

vote in the history, in the history of Presidential impeachments.

And, of course, the Democratic majority in the Senate passed the most sweeping Federal recovery effort in decades, the American Rescue Plan.

Again, despite several unprecedented obstacles, not only did we get a late start on our work, a result of the run-off elections in Georgia, we have had to contend with the aftermath of an armed insurrection at the Capitol, an impeachment trial, and the difficulty of navigating an evenly divided Senate.

Let's take a quick look at the scoreboard.

Economists project that the American Rescue Plan could double economic growth while cutting child poverty in half—the biggest anti-poverty effort in a generation.

We have made the single largest investment in American education and Native Tribes ever.

Experts have called the American Rescue Plan the most significant legislation for Black farmers since the Civil Rights Act.

The American Rescue Plan provides a lifeline to Main Street businesses from one end of the country to the other. Companies are already scaling back layoffs.

In less than 100 days, the Biden administration and Democratic majorities have helped deliver more than 100 million shots in people's arms and 100 million checks in people's pockets. As a result, the American people are more optimistic than at any time over the past year, and for the first time since the COVID-19 pandemic began, a clear majority of Americans believe our country is back on track.

Just this morning, the jobs report showed that applications for unemployment benefits fell by nearly 100,000 people—a sign that businesses are reopening and Americans are optimistic about getting back to work. After one of the most difficult years in American history, the country is finally turning the corner, and the Senate is off to a fantastic start.

Now looking forward, of course the job certainly isn't done yet. Now that we have passed the American Rescue Plan, the Senate must continue to make progress on other issues facing the American people. When the Senate returns to session, our agenda will be no less ambitious than it was over the past few months.

We will focus on three areas: one, voting rights, civil rights; two, economic recovery and jobs, with an emphasis on climate change and building back better; and three, health and gun safety.

This Senate will once again be the forum where civil rights are debated and historic action is taken to secure them for all Americans.

Last week, the Judiciary Committee held the first-ever hearing on the Equality Act, landmark legislation that would enshrine as a matter of law that no American shall be denied jus-

tice based on their gender or sexual orientation.

In the coming work period, the Democratic majority will also seek to repeal a Trump administration rule that gives employers an unfair advantage over workers when settling discriminatory claims.

At the same time, the Judiciary and Rules Committees have started their work responding to the concerted, nationwide, despicable attack on voting rights. In one State after another, new restrictions on the franchise are taking aim at communities of color in ways we haven't seen since the days of Jim Crow.

Yesterday, I attended the Rules Committee hearing on S. 1, the For the People Act, and I listened to my Republican colleagues try to defend these outrageous voter suppression laws. One member on the committee told us not to worry about them because many are just proposals and won't become law. Later that day, the same day, the Montana State Senate advanced a bill to end same-day voter registration.

Another member on the committee defended limits to early voting on Sundays—a day when many African Americans go to vote after church—by quoting the Bible and the Commandment to keep the Sabbath holy. I don't know where to begin with that one, but I will start by reminding my colleagues of the separation between church and state, and, frankly, the Bible passage she talked about comes from the Old Testament, when the Sabbath was on Saturday.

This is getting beyond ridiculous. Across the country, the Republican Party seems to believe that the best strategy for winning elections is not to win more voters but to try to prevent the other side from voting. That is not America. That is not democracy. And this Senate will take action to protect the voting rights of tens of millions of Americans. The Senate will vote on the For the People Act.

We will also keep a laser focus on our economic recovery. In the coming months, the Senate will consider legislation to rebuild our infrastructure and fight climate change, boost research and development and domestic manufacturing, reform our broken immigration system, and grow the power of American workers. Finally, the Senate will address health and gun safety.

When the Senate gavel back into session, we will vote on Senator HIRONO's COVID hate crimes bill, which my colleague GRACE MENG has sponsored in the House. It will give the Department of Justice and our local police departments crucial tools to fight the wave of racist violence we have seen against Asian Americans.

I have also committed to put a bill on expanded background checks on the floor of the Senate.

On the health front, we will take aim against the former administration's decision to roll back limits on methane emissions from oil and gas produc-

tion—gases that pack a much greater punch than carbon dioxide when it comes to our climate. Senators HEINRICH, KING, and MARKEY have been working very hard on this issue. I applaud them. The Senate will take up a Congressional Review Act measure to reinstate the commonsense regulation of methane emissions to fight climate change.

The bottom line is this: The Senate of the 117th Congress has accomplished a lot in its first few months, but we have a lot of work left to do. The challenges our country still faces are immense, and there is no reason both sides cannot work together on issues that will affect our country and our children's future. We won't agree on everything, but we must agree that inaction is unacceptable. The Senate must help the country finish the job against COVID while continuing to build a more equal economy and a more just society.

I yield the floor.

LEGISLATIVE SESSION

PPP EXTENSION ACT OF 2021— MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.R. 1799, a bill to amend the Small Business Act and the CARES Act to extend the covered period for the paycheck protection program, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, all postcloture time for the motion to proceed to H.R. 1799 has expired, and the motion to proceed is agreed to.

The clerk will report the bill by title.

PPP EXTENSION ACT OF 2021

The senior assistant legislative clerk read as follows:

A bill (H.R. 1799) to amend the Small Business Act and the CARES Act to extend the covered period for the paycheck protection program, and for other purposes.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

IMMIGRATION

Mr. McCONNELL. Madam President, the crisis on our southern border continues to escalate. CBP is tracking the largest surge in migrant apprehensions in 20 years. Unaccompanied children are literally piling up in close quarters. It turns out when politicians spend a 2-year campaign advertising amnesty, people actually listen. As one senior CBP official said, there is "no end in sight." No end in sight.

The administration still refuses to even admit there is a crisis, much less address it. We keep hearing strange mixed messaging from the White House

podium like “now is not the time to come,” as if there will be a good time to break the law and come illegally, and the White House will let us all know when that time is, I assume.

The Washington Post put it gently: “Administration officials have been plagued by muddled messaging.” Boy, that is an understatement. But actually, when you look at Democrats’ actions, the message isn’t mixed at all. That is the problem. For months on the campaign trail, President Biden spoke directly to potential migrants. At one point, he said, “You want to flee . . . you should come.” That was President Biden.

President Lopez Obrador of Mexico himself stated this week that President Biden’s campaign created expectations that “caused Central American migrants, and also from our country, wanting to cross the border, thinking that it is easier to do so.” That was the President of Mexico.

On Inauguration Day, the President followed through—five Executive orders to roll back immigration enforcement and open up the border. The administration wasted no time rolling back the policies from the prior administration that had guarded against this exact outcome. South of the border, message received. Some migrants are arriving with Biden campaign flags and T-shirts. One arriving person said, “Biden promised us that everything was going to change.”

So what about the Democrats here in Congress? Are the House Democrats rising to the occasion with solutions? Well, not exactly. They prioritized passing another amnesty bill. They doubled down on the wrong direction and the wrong incentives.

The situation is raising eyebrows among Democrats’ own rank and file. As one Texas Democrat put it, “When you create a system that incentivizes people to come across . . . that immediately sends a message.”

