

LANKFORD), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 3559, a bill to provide emergency financial assistance to rural health care facilities and providers impacted by the COVID-19 emergency.

S. 3565

At the request of Mr. BROWN, the names of the Senator from Alabama (Mr. JONES), the Senator from New Jersey (Mr. BOOKER) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 3565, a bill to amend the Fair Debt Collection Practices Act to provide additional protections for consumers and small business owners from debt collection during a major disaster or emergency.

S. RES. 548

At the request of Mr. PORTMAN, the names of the Senator from Hawaii (Mr. SCHATZ), the Senator from Maine (Mr. KING), the Senator from North Dakota (Mr. CRAMER), the Senator from Massachusetts (Ms. WARREN), the Senator from South Carolina (Mr. SCOTT), the Senator from Idaho (Mr. CRAPO), the Senator from Alaska (Ms. MURKOWSKI), the Senator from California (Ms. HARRIS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. Res. 548, a resolution amending the Standing Rules of the Senate to enable the participation of absent Senators during a national crisis.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 550—COMMENDING THE PEOPLE IN THE UNITED STATES WHO ARE CARRYING OUT ESSENTIAL TASKS DURING THE UNPRECEDENTED TIME OF CRISIS CREATED BY THE CORONAVIRUS DISEASE 2019 (COVID-19)

Mr. PERDUE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 550

Whereas the Coronavirus Disease 2019 (referred to in this preamble as "COVID-19") has created an unprecedented health crisis that has caused significant economic risks and harm to the well-being of the United States;

Whereas the United States is racing to address the uncertainty caused by that crisis while ensuring that people have access to critical care and the essential items they need;

Whereas the Centers for Disease Control and Prevention, the Department of Health and Human Services, the Department of Homeland Security, other Federal agencies, and State and local governments are tirelessly leading the United States through that unprecedented crisis;

Whereas health workers are on the front lines leading the charge to solve the crisis, flatten the curve, and protect the United States;

Whereas first responders show bravery and courage by putting themselves at risk while providing critical care to those who have

COVID-19 and other infectious diseases and conditions;

Whereas the brave members of the National Guard are always ready and always available to respond in times of need;

Whereas truck drivers, delivery persons, airline workers, and supply chain specialists are transporting critical medical goods between hospitals, essential items to stores, and food and delivered goods to the homes of people throughout the United States;

Whereas the energy industry is helping the United States by providing the power necessary for hospitals, governments, and businesses to work day and night responding to the crisis;

Whereas farmers and grocery store workers are feeding communities and helping families across the United States put food on the table;

Whereas educators in the United States have adapted quickly to distance and online teaching and continue to provide the children of the United States with a high-quality education under uncertain circumstances; and

Whereas janitorial-services businesses and staff are keeping buildings and businesses across the United States safe by providing the critical cleaning services necessary to stop the spread of COVID-19: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes—

(A) the Centers for Disease Control and Prevention, the Department of Health and Human Services, the Department of Homeland Security, other Federal agencies, and State and local governments for tirelessly leading the United States through the unprecedented crisis created by the Coronavirus Disease 2019 (referred to in this resolution as "COVID-19");

(B) the health workers who are on the front lines leading the charge to solve the crisis, flatten the curve, and protect the United States;

(C) the first responders who show bravery and courage by putting themselves at risk while providing critical care to those who have COVID-19 and other infectious diseases and conditions;

(D) the brave members of the National Guard who are always ready and always available to respond in times of need;

(E) the truck drivers, delivery persons, airline workers, and supply chain specialists who are transporting—

(i) critical medical goods between hospitals;

(ii) essential items to stores; and

(iii) food and delivered goods to the homes of people throughout the United States;

(F) the energy industry for helping the United States by providing the power necessary for hospitals, governments, and businesses to work day and night responding to the crisis;

(G) the farmers and grocery store workers who are feeding communities and helping families across the United States put food on the table;

(H) the educators in the United States who—

(i) have adapted quickly to distance and online teaching; and

(ii) continue to provide the children of the United States with a high-quality education under uncertain circumstances; and

(I) the janitorial-services businesses and staff that are keeping buildings and businesses across the United States safe by providing the critical cleaning services necessary to stop the spread of COVID-19;

(2) commends the people described in subparagraphs (A) through (I) of paragraph (1) who are carrying out the essential tasks described in those subparagraphs; and

(3) salutes the leadership that those people have shown in their communities and across the United States during an unprecedented time of crisis.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1569. Mr. SASSE submitted an amendment intended to be proposed by him to the bill H.R. 748, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; which was ordered to lie on the table.

