

business back on track. Sometimes legislation is regional—we will do a little bit that affects an industry in the Northwest or in the South or maybe it is for the west coast—but there is nothing regional about this bill. Last I checked, small businesses are the heart of every town, city, and rural area of the United States. So this puts people back to work and strengthens the economy in every part of America. That is why the list of endorsements goes on page after page after page.

My colleague from Washington State is going to continue to share her observations, so I will yield, but I want to conclude by saying this is the type of problem-solving legislation that is needed in America, where rather than looking to an election down the road and political positioning, we do the hard work of investigating the obstacles and then we proceed to design legislation to remove those obstacles, and that puts a job back in every community in America. That puts a lot of jobs back in every community in America, and every job is the foundation for a family.

I can tell you that the unemployment rate in Oregon is absolutely unacceptable. Families are hurting, with the loss of a job on top of a loss to the value of their house and often the loss of their retirement savings. This starts to turn America around. It is time to pass this act, and I encourage all my colleagues to vote early, vote yes, and let's put America back to work.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise to join my colleague, the Senator from Louisiana, the Chair of the Small Business Committee, and my colleague from Oregon, Senator MERKLEY, to talk about the very important issue that, frankly, you could say you probably heard a lot about from us before we left. But along with my colleague, Senator MURRAY, and I am sure others, such as Senator BOXER, we all went home and heard from our constituents about this issue and we heard about how critical it is that we pass this legislation.

I find it interesting that the pundits are all debating whether this will have a political effect on the election. I can guarantee you the focus of this legislation has not been, for any of us, about the election but about helping small business. When Wall Street imploded nearly 2 years ago—2 years ago—is when small business needed our help and support, and many of us have been arguing literally this entire legislative calendar year to pass this legislation, only to have hurdle after hurdle put in front of us or naysayers who say it can't be done. So I truly hope we are on the precipice of passing this legislation because it is so critical for job creation in America.

I know my colleagues have gone over these numbers, but to be specific about it again one more time, because this is from the Department of Commerce,

small businesses account for 60 to 75 percent of new job creation. So we can talk about all the ideas we want to have about how to get out of this economic nightmare, and we can talk about various policies that are going to help us stimulate the economy, but the bottom line is that job growth by the private sector is going to help our economy, and that has to have a focus on small business.

What has happened to us instead, as you can see by this chart, which shows small business lending basically from 2008 to 2009, is that we had an economic crisis. We know that lending in general went down, but we see that small business lending went down even more dramatically. The consequence of that has been our engine of economic growth for job creation—small business—has been cut off. We have seen lending from large banks to large institutions, and some of those institutions are doing the hiring, but they are not the basic driver of job growth in America. So this is what we are trying to right. We are trying to correct the fact that these small businesses have not had access to capital.

I know my colleague Senator MURRAY and I went to a restaurant in Seattle, a pizzeria that is very popular, and met with many small business people there. But this particular owner, Joe Fugere, who has a wonderful business, basically had opened four restaurants and then went to get more capital during this downturn and basically was told no, it is too big of a risk. He said:

Honestly, I was shocked and deeply offended. I had a healthy profitable business, a blemish-free history of paying all my loans on time, in full. And now I was being told that I was risky. . . .

After the decisions that were made on Wall Street and their risky activity.

In the end, Joe did everything he could with personal appeals. He worked with community bankers, and finally got his loan and then opened his new restaurant which now employs 75 people.

Joe was not the risk. Joe did not participate in risky derivative activities on Wall Street. He did not cook up this scheme. Yet here we are, 2 years later, finally coming to the aid and support of small businesses.

I heard many stories of this when I was at home, many small businesses that basically said I hope people on the other side of the aisle can set aside their differences and help get this legislation passed; that we need to do more. I know many of you may have seen today the report that was put out by the Joint Economic Committee, “Small Business Employment: Bank Lending Restraints Job Creation.” Basically the summation of this, and I will read from the report, is that it found that as a result of “tight lending standards facing small businesses, hiring at small firms continued to decline in 2009 and the early part of 2010, while hiring by largest establishments, which

had wider access to credit, began to pick up. . . .”