Here, in the Senate, our Democratic colleagues decided to go the route of obstruction. Yesterday, Republicans tried to pass serious proposals to help address parts of the immigration system. Democrats rejected every single one of them.

Senator ERNST had a proposal to require detention for migrants charged with violent crimes. It is not exactly a radical idea. Democrats blocked it.

Senator CRUZ had legislation to raise the stakes for repeated illegal entry. It is not exactly rocket science. Democrats blocked that one too.

Senator BLACKBURN and Senator LEE tried to combat child trafficking within the asylum process, and Democrats even blocked that.

The furthest left ideology on these issues is keeping Washington Democrats from upholding the basic responsibility of government: ensuring the integrity of our borders and protecting our national security.

ELECTION SECURITY

Madam President, now, on another matter. Yesterday, the Rules Com-

mittee held a hearing on the Democrats’ proposal to tilt our entire political system on a partisan basis. It would forcibly rewrite every State’s election laws in ways that defy common sense and are deeply unpopular with American voters.

It would mandate nearly unrestricted same-day registration. It would mandate big loopholes that would render voter ID almost meaningless. It would make every State legalize ballot harvesting, where paid operatives can turn up carrying big piles of ballots with other people’s names on them, zero chain of custody.

Democrats want to hide behind the mantle of voting rights. What they are really proposing is less security, less integrity, and a grab bag of changes that are deeply, deeply unpopular. Just look at the other changes with zero relationship to voting rights that Democrats want to smuggle in behind that smokescreen.

This bill would take the Federal Election Commission from an evenly split, bipartisan panel to a partisan body so that Democrats could rule unilaterally over politics as well as citizens’ speech, turn the neutral judge into a partisan prosecutor, and it would send taxpayers’ money to fund political campaigns.

It contains a massive attack on the privacy of citizens who engage in free speech, a massive and intentional gift to cancel culture. That led even the leftwing ACLU to oppose this bill 2 years ago and lead senior ACLU lawyers to torch it again in the Washington Post just recently.

Democrats are desperate to avoid talking about any of these things. They are desperate to convince the media that a partisan takeover at the FEC, socialism for political ad makers, and an assault on free speech and Americans’ privacy are just “voting rights,” a shameless, shameless bait and switch.

I noticed something funny yesterday. Remember, this is the same bill Democrats were shopping around 2 years ago in response to the 2016 election, which they said was a disaster. Now, 2 years ago, Democrats were marketing this bill as a massive shakeup that our broken elections badly needed.

Our democracy was in shambles after they lost in 2016. It was broken, they said. It was insecure, they said, and only this sweeping transformation could possibly repair it. Of course, it didn’t pass, and the 2020 election came and went without the liberal takeover, and yet Democrats say it was a huge success.

Democrats said the 2020 election was beyond reproach. They said the integrity and security were beyond question. They have said only conspiracy theorists would complain about the last election.

Oh, but curiously enough, they are now still pushing this very same bill. Now, instead of a sweeping transformation, they are trying to say it

would just preserve our smoothly functioning system so State legislatures can’t mess it up.

So let’s get this straight. Two years ago, in 2019, Democrats suggested this bill was a bold, radical overhaul for a broken system. In the meantime, what happened was, they got an election they liked, and now they claim the exact same legislation just does a few modest things to protect our system just the way it is.

What utter nonsense—utter nonsense. This legislation has but one goal, just one. It has only ever had one goal, just one. That goal was the same in 2019 as it is today. And that goal is to let Washington Democrats rig the rules of democracy from top down to hide that partisan project behind the smokescreen, the smokescreen of voting rights.

BUSINESS BEFORE THE SENATE

Madam President, now one final matter. Senators will soon head home for the State work period. We will be seeing an Easter recess of optimism and hope as the tide of the pandemic continues to turn. Thanks to science and fueled by five bipartisan bills we passed last year, vaccines were developed, approved, and preordered in record time. America was delivering more than a million doses per day before the current administration even took office.

And because of last year’s bipartisan work, our economy was already poised for a historic comeback. I am also going to be talking with Kentuckians about their confusion and concern surrounding the multitrillion-dollar partisan spending plan that Democrats just rushed through Congress recently, like why teachers unions got huge sums for schools, much of which won’t be spent until years, years into the future, without any meaningful requirement to reopen, even though science says it is safe. There are concerns like why Kentucky and other States whose budgets have come through the crisis intact will actually be subsidizing massive bailouts to other States for mismanagement that predates the pandemic, and confusion and concern about the radical, last-minute provision that tries to prevent States from implementing any policy, any policy that might be interpreted as a tax cut.

That one could wreak havoc on the plans of local officials in my State and entire industries as they try to get the Bluegrass growing again. This provision has the potential to shoot down a State law designed to help the Commonwealth’s small businesses deduct PPP expenses from their State taxes and unwind planned waivers of hikes on their unemployment taxes.

Secretary Yellen was asked about this huge uncertainty in a hearing yesterday, about how this will be defined or enforced. She essentially had no answers.

So I will be joining Kentuckians to celebrate what has gone well, thanks to our bipartisan work just last year; to hear their concerns about all the

consequences of the Democrats' go-it-alone effort; and to hear what they think about the multimillion-dollar cousin of the Green New Deal that Democrats are reportedly planning for a sequel.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

UNANIMOUS CONSENT REQUEST—AMENDMENT
NO. 1402

Mr. LANKFORD. Madam President, there is a problem with the Paycheck Protection Program. It passed with overwhelming bipartisan support last December, but the implementation has been botched.

Let me explain what I mean. If you are a small business owner, if you are an individual that is a sole proprietor of what is called a schedule C, if you had major issues in trying to be able to cover your employment last year, you would turn in—make a request for the Paycheck Protection Program. It was extended in December of last year for only the hardest hit businesses, those that had a 25-percent loss or more. Those businesses could not survive into the next year.

So we extended it out and allowed them to be able to get additional time and an additional couple of months of payroll to be able to make sure they make it. Now, for these extremely small businesses, these sole proprietors, and these individuals who are out there, this means just them or sometimes them and one other person whom they are actually covering the expenses for. These are not our megabusineses. These are our backbone small businesses. This is the truckdriver in Oklahoma. This is the piano teacher in Oklahoma. These are folks who are actually trying to be able to make a living the best way they know how.

When it was passed in December, the Small Business Administration interpreted that rule to say you can only use your net expenses for that—your net expenses. Then, in March, the Small Business Administration reinterpreted that and said: No, you could use your gross expenses on that.

Now, for a lot of folks, they would say: What is the difference on that?

Well, the difference is usually about \$5,000 or \$10,000. That is an enormous difference. And for some folks in this room, \$5,000 or \$10,000 may not be very much, but it is a lot more for that truck driver and that piano teacher.

So the logical thing for the Small Business Administration to do would be to say: OK. We changed the rule in March from what it was earlier so let's make it retroactive. Then folks who apply early, the most desperate folks, could actually still get the difference.

But that is not what happened. The Small Business Administration said: No, if you received the loan earlier, you received the smaller amount. If you waited and applied later, you get the larger amount.

