

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

the money is used to achieve those purposes—including provisions stating that this funding may not be used to offset a reduction in net tax revenue resulting from certain changes in state law.

It is well established that Congress may place such reasonable conditions on how States may use federal funding. Congress includes those sorts of reasonable funding conditions in legislation routinely, including with respect to funding for Medicaid, education, and highways. Here, the Act provides a broad outlay of federal funds, and accordingly includes restrictions to ensure that those funds are properly applied. Earlier COVID-19 relief measures providing state funding also included restrictions that barred States from spending those funds on certain ineligible expenditures.

Nothing in the Act prevents States from enacting a broad variety of tax cuts. That is, the Act does not “deny States the ability to cut taxes in any manner whatsoever.” It simply provides that funding received under the Act may not be used to offset a reduction in net tax revenue resulting from certain changes in state law. If States lower certain taxes but do not use funds under the Act to offset those cuts—for example, by replacing the lost revenue through other means—the limitation in the Act is not implicated.

It is also important to note that States choosing to use the federal funds to offset a reduction in net tax revenue do not thereby forfeit their entire allocation of funds appropriated under this statute. The limitation affects States’ ability to retain only those federal funds used to offset a reduction in net tax revenue resulting from certain changes in state law.

Treasury is crafting further guidance—including guidance to address more specifically the issues raised by your letter and the procedures Treasury will use for any future recoupment—that will provide additional information about how this provision will be administered. We will provide this guidance before a State must submit a certification under 602(d)(1). We also expect to engage in an ongoing dialogue throughout the program.

These funds will provide transformative relief to States, territories, and Tribal governments, and our communities should be able to use the funds to recover from the economic fallout due to the pandemic, which is what Congress intended. I hope to work with your State, as well as others across the country, to ensure these funds can be used in ways that align with the goals of the statute without undue restrictions.

Sincerely,

JANET L. YELLEN.

Mr. MANCHIN. Mr. President, I will enter this letter into the RECORD, but I would like to read the key sentences. And to the Senator from Indiana, if I could read this letter to you and to make sure that—I don’t know how—I have spoken to my attorney general, who was one of the original cosigners, and I said: Mr. Attorney General, I want to explain this in English because it is very easy to understand. It says this:

Nothing in the Act prevents States from enacting a broad variety of tax cuts.

Do whatever you want.

That is, the Act does not “deny States the ability to cut taxes in any manner whatsoever.”

This comes from the Secretary of Treasury.

It simply provides that funding received under the Act may not be used to offset a reduction. . . .

That you choose, unless it is COVID related. It makes all the sense in the world. It has to be COVID related.

If States lower certain taxes but do not use funds under the Act to offset those cuts—for example, by replacing the lost revenue through other means—the limitation in the Act is not implicated.

They can do whatever they want to. And if they can show other revenue to offset it, that is great. They just cannot use the Treasury’s money that the people have invested in their States for that purpose.

It also says this:

It is . . . important to note that the States choosing to use the Federal funds to offset a reduction in net tax revenue do not thereby forfeit their entire allocation of funds appropriated under this statute.

They have alluded to that, which is not accurate.

The limitation affects States’ ability to retain only those Federal funds used to offset a reduction in . . . tax revenue resulting from certain changes in [the] state law.

That is it. That is not—and these are all supposed to be educated attorneys that are writing letters wanting explanations.

This is as common sense as it gets. It is a bipartisan guardrail to simply make sure the emergency funds make it to the people who need it most, and the States can do whatever they think they should do and could do.

As a former Governor, I would have been offended if I thought it was hampered. I am not. I have got to make good decisions here. I have other revenue coming in. I want to cut this tax. That is fine. I just can’t cut a tax to be popular and then say: OK. Mr. Senators here, please send us money so we can be popular back home but use your money to make us look good. That is about it in a nutshell.

So it is for those reasons, and many, many more, I object.

The PRESIDING OFFICER. Objection is heard to the modification.

Is there objection to the original request?

Mr. BRAUN. Reserving the right to object, coming from the world of business, I have been dismayed by Washington’s inability to fix problems in a timely, rational manner, and that has been over a stretch of many years before I got here.

I do, respectfully, disagree with my friend from West Virginia. We should fix this tax cut prohibition right now that was forced into the American Rescue Plan in the wee hours of the morning.

