sometimes mortgaging their home, borrowing money. They are the lifeblood of the economy. They are not some bunch of fat cats. They are the people who make the economy work.

It bothers me when folks on the other side of the aisle denigrate them as if they are somehow evil people because they end up making enough money to pay taxes in the top tax brackets when, as we pointed out, the reason for that is that as business people who are not corporations, they are subchapter S or other partnership or small business legal entities, they pay taxes as individuals. And because of the income of their businesses, therefore, they are put in the top bracket and somehow, therefore, they deserve to be punished—they can afford it; they are the rich.

They are not the rich. They are folks like all of us, struggling to make ends meet, who will hire more people and who don't deserve to be punished for their success. We are supposed to be creating incentives for people to do exactly this. Ironically, the bill we are debating now is a bill that is supposed to help small business folks. We will give these TARP-like funds to the banks and make them lend a certain amount of it to small businesses, and everybody will be better. My guess is, if we let the small businesses keep their money and not raise their taxes, they would be perfectly happy and be able to get along, and they would have the ability to borrow money from the banks without the effect of the legislation before us.

I hope we both begin to change our rhetoric, not to attack those people who are the backbone of the economy, people who cannot afford another tax increase, who want to help the economy recover and like to hire more people, and that we would also recognize the most productive way to help them is to simply not raise their taxes. We are not talking about a tax break. I would argue that this TARP-like lending thing is an idea that may be well motivated, but it is not the way to help most of the businesses we are talking about. Just don't raise their taxes.

I will return to where I started. Some of us get a little confused. Sometimes we say tax cut when we are talking about tax increases. It may be that we have gotten so used to this rhetoric that somehow somebody is asking for a tax cut for the rich when, in fact, I don't know of anybody who is asking for a tax cut for the rich. Not a single Republican is asking for a tax cut for the rich. All we are asking is don't raise taxes on anybody; it is usually not a good idea, and it is certainly not a good idea in this time of economic downturn.

I hope as time goes on, I will have the opportunity to reflect on what more small business folks have written to us, and we will take their pleas to heart. The three people I have talked about today all say: Don't raise my taxes. I am having a hard enough time as it is. If you leave me alone, I might be able to begin hiring more people.

Let's take those stories to heart and listen to our constituents and not take the attitude that Washington knows best. It reminds me a little of what the President and one of our colleagues said in a townhall meeting in August when somebody asked about the health care bill. One of our colleagues said: Well, you may not like it now but over time I think you will get to appreciate it.

It is the attitude that we know best here; we will make the decisions; you may not like them now, but you will come to think they are okay over time. I think Americans have understood what it takes to make a successful business. They understand what taxation is all about. They understand this isn't the time to raise taxes on anybody, and we ought to get away from this idea that Washington knows best. Let's listen to our constituents. Let's listen to what they are telling us. Don't raise our taxes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

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

## RECESS

Mr. KYL. I ask unanimous consent that the Senate stand in recess under the previous order, which means that we would return at 3:30.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3:30 p.m.

Thereupon, at 2:38 p.m., the Senate recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MERKLEY).

## SMALL BUSINESS LENDING FUND ACT OF 2010—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on behalf of the bill.

I rise to strongly support the pending bill, the Small Business Jobs and Credit Act. I do it because it will help small business create jobs in Maryland. I spent much of the last several months visiting worksites in Maryland, and it was an exciting time. Maybe orders and customers are not up, but enthusiasm and entrepreneurship is up, and absolutely, in many areas, consumerism and customers are up.

I visited bakeries, microbreweries, factories of small machine tool companies wanting to retool. During that time I visited Main Street, small streets, rural communities. I talked with small business owners and their employees.

What was loud and clear and visible was that small businesses are stressed and strained. Small businesses said: Hey, BARB, it is sluggish out there. There is uncertainty, but we believe we can expand. We believe we can grow our business, but we need help.

They continually talked about their problems in having access to credit—not because they were not good risks but because there was not good money out there for them to borrow. Even though these businesses are thriving, they could not expand because they could not get the loans they needed to grow.

I visited a startup green energy business whose demand is skyrocketing, but they need credit to expand their business and, I might add, certainty in an energy bill.

I visited a wonderful family bakery which reminded me so much of my own grandmother's bakery. Well, they just do not bake bread, they build community and create jobs. They want to expand. They need access to credit.

I visited a machine tooling business in Baltimore which does precision metal work for many of the components for our military, the space program. They, too, want to retool.

These are ''good guy'' businesses, working hard, playing by the rules. They have jobs right here in the United States of America. They want to expand. They want to hire. They want to upgrade their equipment. They want access to credit. They need a government on their side and at their side.

I believe that is what the Small Business Jobs and Credit Act will do. It will help businesses be able to get that much needed access to credit to be able to strengthen our economy.

I know people are anxious about the economy. Many are worried their middle-class life is slipping away. But in Maryland we know we can count on small businesses to create jobs, to help people who are in the middle class stay there, and those who want to get there be able to do so through hard work.

From beauty shops to biotech, there are family-owned businesses, small businesses in Maryland that need help. What they need is not a guaranteed outcome, but they do need to have access to credit.

I am no Janey come lately on this issue of small business. My grandparents owned a local bakery shop. My father ran a small grocery store, alongside with my mother. I often watched him open very early for local steelworkers and automobile workers, people who worked making the famous National Boh beer right down the street. They would come and buy their lunches before going to the morning shift.

We know what it is like to have a small business and to be able to meet a payroll and to be able to grow. I saw what it means to be able to provide service to the community, lend a helping hand, provide a good customer value for a hard day's work. I believe it is through these small entrepreneurial efforts that we will get our economy going and growing.

We have bailed out banks. We have even bailed out other countries. Now we have to bail out the people who are building the United States of America—the people who are building jobs in the United States of America. That is what I think this bill will do.

What I like about it is, it gets credit flowing to small business. It creates a Small Business Lending Fund at the Department of the Treasury to help those community banks at the local level lend to small businesses. It creates incentives for private businesses to invest by making the capital gains from small business stock tax free. It provides tax breaks that will help small businesses grow by making it less expensive to purchase new equipment. We help small businesses get started by doubling the amount of startup costs small businesses can deduct from their taxes.