It is the exact same type of business, exact same situation, but basically the

Small Business Administration said: This is too complicated to go back and redo this. So we will just allow folks who applied early, the most desperate, to get the least, and folks who applied later to get more.

We are bringing an amendment that would just fix that and would allow the folks who applied early, the most desperate folks, to be able to get the same level of help as the folks that applied later.

So, Madam President, I ask unanimous consent that it be in order for me to offer my Amendment 1402.

The ACTING PRESIDENT pro tempore. Is there an objection?

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

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, first, let me thank the Senator from Oklahoma for bringing this to the floor.

Here is our challenge. If it gets onto the bill that we have before us, it will delay the continuation of the Paycheck Protection Program because it terminates on March 31. We are not going to have any program to modify. And the House is not in session until the second week in April so it is not possible to get this done before the program expires.

So, for that reason, we have to oppose any amendment on the underlying bill, which is a clean extension of the PPP.

But I want to thank my friend from Oklahoma for bringing this forward because I agree with you. As chairman of the Small Business and Entrepreneurship Committee, I support making the changes that the administration made in regard to the determination for self-employed retroactive. I think that is a fair thing to do. I also support making sure that the business structure that is chosen by a small business also qualifies, whether it be a partnership or a traditional business arrangement.

I think we need to make those changes, and I know our staffs are working on the exact language. There is some challenge on how we draft the language. And you have my commitment that we will work during this recess, and I assure you that I want to see this done. I hope we can do it by UC when we return, when the House is in session, and get this done as quickly as possible.

The point the Senator from Oklahoma raises is very valid, but let me go back to the original bill for the self-employed that used, as you said, a formula that didn't work. In some cases, it was \$50 or \$80 that they got on the PPP, which was ridiculous because a self-employed person doesn't have the same payroll expenses that a traditional small business has.

We based the PPP calculations on the payroll amount. That didn't apply to the self-employed. So that is why the gross receipts are the right way to make those calculations, and that is what we want to do. That is what this

administration did in its recalculation, but it made it prospective only. It needs to be retroactive.

So I agree with the gentleman, but I cannot consent to agree to it today. And it is not going to delay the Senate consideration of it because the House is not in session for the next 2 weeks.

So the first time we can really get this done is the second week in April, and you have my commitment that we will work together to get the provision made retroactive and to cover the legal structures that are used by some of our small businesses that are not currently covered under the current interpretation—I think legal, this is a legal issue that we have to resolve.

For all those reasons, I do object.

The ACTING PRESIDENT pro tempore. The objection is heard.

The Senator from Oklahoma.

Mr. LANKFORD. Madam President, I do want to thank my friend from Maryland. This is an important issue. It does need to be resolved. It has not had enough attention on this. As he and I talked about it the last several days, and several others joined in, this deals with partnerships, whether it be ag. This deals with individuals.

So my friend from Kansas, he and I worked together on this to be able to combine a piece of legislation to make sure we are dealing with all types of businesses that will be affected, and I do hope to be able to get this through by unanimous consent in the days ahead to get this resolved as quickly as possible as well as continue to reach out to the Small Business Administration and to see what they can do to be able to communicate with those folks.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

AMENDMENT NO. 1403

Mr. MARSHALL. Madam President, I ask unanimous consent that I be allowed to complete my remarks.

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

Mr. MARSHALL. Madam President, I thank the gentleman, my neighbor from Oklahoma, for yielding. And I thank the gentleman from Maryland, our chairman of the Small Business Committee, for his cooperation.

Our amendment will allow farmers and ranchers categorized as a partnership, including LLPs, S corps, to utilize gross income when calculating their PPP maximum loan amount.

It is no secret that our Nation's farmers and ranchers have faced incredible difficulties through the COVID-19 pandemic when we literally couldn't pay people to come get our cattle and hogs. In December, we made changes to allow farmers to use gross income in calculating their PPP loan. Before it passed, the payments were based on farmers' net income. This net income number is often low or negative because of the amount of depreciation farmers claim on equipment. These changes were helpful and provided assistance for much of the agriculture industry.

Unfortunately, certain farm and ranch partnerships, many of which are small family partnerships, were left out of changes made in the program in December. I believe Congress intended to include partnerships; however, the SBA, interpreting the statute we passed, did not. They made it crystal clear, short of legislation, they would not include partnerships under this new interpretation.

My amendment, in a nutshell, would let farmers categorized as a partnership use gross income rather than net income for the PPP loan. I encourage all my colleagues to support this amendment and help our farmers during this difficult time.

I yield back to the gentleman from Oklahoma. Thank you.

Mr. CARDIN. Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. I ask unanimous consent that there be two minutes of debate, equally divided, before each vote in today's series.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 1401

Mr. KENNEDY. Madam President, without order, there can be no justice. We all know that. Without order, there can be no justice.

This past year, we have seen felony rioting throughout the United States. It doesn't matter whether that felony rioting happened here at the Capitol. It doesn't matter whether it happened in Portland or Chicago or Atlanta or at any of our other wonderful communities throughout the United States. It is wrong, and we have all condemned it. It should be punished, and it certainly shouldn't be rewarded.

My amendment is very simple. It says that if you were one of those rioters and you have received due process, you have been convicted by a court of law of competent jurisdiction, and you have been adjudged to have committed a felony with respect to a riot or civil disorder in the past 2 years, then you cannot participate in the PPP program. We already have that law at the SBA for disaster loans. This would extend it to the PPP program.

What you allow is what will continue. What you allow is what will continue, and that is why I would respectfully ask consideration for my amendment.

Mr. CARDIN. Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. I rise in opposition to the Kennedy amendment.

Let me be clear. Any amendment that is put on this clean extension will mean that the program will terminate in less than 1 week, and hundreds of thousands of small businesses will not be able to get their PPP loans. These are newly eligible. We changed the calculations on how much you can apply for. Those who have difficulty finding a

financial institution to write the forgivable loan, those in hard-to-serve communities, all are going to be denied. The SBA has indicated there are hundreds of thousands of eligible applicants that have not been able to get in by the due date.

Now, in regard to the Kennedy amendment, the SBA COVID-19 relief is for existing businesses and current business owners with proven reentry track records. Anyone who has rebuilt their life after being incarcerated should be celebrated and supported. There is no reason why a business owned by someone with an unrelated criminal record should be treated any differently.

I would urge my colleagues, for the sake of getting this bill to the President and signed so we can help our small businesses, to reject the Kennedy amendment.

Mr. KENNEDY. Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. KENNEDY. How much time do I have left?

The ACTING PRESIDENT pro tempore. No time remaining.

Mr. KENNEDY. Could I ask unanimous consent for another 30 seconds?

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

Mr. KENNEDY. Madam President, this is the third time I have brought this amendment—the third time.

Now, you either approve of the rioting that happened this summer and at the Capitol or you don't. The riots this summer killed 47 people. There was well over \$1 billion worth of damage.