SA 1570. Mr. SASSE submitted an amendment intended to be proposed by him to the bill H.R. 748, supra; which was ordered to lie on the table.

SA 1571. Mr. SASSE submitted an amendment intended to be proposed by him to the bill H.R. 748, supra; which was ordered to lie on the table.

SA 1572. Mr. SASSE submitted an amendment intended to be proposed by him to the bill H.R. 748, supra; which was ordered to lie on the table.

SA 1573. Mr. SCOTT, of South Carolina (for himself, Ms. KLOBUCHAR, Mr. SASSE, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill H.R. 748, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 1569. Mr. SASSE submitted an amendment intended to be proposed by him to the bill H.R. 748, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . CONDITIONS ON LOAN OR PURCHASE AUTHORITY FOR WARRANTS AND DEBT INSTRUMENTS.

(1) IN GENERAL.—The Secretary may not make any loan, or make any commitment to loan, any funds authorized, appropriated, or otherwise dedicated under this Act or purchase, or make any commitment to purchase, any asset under the authority of this Act, unless the Secretary receives from the institution to which such loans are to be made or from which such assets are to be purchased—

(A) in the case of an institution, the securities of which are traded on a national securities exchange, a warrant giving the right to the Secretary to receive nonvoting common stock or preferred stock in such institution, or voting stock with respect to which, the Secretary agrees not to exercise voting power, as the Secretary determines appropriate; or

(B) in the case of any institution other than one described in subparagraph (A), a warrant for common or preferred stock, or a senior debt instrument from such institution, as described in paragraph (2)(C).

(2) TERMS AND CONDITIONS.—The terms and conditions of any warrant or senior debt instrument required under paragraph (1) shall meet the following requirements:

(A) PURPOSES.—Such terms and conditions shall, at a minimum, be designed—

(i) to provide for reasonable participation by the Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity security, or a reasonable interest rate premium, in the case of a debt instrument; and

(ii) to provide additional protection for the taxpayer against losses from sale of assets by the Secretary under this Act.

(B) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—The Secretary may sell, exercise, or surrender a warrant or any senior debt instrument received under this subsection, based on the conditions established under subparagraph (A).

(C) CONVERSION.—The warrant shall provide that if, after the warrant is received by the Secretary under this subsection, the institution that issued the warrant is no longer listed or traded on a national securities exchange or securities association, as described in paragraph (1)(A), such warrants shall convert to senior debt, or contain appropriate protections for the Secretary to ensure that the Treasury is appropriately compensated for the value of the warrant, in an amount determined by the Secretary.

(D) PROTECTIONS.—Any warrant representing securities to be received by the Secretary under this subsection shall contain anti-dilution provisions of the type employed in capital market transactions, as determined by the Secretary. Such provisions shall protect the value of the securities from market transactions such as stock splits, stock distributions, dividends, and other distributions, mergers, and other forms of reorganization or recapitalization.

(E) EXERCISE PRICE.—The exercise price for any warrant issued pursuant to this subsection shall be set by the Secretary to make a profit for the taxpayers.

(F) SUFFICIENCY.—The institution shall guarantee to the Secretary that it has authorized shares of nonvoting stock available to fulfill its obligations under this subsection. Should the institution not have sufficient authorized shares, including preferred shares that may carry dividend rights equal to a multiple number of common shares, the Secretary may, to the extent necessary, accept a senior debt note in an amount, and on such terms as will compensate the Secretary with equivalent value, in the event that a sufficient shareholder vote to authorize the necessary additional shares cannot be obtained.

(3) EXCEPTIONS.—

(A) DE MINIMIS.—The Secretary shall establish de minimis exceptions to the requirements of this subsection, based on the size of the cumulative loans to and transactions of assets purchased from any one institution for the duration of the program, at not more than \$100,000,000.

(B) OTHER EXCEPTIONS.—The Secretary shall establish an exception to the requirements of this subsection and appropriate alternative requirements for any participating institution that is legally prohibited from issuing securities and debt instruments, so as not to allow circumvention of the requirements of this section.

