

with school closures but only if they are Federal employees. To all the parents without government jobs, no such luck.

There are provisions to let abortion providers raid the small business rescue funds that were meant for Main Street businesses.

They want to pay people a bonus not to go back to work when we are trying to rebuild our economy.

There is an effort to create a brandnew, sprawling cash welfare program—not the one-time checks but constant payments—that ignores the pro-work lessons of bipartisan welfare reform and which the White House has already stated they want to make permanent.

The unrelated liberal policies are simply endless. It is like they have forgotten we have a pandemic to fight.

Larry Summers, a top economist in both the Clinton and Obama administrations, says this plan piles way more debt on our kids and grandkids than we need to spend right now. That is Larry Summers, Bill Clinton's Secretary Treasury. Jason Furman, who chaired President Obama's Council of Economic Advisers, said the State and local bailouts are "overkill." These are liberal economists, Madam President.

By one analysis, the Democrats' extra cash bonuses for laid-off workers who stay home will result in almost 60 percent of workers earning more money staying home than they would earn from returning to work—more money by staying home than they would earn from returning to work. What a great idea. This isn't State unemployment insurance; it is borrowing from our kids and grandkids to pay yet an additional cash bonus for not working.

This would extend deep into 2021, when we anticipate serious job growth. Just this morning, we had a jobs report that shattered expectations, nearly doubling the job growth experts had expected to see.

This is what the Washington Post says about this mess. This is the Washington Post about this mess that is before us:

For policy experts and even members of Biden's own party, the improving picture is raising questions about whether the stimulus bill is mismatched to the needs of the current moment.

That is from the Washington Post editorial.

It is mismatched all right because it was never designed to meet Americans' needs. The goal was to "restructure things to fit" their "vision." That is why there was no bipartisan process after a year of completely bipartisan COVID bills that we worked on together. That is why the Senate Republicans who went to the White House to propose working together were told: No thanks; take it or leave it.

This is such a poorly targeted rush job that Democrats can't even settle on one set of political spin. The White House Chief of Staff is going around

town admitting that they have written "the most progressive domestic legislation in a generation." That is the White House Chief of Staff. Meanwhile, here in the Senate, Democrats are still pretending this is some down-the-middle proposal and lecturing us for not supporting it. They can't even get their stories straight.

The administration campaigned on ushering in a new day of unity and bipartisanship, but in 2020, under Republican leadership, the Senate negotiated five rescue bills totaling \$4 trillion, and none of them got fewer than 90 votes. That is how this Senate was run last year in a time of divided government, and now, in this supposed new era of healing leadership, we are about to watch one party ram through a partisan package on the thinnest margins. Go figure.

Republicans have many ideas to improve the bill, many ideas, and we are about to vote on all kinds of amendments in the hopes that some of these ideas make it into the final product. We are going to try to improve the bill. The millions who elected 50 Republican Senators will have their voices heard loud and clear.

Our country is already set for a roaring recovery. We are already on track to bounce back from this crisis. That is not because of this bill; it is because of our work last year. This is a trend this new Democratic government inherited. We are going to come roaring back and mostly not because of this bill—in fact, in some ways, in spite of this bill. It will be because of the bipartisan foundation we laid last year and the strength and resilience of our people. Democrats inherited a tide that was already turning.

We could have worked together to do something smart to finish this fight as fast as possible. Democrats decided to do something else.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore.

Morning business is closed.

#### LEGISLATIVE SESSION

#### AMERICAN RESCUE PLAN ACT OF 2021

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1319, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 1319) to provide for reconciliation pursuant to title II of S. Con. Res. 5.

Pending:

Schumer amendment No. 891, of a perfecting nature.

Prior to the consideration of this measure, the Senate took the following action: By 51 yeas to 50 nays, Vice President voting yea (Vote No. 73), the

Senate agreed to the motion to proceed to consideration of the bill.

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 9 a.m., on Friday, March 5, 2021; that there be 3 hours of debate remaining, with the time equally divided and controlled between the two managers or their designees; and that it be in order for Senator SANDERS to offer the first amendment.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

#### UNANIMOUS CONSENT AGREEMENTS

Mr. SANDERS. Madam President, I ask unanimous consent that for the duration of the Senate's consideration of H.R. 1319, the American Rescue Plan Act of 2021, the majority and Republican managers of the bill, while seated or standing at the managers' desks, be permitted to deliver floor remarks, retrieve, review, and edit documents, and send email and other data communications from text displayed on wireless personal digital assistant devices and tablet devices.

What do we think about that?

All right. I further ask unanimous consent that the use of calculators be permitted on the floor during consideration of the bill; further, that the staff be permitted to make technical and conforming changes to the bill, if necessary, consistent with the amendments adopted during Senate consideration of the bill.

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

AMENDMENT NO. 972 TO AMENDMENT NO. 891  
(Purpose: To provide for increases in the Federal minimum wage)

Mr. SANDERS. Madam President, I call up my amendment No. 972.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself and others, proposes an amendment numbered 972 to amendment No. 891.

Mr. SANDERS. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SANDERS. Madam President, I rise to offer an amendment to increase the Federal minimum wage from a starvation wage of \$7.25 an hour to \$15 an hour over a 5-year period.

As I think you know, Congress has not raised the minimum wage since 2007. The result of that is that half of our people are now living paycheck to paycheck, and many, in fact, are working for wages that are much too low in order to take care of their families. So, to my mind, the American people in poll after poll and State after State understand that we have to raise that minimum wage to a living wage of 15 bucks an hour. I intend to do everything that I can to make that happen, and I will be offering that amendment this morning.

Madam President, before I do that, let me begin my remarks by explaining why this reconciliation bill that we are debating today, the American Rescue Plan, is so enormously important that it must be passed and must be passed as quickly as possible, in my view. This legislation is the most consequential and significant legislation for working families that Congress has debated for many, many decades.

Now, why is that?

The answer is that, as I think all Americans know, the last year that we have gone through has been, in so many ways, the very worst year in our lifetimes. That is what it has been. The working families of our country today are hurting in a way that they have not hurt since the Great Depression, and they want their government to hear their pain and come to their aid, and that is not too much to ask.

There are a lot of folks in this country—there are estimates of maybe 30 to 40 percent of Americans—who have literally given up on democracy. They are moving toward authoritarianism. They are hurting. Their kids are hurting. Their parents are hurting. They look to Washington for help in their democratic society, and they don't see Washington responding. What they see year after year are policies which make the very, very rich richer, which enable large, profitable corporations to not pay a nickel in taxes, but for them, they face eviction; they face hunger; they don't have healthcare; they can't afford to send their kids to college. They are asking: Does anybody—anybody—in Washington care about their lives?

So what today is about, in a very profound way, is whether or not we stand with the working class of this country and say: Yes, we live in a democratic society. We understand what you are going through, and we are going to move as aggressively as we can to respond to your pain and improve your lives.

This is not just a healthcare bill. It is not just an economic bill. It is not just an educational bill. It is perhaps more than that. This is a bill which will answer a profound question: Are we living in a democratic society, where the U.S. Congress will respond to the needs of working families rather than just the wealthy and large corporations and their lobbyists? That is what today is about. It is dealing with the pandemic. It is dealing with the economy. It is dealing with education and so much more, but most importantly it is dealing with the issue of whether or not we are hearing the pain that is out there and if we are responding to it.

During the last year, as everybody knows, over 500,000 Americans have died of COVID, and millions more have been made ill. Unbelievable. It is unbelievable what we have gone through in terms of this terrible pandemic. COVID has not only caused massive death and illness; it has resulted in a way we have never experienced social isolation.

That means, all over this country, we have old people, elderly people, in their homes. They can't interact with their grandchildren, with their own kids, with their friends. You have young people who want to go to school, who want to socialize, who want to date, who want to do things that young people do. They can't do it and have been unable to do it for the last year, and that has resulted in a very sharp increase in mental illness in this country—something, by the way, that this legislation also deals with. Many Americans, young and old and middle-aged, are now dealing with depression, anxiety disorder, addictions. We are seeing the growth of addictions and even suicidal ideation. So this has been just an awful year for people in our country and, in fact, throughout the world.

This last year has not only been a public health crisis, as bad as that has been. The pandemic, as we all know, has led to a terrible economic downturn, which has resulted in millions of Americans losing their jobs and their incomes, and it has led to the shutting down of something like one out of four small businesses in this country. That is just an unbelievable number. Go to any town in America, and you will see its Main Street shuttered down. Thriving businesses no longer exist. Real unemployment in this country today is now over 10 percent.

Further, countless Americans face the threat of eviction. We have a moratorium on evictions, which is the right thing, but there is going to be a day when that ends. People are saying: I am \$5,000, \$8,000 in debt. What happens to me when the moratorium ends? How am I going to pay my rent? Am I going to be one of the 500,000 people already sleeping out on the streets?

Millions more—and we have seen this in Vermont, and I know the Acting President pro tempore has probably seen it in Minnesota, for it is all over this country—are lining up in their cars for food, and it is something that none of us ever dreamed. It is right in my own community of Burlington, VT—hundreds of people, while in their cars, lining up for food. Many of them, never in a million years, would have dreamed that they would be in that position. Today, the level of hunger in America is at the highest level it has been in decades.

Then, on top of all of that, we are in the midst of a pandemic. People are scared to death about coming down with COVID. Yet, because of our dysfunctional healthcare system, we have over 90 million people who are uninsured or underinsured in the midst of a pandemic.

It is not only the public health crisis we worry about; it is not only the collapse of our economy that we have to worry about; it is what is happening to our young people because the pandemic has created a massive disruption in our educational system, from childcare through graduate school. The majority

of our young people have seen education disrupted. Think about all of the implications of what that means. It is likely that hundreds of colleges in America, which were struggling before the pandemic, will cease to exist.

So you have the public health crisis with a half a million people dead, an economic crisis with real unemployment at 10 percent and small businesses going out of business, and an educational crisis.

Meanwhile, in the midst of all of that, it is important to note that not everybody in this country is hurting. What we are seeing, in the midst of massive income and wealth inequality, is a moment when, in fact, that gap between the very, very rich and everybody else is growing wider. Incredibly, during this pandemic, over 650 billionaires in America have increased their wealth by more than \$1 trillion. The 50—five zero—richest people in America now own more wealth than the bottom half of American society, some 160 million people.

So the bottom line here is very simple: In this moment of unprecedented crises, the U.S. Senate must respond to the pain of working families all across this country, and we must respond in an unprecedented way, which is what this legislation is about.

Now I want to say a few words about some of what is in this bill. This is a 600-page bill, and I will not read it all again. I think our clerks had enough fun reading it last night, but I do want to summarize some of what is in it.

Most importantly, what the American people want is, they want to get back to a normal life. They want their kids to go to school. They want to go to work. They want their businesses open. And what the American Rescue Plan does is enable us to aggressively crush this pandemic and enable the American people to return to their jobs and their schools.

It will establish a national emergency program to produce the quantity of vaccines that we need and get them into the arms of our people as quickly as possible. Clearly, we are making progress in that area. More and more people are getting vaccinated. But we still have a lot of work to do, and this legislation will enable us to do that.

At a time when so many of our people are hurting, this legislation will allow us to provide \$1,400 in direct payment to every working-class person in this country and to their kids, and this is on top of the \$600 that we provided last month. So if you are out there and you are a family of four earning less than \$150,000 or an individual earning less than \$75,000, you are going to get that check for \$1,400, and for that family of four, that is \$5,600.

Now, I know that to some that isn't a whole lot of money. You know, 5,600 bucks ain't that much. But for a family that is struggling right now and can't pay their rent and can't feed their kids, that \$5,600 for a family of four could be the difference between desperation and dignity.

Further, at a time when so many of our people are unemployed, this Budget Reconciliation Act will provide \$400 a week in supplemental unemployment benefits to over 10 million Americans until the end of August. If you are unemployed right now, you are worried—if your unemployment check is your only source of income, you are worried that it is going to cease, well, it is not. This legislation will continue that check coming until the end of August.

This legislation understands that we have a childcare crisis in America, and we provide the resources to provide childcare to 875,000 children.

And very importantly—we don't talk about this enough—one of the absolute disgraces of our economy right now is the level of childhood poverty in America, which is one of the highest for any major country on Earth. This legislation will go a long way toward cutting childhood poverty. Some studies suggest we are going to cut it in half by expanding the child tax credit from \$2,000 to \$3,000 and \$3,600 for kids under the age of 6. In other words, we are about to cut childhood poverty in half in this country.

This legislation, obviously, deals with the horror of so many of our people facing hunger. We put in very substantial amounts of money for nutrition assistance for working families, for kids, for the disabled, and the elderly.

This legislation will provide rent relief, utility assistance, and mortgage assistance to millions of tenants and homeowners who are in danger of eviction and foreclosure.

This legislation will protect the pensions of many millions of workers who are in danger of seeing their retirement benefits cut by as much as 65 percent.

Not only is this \$1.9 trillion emergency COVID relief package the right thing to do for people from a moral perspective, it is exactly what the overwhelming majority of the American people want us to do.

The American people didn't want us to give tax breaks to billionaires. The American people did not want, as the Republicans fought to do, throw 30 million people off the Affordable Care Act. The American people didn't want that, but that is what the Republicans tried to do under reconciliation.

Well, we have a different idea. Yeah, we are going to use reconciliation, which requires only 51 votes. We are going to use it, not for tax breaks for the rich, not to throw people off of healthcare but to provide the help that working-class people need all across this country.

Madam President, I am introducing, as I mentioned earlier, legislation—an amendment—today to raise the minimum wage to 15 bucks an hour.

Because of an unfortunate and, in my view, misguided decision by the Parliamentarian, this reconciliation bill does not include an increase in the minimum wage to \$15 an hour. In my view, it should have, and I think the Parliamentarian was dead wrong.

But more importantly, it is an absurd process that we allow an unelected staffer, somebody who works for the Senate, not elected by anybody, to make a decision as to whether 30 million Americans get a pay raise or not. I don't care how the Parliamentarian rules. No Parliamentarian should have that power.

If people here want to vote against raising the minimum wage, you have that right. You want to vote for it, and I hope you do, you have that right. But we should not shuffle off that responsibility to an unelected staffer. That is wrong.

The amendment I am offering today to raise that minimum wage to \$15 an hour is cosponsored by Majority Leader SCHUMER, and I thank him for his strong support; Senator PATTY MURRAY, who is the chair of the Health, Education, Labor, and Pensions Committee; Senator RON WYDEN, who is the chair of the Finance Committee; and many others in this Chamber.

In fact, this amendment is similar in many ways to the legislation that I have offered which is cosponsored by 38 Members of the Senate.

And let us not forget, this legislation was passed in the House, and I want to thank my friends and colleagues in the House Progressive Caucus for their extraordinary leadership on this issue.

This amendment is supported by some 300 national organizations, including the AFL-CIO, and virtually all of the major unions in our country. I want to thank in particular the SEIU, one of the great unions in America, who have led this effort for years in terms of the Fight for \$15, where people working in McDonald's and Burger King have gone out on strike and said: No, we can't make it on 10 bucks an hour, 11 bucks an hour. I want to thank the SEIU.

And this legislation will help workers all across the board, but it will significantly help women who are unfortunately forced into low-income work more than the general population, more than men, and it will disproportionately help African Americans and Latinos, who disproportionately are forced into low-income work. This legislation is supported not only by 300 organizations but by groups like the Leadership Conference on Civil and Human Rights. They understand that if we are going to improve the standard of living of the African-American community, we ought to raise that minimum wage.

It is supported by the National Organization for Women because, again, this raising the minimum wage is a women's issue in a very significant way—not totally, believe me. There are a lot of men out there who are working for 9, 10, 11 bucks an hour, but disproportionately it impacts women.

It is supported by Unidos and other Latino organizations. It is supported by the American Association of University Women, supported by Indivisible, Justice for Migrant Women, the Na-

tional Domestic Workers Alliance, and the National Women's Law Center.

Here is the simple truth, and that is that in the richest country in the history of the world, we can no longer tolerate millions of our workers being unable to feed their families because they are working for starvation wages. And that is not what I say, although I do say it; it is what the President of the United States says. He very, very strongly supports raising the minimum wage to \$15 an hour, and I thank him for his support.

You know, when we look at the economy, people look at the stock market, and they look at a whole lot of indices out there, but at the end of the day, we have to ask ourselves: What is going on in the lives of ordinary people? It is not acceptable to me that half of our people are living paycheck to paycheck and millions of people are trying to get by on 9, 10, 11 bucks an hour. And do you know what? You can't do that. You can't do that in Vermont, and you can't do it in California, and you can't do it in Minnesota. You can't do that. Our job is to make sure that we have an economy that works for all and not just for the few, and in order to do that, we are going to have to raise that minimum wage to 15 bucks an hour.

Frankly, it is disgraceful that Congress has not passed an increase in the minimum wage since 2007. Think of all the things that have transpired since then. But Congress has not raised the minimum wage since 2007.

The reality is that the minimum wage has lost over 30 percent of its purchasing power since 1968. The minimum wage is worth a lot less now than it used to be. When we increase the minimum wage, we will be giving over 32 million Americans a much needed pay raise.

Let's be clear. Raising the minimum wage to \$15 an hour is an enormously popular idea. More than 60 percent of the American people, in poll after poll, support raising the minimum wage.

Since 1998—this is really amazing. You know, I have some friends here who are nervous: Oh, my goodness, how radical can it be? Should we raise the minimum wage? Oh, my God, I am scared of the American Restaurant Association.

Well, since 1998, every time a State has had an initiative on the ballot to raise the minimum wage, it has won. In conservative States, in progressive States, put it on the ballot, it wins.

Just as one example, in November, just this last November, election time, Joe Biden lost Florida. Donald Trump won Florida by three points. But in that same election, the people of Florida—and I say that to the two Senators from Florida—61 percent of the people in Florida voted to raise the minimum wage to 15 bucks an hour. Florida voted for Donald Trump and voted to raise the minimum wage to \$15 an hour.

Eight States—over the years, 8 States and over 40 cities have adopted

laws to raise the minimum wage to \$15 an hour. It is not a radical idea.

And, as you know, over just a few days ago, the House of Representatives did the right thing and voted to raise the minimum wage to \$15 an hour. This is not a radical idea. People want it. States have done it. The House of Representatives has done it, and now it is our turn to do what the American people want.

Now, in the last few days, I have heard some concerns from my colleagues about one part of our amendment, and that is the provision to raise the tip wage, which now stands—I want everybody to hear that—the tip wage for waiters and waitresses and all those people who get tips now stands at \$2.13 an hour. No, you did not mishear me—\$2.13 an hour. That is the Federal minimum wage for waiters and waitresses, for barbers, for hairstylists, for parking attendants, and others. That tip minimum wage has not been raised since 1991, 30 years ago.

You think maybe it is time to raise the tip wage from \$2.13 an hour, passed 30 years ago? I think so. The proposal in this legislation would raise that tip wage from \$2.13 an hour to \$14.95 over a 7-year period.