No. 2, I can't help it if Speaker PELOSI has decided to go home, which prevents us from offering amendments to make this bill better. We all support extension of the PPP program, but this is not right, and it would be a lot more intellectually honest if my colleague, who opposed my amendment, said: Look, we just don't think that if you rioted you should be punished with respect to the PPP program, because that is what a "no" vote is saying.

The ACTING PRESIDENT pro tempore. Time has expired.

Mr. CARDIN. Madam President, I ask unanimous consent for 30 seconds to respond.

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

Mr. CARDIN. The gentleman's amendment goes well beyond that. The gentleman's amendment goes back 2 years. It could have been a civil disturbance on a college campus if someone now has an existing business totally unrelated to any economic crime. It is just something that should not be in this law, and I urge my colleagues to reject it.

Mr. KENNEDY. Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. KENNEDY. I would like to ask my colleague for 30 more seconds.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I just wanted to read the language to you. It says that you are prohibited from getting a PPP loan if you have been convicted of a felony in relation to a riot or a civil disorder in the past 2 years. You either support violence or you don't.

Madam President, I would like to ask that my amendment, Kennedy amendment No. 1401, be called up.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. KENNEDY] proposes an amendment numbered 1401.

Mr. KENNEDY. Madam President, I ask unanimous consent that we dispense with the reading.

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

The amendment is as follows:

(Purpose: To prohibit paycheck protection program loans and second draw loans for applicants convicted of a felony in relation to a riot or civil disorder during the 2-year period preceding the date of the application)

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON PAYCHECK PROTECTION PROGRAM LOANS AND SECOND DRAW LOANS FOR APPLICANTS CONVICTED OF A FELONY IN RELATION TO A RIOT OR CIVIL DISORDER.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (36), by adding at the end the following:

“(W) PROHIBITION.—An applicant is not eligible to receive a covered loan if an owner of 20 percent or more of the equity of the applicant has, as of the date of the application, been convicted of a felony in relation to a riot or civil disorder during the 2-year period preceding the date of the application.”; and

(2) in paragraph (37), by adding at the end the following:

“(P) PROHIBITION.—An applicant is not eligible to receive a covered loan if an owner of 20 percent or more of the equity of the applicant has, as of the date of the application, been convicted of a felony in relation to a riot or civil disorder during the 2-year period preceding the date of the application.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to an application for a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)(36)) that is submitted on or after the date of enactment of this Act.

VOTE ON AMENDMENT NO. 1401

The ACTING PRESIDENT pro tempore. The question occurs on agreeing to the amendment.

Mr. CARDIN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

(Mr. HICKENLOOPER assumed the Chair.)

(Mr. SCHATZ assumed the Chair.)

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—48

Barrasso	Graham	Paul
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Lummis	Tillis
Cruz	Marshall	Toomey
Daines	McConnell	Tuberville
Ernst	Moran	Wicker
Fischer	Murkowski	Young

NAYS—52

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Collins	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Feinstein	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden
Hassan	Peters	
Heinrich	Portman	

The amendment (No.1401) was rejected.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 1405

Mr. RUBIO. Mr. President, I call up my amendment No. 1405 and ask that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Florida [Mr. RUBIO], for himself and others, proposes an amendment numbered 1405.

The amendment is as follows

(Purpose: To establish appropriate limitations on the Administrator of the Small Business Administration establishing new priorities for processing lender applications)

On page 2, between lines 15 and 16, insert the following:

(d) LIMITATION ON PRIORITIZATION.—During the period beginning on the date of enactment of this Act and ending on the last day of the covered period, as defined in section 7(a)(36)(A)(iii) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(iii)), as amended by this Act, the Administrator of the Small Business Administration may not establish or enforce any priority for processing lender applications under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), except for any priority reasonably necessary to carry out the set-asides established under section 323(d) of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260).

Mr. RUBIO. Mr. President, the very reason we even have to do an extension is that the new administration has unfairly and unnecessarily restricted eligible businesses and nonprofits from applying. It has created confusion.

People haven't been able to get in by the deadlines, and unless we put in

more guardrails, there is little assurance that this is not going to continue. In particular, the one thing that would undermine this popular, bipartisan program is if people came to the conclusion that it was being used arbitrarily to give priority to politically favored groups.

So all this amendment does is prohibit the Small Business Administration from setting up any new set-asides beyond those that this Congress, on a bipartisan basis, already created last year when we passed this at the end of 2020.

What were those priorities? Smaller businesses, businesses in low-income areas, community financial institutions. All it says is, if you want to change those priorities, Congress has to do it, not the Small Business Administration.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise in opposition to the Rubio amendment.

The policy that Senator RUBIO is objecting to is implemented by the Small Business Administration to help the underserved communities.

During that 14-day period, 400,000 small businesses with 20 employees or less were able, at long last, to get PPP help. And almost half were first-time borrowers under the PPP program, those that had been shut out in the past.

But, specifically, the Rubio amendment, if it were adopted—and it is wrong policy—would require the House to concur. The House is not in session for 2 weeks. That could take us beyond the 31st of March, and the program would end, costing hundreds of thousands of small businesses the opportunity that—some are now eligible for the first time; some are trying to figure out the calculations.

So for all those reasons—and one last point: The Chamber of Commerce of the United States urges all of us to vote in favor of the underlying bill and oppose any amendment that would derail the expeditious approval of this measure.

Let's follow the Chamber's advice. Let's vote down the Rubio amendment.

VOTE ON AMENDMENT NO. 1405

The PRESIDING OFFICER. The question is on agreeing to the Rubio amendment.

Mr. RUBIO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—48

Barrasso	Boozman	Capito
Blackburn	Braun	Cassidy
Blunt	Burr	Cornyn

Cotton	Inhofe	Rounds
Cramer	Johnson	Rubio
Crapo	Kennedy	Sasse
Cruz	Lankford	Scott (FL)
Daines	Lee	Scott (SC)
Ernst	Lummis	Shelby
Fischer	Marshall	Sullivan
Graham	McConnell	Thune
Grassley	Moran	Tillis
Hagerty	Murkowski	Toomey
Hawley	Paul	Tuberville
Hoeven	Risch	Wicker
Hyde-Smith	Romney	Young

NAYS—52

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Collins	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Feinstein	Ossoff	Whitehouse
Gillibrand	Padilla	Wyden
Hassan	Peters	
Heinrich	Portman	

The amendment (No. 1405) was rejected.

The PRESIDING OFFICER. The Senator from Kentucky.

POINT OF ORDER

Mr. PAUL. Mr. President, in 2010, Congress passed what is known as pay-go. Pay-go was signed into law and requires that if you want to spend new money, you have to spend for it, hence the name "pay as you go."

The idea was that if you wanted to spend money on something, you would either need to cut spending or raise taxes, but you couldn't just simply borrow more money. And if you don't cut something, the cuts would be automatic. Except we have now waived pay-go 60 times since we passed pay-go. Debt has gone from \$13.5 trillion to \$30 trillion because Congress continues to evade the rules they put in place.

It brings us back to the \$1.9 trillion spending bill the other side just passed. They want to now waive the pay-go rule. This will be the 61st time to waive pay-go.