It is clear that small business hiring still remains flat. The question is what are we going to do about it? It is not about November 2, it is about whether you support giving access to capital to small businesses that had capital choked off from them because of the activities of Wall Street.

I clearly support and respect the engine of our economy that small businesses represent. I hope people will put their differences aside. I appreciate my colleague from Ohio, Senator VOINOVICH, for his leadership, for his advocacy, for listening to the facts on this issue and understanding that these are the people who will help us out of this situation and certainly were not the ones who got us into it.

I hope we will move forward on this legislation and this week we will pass it. I do not expect things to change overnight but I do expect this: for this Congress—for the Senate, for the House—to say where our priorities are and to say where leveraged access to capital can stimulate job growth in our economy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### CONFIRMATION OF ELENA KAGAN

Mr. INOUYE. Madam President, I rise to speak in support of Solicitor General Elena Kagan.

Solicitor General Elena Kagan is widely regarded as one of the Nation's leading legal scholars. Her public service and legal experience, work as a teacher, service as a White House and Senate aide, and representing the government as the Nation's Solicitor General, have contributed to Ms. Kagan's intellect, judgment, and independence.

As the first woman to serve as dean at Harvard Law School, Ms. Kagan was highly respected for her ability to build consensus among diverse groups. She diversified the political discourse on campus by hiring professors from a wide political spectrum. While working as a White House aide, Ms. Kagan was known to reach across the aisle to work with both Democrats and Republicans on issues like restricting tobacco companies from targeting ads at children. As the daughter of a public school teacher and a housing lawyer, Ms. Kagan understands that decisions made by the Supreme Court have an impact on the lives of Americans. As Solicitor General, she has argued cases to protect consumers, prevent elections from being taken over by special interests, and protect our national security. Ms. Kagan recognizes the extraordinary role of the Supreme Court to

uphold the law and enable all Americans to receive a fair hearing and an equal chance at justice.

Solicitor General Kagan has my full support in her nomination to the U.S. Supreme Court.

#### PRESCRIPTION DRUG ABUSE

Mr. INOUYE. Madam President, I rise to speak on a matter of great importance to me. Recently, I met with Gil Kerlikowske, Director of National Drug Control Policy and his Deputy Director for Demand Reduction, David Mineta. In that meeting, they shared alarming information with me about the rates of prescription drug abuse among veterans and active duty military personnel. The Office of National Drug Control Policy, ONDCP, and the Centers for Disease Control have characterized the rate of prescription drug abuse in our country as an epidemic, with rates of unintentional drug overdose deaths having increased fivefold since 1990.

Our active duty military forces and veterans are not immune from this disturbing trend. In the 2008 Department of Defense Survey of Health Related Behaviors among Active Duty Military Personnel, prescription drug misuse was reported by one in nine personnel in the past month and nearly one in five in the past year. Further, the percentage of men and women reporting prescription drug misuse in all military services combined—11.5 percent—was more than twice that of the civilian population in the age group 18–64—4.4 percent.

Unfortunately, substance abuse remains a problem for newly returning veterans as well.

Data collected between 2002 and 2008 indicate that across all medical conditions of returning veterans, mental health disorders are the second most common—40 percent—with both post traumatic stress and substance use disorders among the highest within this category.

Aggregated data from the Substance Abuse and Mental Health Services Administration's annual household survey reveals that from 2004 to 2006, 7.1 percent of veterans—an estimated 1.8 million persons 18 or older—met criteria for a past-year substance use disorder.

The Army recently released a study highlighting the importance of suicide prevention. The Army experienced 239 suicide deaths across the total Army, including the active reserve members, in fiscal year 2009. This number does not include 74 drug overdoses in the same year. As the Army stated in its recently released report, "Health Promotion, Risk Reduction, Suicide Prevention," this is an issue that cannot be ignored. I urge ONDCP to pursue solutions, along with the Veterans Affairs and Department of Defense, to address the serious issue of prescription drug abuse in both the active duty military and among veterans of all service, including the Reserve Component.

#### 50TH ANNIVERSARY OF REAL ESTATE INVESTMENT TRUSTS

Mr. HATCH. Madam President, I rise today to recognize the 50th anniversary of the enactment of legislation that created real estate investment trusts, REITs. The development of real estate investment trusts is among the true success stories of American business. Moreover, REITs legislation enacted over the past 50 years presents a remarkable example of how Congress can create the legal framework to liberate entrepreneurs, small investors, and men and women across the country to do what they do best—create wealth and, more importantly, build thriving communities.