Now, time and again, our legislation gets misrepresented. People say: Oh, you are raising the minimum wage to \$15 an hour tomorrow. No, we are not. The tip wage is going to take 7 years. For better or worse, that is what it is.

Now, the National Restaurant Association, a very powerful lobbying organization, has suggested to Members of Congress that this legislation is opposed by restaurant workers and would be harmful to their interests. This is not true.

One Fair Wage, an organization representing service employees, has just delivered to the White House a petition with 140,000 signatures from service workers who are demanding that they receive the same minimum wage as every other worker in their State.

Polling among service employees and nonservice employees also supports the reality that Americans want our waiters and waitresses and other service employees to get a fair minimum wage.

Now, I heard from some people that those people who are working in the service industry are doing really well, you know, and they don't want an increase in the Federal minimum wage. The tips that they are receiving are covering all of their needs. "Leave well enough alone," they say. Well, today, 70 percent of tipped workers are women who suffer from three times the poverty rate of the rest of the U.S. workforce. They are not doing so well. They use food stamps at double the rate of the general workforce and suffer, by the way, from the highest rates of sexual harassment of any industry because they must tolerate inappropriate customer behavior to get the incomes that they need.

Further—and this is important, and I want all of my colleagues to hear this.

The idea of moving tipped wages to the same level as the overall minimum wage is not a radical idea. It has been done in State after State. It already exists in seven States in our country, including California, Oregon, Washington, Nevada, Montana, Alaska, and Minnesota. I should point out that all of those States experienced a growth in the number of small businesses and restaurants after they abolished the tipped minimum wage. And guess what. Waiters and waitresses in these States received more tips, not less, and let's be clear: This pandemic has made a bad situation worse for waiters and waitresses.

So, right now, it is absolutely imperative that we raise that minimum wage to a living wage for all of our workers and that we raise the tipped wage as well, which is already law in seven States of the country right now.

And I see the Senator from California, Mr. PADILLA, and we are delighted that he is joining us. And his State has been one of the leaders in this country in raising the minimum wage, and I would yield the floor to him for his remarks.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mr. PADILLA. Madam President, I rise today in support of working men and women across the country, and I am proud to stand with Senator SANDERS, who has been a champion for working people.

Let me be clear: Raising the minimum wage is COVID relief. The COVID-19 pandemic has highlighted the immense underlying inequities in our Nation. It has also driven home how important essential workers are to our society and to our economy.

Millions of Americans do essential work but are not paid a living wage. They work as home health aides, assisting elderly family members to meet their basic needs with dignity. They produce our food, stock our grocery shelves, keep facilities clean and safe, care for our children, and so much more, so that we can go to work.

They are on the frontlines of this pandemic, risking their health, yet still struggling to keep themselves and their families healthy. They shouldn't also have to struggle to keep a roof over their heads and food on their table.

Both of my parents worked jobs that are considered essential today. For 40 years, my father worked as a short-order cook. For the same 40 years, my mom was a domestic worker. And it is people like them all over America who work hard, with dignity, yet still struggle to make ends meet. That is not the American dream—far from it.

It is finally time that Congress does something about it. There is strong bipartisan support throughout the country for raising the minimum wage. I am proud to say that my home State of California has been a leader in the fight for 15, and just this past year, the voters of Florida—yes, Florida, the

State that voted for Donald Trump not once but twice—approved a \$15 minimum wage by a 20-point margin. That is because it is Americans, both Democrats and Republicans, who know that one of the most straightforward ways we can help working people is by raising the Federal minimum wage to \$15 an hour.

Now, California is a big State. We are a very diverse State, full of diverse communities, with local variations in cost of living and local business conditions, just like the rest of the country. And let me tell you, the sky did not fall when California enacted a \$15 minimum wage.

Now, I know some of our colleagues have argued that raising the Federal minimum wage would reduce employment opportunities for American workers. The facts show otherwise. Forty years of studies have found little to no significant impact of wage increases on employment levels.

Some of our colleagues have also argued that eliminating the tipped minimum wage nationwide would harm earnings for workers. That also has not happened. Again, research has found that eliminating the tipped minimum wage has no significant impact on employment.

At the same time, median hourly wages for tipped workers are higher in equal treatment States like California compared to those with a tipped minimum wage.

Madam President, 1.7 million Americans make the Federal minimum wage. That is a \$15,000-a-year income. We must be honest with ourselves. No one can meet the minimum standards of living on a minimum wage of just \$15,000 a year.

Now, raising the minimum wage to \$15 an hour would also help reduce some of the gender and racial inequities in our Nation, as Senator SANDERS has referenced, given the overrepresentation of women and minorities in jobs that earn the minimum wage. It would give them more money to spend in their local economy, which in turn is good for business. But most importantly, it will lift hundreds of thousands of families out of poverty. Think about that. We have the opportunity to lift hundreds of thousands of families out of poverty.

This isn't just an opportunity, it is a moral responsibility. No one who works a full-time job should live in poverty. It is that simple. We must stand on the side of hard-working Americans.

I call on my colleagues to continue the fight for 15 and pass the Sanders amendment to bring justice and prosperity for all American workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, right now, the Senate is debating, having been started by our colleague Senator SANDERS, whether it is OK to pay starvation wages in the United States. You

heard that right, starvation wages. Receiving that starvation wage, single moms are skipping meals as they try to make rent and buy groceries for their family. These moms get paid \$7.25 an hour, often work two jobs, and go to bed every night worried that the next morning is going to bring financial calamity.

Senators, is this OK in a country as rich and strong as ours? Here in the U.S. Senate, nobody has got to worry where their next meal is coming from, but that is an everyday struggle for too many families across the land.

Senators, let us think about those who are hurting as the vote on the Sanders minimum wage amendment approaches. It is time for that single mom to get a fair wage for a fair day's work, a living wage, not a starvation wage.

There has never been a stronger case for a \$15 minimum wage than there is right now during the pandemic. I think about grocery store and pharmacy workers, home health aides, food processing and packing workers, restaurant employees interacting with maskless customers. So many workers in Oregon and across the country are going to work in a dangerous environment each day. Many of them are Black and Latino workers, people from the communities that have suffered the most from COVID-19. They have kept our country going through the last year.

I have heard a whole lot of Members of the Senate, Democratic and Republicans, talk about those workers as heroes of the pandemic. So the question is, Will the Senate stand up and give those heroes of the pandemic the raise they deserve, the raise they have waited for, for 12 years?

There are 30 million Americans who earn less than \$15 an hour. It would be closer to 40 million if not for the fact that the coronavirus put so many Americans out of work. That is just immoral and unacceptable.

Now, if you want to see inequality baked into the law, just look at how the country treats its lowest income workers compared to those at the top. The minimum wage has been stuck for 12 long years, and a flat minimum is nothing but a slow-moving pay cut for those who make the least.

Minimum wage workers cannot afford the average rent in any State in America, not one. It doesn't account for utilities, food, gas, car payments, medical bills, school supplies. Here is a fact: Living is expensive for the poor in America. Meanwhile, the most well-to-do keep winning with their investments in the stock market. The entire Tax Code is rigged to favor the income of billionaires over the income of wage-earning families.

Republicans passed the \$2 trillion Trump tax law promising trickle-down benefits. They have been talking about that for decades, even though those magical benefits never actually trickle down.

The Trump administration actually made it A-OK in the eyes of the law for

corporations to steal from their employees' tipped wages. A country that aspires to be pro-work should not be this anti-worker.

Members of the Senate might forget it now, but minimum wage used to go up all the time. It happened 22 times since the minimum wage was enacted in 1938. Through the fifties, sixties, and into the seventies—the post-war period that many looked as the boom years of the 20th century—the minimum wage went up all the time, and Congress expanded the range of workers it covered.

Now, colleagues, these increases did not lead to the end of Western civilization back then, and raising the minimum wage isn't going to do it today either. That is because—folks might want to sit down when I say this—it is good for everybody when there are fewer poor people in America. This is the longest the Congress has gone without raising the minimum wage since its origin.

In recent years, the grassroots movement has picked up the slack and made a lot of progress in cities and States all over the country, including my home State of Oregon. But the Congress cannot wait any longer. The powerful could pull the levers around here in a hurry, and they get more than their share of benefits and attention. Right now, the Congress has a chance to prove, to actually prove that it is looking after working people, and that means raising the minimum wage to \$15 an hour. Every single Senator says they want to incentivize hard work, and, folks, a living wage does just that. The single mom skipping meals to feed her kids deserves better. The Senate can do better starting today.

I appreciate my colleague Senator SANDERS leading the effort to raise the wage for years and years. As chairman of the Senate Finance Committee, I am all in with Senator SANDERS on this fight. Senators, support our amendment. Give tens of millions of America's hard-working people a raise. And before I yield the floor, I just briefly want to provide an update with respect to the issue of trying to make sure that folks who have been laid off, laid off from their jobs through no fault of their own, are going to be able to get an unemployment benefit where they can make rent and pay groceries.

We are having conversations now, bringing people together, I believe, around two core principles. One is avoiding a cliff in August where you would have something like 11 million people lose their benefits. We have to do that. It defies common sense to have a cliff in the middle of August when you have the Senate out of session.

Second, we are making a lot of progress on preventing an unemployment tax surprise. This is a matter that Senator SANDERS and I have spoken about at length for weeks. A number of colleagues on both sides of the aisle have a great interest in this. I think we have made a lot of headway. We will have more to discuss with the

Senate, but I am really hopeful that this can bring all sides of this debate together.

I have personally felt the benefit should be \$400. It should certainly run into September, but I know some of my colleagues feel otherwise. So what we are looking at is making sure that we can get a benefit so that people can make rent and pay groceries, that we prevent that cliff, and, by God, we sure as hell shouldn't let folks who are unemployed pay taxes on those unemployment benefits that they secured in 2020.

Senator SANDERS and I will continue to prosecute this question of tax forgiveness very strongly as well. I appreciate his leadership.

I see Senator MURRAY, the chair of another important committee with jurisdiction over this matter.

I yield the floor.

The PRESIDING OFFICER (Mr. PADILLA). The Senator from Washington.

Mrs. MURRAY. Mr. President, I want to really thank Senator SCHUMER, Senator WYDEN, and Senator SANDERS and others who are working so hard with me on making sure that our relief bill includes a much needed raise for our workers.

Democrats and Republicans alike have joined together in rightly calling our essential workers heroes and the backbone of our economy. But despite their tireless work and the constant risk of COVID exposure, too many of these workers are paid wages so low, they cannot afford to pay for even their most basic needs.

This pandemic should be a wake-up call that these workers whom we all call heroes deserve more than \$7.25 an hour. I urge my colleagues to vote for the Sanders amendment in order to give a much needed raise to millions of workers and end the tipped minimum wage and subminimum wage for youth workers and workers with disabilities.

After more than a decade since the last Federal minimum wage increase, the tides are turning, and there is overwhelming support for Congress to act. So let me be clear. Today's vote is just one step in our fight. We are not going to give up. Today we are going to keep working to get this historic bill across the finish line because right now this country is on fire. Republicans' biggest concern seems to be that we might use too much water. The reality is, we are far from doing too much because we will not have done enough until this crisis is over, until families across the Nation are safe, and until we rebuild a stronger and fairer country.

Anyone who says this bill is too expensive needs to understand how much this pandemic has already cost our communities, how much it has already taken from families, and how much more is at stake if we don't finally bring it to an end.

They need to listen to public health and healthcare workers who have been straining to test, to contact trace, to



vaccinate people across the country, and to grapple with the trauma of fighting this pandemic on the frontlines.

They need to listen to parents who are asking how they are supposed to go to work when they don't have childcare and their kids can't go to school in person, who wonder how are they going to pay rent, how are they going to pay for groceries, how are they going to pay to keep the heat on, and fearing what will happen if they cannot.

They need to listen to students whom this pandemic has robbed of critical school resources, as well as opportunities to grow and thrive and socialize with their peers.

They need to listen to our States and our cities and our Tribes and our territories that have seen their budgets upended.

They absolutely need to listen to people of color, to voices in the Black, Latino, and Tribal communities who have been hit the hardest by this pandemic in every way.

Anyone who has been listening to the American people and anyone who has been watching what they have gone through understands the danger in this moment is not doing too much; it is doing too little.

If Republicans want to talk about too much, there are almost 10 million fewer people working compared to this time a year ago. There are 11 million people at risk of eviction and 11 million people about to lose their unemployment benefits. That is too much.

One study says that by June, this pandemic will likely have set students back 5 to 9 months in math from where they could be in a typical year, and that setback is even larger for students of color. Another notes that as schools across the country have shifted to remote learning, that one in four students lacks access to internet at home. According to the CDC, one in four young adults has considered suicide. That is too much.

Since the start of the pandemic, we have lost over 650,000 jobs in higher education and 1 in 6 jobs in childcare. That is too much.

Across this country, this virus has infected over 28 million, left thousands of "long haulers" still experiencing symptoms, and killed over half a million people. That is too much.

We have to act. We have to. And that is why we are fighting to pass the American Rescue Plan. This American Rescue Plan will send families long-overdue direct relief and prevent expanded unemployment benefits, which have been a lifeline to so many people, from expiring. It will help get vaccines in arms faster. It will hire and train more public health workers. It will ramp up our testing capacity and invest in programs to counter the disproportionate harm COVID-19 has caused specifically to communities of color and Tribes. It will expand affordable insurance to more families and give schools much needed resources to

help our students get back to classrooms for in-person learning safely. It will stabilize our struggling childcare sector, which is so critical to helping women and working families get back to work. It will support small businesses and help States keep educators and firefighters and sanitation workers and others on the job.

So before my Republican colleagues worry anymore about the cost of doing all that, I hope they take a moment to consider the staggering cost of failing to do it. There is a reason bold action like this plan has the support of Republican Governors like Jim Justice in West Virginia; the support of Republican mayors like Betsy Price in Fort Worth, TX, or Francis Suarez in Miami, FL, or David Holt from Oklahoma City; and, according to a recent poll, the support of a majority of Republicans.

That same poll showed that the American people support this package by an overwhelming 3-to-1 margin. People support this American Rescue Plan because the American Rescue Plan supports people—workers, families, communities—who know firsthand the loss and hardship of this last year and because they understand the simple fact that when the house is in flames, you do not argue about how much of the fire to put out or how much water to use or how many lives to save; you do whatever it takes until the crisis is over and everyone is safe, and you do it as fast as you can. That is what Democrats are trying to do today. That is what this bill is about, and I urge every single Member of the Senate to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to the floor to talk about the American Rescue Plan, but following my colleague from Washington and in the presence of the Senator from Vermont, I just want to thank them for how hard they have fought for an increase in the minimum wage.

Our State, the State of Washington, has led the Nation for many years in the highest minimum wage, and it didn't impact our economy. In fact, it helped our economy. There are now reports, as we have moved towards \$15 from just a little town, SeaTac, to the city of Seattle, to now a plan for our entire State to move to \$15 over a gradual period of time.

I urge my colleagues—I urge my colleagues to come together with a plan that can get us to a \$15 minimum wage. I know we have it in us. I know we can do it. I so appreciate our colleagues waging this effort to continue to make this a priority for our Nation.

I can't tell you enough how much the wages, particularly in a place like Seattle, are going to matter to people, to have a livable wage. I know people here have discussed various aspects of this program and the plans that are in this bill, but I just want them to know that

the cost of living in a very expensive place like Seattle demands that we pay workers what they deserve. It also means that we deal with big-city problems like homelessness and deal with making investments, and I hope that our next infrastructure bill will get to that.

This is not the last time I am going to speak about minimum wage, but I want our colleagues to know that this battle is not over yet and that if we want to raise the standard of living in the United States, we have to pay a livable wage.

So I come to talk about the details of the rescue plan. This is 1 year since a young man from Everett, WA, became the first COVID victim in the United States of America. Not only did he get sick, but many loved ones got sick, their families, and they are all waiting now for vaccines. So this legislation—priority No. 1 for so many Americans right now is the COVID-19 vaccine.

In my State, the State of Washington, more than 1 million residents have been vaccinated, and 6 million more are still waiting. Everyone knows that demand far exceeds the supply. Our healthcare workers are working tirelessly, along with other government officials, to get shots in the arms of individuals.

That is why this bill is so important, because it provides \$20 billion to invest in vaccine administration and distribution. That includes launching community vaccine centers, deploying mobile vaccine units to hard-to-reach areas, and continuing to support an increased pace of vaccinations. That is job 1 right now—get the vaccine into the arms of Americans.

That is why this legislation is so important, to continue that effort, but it also provides other support, like extending unemployment benefits for millions of Americans who lost their jobs through no fault of their own a year ago and are now seeing unemployment benefits expire next week.

We know what today's numbers say. We still have a very high unemployment rate in the United States of America. So this bill extends the benefit another 5 months, until August 29. It is a very prudent measure to continue to put the resources into the American economy.

It also provides \$1,400 stimulus payments to millions, and it supports new efforts for our restaurants, small businesses, and those devastated by the pandemic so they can use this money for payroll, rent, utilities, and paid sick leave. This is so important, to continue to learn from the programs that COVID has started and to refine them to make them successful for our economy.

This also helps children who are at home, helping provide more money for E-Rate and broadband connectivity for schools and libraries. This is so important to individuals.

It also provides critical dollars for Federal health funding to treat Native

Americans in urban areas, a community that has been very hard hit by the pandemic.

Our economy lost 9.8 million jobs in 2020, and our current unemployment rate, as I just said—we know from this data that came out this morning—is still too high. We know that, as a result, 19 million Americans, including 460,000 Washingtonians, rely on those unemployment benefits. If we don't act by March 14, 11.5 million people will lose their extended unemployment benefits. So that is why this program is so important to get passed today in the Senate.

The restaurants, as we know, have been very plagued by this problem, and the PPP program has been helpful, but I believe this legislation will be even more helpful. Since the beginning of the pandemic, 110,000 restaurants across our country have closed either permanently or for an extended period of time, including 2,300 in the State of Washington, and some are just struggling to hang on.

For example, the Black Cypress restaurant in Pullman, WA, lost more than 1 million in revenue and had to lay off workers after the initial PPP loan program ran out. In southwest Washington, restaurants like the Mighty Bowl in Vancouver and the Depot Restaurant in Seaview are operating at 50 percent revenue loss.

I talked to one of our restaurant owners, Wassef Haroun, who operates very popular restaurants in Seattle, including Mamnoon. He said his restaurants have lost 70 percent of their revenue compared to 2019. And these are people who are hustling to do standup, popup windows, and all sorts of things to keep the restaurants and restaurant employees working.

So the Paycheck Protection Program was critical, and these improvements were desperately needed. That is why this bill includes a new \$25 billion grant program for restaurants to address those concerns of rent and utilities and sick leave and other things head-on.

The bill also helps with more funding for the SBA live venues grant program that we have authorized, helping those venues stay open. For us in Seattle, music is a thing, and we want these venues to be there. They are part of our history. They are part of our culture. They are part of a music story that really is about, well, just a little bit different take on music than maybe some other parts of the world. So we are very proud of it, and we don't want to lose these facilities, the home for growing more music and cultural impacts to our society.