So let me repeat. No. 1, we create a Small Business Lending Fund at Treasury that guarantees access to credit. We make capital gains tax free. That will help small business investment. We will help make sure small businesses grow by making it less expensive to purchase new equipment because of the tax breaks we give, and we are going to double the amount of startup costs small businesses can deduct from their taxes to help make sure they can get a jump-start on getting underway. I believe we have practical, affordable solutions.

Some people say: Is this a baby TARP? No, this is not a TARP. We do not bail out Wall Street. We help Main Street. We help all those people with a dream in their heart, with a small business underway, with the grit and determination to be able to create a job for themselves and for others and add a product and add value to the United States of America. These are jobs that will stay in the United States of America.

So let's say goodbye to tax breaks to send jobs overseas, and let's say hello to tax breaks to make sure our small businesses can grow. I hope we pass this bill. I hope we get it done this week. I hope we get our economy rolling in the way we need to do so.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Dakota.

UNFINISHED BUSINESS

Mr. DORGAN. Mr. President, I wish to speak today for a few moments about the unfinished business of the Senate, but I will focus on only one issue.

We come now to September of an even-numbered year. We will have an election in November, and then we will have a lameduck session, apparently, and the Congress will end its session. Then the question is, What is left on the table? What is the unfinished business? What has not been done that needs to be done for this country? It is a very long list, unfortunately. I would say the reason, in most cases, is we have experienced in this Congress less cooperation and more determination to block almost anything than at any time I have seen in the 30 years I have served here. It doesn't matter what the issue is. We have had issues that are noncontroversial, that get 94 or 98 votes in favor of the issue, that have been blocked when brought to the floor on a motion to proceed. We have a noncontroversial issue, a motion to proceed brought to the floor on something on which there is no controversy, and it is subject to a filibuster, and then a cloture motion has to be filed. Then 2 days have to pass before it ripens. We have a cloture vote, and then following the cloture vote, the minority says: Well, we insist that the 30 hours postcloture be used. So 30 hours has to be burned off. Only then can you get to a vote on a noncontroversial issue. Then you have the vote, and it is 98 to 1. That has happened throughout this year—continual efforts to block everything; deciding that the best strategy politically, apparently, for the minority here in the U.S. Senate is to block everything.

The result is that the list of unfinished business in this Senate is unbelievable. Not one appropriations bill will be done when we break for October. An energy bill which I intend to speak about today is critically important for this country's future and has not been done. Extending the tax extenders, the research and development tax credit, and so many other issues that are important have not been done. It is not because Senator REID hasn't tried as majority leader. He has tried in every way to make progress on these issues. We have just not been able to get it done.

Let me speak for a moment about one issue that will represent the unfinished business, regrettably, unless there is a change of heart somehow and perhaps at the end of this session, in a lameduck session, we are able to get it done; that is, energy.

Energy affects everyone's lives. They don't think about it, but they get up in the morning and perhaps take a shower. That is energy coming from a hot water heater. They turn off an alarm clock first. That is energy coming from electricity. They then go down and perhaps have a slice of toast. That is energy from the toaster. They have some coffee, which uses energy from a stove. They put a key in the ignition and drive to work—energy from the gas tank of that vehicle. Almost every waking moment is blessed with abundant energy resources in this country. We don't even think about it. We do all of those things in the first hour of our day and never think about the fact that energy played such a central role.

Here is the dilemma. Our country, in large part, runs on oil—not exclusively but in large part—oil and natural gas. Coal is a very important part of producing electricity, but oil is 70 percent of our transportation, and here is the circumstance we face. Nearly two-thirds of the oil we use in America we have to get from somewhere else. We use one-quarter of all the oil that is sucked out of this planet every single day. We put straws in this planet, called drilling rigs, and we drill holes very deep into the surface of this planet, and we find oil and we suck oil out of the planet, and one-fourth of it must come to this little spot on the globe called the United States of America. That is the prodigious appetite we have for energy, and it enhances our lives in every way. But it doesn't add up. We use one-fourth of all the world's energy in our country, but we produce only 10 percent of the world's energy, and we have only 3 percent of the world's energy reserves. That is not an equation that adds up.

So if two-thirds of our oil comes from outside our country—some of it from countries that don't like us very well—what are the consequences of that? Does that represent adequate national security when we are dependent on that amount of oil from others? It does not. It represents a very deep vulnerability that one day that supply of oil could be cut off from our country, and our economy would be flat on its back.

What do we do about that? Well, we should produce more, to the extent we can, and we are, and I will talk about that in a moment. We should conserve more. We should be concerned about the efficiency of its use. We should find new sources of energy. We should convert the automobile fleet, to the extent we can, to an electric fleet. We should continue to invest in the longer stream strategies such as fuel cells and hydrogen. All of those things are necessary. We should have a renewable electricity standard that drives the production of electricity from renewable energy that says: Here is where America needs to go. Here is what we want to produce in our future. Count on it, believe in it, invest in it, because this is America's policy for the next decade. We should do that. It is called a renewable electricity standard. We should build a transmission capability around the country, just as we did interstate highways—an interstate transmission grid that allows us to produce energy where the wind blows and the sun shines and move it to the load centers that need the energy. All of these things are necessary. Yet the prospect is that they will all be left on the drawing table at the end of this session of the Congress.

Let me describe, if I might, what we have done and what we threaten to lose. A year ago last June, we passed on a bipartisan basis out of the Energy Committee here in the Senate a piece of legislation that reduces our dependence on foreign energy; increases our domestic production of energy from virtually all sources; establishes a renewable electricity standard; helps create a transmission superhighway; electrifies and diversifies our vehicle fleet;

enhances our energy efficiency; expands clean energy technology; and will train the energy workforce of tomorrow. We did all of that, passed that out of the Energy Committee and did it on a bipartisan basis. And we threaten to lose all of that progress at the end of this session unless we get some cooperation on the floor of the Senate.

I have described a bit of this, but let me do it by chart. Our dependence on foreign energy—and this translates mostly to foreign oil by sector. You can see that the most significant sector that increases our dependence on foreign oil is the transportation sector. We use 70 percent of our oil in the transportation fleet. Seventy percent of our oil is used in transportation. That is why all of us understand that we have to convert.

