate.

At the Rules Committee meeting yesterday, I was struck by a quote, a statement, made by the distinguished chairman of the Financial Services Committee:

This is \$30 billion. It's not \$300 billion. It's not \$3 trillion.

That is precisely the problem with the majority party. They have already spent all the money available. Once you pass an almost \$1 trillion stimulus package that does not stimulate economic growth, the distinguished chairman of the Financial Services Committee is correct that \$30 billion doesn't seem like such a big deal, but it is for the overburdened people of the United States of America.

The underlying legislation establishes a \$30 billion fund managed by the Treasury Department in an effort to increase lending from small banks to small businesses. The majority claims that this fund will move quickly to inject capital into the marketplace.

□ 1040

What we have today before us is junior TARP, Mr. Speaker. It's kind of a rehash of the 700-or-so-billion-dollar fund that was also supposed to make credit available for businesses. I was proud to oppose TARP then, and I am proud to oppose junior TARP today.

We on the minority side, the Republicans, believe that lowering taxes on small businesses would do far more to help create jobs and lead us out of this

recession. One hundred days from today, the 2001 and 2003 tax cuts will expire and every American taxpayer will see tax increases at exactly the wrong time. Instead of taking clear, concrete action to reduce the tax burden on small businesses, the majority brings us junior TARP today.

There is a hidden provision, by the way, in this bill, Mr. Speaker, that makes even worse the antibusiness provisions in the health care legislation that this Congress passed previously. Pursuant to the health care law, small businesses are required to file a form 1099 with the IRS for every business and every individual to which they make payments of at least \$600. That is a significant burden on all businesses, especially on small businesses. It's important to note that even the administration has recently backed changes to that provision in their health care law. So Americans might expect legislation to come before us to assist small businesses to get out from under that onerous provision, but the underlying legislation goes completely in the wrong direction, in the other direction.

This Congress can do better. But the Rules Committee will not allow any Member to offer any amendments under this closed rule to improve this legislation. We should defeat this rule and allow the House to proceed through regular order and allow Members to bring forth any and all ideas to provide meaningful help for our struggling small businesses.

Mr. Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I appreciate the comments my colleague from the other side of the aisle made about the 1099 issue and the impact with the health care bill. I do want to remember that only recently we had that bill on the floor. The people on my side of the aisle actually voted to repeal that provision and the people on the other side of the aisle opposed that. So we have had an opportunity to fix that, and I'm not clear about why the other side of the aisle wasn't with us on that, and I'm a little confused that he is bringing it up this morning.

I yield 3 minutes to my colleague on the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank my colleague from Maine for yielding me the time.

Mr. Speaker, I rise in support of this rule, and I also rise in support of the underlying legislation.

Small businesses are drivers of economic growth and play a pivotal role in creating jobs in our community. In fact, in my home State of Massachusetts, small businesses represent 85 percent of companies and employ over a quarter of our workforce. As I meet with small business leaders across my district, I hear time and time again that access to capital—dollars that allow our small businesses to invest

and to grow—is a main concern, especially in these difficult economic times.

It is clear to me that small businesses are a vital component of economic recovery. As we work to rebuild our economy and create good-paying jobs here at home, we must support the efforts of small businesses across the country. That is why, Mr. Speaker, we must act today to pass this legislation.

H.R. 5297 goes a long way in helping our Nation's small businesses thrive. Specifically, this bill authorizes the creation of a small business lending fund which will enable community banks to increase lending to small businesses. It raises Small Business Administration loan limits, and it improves access to these loans. It provides grants to States in support of small business lending programs.

In addition to creating future opportunities for investment, this bill provides small businesses across our country with \$12 billion in tax cuts and includes a 100 percent exclusion from capital gains taxes on small business investments. These tax breaks will make it easier for businesses to operate and will increase their capacity to grow.

As we invest in our small businesses, we forge a path toward economic prosperity for so many Americans—not only for small business owners, but for those who will be employed by these companies. Improving small business access to capital will foster innovation and encourage the development of new products and services to carry our country forward.

Simply put, Mr. Speaker, we have to act now. It's the right thing to do. All of my colleagues who have gone home and talked to their constituents, and particularly to small business owners, know that this issue of extending credit is a big deal. They want us to help, and that's what this bill is about.