So one of the hardest hit businesses, though, has been businesses with 10 or fewer employees in underserved areas, like Grays Harbor, Yakima, Ferry County, or Pend Oreille. This legislation allows \$10,000 grants from the SBA program of Economic Injury and Disaster Loan Program to help with the smaller communities and the small

businesses that have been underserved to date by the programs that we have passed.

But for the first time, in this legislation, there will be support for the aviation supply chain. We are hearing all sorts of discussions about supply chain shortages and the competitiveness of the United States if the United States sees that critical supply chain elements will not be able to be filled, whether you are talking about the automotive industry or whether you are talking about aviation.

Well, in the previous bills, certainly, I can say that the Fed made capital available that, certainly, manufacturers—large-scale manufacturers—took advantage of. Previous bills made money available for the airlines to continue operating, as this legislation does as well. And I would say, I think, we are probably somewhere between 40 to 45 percent of the original capacity for airlines that we were previous to the pandemic, which means we are making progress, and that is what we always wanted to see—the ability to return our economy quickly.

But in Washington State alone, we have 30,000 aerospace manufacturing and supply chain jobs that have been lost. Our aerospace supply chain is part of a juggernaut for our economy. It helps us with our gross domestic product, and it helps us in containing and keeping a workforce that is skilled that can work postpandemic. So in this legislation, we will be, for the first time, making resources available for that supply chain.

I want to thank Senator MORAN and Senator WARNER and a slew of other Members who worked on providing resources to this supply chain. It will help us retain and rehire workers in the aviation manufacturing sector. It will help us keep highly skilled workers who serve as the backbone of industries so that our Nation can continue to be poised for the recovery. And it helps us in making sure that we are poised for a strong recovery. We know that aviation manufacturing jobs mean a lot to our Nation. Finally, we are going to help stave off the tide of the huge losses that we have seen in that sector.

We are going to help the mom-and-pop machine shops. We are going to take those who have been working on small aircraft parts and landing gears and doors and flight controls and help them with the impact that they have felt in trying to keep a workforce during this period of time.

These are all important priorities for us as a nation: the vaccines, the unemployment benefits, the stimulus checks, the E-rate program for helping students learn at home, the investment in the aerospace supply chain. It is important that we get the dollars out the door. This will help us recover. This will help American families wade through the last months of this COVID pandemic fight. But, believe me, they need the help in the last months. This

fight is not over, and this will help sustain us.

I urge my colleagues to pass this legislation.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, similar to Senator CANTWELL, I want to talk a little bit about the small business provisions in the American Rescue Plan and the urgency of passing the recovery act as soon as possible. We need to act in order to deal with the recovery of COVID-19 for our Nation.

As chair of the Small Business and Entrepreneurship Committee, it is critically important to the health of small businesses that we act on the American Rescue Plan. Small businesses are critically important to our economy. I think the Members of this body understand that.

Two out of every three jobs in the private sector are created through small companies. Innovation takes place in a much larger amount in small companies. Just look at how small companies have adjusted to COVID-19. We have seen curbside pickup. We have seen the use of the online deliveries. We have seen ways in which small businesses have shown that they can figure out ways to try to stay alive under any circumstances.

But there is another factor about small businesses, and that is that they are not as resilient to deal with an economic downturn as the larger companies are. So whenever we go through any type of a recession, small businesses suffer the most. So for all of those reasons, it was critically important for us to act to help America's small businesses.

Democrats and Republicans worked together to create a way in which we could help small businesses during this pandemic. It is interesting that the very first bill that we passed removed the restrictions in regard to the EIDL Program so that those businesses that suffered as a result of the pandemic could qualify for the Economic Injury and Disaster Loan Program under the Small Business Administration. We did that because we realized that government was imposing restrictions on small businesses in their operations, and we had a responsibility to act.

And then in mid-March of last year—not this year, but mid-March of last year—we passed the CARES Act, almost a year ago. It recognized that this pandemic was having a major impact on our small businesses. We didn't realize how long the pandemic would last. We thought it would last a few months. We certainly did not think it would last a full year, and now beyond a year. We passed innovative programs in order to save small businesses.

In the one that got perhaps the most attention, the PPP program—the Paycheck Protection Program—we initially provided \$350 billion. I would like to think of the CARES Act as, really, a Marshall Plan. It was a Marshall Plan to deal with COVID-19. It provided the

monies for vaccination, research, testing, and for public health, to help our States and local governments, to help schools, but it also provided money in a major way to help small businesses. So \$350 billion was initially provided through the Paycheck Protection Program because we realized that rather than having to put more money into unemployment insurance, wouldn't it be better to keep people on payroll so that small businesses can retain their essential workforce? And it worked. The program was very, very popular.

But we did more than just the Paycheck Protection Program. We also expanded the Economic Injury and Disaster Loan Program, or the EIDL Program, because we recognized that forgivable loans of a limited amount of money was not enough to carry businesses over during the pandemic. They were going to need longer term loans. EIDL is a 30-year low-interest loan, up to 30 years. And we also created a new program known as the EIDL Advance Program, which was cash—it was not a loan, not a forgivable loan; it was a grant of up to \$10,000—because we know for many small businesses, particularly the most stressed and the most challenged, taking on another loan was not a possibility. So we provided an EIDL Advance of up to \$10,000.

We also provided for loan forgiveness for those who had existing or had recently taken out 7(a) or 504 loans under the Small Business Administration.

These programs were exceedingly popular—so popular that, within just about a matter of weeks, we started running out of resources. We had appropriated, we thought, a significant amount of funds, but we found that \$350 billion went pretty quickly. So we came together, and we replenished the funds. We put more money into the Paycheck Protection Program, and we also recognized that we had to provide more flexibility because businesses were suffering, and they needed more ability to be able to use those funds. So we granted additional flexibility.

When we passed the CARES Act, we thought this pandemic would be over with by last summer. Well, that was not the case. So we came back together again and recognized we had to do more. We passed, as you know, this past December in the Omnibus legislation another round of help for America's small businesses. This time, it was \$325 billion of additional help.

We provided additional eligibility for entities that had not qualified before for the Paycheck Protection Program, and we provided a second round of the Paycheck Protection Program. But we targeted that second round to those small businesses that were in underserved communities, minority communities, and the smaller of the small businesses. We helped mission lenders, such as CDFIs and minority depository institutions so that we could really try to reach the underserved communities.

And we established a program for shuttered venues. Why? Because shut-

tered venues were shuttered. These were institutions that could not operate because of a government order, and we recognized we had to do something special in order to deal with that.

So when you put that all together, what happened? Well, we saved a lot of small businesses, and we should be proud of that record. Seven million Paycheck Protection Program loans—forgivable loans—were granted for \$678 billion. There were 3.7 million EIDL loans given for \$200 billion. And we were oversubscribed for the EIDL Advance of \$20 billion. So we were able to really help, but more is needed.

When we passed the Omnibus bill in December, we recognized that that would hold us until March. Well, it is now March. We need to act to complete the work.

The Trump administration, in administering the SBA programs, did things that we thought were unacceptable. They put a cap on the EIDL loan of \$150,000. The statute says \$2 million. Many businesses needed more help than was given by the administration of the EIDL loan program. The EIDL Advance Program was supposed to be up to \$10,000, but the administration administered it at \$1,000 per employee, making it far less desirable than Congress intended.

And, quite frankly, the underserved communities were not being met at the level that we had expected. I say that because Senator SHAHEEN and I put a provision in the CARES Act, now known as page 30, that required the SBA to make special efforts to get to the underbanked communities because we realized the underbanked communities were going to have difficulty getting loans that were forgivable. Their own inspector general of the SBA said that the SBA did not carry out the intent of Congress. So we needed to do more to reach those communities that were being left behind.

That is why action is needed. I want to compliment the Biden administration. They have taken administrative action to try to help us on this. They have opened up for 14 days exclusivity under the PPP program for those businesses that are 20 employees or less. The smaller of the small businesses are those that are having the most difficulty surviving in this climate. And they had a much more real—by Executive order or by administrative action, they now have a much more realistic formula for the self-employed as to how much they can receive under a PPP loan. They were able to do that through Executive action, and they removed the discriminatory nature against returning citizens being able to qualify for these forgivable loans.

The Biden administration has taken action. Now it is necessary for us to take action and come in with the American Rescue Plan. We need to pass it, \$50 billion of additional help directly—directly—to small businesses to make the EIDL Advance really work for those in low-income communities

so they can get their full \$10,000 grant that we intended them to receive. So that we can make that work, we need to provide another \$15 billion to the EIDL Advance Program, targeting it to the underserved communities.

We have a program to help our restaurants—why help the restaurants?—with \$25 billion. Here is the fact. Even with the restaurants starting to come back, we are 2 million jobs less in the restaurant field since the beginning of COVID-19—2 million jobs less. The National Restaurant Association estimates that 110,000 restaurants have either shuttered for good or are shuttered today as a result of COVID-19. We need to direct help to the restaurant community.

The shuttered venue program needs additional support, so an extra \$1.25 billion is provided for shuttered venues. I will just give you one example. The Merriweather Post Pavilion located in Howard County, MD—I have been there many times—has not operated since last March. They need help. A thousand jobs are dependent upon the Merriweather Post Pavilion.

I am sure every one of my colleagues could mention the venues in their own State that have been shuttered as a result of COVID-19 that need that help.

We provide \$7.25 billion for nonprofits, expanding eligibility, and for the digital news platforms that need help. Johns Hopkins University has done a study, and it has shown that the employment level in our nonprofit community has dropped 1 million jobs since COVID-19 occurred. We know the great work that they do, how they step up and help us anytime, but particularly during a pandemic and during a national crisis. They need help, and they should be eligible to be able to receive the help under the Small Business PPP program. This bill will provide that flexibility so they can get the help that they need—another reason we have to pass the American Rescue Plan.

Then, lastly, let me mention the community navigators. There is a modest amount of money here so we can have people who can help those who are not as sophisticated to be able to get the help that they need through a community navigator. Yes, we have the Women's Business Centers. Yes, we have the Small Business Development Centers. But we need more help. I think the record has shown that.

Then, lastly, let me say, yes, we need to pass the American Rescue Plan for the direct help to small businesses, but they also need our economy to return to some degree of normalcy. That is why there is help for opening our schools, help for State and local governments, help for families with direct payments and unemployment insurance, SNAP benefits, COBRA protection; why the vaccine distribution is so important, the Medicaid expansion, housing assistance. And I could go on and on and on.

America needs the American Rescue Plan, and they need it now. Democrats



worked with the Trump administration so that we could get help during that administration. Republicans need to join us in helping the American people.

Let's pass the American Rescue Plan, and let's do that as soon as possible.

Mr. President, I rise today to go over with our colleagues the importance of the American Rescue Plan as it relates to small businesses.

As every member of this Chamber knows, small businesses are the growth engine of the American economy. Small businesses are where jobs are created—creating two of every three new jobs and employing almost half of the Nation's private sector workforce during the years leading up to the pandemic.

Just as important as the jobs they create, small businesses are where innovation happens in our economy. They are the entities that are figuring out better, more efficient ways of doing things.

Mr. President, we are 1 week away from the 1-year anniversary of the historic day on March 11 of last year when the World Health Organization declared COVID-19 a global pandemic.

In the year since, we have seen small businesses nationwide struggle, but we have also seen their creativity and ingenuity on display. We have seen the restaurants that have moved to curbside pick-up and online deliveries because it is unsafe to have in-person dining.

These small businesses are the reason why our economy is performing at the level it is, which may not be the level we want it to be, but the ingenuity of these small businesses have put us in a much better position.

But Mr. President, there is another characteristic of small businesses that I think we all understand.

We all understand that they don't have the same degree of resiliency as larger businesses, because they operate on razor-thin margins, they don't have deep pockets, and as a result, they often struggle to find outside financing. So when our economy hits a bump in the road, small businesses suffer the most.

So Mr. President, when the impact COVID-19 would have on our economy became clear last year, it was particularly important for us to respond to help our small businesses so that when we get out of this pandemic, when our economy returns, our small businesses emerge in a position to help our economy recover, and continue to grow.

We had to support our small businesses, because the public health restrictions on public gatherings—which have saved thousands of lives and kept our communities safe—have been especially challenging for small businesses.

So Congress had to respond, and we did. Our first major response was the CARES Act—a bold, bipartisan bill that was created to help small businesses, families, and create a “Marshall Plan” for healthcare, which put money into vaccine development, pro-

ducing personal protective equipment, and put money into testing and other public health measures.

Because we recognized then, and now, that we have a responsibility as the federal government to control the pandemic.

So the very first bill we passed in response to the pandemic made small businesses affected by the pandemic eligible for the Economic Injury Disaster Loan program.

Traditionally used to help small businesses recover from a natural disaster like a hurricane or a tornado, EIDL provides low interest, long-term—up to 30 years—loans to help businesses recover.

IT was important that we include EIDL as a tool in the Small Business Administration's toolkit, because we knew small businesses would need the flexible, patient capital provided by EIDL.

Next we passed the CARES Act, which provided more than \$370 billion in direct aid to small businesses bearing the costs of keeping us safe.

It created the Paycheck Protection Program, a bipartisan program designed to keep employees on payroll. And we appropriated \$350 billion to the program.

We did this because we recognized at the time that while a business could lay off workers who could then collect unemployment, it would be better to keep them on payroll.

PPP provided an immediate influx of aid to small businesses through forgivable loans equivalent to 2 months of payroll costs that could be used primarily for payroll, but for other business expenses as well. For small businesses that used the appropriate portion of their PPP loan for payroll, the loan would be forgiven.

To complement EIDL and PPP, we created the EIDL Advance grant program for those small businesses that were unable to take out a loan because they were struggling to pay their existing loans.

The EIDL Advance program would provide grants up to \$10,000 for our most vulnerable small businesses. For many businesses, the grants were a lifesaver that provided an immediate cash infusion without having to worry about additional loans of their books.

We also created the SBA Debt Relief program to cover the monthly payments on new and existing traditional SBA loans, including SBA 7(a) and 504 loans.

Mr. President, the CARES Act was signed on March 27, and according to SBA, more than \$340 billion in PPP loans were approved by April 16—roughly 3 weeks after the bill was signed.

So we had to appropriate additional funds for the program due to the demand for the loans. We also made PPP more flexible for small businesses in recognition of the fact that our Nation would be confronting the pandemic for months to come and that we would not

have the pandemic behind us by summer, as we had hoped.

PPP, EIDL, EIDL Advance grants, and the SBA Debt Relief program helped save many small businesses.

We only need to look at the numbers.

Since the creation of PPP last March, SBA has approved more than 7 million PPP loans worth more than \$678 billion. Most of those funds went directly to the millions of employees at those small businesses to care for themselves and their families. SBA has approved more than 3.7 million EIDL applications providing loans worth more than \$200 billion.

The EIDL Advance grant program has exhausted its initial \$20 billion appropriation.

In the months since these programs have been up-and-running, Mr. President, we have learned many lessons that we must now deploy in order to finish the job of ensuring that small businesses are protected through this pandemic.

We learned that the historic barriers that small businesses in underserved communities, especially Black- and Latino-owned small businesses, do not have relationships with the traditional banking institutions that make PPP loans.

Senator SHAHEEN and I were concerned about this as we wrote the CARES Act, which is why we put a provision in the bill that required SBA to issue guidance to banks participating in PPP to prioritize loan applications from underserved small businesses.

Unfortunately, SBA did not do that, which led the SBA IG to issue report that found that SBA's implementation of PPP “did not fully align” with the Congressional intent of the CARES Act.

In response to SBA's failure to issue that guidance, a group of stakeholders advocating on behalf of minority businesses started a group known as the Page 30 Coalition, because the provision I talked about was on page 30 of the CARES Act.

PPP wasn't the only program harmed by the way it was implemented by the Trump administration.

The Trump administration hindered the utility of EIDL by capping loans at \$150,000, which is far below the \$2 million cap that is in statute.

And EIDL Advance grants were made less useful to small businesses due to the Trump administration's decision to provide EIDL applicants with \$1,000 per employee for up to 10 employees, instead of the \$10,000 grant provided by the CARES Act.

So I was pleased that we finally lived up to our overdue responsibility to pass more economic aid in December. The bipartisan \$900 billion relief bill provided an additional \$325 billion in aid to small businesses and included provisions to make PPP a more useful program for more of our most vulnerable small businesses.

The bill provided \$284 billion for first and second PPP loans, and it set aside

\$15 billion for mission lenders, as well as another \$15 billion set-aside for certain smaller financial institutions, such as credit unions and farm credit institutions.

The bill also made SBA's 7(a) and 504 loan programs more affordable for borrowers and less risky for lenders; those programs helped jumpstart the economy following the Great Recession.

The bill provided \$20 billion for targeted EIDL Advance grants that will be provided to small businesses in eligible low-income communities. For small businesses in these communities that already received an EIDL Advance grant, SBA will provide them with the difference for a full \$10,000 grant.

And we extended the Small Business Debt Relief Program for several more months, which freed up cash flow for small businesses to use for working capital.

Mr. President, I am proud to share that the changes to PPP are already yielding results.

Data from SBA on this current round of PPP shows lower loan averages, which indicates that more of the smaller, more vulnerable small businesses are receiving loans this time than they did during the initial months of PPP.

I was very proud last week after the Biden Administration announced steps it was taking to make PPP a more equitable program and provide relief to the many of Black- and Latino-owned small businesses that were left out of, or underfunded, during previous rounds of relief.

The changes include a 14-day dedicated window for small businesses with fewer than 20 employees to apply for PPP; an improved loan calculation formula for sole proprietors, independent contractors, and self-employed individuals; and the elimination of an unnecessary restriction that prevented small business owners with a prior non-fraud felony conviction from obtaining a PPP loan.

These changes will help many small businesses secure the aid they need.

Now is the time to seize on that momentum.

The American Rescue Plan will deploy an additional \$50 billion to the communities and industries that still need help, and are likely to need continuing support in the months to come.

Mr. President, this bill is necessary right now, because the industries that have been hardest hit by the pandemic are also the industries that will take the longest to resume full operations after the pandemic—some of which are reliant on large crowds to turn a profit; others because they are already struggled to access capital before the pandemic, and will only be worse off after it.

It is vital that we provide additional funding to these industries, because they have accounted for a large portion of the jobs lost during the pandemic.

According to the National Restaurant Association, as of December of last year, 110,000 eating and drinking

places were closed for business temporarily, or for good, and the sector finished 2020 nearly 2.5 million jobs below its pre-COVID level. And at the peak of initial closures last year, the group estimates that up to 8 million restaurant employees were laid off or furloughed.

The live events industry also needs additional support, because they are the most reliant on large crowds to turn a profit, and businesses in the sector often support hundreds of jobs, both directly and through their relationships with other businesses.

In my home state of Maryland, for example, Merriweather Post Pavilion in Howard County supports nearly 1,000 jobs across the State.