By the way, moving to an electric transportation fleet—and I will talk a bit about that later—it is not new; it is back to the past in many ways. When President Taft decided that the horse and buggy had outlived its usefulness as a mode of transportation outside of the White House—he ordered an electric vehicle, the Baker electric vehicle. So the fact is, it is not as if electric vehicles haven't been around; they have.

When Henry Ford decided that the Model T shall have an internal combustion engine because Thomas Edison suggested that was the way to go, that determined for the future what we were going to be doing for a long, long time. Then in 1916 our country said: You know what we want to do, we want to reward anybody that goes and finds oil and gas because we are building this automobile fleet with the internal combustion engine that needs to use gas stations every week or two, so we need to have gasoline at these gas stations. In 1916, we decided as a country to say: If you are looking for oil and gas, God bless you. We want to reward you. We are putting in place deep, permanent tax incentives to say: You go look for oil and gas because that is good for the country.

So here we are nearly a century later, and the problem is that we now know that being dependent on others for two-thirds of our oil—70 percent of which is used to run our transportation fleet—holds America hostage. It holds our economy hostage and holds our future hostage. So what do we do about that?

Here is a chart that shows the use of energy in this country. At this point, coal fuels about half of the electricity generated in our country. That comes from coal. There is a problem with coal, and that is, when you burn it to produce electricity, it puts carbon into the atmosphere, and we now know that contributes to climate change and global warming, putting more and more carbon into the atmosphere is troublesome.

So now we come to an intersection that is different from any other intersection we have been at before: trying to ensure a better energy future and at the same time address climate change. That is a pretty difficult proposition but not impossible.

By the way, our energy future will not be a future without coal, so the question is, How do we deal with the fact that burning coal produces carbon? Well, the energy legislation we have produced begins to address that by saying that there are a lot of ways to separate carbon when coal is burned and to use that carbon in a lot of different ways, one of which is to put it underground to enhance oil recovery from an oil well. If you put carbon deep into the ground in an oil well that is almost depleted, you can move oil out of that oil well. That is called enhanced oil recovery. Another way is just storing this carbon underground. Another is to understand there are uses for carbon that can produce additional fuel. You can take the carbon from a coal plant, strip the carbon from the emissions, and use it to feed algae. Algae is that single-cell pond scum that you see—the green scum on top of water. But if you grow algae—and how does algae grow? In water, sunlight, and $CO_2$. To grow algae, you take the $CO_2$, grow algae with it and then harvest the algae, and you then get diesel fuel. So you create something—you have a problem that creates a solution. Solve a problem by creating a product. That is another approach. There are more. There are other ways to address this.

There is a patent by a guy in California who says he has the silver bullet. You can use coal and get rid of the $CO_2$, because he mineralizes the entire effluents from a coal plant and turns it into a product that encompasses all of the $CO_2$ that is harder and more valuable than concrete. So that brings the cost of capturing and containing $CO_2$ down to near zero, he says. I don't know whether that is accurate; all I know is there are a lot of interesting ideas out there about how to continue to use coal and protect this country's environment at the same time.

I would say one other thing about this. A woman scientist from Sandia National Laboratory testified before a subcommittee that I chaired, and she said: You think of carbon, $CO_2$ emissions, as a problem. Why don't you think of carbon as a product? Then she described what you can do with carbon as a value-added product. She is absolutely right.

I believe that in 5, 10, 15, 20 years, if we make the right investments, we will almost certainly be able to continue to use coal, our most abundant resource, and do it in a way that protects this country's environment by sequestering and providing a beneficial use for carbon.

So 48 percent of the fuel used for electricity comes from coal. As you see, some comes from natural gas, some is hydroelectric, and that represents a descriptive use of the various kinds of resources in this country.

I mentioned a while ago that the Energy bill had what is called a renewable electricity standard—RES. Why is that necessary? Because you have to decide where you are headed. You have to drive toward a goal. I support a 20-percent renewable electric standard. If I buy a kilowatt hour of electricity, I want 20 percent of that to come from renewables. Twenty percent of that, by 2020, would create 100,000 more new jobs. But much more important than that is it would put us on the road to what we should be doing; that is, maximizing the production of renewable energy.

The fact is, taking energy from the wind makes a lot of sense. It is not polluting. Somewhere in this country, the wind blows almost all the time. Perhaps I have a vested interest because the Department of Energy says the State of North Dakota is the windiest State in America. We are born leaning to the northwest. There is just a lot of wind in our State. So we have the capability all across this country to produce substantial amounts of wind energy.

This picture shows what we are doing these days in sunflower fields, where we grow sunflowers and harvest energy from the wind. It is really pretty simple and works very well.

This chart describes how dependent and how addicted we are to oil. The top oil consumers in 2008—you can see the green line is the United States. It far exceeds the use of oil by anyone else on this planet.

China is next but, of course, China has, I think, 1.4 billion people.

Tomorrow there will be, on Capitol Hill, a Nissan LEAF. I am not advertising for Nissan, I have never driven one. I will drive one tomorrow, because they have a new electric car coming here for people to test drive. I have described a bit about the electric vehicle future, and I, along with Senators ALEXANDER and MERKLEY, from Oregon, have introduced legislation that would move this country toward an electric drive future. I think it is a great piece of legislation.

This country needs to decide where it is headed and then create incentives and a roadmap to get there. There is an old saying that if you don't care where you are going, you are never going to be lost. It is true for this country as well. I believe it is far better for this country to set a course, create a destination, and then say to people and investors—to everyone—here is where we are headed. You can count on it, believe in it, and invest in it, because here is where America is going. That is what we ought to do.

There is not a lot of time left in this legislative session. One of the very important pieces of unfinished business reflects what I have described in general form; that is, energy production, conservation, excessive dependence on foreign oil, a concern about the environment, energy conservation and efficiency, and all of this is critically important.

I come from a State that is producing a lot of energy, no question about that.

When I was a little boy, in my hometown of 300 people, there was never much going on. So we would drive up and down Main Street forever seeing if something was going on, and it never was. Sometimes we would go to an adjoining town 20 miles away to see if there was anything going on there, because that was a town of about 800 people—much larger—and there was never anything going on there either.