Some will say that Republicans didn't seem to care about the debt when they voted to cut taxes. However, honest observers will note that I also forced a vote on pay-go when we cut taxes. Interestingly, every Democrat in this body at that time voted to evade the pay-go rules and add taxes to the deficit, as I am sure they will today.

So do deficits matter? The answer is a resounding yes. There is no free money. When we borrow or print new money, that money must be repaid. We have racked up nearly \$30 trillion in debt. That is almost 150 percent of our entire economy. We borrow \$6.6 million every minute. Get that. We borrow \$6.6—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PAUL. I ask unanimous consent to have 1 minute to conclude my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PAUL. The deficit has gone from \$3 trillion last year; it will be \$3.5 trillion this year.

In Washington, every day is a good day to spend money. Big spenders like to say the Federal Government is no different than a family budget. We have the Federal Reserve that can print money to buy our debt, but all that does is cause inflation. Even with inflation not spiking, we have lost 17 percent of the dollar over the last several years.

Who is responsible for the \$30 trillion debt? Republicans? Democrats? The answer is yes and yes. Both parties are to blame. The vote I have called for is a litmus test for fiscal responsibility. Anyone who cares about the debt should vote to enforce the pay-go rule.

According to the CBO, the bill before us will increase the deficit by \$15 billion in fiscal year 2021; therefore, I raise a point of order against the measure pursuant to section 404(a) of S. Con. Res. 13 of the 111th Congress.

The PRESIDING OFFICER. The Senator from Maryland.

MOTION TO WAIVE

Mr. CARDIN. Mr. President, I have been advised by the administration there is an excess of \$50 billion available at the end of this month for the extension. So pursuant to section 904 of the Congressional Budget Act of 1974, the waiver provisions of applicable budget resolutions in section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purpose of the pending measure, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

The yeas and nays resulted—yeas 64, nays 36, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—64

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Romney
Blumenthal	Hoeben	Rosen
Booker	Inhofe	Sanders
Brown	Kaine	Schatz
Burr	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Shelby
Carper	Leahy	Sinema
Casey	Lujan	Smith
Collins	Manchin	Stabenow
Coons	Markey	Sullivan
Cortez Masto	McConnell	Tester
Cramer	Menendez	Thune
Duckworth	Merkley	Van Hollen
Durbin	Murkowski	Warner
Feinstein	Murphy	Warnock
Fischer	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Graham	Padilla	Wyden
Hassan	Peters	
Heinrich	Portman	

NAYS—36

Barrasso	Boozman	Cassidy
Blackburn	Braun	Cornyn
Blunt	Capito	Cotton

Crapo	Kennedy	Rubio
Cruz	Lankford	Sasse
Daines	Lee	Scott (FL)
Ernst	Lummis	Scott (SC)
Grassley	Marshall	Tillis
Hagerty	Moran	Toomey
Hawley	Paul	Tuberville
Hyde-Smith	Risch	Wicker
Johnson	Rounds	Young

The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 64, the nays are 36.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I ask unanimous consent for 6 minutes, 3 minutes equally divided.

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

Mr. PAUL. Since the implementation of PPP last April, 38 Planned Parenthood affiliates applied for and received \$80 million in taxpayer funds meant for small business relief.

Pursuant to the longstanding affiliation rules, which stipulate that affiliated organizations are considered one organization, the Small Business Administration found that Planned Parenthood was ineligible for PPP funds and sent letters to each of the 38 organizations that wrongfully received funds.

After months of delay, though, SBA finally revealed that they have now given secondary loans to more Planned Parenthood organizations. These approvals come long after the SBA had determined that the initial ones were illegal.

Further extending the PPP program could allow all 49 Planned Parenthood affiliates time to access both the first or second draw of PPP loans, given the Biden administration's apparent recent actions.

I urge everyone who believes that taxpayers should not be forced to pay for abortion to vote no.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, I want to thank Senator COLLINS for her leadership on this issue. I want to thank Senator SHAHEEN for her help in getting this done.

This bill is widely supported. It passed the House by 415 to 3, supported by the U.S. Chamber of Commerce, the NFIB, and numerous other stakeholders in small business.

It will be 1 year since the passage of the CARES Act, and the PPP program has saved millions of small businesses from being shuttered. It has helped save our unemployment insurance system by keeping small-employer employees on the payroll. It has kept workforce together for small businesses, which is critically important to get through this pandemic.

Small businesses need additional time because we have changed the eligibility, we have changed the calculation, and you have to find private

banks that are willing to take on this loan. And we are now into a second round. There is over \$50 billion available at the end of this month to continue the program.

I would urge my colleagues to support this legislation.

I would yield the remainder of our time to Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise to urge my colleagues to support passage of H.R. 1799, the PPP Extension Act of 2021. It is imperative that we act immediately to pass this bill because we are just days away from the PPP being closed to applications for assistance. This bill mirrors legislation I introduced with my colleagues, Senators CARDIN and SHAHEEN, which is cosponsored by Senators MARSHALL, SULLIVAN, ROSEN, MURKOWSKI, LEAHY, WYDEN, TILLIS, OSSOFF, CAPITO, MERKLEY, HEINRICH, PORTMAN, KLOBUCHAR, and MANCHIN.

Last March, Senators RUBIO, CARDIN, SHAHEEN, and I crafted the Paycheck Protection Program, PPP—a forgivable loan program designed to help keep small employers afloat and their employees paid during the pandemic.

The bipartisan bill we are considering today would simply extend the current application deadline for new PPP loans from March 31 to May 31 of this year and then provide an additional 30-day period during which time the Small Business Administration may continue processing applications received prior to the new May 31 deadline. This bipartisan bill passed the House last week by an overwhelming margin of 415 to 3.

The PPP has been a lifeline for small businesses in Maine and across the country, providing the support they need to survive the pandemic and continue paying their employees. In 2020, more than 5 million small employers received forgivable PPP loans, helping to sustain upwards of 50 million American jobs. This included more than 28,000 Maine small businesses, which received nearly \$2.3 billion in forgivable PPP loans. The average loan size in Maine during this time was \$80,000.

Recognizing the importance of this program for our Nation's small employers, the bipartisan December 2020 COVID-relief law provided an additional \$284.5 billion to reopen the Paycheck Protection Program and allow the hardest hit small employers to receive a second forgivable loan. The December law also made other improvements to the PPP, such as expanding forgivable overhead expenses to include supplier costs and investments in facility modifications and personal protective equipment needed to operate safely.

Since reopening in January, more than 3.1 million additional forgivable loans—totaling nearly \$196 billion—have been approved for small businesses across the country. In Maine, more than 12,700 small employers have

MARCH 15, 2021.

been approved for \$797 million in forgivable loans since PPP's reopening. In total, Maine small employers have been approved for upwards of \$3 billion in forgivable loans since the program was created last year.

I have heard from numerous small employers about the impact this program has had on them and their employees. The PPP has helped the owners of Pottle Transportation in Hermon, Anglers Restaurants in Hampden, and the Harraseeket Inn in Freeport keep their businesses alive and their employees paid. Hodgdon, America's oldest boat builder, was able to keep its family-owned East Boothbay business in operation with the help of two forgivable PPP loans. The owner of Channel X Radio in Aroostook County told me that two forgivable PPP loans kept his business going. The Boys & Girls Clubs of Southern Maine and the Y in Bangor have been able to provide childcare and other services to children due to support from the PPP.

