

not going to be able to get this done before we go home for the elections.

What a sad thing for our country. People are dying as a result of these problems with food. It is a shame we cannot get this done. We have almost 400 matters that have passed the House of Representatives, and we cannot deal with them here because the Republicans say no. That is not the way to do business. In years past, these things would have gone through very easily.

We should be concerned about something as important as this issue, and the focus should be—and deserves to be—on the person who is holding up this legislation. It is too bad. There are all kinds of excuses, but excuses do not do the trick. People have come to see me who have been deathly ill. All that could have been avoided. The legislation would do that. It is bipartisan in nature. It should be completed.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### SMALL BUSINESS LENDING FUND ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5297, which the clerk will report.

The bill clerk read as follows:

A 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.

Pending:

Reid (for Baucus/Landrieu) amendment No. 4594, in the nature of a substitute.

Reid (for Nelson (FL)) modified amendment No. 4595 (to amendment No. 4594), to exempt certain amounts subject to other information reporting from the information reporting provisions of the Patient Protection and Affordable Care Act.

Reid (for Johanns) modified amendment No. 4596 (to amendment No. 4595), to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations.

Reid amendment No. 4597 (to the language proposed to be stricken by amendment No. 4594), to change the enactment date.

Reid amendment No. 4598 (to amendment No. 4597), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, Theodore Roosevelt once said:

Far and away the best prize that life offers is the chance to work hard at work worth doing.

Americans prize hard work. We value a day's pay earned at honest labor, and that is one reason the great recession that started in 2008 has been particularly hard on Americans. The great recession robbed 8 million Americans of one of the best prizes that life offers—their work.

That is why for 2 years now we have been working hard to create jobs. We worked to create jobs by passing the Recovery Act at the beginning of last year. The nonpartisan Congressional Budget Office says that the Recovery Act "increased the number of full-time equivalent jobs by 2 million to 4.8 million compared with what would have occurred."

We worked to create jobs by passing the HIRE Act in March of this year. The Treasury Department found "an estimated 4.5 million workers who have been unemployed for 8 weeks or longer were hired by employers who are eligible for the HIRE Act payroll tax exemption."

We have been working to create jobs with this small business bill before us. We have been working to pass this bill since June. That is right, since June. Here it is September. Finally we are going to get this bill passed—I hope.

The economists tell us that this small business jobs bill could help small businesses create as many as half a million new jobs.

This small business jobs bill would provide small businesses with access to capital. It would create incentives for investment. It would support innovation and entrepreneurship. This small business jobs bill would give small businesses \$12 billion in tax cuts. It would increase small business lending. It would help small business owners get private capital to finance expansion and hire new workers. It would reward entrepreneurs for investing in new small businesses. It would help Main Street businesses compete with big companies. All these things would help small businesses to create as many as half a million more jobs.

The Joint Committee on Taxation has prepared a technical explanation of the bill which expresses the Finance Committee's legislative intent behind the tax provisions. It is available on the Joint Committee's Web site.

This small business jobs bill has been hard work. For something this common sense, it has been harder work than we thought it would be. Some folks on the other side of the aisle have thrown obstacles in the way. Some have thrown in our way pretty much everything but the kitchen sink. Today they are throwing the kitchen sink in our way as well.

Today, before we can vote on this targeted small business jobs bill, some on the other side have resorted to the last refuge of delay. They are proposing motions to suspend the rules of the Senate. They are throwing two more votes in the way.

But in case anyone is taking these last-minute antics at face value, let me set the record straight. These motions to suspend the rules are not serious legislating. These motions are not the way the Senate enacts law. We do not enact law by suspending the rules.

Rather, these motions are the way that folks score points. These motions are the way folks try to embarrass

other people. These motions, quite frankly, are stunts.

If you take them at face value, these motions address two tax provisions that expired at the end of last year. They are two examples of what folks around here call tax extenders.

Here is the irony: We have been trying to extend these and other expiring tax provisions for months. Yes, literally for months. We took up the extenders bill in March, and we have been trying again and again to pass a package of all the expiring provisions pretty much all year since then.

To make it entirely clear, I will try again today. Before the vote on the motions to suspend the rules, I will ask unanimous consent to take up and pass the full set of expiring provisions. In a few minutes, I will ask unanimous consent to take up and pass a paid-for, responsible set of expiring provisions. One way or another, Congress will address these expiring provisions. We always do. We will do so again this year.

But no one should be misled. These motions to suspend the rules today are not serious legislating. They are merely two more in a series of delays thrown up in front of this bill. We should reject these delaying tactics. We should get on with passing this bill to create small business jobs.

Creating jobs is what people sent us here to do, and now is the time to do it.

Thanks to Tuesday's vote, we are finally bringing this debate to a close. It is certainly time. It is time to get this work done. It is time to help small businesses. It is time to help create up to half a million new jobs. This bill has been hard work, but this bill is worth doing. So let's bring this debate to a close. Let's reject the transparent efforts to delay some have thrown in the way, and let's target this targeted tax relief to small businesses today.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, sometime today the majority leader will file cloture on the motion to proceed to the Defense authorization bill, setting up a vote for next week on this important legislation. Under ordinary circumstances, this would be a straightforward, noncontroversial vote that could unite the two parties on a matter related to our common defense. But not this year.

This year, Democrats would rather use this bill to manufacture controversy. Worse still, in their determination to meet their own campaign promises ahead of the upcoming election, Democrats have decided to put their own political interests ahead of

the collective judgment of our military service chiefs who are still in the midst of a study about whether don't ask, don't tell can be repealed without hurting combat readiness. But this should not surprise anyone. For nearly 2 years now, Democrats have done their own thing. Americans have been asking Democrats for nearly 2 years to focus on the economy and jobs, and what they have gotten instead is one costly government-driven job after another that kills jobs and hurts the economy.

When it comes to matters of national defense, Democrats in Washington have established a clear pattern of making political decisions first and then analyzing the problem later. Whether it was the decision to close Gitmo before figuring out what to do with the terrorists who were housed there, to deny our intelligence community the ability to interrogate terrorists, an artificial timeline for withdrawal in Afghanistan or this latest decision to use a Defense authorization bill to move ahead with repeal of don't ask, don't tell before hearing back from the service chiefs, Democrats have shot first and asked questions later. In other words, they put their own ideological goals ahead of everything else.

I remind my colleagues we are fighting two wars and that our volunteer force doesn't ask for much. They ask that they be well trained, well equipped, that their families be cared for, and that we meet their selfless sacrifice with dignity and respect. This bill should be an easy one. We should be united and give our troops a responsible defense policy they need and then the Defense appropriations bill they need—without strings, without games, and save the politics for the campaign trail.

Another bill the Democrats have made needlessly political is the small business bill which we will also be voting on later today. Senator HATCH has offered an amendment that would fully extend the R&D tax credit, an amendment the Democrats blocked just before the August recess but which the President now appears to support. We will also have a chance to extend the biodiesel tax credit through the Grassley amendment. This amendment is essential to keeping producers competitive, but because of the majority's partisan tactics this credit has expired.

It is my hope our friends on the other side will now join the President and the Republicans in supporting these two important pieces of job-creating legislation. Unfortunately, the Democrats whole game plan over the last year and a half and through today is to tick as many items as possible off the liberal wish list while they still have a chance.

The American people think our friends on the other side should have spent a little more time worrying about 10 percent unemployment rather than legislative sideshows. If Senate Democrats truly want to do something for the private sector jobs in this coun-

try, they should support the bipartisan R&D tax credit of Senator HATCH and the biodiesel tax credit of Senator GRASSLEY and then work with Republicans after that on preventing the looming \$1 trillion tax hike Democratic leaders have so far ignored.

It is time our friends on the other side got serious about jobs and the economy. It is time they put the liberal wish list on the shelf and focused on the priorities of the American people.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, we have a tax bill before us that is supposed to help small business because small business creates 70 percent of the new jobs. The President says that. I think we have to look at the background of the high unemployment rate, particularly why it is staying up there—maybe not why it got up there but why it is still there.

I spoke last night about a lot of uncertainty that comes because of the cap-and-trade bill, the bank regulatory reform bill, the health care reform bill, the biggest tax increase in the history of the country coming up this fall if we do not intervene and prevent the biggest tax increase, and a lot of other issues out there that tell us how uncertain it is, what Congress is going to do. That uncertainty keeps the entrepreneurs of America from opening up and creating jobs.

If you want to quantify how they are tight-fisted about the situation right now, the last figure I saw was about \$2.1 trillion in cash in the treasuries of major corporations of America. They are not making any money by storing that cash, but they do not know what sort of a future this Congress is going to give them, so they are very guarded on any moves they make. Then we have things such as shutting down all the oil drilling—unemploying tens of thousands of people. Then what I am going to visit with you about is the fact we did not pass the biodiesel tax credit December 31 last year when it sunset and that industry is shut down and 20,000 jobs have been lost. It is ironic to me that we spent weeks on a bill that is before the Senate, as legitimate as it is, to create jobs in small business, when, frankly, there are a lot of negative things going on in the Congress of the United States that cause people to be laid off or, because of uncertainty, not to be hired back. I wish to speak about the biodiesel industry.

As we are faced today with a 9.6-percent unemployment rate, I have a solution that will create 20,000 jobs almost overnight. That solution is to extend

the biodiesel tax credit today. This tax credit expired December 31, 2009. This democratically controlled Congress has failed to extend it, even though, on several occasions, I and other Members on this side of the aisle have taken action in that direction.

The Democratic leadership claims, as the President does, that they want more green jobs—and I am in favor of that. I am the author of the Wind Energy Tax Credit, as an example. I have been a backer of ethanol. I have been a backer of biomass and this biodiesel tax credit. So there are plenty of opportunities to show that we, on this side of the aisle, support the President wanting to create green jobs. If the President and the Democratic leadership want to do that, they have not acted to prevent the loss of green jobs in the biodiesel industry.

The biodiesel industry has lost tens of thousands of jobs as a result of this neglect. It would be nice if the Democratic leadership's rhetoric met with reality.

I have twice sought to have the biodiesel tax credit simply passed through the Senate by unanimous consent. However, both times my request was objected to by those on the other side of the aisle. Meanwhile, these biodiesel plants in Iowa and throughout the country continue to lay off workers. In fact, most of them are just plain shut down because the democratically controlled Congress has not extended the biodiesel tax credit.

I made a speech similar to this in December, when we were on the health care reform bill. I said: Can't we find some time to pass these tax extenders so we do not let them lapse—and all these question marks. That was 8 months ago, 9 months ago. But somehow we thought last December, since Congress had not been in session on Christmas Eve since 1895, we ought to be in session once in 115 years—or because we just had to pass this health care reform bill before the end of the year because it takes effect by 2014, we couldn't find a little bit of time to keep 22,000 people employed in the biodiesel industry. So we asked for those consents and we did not get them. These workers are laid off because the democratically controlled Congress has not extended this tax credit.

This is a simple and noncontroversial tax extension that will likely reinstate 20,000 more jobs nationwide and at least 2,000 within my State of Iowa. By the way, this is not controversial, and there are 71 other tax provisions that expired December 31, 2009, and I don't know that any of those are controversial. So the biodiesel industry has lost its jobs. These jobs have fallen victim to a tactic used by the Democratic leadership to hold this popular and noncontroversial tax provision hostage in an attempt to advance political objectives.