What happened one day is that news reached our town that somebody was going to drill an oil well 2 miles west of Regent, ND. We thought this was unbelievable, something is going to go on. So they hauled in these big rigs with a truck, and lots of metal, and they built this little pyramid, and all these strange, new people were in our town, and then this oil rig went up—a drilling rig. Then they put lights on it. At night, in a town where there was nothing to do, we would drive out and park our cars and look at the lights on the oil rig because there was something happening. It was so exciting. I can remember as a little boy looking at that oil rig thinking that this is unbelievable, something has come to our town—it and a circus, but they were in different years. It took some while to put it up. They do it now in 30 days. But it took a while to drill this well, and then our town was like a balloon that lost the air, because they discovered it was a dry hole. So that was my acquaintance with oil and drilling and the people who decide to go out and look for a source of energy, and remembering the lights as a young boy.

Now, in my State, I asked the U.S. Geological Survey about 3, 3½ years ago, to do an assessment of what is called the Bakken shale. That is a formation that is in most of western North Dakota and a fair amount of eastern Montana. It is a formation of shale rock that is 10,000 feet, or 2 miles, below the surface of the ground. It is very extensive. They do core samples way down so they know where that shale exists. It is 100 feet thick. When I had the U.S. Geological Survey assess how much oil would be recoverable from the Bakken formation—which you could not have gotten 10 years ago, because we didn't know how—the USGS said: We believe there is up to 4.3 billion barrels of recoverable oil from that. That is the largest amount of recoverable oil, using today's technology, that we have ever assessed in the history of the lower 48 States. We have 120 or 130 oil rigs in western North Dakota drilling wells, and they each drill a new well in 30 days, and then it moves. At each well site, there are 1,000 discrete truck visits back and forth. You can imagine the activity that is going on. They go down 10,000 feet, with 1 drilling rig, 2 miles down, and make a big curve with that rig and go out 2 miles searching for the middle third of a 100-foot seam. That is how sophisticated it is. When they find it, they go out 2 miles, and then they fracture that rock with hydraulic fracturing—water under high pressure—and the oil drips, and they put a pump in, and they are getting up to 2,000 barrels per day out of this Bakken formation in some of these wells. It is unbelievable.

I didn't intend to describe it at that length, but the point is we are producing more oil in this country. We are producing more, but not nearly enough to make us less dependent, or even close to independent. We are still so unbelievably vulnerable to foreign oil. If nothing else would drive the Congress to decide we have to do better and do more in energy, it ought to be that we are unbelievably dependent. God forbid that some day somebody wakes up in this country and understands that none of their electricity works because terrorists have interrupted the supply of oil, they have brought down the grid system, and somehow we don't have electricity and we don't have oil.

This country needs better security and more energy security than that. That is the reason to have an energy bill. I have said often that I believe in doing everything. I come from a high school class of nine. There were no foreign languages in that class, so I didn't take Latin, but I have always felt these Latin words describe my approach on energy: totus porcus. I think that means ''whole hog.'' I believe we ought to do everything we can and do it well. Should we maximize renewables? Yes. Should we drill in areas where there is oil and gas domestically? The answer is yes. Should we proceed with ethanol and the biofuels? You bet your life. Should we continue to work on coal and make the investments necessary to sequester carbon or use it to produce other fuel? The answer is, of course, that we should do all of that.

Should we be more conservation minded? We are prodigious users and wasters of energy. I also think of the words totus porcus when I pull up to a stop light in Washington, DC, and somebody pulls up next to me driving a Hummer; it is like driving a tank down the streets of a major American city, and it is getting probably 6 miles per gallon. Now I will hear from them, I am sure.

This country can do better in every single area of energy: conservation, efficiency, energy production, and also distribution, and the pipelines that are necessary, and the transmission lines that are necessary.

I mentioned earlier that the Energy bill we passed has the capability of helping produce an interstate highway of transmission. That is very important. When the winds blow—if you are going to gather energy from the wind and use it, you have to transmit it someplace on transmission lines. We can't build them in this country. We have built 11,000 miles of natural gas pipelines in the last 9 years, and do you know what we have done on high voltage interstate transmission lines? It is 660 miles. Why? You can't build them. There are a dozen ways for people to say no, and they do: not on my property, not in our State—not here or there. So you have planning problems, siting problems, and price problems.

We are probably not going to be able to get to this bill now, which will represent the important unfinished business this year and addresses these important issues. I may well be the only person who cares. There is not a big fuss here about leaving on the floor an energy bill that was bipartisan and was passed by the Energy Committee a year and a quarter ago now. I think others in this country understand the vulnerabilities of this country. We respond sometimes to catastrophes. We respond sometimes when something awful happens. So some day if, God forbid, we wake up and flip the switch and the lights don't come on, or we get in our vehicle and go to find oil and it doesn't exist, so there is no gas for the cars, then we will understand that somehow, some way, we should have done something that addresses what we know is a vulnerability for this country.

The intersection of better energy policy and policy that addresses the issue of climate change is an intersection we can't ignore. We are at that intersection, and there is about to be an accident unless we make smart choices. I hope in the coming weeks in the Congress we might, all of us, decide let's try to reduce that list of unfinished business by at least doing something that represents a bipartisan consensus out of a committee, a major committee, in this Congress, the Energy Committee. This is a good bill that deserves passage. It will strengthen this country's energy and America's security generally.

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, it is very easy to say we need to create more jobs. It has proven much more difficult to get bills passed to accomplish that. On both sides of the aisle we say we are in agreement that small businesses are the engines of job growth. Before us is a bill that would put our words into action by enacting a number of provisions that will help these businesses survive and thrive, keeping current workers on the payroll and creating new jobs. For months this legislation has been bottled up in this Chamber, held up by a filibuster. The filibuster has come despite the fact that business groups have strongly, almost unanimously—in fact, probably unanimously—called for its passage. It promises to help create perhaps half a million jobs that our economy needs so desperately to get moving again.

I am hopeful we will finally end this needless delay and get small businesses the support they need, get capital flowing, and get more Americans back to work. We are on the verge of doing that, and I hope we can do it within the next 24 hours.