**SA 1570.** Mr. SASSE submitted an amendment intended to be proposed by him to the bill H.R. 748, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1114. PAYMENTS TO STATES IN LIEU OF LOANS.**

(a) PAYMENTS.—

(1) IN GENERAL.—Out of the amount appropriated under section 1106(a)(1), the Administrator shall pay each State the amount determined under paragraph (2).

(2) STATE PAYMENT AMOUNT.—

(A) STATE SHARE OF 51 PERCENT OF FUNDING.—With respect to each State, the amount determined for the State under this paragraph is the sum of the State shares deter-

mined under subparagraphs (A) and (B), respectively.

(B) STATE SHARE OF LENDING AMOUNT.—The State share determined under this subparagraph for a State is an amount equal to the product obtained by multiplying—

(i) the State allocation percentage; by

(ii) the product obtained by multiplying—

(I) 0.51; by

(II) the amount appropriated under section 1106(a)(1).

(C) STATE SHARE OF SALARIES AND EXPENSES.—The State share determined under this subparagraph for a State is an amount equal to the product obtained by multiplying—

(i) the State allocation percentage; by

(ii) the product obtained by multiplying—

(I) 0.51; by

(II) the amount appropriated under section 1106(a)(2).

(3) STATE ALLOCATION PERCENTAGE.—For purposes of this subsection, the State allocation percentage for any State is an amount (expressed as a percentage) equal to the quotient of—

(A) the number of citizens of the United States in such State; and

(B) the total number of citizens of the United States in all States.

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Governor of a State may use amounts paid to the State under this section to—

(A) minimize small business bankruptcies as a result of the coronavirus crisis; or

(B) minimize small business job losses as a result of the coronavirus crisis.

(2) STATE LOANS AND LOAN GUARANTEES.—

(A) IN GENERAL.—The Governor of a State may make loans or loan guarantees to carry out the purposes of paragraph (1).

(B) LOAN FORGIVENESS.—The Governor of a State that receives amounts under this section may forgive loans made in the same manner as provided for loans forgiven under section 1105.

(c) PERIOD TO CLAIM.—Not less than 24 hours after the date of enactment of this Act, the Governor of a State shall notify the Administration of its intent to claim the State payment amount determined under subsection (a)(2). Any unclaimed amounts shall be otherwise available to the Administration as provided in this title.

At the appropriate place in title II of division A, add the following:

**SEC. \_\_\_\_ . PAYMENTS TO STATES IN LIEU OF TAX BENEFITS.**

(a) PAYMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall pay to each State an amount equal to the product of—

(A) the applicable amount; and

(B) the State allocation percentage.

(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is the amount equal to the sum of—

(A) the aggregate amount of reductions in credits allowed under section 6428 of the Internal Revenue Code of 1986 by reason of subsection (j)(1) thereof (as added by subsection (b)); and

(B) the reduction in the estimated loss of revenue resulting from the provisions of, or amendments made by, each section of [sub-title C of this title] (determined before the application of subsection (c)) by reason of the application of such subsection.

(3) STATE ALLOCATION PERCENTAGE.—For purposes of paragraph (1), the State allocation percentage for any State is an amount (expressed as a percentage) equal to the quotient of—

(A) the number of citizens of the United States in such State; and

(B) the total number of citizens of the United States in all States.

(4) AMOUNTS RECEIVED FROM STATES EXCLUDED FROM INCOME.—For purposes of the Internal Revenue Code of 1986, if a taxpayer receives any amount or benefit from a State under a program established after the date of the enactment of this Act that was funded with amounts paid to the State under this subsection, such amount or benefit shall not be taken into account in determining gross income.

(5) USE OF FUNDS.—The Governor of a State may use amounts paid to the State under this subsection to—

(A) minimize small business bankruptcies as a result of the coronavirus crisis; or

(B) minimize small business job losses as a result of the coronavirus crisis.

(b) 51 PERCENT REDUCTION IN TAX REBATES.—Section 6428 of the Internal Revenue Code of 1986, as added by this Act, is amended by adding at the end the following new subsection:

“(F-1) REDUCTION IN CREDIT.—The amount of the credit allowed under this section (determined without regard to this subsection and after the application of subsection (I-limitation)) shall be reduced by 51 percent of such amount.”.