So I urge my colleagues on both sides of the aisle to think about the small businesses that we represent and to support this rule and the underlying legislation. And I urge my colleagues on the other side of the aisle to put people ahead of politics this time and help our small businesses.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, again I thank my friend from Maine for her courtesy and her management of this rule.

I will be asking for a "no" vote on the previous question so that we can amend the rule and allow a vote on the legislation introduced by Congresswoman LUMMIS.

In this debate, when the underlying legislation is adding another \$30 billion to our Nation's debt, I think it's fitting that the minority is bringing forward another YouCut proposal.

The American people are sounding the alarm that we have to change course. We have to focus on reducing the size of government, not create new programs that dig our fiscal hole deeper and deeper. That is going to require

bipartisanship, which I hope to see soon, but we're not seeing it yet. And really, that's worrisome.

Over the last week, participants in the minority whip's YouCut initiative voted on programs for us to bring to this floor for cutting. To date, participants in that program have voted to cut over \$120 billion in spending. This week, the participants in that program voted to cut Federal staffing levels to 2008. The legislation that we would be able to vote on if the previous question is defeated would exempt agencies that are critical to national security. It's no coincidence that while the administration and this Congress increase Federal spending by trillions of dollars, we see Washington, D.C. thrive, but the people in the congressional district that I've been honored to represent for 18 years continue to hurt as Americans throughout the Nation are hurting. We believe that we have to return the function of job creation to the private sector.

So I will be asking Members to vote "no" on the previous question so that we can have a vote on Congresswoman LUMMIS's bill on cutting Federal staffing. And again, I remind Members that a "no" vote on the previous question will not preclude consideration of the underlying legislation before us today.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I disagree with my good friends on the other side of the aisle. I believe this is a day long in coming and I am grateful for it, because what all of us have said is that the small businesses of America are the backbone of America, the job creators of America, and now we have an opportunity for the President to sign this bill that incorporates tax cuts and job creation.

□ 1050

What has been the message of the American people? What have they told us? They've indicated that they want to have jobs. Right off, this bill provides extra opportunities in the small business trade opportunities, and it helps to leverage more than \$1 billion in export capacity for small businesses, getting their products overseas in what we call the State Export Promotion Grant Program, which excites me, which allows us to help save 40,000 to 50,000 jobs in 2010.

And so we give them a step up to get their goods overseas. And we've got some talented small businesses who simply ask us, How do we promote our

product overseas? After this bill is signed by the President, they will have a helping hand.

For a startup business in 2010, we double the deduction for a startup from \$5,000 to \$10,000. One of the great complaints of small businesses is how do we do business with this massive Federal Government? Well, I will tell you. We're now going to increase the percentage of small businesses doing business with the Federal Government and create the opportunity for more of them to get contracts and more jobs to be created.

I'm grateful that this is a tax cutter as well, with a 100 percent exclusion of capital gains, and of course the opportunity to expand in lending by increasing the capacity of the Small Business Administration to provide access to credit.

Loan limits have been increased, and I'm grateful that this bill is going to be passed today and small businesses will be helped.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 4 minutes to the author of the legislation that we would be able to consider if the previous question is defeated, the gentlewoman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Speaker, I rise to urge my colleagues to support my proposal to halt the unchecked growth of the Federal Government.

In selling the \$1.1 trillion stimulus package to the American people, the President promised that it would keep unemployment under 8 percent. The results of this expensive experiment are in. It failed. We have lost millions of private-sector jobs, and unemployment is hovering just under 10 percent. But the Federal workforce, fueled by the stimulus and other massive spending bills, has grown by 188,000 employees—or 15 percent—and it's only going to get worse. The Obama administration is on track to hire 230,000 new employees by next year.

As we approach the full implementation of ObamaCare in 2014, our government will have to staff a vast new health care bureaucracy. This could include thousands of new IRS employees to enforce the health care mandate on individuals and businesses.

My bill, the Federal Workforce Reduction Act, would halt the sprawl of government and get us back to pre-Obama government employment levels. My bill would not force any civil servant out of their job, and it would exempt the Departments of Defense, Homeland Security, and Veterans Affairs. But all other agencies could only hire one new civilian employee for every two that retire or otherwise end their service.

