



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, SECOND SESSION

Vol. 166

WASHINGTON, THURSDAY, APRIL 9, 2020

No. 68

House of Representatives

The House was not in session today. Its next meeting will be held on Friday, April 10, 2020, at 9 a.m.

Senate

THURSDAY, APRIL 9, 2020

The Senate met at 10:04 and 13 seconds a.m. and was called to order by the Honorable ROY BLUNT, a Senator from the State of Missouri.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. GRASSLEY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 9, 2020.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROY BLUNT, a Senator from the State of Missouri, to perform the duties of the Chair.

CHUCK GRASSLEY,
President pro tempore.

Mr. BLUNT thereupon assumed the Chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MCCONNELL. I ask unanimous consent to be recognized, notwithstanding the order for a pro forma session today.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

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

CORONAVIRUS

Mr. MCCONNELL. Mr. President, our Nation continues to battle the coronavirus pandemic. More than 400,000 Americans have tested positive. Nearly 15,000 have lost their lives. Nurses, doctors, and EMTs are fighting this disease literally day and night, and important public health measures are creating an economic catastrophe.

This morning, we learned that 6.6 million more Americans filed for unemployment in just the last week. That means more than 16 million Americans have lost their jobs in only the last 3 weeks, a tragedy that is hard to even comprehend. As one journalist put it, we are facing a healthcare crisis with an economic crisis strapped to its back. That is why, 2 weeks ago, the Senate passed the largest rescue package in American history. The bipartisan CARES Act funneled more than \$2 trillion into bold programs to help households, fund hospitals and healthcare providers, and keep paychecks coming.

Before we adjourned, I said the Senate would stay nimble and prepare to react quickly as the legislation came online, so that why we are here today. Much of the CARES Act is still being implemented, but one key program—one key program—is already up and running. It is the Paycheck Protection Program from Chairman RUBIO, Chairman COLLINS, Senator CARDIN, and Senator SHAHEEN. It gives small businesses emergency capital so that workers can keep getting paychecks instead of pink slips. Just a few days after the program opened for business, \$100 billion in loans have already been committed.

That is 30 percent of the total funding spoken for in just the first few days. I say that is very good news. It means this job-saving program is attractive to small business. Employers can access it. But it also means we need more funding, and we need it fast.

Soon, I will ask unanimous consent to increase the funding for the Paycheck Protection Program to a new total of \$600 billion. I am not talking about changing any policy language that both sides have already negotiated together several weeks ago. I am literally talking about deleting the number 350 and writing 600 in its place. Let me say that again: We are not talking about making any policy changes; we are literally changing the number 350 to 600. That is all we are suggesting here today. That, by definition, is a clean bill.

I want to add more money to the only part of our bipartisan bill that is currently at risk of running out of money, so I was surprised to see this simple proposal met uneasily by the Democratic leadership. The distinguished Democratic leader and the Speaker of the House sought to use this crucial program to open broader negotiations on other topics, including parts of the CARES Act where literally—listen to this, Mr. President—literally no money has gone out the door yet—no money has gone out the door yet. The Democratic leadership has suggested they may hold Americans' paychecks hostage unless we passed another sweeping bill that spends a half trillion dollars, doubling down on a number of parts of the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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CARES Act, including parts that have not even started to work yet.

The country cannot afford unnecessary wrangling or political maneuvering. Treating this as a normal kind of partisan negotiation could literally cost Americans their jobs. We are in a situation right now where passing a bill means either unanimous consent or a voice vote. Everyone knows—everyone—there is zero chance that the sprawling proposal that our Democratic friends have gestured towards could pass either Chamber by unanimous consent this week—no chance. The President has already indicated he would not sign it. The country needs us to be nimble—nimble—to fix urgent problems as fast as we can, to be able to have focused discussions on urgent subjects without turning every conversation into a conversation about everything. We need to patch holes as we see them and keep moving forward together.

Everybody in the Senate voted to send historic funding to hospitals and healthcare providers. Everyone supports funding hospitals. I am in favor of even more funding for hospitals and providers down the line. I have been talking to a number of them, as I am sure our colleagues have, over the last couple of weeks.

But certainly, we need to see the existing funding begin to work before we know what additional resources may be needed. I have been urging Secretary Azar to push this money onto the frontlines as soon as possible. I am glad tens of billions are going to go out tomorrow. There is only one part of the CARES Act that is already—already—at risk of exhausting its funding right now—only one part of the CARES Act is at risk of exhausting its funding right now: the Paycheck Protection Program.

We are asking small business owners across America to place their faith in us. We are asking them to keep workers on payroll because Congress, the Treasury, and the SBA will have their back. We must not fail them. My colleagues must not treat working Americans as political hostages. This does not have to be, nor should it be contentious. We don't have to divide along the usual lines so soon after we came together for the country.