Just last February I worked out a bipartisan compromise on tax extenders—all of them—with Chairman BAUCUS to extend the expired tax provisions, including biodiesel.

However, the Senate Democratic leadership decided to put partisanship ahead of the job security for tens of thousands of biodiesel workers by destroying the compromise to which Chairman BAUCUS and I agreed. So I am here again to try to put tens of thousands of people back to work producing clean and renewable fuel that everybody in this Congress says they support, and the green jobs from these productions.

There is a difference between a biodiesel tax credit and the other tax provisions in the tax extender bill that has stalled in the Senate. The failure to extend the biodiesel tax credit before it expired has ground the industry to a halt because biodiesel is now more expensive than gasoline. Gasoline stations, knowing they cannot sell biodiesel, do not buy it, and biodiesel producers have, therefore, stopped producing biodiesel because they have nobody to sell it to. Consequently, the layoffs.

While the other tax provisions are important, most are not as time sensitive as biodiesel because they are not transactional tax incentives like the biodiesel tax credit but, instead, are based on a taxable year. Unfortunately, now it is clear the larger extenders bill has stalled for the time being. We need to pass the biodiesel tax credit separately.

The last time I sought unanimous consent, which was the second time I did it, one of my colleagues on the other side of the aisle objected. The objection said something like, the biodiesel tax credit was part of a larger extenders bill they were working on.

Now that the tax extenders bill is stalled, the Senate needs to pass the biodiesel tax credit by itself. I ask my colleagues to vote yes to waive the rules and put 20,000 biodiesel workers back to work.

I move to suspend rule XXII, paragraph 2, for the purposes of proposing and considering amendment No. 4433, which is at the desk. Having said my part, I think before Senator HATCH speaks—he will speak about a very popular tax extender that needs to be extended and on which I do not know that there is one single disagreement. It is a noncontroversial provision but has still been languishing here for the last 9 months, and losing jobs as a result of it, at the very same time we are trying to create jobs through a bill that is before the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I thank my colleague from Iowa. I appreciate his leadership on the Finance Committee and the good work he has done over all of these years.

Mr. President, in accordance with rule V of the Standing Rules of the

Senate, I move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering the following motion to commit, which is at the desk with instructions to H.R. 5297. I move to commit H.R. 5297 to the Committee on Finance with instructions to report the same back to the Senate with changes to include a permanent extension of the research tax credit.

This motion is a simple one. It is a motion to suspend the rules to allow for the consideration of the motion to commit the bill before us to the Finance Committee, from which both Senator GRASSLEY and I sit, with the specific instruction to add to the bill a permanent research tax credit.

It is a simple motion, but I believe it is a significant moment. The American people understand that there is a desperate need for jobs and growth, and they have heard that Washington is partisan, broken, and unable to respond to their genuine needs. Just last week they heard that President Obama proposed a permanent research credit as an additional step “to grow the economy and help businesses spur hiring.”

Well, we can address all three with my simple motion: Make the research credit permanent, do it in a bipartisan spirit, and give job creation the jump start it badly needs. It seems like a pretty good idea to me, but the track record so far is very disappointing. Making the credit permanent is exactly what Senator BAUCUS, the distinguished chairman of the Finance Committee, and I proposed to do in the bill we introduced last year.

We have been introducing this same idea for many years now. Yet the Senate does not seem to be able to do anything more than extend the credit on a very temporary basis. In recent weeks, I have been trying to add a research credit extension to the small business lending bill that is before us today. Unfortunately, my efforts have been in vain because the leader has filled the amendment tree, and I have not had the opportunity to offer such an amendment to this bill.

Frankly, the way this Senate has been run, there has been very much to criticize. This is supposed to be the most important deliberative body in the world. Yet almost every bill that has any controversy to it at all, they bring it to the floor, fill up the tree, forbid the minority to have any chance to have any amendments, and in the process stultify the legislation.

It is easy to see why adding a research tax credit incentive to this bill is a high priority. Obviously, President Obama thinks it should have a high priority. He was very specific last week in making it clear that this is a step we should take to grow the economy and to help businesses spur hiring, bringing people onboard to work. Here we have a small business tax bill that has been proposed by the majority party. Yet it does not include a very important provision that has long en-

joyed bipartisan support by most Members of the Senate. Now we have the President of the United States specifically calling for this provision to be enacted to grow the economy and help businesses spur hiring, for which I give him great credit.

This, too, I believe is the underlying purpose of this small business bill. What is strange is my pleadings for this provision to be added to this bill have so far fallen on deaf ears. Therefore, I have had to resort to this procedural motion to suspend the rules in order for this provision to be added to the bill.

Since the parliamentary tree is tied up and we do not even have a chance for amendments, I could not bring it up as an amendment other than this way. I would have thought this would have been unnecessary. After last week's proposal by the President, I would have expected that Members of his own party might have acted to include the research credit extension on the first possible legislative vehicle. This bill is that vehicle.

But, no, this bill is moving forward toward passage in the Senate with nary a word from the majority about the provision the President proposed last week. He said it was important. He wants it. It is something we ought to do. Above all, it would be bipartisan, one of the few things we have been able to do in a bipartisan way since this administration took over.

Perhaps most of my colleagues on the other side were on the beach and away from the television and the newspapers and did not see or know about the President's call for a permanent research credit. For those of my colleagues who might not have heard about the President's call for a permanent research credit, let me share a couple of facts that he, our President, put forward.

He said a permanent extension of the research credit is “a win-win—encouraging job growth and investment now that will pay off with stronger economic growth in the future.” Again, I could not agree more with the President.

President Obama also said economic growth is the single best way to bring down the deficit. There are some things our President says that make a terrific amount of sense. This is one of them because this bill before us today is supposed to be all about job creation and growing the economy. Because the President has renewed his call for a permanent extension of the very important research credit, it seems to me this motion would be unnecessary. I would have thought, as I said before, that the leadership would have taken care of adding this item to this bill.

I think most everyone will agree that this might very well be the only tax bill that even has a remote chance of passage and enactment before the election next month. Surely the majority leader does not plan to simply ignore

the President's call for passing a permanent extension of the research credit.

Well, since he either forgot to add this priority or decided to ignore the President, I am offering this motion as a way to remind him and a way to allow it to happen before this bill comes up for a final vote. I urge all of my colleagues to consider the implications of this country dropping to a second tier industrial power.

Our economy has been, both short term and long term, filled with problems. In the short run, we are not producing the number of new jobs we need. Our economy is not growing nearly as rapidly as we would all like. It is not generating nearly enough moneys or enough revenue to the Treasury. In the longer run, we are facing some severe competitiveness issues with our U.S. firms in competition with foreign firms. The Federal Government has, unfortunately, saddled them with the high taxation, more onerous regulations, and an unfriendly business climate. We have the second highest corporate taxes in the world.

In the high-technology area, along with other sectors of our economy that are even more global in nature, we have even more difficult challenges. Our international tax rules are very inhospitable to U.S.-based firms. This is one of the reasons the United States no longer dominates the list of having the largest companies in the world. In fact, in 1980, of the 50 largest companies in the world, we had 39 of them headquartered in the United States. Today we have just 16. It is because of these stupid rules that have been put in place, these stupid tax approaches that we must change if we want to do something about jobs in our society today.

One particular danger is that many of our trading partners have enacted very generous tax incentives in an attempt to lure away research and development from our country to theirs. There was a time not very long ago when the United States was considered the only real place in the world where companies wanted to conduct their research and development.

We had the best research scientists and the best facilities in the world. That time is no more. We can no longer make this boast. Many other places offer world-class facilities and scientists just as well trained and experienced as ours, many of whom have been trained right here, and we push them out of our country because we will not expand our H1B immigration rules. Talk about stupidity.

Now they also offer tax incentives to companies that are far superior to our country's tax incentives for our companies and for companies overseas. In fact, at this time we can offer no tax incentives for U.S. research and development because the credit expired last December. The research tax credit is a provision that has been in the tax law since 1981. It has been extended by Congress more than a dozen times.

This credit has wide and deep bipartisan support in this body as has been demonstrated numerous times. More importantly, however, is the fact that the research tax credit is a vital incentive to business enterprises of all sizes in this Nation.

In my home State of Utah, there are hundreds of small high-technology companies, companies and firms, that spend a high percentage of their revenue on research and development. In fact, Utah has more than 5,000 technology companies. Every State wants to attract companies such as these because their jobs are generally better paying private sector jobs than most private sector jobs.

On average, high-tech jobs pay 69 percent more. This R&D is vital to the future survival of these firms. No high-tech company can afford to ignore research that wants to be around next year or maybe even in the next quarter. The research credit is, in my thinking, the most urgent and important to our economy, our competitiveness, and to those hundreds of smaller high-technology companies in Utah.

We have before us on the Senate floor a small business bill. This bill is designed to strengthen our small businesses, which most of us acknowledge comprise the strongest component of our job creation engine in this economy to help them to do what they obviously are not doing very well at this time, and that is to grow and bring on more new workers. The tax portion of this small business lending bill is a good package that I support.

I think we do need to pass the tax provisions in the bill before us. However, it would be a grave mistake for us to think this is all we need to do to solve job-creation problems in our economy—far from it. We should be adding many provisions to this small business tax bill. These include the extension of the tax relief provisions passed in 2001 and 2003. That tax relief is important. However, since that is the subject of an intense partisan debate in the Senate right now, it does not seem possible. It seems reasonable, however, that we could all agree to add the most prominent tax provision the President is calling for—a bipartisan provision, the research and development tax credit—and make it permanent. It has wide and deep support on both sides of the aisle, here and in the House. Republicans are saying yes to the President on this. It is the members of his own party who seem to be saying no, even though I think most of them will vote for this if it has a chance to be heard and voted upon.

As Congress tries to address the job situation, we need to keep in mind that one of the best things we can do to retain and create good jobs in the United States is to incentivize research activities. One of the best ways of doing this is to ensure we have an effective tax policy to keep research here in our own country. Unfortunately, many of our trading partners now have strong tax

inducements for companies to perform research overseas. Research and development jobs are high-paying, and they are very desirable jobs.

Moreover, R&D very often leads to other kinds of economic development and the creation of even more jobs. We simply cannot afford to lose our lead in research by not keeping the United States as the premier location in the world for research and development. Having a robust research credit is key to this. The President understands it is the key. I surely hope my colleagues will wake up and help make this happen before it is too late and we have to work to get back what once was ours.

My understanding is that some might go along with this, but they want to increase taxes on oil and gas. They also want to do some other very obnoxious things that would be difficult for which to get bipartisan support.

We know that business in this country is having a very difficult time right now. My understanding is that they may want to add a carried interest provision, which would probably put a lot of venture capital funds out of business and would drive a lot of people out of business and maybe into bankruptcy. We simply cannot support that. We can support—and I think we would have almost 100 percent of the votes here in the Senate—the research tax credit. I believe it would show great bipartisanship at a time when it is needed. I think it would even benefit our Democratic colleagues to work with us on this.

But there are things in this underlying bill that really are very difficult to vote for—one part of it is, in the eyes of many, a new mini-TARP, the Troubled Asset Relief Program. We have seen how bad the last one worked. I hate to see us go further down that path when we could, in a bipartisan way, resolve these problems.