We must also expand support to more nonprofits, because the job losses caused by the pandemic have not been limited to the for-profit entities. According to a report from the Johns Hopkins University, there are nearly 1 million fewer nonprofit jobs today than there were in February of last year, including the 50,000 jobs lost by the nonprofit sector in December. The report projects that it will take 18 months to regain the nonprofit jobs lost during the pandemic.

It goes without saying that getting these jobs back as quickly as possible will be key to a swift, robust recovery. And enacting the American Rescue Plan will help us do just that.

What these small businesses need more of however, are not loans, but grants.

That is why the American Rescue Plan includes \$15 billion for targeted EIDL grants to provide hard-hit, underserved small businesses with increased flexible grant relief, which will be particularly helpful for very small businesses and sole proprietors.

This provision is especially important for minority-owned businesses, which are more likely to be sole proprietors and have fewer employees on average.

The American Rescue Plan will also create a \$25 billion dedicated grant relief program for restaurants, and it will provide an additional \$1.25 billion to the Shuttered Venue Operators Grant program, which was created by the December bill.

The American Rescue Plan will expand PPP eligibility to additional nonprofits that are providing essential social services, as well as digital news services that are keeping our communities informed about the pandemic.

The plan provides SBA with an additional \$1.325 billion in administrative funding to implement and scale up these grant programs.

And lastly, the plan provides \$175 million for a community navigator pilot program designed to help small businesses in underserved and underbanked communities access the COVID-19 resources available to them.

If we remember from the Affordable Care Act, community navigators help get information out to hard-to-serve communities, and they will help small

business owners apply for the programs that best meet their needs.

They are a good complement to SBA's existing resource partners, such as the Women's Business Centers and Small Business Development Centers.

Mr. President, President Biden promised the American people that help is on the way, and that is exactly what we intend to do by passing the American Rescue Plan into law.

It is a bold approach, because the problems we are facing are so great. We must pass this bill immediately.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, a vote-arama is upon us. Stay hydrated. Try to keep good cheer. We are going to have lots of amendments today and kind of talk about where we differ on certain things, which will be good for the country.

What I hate the most is that we are doing a partisan COVID bill for the first time as a nation, and I don't know why because on March 5, 2020, 96 to 1, we appropriated \$8 billion when we had just begun to understand what COVID was about; March 18, \$355 billion, 90 to 8; March 25, \$1.9 trillion.

So March 5 and 25, we spent well over \$2 trillion, with the average vote 96 to 1, 90 to 8, and 96 to 0. In April we spent \$355 billion by voice vote; September 30, 2020, \$8 billion, 84 to 10; December 21, 2020, \$1.04 trillion, 92 to 6.

So it is not like we can't work together on COVID. You had a Republican President, you had a Republican Senate, and a Democratic House, and we were able to come together as a nation. But that is all over now because my Democratic colleagues have chosen to go another way because they can. They have all the power. They have the House, the Senate, and the White House.

They have chosen to do a \$1.9 trillion package without any effort at all, in my view, to try to find common ground. Ninety percent of this money has got zero to do with COVID. It is a liberal wish list, and every time Senator SCHUMER says it is not, it makes me believe it is.

So another point for the American people: Of all the money I just described to you that we appropriated in a bipartisan fashion, we haven't spent it all yet, but we are going to spend \$1.9 trillion even though we haven't spent the earlier money.

Of the administrative actions, we have got still \$200 billion left to spend. Of the legislative appropriations, we appropriated \$4.1 trillion; we have got a trillion we haven't spent yet, but we are going to spend \$1.9 trillion more before we spend what we spent in the past.

The Federal Reserve set aside \$5.9 trillion to help business. They have only spent \$2.8 trillion, so there is a lot more capability there.

The economy is showing signs of life. The vaccine is out. Things are looking

better. It seems to me we would want to slow down and wisely spend the money not spent before we embark on a \$1.9 trillion spending spree.

Most of it doesn't have much to do, if anything, with COVID. They are doing it because they can, and there will be a lot of amendments talking about better ways to spend this money.

The minimum wage has been dropped out, but here is what is in this bill: \$20 million for the preservation and maintenance of Native American languages. That might be something we want to do, but we should go through the appropriations process, have hearings, not put it on a COVID bill.

And \$135 million for the National Endowment for the Arts. It may be something we want to do, but not on a COVID bill. And \$135 million for the National Endowment for Humanities. Again, the same concept. About \$200 million for the Institute of Museum and Library Services. What has that got to do with COVID? Nothing.

PPP loans for labor unions, paid leave fund for Federal employees, an \$86 billion bailout for union pensions. What has that got to do with COVID? Nothing. And \$350 billion for blue States. We changed the formula under this bill—dramatically different than the one we passed 96 to 0.

So I could go on and on. Money for schools. Most of the money in this bill—\$129 billion for K–12—only \$6.4 billion is to be distributed this year. Most of the money is spent from 2022 to 2028. Hopefully we will get control of COVID by 2028. Again, this is an opportunity to spend money on things not related to COVID because they have the power to do so.

It is going to be a long day. We are going to be talking about reprioritizing money. We are going to try to strike provisions from this bill, money that comes from hard-working taxpayers, being spent in a way unrelated to COVID.

So stay tuned. Keep good cheer. Stay hydrated. But this is a debate worth having, and I regret very much that we could not find common ground here. To find it, you have to seek it. And this is the one area where we were doing a pretty damn good job, I thought, working together as Republicans and Democrats, spending a lot of money because there was a need out there.

Today we are going to spend a lot of money, most of it not related to COVID, and it is going to be along partisan lines. It is unfortunate, but it is the choice my Democratic colleagues made. And we are going to hold them to that choice.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, my colleague, the ranking member, Senator GRAHAM, says: Why?—\$1.9 trillion, a lot of money. We have spent money over the last year. He is right. Why did we spend the money? The answer is because we are facing a series of unprece-

dented crises and because the American people are reaching out to us, and they are saying: We are hurting. We are in desperate condition, and we need help from the Federal Government. That is why we are responding.

Half a million people have died in this country from COVID, and many millions more have been made ill. And what the long-term impact of those illnesses are nobody at this point knows, but certainly no one will deny that we have a pandemic crisis.

Our job is to make sure that we produce the vaccines that the American people desperately need and that we develop an effective mechanism to get it into the arms of the American people. And the truth is—I want to thank the President and his team—we have made progress in the last month, but we still have a long, long way to go. To produce the vaccines, to hire the people who will make sure that people get those vaccines, inject people with the vaccines, it is going to take money.

Everybody in this Senate and, I assume, in the country wants our kids to get back to school. Well, you just can't open the schools unless they are safe. Parents are not going to send their kids back to those schools. Teachers are not going to teach. Childcare workers are not going to provide the care that the little ones need.

And do you know what? To make those schoolrooms and school buildings safe is going to require resources, but, for the sake of our children, we need to reopen the schools as quickly as possible and do it in a safe way.

There is money in this bill—Senator GRAHAM didn't mention it—to make sure that, this coming summer, school districts all over this country have the resources to provide strong, well-staffed summer programs so kids who have missed significant amounts of school can make up some of what they have lost, in addition to getting some recreation and associating with their fellow young people in a way that is safe.

There was a poll that came out just last week. It was rather shocking at what it said. It said that 63 percent of the American people are living paycheck to paycheck.

Senator GRAHAM says: Why are we spending all of this money? The answer is we don't believe that children in America should go hungry. We don't believe that working people should be evicted from their apartments or lose their homes. We don't believe that, in the midst of a pandemic, people should not be able to afford to go to a doctor.

So making sure that people have those direct payments, yeah, we believe in that. We believe that if a family is struggling today through no fault of their own, having lost their income, yeah, we are going to get them a check for 1,400 bucks and a family of four a check for \$5,600.

There are a lot of people in this country who are doing very well, and they are wondering: What is this big deal

about \$1,400? That is not a lot of money. You go to a corporate lunch, a bunch of people come in, and they can spend \$1,400 on a lunch.

But if you are struggling to put food on the table for your kids, that \$5,600 for a family of four is life and death; it is dignity or desperation.

People are wondering: How am I going to pay the rent that I owe after the rent moratorium, the eviction moratorium expires? How am I going to feed my kids? How am I going to take care of the basic necessities of life?

So, yes, we are providing \$1,400 per working-class family because that is desperately needed.

So when the Senator says: Well, why are we spending all of this money? The answer is because we are living in the most difficult moment in the modern history of this country and, arguably, even a more difficult moment than the Great Depression of the 1930s. People are hurting, and, in a democratic society, government is supposed to respond to the people who sent us here.

Now, I know that there is controversy, and Senator GRAHAM raised this issue. Democrats have a majority, a bare majority with the Vice President—51 votes. Why are we not working with our Republican colleagues? We have reached out time and time and time again. The President has reached out: Work with us. But you have got to understand the severity of the crisis, and they have not done this.

Using reconciliation, by the way, as the Presiding Officer well knows, is not a new idea. When our Republican colleagues had the majority, they used reconciliation. What did they use it for? They used it for massive tax breaks for the rich. That is what they used reconciliation for. They used reconciliation in order to try to throw 32 million Americans off the Affordable Care Act, something that Trump was fervent about. And by one vote—Senator McCain—we prevented 32 million people from losing their health insurance through the reconciliation process.

So our response is, you want unity? Well, do you know what? We probably have more unity today in America around this package than anything that I can remember. The polls vary: 65, 70 percent of the American people understand the crisis we are facing. They want us to respond. This legislation is enormously popular, not just from progressives, not from moderates, but from Republicans, as well, depending on the poll.

Forty, fifty percent more Republicans support it because they can't afford to pay their rent. They can't afford to go to the doctor. They understand that government has to help.

So the real question here—and President Biden has raised this issue—is, we believe in unity, we believe in bringing people together. How does it happen that when 40, 50 percent of Republicans support this legislation, we can't get one vote from Republicans here? What

is going on? And the answer is, I am afraid, that my Republican colleagues have moved so far to the right that they have lost contact with the needs of working families.

As I said earlier, this legislation is not just about dealing with the pandemic and healthcare. It is not just dealing with the severe economic downturn that we are facing. It is not just dealing with the disruption of education in America and so much more. It is not just dealing with the worst moment in the modern history of this country. This amendment, this legislation, has everything to do with restoring the confidence of the American people in democracy and in their government. And if we can't respond to the pain of working families today, we don't deserve to be here.

Senator GRAHAM said it is going to be a long night. Bring it on. We are ready. But at the end of the day, we are going to do what the American people want, what the American people need. We are going to pass the American Rescue Plan.

Mr. WYDEN. Mr. President, later today the Senate will vote on an amendment put forward by Senator CARPER and myself dealing with an extension of enhanced unemployment benefits.

Some Members of the Senate wanted to hold the enhanced weekly benefit at \$300 per week. My preference would have been to set it at \$400 per week on the longest extension possible and then later tie benefits to economic conditions on the ground with automatic triggers. With the amendment coming later today, I believe Members have reached a solution that accomplishes two key goals.

First, it is a longer extension of benefits than the House bill that avoids creating a new August cliff. It would extend the weekly benefit at \$300 per week into early October, including pandemic benefits for gig workers and the self-employed. I have said time and again that having an expiration in the middle of August, when Senators are home, would be a prescription for trouble, and this option avoids the potential of benefits expiring for millions of Americans with no way to extend them.

Second, it would prevent a tax surprise for millions of Americans who received unemployment benefits in 2020. The first \$10,200 of the unemployment benefits they received last year would be exempt from income tax. People who already filed their taxes and found out that they owed tax on their unemployment income would be able to file an amended return to get back the difference.

This will wipe out taxes owed on last year's unemployment income for most people who received it, saving them potentially thousands of dollars. That is a big economic benefit for the people hardest hit by the COVID crash, and jobless Americans will also have the certainty of enhanced benefits running

into October. My understanding is, the Republican side will offer an amendment that will not prevent this tax surprise.

I am going to keep working on automatic triggers. In my view, that is the best way to manage this program going forward. But as for this debate, I urge all my colleagues to support this amendment.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from South Carolina.

Mr. GRAHAM. The Republicans yield back their time.

The PRESIDING OFFICER. Time is yielded back.

Mr. SANDERS. I yield back my time as well.

The PRESIDING OFFICER. All time is yielded back.

The Senator from South Carolina.

#### POINT OF ORDER

Mr. GRAHAM. Mr. President, the budgetary effects of the pending amendment, 872, offered by Senator SANDERS, are merely incidental to the nonbudgetary effects of the amendment. Accordingly, the amendment is extraneous. Therefore, I raise a point of order against this measure pursuant to section 313(b)(1)(D) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Vermont.

#### MOTION TO WAIVE

Mr. SANDERS. Mr. President, in accordance with section 904 of the Congressional Budget Act of 1974 and the waiver provisions of all applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of amendment No. 972, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

(Mr. PADILLA assumed the Chair.)

(Ms. CORTEZ MASTO assumed the Chair.)

(Mr. BLUMENTHAL assumed the Chair.)

(Mr. KELLY assumed the Chair.)

(Mrs. SHAHEEN assumed the Chair.)

(Ms. CANTWELL assumed the Chair.)

(Mr. WHITEHOUSE assumed the Chair.)

(Ms. HIRONO assumed the Chair.)

(Mr. MANCHIN assumed the Chair.)

(Mrs. MURRAY assumed the Chair.)

(Mr. BENNET assumed the Chair.)

(Ms. ROSEN assumed the Chair.)

(Ms. KLOBUCHAR assumed the Chair.)

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 74 Leg.]

#### YEAS—42

Baldwin	Brown	Cortez Masto
Bennet	Cantwell	Duckworth
Blumenthal	Cardin	Durbin
Booker	Casey	Feinstein

Gillibrand	Menendez	Schatz
Heinrich	Merkley	Schumer
Hickenlooper	Murphy	Smith
Hirono	Murray	Stabenow
Kaine	Ossoff	Van Hollen
Kelly	Padilla	Warner
Klobuchar	Peters	Warnock
Leahy	Reed	Warren
Lujan	Rosen	Whitehouse
Markey	Sanders	Wyden

#### NAYS—58

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

The PRESIDING OFFICER (Mr. DURBIN). On this vote, the yeas are 42, the nays are 58.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to waive all applicable budgetary discipline with respect to the Senator from Vermont's amendment No. 972 is rejected.

The point of order is sustained and the amendment falls.

The amendment (No. 972) was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, the agreement that has been reached will allow us to move forward with the American Rescue Plan, and voting will resume shortly.

Senate Democrats are completely united in our belief about how important this entire bill is for our fellow Americans; for getting the vaccine to our people; for reopening our schools; for keeping American workers, families, and businesses afloat; and for putting our country on the road to a strong recovery.

Now that this agreement has been reached, we are going to power through the rest of the process and get this bill done. Make no mistake, we are going to continue working until we get the job done.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, parliamentary inquiry: At what time did the previous vote on the Senator's amendment begin?

The PRESIDING OFFICER. The vote began at 11:03 a.m.

Mr. MCCONNELL. How much total time elapsed during the floor vote on the Senator's amendment?

The PRESIDING OFFICER. Eleven hours and 50 minutes.

Mr. MCCONNELL. Well, my goodness, this has been quite a start, quite a start to this fast-track process. They were in a big hurry. We started voting

on the first amendment, as the Parliamentarian said, right after 11 a.m. The Democratic leader held the vote open all day so they could try to figure out what was going on with their own legislation that they want to pass only with their votes.

Now, the last time we had a long string of amendment votes was just a couple weeks ago. We considered about 40 amendments. So if you multiply 11 hours of scrambling times 40 amendments, you would land at about 440 hours. That is about 18 days with zero breaks.

So, look, the whole idea behind this, I gathered from listening to them over the last few weeks, was to use the crisis to jam through what the White House Chief of Staff called “the most progressive domestic legislation in a generation.” A little tougher than they thought it was going to be, isn’t it? It turned out to be a little bit tougher.

Well, what this proves is there are benefits to bipartisanship when you are dealing with an issue of this magnitude. We all remember that we did this five times last year. We did it together. I think there were no more than eight votes against any of these proposals. We spent about \$4 trillion on pandemic relief. Every one passed, as I said, with 90 or more votes. Not a single spectacle like today—not one.

Exactly 1 year ago, instead of partisan scrambling, we were humming with bipartisan work, working on it together. We had a bipartisan task force building the CARES Act from the bottom up. We passed the bill 96 to 0.

We were prepared to do yet another bill on a bipartisan basis. Several of our Members went down to the White House, sat down with the President, laid out a proposal we thought made sense given where we were now. But, no, they wanted to do it the hard way. Wanted to do it the hard way.

So now they want to begin the vote-arama that could have been done in daylight because of their own confusion and the challenges of getting together 50 people to agree on something when they could have been doing it quicker on a bipartisan basis.

#### MOTION TO ADJOURN

Mr. President, so rather than start the voting at 5 minutes to 11, I move to adjourn until 10 a.m. tomorrow, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

(Ms. BALDWIN assumed the Chair.)

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 75 Leg.]

#### YEAS—49

Barrasso	Blunt	Braun
Blackburn	Boozman	Burr

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

#### 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—1

Sullivan

The motion was rejected.

The PRESIDENT pro tempore. The Senator from Ohio.

#### AMENDMENT NO. 1092 TO AMENDMENT NO. 891

Mr. PORTMAN. Mr. President, I call up my amendment No. 1092 and ask that it be reported by number.

The PRESIDENT pro tempore. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from Ohio [Mr. PORTMAN], for himself and others, proposes an amendment numbered 1092 to amendment No. 891.

The amendment is as follows:

(Purpose: To reduce unemployment compensation provisions)

Strike parts 1 and 2 of subtitle A of title IX and insert the following:

#### PART 1—EXTENSION OF CARES ACT UNEMPLOYMENT PROVISIONS

##### SEC. 9011. EXTENSION OF PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Section 2102(c) of the CARES Act (15 U.S.C. 9021(c)) is amended—

(1) in paragraph (1)—

(A) by striking “paragraphs (2) and (3)” and inserting “paragraph (2)”; and

(B) in subparagraph (A)(ii), by striking “March 14, 2021” and inserting “July 18, 2021”; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(b) INCREASE IN NUMBER OF WEEKS.—Section 2102(c)(2) of such Act (15 U.S.C. 9021(c)(2)) is amended—

(1) by striking “50 weeks” and inserting “74 weeks”; and

(2) by striking “50-week period” and inserting “74-week period”.

(c) HOLD HARMLESS FOR PROPER ADMINISTRATION.—In the case of an individual who is eligible to receive pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) as of the day before the date of enactment of this Act and on the date of enactment of this Act becomes eligible for pandemic emergency unemployment compensation under section 2107 of the CARES Act (15 U.S.C. 9025) by reason of the amendments made by section 9016(b) of this

title, any payment of pandemic unemployment assistance under such section 2102 made after the date of enactment of this Act to such individual during an appropriate period of time, as determined by the Secretary of Labor, that should have been made under such section 2107 shall not be considered to be an overpayment of assistance under such section 2102, except that an individual may not receive payment for assistance under section 2102 and a payment for assistance under section 2107 for the same week of unemployment.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply as if included in the enactment of the CARES Act (Public Law 116-136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

##### SEC. 9012. EXTENSION OF EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

(a) IN GENERAL.—Section 903(i)(1)(D) of the Social Security Act (42 U.S.C. 1103(i)(1)(D)) is amended by striking “March 14, 2021” and inserting “July 18, 2021”.