To my Democratic colleagues, please—please—do not block emergency aid you do not even oppose just because you want something more. Do not block emergency aid you do not oppose just because you want something more.

Nobody believes this is the Senate's last word on COVID-19. We don't have to do everything right now. In fact, our posture of needing unanimous consent does not even permit us to try to do everything right now. We cannot play games with this crisis. Let's pass more noncontroversial funding for Americans' paychecks. Let's do it today, and then let's continue to work together with speed and bipartisanship. We will get through this crisis together.

UNANIMOUS CONSENT REQUEST

Mr. McCONNELL. Now, Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of the bill at the desk. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CARDIN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me just clarify some of the issues the majority leader pointed out. I am afraid that this unanimous consent is basically a political stunt because it will not address the immediate need of small businesses in the legislation that we have passed, and let me clarify that.

The majority leader indicated that the PPP, the Paycheck Protection Plan, is running out of money. It hasn't. Thirty percent hasn't been committed. It hasn't been yet released. But there are programs under the CARES Act that have run out of money. The EIDL program, the emergency disaster relief loan program which provides funds for businesses—we have allowed businesses that have been affected by the coronavirus to file those claims—that has run out of money, and I will give you the numbers in a few moments. And the grant program that is included in the CARES Act up to \$10,000, where a small business can get a grant from the Small Business Administration, is out of funds. They need money today in order to process applications.

The SBA doesn't need money today to process the Paycheck Protection Program. The Paycheck Protection Program was negotiated in good faith by Senator RUBIO, Senator COLLINS, Senator SHAHEEN, and myself, and we are very proud of that program. It is working very well. It is a good program. We strongly support it. It is bipartisan.

But this unanimous consent request was not negotiated. There was no effort made to follow the process that we could get this done, so it won't get done. It is not going to be enacted, and the majority leader knows that. So what Democrats are prepared to make clear—every small business that is eligible to receive the Paycheck Protection Plan, we are going to support their applications being received, processed, and fully funded. We will put as much money as needed to make sure that every small business can participate that is eligible in that program. The UC does not affect that today, but what the UC leaves out is where small businesses need help today from the U.S. Congress.

Yesterday, we had an opportunity to find out the numbers—and as the majority leader pointed out, we have got to get this right. There are 6.6 million more uninsured today, as we learned

from the current numbers. We have to protect small businesses to protect their payroll, and that is what our plans do.

Yesterday, we were informed by the SBA, as the majority leader indicated, that we have about \$100 billion that has been processed. Now, that has not been distributed yesterday. It hasn't been distributed in large numbers because of documentation problems and know your customer rules have prevented some of these funds—a lot of these funds, the majority of these funds—to be released.

Today, applications are being processed. Tomorrow, applications are going to be processed. The day after that, applications are going to be processed because we provided \$350 billion. At this moment, we are at about \$100 billion. We are going to have to probably provide more money, and we are all for that.

But where is the urgency, as far as the small businesses are concerned? So let me go over those. One, the emergency grant program—this is a program where grants are offered by the Small Business Administration. You don't have to have a banking relationship with a commercial bank in order to get these loans. It is very, very popular—3.8 million requests have come in, in regards to these loans—3.8 million, representing \$372 billion of loans.

But here is the problem: We have only authorized \$7.3 billion of loans under the program. That is why we are suggesting, if you add another \$50 billion—you can authorize another \$300 billion of loans under the emergency disaster relief program. Today, if you have requested that loan today and you requested the average amount that is being requested—and you have to show need in this program—you have got to document the need that the disaster has affected your viability as a business. The average loan is \$200,000. That is what they are requesting.

Guess how much money the SBA can issue today? It is \$15,000. That is an urgent need that we should deal with today, and we are prepared to deal with it. There is a second program for small—by the way, smaller businesses participate in these programs more so than the PPP program.

There is a second program. It is a grant program up to \$10,000. Our working bipartisan group recognized that there are some businesses that are in desperate need of cash immediately. These loans are processed within 3 days. We have had—so far requests for the grant program, 3.5 million small businesses have requested funds, totaling a request for \$11 billion on a sliding scale. It doesn't even give every small business \$10,000.

How much money did we appropriate? \$10 billion. SBA cannot release those funds in 3 days because they don't have the money to do it. The UC by the majority leader does not provide that money so that those small businesses can get that cash. That is not provided.

Now, we got that information yesterday, and maybe the majority leader didn't have it, but we can tell you they can't issue those grants, and that is under the CARES Act, and that is out of money.

I am also going to tell you some stories we have heard in Maryland, and we have heard it all over the country. I have heard from small businesses that went to their bank in order to participate in the PPP loan, and they were told that they didn't have a credit card, so the bank wasn't going to write the loan, or they hadn't had a previous loan with that bank, so the bank is not going to write the loan.