Last spring, four of us on the Finance Committee worked out an extenders package. We worked diligently together. We agreed on how it should be done. It was bipartisan in nature. I believe my friends on the other side initially agreed to it because it would have gotten at least 95 votes in the Senate. It could have been done early enough to create a lot of jobs this year. Then all of a sudden it became a partisan exercise again.

Time after time, if the Democrats can get one Republican to go with them, they call it bipartisan. I guess one could say that, but that is really stretching the term bipartisanship, especially when I think we could have had virtually 100 percent, or at least 95 votes for the extenders package we had worked out.

It is amazing to me how difficult it is to work together around here, especially when we want to and especially when we can come up with programs and legislation to which virtually everybody in this body would agree. It is almost like an arrogance of power: We are just going to teach those Republicans that we are not going to do what

they think is good. I hesitate to say it, but I think that had we had more bipartisanship around here over the last year and a half, we would be a lot further along. This economy would be back in a much stronger way, and there would have been a lot of jobs created.

If we are just going to keep playing partisan games on these very important bills on which we should all agree, then it stultifies jobs and the economy. I think it makes this administration look bad. In the process, it creates a lot of angst and anger throughout the whole country.

We would have had this done; it would have been done early this year had it not been for partisanship, in my opinion. There are things to be partisan about. There are things on which both sides disagree vociferously. That is the way this body works. We should go after each other on these matters. But there are some things on which we can all agree.

When the President comes out and says we need a permanent research tax credit, after all of the difficulties we have had, one would think our colleagues on the other side would grab Republicans and run with it. We could get it done, as we have always done in the past. There is no certainty with the current research tax credit, or the one that expired last year. Companies cannot plan for the future because we have to reinstate this all the time. Sometimes it is late, and even if we make it retroactive, it is not as helpful as it would be. Making it permanent would be a tremendous boost to scientific companies in this country and all other companies where innovation can occur. We have seen great results from the research and development tax credit.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The time of the Senator has expired.

Mr. HATCH. Madam President, this is a motion to suspend rule XXII, paragraph 2, for the purpose of proposing and considering a motion to commit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I know we will be voting soon on these issues and moving forward on the small business legislation. That is what we are really here to do today, to pass legislation that is going to help Main Street. This is a bill that is long overdue. I know once a train is leaving the station, once legislation has cleared the hurdles and is going to pass, a lot of people want to then add other things onto that legislation. Those are some of the issues being discussed here this morning. But the important thing is not to hold up legislation for small businesses one more day. Let's not delay the need that Main Street has to get access to capital to help small businesses grow our economy.

In Washington State, we have lost thousands of jobs. Yet if every small business in Washington State had the

ability to hire one person as a result of getting access to capital, we would nearly wipe out our unemployment since this recession. It is critical for us not to delay this legislation any further, to move it ahead, and to make sure we are getting capital into those small businesses.

I know some of my colleagues have critiqued this legislation, saying they will not support it. I know we have had at least two Members on the other side who support this legislation moving forward. So, yes, I do call that bipartisan. I appreciate the fact that those two legislators had enough courage to say this was important to their constituents. In the August recess, they listened to small businesses, and they knew this was important to get done.

There is a lot of misinformation out there in the eleventh hour about how perhaps certain people weren't supportive of the legislation. My colleague from Oregon has a list that keeps growing every single day. It is now four or five pages of different organizations that support moving forward on this legislation. I haven't heard any of them advocating that we hold it up one more day or send it back to the committee to add more things to it. No doubt the discussion we are having about the extenders package of other policies should happen. If we get more bipartisan support, we will get those things done and we won't have them held up.

But if we go back to this basic issue we are trying to address, it is really about the implosion that happened on Wall Street that took Main Street down with it and about correcting that and moving forward today in a way that will help small business help our economy recover.

I hope my colleagues on the other side of the aisle will look at this bill overall, look at the tax credits given to small businesses, the fact that the depreciation rates in investment in new manufacturing and equipment can help small businesses be competitive, and that they will look at the expansion of the SBA programs that were enthusiastically endorsed by lots of different organizations—by banks, by lenders, by individual businesses—because they know that program that was enhanced in January to help give more flexibility was a huge success. When it expired in June, we saw a falloff in the type of investment and job creation we need to have.

This is about a philosophy. If my colleagues think our economy is about helping those huge businesses at the top or from Wall Street and that is somehow going to trickle down, then let's just keep doing business as usual. But if Members believe this is about helping small businesses grow, which is 75 percent of job growth in America, then let's get this bill off the floor today and get this legislation passed.

I thank the Chair and yield the floor.

Mr. CASEY. Madam President, today, passage of essential legislation

to support job-creating business investment was relegated to callous political brinkmanship. For months, funding for the biodiesel and the research and development, R & D, tax credits have been stalled due to Republican opposition. Just in June, I voted three times to fund the credits—on the 17th, again on the 24th, and finally on the 30th. Each time, every Republican voted against the bill that contained these and other essential extensions. Then today, as we neared completion of another essential piece of legislation, the small business jobs bill, motions regarding biodiesel and R & D were presented by Senators GRASSLEY and HATCH as a way to slow down progress on the legislation at hand.

Let me be clear—we must extend these credits. R & D credits have long been viewed as lifeblood for American innovation and job creation. While less known, the biodiesel credits also provide essential economic assistance to clean energy small businesses. Without a doubt businesses suffer due to our inability to work together. A business in Erie, PA, illustrates this point. Hero BX has struggled this year to keep its production facility open without the biodiesel credit, putting 40 jobs on the line.

I want to provide Hero BX and other businesses across the Commonwealth and beyond with the tools needed to compete and survive. Senator BAUCUS has reintroduced the tax extender package, including the R & D and biodiesel credits. I encourage all of my colleagues to support the bill. This is not about allowing a victory in an election year. Passage is about providing companies the incentives to keep and create jobs.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think allocated time is about to expire.

My good friend, the Senator from Iowa, talked about how good it would be if we removed uncertainty from the law. The unanimous consent I am about to propound would give Senators the opportunity to remove much uncertainty. This unanimous consent request, if agreed to, would extend the biodiesel tax credit the Senator from Iowa spoke about. It would also extend the R&D tax credit the Senator from Utah talked about. This consent request would do so completely paid for. The Senator from Iowa spoke about his wanting to move the tax extenders for 8 months. The unanimous consent request I am about to propound will provide for extending all of the tax extenders.

The consent request will allow Members on the other side of the aisle to get what they say they want; that is, to remove uncertainty in the law and get these provisions passed.

UNANIMOUS-CONSENT REQUEST—H.R. 4849

As I mentioned a few moments ago, I now intend to ask unanimous consent to take up and pass the full set of expiring provisions. So I ask unanimous

consent that H.R. 4849, the Small Business and Infrastructure Jobs Tax Act of 2010, be discharged from the Finance Committee; that the Senate proceed to the bill; that the Baucus substitute amendment extending expiring provisions that is at the desk be considered and agreed to; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, as if read; and that this all occur with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I reserve the right to object, and I will object, because this side wants an open amendment process. We are tired of every time a bill comes to the floor in the greatest deliberative body in the world, they tie up the parliamentary tree so we can't have honest amendments.

Secondly, the approach of my dear friend and colleague, whom I have worked with all of these years on the research tax credit, is not permanent and would not make it permanent, which is what the President has asked for.

I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The debate time has expired.

Under the previous order, amendments Nos. 4595, 4596, 4597, and 4598 are withdrawn.

#### MOTION TO SUSPEND

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to suspend rule XXII offered by the Senator from Iowa, Mr. GRASSLEY.

Who yields time? If no time is yielded, the time will be charged equally.

The Senator from Montana.

Mr. BAUCUS. Madam President, I don't see the Senator from Iowa here. It is his amendment to suspend the rules.

Let me say once again this motion to suspend the rules of the Senate is not serious legislating. It is simply an attempt to delay the passage of the small business bill.

The biodiesel tax credit is another tax extender. We will address these expiring provisions. We will also do so in a fiscally responsible manner. This motion today is another delay to passage of the underlying small business bill which is before us at this moment. So we reject this delay and we reject this motion so we can get on with passing this bill to create small business jobs.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I have 1 minute to speak to my motion to suspend the rules to bring up this bill.

We are on a bill now on the Senate floor that is supposed to create jobs. Hopefully, this bill will create jobs. But it is kind of small compared to what this Congress could do by passing the biodiesel tax credit. It should have been passed before December 31 last year. Senator BAUCUS and I put together a bipartisan bill to do it in February. That bill was delayed by the majority leader, so we are back here again for a third time, trying to get attention to jobs. This biodiesel tax credit will immediately put 20,000 more people back to work, and 2,000 in my State of Iowa.

I hope we will suspend the rules and create jobs for sure because those jobs were there before December 31 and they will be there on September 17 if we pass this amendment.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 58, as follows:

[Rollcall Vote No. 234 Leg.]

#### YEAS—41

Alexander	Dorgan	McConnell
Bayh	Franken	Murkowski
Bennet	Graham	Murray
Bennett	Grassley	Nelson (NE)
Bond	Hagan	Pryor
Brown (MA)	Harkin	Roberts
Brownback	Hatch	Shaheen
Burr	Hutchison	Snowe
Cantwell	Inhofe	Specter
Chambliss	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Klobuchar	Wicker
Conrad	Lugar	Wyden
Cornyn	McCaskill	

#### NAYS—58

Akaka	Feingold	Mikulski
Barrasso	Feinstein	Nelson (FL)
Baucus	Gillibrand	Reed
Begich	Goodwin	Reid
Bingaman	Gregg	Risch
Boxer	Inouye	Rockefeller
Brown (OH)	Johnson	Sanders
Bunning	Kaufman	Schumer
Burris	Kerry	Sessions
Cardin	Kohl	Shelby
Carper	Kyl	Stabenow
Casey	Landrieu	Tester
Coburn	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Crapo	LeMieux	Voinovich
DeMint	Levin	Warner
Dodd	Lieberman	Webb
Durbin	McCain	Whitehouse
Ensign	Menendez	
Enzi	Merkley	

#### NOT VOTING—1

Lincoln

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 58. Two-thirds of the Senators voting not having voted in the affirmative, the motion is rejected.

#### MOTION TO SUSPEND

Under the previous order, there will now be 2 minutes for debate, equally divided, prior to the vote on the motion to suspend rule XXII offered by the Senator from Utah, Mr. HATCH.

The Senator from Utah.

Mr. HATCH. Madam President, last week President Obama called for a permanent research tax credit. We have always extended this tax credit. We failed last December to do it on time. Therefore, we are without it. We are without the jobs that would be created by it. I think it was a terrific move by the President to come out for a permanent research tax credit, and we ought to swiftly move to add it to this particular bill.

The only way I can do that, because of the tying up of the tree—which is happening all too often around here—is by a motion to suspend the rules.

This bill is a bill to create jobs. At least that is what it is supposed to be. But the research tax credit would do the most to instantaneously create jobs, and these are high-paying jobs. The only way we can get it is to vote for this motion to suspend. If we do, I think we would have 95 votes—a bipartisan vote—for this particular amendment.

I urge my colleagues to support the motion.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I deeply appreciate the remarks of my good friend from Utah. The fact is, any motion to suspend the rules in this context is not fair and, without being disparaging, it is not serious legislating. This is an attempt to throw another roadblock to delay passage of the small business bill.