(b) INCREASE IN REIMBURSEMENT RATE.—Section 903(i)(1)(B) of such Act (42 U.S.C. 1103(i)(1)(B)) is amended—

(1) in the first sentence, by inserting “and except as otherwise provided in this subparagraph” after “as determined by the Secretary of Labor”; and

(2) by inserting after the first sentence the following: “With respect to the amounts of such compensation paid for weeks of unemployment beginning after March 31, 2021, and ending on or before July 18, 2021, the preceding sentence shall be applied by substituting ‘75 percent’ for ‘one-half’.”

##### SEC. 9013. EXTENSION OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 2104(e)(2) of the CARES Act (15 U.S.C. 9023(e)(2)) is amended by striking “March 14, 2021” and inserting “July 18, 2021”.

(b) AMOUNT.—Section 2104(b)(3)(A) of such Act (15 U.S.C. 9023(b)(3)(A)) is amended by adding at the end the following:

“(iii) For weeks of unemployment ending after March 14, 2021, and ending on or before July 18, 2021, \$300.”

##### SEC. 9014. EXTENSION OF FULL FEDERAL FUNDING OF THE FIRST WEEK OF COMPENSABLE REGULAR UNEMPLOYMENT FOR STATES WITH NO WAITING WEEK.

(a) IN GENERAL.—Section 2105(e)(2) of the CARES Act (15 U.S.C. 9024(e)(2)) is amended by striking “March 14, 2021” and inserting “July 18, 2021”.

(b) FULL REIMBURSEMENT.—Paragraph (3) of section 2105(c) of such Act (15 U.S.C. 9024(c)) is repealed and such section shall be applied to weeks of unemployment to which an agreement under section 2105 of such Act applies as if such paragraph had not been enacted.

##### SEC. 9015. EXTENSION OF EMERGENCY STATE STAFFING FLEXIBILITY.

If a State modifies its unemployment compensation law and policies, subject to the succeeding sentence, with respect to personnel standards on a merit basis on an emergency temporary basis as needed to respond to the spread of COVID-19, such modifications shall be disregarded for the purposes of applying section 303 of the Social Security Act and section 3304 of the Internal Revenue Code of 1986 to such State law. Such modifications shall only apply through July 18, 2021, and shall be limited to engaging of temporary staff, rehiring of retirees or former employees on a non-competitive basis, and other temporary actions to quickly process applications and claims.



**SEC. 9016. EXTENSION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.**

(a) IN GENERAL.—Section 2107(g) of the CARES Act (15 U.S.C. 9025(g)) is amended to read as follows:

“(g) APPLICABILITY.—An agreement entered into under this section shall apply to weeks of unemployment—

“(1) beginning after the date on which such agreement is entered into; and

“(2) ending on or before July 18, 2021.”.

(b) INCREASE IN NUMBER OF WEEKS.—Section 2107(b)(2) of such Act (15 U.S.C. 9025(b)(2)) is amended by striking “24” and inserting “48”.

(c) COORDINATION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION WITH EXTENDED COMPENSATION.—Section 2107(a)(5)(B) of such Act (15 U.S.C. 9025(a)(5)(B)) is amended by inserting “or for the week that includes the date of enactment of the American Rescue Plan Act of 2021 (without regard to the amendments made by subsections (a) and (b) of section 9016 of such Act)” after “2020”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the CARES Act (Public Law 116-136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

**SEC. 9017. EXTENSION OF TEMPORARY FINANCING OF SHORT-TIME COMPENSATION PAYMENTS IN STATES WITH PROGRAMS IN LAW.**

Section 2108(b)(2) of the CARES Act (15 U.S.C. 9026(b)(2)) is amended by striking “March 14, 2021” and inserting “July 18, 2021”.

**SEC. 9018. EXTENSION OF TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS FOR STATES WITHOUT PROGRAMS IN LAW.**

Section 2109(d)(2) of the CARES Act (15 U.S.C. 9027(d)(2)) is amended by striking “March 14, 2021” and inserting “July 18, 2021”.

**PART 2—EXTENSION OF FFCRA UNEMPLOYMENT PROVISIONS****SEC. 9021. EXTENSION OF TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.**

Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended by striking “March 14, 2021” and inserting “July 18, 2021”.

**SEC. 9022. EXTENSION OF FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION.**

Section 4105 of the Families First Coronavirus Response Act (26 U.S.C. 3304 note) is amended by striking “March 14, 2021” each place it appears and inserting “July 18, 2021”.

Mr. PORTMAN. I ask unanimous consent that there be 6 minutes of debate equally divided.

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

Mr. PORTMAN. Mr. President, everybody around here agrees that the U.S. economy is getting better—there is no argument about that—and that workers are needed. Yet, in this massive partisan spending bill, a lot of which is not even about COVID-19, the Democrats are insisting on a substantial increase to the already extraordinary Federal Government add-on to State unemployment payments, making it harder to get people who can go back to work.

Just this morning, we learned that the economy added 379,000 jobs in Feb-

ruary and that the unemployment rate dropped to 6.2 percent. The nonpartisan Congressional Budget Office and the consensus of economists is that unemployment will continue to trend lower. It underscores what the CBO has said recently, which is that, without any additional stimulus, the economy will recover to prepandemic levels by mid-year, this year—that is June 30—not in September as the Democrats’ approach would suggest.

Look at your own States. Employers are looking to hire people. “Help wanted” signs are up. As the economy starts to improve, we want to get people back to work.

Adding to the good news, President Biden now tells us that vaccines will be available by the end of May for all who will want them. That will further kick-start the economy.

Despite the better news, as we understand it, the Democrats’ approach actually extends the generous Federal supplement currently in place until September 6—by the way, even a little beyond what is in the \$1.9 trillion underlying bill.

I was just told that it has a \$31 billion tax increase that affects the so-called passthrough, which is primarily small businesses, to pay for a proposal to pay people more who are on unemployment insurance.

The Democrats’ proposal makes it even more advantageous to be on unemployment by changing retroactively a longstanding policy that says UI benefits are taxed as income. You make up to 10,000 bucks in benefits, tax-free, even if you have made up to \$150,000 a year. Remember, with that 600 bucks a week Federal supplement, which is what it was for a lot of last year when this would have applied, about 70 percent of workers on UI made more than they would have at their jobs. Even at 300 bucks a week, 42 percent of workers are making more on UI than they would make at their jobs.

Of the essential workers, think of the truckdrivers who are making 25 bucks an hour. They are being told “you have to pay your taxes,” but those who aren’t working not only get the UI benefits, but now, for the first time ever, some of that income is actually going to be tax-free. So you have to pay your taxes, but they don’t. That is not fair.

The underlying bill and the Democrats’ alternative are going to hurt the effort to get people back to work. Our amendment would extend UI benefits in a responsible manner at the current low level of \$300 per week through July 18. According to the CBO, this will save over \$90 billion in outlays and actually raise \$600 million in revenue. Why? Because people will be working. That is a good thing. We should want that.

I urge my colleagues to oppose unnecessarily lengthening the time of the Federal UI supplement that would make it even more advantageous to be on unemployment and would slow the job creation we all want. Our amendment strikes the right balance. It helps

those who truly need it, promotes better stewardship of our taxpayer dollars, and encourages those who can return to work to do so. I urge its adoption.

(Applause.)

The PRESIDING OFFICER (Ms. BALDWIN). The senior Senator from Oregon.

Mr. WYDEN. Madam President, yesterday, the Senate learned that there were 745,000 new unemployment claims—higher than the worst week of the great recession. Yet the Portman amendment is a double whammy on workers—a much faster cutoff of benefits and absolutely no help with the nasty tax surprise millions of working families will find when they file their taxes in the next few weeks.

For example, if you have been laid off from your job through no fault of your own and you are struggling to make ends meet, you do not have \$1,000 to pay a surprise tax bill, and the party that claims to be for tax relief for working families offers you absolutely nothing.

Since the pandemic, Senate Republicans have been pushing working families deeper into an economic hole. We have an alternative that doesn’t hang working families out to dry, and we will be offering it shortly.

Working families deserve better than the Portman amendment. Don’t short-change those working families tonight. I urge opposition to this very flawed amendment.

VOTE ON AMENDMENT NO. 1092

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

Mr. WYDEN. 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 Alaska (Mr. SULLIVAN).

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—50

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

NAYS—49

Baldwin	Blumenthal	Brown
Bennet	Booker	Cantwell

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

NOT VOTING—1

Sullivan

The amendment (No. 1092) was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 1242 TO AMENDMENT NO. 891

(Purpose: In the nature of a substitute.)

Ms. COLLINS. Mr. President, I call up my amendment No. 1242, and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and others, proposes an amendment numbered 1242 to amendment No. 891.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Ms. COLLINS. Mr. President, I ask unanimous consent for 2 minutes of debate, equally divided.

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

The Senator will proceed.

Ms. COLLINS. This amendment provides \$650 billion of immediate relief to those Americans who need it most. It is focused on the COVID crisis before us, not on future unrelated spending priorities. The amendment provides \$160 billion to bolster vaccine production and delivery, as well as testing and much needed support for healthcare providers.

It includes \$1,400 checks for lower and middle-income Americans and extends unemployment insurance.

It targets money to reopen schools, something that needs to happen as soon as possible, and to expand access to childcare.

It has funding for substance abuse programs to combat the opioid epidemic that has worsened.

This amendment would save tax dollars. It would save taxpayers more than \$1.2 trillion while meeting immediate needs.

The emergency we are facing should not be an excuse for funding partisan priorities. Instead, we should come together—

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

Ms. COLLINS.—just as we had on the five previous bipartisan bills.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 1 minute.

Mr. SANDERS. Mr. President, given the unprecedented series of crises this country now faces, the Republican amendment simply does not accomplish what the American people need or what they want.

Our bill would substantially expand the child tax credit and cut child poverty in this country in half. Our bill provides a full \$1,400 direct payment to every working-class adult and their kids. Under the Collins amendment, if you are a single parent earning \$50,000, you get zero, nothing at all, while millions of children would receive just \$500 instead of the full \$1,400 payment.

Our bill provides \$130 billion to public schools so our kids can get back to school and get back safely. The Republican alternative does not.

Our plan provides \$40 billion to colleges and universities, which have already lost 650,000 jobs, and many are—

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

Mr. SANDERS.—cutting down. The Republican amendment simply does not do what the American people need right now. I ask for a "no" vote. Oh, I raise a point of order. I am sorry.

POINT OF ORDER

Mr. President, I raise a point of order that the pending amendment produces budgetary changes that are merely incidental to the nonbudgetary components of the amendment and therefore violates section 313(b)(1)(D) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Maine is recognized.

MOTION TO WAIVE

Ms. COLLINS. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—48

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

NAYS—51

Baldwin	Durbin	Leahy
Bennet	Feinstein	Lujan
Blumenthal	Gillibrand	Manchin
Booker	Hassan	Markey
Brown	Hawley	Menendez
Cantwell	Heinrich	Merkley
Cardin	Hickenlooper	Murphy
Carper	Hirono	Murray
Casey	Kaine	Ossoff
Coons	Kelly	Padilla
Cortez Masto	King	Peters
Duckworth	Klobuchar	Reed

Rosen	Sinema	Warner
Sanders	Smith	Warnock
Schatz	Stabenow	Warren
Schumer	Tester	Whitehouse
Shaheen	Van Hollen	Wyden

NOT VOTING—1

Sullivan

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order is sustained, and the amendment falls.

The amendment (No. 1242) was rejected.

The PRESIDING OFFICER. Senator SCOTT from South Carolina.

AMENDMENT NO. 1030 TO AMENDMENT NO. 891

Mr. SCOTT of South Carolina. Mr. President, I call up my amendment No. 1030 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from South Carolina [Mr. SCOTT of South Carolina], for himself and Mr. BARRASSO, proposes an amendment numbered 1030 to amendment No. 891.

The amendment is as follows:

(Purpose: To improve the bill)

Strike section 9818 and insert the following:

**SEC. 9818. FUNDING FOR STATE STRIKE TEAMS FOR RESIDENT AND EMPLOYEE SAFETY IN NURSING FACILITIES.**

Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended by adding at the end the following new subsections:

“(k) FUNDING FOR STATE STRIKE TEAMS.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, \$250,000,000, to remain available until expended, for purposes of allocating such amount among the States (including the District of Columbia and each territory of the United States) for such a State to establish and implement a strike team that will be deployed to a nursing facility in the State with diagnosed or suspected cases of COVID-19 among residents or staff for the purposes of assisting with clinical care, infection control, or staffing during the emergency period described in section 1135(g)(1)(B) and the 1-year period immediately following the end of such emergency period.

“(l) LIMITATION.—The Secretary shall not make an allocation under subsection (k) to a State unless the State, for each month that occurs during the period that begins on October 1, 2020, and ends on the last day of the 1-year period described in such subsection, provides accurate monthly reporting to the Secretary on the number of COVID-19 deaths of residents of nursing facilities and skilled nursing facilities (as defined in 1819(a)) and certifies that such deaths are not included in counts of COVID-19 deaths in other settings. The Secretary shall rescind any amounts previously allocated to a State under subsection (k) if the State fails to comply with the requirement of this subsection.”.

Mr. SCOTT of South Carolina. Mr. President, I ask unanimous consent for 2 minutes of debate, equally divided.

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

Senator SCOTT will proceed.

Mr. SCOTT of South Carolina. Mr. President, I have been doing some research as the ranking member of the Aging Committee. As of last month, 40 percent of COVID-related deaths in this country were residents or staff of long-term care facilities. Lawmakers are charged with the responsibility of protecting the most vulnerable populations in our country, and those numbers represent absolute failure.

Some States have underreported deaths in nursing homes, and some public officials made this move intentionally, a clear effort to deceive their populations into thinking the situation was not as dire. Inaccurate information affects life-and-death decisions for communities.

Requiring States to provide accurate data is common sense for anyone who believes, as I do, that we should have a science-based, fact-driven response to the pandemic. We should not offer more funding to States that have mismanaged and then covered up their pandemic response. It makes no sense.

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

Mr. SCOTT of South Carolina. I urge my colleagues to do the right thing and vote in favor of this amendment.

The PRESIDING OFFICER. Who rises in opposition?

Mr. WYDEN. Mr. President, I do.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. WYDEN. Mr. President and colleagues, the number of COVID-19 deaths among nursing home residents and staff is tragic. That is why President Biden's and the Democrats' plan goes forward with an investment in preventing nursing home infections and deaths, including more PPE strike teams to address infections, testing, contact tracing, and more.

We take a backseat to no one when it comes to timely and accurate reporting in COVID-19 cases, and deaths will continue to ensure such reporting. However, it would be a grave mistake to hold hostage this badly needed support for strike teams to ensure residents' and employees' safety in nursing home facilities. These funds are essential to helping ensure the safety of seniors and staff that are at the frontlines of the COVID-19 pandemic.

This amendment, colleagues, is punitive, and it doesn't further the goal of transparency. It would hurt the very people we seek to protect.

I urge a "no" vote on this amendment. I urge my colleagues to do the same.

Mr. SCOTT of South Carolina. Mr. President, I ask unanimous consent to have 30 seconds to respond.

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

Mr. SCOTT of South Carolina. Thank you, Mr. President.

I would simply say that what my amendment does is it says that you can't lie about the numbers. The bottom line, it simply says that it is very

important for us to have accurate information about the deaths in nursing homes. The more accurate the information, the more likely we are to have the best response.

Mr. WYDEN. Mr. President, 30 seconds?

The PRESIDING OFFICER. The Senator from Oregon is recognized for 30 seconds without objection.

Mr. WYDEN. Mr. President, on this side of the aisle, we have led the fight for transparency with respect to the kind of information my colleague is talking about. That is not what this amendment is about.

This amendment is about making sure that President Biden and Democrats can make these necessary investments in these strike teams that are going to ensure more safety in these long-term care facilities.

I urge a "no" vote.

Mr. SCOTT of South Carolina. Mr. President, I ask for 10 seconds to respond to my good friend from Oregon.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCOTT of South Carolina. Thank you, Mr. President.

I will just simply say that even President Biden himself has suggested that investigations are warranted into this issue.

#### VOTE ON AMENDMENT NO. 1030

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. SCOTT of South Carolina. 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 Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 78 Leg.]

#### YEAS—49

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

#### NAYS—50

Baldwin	Cantwell	Cortez Masto
Bennet	Cardin	Duckworth
Blumenthal	Carper	Durbin
Booker	Casey	Feinstein
Brown	Coons	Gillibrand

Hassan  
Heinrich  
Hickenlooper  
Hirono  
Kaine  
Kelly  
King  
Klobuchar  
Leahy  
Lujan  
Manchin  
Markey

Menendez  
Merkley  
Murphy  
Murray  
Ossoff  
Padilla  
Peters  
Reed  
Rosen  
Sanders  
Schatz  
Schumer

Shaheen  
Sinema  
Smith  
Stabenow  
Tester  
Van Hollen  
Warner  
Warnock  
Warren  
Whitehouse  
Wyden

#### NOT VOTING—1

Sullivan

The amendment (No. 10) was rejected.

The PRESIDING OFFICER. The Senator from Oregon.

#### AMENDMENT NO. 1378 TO AMENDMENT NO. 891

(Purpose: To improve the bill)

Mr. WYDEN. Mr. President, I call up amendment No. 1378 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 1378 to amendment No. 891.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. WYDEN. Mr. President, I ask unanimous consent for 6 minutes, evenly divided, to discuss this amendment.

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

The Senator from Oregon.

Mr. WYDEN. Mr. President, on this side, our goal has been to secure the strongest possible protections for jobless Americans that could pass the Senate. This amendment has two essential features that make it far better for working families than the Portman amendment.

It ensures that millions of working families get their benefits at least through September 5. It protects unemployed workers from being hit with a big surprise tax bill with no way to pay for it.

Republicans have been standing in lockstep against tax relief for Americans with a few hundred dollars in the bank after demanding billions in write-offs for wealthy investors. On the other hand, Democrats have led the effort to add hundreds of dollars in weekly benefits and covering gig workers and the self-employed.

This is the boldest action the Congress has ever taken—ever taken—to support jobless Americans during an economic crisis, and at every stage, as Democrats proposed that help for working families, Senate Republicans opposed us. This goes back, colleagues, to the CARES Act, when Republicans had just one amendment. That was to gut the jobless protections.

Finally, the whole process underscores the need to stop jumping from one economic cliff to another. There would be no need to predict the level of economic support needed 6 months from now if benefits were tailored to match economic conditions.

We look forward to discussing this idea of triggers for economic support

with colleagues on both sides of the aisle, but tonight it is vital, as the pandemic continues, that the Senate pass this amendment, an economic lifeline for Americans who would strongly prefer to be back at work.