If we want to fix a commonsense problem, we are being told that our only choice is to hold Hoosier seniors hostage. This is the most deliberative body in the world; this cannot be the best the Senate has to offer.

We must get the Federal Government out of the way and stop complicating and confusing States. They should be allowed to do their jobs.

And, by the way, they do their jobs—balancing their budgets every year, liv-

ing within their means. Most of the rest of the country accepts that as well.

Given the looming April 1 deadline for cuts to return to Medicare, I am not willing to let Hoosier seniors suffer. As a result, I will withdraw my amendment in the interest of seniors across Indiana.

I look forward to working with the two leaders after the recess to fix this issue. I will not object.

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

Under the previous order, the Senate will proceed to the consideration of H.R. 1868, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1868) to prevent across-the-board direct spending cuts, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the clerk will now report the amendments numbered 1410 and 1411 by number.

AMENDMENT NO. 1410

The senior assistant legislative clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN] for herself and Ms. COLLINS proposes an amendment numbered 1410.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF TEMPORARY SUSPENSION OF MEDICARE SEQUESTRATION.

(a) EXTENSION.—

(1) IN GENERAL.—Section 3709(a) of division A of the CARES Act (2 U.S.C. 901a note) is amended by striking “March 31, 2021” and inserting “December 31, 2021”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the CARES Act (Public Law 116-136).

(b) OFFSET.—Section 251A(6)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)(C)) is amended—

(1) in clause (i)—

(A) by striking “first 6 months” and inserting “first 5 ½ months”;

(B) by striking “4.0 percent” and inserting “2.0 percent”; and

(C) by striking “and” at the end;

(2) in clause (ii)—

(A) by striking “second 6 months” and inserting “6-month period beginning on the day after the last day of the period described in clause (i)”; and

(B) by striking “0.0 percent.” and inserting “4.0 percent; and”; and

(3) by adding at the end the following:

“(iii) with respect to the remaining ½ month in which such order is so effective for such fiscal year, the payment reduction shall be 0.0 percent.”.

SEC. 2. TECHNICAL CORRECTIONS.

(a) RURAL HEALTH CLINIC PAYMENTS.—

(1) IN GENERAL.—Section 1833(f)(3) of the Social Security Act (42 U.S.C. 1395l(f)(3)) is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking subclauses (I) and (II) and inserting the following:

“(I) with respect to a rural health clinic that had a per visit payment amount established for services furnished in 2020—

“(aa) the per visit payment amount applicable to such rural health clinic for rural

health clinic services furnished in 2020, increased by the percentage increase in the MBI applicable to primary care services furnished as of the first day of 2021; or

“(bb) the limit described in paragraph (2)(A); and

“(II) with respect to a rural health clinic that did not have a per visit payment amount established for services furnished in 2020—

“(aa) the per visit payment amount applicable to such rural health clinic for rural health clinic services furnished in 2021; or

“(bb) the limit described in paragraph (2)(A); and”;

(ii) in clause (ii)(I), by striking “under clause (i)(I)” and inserting “under subclause (I) or (II) of clause (i), as applicable.”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) A rural health clinic described in this subparagraph is a rural health clinic that—

“(i) as of December 31, 2020, was in a hospital with less than 50 beds and after such date such hospital continues to have less than 50 beds (not taking into account any increase in the number of beds pursuant to a waiver under subsection (b)(1)(A) of section 1135 during the emergency period described in subsection (g)(1)(B) of such section); and

“(ii)(I) as of December 31, 2020, was enrolled under section 1866(j) (including temporary enrollment during such emergency period for such emergency period); or

“(II) submitted an application for enrollment under section 1866(j) (or a request for such a temporary enrollment for such emergency period) that was received not later than December 31, 2020.”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect as if included in the enactment of the Consolidated Appropriations Act, 2021 (Public Law 116-260).

(b) **ADDITIONAL AMOUNT FOR CERTAIN HOSPITALS WITH HIGH DISPROPORTIONATE SHARE.**—Effective as if included in the enactment of section 203(a) of title II of division CC of Public Law 116-260, subsection (g) of section 1923 of the Social Security Act (42 U.S.C. 1396r-4), as amended by such section, is amended by adding at the end the following:

“(3) **CONTINUED APPLICATION OF GRANDFATHERED TRANSITION RULE.**—Notwithstanding paragraph (2) of this subsection (as in effect on October 1, 2021), paragraph (2) of this subsection (as in effect on September 30, 2021, and as applied under section 4721(e) of the Balanced Budget Act of 1997, and amended by section 607 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Public Law 106-113)) shall apply in determining whether a payment adjustment for a hospital in a State referenced in section 4721(e) of the Balanced Budget Act of 1997 during a State fiscal year shall be considered consistent with subsection (c).”.