This bill is going to do that by addressing a key problem small businesses now face—difficulty in obtaining the capital they need to operate, expand, and grow. One of the most important ways in which this bill will do that is through a State small business credit initiative. I have sought inclusion of this provision along with many Senators, including SHERROD BROWN and Senators STABENOW, WARNER, BAUCUS, SHAHEEN, BEGICH, MCCASKILL, and others, in order to provide badly needed assistance to State and local programs across the country that help small businesses grow. Let me explain how this works.

Just as the recession has battered the value of our homes, it has also battered the value of business property such as real estate, factories, and equipment. That has damaged the ability of small businesses to get bank financing because it has lowered the value of property they can offer as collateral. Businesses with plenty of customers and excellent credit histories have been unable to get the financing they have relied on and need, endangering existing jobs and preventing the creation of new jobs. My State and many others have begun programs designed to deal with this problem. Thanks to our collateral support program in Michigan, companies such as Saline Electronics, an electronics manufacturing company, and Display Pack, a packaging company, have been able to expand production and add workers. Just since 2006, with just $3 million in State money, Michigan's capital access program has leveraged nearly $88 million in private lending and saved or created an estimated 13,000 jobs. But the demand for this successful program far exceeds the resources available.

In Michigan and elsewhere, these programs can't help enough of the businesses that could effectively use support. Lack of resources for small businesses is stifling job creation by small business.

The legislation before us includes what we call the State small business credit initiative which will make available $1.5 billion to State and local programs that help small businesses get the loans they need. It will help provide many times that much in private loans to small businesses.

There are other major provisions of this bill that will help small businesses create jobs. This bill contains $12 billion in tax cuts for small businesses, tax cuts that will help them put their money into growing their businesses and creating new jobs. It will more than double the limits for two of the Small Business Administration's most important loan programs and provide other enhancements to the SBA loan programs, enhancements that will increase lending to small business by over $5 billion in the first year.

The bill also includes a proposal which I suggested for what we call an intermediary lending pilot program which allows the SBA to make loans to intermediary lenders such as business incubators which can then loan that money to growing businesses. The bill also includes the small business lending fund. This provision is very similar to the Bank on Our Communities Act. It will provide capital to local community banks, banks on which small businesses depend, so they in turn can lend that money to small businesses. It does all this in a way which will not add to our budget deficit.

This legislation has the support of nearly 200 business and financial industry groups. If these groups, many of which disagree with one another on many issues, can come together to support this legislation, it speaks volumes about the positive impact this bill is going to have.

I thank our Small Business Committee chairman, Senator LANDRIEU, for her extraordinary leadership in guiding this bill to the Senate floor. She has shown talent, dedication, a willingness to work with Senators of both parties, and a determination to overcome the obstacles that have threatened to prevent us from providing the support small businesses need. The Senate and the Nation are benefiting greatly from the leadership of Senator LANDRIEU.

This body should do everything within its power to help the businesses of our Nation put workers back on the job. We cannot afford to miss opportunities to boost employment because the hundreds of thousands of people in my State and the millions across the country who have lost their jobs in this recession deserve our very best efforts.

All of us, Democrats and Republicans, say we support small business. We have an opportunity in the next few hours to back up our words with actions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, we have the Small Business Jobs Act of 2010 before us. For more than a year now, the mantra of my colleagues on the other side of the aisle, meaning the majority party, has been: jobs, jobs, jobs. Unfortunately, the only jobs the policies of my colleagues on the other side of the aisle have created are government jobs. The legislative fixes proposed by the other side have fallen short in creating private sector job growth.

I have a chart here that will show unemployment reaching a high of 10.1 percent in October 2009. The administration promised that unemployment would not go above 8 percent if we enacted their $800 billion stimulus bill. Moreover, they asserted that 90 percent of the jobs would be in the private sector. The unemployment numbers have come down from their high in October, but this has not been the result of a robust hiring in the private sector. To the contrary, many people are simply no longer counted as being unemployed because they have stopped looking for work. For those who did find work, many found work with the U.S. Census Bureau helping to complete the 2010 census. The unemployment rate reached a low of 9.5 percent in July but once again has ticked up to 9.6 percent as 114,000 temporary census jobs ended. While those who put their faith in the stimulus package believed that this summer would become known as ''recovery summer'' due to all of the stimulus projects underway, it actually has ended in what a National Public Radio story termed as an ''economic pothole.''

To be fair, the private sector employment number has inched up slightly in the past few months. For August, the Bureau of Labor Statistics reported that private sector employment payroll edged up by 67,000. However, the problem is that around 150,000 jobs need to be added each month just to keep up with the growth in population. So basically, by adding 67,000 jobs, we are treading water too slowly to keep our head above water. Moreover, as pointed out in the September issue of the National Federation of Independent Business Small Business Economic Trends, 45,000 of those 67,000 private sector jobs were in education and health care. These jobs are heavily dependent on government spending, and that means these are not typical small business jobs on Main Street.

It is clear, however, that the small businesses remain pessimistic about the economy and are hesitant to hire new workers. According to the National Federation of Independent Business's most recent survey—and we have a chart here on this point—a net negative 1 percent of business owners plan to create new jobs in the next 3 months. A net negative 8 percent of business owners expect the economy to improve. Only 4 percent of the business owners said it was a good time to expand. A net negative 30 percent of owners reported higher earnings. This last component is especially important for businesses when it comes to hiring new employees since businesses need to know that revenue generated from an additional employee will exceed the costs.

Given the current unemployment rate, it is not surprising, then, that we are once again looking at ways to create jobs. Hence the bill that is before the Senate. The question remains: Are we going to continue to look to the government to be the job creator or are we going to realize that job creation

and real economic growth comes from the private sector? This question also brings to mind that government doesn't create wealth; government consumes wealth. So if we are going to increase the economy in this country, it has to be done through the private sector.