Instead of attacking Americans as lazy individuals who don't want to work, these are responsible adults with a strong work ethic who will help us build back better in the days to come.

I strongly urge support for our amendment.

I yield.

The PRESIDING OFFICER. Who yields time?

Mr. PORTMAN. Mr. President.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. PORTMAN. Mr. President, let's be clear with what is going on here. The Republicans have offered a very generous unemployment system, including 300 bucks per week, as is the current law after March 15, when it would otherwise expire, and taking it to July 18.

Now, there is nobody in this Chamber that doesn't see that the economy is improving. And the Congressional Budget Office, which is a nonpartisan group here, has told us that, actually, by the middle of this year, we are going to be back to the prepandemic level in terms of our economy. Every economist looks at this and says that unemployment is going down.

I note that my colleague over there, from Oregon, said that claims were higher last week in terms of unemployment. The 4-week average is actually down, considerably.

Let me tell you what happened today, because I just looked it up. New York opened its movie theaters; Virginia announced they are opening their schools; West Virginia opened their bars, their restaurants, all businesses; Connecticut is opening indoor dining. This is happening every day. The economy is getting better.

And everybody says—including, by the way, Larry Summers, a famous Democratic economist, who was Treasury Secretary under President Obama—that when you look at what happens with regard to unemployment insurance, if it is too high, it is a disincentive to work.

I don't think Larry Summers is saying people are lazy. I think what Larry Summers is saying is that you want to have a system that is balanced, where you are encouraging people to work. There are so many employers in our States who are looking for people right now, and that is going to continue to happen as we open up more.

Look, our unemployment provision is very reasonable; it is very generous—taking it through July 18.

They are taking theirs through September 6. And then they are adding this new element that has never been in unemployment before, where suddenly if you are on unemployment insurance, you don't have to pay taxes, but if you are working you do have to pay taxes.

How does that make sense? Don't we want to encourage people to work? I think we do. I hope that my colleagues will vote down this amendment and continue to keep the Portman amendment in place, which, by the way, passed this Chamber only about an hour and a half ago.

Mr. WYDEN. Mr. President, I am going to ask for 15 seconds.

The PRESIDING OFFICER. Senator WYDEN has 45 seconds remaining.

Mr. WYDEN. Mr. President, first of all, with respect to the facts about unemployment, every week—every week since last March, unemployment claims have been higher than the worst week of the great recession. And the fact is, we have got millions of Americans who, every single week, are walking an economic tightrope. They are balancing the food bill against the fuel bill and the fuel bill against the rent bill. And we want to give them a modest amount of tax relief for the typical working person, and the party that claims to want to help workers on their taxes won't lift a finger. That is why it is so important that this amendment pass.

I yield.

Mr. PORTMAN. Mr. President, I ask unanimous consent for 15 seconds to respond, and then I will stop.

The PRESIDING OFFICER (Mr. MURPHY). The Senator has time remaining.

Mr. PORTMAN. Mr. President, No. 1, the 4-week average on unemployment claims are actually going the right way. Why? Because the economy is opening up, folks. If you don't see that, you are not going home to your States and talking to your employers.

Second, we have a situation here where the Republicans are saying we want to continue the \$300 per month—or per week after March 15, but let's end it on July 18. If things turn south—which no one is predicting, by the way, not a single economist—I know a lot of us would be willing to work with the other side of the aisle to extend, but there is no reason to do that at this point.

With regard to your tax cut, it is a tax increase. It is a tax increase on small businesses.

VOTE ON AMENDMENT NO. 1378

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. WYDEN. 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 Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—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	

NAYS—49

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

NOT VOTING—1

Sullivan

The amendment (No. 1378) was agreed to.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 1026

Mr. RUBIO. Mr. President, I call up my amendment No. 1026 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The assistant bill clerk read as follows:

The Senator from Florida [Mr. RUBIO] proposes an amendment numbered 1026.

The amendment is as follows:

(Purpose: To amend the Elementary and Secondary School Emergency Relief Fund)

Strike section 2001 and insert the following:

**SEC. 2001. ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$125,804,800,000, to remain available through September 30, 2023, to carry out this section.

(b) GRANTS.—From funds provided under subsection (a), the Secretary shall make grants to each State educational agency in accordance with this section.

(c) ALLOCATION TO STATES.—The amount of each grant under subsection (b) shall be allocated by the Secretary to each State in the same proportion as each State received under part A of title I of the Elementary and Secondary Education Act of 1965 in the most recent fiscal year.

(d) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—Each State shall allocate not less than 95 percent of the grant funds awarded to the State under this section as subgrants to local educational agencies (including charter schools that are local educational agencies in the State) in proportion

to the amount of funds such local educational agencies and charter schools that are local educational agencies received under part A of title I of the Elementary and Secondary Education Act of 1965 in the most recent fiscal year.

(2) **AVAILABILITY OF FUNDS.**—Each State shall make allocations under paragraph (1) to local educational agencies in accordance with the following:

(A) A local educational agency shall receive 25 percent of its allocation under paragraph (1) not later than 30 days after the date of enactment of this title.

(B) A local educational agency shall receive an additional 15 percent of its allocation under paragraph (1) for each school day in a 5-day school week that public elementary and secondary schools served by the local educational agency are open for in-person instruction for 100 percent of students within the local educational agency, as certified by the local educational agency to the State.

(e) **STATE FUNDING.**—With funds not otherwise allocated under subsection (d), a State may carry out, directly or through grants or contracts, activities necessary to support the safe reopening of schools.

(f) **EQUITABLE SERVICES.**—Each local educational agency that receives funds from a subgrant under subsection (d) shall reserve funds to provide equitable services in the same manner as provided under section 1117 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6320) to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.

(g) **PUBLIC CONTROL OF FUNDS.**—The control of funds for the services or assistance provided to a non-public school under subsection (f), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, services, assistance, materials, equipment, and property.

(h) **REALLOCATION.**—A State shall return to the Secretary any funds received under this section that the State does not award within 1 year of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (c).

Mr. RUBIO. Mr. President, I ask unanimous consent for 2 minutes of debate equally divided.

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

Mr. RUBIO. Mr. President, I think we can all agree we have kids in America who need to be in school who haven't been in school over a year now, in some cases.

The science is clear that you can open up schools safely. Now, I know different districts have different challenges about opening up. This bill provides money for everybody to open up. We don't want to change that. We want to help every district.

Under my amendment, every district in the country would get money, but the more days of the week you are open, the more money you are going to get, which makes all the sense in the world. If you are going to open 4 days a week, you shouldn't have as much money as a district that is going to open 5 days a week.

The purpose of the money that is being provided is so that schools can fund the cost of opening safely. All this

amendment tries to do is create an incentive for these districts to open up more days because we do have unions—to be fair, not all, but we do have teachers unions in this country that are saying they are not going back until next year, even if they are vaccinated, even if all the measures are put in place.

We have a crisis in this country. We have seen now a surge in mental health problems, with young people showing up at hospitals, and across the country, it is a terrible situation, not to mention the year of lost learning. This amendment incentivizes us to get our kids back in school.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the only way to safely reopen schools for in-person learning and keep them open is to provide the \$125 billion that is included in the American Rescue Plan Act for our K–12 schools. This Federal funding will support schools in their implementing safety protocols that are aligned with local public health guidance in order to safely reopen, stay open, and help students with learning recovery. Our goal is clear.

Let me make something else clear. The amendment offered today to condition funds on forced school reopenings is simply a political show that will, actually, further disadvantage schools that have already suffered the most. If we only provide funding to schools that are physically open, schools in communities with high rates of COVID-19 can't receive the money they need to implement health safety protocols, but they will feel the pressure to reopen even if it is not safe. So conditioning funds actually undermines our ability to get students back in the classroom safely.

Let's prioritize student learning. Safe in-person learning is paramount so let's stop wasting time. Let's pass this plan and get the schools the funds they need.

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

#### VOTE ON AMENDMENT NO. 1026

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 80 Leg.]

#### YEAS—48

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

#### NAYS—51

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

#### NOT VOTING—1

Sullivan

The amendment (No. 1026) was rejected.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### AMENDMENT NO. 1344 TO AMENDMENT NO. 891

Ms. HASSAN. Mr. President, I call up amendment No. 1344 and ask that it be reported by number.

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

The senior assistant legislative clerk read as follows:

The Senator from New Hampshire [Ms. HASSAN], for herself and others, proposes an amendment numbered 1344 to amendment No. 891.

The amendment is as follows:

(Purpose: To provide for a safe return to in-person instruction)

At the appropriate place, insert the following:

( ) **SAFE RETURN TO IN-PERSON INSTRUCTION.**—

(1) **IN GENERAL.**—A local educational agency receiving funds under this section shall develop and make publicly available on the local educational agency's website, not later than 30 days after receiving the allocation of funds described in paragraph (d)(1), a plan for the safe return to in-person instruction and continuity of services.

(2) **COMMENT PERIOD.**—Before making the plan described in paragraph (1) publicly available, the local educational agency shall seek public comment on the plan and take such comments into account in the development of the plan.

(3) **PREVIOUS PLANS.**—If a local educational agency has developed a plan for the safe return to in-person instruction before the date of enactment of this Act that meets the requirements described in paragraphs (1) and (2), such plan shall be deemed to satisfy the requirements under this subsection.

Ms. HASSAN. Mr. President, I ask unanimous consent for 2 minutes equally divided.



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

Ms. HASSAN. Mr. President, I believe that every single Member of this body agrees that remote learning is taking an enormous toll on our students, teachers, and our students' families, and that we need to safely get students back into the classroom.

This amendment would ensure that educational agencies receiving relief funds will within 30 days develop and make publicly available a plan for the safe return to in-person instruction.

I urge all of my colleagues to join me in supporting this commonsense amendment to support an objective that we all share: getting our students safely back in their classrooms.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, last year Congress provided nearly \$68 billion in emergency funding for schools. About 10 percent of that has been used. This bill provides another \$126 billion, with no requirement that we get kids back to school.

We know they need to be back in school. I think this amendment actually, if applied, almost ensures we won't get back to school this year.

Thirty days to come up with a plan; public comment on that plan. It is the middle of March before anybody even begins to make—have the 30 days to make that plan. We need to get kids back to school. The New York Times understands that.

Many States are saying the suicide rates, the emergency room mental health concerns demand that kids get back to school, and not next year but they get back to school as quickly as they can this year.

I think this amendment, while I am sure offered in good intention, works against that, not for it, and I would urge a "no" vote on the amendment.

VOTE ON AMENDMENT NO. 1344

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

Ms. HASSAN. 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 Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—51

Baldwin	Cardin	Duckworth
Bennet	Carper	Durbin
Blumenthal	Casey	Feinstein
Booker	Collins	Gillibrand
Brown	Coons	Hassan
Cantwell	Cortez Masto	Heinrich

Hickenlooper  
Hirono  
Kaine  
Kelly  
King  
Klobuchar  
Leahy  
Lujan  
Manchin  
Markey  
Menendez

Merkley  
Murphy  
Murray  
Ossoff  
Padilla  
Peters  
Reed  
Rosen  
Sanders  
Schatz  
Schumer

Shaheen  
Sinema  
Smith  
Stabenow  
Tester  
Van Hollen  
Warner  
Warnock  
Warren  
Whitehouse  
Wyden

NAYS—48

Barrasso  
Blackburn  
Blunt  
Boozman  
Braun  
Burr  
Capito  
Cassidy  
Cornyn  
Cotton  
Cramer  
Crapo  
Cruz  
Daines  
Ernst  
Fischer

Graham  
Grassley  
Hagerty  
Hawley  
Hoeven  
Hyde-Smith  
Inhofe  
Johnson  
Kennedy  
Lankford  
Lee  
Lummis  
Marshall  
McConnell  
Moran  
Murkowski

Paul  
Portman  
Risch  
Romney  
Rounds  
Rubio  
Sasse  
Scott (FL)  
Scott (SC)  
Shelby  
Thune  
Tillis  
Toomey  
Tuberville  
Wicker  
Young

NOT VOTING—1

Sullivan

The amendment (No. 1344) was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 1369, AS MODIFIED, TO  
AMENDMENT NO. 891

Mr. GRAHAM. Mr. President I would like to call up amendment No. 1369, as modified, and ask it be reported by number.

ADDITIONAL COSPONSOR

I ask that Senator HAGERTY be added as cosponsor.

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The senior assistant bill clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and others, proposes an amendment numbered 1369, as modified, to amendment No. 891.

The amendment is as follows:

(Purpose: To improve the bill)

Strike section 9901 and insert the following:

**SEC. 9901. CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND.**

(a) IN GENERAL.—Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by adding at the end the following:

**"SEC. 602. CORONAVIRUS FISCAL RECOVERY FUND.**

**"(a) APPROPRIATION.—**

**"(1) IN GENERAL.—**Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making payments to States, Tribal governments, and units of local government under this section, \$350,000,000,000 for fiscal year 2021.

**"(2) RESERVATION OF FUNDS.—**Of the amount appropriated under paragraph (1), the Secretary shall reserve—

**"(A)** \$4,500,000,000 for making payments to the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa; and

**"(B)** \$20,000,000,000 for making payments to Tribal governments.

**"(b) AUTHORITY TO MAKE PAYMENTS.—**Not later than 30 days after the date of enactment of this section, the Secretary shall pay

each State and Tribal government the amount determined for the State or Tribal government for fiscal year 2021 under subsection (c).

**"(c) PAYMENT AMOUNTS.—**

**"(1) IN GENERAL.—**Subject to paragraph (2), the amount paid under this section for fiscal year 2021 to a State that is 1 of the 50 States shall be the amount equal to the relative population proportion amount determined for the State under paragraph (3) for such fiscal year.

**"(2) MINIMUM PAYMENT.—**

**"(A) IN GENERAL.—**No State that is 1 of the 50 States shall receive a payment under this section for fiscal year 2021 that is less than \$2,927,000,000.

**"(B) PRO RATA ADJUSTMENTS.—**The Secretary shall adjust on a pro rata basis the amount of the payments for each of the 50 States determined under this subsection without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

**"(3) RELATIVE POPULATION PROPORTION AMOUNT.—**For purposes of paragraph (1), the relative population proportion amount determined under this paragraph for a State for fiscal year 2021 is the product of—

**"(A)** the amount appropriated under paragraph (1) of subsection (a) for fiscal year 2021 that remains after the application of paragraph (2) of that subsection; and

**"(B)** the relative State population proportion (as defined in paragraph (4)).

**"(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—**For purposes of paragraph (3)(B), the term 'relative State population proportion' means, with respect to a State, the quotient of—

**"(A)** the population of the State; and

**"(B)** the total population of all States (excluding the District of Columbia and territories specified in subsection (a)(2)(A)).

**"(5) DISTRICT OF COLUMBIA AND TERRITORIES.—**The amount paid under this section for fiscal year 2021 to a State that is the District of Columbia or a territory specified in subsection (a)(2)(A) shall be the amount equal to the product of—

**"(A)** the amount set aside under subsection (a)(2)(A) for such fiscal year; and

**"(B)** each such District's and territory's share of the combined total population of the District of Columbia and all such territories, as determined by the Secretary.

**"(6) TRIBAL GOVERNMENTS.—**From the amount set aside under subsection (a)(2)(B) for fiscal year 2021, the amount paid under this section for fiscal year 2021 to a Tribal government shall be the amount the Secretary shall determine, in consultation with the Secretary of the Interior and Indian Tribes, that is based on increased expenditures of each such Tribal government (or a tribally-owned entity of such Tribal government) relative to aggregate expenditures in fiscal year 2019 by the Tribal government (or tribally-owned entity) and determined in such manner as the Secretary determines appropriate to ensure that all amounts available under subsection (a)(2)(B) for fiscal year 2021 are distributed to Tribal governments.

**"(7) DATA.—**For purposes of this subsection, the population of States shall be determined based on the most recent year for which data are available from the Bureau of the Census.

**"(d) USE OF FUNDS.—**

**"(1) IN GENERAL.—**Subject to paragraph (2), a State or Tribal government shall use the funds provided under a payment made under this section to cover only those costs of the State or Tribal government that—

**"(A)** are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);

“(B) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and

“(C) were incurred during the period that begins on March 1, 2020, and ends on December 31, 2022.

“(2) STATE DISTRIBUTIONS TO UNITS OF LOCAL GOVERNMENT.—

“(A) IN GENERAL.—Each State (other than the District of Columbia) shall distribute 45 percent of the amount allocated and paid to the State under this section to units of local government in the State in accordance with this paragraph.

“(B) MANNER OF DISTRIBUTION.—A State shall allocate the amount that the State is required to distribute among units of local government in the State based on the population of each such unit of local government (as determined by the State) relative to the population of all units of local government in the State.

“(C) APPLICATION OF USES OF FUNDS.—The limitations on the uses of funds described in paragraph (1) shall apply to amounts distributed to a unit of local government under this paragraph in the same manner that such limitations apply to a payment to a State under this subsection.

“(e) DEFINITIONS.—In this section:

“(1) IN GENERAL.—The terms ‘Indian Tribe’, ‘Secretary’, ‘State’, and ‘Tribal government’ shall have the meaning given such terms in section 601(g).

“(2) UNIT OF LOCAL GOVERNMENT.—The term ‘unit of local government’ means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.”.

(b) TECHNICAL AMENDMENT.—The heading for title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by striking “FUND” and inserting “AND FISCAL RECOVERY FUNDS”.

Mr. GRAHAM. Mr. President, I ask for 2 minutes, equally divided.

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

Mr. GRAHAM. There was a time about a year ago when we were together, and we passed a COVID relief bill of \$1.9 trillion, 96 to nothing. What happened? You all got it now.

So here is what I want you to know. That CARES formula, that bill we passed, had an allocation for State and local funding that has been changed by our Democratic friends, and the biggest winners are New York and California. So the formula they are using now, New York and California wins big. You need to check what you are doing because you are giving a lot of money to New York and California because they can do it.

This is a big State bailout. You need to check and explain to people back in your State why they need more money than you do. You are rewarding people who have closed down the economy, won't reopen, so I am asking to go back to the bipartisan formula, reject this partisan formula that rewards Democratic blue States at the expense of most everybody else in this building.

So if you don't know how your State is doing, we know how your State is doing, and you will hear about it.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, nobody on our side likes this amend-

ment, and we urge a “no” vote. It would tie the hands of local and State government. It would make it more difficult to rehire or interfere with recovery in our capital cities, so if we could all have a resounding “no” vote on the Graham amendment, I would appreciate it and yield back further time.

VOTE ON AMENDMENT NO. 1369

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—48

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

NAYS—51

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	Toomey
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Warnock
Gillibrand	Ossoff	Warren
Hassan	Padilla	Whitehouse
Heinrich	Peters	Wyden

NOT VOTING—1

Sullivan

The amendment (No. 1369) was rejected.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1197 TO AMENDMENT NO. 891

Mr. TESTER. Mr. President, I would like to call up amendment No. 1197 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant bill clerk read as follows:

The Senator from Montana [Mr. TESTER] proposes an amendment numbered 1197 to amendment No. 891.