We have heard from some community banks that they can only handle existing customers; they can't do additional customers at this point. We have heard from rural small businesses; they can't find lenders who will write these notes. We have to do a better job.

What did we find out yesterday? Of the total 7(a) lenders that are out there today, about 90 percent were certified before the CARES Act. We have only increased their numbers by about 10 percent. That is not enough. We can't reach these underserved communities. We have to do a better job in reaching these underserved communities so that a small business that doesn't have that type of relationship with a bank can still participate in the Paycheck Protection Plan. This UC does nothing at all about that issue—nothing at all about that.

The urgent issues are not dealt with in this UC. That is why the process of negotiating—allowing us to come together and figure out what is the best way to move forward—will result in us actually getting something done to help the small business community. There are other urgent needs. My colleague, Senator VAN HOLLEN, is going to talk about some of these.

The healthcare issues, my colleague and I have participated in numerous conference calls over the last 2 weeks. I am sure my other colleagues have done the same. We have heard from our healthcare providers, that they are ready to close the doors. They need immediate help and a lot more than the \$100 billion that has been provided.

We talked to our Governor yesterday. He is the head of the National Governors Association. They requested \$500 billion. They need money. Their revenues are down. We know we didn't do right for the District of Columbia. We know we didn't do right for smaller communities. We need to correct that now because they can't stay in business today. It is urgent, and the UC does nothing to help in that regard.

So, Mr. President, if I could, I would like to allow my colleague from Maryland, whom I believe has a reservation also, and then he has a UC request of his own.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

UNANIMOUS CONSENT REQUEST

Mr. VAN HOLLEN. Mr. President, reserving the right to object.

This is an unfortunate moment for the U.S. Senate. We came together on a bipartisan basis just a very short time ago to pass the CARES Act. It passed here 96 to nothing. That followed two other bipartisan efforts that came out of the House, passed the Senate, and were signed by the President, again, with overwhelming support.

Yet, today, we see from the majority leader a complete political stunt here on the floor of the U.S. Senate—something that does not have bipartisan support, something that is go it alone, take it or leave it, and totally violates the spirit all of us have been working on during this crisis where we were able to come together in the U.S. Senate and the House of Representatives with the White House to, on three prior occasions, pass legislation in a way that addressed the issues that are important to this country.

Yet, today, we have this situation where the majority leader knew full well there was not agreement and consensus on moving forward with this proposal. That is why we are here today. This was, in fact, designed to fail, designed as a political stunt. It is actually not the first time we have seen this. You may recall that, just before we came together and passed the CARES Act 96-0, the majority leader came to the floor of the Senate back then and tried to ram through an unfinished product while negotiations were going on between Secretary Mnuchin and Democrats in the House and the Senate to try to finalize the bill, and that actually caused unnecessary delay. But the majority leader came to the floor then and tried to ram it through. It didn't work then, and it is not going to work today.

I would ask the majority leader—and I think all of us would—to go back to trying to address these issues the way we addressed them in a successful manner before. I am going to shortly propose an amendment that addresses some of those concerns—an amendment to the majority leader's proposal.

I would like to address some of the issues first, and my colleague, Senator CARDIN, has addressed many with respect to small businesses. First of all, he pointed out that the one program to help small businesses that has actually really run out of money is the emergency loan and grant program.

Let's talk about the PPP program. This is a really important program to incentivize small businesses and nonprofits to keep employees on the payroll and allow them to help keep the lights on, pay fixed costs, pay the mortgage, pay the rent, whatever it may be, so that they can emerge on the other side of this storm without having had to fold. Many of us anticipated long before the CARES Act passed that this program would need more money. I was part of a group that proposed \$600 billion for a program like this, recog-

nizing the demand would be huge, as it is on other programs. It is not just in need of more money. It needs some important fixes, which I daresay would have bipartisan support as well.

I don't know if the majority leader saw the letter just this morning from the National Restaurant Association. Here is what they say:

The PPP is funded at \$349 billion, and we expect that lenders will reach that ceiling shortly. We appreciate the bipartisan calls this week to provide prompt additional funding for the program.

Then they go on to say:

However, equally important is the need to address the limitations of the program that do not recognize the unique and evolving challenges of the restaurant business cycle and our path to recovery.

This is not a Republican group or a Democratic group. This is a group that represents small businesses, restaurants, just trying to get by, and what they say to us this morning is: Yes, we do need additional money. We know that. But equally important, let's fix some of the kinks, and there are kinks in this program.

I got a letter at 12:44 a.m. this morning from a small business owner who had been banking with Wells Fargo. Then, of course, Wells Fargo hit the cap. We thought we had dealt with that in recent days. But he is not sure he is still going to be able to get that loan through Wells Fargo, and he says:

I've also now looked at more than 100 websites of 7(a) lenders in the greater DC area and have found that NONE—capital letters NONE—will accept a PPP application from any small business that did not bank with them before February 15, 2020.