The bill before us appears to recognize the importance of the private sector—in particular, the importance of small businesses and entrepreneurs in getting our economy back on track and getting the employment numbers to move in the right direction. I have been beating the drum for some time now that if we want to get our economy back on track, we need to focus on small business. After all, small business is responsible for creating 70 percent of the jobs in our economy. That is not a Republican percentage put out there by my party. That is also a figure I have heard the President of the United States, our President, say in speeches as well—70 percent of the new jobs are created in small business.

During the debate on the $800 billion stimulus bill, I pointed out that it contained too little in terms of provisions aimed at small business. In all, less than one-half of 1 percent of the stimulus bill was tax relief for small businesses. Unfortunately, my concern that the stimulus bill provided too little relief to small businesses has proved correct. Since the stimulus bill was signed into law, small businesses have been hemorrhaging jobs. According to the ADP national employment data, since the stimulus was enacted, small businesses, which are those defined as fewer than 500 employees, have lost a net amount of 2.6 million jobs. During this same time, large businesses, which are those with over 500 employees, lost a net amount of 716,000 jobs. According to this data, small businesses have accounted for nearly 80 percent of the decline in employment since the stimulus bill was signed into law.

With the consideration of the small business package before us today, I hope this body is finally starting to get serious about tracking unemployment through a true jobs bill. Compared to previous stimulus or jobs bills promoted by the majority, this small business bill has a rather modest cost, with tax provisions totaling about $12 billion. It is targeted at job creation by providing small businesses with incentives to invest in new equipment, expand their operations, and ultimately hire new employees. The bill includes provisions that would encourage small businesses to invest in new equipment and real property by increasing the amount of capital expenditures small businesses can expense. For equipment, the amount that can be expensed is increased to $500,000 and for real property, to $250,000.

Moreover, it encourages investment by providing additional first-year bonus depreciation. It promotes entrepreneurship in another way by increasing the amount allowed as a deduction for startup expenditures. It increases access to capital by allowing 100 percent of gain from investment in qualified small business stock to be excluded from income. It also takes the general business credits out of the alternative minimum tax for those sole proprietorships, flowthroughs, and nonpublicly traded C corporations with $50 million or less in annual gross receipts. Another way is increasing access to capital by extending the 1-year carryback for general business credits to a 5-year carryback for small businesses.

Finally, this bill promotes small business fairness by limiting harsh penalties that have been imposed on small businesses by the IRS and equalizing the tax benefits for health insurance that self-employed individuals may receive to those received by employees.

In regard to the Small Business Administration provisions, I strongly support many of the bipartisan provisions included in the bill. This legislation would increase small business lending by lowering small business loan program fees while at the same time raising loan guarantees and lending limits. Specifically, this bill extends the fee reductions and eliminations for the Small Business Administration's 7(a) program and 504 program and the 90-percent loan guarantee limit for the SBA's 7(a) program. I am pleased that these well-established, effective measures have been included in the bill. Raising the 7(a) guarantee rate and reducing lenders' and borrowers' fees in the 7(a) and 504 loan programs has been enormously successful. These modifications, which expired in May, have led to a significant increase in lending capacity and access to capital.

I am a supporter and, in fact, have been a leader of the many bipartisan small business provisions in the current small business package. I am an original cosponsor of S. 3604, standalone legislation introduced by Senator SNOWE, the ranking member of the Committee on Small Business and Entrepreneurship, which would extend the same Small Business Administration lending provisions that are in the bill currently before the Senate.

Additionally, many of the small business tax incentives included in the small business package were taken from legislation I introduced last year entitled the ''Small Business Tax Relief Act of 2009.'' Of course, there are differences and additional provisions I would have liked to have been included, but, as with any piece of legislation in the Senate, there is a need to compromise if you want to get anything done. My bill generally would have made the small business tax provisions permanent law. I believe this would have provided small businesses with certainty and promoted job creation over the short run as well as the long run. However, the Senate small business package generally only makes the tax provisions applicable for 1 year. That gets us back to the point that the word ''uncertainty'' crops up so often when used by small businesses as well as big businesses—the uncertainty of what Congress is going to do or the fact that when they make policy, they don't make it for a long enough period of time.

That word, ''uncertainty,'' is the one reason jobs are not being created. It is kind of a sin that Congress would bring about this sort of uncertainty—or maybe the executive branch of government is bringing about some uncertainty—when, in fact, corporations have a historically high amount of cash just lying around. The last figure I saw was $2.1 trillion, and with $2.1 trillion, one would think there would be a lot of jobs expanded, except the people who could do it don't know what Congress is going to do to them next, so they are taking caution. Well, if we could reduce that caution and encourage them a little bit by letting them know what we are doing over the long haul, it would go a long way to getting this unemployment down.

Getting back to what I said, I would have liked to have seen in this bill an additional provision from my bill included in the final package. This provision would have provided small businesses with a 20-percent deduction off of their small business income. It is unfortunate that this provision was left out. This was the largest and most important provision of the bill I introduced in the summer of 2009.

However, in all, the tax provisions included in the Senate small business package provide real relief to small businesses. They generally have the support from Members on both sides of the aisle. In fact, you would have thought this small business bill would have been a slam dunk. However, the Democratic leadership has used the small business bill as a political football, scoring political points. The majority leader refused to allow the small business bill to be considered under regular order. The majority leader filled the amendment tree, thereby limiting amendments that could be offered. The Democratic leadership and the administration then proceeded to blame Republicans for blocking relief for small business. This is despite the fact that the Democrats were unable to get their own Members in line on the small business package. It still remains unclear whether the Democrats in the House, with their large majority, will pass the small business bill should it pass this body.

Moreover, the waters of the small business package were further dirtied by the inclusion of a controversial lending provision that would create a $30 billion lending fund. This fund is designed to provide billions of taxpayer dollars to banks for the purpose of making loans to small businesses. To me and to many experts, the fund resembles the TARP bailout program, which has been badly mismanaged.

Elizabeth Warren, head of the TARP Congressional Oversight Panel, expressed skepticism that the fund would be effective in increasing small business lending.

She stated that:

> Such a fund runs the risk of creating moral hazard by encouraging banks to make loans to borrowers who are not creditworthy.

The Special Inspector General of TARP stated that:

> In terms of its basic designs, its participants, its application process, and perhaps its funding source from an oversight perspective, the [small business lending fund] would essentially be an extension of TARP's Capital Purchase Program.