Our President and his agency heads would have to control their appetite for government expansion. They would make due with fewer resources—just like the individuals, families, and small business owners who have had to make sacrifices and cut back to deal with the recession.

By attrition the government would shrink back to pre-Obama levels and save taxpayers \$35 billion over 10 years. But most importantly, my bill would help reverse a dangerous trend in which the private sector shrinks and the government sector expands. Growing the government does nothing to help our small businesses—the engines of job creation.

Taxing to give people less money and the government more money to expand does not help the economy. Yet the Big Government chameleon—debt-financed stimulus, cap and tax, ObamaCare, tax increases coming this January—continues to roam the halls of Congress, threatening to choke off the entrepreneurial spirit that built this country.

Important decisions that should be made by individuals, families, their doctors, or our small businesses are being relocated to Washington to be made by unresponsive bureaucrats. The policies of the Democratic leadership are fostering a culture of dependency on Big Government. They are marching us towards European-style social democracy.

But there is another way. Vote for this provision, cut spending and government employment back to pre-stimulus levels. Stop the big march of government.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of the rule and the underlying bill, and I want to thank the gentlelady from Maine for yielding time.

All of us know that small businesses have been the backbone of the American economy. All of us know businesses that started as single individuals, single family, using their creativity, developing opportunities for not only themselves but for others.

The basic thing that small businesses need right now is access to capital, lines of credit, the opportunity to grow and expand. This bill provides exactly that. And I know that there are thousands of small businesses in my State and in my community simply waiting so that they can go to a bank and get the line of credit that they need, get the small business loan that they must have.

It's a good bill, a strong bill. I urge its passage.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 2 minutes to the distinguished gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Speaker, I support this week's Republican YouCut amendment that would be prohibited by this rule. The amendment would reduce the Federal workforce to its pre-Obama level by phasing out 188,000 new Obama bureaucrats who have already been added to the public's burden. This spending isn't stimulating the economy—it is stimulating the government at the expense of the economy.

Before government can create a job by spending money, it must first take that money out of the economy, destroying the productive jobs that create wealth and replacing them with government jobs that merely consume it.

In 1946, Harry Truman slashed Federal spending from \$85 billion down to \$30 billion. He fired 10 million Federal employees. It was called War Demobilization. The Keynesians at the time predicted catastrophic unemployment. Instead, he produced the post-war economic boom that produced unprecedented prosperity for middle- and working-class Americans.

We know how to revive an economy because we've done it before—by reducing the burdens that government has placed on productivity. All we lack is the political will. Maybe the American people can help with that in a few weeks.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I rise in strong support of this rule and the underlying bill, the Small Business Jobs and Credit Act.

You know, my good friend the gentleman from Illinois was exactly right. The district I represent in western Wisconsin, the small businesses and the family farmers really are the backbone of our regional economy.

What this legislation does is continue a lot of the tax relief that was contained in the American Recovery Act in an attempt to help these small businesses and family farmers to stay sufficiently capitalized during this very tough and difficult economy.

This bill will continue the 100 percent exclusion of small business capital gains. It has immediate expensing, accelerated depreciation, a net operating loss carryback. So if you're a business experiencing a loss this year, you can offset that immediately with the previous year profits to help them with their liquidity and keep them capitalized.

□ 1100

But it also deals with, I think, one of the detriments to further job growth for these small businesses, and that's the tight credit market. That's why the extension of the SBA 7(a) and 504 loan program is incredibly important to helping these small businesses get the lines of credit and the operating loans that they need to continue operating and to hire people.

And it creates a new Small Business Lending Fund. If there was one criticism many of us had with the TARP intervention, it was that that intervention did not come back to Main Street to help small businesses. This legislation addresses that through a voluntary program with local lenders who chooses to participate, where they can reduce the interest rate that's charged to them depending on the number of small business loans that they get out

the door. We need to support this bill and support small businesses. The Chamber of Commerce endorses this bill. I ask my colleagues to support this important legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 2 minutes to the distinguished gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Two years ago, I arrived here from the real world, and that's the world of business and the economy, and got to the Washington world. My experience before here was as a small business owner and a mayor. And we had to balance our budget. And what we did was we found out that our budget was awry, and much of it because of the size of government. We had let it grow too much.