(c) 51 PERCENT REDUCTION IN BUSINESS TAX PROVISIONS.—

(1) IN GENERAL.—The provisions of, and amendments made by, each section of [sub-title C of this title] of this Act shall be applied, under regulations established by the Secretary of the Treasury, in a manner such that the estimated loss of revenue resulting from the provisions of, or amendments made by, each such section (determined after the application of this subsection) is not more than 51 percent of the estimated loss of revenue resulting from the provisions of, or amendments made by, each such section (determined before the application of this section).

(2) REGULATIONS.—The regulations described in paragraph (1) shall be issued not later than the date that is 10 days after the date of the enactment of this Act.

At the end of title IV of division A, add the following:

**SEC. 4022. PAYMENTS TO STATES IN LIEU OF FEDERAL LOANS, LOAN GUARANTEES, OR OTHER INVESTMENTS.**

(a) NONAPPLICATION OF CERTAIN PROVISIONS.—Notwithstanding any other provision of this Act, any provisions of this title that are directly contrary to the authority under this section shall have no force or effect.

(b) PAYMENTS TO STATES.—From the amount appropriated under section 4019(a) to the fund established under section 5302(a)(1) of title 31, United States Code, to carry out this title, the Secretary shall, not later than 30 days after the date of enactment of this Act, pay each State the amount determined for the State under subsection (c).

(c) STATE PAYMENT AMOUNT.—

(1) STATE SHARE OF 51 PERCENT OF FEDERAL PROGRAM FUNDING.—With respect to each State, the amount determined for the State under this subsection is the sum of the State shares determined under paragraphs (2) and (3), respectively.

(2) STATE SHARE OF 51 PERCENT OF GENERAL FEDERAL PROGRAM FUNDING.—The State share determined under this paragraph for a State is the amount equal to—

(A) the State allocation percentage; multiplied by—

(B) the product of—

(i) 0.51; and

(ii) the amount appropriated under section 4019(a), reduced by \$100,000,000.

(3) STATE SHARE OF FEDERAL FUNDING FOR ADMINISTRATIVE EXPENSES.—The State share determined under this paragraph for a State is the amount equal to the product of—

(A) the State allocation percentage; and

(B) \$100,000,000.

(d) STATE ALLOCATION PERCENTAGE.—For purposes of this section, the State allocation percentage for any State is an amount (expressed as a percentage) equal to the quotient of—

(1) the number of citizens of the United States in such State; and

(2) the total number of citizens of the United States in all States.

(e) USE OF FUNDS.—

(1) IN GENERAL.—The Governor of a State may use the amount paid to the State under this section to—

(A) minimize small business bankruptcies as a result of the coronavirus crisis; or

(B) minimize small business job losses as a result of the coronavirus crisis.

(2) STATE LOANS AND LOAN GUARANTEES.—

(A) IN GENERAL.—The Governor of the State may make loans or loan guarantees to carry out the purposes of paragraph (1).

(B) LIMITATION.—The total amount of loans and loan guarantees made by the Governor of a State using the amount paid to the State under this section shall not exceed the State share of such amount determined under subsection (c)(2).

(f) APPLICATION OF CERTAIN REQUIREMENTS FOR FEDERAL LOANS, LOAN GUARANTEES, OR OTHER INVESTMENTS.—The following requirements shall apply to loans and loan guarantees made by the Governor of a State using the amount paid to the State under this section in the same manner as such requirements apply to loans, loan guarantees, or other investments made by the Secretary (and, with respect to a State, by substituting “Governor” for “Secretary”):

(1) Subsection (c)(2) of section 4003 (relating to determinations for making loans and loan guarantees).

(2) Subsection (d) of section 4003 (relating to financial protection of Government).

(3) Subsection (f) of section 4003 (relating to administrative provisions, except that the State share determined for the State under subsection (c)(3) shall be substituted for “\$100,000,000”).

(4) Section 4004 (relating to limitation on certain employee compensation).

(g) DEPOSIT OF PROCEEDS.—Amounts collected by the Governor of a State with respect to loans and loan guarantees made under this section, including the repayment of principal, proceeds of investments, earnings, and interest collected, shall be paid to the Secretary and deposited in the Treasury as miscellaneous receipts.

At the appropriate place in division B, insert the following:

SEC. \_\_\_\_\_. (a) Of amounts appropriated under this division, each State shall receive the payment amount determined under subsection (b).

(b)(1) The State payment amount determined under this subsection for a State is an amount equal to the product obtained by multiplying—

(A) the State allocation percentage; by

(B) the product obtained by multiplying—

(i) 0.51; by

(ii) the sum of all amounts appropriated under this division.