There is also disagreement about the cost of the program. Proponents argue that the lending fund will raise $1.1 billion. However, the Congressional Budget Office has indicated that if you score the fund on a fair value basis, the program would score as a cost to taxpayers of $6.2 billion. The Congressional Budget Office has indicated that the fair value basis is a more comprehensive measure of the cost than estimates done on a cash basis.

Many Members in this body voted for the Emergency Economic Stabilization Act in 2008 because we were led to believe our economy was on the brink of failure. We were told the Treasury Department would purchase toxic assets. But after its passing, the executive branch changed course and picked winners and losers. Where? Not on Main Street but on Wall Street.

We should not be fooled again by the same officials at Treasury who have mismanaged TARP and have been less than transparent with the American people about how the taxpayers' money has been spent.

I compliment my friend, Chairman BAUCUS, for diligently pressing the tax provisions in this bill. There are many good things in this bill, but I believe it could have been better. Unfortunately, the Democratic leadership is more interested in scoring political points than actually providing relief to small businesses. If the majority was actually interested in passing small business relief, a small business package could have been put together that would have garnered 80, 90, or more votes. But instead the majority leader filled the tree, prohibiting amendments being offered to improve the bill.

The small business fund in the bill just doesn't have the safeguards in place to ensure that recipients are creditworthy or that taxpayers may be made whole in the end.

Should this bill be signed into law, I will do my part to make sure the implementation is in the best interest of the taxpayers as well as small businesses.

WATCH-DOGGING THE WATCHDOGS

Mr. President, I want to speak about watch-dogging the watchdogs.

I first started watch-dogging the Pentagon in the early 1980s, when President Reagan was trying to ramp up the defense budget. A group of Defense reformers were examining spare parts pricing. We found the Pentagon buying a $750 toilet seat and $695 ashtrays for military airplanes.

That experience taught me an important lesson: If you are going to watchdog the Pentagon like the inspector general, or IG, is supposed to do, then you better sharpen your wits and have the tools of the trade ready.

One of the most important oversight tools is the simple tool of the audit. The audit is the IG's main weapon for detecting and reporting fraud, waste, and theft. Mr. President, I am sad to report that the IG's Audit Office at DOD is not ready to tackle fraud and waste. The lack of IG audit readiness comes at a time when aggressive audits are sorely needed.

Secretary Gates recently announced that he wants to cut $100 billion in wasteful spending. But he is relying on the Pentagon bureaucrats to eliminate it. Asking those who created the waste in the first place to then turn around and get rid of it is not a good plan. He needs a better mix of weapons. To win this declared war on waste, Secretary Gates needs the independent backup from the IG. Unfortunately, the inspector general's Audit Office is AWOL doing policy audits instead of financial audits.

Policy audits are not known for exposing waste. Last year, I received a series of anonymous letters alleging mismanagement and low productivity in the IG's Audit Office. This is a huge Audit Office. It has 765 auditors and an annual budget of $90 million.

In response, I and my staff conducted an indepth review of all the pertinent issues. That oversight report was just completed, and I forwarded it to Secretary Gates with recommendations within that report for corrective action.

My oversight should fit right in with Secretary Gates' plan to cut waste at the Defense Department. My people in Iowa are aching for some commonsense fiscal policy in Washington.

My oversight report puts the spotlight on a good starting point. That oversight report indicates this vital piece of inspector general oversight machinery—the important tool of the audit—has been disabled. It is broken, leaving hundreds of billions of tax dollars vulnerable to fraud, waste, and abuse, outright theft.

The status quo is totally unacceptable. The IG's audit machinery needs to be brought back up to standard.

IG Heddell needs to hit the reset button. He needs to refocus the audit effort on priority areas consistent with the inspector general's core mission, which is to detect and report fraud, waste, and abuse.

The problem identified in my oversight report is twofold. The first big problem is the broken Defense Department's accounting system. That system is incapable of generating accurate and complete financial data.

The success or failure of an audit turns on the quality of data available for that audit. Unfortunately, the quality of Defense Department data presented to auditors should probably be rated as poor to nonexistent. The consequences are then predictable. Auditors consistently report ''no audit trail found.'' But what does ''no audit trail found'' mean? It means critical supporting documentation and data are missing. Vital records are not available for audit. Money has been paid out but for what? When there is no audit trail to follow, that question gets no answer.

The ''no audit trail'' finding is like a bad toothache that doesn't go away. The IG's own audit manuals warn that a ''no audit trail'' scenario is a red warning flag. It is a very common indicator of fraud. So we have clear-cut indicators of fraud that show up in one IG report after another and, do you know what. Nothing seems to happen. It is like the IG is howling in the wilderness. There is no followup, no corrective action.

Why is this being tolerated? How many more times does the IG need to be confronted by such obvious signs of fraud before decisive action is taken?

Maybe next time the auditors can't find an audit trail on a big contract, they should ''lock the doors and call the law''—just drop a net on the place and call for backup.

This brings me to my second audit issue. The IG's Audit Office has allowed itself to be buffaloed by the ''no audit trail'' scenario. It just backs off and rolls over instead of attacking the problem head on with solutions.

The heart and soul of my financial oversight operation is a contract audit.

In the government, there can be no expenditure of public money without a written binding contractual agreement. That document must specify what goods and services are to be delivered. That is the law. That is where the money trail starts, with a contract. That is where audit work should begin. It is square 1 on the audit roadmap.

Beyond the contract, there are a number of critical data points or, you might say, dots. These should pop up on the auditor's radar screen. These may include contract modifications, recorded obligations, inspection and receiving reports, invoices, and payments, eventually.

To get a handle on fraud and waste, auditors then need to connect all the dots between the contract that starts over here at the beginning and the final payment of money over here. They need to make all of the hookups. For example, when contract requirements can't be matched with payment, well then, bingo; there is a potential problem.

This is what is called a full-scope, end-to-end audit. This is what auditors must do to document and verify fraud and waste. Doing that work positions them to answer two key oversight questions: Did the government get what it ordered at the agreed-upon price and schedule or did the government get ripped off?

Top audit officials repeatedly and consistently told my investigators that doing genuine contract audits was ''impossible, we can't do it, it's too difficult.''