So what we did in our local government was we shrunk the size of government. And guess what happened to our revenue without raising taxes? It went up. And that's why I am rising in support of this YouCut proposal. It makes absolute sense. And I have heard this from both Democrats, Republicans, and independents. And I ask my colleagues across the aisle to support this.

It makes sense not to add 188,000 more people to the government workforce when the economy is not doing well. Example: if a business out there that I ran had decreasing revenues, we didn't hire more personnel at that point. We hunkered down, we made do with what we had; and I think this is a very reasonable thing to do. It exempts three important Departments that secure and protect us: that's the Department of Defense, Homeland Security, and Veterans Affairs, and gives the administration the ability to place those employees where they think they're important.

Why are businesses not hiring? It's very simple. I spoke to several business leaders yesterday on the telephone. They are hunkered down and not hiring because expenses and taxes are going up. They are overregulated, access to capital has decreased, and they can't lend money. I talked to bankers yesterday that cannot get the money out the door for qualified borrowers because of overregulation of the FDIC.

I would ask my colleagues to support this commonsense \$35 billion reduction in Federal spending. In the time of a recession, it makes sense. I urge you to vote for this.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), a member of the Ways and Means Committee.

Mr. PASCRELL. Mr. Speaker, I support the rule. It's taken far too long to overcome the obstruction to this bill. This obstruction has impeded \$30 billion in credit for small businesses. The credit squeeze has been one of the largest obstacles they are facing today, small businesses. We have been told time after time after time that without

access to credit, small businesses cannot grow.

I am pleased that we continue to focus on job creation through the engine of our economy. Small businesses have generated 64 percent of new jobs over the last 15 years. But we must do more. We must address the elephant in the room. And here's the elephant in the room: we must address the expiration of the middle class tax cuts, which alone will help 98 percent of all Americans and 97 percent of small business. Small businesses have been struggling for decades, not just the last few years, because they have been the victim of previous administrations' and past Congresses' priorities that placed Wall Street and big banks over Main Street small businesses and their community banks.

And here's the rub, and you can't deny it: these priorities have led to a 20 percent decline in small business market shares. And they have lost that to corporate welfare. Look at the record before the recession. Twenty percent more of market loss. That did not fall out of the sky. And I blame both parties. Neither party is privileged to virtue here. No one has a monopoly on this. This Congress recognized the problem.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. This Congress has done more for small businesses than others in years. Billions in tax cuts. We funded the SBA, payroll tax holidays, incentives for capital investments, depreciation, on and on. Nine specific tax cuts. Tax and spend? No, we wanted to cut taxes. You didn't give us one vote on any of these. You are standing up and preaching to us that what we have to do is change our culture? Nine tax cuts from this Congress. It's time to continue to do more by moving forward on the middle class tax cuts. I proudly support this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 2 minutes to my friend, the great leader from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, at the same time that job providers and workers across this great Nation have sacrificed in this very difficult economy, the Federal Government has exploded in growth. And the cost of this growth in Federal employment has been passed along to those very same hard-pressed taxpayers and job providers through higher taxes as well as increasing our national debt.

This week's YouCut proposal calls for overall Federal employment to be reduced to 2008 levels. And this is for civilians only. It does not include military or Homeland Security or Veterans Affairs. This very simple step would save taxpayers \$35 billion over 10 years.

Mr. Speaker, each and every week House Republicans have asked the American people through the YouCut

program to bring to the floor literally tens of billions of dollars of spending cuts. And today we stand up here yet again asking our colleagues across the aisle to join with us to answer America's call to put an end to out-of-control Federal spending.

Today's cut will end the influx of more civilian government workers on the taxpayers' dime, and it will reduce the expansion of Big Government. And that, Mr. Speaker, is what the American people are asking for.

However, while the Democratic leadership continues to pile more debt, more and more debt on our children and on our grandchildren, Republicans, however, have been very specific by bringing specific spending cuts to the House floor in an effort to restore fiscal sanity. Unfortunately, our Democratic colleagues have absolutely refused to join us in this effort. And we ask our colleagues once again to join us to reduce this out-of-control Federal deficit and cut Federal spending now.