With the ongoing distribution of COVID-19 vaccines and reopening of our Nation's economy, I am hopeful that better times will soon be ahead. We are not there yet, which is why we need to extend the deadline to apply for new PPP loans. Extending the deadline would provide more time for the Small Business Administration to resolve error messages generated by its computer systems that prevented eligible small businesses from receiving approval for a PPP Loan. It would also give us more time to address an inequity facing certain sole proprietors who received their PPP loans before the Biden administration unexpectedly announced a change in the maximum loan amount calculation for these types of businesses.

By extending the PPP for another 2 months and then providing an additional 30 days after that time for the SBA to process applications that are still pending, the bill before us today would help our Nation's small employers retain access to forgivable PPP loans.

This bill has been endorsed by more than 90 organizations, including the National Federation of Independent Business, U.S. Chamber of Commerce, American Hotel & Lodging Association, International Franchise Association, National Restaurant Association, the U.S. Travel Association, and the Independent Community Bankers of America. I would ask unanimous consent that these letters of support be printed in the RECORD at the conclusion of my statement.

I would like to once again thank my colleagues, Senators CARDIN and SHAHEEN, for partnering with me on this legislation, and Senator RUBIO for working to craft the PPP and oversee its implementation. I look forward to working with them and the new administrator of the Small Business Administration to ensure that the PPP is implemented according to Congressional intent.

I urge my colleagues to support passage of this bill.

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

CONSUMER BANKERS ASSOCIATION,
Washington, DC, March 15, 2021.

Hon. SUSAN COLLINS,
U.S. Senate, Washington, DC.

Hon. BEN CARDIN,
Chairman, U.S. Senate Committee on Small Business, Washington, DC.

Hon. JEANNE SHAHEEN,
U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS, CHAIRMAN CARDIN, AND SENATOR SHAHEEN: On behalf of the Consumer Bankers Association (CBA), I write to express our support of S. 723, The PPP Extension Act of 2021. I thank you for your continued leadership as our nation rises to meet the challenges posed by the COVID-19 crisis. CBA commends the work of Congress, the Small Business Administration (SBA), and all the lenders across the country who together worked dutifully to make the Paycheck Protection Program (PPP) a reality and provide much needed relief to millions of small businesses.

Lenders remain committed to serve their small business customers and have engaged considerable resources to process PPP loan applications so they can ensure our nation's small businesses have the support they need to endure these challenging economic times. Unfortunately, operational changes made by SBA during this current round of PPP lending has slowed the funding of PPP loan applications.

With just weeks before the program sunsets, our members are working tirelessly to resolve complications with the processing and approval of PPP applications. Issues flagged during SBA's processing of applications, such as loan hold and error codes, continue to be major hurdles for successful PPP funding. Despite lenders' efforts to work with their customers and the SBA to quickly resolve them, these issues continue to significantly delay the funding of requests to businesses that have very pressing financial concerns. This, coupled with the recent changes by the SBA allowing Schedule C borrowers to qualify for more PPP relief, makes it imperative that more time is provided.

Extending the PPP and providing a window for lenders and the SBA to process received applications will ensure any small business that wants access to the program is able to do so. The PPP Extension Act of 2021 will provide the SBA, lenders, and small businesses the critical time that is needed to properly implement recent alterations to the program and resolve any outstanding processing issues, ultimately allowing small businesses to fully realize the benefits of the PPP.

Again, thank you for your time and consideration on these important matters. CBA and our members remain eager to work with Congress and the SBA to help small businesses in these uncertain economic times.

Sincerely,

RICHARD HUNT,
President and CEO,
Consumer Bankers Association.

Hon. BEN CARDIN,
Chair, Senate Small Business Committee,
Washington, DC.

Hon. SUSAN COLLINS,
U.S. Senate, Washington, DC.

Hon. JEANNE SHAHEEN,
U.S. Senate, Washington, DC.

Hon. CAROLYN BOURDEAUX,
House of Representatives, Washington, DC.

Hon. NYDIA VELÁZQUEZ,
Chair, House Small Business Committee, Washington, DC.

Hon. BLAINE LUETKEMEYER,
Ranking Member, House Small Business Committee, Washington, DC.

Hon. YOUNG KIM,
House of Representatives, Washington, DC.

DEAR SENATORS CARDIN, COLLINS AND SHAHEEN AND REPRESENTATIVES VELÁZQUEZ, LUETKEMEYER, BOURDEAUX AND KIM: The undersigned organizations are writing to thank you for your bicameral leadership and swift bipartisan action to provide relief to America's small businesses through this economic emergency. We strongly support the PPP Extension Act of 2021, which will extend the Small Business Administration's (SBA) Paycheck Protection Program (PPP) application period beyond the March 31, 2021 sunset date.

While we realize the Small Business Administration (SBA) is under tremendous time constraints and is struggling with internal resource issues, our members are highly concerned by the lack of progress on major Paycheck Protection Program (PPP) processing issues, including hold/error codes and application rejections due to Taxpayer Identification Number ("TIN") issues or mismatches, in addition to many unresolved technical problems with the current PPP process. These delays and denials may put many applicants in danger of not making the March 31st authorization deadline.

Nearly one year into the COVID-19 pandemic, the continued liquidity challenges of the small business sector are acute, especially for those business limited by dramatic capacity restrictions and other critical health and safety protocols in place to protect the public, consumers and workers from COVID-19. Thank you for extending the window of opportunity for pandemic programs to effectively impact the affected small business sector, especially those traditionally under-invested and underserved groups which must also be given the chance to succeed.

We stand ready to work with you during this critical moment, and thank you for considering our views.

Sincerely,

Accessories Council (AC); AICC, The Independent Packaging Association; American Apparel & Footwear Association (AAFA); American Bankers Association; American Beverage Licensees; American Council of Engineering Companies; American Dental Association; American Farm Bureau Federation; American Hotel & Lodging Association; American Lighting Association; American Mold Builders Association; American Rental Association; American Society of Travel Advisors; American Subcontractors Association; American Supply Association; AMT—The Association For Manufacturing Technology; Asian American Hotel Owners Association; Associated Builders and Contractors; Associated General Contractors of America; Association of the Wall and Ceiling Industry; Auto Care Association.

Bank Policy Institute; Brea Chamber of Commerce; Building Owners and Managers Association (BOMA) International; Chemical Fabrics & Film Association (CFFA); Coalition of Franchisee Associations; Consumer Bankers Association; Council of Fashion Designers of America (CFDA); Economic Innovation Group; Electronics Representatives

Association; Energy Marketers of America; Foodservice Consultants Society International—The Americas; Foodservice Equipment Distributors Association; Franchise Business Services; Global Business Travel Association; Global Cold Chain Alliance; Golf Course Superintendents Association of America; Independent Electrical Contractors; International Council of Shopping Centers; International Franchise Association; ISSA—The Worldwide Cleaning Industry Association.