AMENDMENT NO. 1411 TO AMENDMENT NO. 1410

The senior assistant legislative clerk read as follows:

The Senator from Florida [Mr. SCOTT] proposes an amendment numbered 1411 to amendment No. 1410.

The amendment is as follows:

(Purpose: To improve the bill)

Strike section 2(b).

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 1411.

The Senator from Florida is recognized.

Mr. SCOTT of Florida. Mr. President, it must be nice to be the Speaker of the

House. Speaker PELOSI gets to push around our new majority leader and my Democratic colleagues, and they get nothing in return.

This bill is a bailout for Speaker PELOSI and gives California's healthcare system the ability to claim up to 175 percent of uncompensated care costs in their DSH Program while all the other States can only claim up to 100 percent of costs.

How is that fair to Florida?

How can the majority leader and my new colleagues from Georgia, Colorado, New Mexico, and Arizona justify a vote that is unfair to their States? Well, welcome to Pelosi's U.S. Senate.

Seriously, how can anyone in this body, except, perhaps, my two colleagues from California, possibly justify voting against this amendment?

This is a very simple concept. All 50 States should be treated equally. One State should not be given special treatment over the others. This is a bailout for Speaker PELOSI, period.

I want to be very clear. I oppose any cuts to Medicare benefits. So what I am offering protects Medicare benefits, and the only change it makes to this bill is to strip out this ridiculous Pelosi bailout.

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

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that I have another 30 seconds.

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

Mr. SCOTT of Florida. What I am offering protects Medicare benefits, and the only change it makes to this bill is to strip out this ridiculous Pelosi bailout.

A vote for my amendment is a vote to ensure that all 50 States play by the same rules. It is to preserve the current law.

A vote against my amendment is a vote to say that your State plays by the rules, but PELOSI gets her own set of rules.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise in strong opposition to this amendment.

The bill before us today fixes a drafting error from legislation enacted last December. The unintentional error occurred accidentally against a long-standing rule under which California is able to use Medicaid funding to reimburse hospitals serving uninsured and Medicaid patients.

Today's bill fixes that drafting error. It makes no other changes to law and does not provide additional funds to California or any other State. CBO says that this provision has no budgetary effect.

Because of the sheer number of Medicaid and uninsured patients that receive care in California's safety net hospitals, Congress, in 1997, granted the State additional flexibility. It can use Federal funds it receives to cover hospital expenses for those in need.

If the Scott amendment passes, hospital care for half of the children in California and the vulnerable populations most affected by COVID would be at risk.

Please vote no on this amendment.

VOTE ON AMENDMENT NO. 1411

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

Mr. SCOTT of Florida. 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.

Mr. THUNE. The following Senators are necessarily absent; the Senator from Nebraska (Mr. SASSE), the Senator from Kansas (Mr. MORAN), and the Senator from Mississippi (Mrs. HYDE-SMITH).

Further, if present and voting, the Senator from Kansas (Mr. MORAN) would have voted “yea” and the Senator from Nebraska (Mr. SASSE) would have voted “yea.”

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

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 141 Ex.]

YEAS—47

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

NAYS—50

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
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NOT VOTING—3

Hyde-Smith	Moran	Sasse
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The amendment (No. 1411) was rejected.

AMENDMENT NO. 1410

The PRESIDING OFFICER. There will be 2 minutes of debate on the Shaheen-Collins amendment.

The Senator from New Hampshire.

Mrs. SHAHEEN. If we are quiet, we will be quick.

I urge my colleagues on both sides of the aisle to come together and help ensure that our Nation's hospitals, nursing homes, physicians, and other healthcare providers have the support they need to get through the COVID-19 pandemic.

This substitute amendment that Senator COLLINS and I are offering is a compromise that delays the Medicare payment cuts through December 31 and ensures that the cost of this delay is paid for.

I hope you will support it.

Senator COLLINS.