Here are some other headlines in recent days:

“Baltimore-area small businesses complain of continuing problems gaining access to federal lending program.”

“‘Nightmare’: 3 small-business owners describe process of applying for PPP coronavirus loans.”

The Journal Record: “Community bankers frustrated with PPP rollout.”

Another headline, this one from another part of the country: “PPP loan plan a mess so far for small businesses riding out coronavirus crisis.”

“Billions ‘disbursed’ through Paycheck Protection Program? Small businesses say not yet.”

The Wall Street Journal: “Big Banks Favor Certain Customers in \$350 Billion Small-Business Loan Program.”

Another article: “Many small businesses are being shut out of the new loan program by major banks.”

Mr. President, what we are saying here today is, yes, we know we need more money for this program. Many of us predicted this before we passed the CARES Act. But for goodness' sakes, let's take the opportunity to make some bipartisan fixes to allow this program to work better for the very people it is designed to help: small businesses, nonprofits.

That is what they are asking us to do. That is what the restaurant association is asking us to do. That is what

they want us to do, and we could do it probably just as quickly if the majority leader took a moment to sit down with us and negotiate that piece.

There are also other major demands on the system right now that we should address at this moment, and one of them is something I know we are all hearing about every day, which is to protect the healthcare workers on the frontlines. After all, if we want to address the economic crisis, we need to address the health crisis that precipitated that. We need to flatten this virus out, bring it down, and that is the best way to get on the road to economic recovery.

I am sure all of my colleagues are hearing from their nurses and doctors and frontline healthcare workers about the urgent need for personal protective equipment. We provided funds in the original bill, but we know, today, that that will be exhausted quickly. We know it because we can add up the requests coming from around the country. So let's address that issue. We are hearing about it every day.

Just yesterday at our delegation, our region, Senator CARDIN and I and other members of the Maryland delegation, we wrote to FEMA just yesterday, to the Administrator of FEMA. We pointed out that in our most recent requests, Virginia, Maryland, and the District of Columbia received just a small percentage of the equipment that we requested from FEMA. The District received no hospital ventilators. I would point out for all of us who are following this, it is predicted that this—Maryland, DC, and Virginia—is going to be one of the next hotspots. Zero ventilators, zero safety goggles—we asked for 663,000 gloves, and over 1 million respirators masks. We got 4,000 of one. That is one problem we need to

address on an urgent basis, just as urgently as we need to address the small business situation.

Testing—my goodness, look, this virus, we all know, got an 8 to 10-week head start on us because we were flat-footed when it came to testing. We need a national rapid testing system so that we can ensure that people will get the tests and find out whether they have the virus. That not only helps us fight the virus, but it will also help us as we try to get the country back to work on the other end of this. I would propose those are real needs as well and that we can address those here now.

In addition to that, as Senator CARDIN said, we just spoke to Maryland's Governor yesterday who, in addition to being Maryland's Governor, is the head of the National Governors Association. He and Governor Cuomo have worked very closely together. We have a bipartisan request from the National Governors Association to help States and local jurisdictions. We have been on the phone nonstop with our local officials. They are running out of equipment. We have got firefighters who need help. We have emergency responders who need help.

All of these requests are urgent and, I believe, could be dealt with on a bipartisan basis, if the majority leader would just take a moment, instead of trying to rush this through, and we could actually get it done, as we were able to do before with the 96-to-nothing vote.

So, at this time, Mr. President, I have an amendment at the desk. I know people are anxious to get out of here. We didn't have to come in at all, if it hadn't been for the decision to try to ram this through. I just want to make that point. To the majority lead-

er, we knew this wasn't going to get through. I see people are frustrated and want to leave, but let's get it done, and let's get it done right, and let's have another 96-to-nothing vote here in the U.S. Senate.

So I ask unanimous consent that the majority leader modify the request and ask that the amendment at the desk, which is the text of the interim emergency COVID-19 Relief Act, be agreed to; the bill, as amended, be read a third time and passed with no further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection to the modification?

Mr. McCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Is there objection to the original request?

Mr. CARDIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader.

Mr. McCONNELL. Mr. President, I would just repeat that all the amendment I offered would do is change the amount in the bill—that is all—to respond to the obvious emergency we have with the Paycheck Protection Program.

ADJOURNMENT UNTIL MONDAY,
APRIL 13, 2020, AT 10 A.M.

Mr. McCONNELL. With that, I ask unanimous consent that the Senate stand adjourned in accordance with the order of March 26, 2020, for previously ordered pro forma sessions.

There being no objection, the Senate, at 10:34 and 7 seconds a.m., adjourned until Monday, April 13, 2020, at 10 a.m.