In addition, the extenders bill, which I tried to get up by UC, would extend the R&D tax credit. We will find our way there later this year. We cannot suspend the rules at this point to delay passage of the small business bill. Rather, let's not accept this motion so we can get on to passing the small business bill and take up the R&D tax credit later on this year. We will definitely take it up. It will be passed later this year.

Mr. HATCH. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 235 Leg.]

## YEAS—51

Alexander	Crapo	Lincoln
Barrasso	DeMint	Lugar
Bayh	Ensign	McCain
Bennet	Enzi	McCaskill
Bennett	Franken	McConnell
Bond	Graham	Murkowski
Boxer	Grassley	Murray
Brown (MA)	Gregg	Nelson (NE)
Brownback	Hagan	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Specter
Cochran	Johanns	Thune
Collins	Klobuchar	Vitter
Corker	Kyl	Warner
Cornyn	LeMieux	Wicker

## NAYS—48

Akaka	Begich	Brown (OH)
Baucus	Bingaman	Burr

Cantwell	Johnson	Reid
Cardin	Kaufman	Reid
Carper	Kerry	Rockefeller
Casey	Kohl	Sanders
Conrad	Landrieu	Schumer
Dodd	Lautenberg	Shaheen
Dorgan	Leahy	Stabenow
Durbin	Levin	Tester
Feingold	Lieberman	Udall (CO)
Feinstein	Menendez	Udall (NM)
Gillibrand	Merkley	Voinovich
Goodwin	Mikulski	Webb
Harkin	Nelson (FL)	Whitehouse
Inouye	Pryor	Wyden

## NOT VOTING—1

Sessions

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

The clerk will now read the Budget Committee letter.

The bill clerk read as follows:

Budgetary Effects of PAYGO Legislation for H.R. 5297, as amended by amendment No. 4594.

Total Budgetary Effects of H.R. 5297 for the 5-year Statutory PAYGO Scorecard: net increase in the deficit of \$2.009 billion;

Total Budgetary Effects of H.R. 5297 for the 10-year Statutory PAYGO Scorecard: net increase in the deficit of \$2.253 billion.

Also submitted for the RECORD is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR SENATE AMENDMENT 4594 IN THE NATURE OF A SUBSTITUTE TO H.R. 5297, THE SMALL BUSINESS JOBS AND CREDIT ACT OF 2010

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	NET INCREASE OR DECREASE (–) IN THE ON-BUDGET DEFICIT												
Total On-Budget Changes .....	0	83,938	–11,175	–13,920	–11,272	–44,124	8,275	–5,049	–3,543	–2,669	–2,499	3,445	–2,035
Less:													
Current-Policy Adjustment for Tax Provisions <sup>a</sup> .....	0	2,789	1,845	–1,529	–966	–702	–543	–343	–194	–94	–44	1,436	218
Statutory Pay-As-You-Go Impact .....	0	81,149	–13,020	–12,391	–10,306	–43,422	8,818	–4,706	–3,349	–2,575	–2,455	2,009	–2,253

Note: Components may not sum to totals because of rounding. Assumed enactment date October 1, 2010.

<sup>a</sup> Section 7 of the Statutory-Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to increases in the limitations on expensing depreciable business assets for small businesses under section 179(b) of the Internal Revenue Code. The effects are all changes in revenues.

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

## AMENDMENT NO. 4594

The PRESIDING OFFICER. The substitute amendment is agreed to.

The time until noon is equally divided.

The Senator from Illinois.

Mr. DURBIN. The Chair has announced that the time between now and noon will be equally divided?

The PRESIDING OFFICER. That is the case.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded, and I ask unanimous consent for up to 5 minutes.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I know we are getting ready to vote on a very important piece of legislation—the Small Business Job Creation Act—that we have actually been working on now for a year and a half. It is hard to believe that a year and a half has gone by, but it has, despite the extraordinary work that has been done on this bill from the Democratic leadership, from a handful of Republican Senators who stepped up to make this a possibility, and from the administration and Treasury and literally hundreds of organizations that have brought this vote to the floor today. I wish it could have been 6 months ago. I wish it could have been 8 months ago. Every day,

every week we have waited to pass this bill has been another tough week for small businesses throughout our country. But this week is a good week for them. They have a bill that they can be proud of, that I believe we can be proud of, and it is overdue that we pass this bill today.

I know Members understand the significance of the three major parts of the bill: \$12 billion in directed tax cuts; an infusion of resources and strength to the core small business programs in the SBA that we know are effective in stimulating loans to Main Street, that create the jobs that will put this recession in the rearview mirror; and we know the third part of this bill is a very significant and new strategic lending partnership we are establishing with healthy community banks, the 7,000 community banks in every neighborhood—in rural areas, in suburban areas, in all of our States, and in almost every single one of those communities in those States.

I thank Chairman BAUCUS particularly for his help and Senator REID particularly for his help. I thank Senator BOXER and Senator CANTWELL and Senator MERKLEY. But I also thank Senator LEVIN, Senator WARNER, Senator STABENOW, many members of my Small Business Committee, Senator SHAHEEN, Senator MURRAY, Senator SCHUMER, Senator LINCOLN, Senator HAGAN, Senator CARDIN, Senator BURRIS, and many others—Senator SHERROD BROWN has been down to the floor time and time again.

I also thank two colleagues particularly from the other side of the aisle, Senator VOINOVICH and Senator LEMIEUX, who listened to their Florida

bankers, who listened to their Ohio bankers, who listened to their small businesses in Florida and Ohio and said that this is the kind of bill we need—tax cuts, strengthening of SBA programs, and a smart strategic lending program.

I thank Treasury Secretary Tim Geithner, Gene Sperling and Don Graves, and of course I thank the staff of the Small Business Committee and my staff in particular who did so much work.

In addition, I thank the National Small Business Association, Independent Community Bankers, the American Bankers Association, the National Association of Government Guaranteed Lenders, and the hundreds of organizations that helped push and pull this Senate to this vote today.

In the last minute I have, I wish to submit two things for the RECORD that I think need clearing up and amplification. One is a letter from the Chief Economist of the SBA that answers directly a criticism that was published in the Washington Post yesterday about the “myth” that small business is not the business that grows jobs in America. The economist was misquoted. This is a letter for the RECORD specifically outlining that. I think it is worth review today.

Second, and more important, a banker from California—and I thank Senator BOXER. I met with a banker from California and from Florida. I am from Louisiana, but they wanted to see me, I wanted to see them, and I met with them. Got a standing ovation. I am very proud, of course, because they said to me: Senator, this may be one of the most significant bills to help get



our banks where we need to be to start lending.

I ask unanimous consent that these letters be printed in the RECORD.

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

SMALL BUSINESS ADMINISTRATION,  
OFFICE OF ADVOCACY,  
Washington, DC, September 15, 2010.

Hon. MARY LANDRIEU,  
Chair, Committee on Small Business and Entrepreneurship, Washington, DC.

DEAR CHAIR LANDRIEU: I am writing to clarify and apologize for my statements about small business to Ruth Marcus in her September 15, 2010, Washington Post article.

When I stated, "It's not true" . . . "It's half the story" in relation to small businesses being the major source of net job creation, I misspoke. I meant to state, "While true, it's only half the story." Meaning that while we know that small businesses are the major job creator, there are different types of small businesses, and that is where the story is.

Oddly enough, the fact that small businesses are the major job creator has been corroborated by all three papers mentioned in the article; even though all used different time periods, different methodology and different data.

The article discusses an academic debate that is playing out with John Haltiwanger, a University of Maryland Professor, in one camp and myself in the other. The topic is, "What group within the small business sector is driving new job creations." John believes it is start-ups and young small businesses; while I believe it is the relatively few small firms with fast growth. In many senses we are both correct.

So the debate is not, who creates more jobs, small or large firms. We know the answer; small firms create the majority of net new jobs, as shown from Bureau of Labor Statistics, Business Employment Dynamics data. They show firms with fewer than 500 employees accounted for 65 percent of the net new jobs in the private-sector over the last seventeen years.

My study on high growth firms finds a similar figure when looking at all three time periods and firms with volatile employment changes (meaning using a net concept of fast growers and fast decliners).

Unfortunately, I was quoted as stating, "it would appear that both small and large firms contribute about equally to employment growth." While a further examination of my study would show that this comment only refers to high-growth firms, not the entirety of all firms. When one includes all firms, the results show that small firms create two-thirds of the net new jobs.

I have spent my career developing the field of small business economics. I take pride in what I have been able to accomplish, but regret the damage I may have caused by the way in which I conveyed the information to Ms. Marcus. Attached is a copy of my study High Impact Firms: Gazelles Revisited. I am happy to supply any further assistance you may need.

Sincerely,

ZOLTAN ACS, PH.D.,  
Chief Economist.

From: Richard M. Sanborn  
[mailto:rsanborn@sccombank.com]

Sent: Wednesday, September 15, 2010 11:40 PM

To: Gillers, David (SBC)

Cc: David H. Bartram

Subject: Small Business Jobs and Credit Act of 2010—HR 5297

MR. GILLERS, I want to thank you for taking the time this evening to call in reference

to my comments to Senator Landrieu at the California Bankers/Florida Bankers meeting. My whole team and I are extremely grateful to the Senator for championing the Act through the Senate as it will have a profound impact on our institution.

Once passed and signed into law, the Act will allow us to apply for (and hopefully receive) an approximate \$1.8 million investment by the US Treasury through the Small Business Lending Fund component of the Act. We can leverage that Capital investment approximately 10 X, resulting in our ability to lend to small businesses and grow our loan portfolio an additional \$18 million. While \$18 million in new loans to small businesses does not seem like much, as we are primarily focused on lending to small businesses through the SBA's 7(a) lending program, to achieve \$18 million in loan growth, we could originate approximately \$180 million in new SBA loans to small businesses . . . which is a lot for a small bank like ours (we're only a \$130 million asset bank). Of course that assumes we originate all \$180 million with a 90% SBA guarantee and sell 100% of that guaranteed portion.

Originating \$180 million in new SBA small business means that we can provide needed capital to approximately 275 businesses, based on our current average SBA loan size of \$650 thousand. If we apply the SBA's overall average loan size of \$220 thousand, we could help over 800 small businesses get much needed capital.

This will be a great program, if passed, and will help the small businesses in the markets we serve. Again, please thank the Senator for her help with this important measure.

Sincerely,

RICK SANBORN.

Ms. LANDRIEU. Seacoast is a small bank. It only has \$130 million in assets. According to this banker's testimony to me yesterday, he is going to take this bill and all of its provisions, and he believes he can leverage \$180 million in SBA loans to small businesses. Based on their record and based on the average SBA loan size of \$650,000, this one bank in southern California believes it can make 275 business loans.

If this one small bank in South Carolina can take this bill and its provisions and leverage it to 275 good-quality loans in South Carolina, there is hope on the way. This is a real step to putting this recession behind us. I thank the Democratic leadership for making it a possibility. I hope next time a bill like this is brought to the floor of the Senate, it will not take so long; we will not have to jump over the barriers and barricades that were put in front of this bill. So I hope Members on the other side of the aisle will lower those barriers next time because our small businesses cannot wait.