Ms. COLLINS. Mr. President.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to support the Shaheen-Collins substitute to prevent a cut in Medicare reimbursements for hospitals, nursing homes, home health agencies and other healthcare providers who continue to care for their patients in this era of COVID. Congress twice last year suspended the 2-percent Medicare sequester in bipartisan COVID relief packages, and I hope we can do so once again.

At a time when our country is relying so heavily on our healthcare providers to help get us back to normal, we cannot ignore the financial realities they face. Almost half—17 out of 36—of Maine hospitals finished last year with a negative operating margin. According to Northern Light Health in Maine, relief from the Medicare sequester amounts to \$1 million per month.

The Shaheen-Collins amendment will extend the current sequester moratorium until the end of the year. This financial certainty is needed in these uncertain times.

I urge my colleagues to support the Shaheen-Collins substitute.

Thank you.

VOTE ON AMENDMENT NO. 1410

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

The amendment (No. 1410) in the nature of a substitute was agreed to.

The PRESIDING OFFICER. Under the previous order, the bill is considered read a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. There are 2 minutes of debate.

Mrs. SHAHEEN. Mr. President, I rise today to urge my colleagues on both sides of the aisle to come together and help ensure that our Nation's hospitals, nursing homes, physicians, and other healthcare providers have the financial support they need to get through the COVID-19 pandemic.

On March 25, 2020, this body came together and passed the CARES Act, by a 96-0 vote—exactly 1 year ago today.

The CARES Act helped to provide the resources needed to ramp up testing and vaccine development, ensure that small businesses would have support to

continue to pay their workers, and provide much-needed financial relief for healthcare providers on the frontlines of this pandemic.

A year later, we can start to see the light at the end of the very long tunnel that is this public health crisis. More than 100 million doses of COVID-19 vaccines have been administered across the country. And we are starting to see job growth as more companies start hiring again.

However, with hundreds of millions of Americans still needing to be vaccinated and the threat of COVID-19 variants still looming, we need to continue to support our frontline healthcare providers and help keep them financially strong for the months ahead.

That is why Senator COLLINS and I came together to introduce the Medicare Sequester Relief Act, a bill that would suspend the 2 percent Medicare payment cuts that are scheduled to hit healthcare providers starting on April 1.

As a result of the CARES Act and through subsequent relief measures, these payment cuts have been suspended through March 31, and they need to be suspended again.

With American hospitals and nursing homes projecting tens of billions of dollars in additional financial losses this year due to the COVID-19 crisis, we need to continue to avert these Medicare payment cuts until we are further past the worst of the pandemic.

The substitute amendment that Senator COLLINS and I are offering today is a reasonable compromise. It delays the Medicare payment cuts through December 31. And it ensures that the cost of this delay is paid for, so that we do not increase the Federal budget deficit.

This week, I heard from Wentworth-Douglass Hospital in Dover, NH.

They highlighted that this legislation would result in \$2.1 million in desperately needed additional revenue for the hospital.

The hospital's chief financial officer, Peter Walcek told me: "These are real dollars supporting our organization's recovery from tens of millions in lost revenue and added costs during the pandemic. . . . By passing a continued moratorium through 2021, Wentworth-Douglass will be in a better place to care for those in need and respond to any future crisis affecting the health of our community."

I also heard about the importance of Medicare sequester relief for New Hampshire nursing homes. Patricia Ramsey, from the Edgewood Centre nursing facility in Portsmouth, NH, said "the Medicare sequestration suspension, although not a cure, will help us mitigate the added operating expenses and losses we continue to experience, especially with the exacerbated workforce shortage."

I have heard stories like these from so many healthcare providers across New Hampshire, and I believe there are healthcare providers in each of our

communities that would share similar stories.

We need to provide them with more financial support so that they can be there to care for patients, as we continue to make progress in combating this pandemic.

We cannot allow our hospitals and healthcare providers to go under as we fight through the worst public health crisis of our lifetimes.

I urge my colleagues to come together again, like we did in the CARES Act, and support this legislation when it comes up for a vote today.

Thank you.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, 30 seconds' worth.

First of all, we are protecting the lifeline for senior citizens by delaying the sequester cut to Medicare. We would have extraordinary problems if this cut were to be allowed to take effect.

Second, we have defeated the Scott amendment which, if adopted, would have set a horrible precedent by refusing to fix Congress's mistake and forcing hospitals in one Senator's State to take on draconian Medicaid cuts.

I urge an "aye" vote.