Korean American Chamber of Commerce of Orange County; La Habra Chamber of Commerce; National Association of Development Companies (NADCO); National Association of Government Guaranteed Lenders (NAGGL); National Association of Home Builders; National Association of Professional Insurance Agents; National Association of the Remodeling Industry; National Association of Theatre Owners; National Association of Trailer Manufacturers; National Association of Women Business Owners (NAWBO); National Automatic Merchandising Association (NAMA); National Community Pharmacists Association; National Cotton Council; National Council of Chain Restaurants; National Electrical Contractors Association; National Electrical Manufacturers Representatives Association (NEMRA); National Federation of Independent Business (NFIB); National Fisheries Institute; National Franchise Association.

National Independent Venue Association; National Ready Mixed Concrete Association; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National RV Dealers Association (RVDA); National Small Business Association; National Tooling and Machining Association; North American Association of Food Equipment Manufacturers (NAFEM); North American Die Casting Association; Orange County Business Council; Pet Industry Distributors Association; Precision Machined Products Association; Precision Metalforming Association; Promotional Products Association International (PPAI); San Gabriel Valley Economic Partnership; Secondary Materials and Recycled Textiles Association; Service Station Dealers of America and Allied Trades (SSDA-AT).

Small Business Council of America; Small Business & Entrepreneurship Council; Small Business Legislative Council; Small Business Majority; Specialty Equipment Market Association; Specialty Tools & Fasteners Distributors Association (STAFDA); SPRI; Tile Roofing Industry Alliance; Tire Industry Association (TIA); The Real Estate Roundtable; Travel Goods Association (TGA); United States Hispanic Chamber of Commerce; United Veterinary Services Association; U.S. Chamber of Commerce; U.S. Travel Association; Yorba Linda Chamber of Commerce.

INDEPENDENT COMMUNITY

BANKERS OF AMERICA,

Washington, DC, March 16, 2021.

Hon. BEN CARDIN,
Chairman, Committee on Small Business & Entrepreneurship, U.S. Senate, Washington, DC.

Hon. SUSAN COLLINS,
U.S. Senate, Washington, DC.

Hon. JEANNE SHAHEEN,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN CARDIN AND SENATORS COLLINS AND SHAHEEN: On behalf of community banks across the country, with more than 50,000 locations, I write to thank you for introducing the PPP Extension Act of 2021 (S. 723). This legislation is needed to ensure that thousands of Paycheck Protection Program applicants—small businesses, churches, and other non-profit employers—are not stranded by an abrupt shutdown of the Program and

would do so using funds that have already been appropriated.

Community banks are doing everything in their power to complete and submit PPP applications to the SBA before the March 31 deadline. Unfortunately, they have no assurances that qualified applications submitted timely will be approved. The CARES Act does not allow for approval of applications after March 31, regardless of when they were submitted and the quality of the applications. Unless a statutory change is made, thousands of applications will be rejected simply because the clock has run out.

This outcome would be especially unfair because of the thousands of applications have been in limbo at the SBA for weeks because they were flagged and put on hold by an automated program for possible waste, fraud, or abuse. These applications require SBA review in order to be cleared of holds and approved for funding. If they cannot be cleared by March 31, cash starved applicants and the people they employ will be denied access to funds they had anticipated and planned for. We do not believe this outcome was intended by Congress.

The PPP Extension Act would resolve this problem by extending the application deadline until May 31 and creating a second deadline of June 30 for SBA approval. This will give applicants more time, and the two-tiered deadline will ensure the Program does not end abruptly.

ADDITIONAL CHANGES NEEDED TO ENSURE EQUITABLE DISTRIBUTION OF PPP FUNDS

Any extension of the deadline will give Congress the opportunity to refine and improve the Program rules and formulas to ensure equitable distribution of funds to those borrowers that can make the best use of them. ICBA urges Congress and the SBA to make fixes to resolve the problems identified below.

First Draw Increase Eligibility. Certain borrowers who have not yet filed for and received forgiveness of their first draw 2020 PPP loan may apply for an increase in that loan. However, borrowers whose first draw 2020 loans have already been forgiven cannot apply for a first draw loan increase, even if they otherwise meet the criteria for an increase. This is unfair because it punishes borrowers who filed forgiveness applications early. The statute should be amended to allow borrowers who have received first draw loan forgiveness to be eligible to receive a first draw loan increase.

Second Draw Eligibility. Those applying for a first draw in 2021 should be allowed access to a second draw. Community bankers have solicited and received numerous applications for first draw loans in 2021. In many cases, these applicants would have applied for first draw loans in 2020, if they had the benefit of better information and advice, and would now be eligible for second draw loans. They have effectively left money on the table that could be used for critical expenditures.

Second Draw Use of Proceeds Requirement. Borrowers with a modest shortfall in using first draw dollars for eligible purposes shouldn't be shut out from second draw loans, especially if they've already repaid the remaining balance on the first draw loan. Congress should consider creating a percentage-based de minimis test to define a level of spending on ineligible expenses that would not disqualify a borrower for a second draw loan.

Farm Partnerships. Current law allows self-employed farmers and ranchers that report farm income on Schedule F to use the gross income method, rather than the net income method, to calculate their maximum loan amount and owner's compensation.

However, SBA has limited this treatment to 1040 Schedule F filers. It is not available to thousands of self-employed farmers and ranchers whose businesses are organized as partnerships or S corporations. Congress should direct the SBA to make the gross income method available to these farmers and ranchers.

Schedule C Borrowers. Schedule C filers should be able to apply for an increase under new SBA rules that allow Schedule C borrowers with no employees to use gross income rather than net profit to determine the loan amount. This is a welcome change, but those borrowers who have already obtained loans have no opportunity to apply for an increase based on the new rules. They may qualify for significantly larger loans but are effectively being punished for submitting their applications early.

Save Our Stages Applicants. Live action venues eligible for Save Our Stages grants should be allowed to apply for PPP loans while waiting to find out if they will receive a grant. If such a venue eventually does receive a grant, the amount of the grant could be reduced by the amount of the PPP loan, thereby avoiding the double dipping prohibited by the statute.

Thank you again for introducing the PPP Extension Act. We look forward to working with you to advance this important legislation. We urge you to use this opportunity to address the problems with the Program discussed above.

Sincerely,

REBECA ROMERO RAINEY,
President & CEO.

NFIB,

March 25, 2021.

DEAR SENATOR: On behalf of NFIB, the nation's leading small business advocacy organization, I write in support of H.R. 1799, the PPP Extension Act of 2021, which will extend authorization for the Paycheck Protection Program (PPP) beyond March 31, 2021. H.R. 1799 will be considered an NFIB Key Vote for the 117th Congress.

NFIB research indicates economic conditions remain challenging for our nation's small businesses. According to NFIB's latest monthly survey, small business optimism remains below its historic 47-year average. Small business owners expecting better business conditions over the next six months remains at a net negative 19%, a poor reading. Moreover, the economic recovery continues to be uneven for small businesses, especially those still managing state and local regulations and restrictions, with 15% recently reporting that they will have to close their doors if current economic conditions do not improve over the next six months.