Mr. Speaker, House Republicans have been listening to the American citizens, and I ask my Democratic colleagues to do the same.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE), a member of the Ways and Means Committee.

Mr. ETHERIDGE. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this rule and the Small Business Jobs and Credit bill. As a former small businessman, I know that small businesses are the engine of our economy. Credit is the lifeblood of these businesses. By expanding credit and providing small businesses tax cuts, this bill will help get credit flowing so small businesses can grow, hire workers, and fuel our economy.

As I travel across the Second District of North Carolina talking to business owners and workers, I hear that while the economy may be improving for some, many of these folks on Main Street are still struggling. This bill is what they need to get going again.

I urge my colleagues on both sides of the aisle to join me in voting to send this bill to the President of the United States for his signature to put it into law, help our small businesses create jobs and grow our economy.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Nevada (Ms. BERKLEY).

□ 1110

Ms. BERKLEY. I thank the gentleman for yielding to me.

This is a very important piece of legislation for the people that I represent. Nevada is in a world of hurt. I've got the highest unemployment rate in the country and the highest mortgage foreclosure rate in the country. Small busi-

nesses are either folding or they don't have the revenue in order to continue, and certainly new businesses have entrepreneurs that wish to start new businesses but don't have the wherewithal.

This piece of legislation provides critical funding to the SBA to ensure that people who want to start a small business have access to capital that will get their businesses up and running, creating jobs and bolstering the economy. It creates a \$30 billion lending facility for small businesses and will create the credit available to small businesses and ensure that they can access resources necessary to create and to build on what they already have and particularly to hire.

The provisions in this legislation can make all the difference in the world to the community that I represent and to its people. We need to get people back to work. This small business funding bill will do exactly that.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend from Maine and all who have participated in this debate. I again seek a "no" vote, and I seek a "no" vote on the previous question.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself the balance of my time.

The Small Business Jobs and Credit Act of 2010 gives immediate relief to struggling small businesses across the country. It combines more than \$12 billion in tax relief with increased access to critical financing so that our Nation's small businesses can move forward on new or delayed expansion plans.

Small business growth means job creation. Our economy will only continue to improve as our businesses bring back laid off employees and hire new workers. One of my constituents, the owner of the popular Allagash Brewing Company in Portland, Maine, describes the increase in the expense allowance under section 179 as a "great idea"—something that will enable him to invest in his brewery and expand his brewery, which means hiring more employees.

Allagash Brewery is the perfect example of who will benefit from this legislation, Mr. Speaker. Fifteen years ago it began with a few employees working together in a 4,000-square-foot building financed by SBA loans, which were used to purchase the tanks and the equipment necessary to brew some exceptional beer. They did most of their own welding and manufacturing, and they produced 120 barrels of beer that first year.

This year they employ 28 people in a brand new facility and are on track to produce more than 22,000 barrels of beer each year, and they are still growing. With the increase in the section 179 expensing allowance, Allagash can invest in new equipment, expand operations to meet its tremendous demand, and hire several new employees. If not for this bill, expansion plans may have

been put on hold and no new jobs would have been created.

Mr. Speaker, this is a very good bill that should be supported by every Member of this House. It ensures that small businesses, not big corporations, have the tools they need to expand and grow, and it ensures that regular Americans on Main Street take part in the economic recovery.

The Small Business Jobs and Credit Act of 2010 spurs short-term economic recovery while paving the way for long-term business growth once the economy is back on track.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1640 OFFERED BY MR. DIAZ-BALART OF FLORIDA

At the end of the resolution add the following new section:

SEC. 4. Immediately upon the adoption of this resolution the Speaker shall, 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 consideration of the bill (H.R. 5348) to amend title 5, United States Code, to reduce the number of civil service positions within the executive branch, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. 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. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5348.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. PINGREE of Maine. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendments bills of the House of the following titles:

H.R. 4667. An act to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 5682. An act to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3980. An act to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1448. An act to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land.

S. 2906. An act to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes.

S. 3828. An act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

The message also announced that pursuant to section 214 of title II, Public Law 107-252, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Election Assistance Board of Advisors:

Dr. Barbara Simons, of California.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

IMPROVING ACCESS TO CLINICAL TRIALS ACT OF 2009

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1674) to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.