VOTE ON H.R. 1868

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mr. CRUZ), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Kansas (Mr. MORAN), the Senator from Nebraska (Mr. SASSE), and the Senator from Alabama (Mr. TUBERVILLE).

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

The result was announced—yeas 90, nays 2, as follows:

[Rollcall Vote No. 142 Ex.]

YEAS—90

Baldwin	Cassidy	Grassley
Bennet	Collins	Hagerty
Blackburn	Coons	Hassan
Blumenthal	Cortez Masto	Hawley
Blunt	Cotton	Heinrich
Booker	Cramer	Hickenlooper
Boozman	Crapo	Hirono
Braun	Daines	Hooven
Brown	Duckworth	Inhofe
Burr	Durbin	Kaine
Cantwell	Ernst	Kelly
Capito	Feinstein	Kennedy
Cardin	Fischer	King
Carper	Gillibrand	Klobuchar
Casey	Graham	Lankford

Leahy	Peters	Sinema
Lee	Portman	Smith
Luján	Reed	Stabenow
Lummis	Risch	Sullivan
Manchin	Romney	Tester
Markey	Rosen	Thune
Marshall	Rounds	Tillis
McConnell	Rubio	Van Hollen
Menendez	Sanders	Warner
Merkley	Schatz	Warnock
Murkowski	Schumer	Warren
Murphy	Scott (FL)	Whitehouse
Murray	Scott (SC)	Wicker
Ossoff	Shaheen	Wyden
Padilla	Shelby	Young

NAYS—2

Paul Toomey

NOT VOTING—8

Barrasso	Hyde-Smith	Sasse
Cornyn	Johnson	Tuberville
Cruz	Moran	

The bill (H.R. 1868), as amended, was passed.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). On this vote, the yeas are 90, the nays are 2.

The 60-vote threshold having been achieved, the bill, as amended, is passed.

The bill (H.R. 1868), as amended, passed. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 55.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Polly Ellen Trottenberg, of New York, to be Deputy Secretary of Transportation.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 55, Polly Ellen Trottenberg, of New York, to be Deputy Secretary of Transportation.

Charles E. Schumer, Patrick J. Leahy, Richard J. Durbin, Christopher A. Coons, Patty Murray, Jeff Merkley, Tammy Baldwin, Elizabeth Warren, Robert Menendez, Richard Blumenthal, Kirsten E. Gillibrand, Chris Van Hollen, Ron Wyden, Angus S. King, Jr., Robert P. Casey, Jr., Amy Klobuchar, Christopher Murphy.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 35.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Wendy Ruth Sherman, of Maryland, to be Deputy Secretary of State.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 35, Wendy Ruth Sherman, of Maryland, to be Deputy Secretary of State.

Charles E. Schumer, Robert Menendez, Chris Van Hollen, Tammy Baldwin, Richard J. Durbin, Thomas R. Carper, Tina Smith, Richard Blumenthal, Ben Ray Lujan, Debbie Stabenow, Ron Wyden, Cory A. Booker, Alex Padilla, Jack Reed, Mark R. Warner, Chris Van Hollen, Robert P. Casey, Jr.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 33.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2021.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 33, Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2021.

Charles E. Schumer, Patrick J. Leahy, Richard J. Durbin, Christopher A. Coons, Patty Murray, Jeff Merkley, Tammy Baldwin, Elizabeth Warren, Robert Menendez, Richard Blumenthal, Kirsten E. Gillibrand, Chris Van Hollen, Ron Wyden, Angus S. King, Jr., Robert P. Casey, Jr., Amy Klobuchar, Christopher Murphy.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 53.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Brenda Mallory, of Maryland, to be a Member of the Council on Environmental Quality.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 53, Brenda Mallory, of Maryland, to be a Member of the Council on Environmental Quality.

Charles E. Schumer, Ron Wyden, Maria Cantwell, Richard J. Durbin, Robert P. Casey, Jr., Jeanne Shaheen, Tim Kaine, Angus S. King, Jr., Tammy Duckworth, John Hickenlooper, Gary C. Peters, Brian Schatz, Patty Murray, Tina Smith, Mazie Hirono, Sheldon Whitehouse, Alex Padilla.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

COVID-19 HATE CRIMES ACT—
Motion to Proceed

Mr. SCHUMER. Madam President, I move to proceed to Calendar No. 13, S. 937.