Many small business owners are continuing to evaluate their financial needs as they assess the future of government restrictions on their businesses as well as progress in controlling the COVID-19 pandemic. Unfortunately, the timeframe for making decisions regarding a first or second draw PPP loan after passage of the Consolidated Appropriations Act of 2021 has been short, particularly as Congress and the Administration have recently made additional changes to the program.

For these reasons and given the high level of uncertainty over future economic conditions, it makes sense to extend the authorization of the PPP program through May 31, 2021 to give small businesses additional time to consider their needs and apply. NFIB is also pleased that this legislation will provide an additional 30 days for SBA to process pending applications, which will help to ensure small businesses are not unfairly harmed by PPP processing delays, which continue to pose a challenge to the program.

NFIB supports H.R. 1799, the PPP Extension Act of 2021 and will consider final passage of the legislation as an NFIB Key Vote for the 117th Congress.

Sincerely,

KEVIN KUHLMAN,
Vice President,
Federal Government Relations, NFIB.

Ms. COLLINS. Mr. President, I urge all of our colleagues to vote yes on this bill, which will provide a crucial 2-month extension for the Paycheck Protection Program.

This program has been a lifeline to countless small businesses and has saved more than 50 million jobs in this country.

I salute my colleagues Senator CARDIN and Senator SHAHEEN for their work on this extension, which was overwhelmingly passed by the House.

Let's talk about briefly what would happen if we do not act. If we do not act, there are approximately 190,000 loans still under review, which prevents any of these businesses from receiving a second PPP loan. These small businesses need this assistance now in order to pay their employees and stay afloat during this pandemic.

We cannot wait. The House has gone home. We cannot allow an interruption of this vital program that has made such a difference to our small businesses and their employees.

I urge all of my colleagues to support this 2-month extension, with an additional month for SBA to review the applications.

VOTE ON H.R. 1799

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

Mr. CARDIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Nebraska (Mr. SASSE).

Further, if present and voting, the Senator from Nebraska (Mr. SASSE) would have voted "yea."

The result was announced—yeas 92, nays 7, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—92

Baldwin	Cotton	Kelly
Barrasso	Cramer	Kennedy
Bennet	Daines	King
Blackburn	Duckworth	Klobuchar
Blumenthal	Durbin	Lankford
Blunt	Ernst	Leahy
Booker	Feinstein	Lujan
Boozman	Fischer	Lummis
Braun	Gillibrand	Manchin
Brown	Graham	Markley
Burr	Grassley	Marshall
Cantwell	Hagerty	McConnell
Capito	Hassan	Menendez
Cardin	Heinrich	Merkley
Carper	Hickenlooper	Moran
Casey	Hirono	Murkowski
Cassidy	Hoeven	Murphy
Collins	Hyde-Smith	Murray
Coons	Inhofe	Ossoff
Cornyn	Johnson	Padilla
Cortez Masto	Kaine	Peters

Portman
Reed
Romney
Rosen
Rounds
Rubio
Sanders
Schatz
Schumer
Scott (FL)

Scott (SC)
Shaheen
Sinema
Smith
Stabenow
Sullivan
Tester
Thune
Tillis
Toomey

Tuberville
Van Hollen
Warner
Warnock
Warren
Whitehouse
Wicker
Wyden
Young

NAYS—7

Crapo
Cruz
Hawley

Lee
Paul
Risch

Shelby

NOT VOTING—1

Sasse

The bill (H.R. 1799) passed.

The PRESIDING OFFICER (Mr. VAN HOLLEN). The majority leader.

PREVENTING ACROSS-THE-BOARD DIRECT SPENDING CUTS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1868; that the Shaheen-Collins substitute amendment No. 1410 and the Scott of Florida amendment No. 1411 be made pending and reported by number; further, that the Senate vote in relation to the Scott amendment and the substitute, that upon disposition of the amendments, the bill be considered read a third time, the Senate vote on passage of the bill as amended, if amended, with 60 affirmative votes required for passage; further, that there be 2 minutes for debate, equally divided, prior to each vote; and finally, that the motions to reconsider be considered made and laid upon the table, all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Indiana. Mr. BRAUN. Mr. President, reserving the right to object, I rise today to ask support of this body to fix a problem in the American Rescue Plan, a bill that was passed in a rushed manner with no input from Republicans.

I do not rise today to debate the underlying bill, although there could be plenty to debate about it, but to make the point we can multitask and address more than one time-sensitive issue at a time.

We need to protect senior citizens and ensure we aren't making cuts to a vital program like Medicare, and today we will do that.

But we have another issue that we can address today as well.

In the American Rescue Plan, Democrats punished red States, like Indiana, for keeping unemployment low, by taking a smart approach to COVID, by balancing public safety with the economy.

Now they want to tell States that they can't cut taxes through 2024, despite being good stewards day in and day out of taxpayer money over the past year.

This provision is so troubling that 21 State AGs sent a letter to the Treasury raising the following concerns about the tax cut prohibition:

It imposes an ambiguous condition on Federal funding; it results in Federal conditions that don't relate to the Federal interest for which the program was established; it violates separation of powers and fundamental democratic principles and effectively commandeers half of the States' fiscal ledgers; and, ultimately, it is unconstitutionally coercive.

Treasury said last week that States can still cut their taxes; they just can't use American Rescue Plan money to do it. But Governors and State legislatures are still confused.

One midwestern attorney general has asked a Federal judge to block the tax cut prohibition. Multiple tax professionals and outside groups say there are many questions still left unanswered.

We can stop this entire mess by adopting my amendment, the Let States Cut Taxes Act, an amendment to stop the Federal Government's unconstitutional overreach on States' rights.

Therefore, I ask that the Senator modify his request to include my amendment, which is at the desk, and that following disposition of the Scott amendment, the Senate vote on my amendment with a 60-affirmative-vote threshold for adoption.

The PRESIDING OFFICER. Does the Senator so modify his request?

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I reserve the right to object.

I have a statement to make.

Last week, my friend from Indiana and I were last down here discussing this issue.

There seemed to be a lot of confusion about the Treasury—or how the Treasury would interpret the net tax revenue provision. There seemed to be a fear that this language would prevent States from cutting any taxes whatsoever.

And the good news is that we received some guidance earlier this week from Secretary Yellen that should put those concerns to bed once and for all.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Secretary Yellen.

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

DEPARTMENT OF THE TREASURY,

Washington, DC, March 23, 2021.

Hon. MARK BRNOVICH,
Attorney General, State of Arizona,
Phoenix, AZ.

DEAR ATTORNEY GENERAL BRNOVICH: I write in reply to your March 16, 2021 letter regarding Treasury's implementation of section 9901 of the American Rescue Plan Act (the "Act"), which provides funds to States, territories, Tribal governments, and localities to help them manage the economic consequences of COVID-19.

In the Act, Congress has provided funding to help States manage the public health and economic consequences of COVID-19 and it has given States considerable flexibility to use that money to address the diverse needs of their communities. At the same time, Congress placed limitations to ensure that