One audit appears to illustrate and typify the seemingly impassable obstacle, or brick wall, perceived by the auditors. The report is entitled ''The U.S. Air Force's Central War Reserve Material Contract.'' It is report No. D–2009–108.

Instead of attempting to verify payments at the primary source, which is the Defense Finance and Accounting Service, the audit team opted for an unauthorized shortcut. When you are following the taxpayers' money to see if there is fraud involved, you are going to find some shortcut?

They chose, then, to rely on payment data provided by who? The contractor, DynCorp, the target of the audit. Even using this flawed audit procedure, examiners were unable to match contract requirements with payments. Then when they could not do it, they just give up. The report concluded:

> The government did not know what it was paying for. . . . It may have paid for services DynCorp did not perform.

The auditors then simply turned a blind eye to the potential fraud here in this instance.

One hundred sixty-one million dollars went out the door, and for what, we don't know. The report does not tell us. It does not nail down all of the pertinent facts. It is inconclusive and unfinished. The auditors just kicked the can down the road, bucking it to another Defense Department audit agency.

Clearly, auditing large, complicated Defense Department contracts where there is no audit trail to follow is, we have to admit, a daunting task. But that does not mean it is a mission impossible. It can be done. It has to be done. Senior managers refer to this task as ''audit trail reconstruction work. It is labor intensive pick and shovel work.''

Today, the inspector general relies on small rinky-dink 5- or 10-member audit teams. That doesn't cut it. The IG needs to deploy much larger teams consisting of 25, 50, or even 100 auditors or more to tackle the most egregious contract jobs. And I don't mean hire more than the 675 employees who are already there eating up $90 million.

Let me make one point crystal clear right now—and I am repeating because I think it is important. I am not suggesting the IG needs to hire more auditors. This should be done within available resources. What I am saying is this: The audit office needs to switch from a large number of small teams to a small number of large teams. That would be a reallocation of audit resources. The top audit office official said it would be possible ''to cobble together such an audit team to look at one of the big weapons programs.'' However, doing that would ''deplete resources needed to meet other priorities.''

The ''other priorities'' referenced by this top official are probably wasteful reviews of the Department's policy and procedures—in other words, doing policy auditing instead of doing financial auditing.

In 2009, the audit office did not conduct one in-depth contract audit of a major weapon system or contract. Aren't major weapon systems an audit priority? The record suggests that it is not an audit priority.

To this Senator from Iowa, this is an astonishing revelation. The inspector general is not doing contract audits. How can this be? If the IG is doing contract audits, then the office of the IG is not or should not be open for business—ought not to be spending that $90 million.

The core IG mission is to detect and report fraud, waste, and abuse to the Secretary and to the Congress and to recommend corrective action. To detect and verify fraud and waste, auditors need to be on the money trail 24/7. That is where most fraud occurs. They need to be connecting all the dots between contract signing over here and the last payment being made over here.

Instead of trying to do contract audits, the audit office gave up and moved to greener, easier pastures. Most audits now focus on policies and procedures. In moving in this direction, the inspector general has strayed far from a core mission costing $90 million. Today's preference for policy audits yields zero benefits to the taxpayers. These reports cost about $800,000 apiece. Cranking out worthless policy audits may not qualify as misconduct, but it surely is a blatant waste of precious tax dollars, at $90 million a year.

The current focus on policy audits helps me understand why 765 auditors—with an annual budget of $90 million—could not root out any measurable fraud or waste last year. The IG there at the Department of Defense needs to hit the reset button and refocus the audit effort on the core IG mission.

First, he needs to resume full-scope contract audits to root out fraud and waste. Second, the audit office needs to aggressively review all the Defense Department's plans and programs for deploying a modern accounting system. It needs to offer specific recommendations that would help the Department reach the 2020 readiness goals.

I am receiving assurances from the IG at the Department of Defense that he is moving smartly in the right direction. The signals from that office are very encouraging. Yet I remain skeptical. The audit office still seems to think that full-scope contract audits are a nonstarter and policy reviews are highly relevant. We need a change of course.

Mr. President, I yield the floor.

## MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

## REPORT ON FOREIGN TRAVEL

Mr. SPECTER. Mr. President, It has been my custom to make a report to the Congress, my constituents, and the general public when I return from a trip. I have sought recognition to speak about foreign travel I made to Beijing, Hanoi and Taipei from August 6, 2010, to August 16, 2010.

We departed Dulles International Airport on United Airlines on Friday morning, August 6 en route to Beijing, China. This was my sixth visit to China, with the most recent taking place in 2006.

On Sunday, August 8, we had a meeting with Mr. William Farris, Managing Counsel for Google. Mr. Farris had previously served as general counsel for the Congressional-Executive Commission on China, which was created by congressional statute in 2001 to oversee human rights and the rule of law. Especially with his background in these critical issues, Mr. Farris offered his views on the potential for unfettered access to the internet in China, the recent cyber attack against Google, and an overview of the Chinese business environment. Although Google initially censored its search engine in China, I was pleased that it has decided to offer a reroute through Hong Kong servers in order to provide uncensored access. China continues to put pressure on international firms over the nature of content produced. The Chinese government maintains a block on many U.S. Websites, including Facebook, Twitter, and YouTube. The pressure that the Chinese government places on firms has already led to the departure of major foreign ventures. Go Daddy, a leading U.S. Web site registration firm, has recently left the Chinese market. Increasing freedom will facilitate economic growth and attract investment.

In my fiscal year 2011 appropriations request letter to the State and Foreign Operations Subcommittee on the Senate Appropriations Committee, I urged the provision $50 million from the democracy fund to promote widespread, secure Internet use by individuals residing in countries with Internet monitoring, censorship, and control. This is a low-cost method of allowing people, especially those living under repressive regimes, to access all-source, unfiltered information. This capability enables freedom of thought, expression, and the unimpeded flow of ideas and information. One group, the Global Internet Freedom Consortium—an alliance of several organizations specializing in anti-censorship technologies—has submitted several important proposals. This group has been particularly effective in China, neutralizing the Chinese government's ''Golden Shield'' and ''Green Dam'' barriers.