#### TIER 1 CAPITAL

Madam President, as one of the two lead sponsors of the Small Business Lending Fund, I am deeply convinced of the ability of this program to provide small businesses with the credit they need to grow and create jobs. As you know, the purpose of this fund is to provide community banks with Tier 1 capital to increase their lending to small businesses, along with incentives for doing so. With up to \$30 billion in capital, community banks that participate in the Small Business Lending

Fund will be able to support many multiples of that amount in new lending. To allow that to occur, it has always been our intent and our understanding that the bank regulators should treat these investments as Tier 1 capital, in a manner consistent with that accorded to other capital securities issued to Treasury by eligible institutions and in consideration of the strong public interest in promoting lending to small businesses.

Mr. REID. Madam President, I thank Senator LANDRIEU for her leadership on this issue. I agree that the intention of this legislation from the very start has always been that investments made through the Small Business Lending Fund should be treated as Tier 1 capital in a manner consistent with that accorded to other capital securities issued to Treasury by eligible institutions. This treatment will allow these institutions to use Treasury funds to expand small business lending as intended.

Ms. LANDRIEU. I thank the Senator. With access to Tier 1 capital, I believe that the community banks that participate in this program will be able to provide small businesses with the credit they need to grow and hire.

#### DEDUCTION FOR HEALTH INSURANCE COVERAGE

Mr. BINGAMAN. Madam President, I would like to ask the chairman of the Finance Committee a question on the application of a provision in the Small Business Jobs Act of 2010.

Section 2042 of the bill will allow self-employed persons to deduct the cost of health coverage for themselves, their spouses, and their children who have not reached age 27 by the end of the year for purposes of determining their liability for self-employment taxes. Is it correct that the provision is not intended to affect the determination of earned income for other purposes? For example, earned income for purposes of determining the maximum amount of health insurance premiums a self-employed person may deduct for income tax purposes is not affected by this provision.

Mr. BAUCUS. The Senator from New Mexico is correct. Since the 108th Congress, he has introduced legislation to correct this inequity in the Tax Code. I would like to congratulate and thank the Senator from New Mexico for his leadership in championing this provision.

Mr. KERRY. Madam President, the Senate is on the verge of passing the Small Business Jobs Act which has been many months in the making and has been debated on the Senate floor for numerous weeks. I commend Senators REID, BAUCUS, and LANDRIEU for their tenaciousness in pursuing this legislation. It is essential we help small businesses attain the investment and capital necessary to create jobs and grow our economy.

Small business growth is critical to restoring our economy. Over the past 15 years, small businesses have created two-thirds of all new jobs. Unfortunately, small businesses have been hit



hard by the recession—losing more than 6 million jobs since December 2007. The Small Business Jobs Act provides the long overdue assistance to small businesses that will help create as many as 500,000 new jobs.

To assist small business owners and their employees, the Small Business Jobs Act will create jobs through a combination of much-needed tax credits, enhancements to Small Business Administration, SBA, lending programs, and the development of new community bank lending facilities.

I am very pleased this legislation will extend the successful loan enhancement provisions that Senator SCHUMER and I successfully included in the American Recovery and Reinvestment Act. The bill extends the provisions in the economic stimulus to increase the SBA guarantee rate to 90 percent and reduces fees on small business 7(a) and 504 loans obtained through the SBA. These provisions have supported more than \$30 billion in lending to small businesses across the country and helped create or retain more than 710,000 jobs. SBA lending in Massachusetts has nearly doubled in the past year as a result of this program.

As the former chairman of the Committee on Small Business and Entrepreneurship, I have been a long time advocate of small businesses and appreciate the role they play in our economy. The Small Business Jobs Act includes provisions that I have worked on for several years.

The loan increases included in the bill build upon my legislation from last Congress. With 7(a) loan limits increased from \$2 million to \$5 million and 504 loans from \$1.5 million to \$5.5 million, small businesses will be better able to expand and meet their financial needs for sustainability and growth.

The Small Business Jobs Acts expands upon the small business capital gains provision included in the American Recovery and Reinvestment Act of 2009. The bill temporarily increases the small business capital gains exclusion from 75 percent to 100 percent and eliminates the AMT preference.

Back in 1993, I worked with Senator Bumpers to enact legislation to exclude half of capital gains from the sale of small business stock that is held for 5 years. The bill before us expands on this provision.

I have also worked with Senator ENSIGN on a provision included in this legislation that would remove cell phones and other similar devices from the definition of listed property so their cost can be deducted or depreciated like other business property, without onerous recordkeeping requirements.

In 1989, Congress passed a law which added cell phones to the definition of listed property under the Internal Revenue Code. Back in 1989, cell phone technology was an expensive technology worthy of detailed log sheets. Only a few top executives had cell phones. At that time, it was difficult to

envision cell phones that could be placed in a pocket or handbag. Congress was skeptical about the daily business use of cell phones.

With technology changing rapidly and many people owning a cell phone and a blackberry, a strict substantiation requirement to determine personal use is burdensome, inefficient, and administratively impracticable given their frequent use in a fast-paced global environment. The Tax Code should keep pace with technological advances. There is no longer a reason that cell phones and mobile communication devices should be treated differently than office phones or computers.

Investing in small businesses is essential to turning around the economy. Not only will investment in small business spur job creation, it will lead to new technological breakthroughs. This bill is long overdue and I am pleased that it is close to becoming a reality. I urge all my colleagues to support this critical legislation for our economy.

Mr. VOINOVICH. Madam President, I rise today to express my support for the passage of H.R. 5297, the Small Business Jobs Act of 2010. I am pleased that we got cloture on this legislation earlier this week, so we can get a final vote on the bill before the Senate completes its work for the week.

Things are more challenging now for our Nation than at any time during my life. Americans are worried about our Nation's future and their own personal well-being, and this uncertainty reveals itself in the answers to two questions I often ask when I speak to people. The two questions I ask are, one, do you have a better standard of living than your parents had? To which I always hear yes. And two, do you believe your children will have a better standard of living than the one you have? To which I almost always hear no.

To recover from this recession, we need to restore the faith of the American people in their future. We need to convince them that the glass is half full, and not half empty. And until we stabilize and repair our broken economy, and restore the flow of credit to businesses and individuals, the uncertainty and pessimism will remain.

This small business bill gives us one opportunity to address our economic challenges. The small business bill will improve the environment for small businesses by, among other things, including a number of small business tax breaks, expanding Small Business Administration loan programs, providing tax incentives for new small business investment, and expanding small business access to credit.

The bill will increase the guarantee of SBA's most popular loan program, which provides credit for small businesses that cannot otherwise obtain favorable loan terms, and it would provide higher maximum loan amounts for investments in major fixed assets, such as land, buildings, equipment, and machinery. It would also provide a variety

of export assistance tools to help our small businesses expand their reach into world markets and compete better in the global economy. These include a new grant program, counseling and education, redirecting SBA personnel, and improving export financing programs. Finally, this bill will extend tax incentives, such as section 179 expensing and bonus depreciation, which will generate new investment.

I have heard from many Ohio businesses regarding this small business bill, especially manufacturing businesses, which are the backbone of Ohio's economy. These small business owners have asked me to work with my colleagues and finish work on this legislation. A number of manufacturing organizations, which represent small businesses in Ohio and around the country, have written to me in support of the bill, including the Ohio Manufacturers Association, the Precision Machined Products Association, PMPA, the Precision Metalforming Association, PMA, the National Tooling and Machining Association, NTMA, and the Motor and Equipment Manufacturers Association. They share many of the same concerns; they are worried about their member companies' ability to obtain credit and keep afloat long enough to get out of this recession.

Many small businesses have been unable to obtain credit from their traditional lenders, which has led to less spending and more layoffs. For example, I was told that a Cleveland-based PMPA manufacturer that has been in business for over 50 years, and whose owner has served on the board of directors of several major banks, could not find sufficient credit in the United States. As a result, the company had to seek offshore lending, which it eventually found in Germany. I have heard similar stories from a number of small business owners. They complain that they cannot get loans or their lines of credit are being reduced or withdrawn despite their company's creditworthiness.

These groups, which represent thousands of small businesses and their employees, have sent me letters in support of this legislation, and I will ask that these letters be printed in the RECORD. I wanted to share one comment from a longtime friend of mine, James B. McGregor, Sr., vice chairman of McGregor Metalworking Companies in Springfield, OH, who said that this bill would "help to jumpstart manufacturing in America by improving the credit market for small businesses." Jim is the owner of a family-owned manufacturing company, and he knows as well as anyone how tough things are out there for manufacturers.

In addition to small manufacturers, others organizations also support this small business bill. Many community banks say it would allow them more latitude to lend to small businesses. The Independent Community Bankers Association, which represents 5,000 of the Nation's 8,000 community banks,

said in a letter to the two Senate leaders that of all the provisions in this bill, the Small Business Lending Fund, SBLF, “holds the most promise for small business creation in the near term. Failure to even consider the SBLF in the Senate would be a missed opportunity that our struggling economy cannot afford . . . [i]t would provide another option for community banks to leverage capital and expand credit to small business.”

The American Bankers Association, ABA, has expressed support for the bill because it would allow “community banks to find new sources of capital . . . [and] provides an option for banks to . . . continue meeting the needs of their communities.” The ABA also supports the bill because it would enhance SBA loan programs, which it says is “critically important and will help lenders provide loans so that small businesses can create jobs in their communities.”

Other business organizations such as the Chamber of Commerce and Financial Services Roundtable support the bill because they know it contains important tax provisions, strengthens existing SBA programs, and helps our economy.

So, my support for the small business legislation is based upon the many calls of support I heard from Ohio’s small and medium manufacturers, most of whom are still struggling to recover from this recession. At the same time, these manufacturers are experiencing the fiercest competition I have seen in my lifetime.

My support of Ohio’s manufacturers is not new, and my support of this bill is a part of my longstanding concern for and support of Ohio’s manufacturing companies. As Governor of Ohio, I am proud that we gave high priority to manufacturing and that it grew for the first time in many years during my administration. We instituted several incentives for manufacturing, including a job-creation tax credit, a manufacturing and equipment investment tax credit, and the technology investment tax credit. As Governor, I went on nine business, trade, and investment missions, with the intention of helping open new markets for Ohio products, and I am hopeful that the export promotion efforts in this legislation will help Ohio’s manufacturers take advantage of selling in the global market.

When I came to the Senate, I continued to support manufacturing, making it a key priority of my legislative efforts. For example, during President Bush’s first term, I worked with the administration, when it filed the section 201 action, to support the U.S. steel industry at a time when imports were coming in at an increasing rate and threatening the industry’s existence. And after a painful period of adjustment, the steel industry came back. I am afraid of what might have been the fate of this important industry had President Bush not taken action. I am also proud that I was the

chief advocate to the President and Secretary of Commerce Don Evans of the need for an Assistant Secretary of Manufacturing as well as a plan to support manufacturing. From 2006 to 2008, I worked closely with Senator BAYH, who is also from a manufacturing State, to pass legislation to improve our Nation’s intellectual property theft enforcement efforts. These efforts were rewarded when the PRO-IP Act became law in October 2008. Our efforts to pass this legislation may have surprised some who view IP theft as something related to knockoff purses and software, but IP theft has such a damaging effect on our manufacturers, we both viewed this as an important way to help our manufacturers compete on a level playing field in the global economy.

Most recently, I have worked to protect manufacturing from onerous cap-and-trade legislation that would have a devastating effect on manufacturing, while doing little to improve emissions from countries such as China and India. I have also worked on a bipartisan basis to reauthorize the surface transportation act. This is another must-pass bill that would provide certainty to a number of industries and would help our manufacturers recover from this recession. I have spoken to the President about the need to pass a highway bill, and I was encouraged that he has promised to take a leading role in getting it done.