The amendment is as follows:

(Purpose: To require the President to review and approve the Keystone XL Pipeline to assist COVID-impacted communities)

At the end of title X, add the following:

SEC. 10. APPROVAL OF KEYSTONE XL PIPELINE.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall review and approve a permit for the project of TransCanada Keystone Pipeline, L.P., to construct, connect, operate, and maintain the pipeline and cross-border facilities at the northern border of the State of Montana necessary to import oil from Canada to the United States, as described in the Presidential Permit of March 29, 2019 (84 Fed. Reg. 13101 (April 3, 2019)), if the President determines that the project would create construction jobs and increase tax revenues in communities that have been economically impacted by COVID-19.

(b) REVOCATION.—Section 6 of Executive Order 13990 (86 Fed. Reg. 7041 (January 25, 2021)) shall have no force or effect.

Mr. TESTER. I ask unanimous consent for 4 minutes of debate, equally divided.

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

Mr. TESTER. Senator HOEVEN will speak for 1 minute. I will speak for 1 minute, and I would ask that I be notified when I run out of my minute.

Mr. President, this is the most important vote of the night. It is 2:41, so pay attention here.

The Keystone Pipeline would create good-paying jobs and bring much needed revenue to rural counties in Eastern Montana. These counties have been hard-hit by the pandemic. They have also been hard-hit by trade wars that have impacted our agricultural community. So they need the tax base, and this XL Pipeline would give them the tax base.

Look, there is no doubt the pipeline needs to be built responsibly with American steel to the highest safety standards to respect private property rights and to include significant consultation with Native American Tribes. But the fact is, we have many pipelines to go across the border between Canada and the United States. This is just one.

I would ask you to support this amendment.

Senator HOEVEN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I would like to thank the Senator from Montana for offering this amendment and to speak strongly in support of the amendment.

In 2015, S. 1 authorized the Keystone Pipeline. So we have voted on this before, and we have approved it. We need to do it again.

Look, whether you are for traditional sources of energy or renewable sources of energy or both, we need the infrastructure to move it around the country as safely as possible in an environmentally sound way on a dependable basis. That means we need transmission lines, and we need pipelines.

Let's come together. Let's continue to build our energy future, not to mention the 11,000-plus jobs directly involved in working on this pipeline. But

for energy independence and energy security for our country, for good-paying jobs, energy is foundational to everything we do in our economy. Let's support this amendment.

I yield back to Senator TESTER.

#### ADDITIONAL COSPONSOR

Mr. TESTER. Mr. President, I ask unanimous consent that Senator MANCHIN be added to this amendment.

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

The Senator from Vermont.

Mr. SANDERS. Mr. President, President Biden is right. He canceled the Keystone Pipeline because he is listening to the scientists, and what the scientists are telling us is that we have a small number of years—5, 6, 7 years—before this country and this world face irreparable—I underline the word “irreparable”—harm because of climate change.

My friends here talk about creating jobs. Well, we all want to create jobs. Do you know where the jobs are? The jobs are in energy efficiency. The jobs are in sustainable energy. That is where the jobs of the future are.

If we love our kids and if we love our grandchildren and if we want to leave them a country and a planet that is healthy and is habitable, yes, this country is going to have to lead the world, work with the world, in transforming our energy system away from fossil fuel.

I urge opposition to this amendment.

#### POINT OF ORDER

Mr. President, I raise a point of order that the pending amendment is not germane and therefore violates section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Montana.

#### MOTION TO WAIVE

Mr. TESTER. Mr. President, in accordance with section 904 of the Congressional Budget Act of 1974 and the waiver provisions of all applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for the purpose of amendment No. 1197, and I would ask for the yeas and nays.

#### VOTE ON AMENDMENT NO. 1197

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

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. Sullivan).

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

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 83 Leg.]

#### YEAS—51

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

#### NAYS—48

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

#### NOT VOTING—1

Sullivan

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

The amendment (No. 1197) was rejected.

The PRESIDING OFFICER. The Senator from Louisiana.

#### AMENDMENT NO. 1161 TO AMENDMENT NO. 891

Mr. CASSIDY. I call up my amendment No. 1161 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. CASSIDY] proposes an amendment numbered 1161.

The amendment is as follows:

(Purpose: To improve the bill regarding emergency assistance to non-public schools)

In section 2002 strike “that enroll a significant percentage of” and all that follows through the end of the section and insert “under the terms and conditions of section 312(d) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (division M of Public Law 116-260).”

Mr. CASSIDY. I ask unanimous consent for 2 minutes of debate, equally divided.

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

Mr. CASSIDY. Mr. President, on a bipartisan basis, the December COVID relief bill included emergency assistance to private and parochial schools, reimbursing for things such as disinfectants, technology, and PPE.

Guidelines prioritize schools serving low-income students. The current bill has money for private and parochial schools but, incredibly, does not allow

reimbursement for COVID-related expenses in a COVID relief bill. It does allow arbitrary guidelines restricting which schools are eligible.

My amendment goes back to the bipartisan language agreed to in December, prioritizing schools with low-income students and addressing COVID expenses. I urge colleagues to support these schools serving 10 percent of America's children, 7 percent of children in poverty, to support their families. Please support this amendment.

I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I oppose this amendment. It would strike two important improvements we made to the program that funds private schools.

First, Republicans are critiquing this bill for not being targeted enough, but this amendment would remove the requirement to target funding to private schools that serve significant percentages of low-income students.

The American Rescue Plan provides an additional \$2.75 billion for services to private schools. And the bottom line is, Federal funds shouldn't be spent at expensive private schools. Instead, they should be targeted to low-income students at private schools like all our other education investments.

The pandemic is disproportionately harming students of color and those from families with low incomes. While these students are already much more likely to attend public schools, we need to make sure that those who do attend private schools are prioritized as well.

Secondly, this amendment strikes the limitation we placed on the funds being used for reimbursements at private schools. Reimbursements that were permitted with the first round of funding for this program were in order to cover past expenses incurred by private schools. Those expenses should be reimbursed by that first round. These additional funds are intended to provide services for private schools in the future. I ask my colleagues to oppose this amendment.

Mr. CASSIDY. How many seconds do I have left?

The PRESIDING OFFICER. I am sorry, the Senator has no time remaining.

Mr. CASSIDY. I ask unanimous consent for 10 seconds, please.

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

Mr. CASSIDY. This is the exact same language that we used in December. It targets children with private schools. To say that you are going to restrict it further than that is merely a way to keep the kids from having it. Seven percent of kids in poverty go to private schools. About 7 percent of this money will go to private kids. We should support the children.

#### VOTE ON AMENDMENT NO. 1161

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

Mr. CASSIDY. 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 Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 84 Leg.]

#### YEAS—49

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Murkowski	
Fischer	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—1

Sullivan

The amendment (No. 1161) was rejected.

The PRESIDING OFFICER. The Senator from Iowa.

#### MOTION TO COMMIT WITH INSTRUCTIONS

Mr. GRASSLEY. Mr. President, I have a motion to commit at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] moves to commit the bill, H.R. 1319, to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—(1) are within the jurisdiction of such committee; and (2) include reforms to protect taxpayers from perpetually subsidizing private sector pension plans by ensuring the long-term solvency of the multiemployer pension system.

The motion is as follows:

#### MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Grassley moves to commit the bill, H.R. 1319, to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) include reforms to protect taxpayers from perpetually subsidizing private sector pension plans by ensuring the long-term solvency of the multiemployer pension system.

Mr. GRASSLEY. I ask unanimous consent that there be 2 minutes of debate, equally divided.

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

Mr. GRASSLEY. Mr. President, this bill includes an \$86 billion no-strings bailout of multiemployer pension plans. It does not belong in the current package. It has nothing to do with COVID. The bailout is not coupled with any reforms. Consequently, there won't be any long-term sustainability. It is just a blank check with no measures to hold plans accountable.

Senator Alexander and I spent the last Congress working on a responsible proposal to rescue and reform failing multiemployer pension plans. Without reforms included, the precedent will be that taxpayers, not the PPGC, will be the ultimate guarantors of private employer pensions. In that case, the burden on the taxpayers will not be for the \$86 billion. It will be endless as to how much the taxpayers are going to have to pay.

Please vote in favor of my motion to commit to consider the reforms necessary to protect the taxpayers and ensure the long-term sustainability of the multiemployer pension system.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, every time banks need help and every time large corporate interests need help, this body rises to the occasion, but when it is a bunch of workers or a bunch of small businesses, we are going to turn our backs? Unions, chambers of commerce, and small businesses—pretty much everyone—agree we need to get this done.

I have listened for years to my colleagues' speeches extolling the value of hard work and the virtues of small businesses. This is your chance, my friends, to live up to your own words and help these workers.

In collective bargaining, they negotiate at the bargaining table. They gave up money today to put money in pensions for the future. If you support working Americans, vote no on this motion. Let's pass a solution which actually honors the dignity of work.

Mr. GRASSLEY. Mr. President, do I have any time remaining?

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

#### VOTE ON MOTION TO COMMIT

The question is on agreeing to the motion.

Mr. GRASSLEY. 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 legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

The PRESIDING OFFICER (Mr. HEINRICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 85 Leg.]

#### YEAS—49

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Murkowski	
Fischer	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—1

Sullivan

The motion was rejected.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### AMENDMENT NO. 1010 TO AMENDMENT NO. 891

Mr. TOOMEY. Mr. President, I call up my amendment No. 1010, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 1010 to amendment No. 891.

The amendment is as follows:

(Purpose: To strike a provision providing payments to farmers for purposes unrelated to COVID-19)

Strike section 1005.

#### ADDITIONAL COSPONSOR

The PRESIDING OFFICER. Mr. President, I ask unanimous consent for 2 minutes of debate, equally divided, and that Senator DAINES be added as a cosponsor.

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

Mr. TOOMEY. Mr. President, my amendment would simply strike the section that provides "such sums as may be necessary to make payments of 120 percent of outstanding debts to socially disadvantaged farmers and ranchers."

There are only two requirements to get this money. One is to have a USDA

farm loan, and there are billions of dollars' worth out there, and the other is, you must be a member of a favored racial or ethnic group, including African American, Hispanic, Asian Americans, and some others. There is no income test. There is no asset test. It doesn't matter whether you are rich or poor. You don't have to have experienced any harm of any kind whatsoever, including from COVID. You just have to be the right race.

The senior Senator from Michigan called this provision "an important piece of reparations." This bill is supposed to be about COVID relief and helping the people who are adversely affected by the economics of the lockdown. Instead, we are handing out money based exclusively on race. This is unconstitutional. It is outrageous. My amendment strikes the provision, and I urge its adoption.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. WARNOCK. Mr. President, contrary to the suggestion from my colleague from Pennsylvania, this provision has everything to do with COVID-19 relief.

The thing about this terrible pandemic is that it has both illuminated and exacerbated longstanding disparities rooted in our racial past, and for too long, farmers of color have been left to fend for themselves, not getting the support they deserve from the USDA, making it even more difficult for them to recover from this pandemic.

We have an opportunity here to lift all of our rural communities by aiming the aid where it is needed given our historic past, which is very much present. So I urge all of my colleagues to oppose this amendment that strips these communities that have been forgotten by our government of the relief that they so desperately deserve. It will have an adverse effect on the very relief that we are trying to provide to all rural communities.

The PRESIDING OFFICER. All time has expired.

#### VOTE ON AMENDMENT NO. 1010

The question is on agreeing to the amendment.

Mr. TOOMEY. 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 Alaska (Mr. SULLIVAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 86 Legs]

#### YEAS—49

Barrasso	Blunt	Braun
Blackburn	Boozman	Burr

Capito	Hoeven
Cassidy	Hyde-Smith
Collins	Inhofe
Cornyn	Johnson
Cotton	Kennedy
Cramer	Lankford
Crapo	Lee
Cruz	Lummis
Daines	Marshall
Ernst	McConnell
Fischer	Moran
Graham	Murkowski
Grassley	Paul
Hagerty	Portman
Hawley	Risch

#### 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—1

Sullivan

The amendment (No. 1010) was rejected.

The PRESIDING OFFICER. The Senator from Nebraska.

#### AMENDMENT NO. 944 TO AMENDMENT NO. 891

(Purpose: To distribute funds for public transportation urbanized area formula grants through the existing formulas)

Mrs. FISCHER. Mr. President, I call up my amendment No. 944 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Nebraska [Mrs. FISCHER] proposes an amendment numbered 944 to amendment No. 891.

(The amendment is printed in the RECORD of March 4, 2021, under "Text of Amendments.")

Mrs. FISCHER. Mr. President, I ask unanimous consent for 2 minutes of debate equally divided.

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

Mrs. FISCHER. Mr. President, my amendment would fix the proposed new formula that benefits New York at the expense of other States. The bill provides \$30 billion for transit on top of the nearly \$40 billion Congress already gave transit in the CARES Act and the December COVID bill.

I oppose the extreme funding, but my amendment at least fixes one troubling detail. The bill directs \$26 billion in transit to urbanized areas but gives 30 percent of that to New York City, nearly double of what it would receive under the normal formula. By voting for this bill, my colleagues from States like Arizona, Georgia, and West Virginia would lose out on transit money to New York.

The bill also has \$2.2 billion for FTA to allocate based on another new for-

mula that just happens to reward the largest urban transit systems. My amendment would reinstate the regular formula. It will ensure transit money is at least distributed fairly instead of benefitting one or two cities, and I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I oppose the amendment. Don't believe the false argument that most of the funding goes to New York. In New Jersey, they get the same treatment as everyone else.

The alternative formula offered by the amendment is indefensible. One small city would get 2,400 times their annual transit budget.

And think about the workers. Think about the drivers and the clerks who put themselves dealing with the public every single day and the anxiety coming home at night about potentially having COVID. The way we treat essential workers is crucial in this bill. If you care about workers and if you care about the dignity of work, vote no on this amendment.

Mrs. FISCHER. Mr. President, do I have time?

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

Mrs. FISCHER. Could I ask unanimous consent for 15 more seconds, please?

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

Mrs. FISCHER. New York would receive 30 percent more under this new formula compared to the 18 percent they have now. For example, Reno, NV, would lose \$2 million, and other cities like that lose as well under this new formula.

Mr. BROWN. Mr. President, may I ask unanimous consent for 15 seconds also?

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

Mr. BROWN. Thank you. The transit formula in the American Rescue Plan Act is the exact same formula developed with Republicans, some of that coming out of the Banking, Housing, and Urban Affairs Committee for the relief bill we passed in December. This formula uses data and not politics to allocate funds.

#### VOTE ON AMENDMENT NO. 944

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

Mr. CORNYN. 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 legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 49, nays 50, as follows:



(Rollcall Vote No. 87 Leg.)

## YEAS—49

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeben	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Murkowski	
Fischer	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—1

Sullivan

The amendment (No. 944) was rejected.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1014 TO AMENDMENT NO. 891

Mr. PAUL. Mr. President, I call up my amendment 1014 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 1014 to amendment No. 891.

The amendment is as follows:

(Purpose: To strike provisions relating to nonprofit entities for the paycheck protection program)

Strike section 5001.

Mr. PAUL. Mr. President, I ask unanimous consent for 2 minutes of debate, equally divided.

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

Mr. PAUL. Mr. President, the Paycheck Protection Program was created to help small businesses. We should all agree that an organization with thousands of employees working in dozens of cities across the country is not a small business, but this bill has a provision that would extend small business assistance to these kinds of large organizations.

That means that an organization operating in 100 cities across America, with thousands of employees, will get money that was really intended for small businesses. My amendment would remove this provision, and I urge a "yes" vote.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I oppose this amendment. This is a matter of basic fairness.

When we passed the Paycheck Protection Program, it included non-profits. We didn't have the cost estimates for all the (c)'s. Originally we only included the (c)(3)'s. We added the (c)(6)'s during the omnibus. This adds the rest of the (c)'s, other than (c)(4)'s, with the protection against lobbying activities, et cetera, that is in the bill. The standards are the same as they are for the other nonprofits. This is just a matter of fairness.

Let me just point out, according to information that we have received from a Johns Hopkins University study, we have lost over a million jobs in the nonprofit sector as a result of COVID-19. This bill is needed, and we need to be fair to all the nonprofits.

I urge my colleagues to reject the amendment.

## VOTE ON AMENDMENT NO. 1014

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

Mr. PAUL. 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 assistant bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alaska (Mr. SULLIVAN) and the Senator from Pennsylvania (Mr. TOOMEY).

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

The result was announced—yeas 47, nays 51, as follows:

(Rollcall Vote No. 88 Leg.)

## YEAS—47

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

## NAYS—51

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

Van Hollen	Warnock	Whitehouse
Warner	Warren	Wyden

## NOT VOTING—2

Sullivan Toomey

The amendment (No. 1014) was rejected.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 1383 TO AMENDMENT NO. 891

Mr. YOUNG. Mr. President, I call up my amendment No. 1383 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Indiana [Mr. YOUNG] proposes an amendment numbered 1383 to amendment No. 891.

The amendment is as follows:

(Purpose: To strike the provision establishing the Emergency Federal Employee Leave Fund and appropriate \$300,000,000 for chemical screening devices for U.S. Customs and Border Protection)

Strike section 4001 and insert the following:

## SEC. 4001. FUNDING FOR NARCOTIC AND OPIOID DETECTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to U.S. Customs and Border Protection for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$300,000,000, which shall remain available until September 30, 2025, to acquire, deploy, operate, and maintain chemical screening devices to identify, in an operational environment, synthetic opioids and other narcotics at purity levels less than or equal to 10 percent.

(b) USE OF FUNDS.—Amounts appropriated under subsection (a) may also be used—

(1) to train users on the equipment described in such subsection;

(2) to provide directors of ports of entry with an alternate method for identifying narcotics, including synthetic opioids, at lower purity levels; and

(3) to test any new chemical screening devices to understand the abilities and limitations of such devices relating to identifying narcotics at various purity levels before U.S. Customs and Border Protection commits to the acquisition of such devices.

Mr. YOUNG. I ask unanimous consent for 2 minutes of debate equally divided.

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

Mr. YOUNG. Mr. President, in February, I met with the President of the United States along with nine of my colleagues. The objective here was to find middle ground on a targeted COVID relief package focused on vaccine distribution and getting Americans back to work and back to school as quickly as possible. Instead, we have been offered a bloated and wasteful spending bill, only 10 percent of which actually goes toward COVID-related needs.

Meanwhile, the COVID-19 crisis has exacerbated America's drug epidemic with synthetic opioids being the primary driver of the 38-percent annual increase in overdose deaths.

We know illegal narcotics are coming through our southern border at ports of

entry. My unobjectionable amendment simply increases funding for Customs and Border Protection by \$300 million for technology to detect fentanyl and other drugs of lower purity levels.