When REITs were first created in 1960, small investors had almost no role in commercial real estate ventures. At that time, private partnerships and other groups closed to ordinary investors directed real estate investments, typically using debt, not equity, to finance their ventures. That model not only served small investors poorly, it resulted in the misallocation of capital, and contributed to significant market volatility.

Since that time, REITs have permitted small investors to participate in one of our country's greatest generators of wealth—income-producing real estate—and REITs have greatly improved real estate markets by promoting transparency, liquidity, and stability. The growth in REITs has been particularly dramatic and beneficial in the past 15 years, as capital markets responded to a series of changes in the tax rules that modernized the original 1960 REIT legislation to adjust it to new realities of the marketplace.

Equity REITs have outperformed the major U.S. equity market benchmarks for all multi-year periods over the past 35 years, as well as over the entire 38-year period since the inception of the U.S. REIT indexes.

I am proud of my role in sponsoring legislation that included many of these changes that modernized the REIT rules, and I remain committed to making every effort to ensure that the people of Utah and across our Nation continue to benefit from a dynamic and innovative REIT sector.

I have seen firsthand what REITs have done for communities across my State of Utah. It is very much in Utah's interests, and in our country's interests, to make sure that REITs continue to work effectively and efficiently to carry out the mission which Congress intended.

#### NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Mr. HATCH. Madam President, I speak today, along with my colleague, Senator BOB BENNETT, in recognition of "National Polycystic Kidney Disease Awareness Week". Senator HERB KOHL and I introduced S. Res. 592 on July 22

to designate September 13–19, 2010, as the National PKD Awareness Week for 2010, and Senator BENNETT was a co-sponsor of the resolution. S. Res. 592 passed the Senate by unanimous consent on July 29, 2010. I thank my colleagues for their support.

Polycystic kidney disease, also known as PKD, is a life-threatening, genetic disease affecting more than 600,000 adults and children in the United States and 12.5 million people worldwide. In fact, PKD is one of the top three most prevalent life-threatening genetic diseases in the world. It is, in fact, one of the most deadly diseases of which you have likely never heard. To help put it into perspective, more people have been diagnosed with PKD than have been diagnosed with cystic fibrosis, sickle cell anemia, hemophilia, muscular dystrophy, Down's syndrome, and Huntington's disease combined. However, these diseases are much more well-known than PKD. I take particular interest in PKD because so many Utahns suffer from the disease. According to the PKD Foundation, approximately 5,000 Utahns have been diagnosed with PKD and end stage renal disease—ESRD—instances in Utah are almost three times the national average.

Polycystic kidney disease often goes unnoticed due to the fact there are no telltale symptoms in the early stages of the disease. Many people who have PKD are not diagnosed until the disease has already affected other organs. More than half of individuals diagnosed will reach end-stage renal failure and require dialysis or a kidney transplant in order to survive. When a kidney has been affected by PKD, fluid-filled cysts develop on the kidney. These cysts can range in size from that of a pinhead to the size of a grapefruit. The size and weight of each cystic kidney can grow to that of a football or basketball and weigh as much as 38 pounds. Other diseases and symptoms may show up as the disease progresses and, unfortunately, this is often how PKD is diagnosed. Examples of such symptoms are urinary tract infections, hypertension, kidney stones, high blood pressure, potentially fatal heart diseases, and aneurysms.

There are two forms of polycystic kidney disease: autosomal dominant PKD and autosomal recessive PKD. Autosomal dominant PKD is more serious and it affects one in every 500 people and is commonly diagnosed in adulthood. Every child born to an affected parent has a 50 percent chance of inheriting the disease themselves. The other form, autosomal recessive PKD, also called ARPKD, is diagnosed in children. Approximately 30 percent of the infants diagnosed with ARPKD will die within the first month of life; and of the 70 percent who survive infancy, one-third will require a kidney transplant by the very young age of 10.

As of today, there is no cure or treatment for PKD. There are ways to alleviate pain, and a healthy lifestyle