I know that my Republican colleagues have concerns with the lending facility and what it means for the role of government in the private sector. I have heard their concerns, but based on the feedback I have heard, mostly from Ohio’s small businesses, I reached the conclusion that this \$30 billion Small Business Lending Fund will help banks that serve local communities to expand their lending at a time when credit to small businesses has tightened for a variety of reasons. These are the community banks that make the small but necessary loans to restaurants, small manufacturers, home improvement contractors and the like to keep their businesses afloat and hopefully begin to expand as the economy recovers. In addition, the program is voluntary for these banks, and the lending fund is estimated by the Congressional Budget Office to save money. In other words, the lending fund will not add to the budget deficit or the national debt, and it will not increase taxes. So this fund amounts to a relatively modest, voluntary, revenue-neutral financial tool for small community banks helping to restore the flow of credit small businesses desperately need.

Finally, for those who are trying to make this a partisan bill, I will say there is enough blame to go around. The Democrats in Congress delayed passing this bill for many weeks. They denied Republicans the opportunity to amend the bill for many weeks, while we held political votes on a number of issues. The President then went on to

politicize the bill, ignoring legitimate complaints about the lack of amendments from my side of the aisle. It is worth remembering the Senate moved to the bill on June 29, then abandoned it repeatedly to vote on unemployment benefits multiple times, financial regulation, supplemental appropriations, executive nominations, the DISCLOSE Act, and the teacher bailout, which took us into the August recess. Then when discussions about Republican amendments were finally starting to receive serious consideration, these amendments were countered by Democratic amendments, leading to an amendment tit for tat, which is too often the case.

But while I am disappointed that my colleagues were unable to offer amendments to this bill, which is one of the traditions of the Senate, I felt we could no longer wait to pass this legislation. We needed to do something now to help the economy get going, and hopefully we will get back to the Senate tradition of offering amendments and having votes. Finally, I am pleased that there was a vote on at least one Republican amendment, the amendment offered by Senator JOHANNES, which would repeal an extremely burdensome reporting requirement for small businesses included in the health care reform bill. While I am disappointed that it failed and small businesses continued to be threatened by this burden, I am hopeful that this amendment process has brought enough attention to the problem and it can be fixed before the end of this year.

Finally, Mr. President, I will continue to work to pass a robust highway reauthorization bill this year, which I strongly believe would help improve our economy, and once again, I ask President Obama and Majority Leader REID, to work with the relevant committees to complete work on a multiyear, paid for, reauthorization of the highway bill before the 111th Congress adjourns.

Madam President, I ask unanimous consent to have printed in the RECORD the letters to which I referred.

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

PRECISION METALFORMING ASSOCIATION AND NATIONAL TOOLING & MACHINING ASSOCIATION,

July 23, 2010.

Hon. GEORGE V. VOINOVICH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of One Voice, the joint effort between the National Tooling and Machining Association (NTMA) and the Precision Metalforming Association (PMA), and our nearly 3,000 metalworking member companies, thank you for your continued efforts to support small businesses manufacturing in America. Your vote on the Small Business Loan Fund Amendment was critical to helping support small businesses access timely and sufficient credit and to domestic manufacturing growth.

Many small and medium-sized manufacturers continue to face challenges accessing timely and sufficient credit for day-to-day

operations, investing in capital equipment and raw materials, increasing worker hours, and hiring more employees. The lack of availability of credit has led to decreased spending, increased layoffs, and depleted collateral in many industries, including metalworking. In the current environment, many lenders are steering clear of perceived "at risk" industries such as manufacturers who are temporarily impaired. This legislation will improve the lending environment and will help America's small manufacturers strengthen their businesses and continue to lead our nation's economic recovery.

Thank you again for your long history of supporting America's manufacturers. We look forward to continuing to work with you and your staff on issues critical to strengthening manufacturing in America.

Sincerely,

WILLIAM E. GASKIN,  
PMA President.  
ROBERT AKERS,  
NTMA Chief Operating Officer.

PRECISION MACHINED  
PRODUCTS ASSOCIATION,  
July 23, 2010.

Hon. GEORGE V. VOINOVICH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the Precision Machined Products Association (PMPA) and the roughly 100,000 employees nationwide in our industry, thank you for your vote on the Small Business Loan Fund to ensure that small businesses gain access to timely and sufficient credit, an issue of increasing importance as manufacturers seek new business and the economy improves.

As you know, the economic downturn hit our vital industry particularly hard, as it did countless manufacturers in Ohio. However, as the economy begins to recover, many small manufacturers continue to face challenges accessing adequate and timely credit to buy the raw materials and increase work hours to meet improving demand. Lack of capital is stunting economic growth and the Loan Fund program is an important component of improving the situation and spurring the economy.

As we work to recover and strengthen manufacturing in America, access to sufficient and timely credit is a critical component. Thank you for your support, and we look forward to continuing to work with you to help strengthen small business manufacturing in America.

Cordially,

ROBERT C. KIENER,  
PMPA Director of Government Affairs & Communications.

PRECISION MACHINED  
PRODUCTS ASSOCIATION,  
Brecksville, OH, Sept. 10, 2010

Hon. GEORGE V. VOINOVICH,  
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the Precision Machined Products Association (PMPA) and the roughly 100,000 employees nationwide in our industry, thank you for your support of the Small Business Jobs Act, particularly your efforts to help small businesses gain access to timely and sufficient credit. Improving the lending environment for small manufacturers is essential to jumpstarting the nation's economy.

As you know, the economic downturn hit our vital industry particularly hard, as it did countless manufacturers in Ohio. As the economy begins to recover, many small manufacturers continue to face challenges accessing adequate and timely credit to buy the raw materials and increase work hours

to meet improving demand. Lack of capital is stunting economic growth and this bill is an important component of improving the situation and spurring job growth.

As an Ohio-based association with thousands of employees in the Buckeye State, thank you for your years of leadership on behalf of manufacturers. We look forward to continuing to work with you and your staff in the coming months as we move forward to strengthen manufacturing in America.

Sincerely,

MIKE DUFFIN,  
Executive Director.

NATIONAL TOOLING AND  
MACHINING ASSOCIATION,  
Ft. Washington, MD, Sept. 10, 2010.

Hon. GEORGE VOINOVICH,  
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the National Tooling and Machining Association (NTMA) and our 150 member companies in the State of Ohio, thank you for your support of the Small Business Jobs Act to improve the lending environment for small businesses. Our members are small and medium-sized, mostly family-owned businesses who rely on timely and adequate lines of credit to purchase raw materials and make significant investment in their operations.

As you know, the vast majority of small businesses turn to their local community banks for lines of credit. However, due to numerous market conditions and regulatory restrictions, lenders have reduced or revoked credit lines even for profitable companies in Ohio seeking to purchase equipment and hire workers to meet increased demand and new job orders. Tool and die makers in particular are expected by their customers to invest significant capital up front when manufacturing a product and are often not paid for several months and at times for over a year. The nature of this industry requires an adequate and stable credit market and this legislation is an important step to jumpstarting American manufacturers.

Thank you for your support of this legislation and your continued leadership in Washington on behalf of small and medium-sized manufacturers. We especially appreciate the dedication and time your staff has committed over the years supporting the needs of over 16,000 manufacturing companies in Ohio.

Sincerely,

ROBERT L. AKERS, JR.,  
Chief Operating Officer.

PRECISION METALFORMING  
ASSOCIATION,  
Independence, OH, Sept. 10, 2010.

Hon. GEORGE VOINOVICH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the Precision Metalforming Association (PMA) based in Independence, Ohio, and our more than 100 member companies in the State, thank you for your years of leadership in Columbus and Washington supporting small and medium-sized manufacturers. Your efforts to help pass the Small Business Jobs Act is critical to jumpstarting the economy. Our members continue to report challenges accessing timely and sufficient credit to help run day-to-day operations, invest in their facilities and hire new employees. Your support of this bill will improve the credit environment for small manufacturers and expand growth.

Ohio manufacturers are the backbone of our economy, employing more than 600,000 people in our state. Many of these companies report they are ready to expand and take on new business but the tight capital markets restrict their ability to increase production

and purchase raw materials. One year ago, 72 percent of respondents to our industry survey expected to encounter challenges with credit when the economy improves—their predictions have come true.

Senator, as you recently said, "We don't have time anymore. This country is really hurting." Nowhere is this more true than in Ohio. You and your staff have tirelessly worked to strengthen manufacturing in America and your support of this legislation to improve the lending environment for our businesses is critical.

Thank you again and we look forward to continuing to work with you on this and other important issues.

Sincerely,

WILLIAM E. GASKIN,  
President.

PRECISION METALFORMING  
ASSOCIATION,  
Sept. 10, 2010.

MANUFACTURERS APPLAUD SENATOR  
VOINOVICH FOR HIS SUPPORT OF SMALL BUSINESS JOBS ACT

The Ohio-based National Tooling and Machining Association (NTMA) and Precision Metalforming Association (PMA) applauded Senator George Voinovich's (R-OH) announcement that he would vote to support the Senate moving forward to consider the Small Business Jobs Act, a bill that would help small and medium sized manufacturers access credit needed to help finance their day-to-day operations, invest in expansion of domestic operations and ensure that a disruption in the critical supply chain does not occur.

The bill, already passed by the House, creates a \$30 billion lending pool that community bankers can use for small businesses, and \$12 billion in tax incentives. The Senate is expected to vote on the bill next week.

"Senator Voinovich's support of this bill continues his long history of standing with small and medium sized manufacturers in this country," said PMA member James B. McGregor, Sr. vice chairman of McGregor Metalworking Companies in Springfield, OH. "We greatly appreciate his support in helping to jumpstart manufacturing in America by improving the credit market for small businesses."

McGregor, who also serves on the Manufacturing Council, a forum established by the U.S. Department of Commerce to ensure regular communication between the federal government and the manufacturing sector, added: "While a slew of proposals to boost manufacturing have been announced in the past couple of weeks by both political parties, most of these proposals are months, if not years, away from Congressional action. By improving access to credit, the Small Business Jobs Act can help small and medium sized manufacturers now. We urge the Senate to pass this bill as soon as possible."

For additional information or to arrange an interview with a PMA or NTMA manufacturer, please contact Caitlin Andrews at 202-828-7637 or [caitlin.andrews@bgllp.com](mailto:caitlin.andrews@bgllp.com)

About NTMA: NTMA is the national association representing the precision custom manufacturing industry, which employs more than 440,000 skilled workers in the United States. Its mission is to help members of the U.S. precision custom manufacturing industry achieve business success in a global economy through advocacy, advice, networking, information, programs and services. Many NTMA members are privately owned small businesses, yet the industry generates sales in excess of \$40 billion a year. NTMA's nearly 1,600 member companies design and manufacture special tools, dies, jigs, fixtures, gages, special machines and

precision-machined parts. Some firms specialize in experimental research and development work.

About PMA: About PMA: PMA is the full-service trade association representing the \$113-billion metalforming industry of North America—the industry that creates precision metal products using stamping, fabricating, spinning, slide forming and roll forming technologies, and other value-added processes. Its nearly 1,000 member companies also include suppliers of equipment, materials and services to the industry. PMA leads innovative member companies toward superior competitiveness and profitability through advocacy, networking, statistics, the PMA Educational Foundation, FABTECH and METALFORM tradeshow, and MetalForming magazine.