(2) For purposes of paragraph (1), the State allocation percentage for any State is an amount (expressed as a percentage) equal to the quotient of—

(A) the number of citizens of the United States in such State; and

(B) the total number of citizens of the United States in all States.

(3) The Governor of a State may use the amount paid to the State under this section to—

(A) minimize small business bankruptcies as a result of the coronavirus crisis; or

(B) minimize small business job losses as a result of the coronavirus crisis.

**SA 1571.** Mr. SASSE submitted an amendment intended to be proposed by him to the bill H.R. 748, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III of division A, insert the following:

**SEC. 3717. MEDICARE SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM ADJUSTMENT FOR COVID-19 RESIDENTS DURING EMERGENCY PERIOD.**

(a) IN GENERAL.—Section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) is amended—

(1) in paragraph (1), by striking “and (12)” and inserting “(12), and (13)”; and

(2) by inserting after paragraph (12) the following new paragraph:

“(13) ADJUSTMENT FOR RESIDENTS WITH COVID-19.—During the emergency period described in section 1135(g)(1)(B), in the case of a resident who has a principal or secondary diagnosis of COVID-19, the per diem amount of payment otherwise applicable shall be increased by 15 percent to reflect increased costs associated with such residents.”.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendments made by subsection (a) by program instruction or otherwise.

**SA 1572.** Mr. SASSE submitted an amendment intended to be proposed by him to the bill H.R. 748, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle E of title III of division A, insert the following:

**SEC. \_\_\_\_\_. PAUSING ELIGIBILITY DETERMINATIONS UNDER THE 340B DRUG PRICING PROGRAM.**

Section 340B(a) of the Public Health Service Act (42 U.S.C. 256B(a)) is amended by adding at the end the following:

“(11) PAUSING ELIGIBILITY DETERMINATIONS.—The Secretary shall, for each of fiscal years 2020 and 2021, pause the process of determining whether an entity is a covered entity, as defined in paragraph (4), in response to the COVID-19 public health emergency to ensure that no entity that was previously determined to be such a covered entity would lose eligibility status for the program under this section during such emergency.”.

**SA 1573.** Mr. SCOTT of South Carolina (for himself, Ms. KLOBUCHAR, Mr. SASSE, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill H.R. 748, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. TAX CREDIT TO SMALL BUSINESSES TO COVER RENT AND MORTGAGE PAYMENTS.**

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—In the case of an eligible small business, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the

first taxable year beginning on or after January 1, 2019, an amount equal to the sum of any qualified rent or mortgage expenditures which—

(A) relate to any real property which is primarily used in a trade or business of such eligible small business which is a qualified trade or business (as defined in section 199A(d)), and

(B) are paid or incurred by such eligible small business during the first 4 months of 2020.

(2) LIMITATION.—The amount of the credit allowable to a taxpayer under paragraph (1) for any taxable year shall not exceed \$50,000.

(b) ELIGIBLE SMALL BUSINESS.—For purposes of this section—

(1) IN GENERAL.—The term “eligible small business” means, with respect to calendar year 2019, an employer who is employed an average of not greater than 500 full-time employees on business days during such calendar year.

(2) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

(c) QUALIFIED RENT OR MORTGAGE EXPENDITURES.—For purposes of this section, the term “qualified rent or mortgage expenditures” means and expenditure for rent or mortgage payments (not including any amounts attributable to utilities) that are paid pursuant to a contract entered into before the date of the enactment of this Act.

(d) EXPEDITED AMENDED RETURN PROCESS.—In the case of any eligible small business which has timely filed an amendment to the tax return for such business for the taxable year described in subsection (a) for the sole purpose of claiming the credit allowed under this section, the Secretary of the Treasury (or the Secretary’s delegate) shall establish a separate and expedited process for reviewing and processing such amended returns.

(e) REGULATIONS.—The Secretary of the Treasury (or the Secretary’s delegate) shall prescribe such regulations or guidance as may be necessary to carry out the provisions of this section, including regulations and guidance to prevent and identify fraud through the use of relevant information submitted by third parties which relates to the rent or mortgage expenditures claimed by a taxpayer for purposes of the credit allowed under this section.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

## ORDERS FOR TUESDAY, MARCH 24, 2020

Mr. ROUNDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, March 24; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate resume consideration of the motion to proceed to H.R. 748.

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