MOTOR & EQUIPMENT  
MANUFACTURERS  
ASSOCIATION,

Washington, DC, Sept. 14, 2010.

Hon. GEORGE V. VOINOVICH,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR VOINOVICH: The Motor & Equipment Manufacturers Association (MEMA), along with its affiliated associations, Automotive Aftermarket Suppliers Association (AASA), Heavy Duty Manufacturers Association (HDMA), and Original Equipment Suppliers Association (OESA), applaud and thank you for your leadership in ending the stalemate in the Senate on the Small Business Jobs and Credit Act (H.R. 5297).

A vibrant parts manufacturing industry is critical not only to the state of Ohio, but to the entire nation. This bill is critical to help smaller manufacturers, including parts suppliers, access the credit they need to reinvest in and grow their businesses. MEMA strongly supports H.R. 5297 and believes that both the creation of a Small Business Lending Fund to assist banks in increasing small business capital investment lending as well as the establishment of a State Small Business Credit Initiative that allocates federal funds for states to partner with financial institutions will directly and immediately help small manufacturers.

Again, thank you for your willingness to step in and help move this important bill forward for Senate passage. We are very grateful for your leadership and political courage.

Sincerely,

ROBERT E. MCKENNA,  
President and CEO.

Ms. SNOWE. Madam President, it has been nearly 2½ months since the majority leader first brought small business jobs legislation to the floor, and now this bill will pass the Senate through a constrained process under which the majority has continually stunted our ability to offer amendments, dictating to our side which amendments they considered worthy—something I find abhorrent and antithetical to this institution. And I might add, before the votes we held Tuesday on the JOHANNIS and NELSON amendments on the 1099 issue, we had voted on just one amendment during consideration of this bill—an amendment to reinstate an ill-conceived and divisive lending fund into the bill. And with the failed votes on the 1099 issue, we inexplicably and regrettably punted on a chance to help millions of small businesses save the time, cost, and effort of sending billions of new informa-

tion reporting forms to the IRS and to other businesses.

As ranking member of the Senate Small Business Committee, I have come to the floor several times during recent months to express my regret over the procedural twists and turns that have gotten us to this point. Clearly, we have had ample opportunity to consider and pass meaningful small business jobs legislation. Yet time after time other priorities have taken precedence. Most recently, it was the August recess that took us away from Washington for 5 weeks while small businesses continued to call for help. They didn't get an August recess. They didn't have the luxury of putting things on hold while the economic situation failed to improve. As I said in July on the Senate floor, it seems as if we have forgotten how to talk to one another here, how to work together and forge a bipartisan and sensible solution to a problem that plagues our economy.

A prime example of this is the recent votes we took to repeal the onerous and imprudent mandate in the health care legislation regarding the filing of 1099 forms by millions of businesses. It will require that, starting in 2012, every business in America must report to the IRS on business purchases that exceed a threshold of only \$600 per vendor or supplier. This mandate would include purchases of supplies and equipment, as well as purchases of services ranging from cell phone coverage to window washing to utilities.

This new mandate was imposed in the health reform law, yet it has nothing to do with health insurance reform. It makes the Federal Government a more intrusive and burdensome presence in every aspect of American business—which is the very last thing American business needs during these tumultuous economic times. What small firms are clamoring for is certainty. They look to the Federal Government to help foster an entrepreneurial environment under which they can do what they do best—create new jobs—and not saddle them with an incessant and unnecessary paperwork burden like this new 1099 filing requirement. This new system of 1099s has absolutely nothing to do with a direct tax liability in a given year. Instead, this reporting regime will allow the IRS to track business purchases that exceed \$600. Businesses typically have an intense focus on carefully tracking their sales to customers with marketing professionals. Rather than tracking sales to customers, this new government mandate will force a change in business focus to a detailed accounting of purchases from suppliers.

While controlling costs is clearly a vital component of business profitability, this new government mandate on cost accounting and reporting to the IRS is an inordinate shift of priorities that will harm competitiveness and profitability because it will shift focus and resources away from cus-

tomers. We had bipartisan support to eliminate this provision, and yet we couldn't agree to repeal this provision because 52 Democrats opposed Senator JOHANNIS amendment. How out of touch and disconnected can the majority be? American business owners are desperate for relief from taxes and regulation, and we can't even agree to help them. Instead, we are going to impede their ability to thrive and grow.

Indeed, for the small businesses that attempt to comply with this tax reporting mandate, this paperwork burden will be imposed with a crushing effect. New tracking systems will have to be implemented for purchases in order to ensure that aggregated purchases exceeding \$600 are reported to the IRS. In fact, according to a National Federation of Independent Business, or NFIB, small business survey, at \$74 an hour, tax paperwork is the most expensive paperwork burden placed on small businesses by the Federal Government. The Small Business Administration has found that the cost of tax compliance is already 67 percent higher in small firms than in large firms. And because this new 1099 reporting burden would be so ubiquitous for firms attempting to be compliant—by requiring new processes of making business purchases and tracking of business purchases—this compliance cost statistic is likely to become woefully outdated as costs soar ever higher. Mr. President, we ought to be reducing the small business regulatory compliance burden, not augmenting it.

So, once again, here we are, and the only amendment that the majority has seen prudent to approve reinstates an ill-conceived Treasury lending fund that has been widely recognized as “TARP Jr.,” while we fail to vote in favor of an amendment introduced by Senator JOHANNIS that could have helped small businesses.

Simply put, we will rely on small businesses to lead us out of the present economic morass. According to the Small Business Administration, or SBA, small firms have created 64 percent of net new jobs over the past 15 years. And since they represent 99.7 percent of all employer firms and employ slightly more than half of all private sector employees, it is more than evident that our overall economy's health is based on the well-being of our Nation's almost 30 million small businesses. With our Nation's unemployment rate hovering near 10 percent since last August—over a whole year ago—and standing at a regrettable 9.6 percent today, it will require nearly unprecedented economic growth to reverse this trend.

We have 14.9 million Americans on the unemployment rolls, searching for opportunities in what often seems to them a hopeless situation. According to the most recent ADP Employment Report, we learned that private-sector companies actually shed 10,000 jobs in August—news which the firm noted “. . . confirms a pause in the recovery,

already evident in other economic data." From February through July, "... the average monthly gain in employment was 37,000 with no evidence of acceleration." By any measure, these job creation figures are lackluster and insufficient.

Yet if we are to spur a full-fledged recovery that recoups the jobs we have lost since the start of the recession in December 2007, the NFIB's latest Economic Trends survey notes that "... to restore 2007 employment levels and unemployment rates by 2013, we need a net 400,000 new jobs every month for 3 years"—which, given the numbers coming from both the Department of Labor and ADP, would be next to impossible. We have hit the mark of 400,000 jobs in 1 month only once this year—in May—and that was due to the hiring of 411,000 census workers. Indeed, the private sector only grew by 41,000 jobs that month.

Furthermore, with respect to our economic growth, the Bureau of Economic Analysis late last month revised its estimate of GDP growth downward to an astonishingly low 1.6 percent for the second quarter of 2010, from an earlier prediction of 2.4 percent.

Let's be clear. This kind of growth is insufficient to reduce unemployment and bolster our economic future, and it certainly will not instill the level of confidence that small business owners require in decisions to take risks and invest in their businesses. In fact, just before the July 4th recess, I met with the president of the Boston Federal Reserve, Eric Rosengren. And as he noted, the "growth" the economy has shown thus far is for the most part in inventory—and this is not actually "real growth." Right now, our government is the only real growth industry in this country, and that is not a recipe for future prosperity and the kind of innovation that has always placed America on the vanguard in an exceptionally competitive global marketplace.

So what will be required? In the Federal Reserve's analysis, roughly a 6-percent growth in GDP will be necessary just to equalize the job losses we have suffered by the end of 2012. That rate would be almost the same level of growth we experienced during the recovery from the 1982 recession and approximately double the growth following the 1991 and 2001 recessions. Indeed, even to attain a 5-percent unemployment rate by the end of 2015, it would require annual growth of 4.2 percent. The last time we witnessed sustained annual GDP growth near that level was the late 1990s, peaking at 4.8 percent growth in 1999. So we have our work cut out for us.

Yet, while small businesses are looking to Washington for some certainty in the tax and regulatory policies they deal with on a daily basis, there has been a stark disconnect between Washington and the entire rest of the country. This vast chasm is vividly discernible in the NFIB's July Small Business Economic Trends report, which de-

scribes small businesses' optimism as being at an "unprecedented" low. The report went on to state that "the U.S. economy faces hurricane force headwinds and the government is at the center of the storm, making an economic recovery very difficult."

The NFIB's June survey noted that the optimism index remained in "recession" territory, and even with some signs of life in our economy, "Washington, D.C. . . . seem[s] determined to undermine any economic forward momentum for small business owners." That report further stated that "Congress continues to pass and propose legislation that increases the cost of running a business and create huge uncertainty about future costs." And the U.S. Chamber of Commerce added its own dire analysis of Washington's actions in an open letter in mid-July, asserting that, "By straying from the proven principles of American free enterprise, policymakers are needlessly prolonging the economic agony of the recession for millions of Americans and their families." These candid assessments of how small business owners view the actions of this Congress and this administration must unquestionably be heeded if we are to ever regain the trust of the American people. As I said earlier, the majority is detached from reality.

So clearly there is a demonstrable necessity for a broad jobs package that will get our Nation's small businesses back on track and spark the idling engines of our economy. The substitute amendment that has been laid down contains a solid foundation for investing in jobs that includes many of the provisions I have championed over the last year and a half and that formed the core of my Small Business Job Creation Act, S. 3103. This includes crucial measures to bolster Small Business Administration, or SBA, lending, increase the number of small companies that export to foreign markets, and provide immediate tax relief to our Nation's true job creators. In fact, the Small Business Committee has approved many of these provisions unanimously, and the President of the United States has called for them to be included a jobs package.

One of the critical starting points of this legislation is taking steps to stem the endemic credit crisis our Nation's business community is still facing. This bill will address this stifling credit crunch that is placing a perilous chokehold on our economy across the country so that we can do something viable and bold to confront such a universally-acknowledged problem.

We can begin to turn around this deploable trend by boosting the SBA's capacity for facilitating access to credit. This bill includes key lending provisions from a measure I introduced with Small Business Committee Chair Landrieu, which was reported out of our committee by a vote of 17 to 1, to increase the maximum limits for SBA 7(a) and 504 loans from \$2 million to \$5

million; raise the maximum microloan limit from \$35,000 to \$50,000; and allow for the refinancing of conventional small business loans through the SBA 504 program. These loans are critical to small businesses that utilize this capital in starting their firms and investing in equipment and expansion. It should be evident to everyone in this Chamber why 81 business organizations have endorsed these provisions.

I would note that enhancing SBA loans has already paid tremendous dividends. In the stimulus, we included initiatives to increase SBA maximum 7(a) loan guarantees from 80 percent to 90 percent and to reduce certain 7(a) and 504 lender and borrower fees. But, regrettably, these provisions have lapsed, and these initiatives, which are credited with increasing loan volumes by a remarkable 90 percent nationwide and 236 percent in Maine, have, to my dismay, come to a close. At a time when unemployment hovers at unsustainable levels and consumer confidence hangs in abeyance, nothing could be more counterintuitive than to allow these provisions to remain moribund. In fact, we have seen the dramatic results to SBA lending since the expiration of these critical enhancements. In August alone, the SBA approved only \$1.097 billion in SBA 7(a) guaranteed loans, a 43-percent decrease from the \$1.9 billion in 7(a) loans it approved in May, the last month of the fee relief and higher guarantees.

That is why I introduced an amendment to this bill along with Senators GRASSLEY, ENZI, ISAKSON, and COLLINS, to resuscitate these highly effective programs—and I am pleased that the majority leader has included a modification of our amendment in the most recent substitute. This language would provide \$505 million to reinstate SBA fee reductions and the elevated guarantee on SBA 7(a) loans through the end of 2010.

Additionally, we must provide tax incentives to the small business community in order to foster job creation. We know from survey after survey that small business owners consider taxes to be one of the biggest impediments to the growth of their firms. Indeed, in the National Small Business Association's 2009 Year-End Economic Report, 38 percent of respondents to their survey noted Federal taxes as one of the three most significant challenges to the future growth and survival of their businesses—a category trumped only by the ongoing economic uncertainty pervading our Nation. To help mitigate this uncertainty, the tax portion of this bill that Chairman BAUCUS and ranking member of the Senate Finance Committee, Senator GRASSLEY, helped negotiate includes three critical components: cash flow, investment incentives, and fairness.

The lifeblood of a small business is its cash flow, and so this bill contains several provisions that will improve the cash flow status of a company. The provision that is most remarkable will

also address a fundamental injustice of the TAX CODE: permitting the self-employed, like realtors, a full deduction for the first time ever for health insurance premiums against not only income taxes but also against payroll taxes. At a rate of 15.3 percent, for many small business owners the self-employment tax, or SECA tax, imposed on the health benefits of the business owner is an expensive injustice that only adds to the already exorbitant cost of health insurance. Regrettably, the health reform bill that was jammed through Congress earlier this year fell far short for small businesses. So allowing the full deduction for health insurance for the self-employed is critical for affordability.

This substitute will also allow for general business credits to be carried back 5 years and taken against the alternative minimum tax, or AMT. When Congress implements policies through the TAX CODE, we expect businesses to utilize these incentives. Unfortunately, during a downward business cycle as we have been in for 2 full years, businesses do not have income tax liability that can be offset with a credit. The 5-year carryback of credits will allow business owners to reach back to prior years when they had taxable income and offset prior tax liability with these credits to get an immediate cash infusion. They can use this cash as they choose, but, as we have seen with net operating loss relief, they use these funds for anything from meeting payroll to investing in new equipment. This same principle applies with respect to the provision that allows credits to be used against the alternative minimum tax.

And with regard to investing in new equipment, more businesses will be incentivized to make equipment purchases or upgrade their physical spaces. Real property has never been included in "expensing," and this would allow "Main Street" businesses such as retail, restaurants, and dentist offices, to renovate and make other improvements to their buildings in 2010 and 2011 and immediately deduct those costs. In this legislation, we also increase the expensing limitation to \$500,000 for equipment. This is double the amount previously permitted. However the bill would also bifurcate that amount so that up to \$250,000 of expenses for real property can be expensed and the business can still purchase up to \$250,000 of equipment.

One final tax provision I would like to discuss concerns investment in small business. Senator KERRY and I have long championed allowing for the complete exclusion on capital gains attributable to small business stock held for 5 years. The President touted this effort in his State of the Union Address. I hope this will help jumpstart critical investment in our Nation's small businesses.

Furthermore, this bill would take critical steps to inject some fairness into the Federal contracting process

for small businesses. And it also includes \$50 million in funding for small business development centers, which provide critical technical assistance and counseling to small businesses at over 1,000 locations nationwide. The SBDC program has a proven track record of job creation. According to an annual report by Dr. James Chrisman at Mississippi State University, between 2007 and 2008, employment levels of SBDC clients increased 10 percent more than for U.S. businesses in general. As a result of the additional funding included in this package, Dr. Chrisman estimates that over 20,000 new jobs would be created, while tens of thousands more will be saved.

Just as there is much we can do right away domestically, our legislation will also take action to help our small businesses compete globally. Given that fewer than 1 percent of U.S. small businesses export, it is all the more vital that we take advantage of this untapped market and help those enterprises sell their goods and services to the 95 percent of the world's customers who live outside our borders. In his State of the Union Address, President Obama made clear that we must double our exports over the next 5 years, and small businesses are a critical component of the administration's strategy and our national competitiveness.

For this reason, this bill includes small business exporting provisions from legislation I introduced with Chair LANDRIEU. The provisions in this bill—larger SBA export loan limits, expanded export technical assistance, and enhanced assistance for trade promotion—have bipartisan support, they were reported unanimously by our committee last December, and they have administration support and have also been endorsed by the U.S. Chamber of Commerce. These provisions could create roughly 46,000 new American jobs in the year after enactment and 200,000 jobs over the next 5 years.

Another theme that I frequently hear from small businesses is that the regulatory environment promoted by Washington is too complex and often detrimental to their ability to expand operations and create jobs. As such, this legislation strengthens the Regulatory Flexibility Act by requiring agencies to respond to the SBA Chief Counsel of Advocacy's comments in the final rules that they promulgate. This will help to ensure that the potentially devastating impacts to small business job creation are fully considered during the Federal rulemaking process. It also seeks more independence for the Office of Advocacy by mandating a separate line item in the administration's annual budget. These provisions are strongly supported by a variety of groups, including the National Federation of Independent Business, the U.S. Chamber, and the National Small Business Association.

Yet, despite all of these provisions—many of which I helped craft and many of which have broad, bipartisan support—regrettably, I cannot support

this bill as it stands because of the reckless and wrongheaded \$30 billion lending fund contained in the legislation. I have spoken at length about this on the Senate floor before, but let me remind my colleagues—once again—what we are voting on with this lending fund.

First, regardless of what proponents of the lending fund will say, it is essentially an extension of the Troubled Assets Relief Program, or TARP, which just terminated with the enactment of financial regulatory reform legislation. This is not simply my analysis. In a May 17, 2010, letter that Mr. Barofsky, the special inspector general of TARP, wrote to the Members of the House of Representatives, he states that "... in terms of its basic design, its participants, its application process, and, perhaps its funding source from an oversight perspective, the SBLF [Lending Fund] would essentially be an extension of TARP's CPP [Capital Purchase Program] program. . . ." So if the experts tell us that it looks like TARP—well, let's not kid ourselves—regardless of how the proponents want to spin this, it is still TARP.

Additionally, there are unintended consequences that may result from Treasury's Small Business Lending Fund which certainly raise a red flag for me. It is possible that instead of promoting quality loans, the proposal could encourage unnecessarily risky behavior by banks. The Treasury Department proposes to lend funds to banks, at a 5-percent interest rate, which can then be reduced to as low as 1 percent if the institutions in turn increase their small business lending. However, if the banks fail to increase their small business lending, the interest rate they pay could rise to a more punitive 7 percent. This could lead to the "moral hazard" of banks making risky loans to avoid paying higher interest rates.

Finally, I have serious concerns about the cost of the program. The lending fund provision that is in the Reid substitute remains virtually identical, for scoring purposes, to how it was in the House-passed small business bill, H.R. 5297. That score is based on a cash-based estimate. Under a cash-based estimate, the Congressional Budget Office, or CBO, listed the official score for the lending fund as raising \$1.1 billion over 10 years.

Although CBO was bound to score the provision under a cash-based estimate, the office also highlights in that same score—and I quote—"Estimates prepared on a 'fair-value' basis include the cost of the risk that the government has assumed; as a result, they provide a more comprehensive measure of the cost of the financial commitments than estimates done on a FCRA basis or on a cash basis. CBO estimates that the cost of the SBLF [Lending Fund] on such a fair-value basis (that is, reflecting market risk) would be \$6.2 billion." That is right, CBO is warning that although it is bound to score the



provision using a cash-based estimate, a more comprehensive scoring method reveals a potential \$6.2 billion loss to taxpayers. I raised this issue on the floor during the debate on the lending fund, but my opponents have simply ignored this concern. Certainly, this should have been taken into full consideration when evaluating the potential costs and benefits of the program and its effect on our increasing budget deficit.

Finally, I note that this past Tuesday, the Washington Post ran an article demonstrating that, while larger banks are generally associated with TARP, “. . . it's a collection of smaller banks that continued to plague the Treasury Department's bank bailout program.” In fact, the article cited that “the latest report from the agency shows that more than 120 institutions—nearly all of them small banks—have missed their scheduled quarterly dividend payments.” So I do not understand why the majority wants to create a new program for small banks that has the same characteristics of TARP, when many of those banks are already participating in TARP and have been delinquent on their payments.

So I am truly disappointed that we have arrived at this point. This bill could have been better. We could have considered amendments from the outset, and we could have moved on this bill months ago. I know that I have been calling for sensible legislation to help small businesses since January. Yet, regrettably, for the reasons I have discussed, I cannot support it.

#### CLOTURE MOTION

The PRESIDING OFFICER (Mrs. HAGAN). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant executive clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 5297, the Small Business Lending Fund Act of 2010.

Mary L. Landrieu, Max Baucus, Dianne Feinstein, Patty Murray, Charles E. Schumer, Christopher J. Dodd, Al Franken, Robert P. Casey, Jr., Maria Cantwell, Sheldon Whitehouse, Byron L. Dorgan, Benjamin L. Cardin, Ron Wyden, Kent Conrad, Roland W. Burris, Jeff Merkley, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 236 Leg.]

#### YEAS—61

Akaka	Goodwin	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	LeMieux	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Voinovich
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

#### NAYS—38

Alexander	Cornyn	Kyl
Barrasso	Crapo	Lugar
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Isakson	Wicker
Corker	Johanns	

#### NOT VOTING—1

Vitter

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Postcloture time is yielded back.

The clerk will read the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I wanted to announce what the schedule will be in the next few days. I have been working with the Republican leader to try to make this as convenient for everyone and still cover as much as we can in the short period of time we have. The next vote, which will happen in a minute or two, will be the last vote this week.

On Monday, September 20, as has been previously announced, there will be no votes. The next rollcall vote will be at 2:15 on Tuesday, September 21, which will be cloture on the motion to proceed to the DOD authorization bill. I will have a conversation about that when this vote is completed as to how I propose to proceed to that matter.

I ask for the yeas and nays on the passage of the bill.

The PRESIDING OFFICER (Mr. FRANKEN). Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 237 Leg.]

#### YEAS—61

Akaka	Goodwin	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	LeMieux	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Voinovich
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

#### NAYS—38

Alexander	Cornyn	Kyl
Barrasso	Crapo	Lugar
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Isakson	Wicker
Corker	Johanns	

#### NOT VOTING—1

Vitter

The bill (H.R. 5297), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I am shortly going to move to the Defense authorization bill. I hope we can avoid a cloture vote on it. But from what I have been able to determine, that will not be possible. I have had a number of conversations with Democratic Senators and Republican Senators. I have explained to them that if we are permitted to move to the bill, either by consent or cloture on the motion to proceed, there are a number of amendments that I think need to be considered on it initially. I have stated what those would be more than likely.

In my conversations with my Republican friends, they have indicated that they want, likely, more than just a motion to strike the don't ask, don't tell that is in the base of the bill. I said that is fine. The main thing I want—and I think it is fair in the waning