This funding is more than offset by reducing funding from a provision granting 600 hours of paid leave to Federal employees—600 hours. That is 15 weeks of paid leave. So if an employee took every day of this paid leave in this bloated spending bill starting today, that would be by June 18. Oh, by the way, we are supposed to all be vaccinated by the end of May, according to the President.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I share my colleague's interest in supporting the men and women at Customs and Border Protection, but this amendment does the opposite. In fact, what it does is strip them of critical emergency support to them and other frontline Federal employees who are working to protect our country. In fact, 8,000 of the Federal employees at CBP have tested positive for COVID-19. Twenty-seven have died.

Your amendment would strip away emergency medical leave for these men and women who are protecting us while keeping the provisions in the bill that provide a 100-percent tax credit to private employers to provide up to \$511 a day in sick leave, a provision I support.

So here you are targeting the men and women who are protecting our country at the border and other places by stripping them of their ability to take sick leave and keeping in the provision that allows our private sector neighbors to provide sick leave. This is, unfortunately, just aimed at undermining the folks who are helping protect this country on the frontline. I ask my colleagues to oppose the amendment.

Mr. YOUNG. I ask unanimous consent for 30 seconds to respond.

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

Mr. YOUNG. Only in Washington, DC, and in the greater Washington, DC, area does it make sense to offer paid leave in a \$1.9 trillion spending bill at 5:15 a.m. in the morning to last until after a pandemic is projected to be over. How wasteful could we be with our constituent spending?

Vote for my amendment.

Mr. VAN HOLLEN. Mr. President, I ask for 15 seconds.

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

Mr. VAN HOLLEN. I just want to point out that if we want to prevent the spread of the virus, we need to make sure those who get it have a chance to stay home and not spread it among their colleagues around the country.

VOTE ON AMENDMENT NO. 1383

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

Mrs. BLACKBURN. 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 Kentucky (Mr. PAUL) and the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—48

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

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—2

Paul  
Sullivan

The amendment (No. 1383) was rejected.

The PRESIDING OFFICER. The Senator from West Virginia.

MOTION TO COMMIT WITH INSTRUCTIONS

Mrs. CAPITO. Mr. President, I have a motion to commit at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant bill clerk read as follows:

The Senator from West Virginia [Mrs. CAPITO] moves to commit the bill, H.R. 1319, to the Committee on Finance with instructions.

The motion to commit is as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mrs. Capito moves to commit the bill, H.R. 1319, to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) in order to fix and enhance our Nation's infrastructure, create jobs, and help our economy recover from the COVID-19 pandemic, reduce the amounts appropriated for the Coronavirus State Fiscal Recovery Fund

and the Coronavirus Local Fiscal Recovery Fund and dedicate such amounts to pay for bipartisan surface transportation reauthorization legislation.

Mrs. CAPITO. Mr. President, I ask unanimous consent that there be 2 minutes of debate equally divided.

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

Mrs. CAPITO. Mr. President, one of our top priorities will be the surface transportation reauthorization bill.

Our EPW Committee has already kicked off bipartisan efforts to meet our Nation's transportation needs. Every State needs the certainty of a long-term reauthorization plan to complete projects. Paying for infrastructure is a difficult challenge. A status quo reauthorization bill would require at least \$70 billion in new funding for the highway trust fund, which we all know falls short, and we all want to make sure that we make robust investments in our roads and bridges.

The bill on the floor provides \$350 billion to State and local on top of the \$150 billion that was provided in the CARES Act. This motion instructs the Finance Committee to divert some of that \$350 billion to, instead, help pay forward for a bipartisan surface transportation reauthorization bill. Funds would still go to our States and localities, but the dollars would be better spent on road and bridge projects that create a safer and more efficient transportation system.

I urge my colleagues to support the motion to commit.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, to speak in opposition, the Capito motion to commit the bill to the Finance Committee instructs the committee to do two things. The first is to dedicate funds to pay for bipartisan transportation legislation. The other is to cut the funding currently provided in our bill to provide relief to State and local governments.

I would like to say that the reason we oppose this is that this, colleagues, is a false choice. If we are talking about major legislation to improve our infrastructure, including roads, bridges, airports, broadband, and more, count us in. In fact, I think one of the first areas we ought to be focusing on, if we finish this bill, is infrastructure, but this does not have to be at the expense of relief to State and local governments. These two are not mutually exclusive, colleagues. We can do both. We can address infrastructure and help our State and local governments that have been hammered by COVID and a struggling economy. They have had to lay off police, teachers, EMTs, and many others.

I urge opposition to the Capito motion.

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

VOTE ON MOTION TO COMMIT

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

Mrs. CAPITO. 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 bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Kentucky (Mr. PAUL) and the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 90 Leg.]

#### YEAS—48

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

#### 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—2

Paul Sullivan

The motion was rejected.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 1395 TO AMENDMENT NO. 891

Mr. SCOTT of Florida. Mr. President, I call up my amendment No. 1395, and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Florida [Mr. SCOTT] proposes an amendment numbered 1395 to amendment No. 891.

The amendment is as follows:

(Purpose: To fund the procurement of HC-130J aircraft by the Coast Guard, and to provide an offset by striking National Railroad Passenger Corporation grant funding for the Northeast Corridor)

Strike section 7101 and insert the following:

#### SEC. 7101. GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.

(a) NATIONAL NETWORK APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise

appropriated, \$729,611,840, to remain available until September 30, 2024, for grants as authorized under section 11101(b) of the FAST Act (Public Law 114-94) to prevent, prepare for, and respond to coronavirus.

(b) LONG-DISTANCE SERVICE RESTORATION AND EMPLOYEE RECALLS.—Not less than \$165,926,000 of the amounts made available under subsection (a) shall be for use by the National Railroad Passenger Corporation to—

(1) restore, not later than 90 days after the date of enactment of this Act, the frequency of rail service on long-distance routes (as defined in section 24102 of title 49, United States Code) that the National Railroad Passenger Corporation reduced the frequency of on or after July 1, 2020, and continue to operate such service at such frequency; and

(2) recall and manage employees furloughed on or after October 1, 2020, as a result of efforts to prevent, prepare for, and respond to coronavirus.

(c) USE OF FUNDS FOR STATE PAYMENTS FOR STATE-SUPPORTED ROUTES.—

(1) IN GENERAL.—Of the amounts made available under subsection (a), \$174,850,000 shall be for use by the National Railroad Passenger Corporation to offset amounts required to be paid by States for covered State-supported routes.

(2) FUNDING SHARE.—The share of funding provided under paragraph (1) with respect to a covered State-supported route shall be distributed as follows:

(A) Each covered State-supported route shall receive 7 percent of the costs allocated to the route in fiscal year 2019 under the cost allocation methodology adopted pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432).

(B) Any remaining amounts after the distribution described in subparagraph (A) shall be apportioned to each covered State-supported route in proportion to the passenger revenue of such route and other revenue allocated to such route in fiscal year 2019 divided by the total passenger revenue and other revenue allocated to all covered State-supported routes in fiscal year 2019.

(3) COVERED STATE-SUPPORTED ROUTE DEFINED.—In this subsection, the term “covered State-supported route” means a State-supported route, as such term is defined in section 24102 of title 49, United States Code, but does not include a State-supported route for which service was terminated on or before February 1, 2020.

(d) USE OF FUNDS FOR DEBT REPAYMENT OR PREPAYMENT.—Not more than \$100,885,000 of the amounts made available under subsection (a) shall be—

(1) for the repayment or prepayment of debt incurred by the National Railroad Passenger Corporation under financing arrangements entered into prior to the date of enactment of this Act; and

(2) to pay required reserves, costs, and fees related to such debt, including for loans from the Department of Transportation and loans that would otherwise have been paid from National Railroad Passenger Corporation revenues.

(e) PROJECT MANAGEMENT OVERSIGHT.—Not more than \$2,000,000 of the amounts made available under subsection (a) shall be for activities authorized under section 11101(c) of the FAST Act (Public Law 114-94).

#### SEC. 7101A. COAST GUARD PROCUREMENT OF HC-130J AIRCRAFT.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$970,388,160, to remain available until September 30, 2024, for the procurement of HC-130J aircraft for the Coast Guard.

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent for 2 minutes of debate, equally divided.

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

Mr. SCOTT of Florida. Mr. President, there is no reason this bill should include funding for Amtrak's Northeast Corridor, a woefully mismanaged public railway system that benefits very few Americans.

My amendment redirects this wasteful spending to strengthen many of the core missions of our military. For the U.S. Coast Guard, that includes search and rescue, drug and migrant interdiction, cargo and personnel transport, and maritime stewardship. American taxpayer dollars are better spent to support this mission and improve the defense and security of this Nation than to prop up wasteful and mismanaged transportation systems in New Jersey, New York, and Massachusetts.

My amendment directs nearly \$1 billion to the Coast Guard's Super Hercules program to continue their procurement of HC-130Js, a top-of-class long range surveillance aircraft which will strengthen our national defense and border security. I urge my colleagues to join me in support of this amendment.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from Washington.

Ms. CANTWELL. Mr. President, the sun is coming up in Washington, DC, and we have to spend all night debating policy and questions to arrive at this moment, at 6 a.m., with an amendment that is literally robbing Peter to pay Paul. This isn't the idea of a debate.

The Amtrak and North Corridor System has basically had to reallocate resources. The 457 Corridor, which is one of the busiest in the Nation, has over 750,000 people on that system, but because of COVID, it has lost revenue. It has a 97-percent loss of revenue, and now they are making drastic cuts to employees and to services that could become permanent.

This simply helps Amtrak and our busiest corridor stay in business. We will address the Coast Guard needs in other legislation. I ask my colleagues to vote no. Stop robbing Peter to pay Paul. Let's fix the COVID crisis on our transportation system.

VOTE ON AMENDMENT NO. 1395

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

Mr. SCOTT of Florida. 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 legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Kentucky (Mr. PAUL) and the Senator from Alaska (Mr. SULLIVAN).

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 91 Leg.]

## YEAS—47

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

## NAYS—51

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

## NOT VOTING—2

Paul Sullivan

The amendment (No. 1395) was rejected.

The PRESIDING OFFICER. The Senator from Arkansas.

## MOTION TO COMMIT WITH INSTRUCTIONS

Mr. COTTON. Mr. President, I have a motion to commit at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Arkansas [Mr. COTTON] moves to commit the bill, H.R. 1319, to the Committee on Finance with instructions.

The motion is as follows:

## MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Cotton moves to commit the bill H.R. 1319 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) reduce spending by prohibiting any payment of funds under Coronavirus State and Local Fiscal Recovery Funds under title VI of the Social Security Act, as amended by section 9901 of the bill, to any State or subdivision thereof that prohibits its employees or contractors from—

(A) sharing law enforcement information with the Department of Homeland Security; or

(B) cooperating with lawful requests from the Department of Homeland Security to hold an individual pending arrest for any violation of Federal law.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I ask unanimous consent for 2 minutes of debate, equally divided.

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

Mr. COTTON. Mr. President, my motion to commit is to send this bill back

to the Finance Committee to adopt the commonsense rule that should have been in there from the beginning that we are not going to give bailout money to sanctuary States and sanctuary cities.

Now, to whom are the States and cities giving sanctuary? Criminal illegal aliens. Where is the sanctuary for their victims? Why should cities and States that refuse to cooperate with Federal law enforcement receive Federal bailouts? They should not.

I reserve my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let's face reality. The immigration law system in America is broken. If we are going to get behind slogans and bumper stickers and do something about the problems we face in America, we have to talk about comprehensive immigration reform.

The amendment being offered by the Senator from Arkansas brings back another one of the old arguments about sanctuary cities.

Let me tell you what the police chief, Art Acevedo of Houston, had to say before the Senate Judiciary Committee.

If we are to be tough on crime, we must not forget that it begins with trust and cooperation in our communities.

He went on to say:

[I]f we want to be effective and work to disrupt the drug cartels, we cannot afford to alienate broad spectrums of our community. Asking local law enforcement officers to become involved in immigration enforcement is counterproductive.

Vote no on the Cotton amendment.

Mr. COTTON. Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. The immigration system is broken because the Democratic Party will not enforce our borders. You see that with the Biden border crisis right now. We can fix one small part of it by stopping Federal bailout dollars from going to cities and States that refuse to cooperate with Federal law enforcement.

## VOTE ON MOTION TO COMMIT

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 Senators are necessarily absent: the Senator from Kentucky (Mr. PAUL) and the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 92 Leg.]

## YEAS—48

Barrasso	Burr	Cotton
Blackburn	Capito	Cramer
Blunt	Cassidy	Crapo
Boozman	Collins	Cruz
Braun	Cornyn	Daines

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

## 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—2

Paul Sullivan

The motion is rejected.

The PRESIDING OFFICER. The Senator from Kansas.

## AMENDMENT NO. 1342 TO AMENDMENT NO. 891

Mr. MORAN. Mr. President, I call up my amendment 1342 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Kansas [Mr. MORAN], for himself and others, proposes an amendment numbered 1342 to amendment No. 891.

The amendment is as follows:

(Purpose: To provide an effective date for the modification of revenue requirements for proprietary institutions of higher education)

At the end of section 2013, add the following:

(c) EFFECTIVE DATE.—The amendments made under this section shall—

(1) be subject to the master calendar requirements under section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089) and the public involvement and negotiated rule-making requirements under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a), except that such negotiated rule-making shall commence not earlier than October 1, 2021; and

(2) apply to institutional fiscal years beginning on or after January 1, 2023.

Mr. MORAN. I ask unanimous consent for 3 minutes of debate equally divided.

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

Mr. MORAN. My colleagues, I arise here at the request of many veterans service organizations and veterans across the country who have called for a long time for us to protect our military and veteran students and close the 90–10 loophole.

What was once a partisan discussion is becoming a bipartisan discussion, and while the American Rescue Plan closes the 90–10 loophole, we need to make sure we do it in the right way, make these changes in the correct way,

and we need to ensure we put the policy back in the perspective of not politics but the right answer.

I am thankful to my colleagues Senators CARPER, CASSIDY, and LANKFORD for putting politics aside and working on this amendment with me. I also want to thank Chairman MURRAY and Ranking Member BURR and their staffs, as well as the veteran groups and the stakeholders, for their help in crafting this amendment.

By providing a 6-month delay before the start of a negotiated rulemaking process, Congress now has time to work together with our veterans service organizations and the higher education community on a bipartisan plan to deliver reasonable and needed protections for veterans and taxpayers alike.

I ask my colleagues to join us in support of our bipartisan amendment and continue to work with us on a path forward this Congress.

I yield to the Senator from Delaware. The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, this may be the only bipartisan amendment that we will have the chance to vote on today. The really good news is that there will be a voice vote.

For the past decade, our Nation's veterans service organizations have called on Congress to protect our military veteran students and close the 90-10 loophole that you have heard about. Today, at long last, Congress heeds that call by harnessing market forces to ensure better educational opportunities and outcomes for our millions of veterans. Those millions of veterans and veteran students use their hard-earned educational benefits at a variety of educational institutions in our States, including the types of trade and vocational schools that my own father—maybe your relatives as well—used in World War II and Korea and Vietnam using the original GI bill.

Let me be clear. Some for-profit schools in this country do a very good job working with our veterans, preparing them for lives and careers. Unfortunately, we have seen way too many that do not, and what we want to do with this legislation is to make sure that the veterans are protected from the bad actors in the for-profit college sector, places like ITT Tech and Corinthian, places that no longer exist.

While the American Rescue Plan closes the 90-10 loophole, we understand the need to make sure we get this right. I am grateful to our colleagues, for JERRY MORAN, and am proud to be joining him, along with Senators CASSIDY and LANKFORD, in the thoughtful, bipartisan approach to a contentious issue.

By providing a 6-month delay before the start of the negotiated rulemaking process, our amendment gives Congress time to work together with our veterans service organizations on a bipartisan plan to strengthen these protections for our veterans and taxpayers.

We invite you all to join us in supporting this amendment.

Mr. MORAN. Mr. President, while the Senator from Delaware stole my thunder, I believe this amendment can pass by voice vote, and I would add the request that all of the amendments that follow this follow the same precedent.

VOTE ON AMENDMENT NO. 1342

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

The amendment (No. 1342) was agreed to.

(Applause.)

The PRESIDING OFFICER (Ms. HASSAN). The Senator from Tennessee.

AMENDMENT NO. 996 TO AMENDMENT NO. 891

Mrs. BLACKBURN. Madam President, I call up my amendment No. 996 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from Tennessee [Mrs. BLACKBURN], for herself and others, proposes an amendment numbered 996 to amendment No. 891.

The amendment is as follows:

(Purpose: To strike section 9831)

Strike section 9831.

Mrs. BLACKBURN. Madam President, I ask unanimous consent for 4 minutes of debate, equally divided.

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

Mrs. BLACKBURN. Madam President, this amendment strikes an unfair hospital wage index earmark that would benefit just three States: Rhode Island, New Jersey, and Delaware. It would give preferential treatment to them for the consideration of the area wage index.

The benefit comes at the expense of poor Americans that are living in rural areas and make the payout disparities between rural and urban hospitals worse than they already are. If you have rural hospitals in your State and you vote against this amendment, what you are doing is taking money from those hospitals; you are making these disparities worse.

It is a multibillion dollar earmark. Get that, a multibillion dollar earmark. It has nothing to do with COVID relief and does not belong in this bill.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask for 1 minute of the 2 minutes.

This provision is providing fundamental fairness so that hospitals in every State of this country have the resources they need to hire the best, most qualified providers.

Years ago, CMS came up with an arbitrary formula that excluded a series of States from a payment policy that intended to benefit all hospitals so we are not competing for labor unfairly. A bipartisan policy that began under President Bush continued through multiple administrations until the Trump administration ended it without justification.

Making matters worse, our States were at the epicenter of the COVID crisis. This provision would simply provide parity, and it would do so, unlike what the Senator is saying, without decreasing payments for any other State.

This is the fairest way to provide parity that our States need and to be able to deal with the challenges of getting people at a time in which we need them the most.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, for 1 minute.

Madam President, knowing how much my colleagues on the other side love unelected bureaucrats, I want to make sure it is clear that this was a unilateral decision made by an unelected bureaucrat to change the way hospitals are compensated. And the result, at least in my State, is that our hospitals are paid 25 cents per dollar less than the hospital right across the border in Massachusetts and 30 cents per dollar less than the hospital right across the border 20 minutes down the road in Connecticut.

Dr. BARRASSO and Dr. CASSIDY can understand that a 25-percent hit in hospitals that close together, a 30-percent hit between hospitals that close together, is ridiculous.

And my friends on the Finance Committee will remember me showing this graph to every Health and Human Services witness who showed up.

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

Mr. WHITEHOUSE. And none could defend it. I ask your support on this.

The Senator from Tennessee.

Mrs. BLACKBURN. Madam President, to respond to this, I think what you just heard from my colleague from Rhode Island is what happens with too much government interference into healthcare. That is what he is complaining about, as we have been up all night long working on this bill. There is nothing that makes New Jersey, Rhode Island, and Delaware more special than the other States in this country.

If you have rural hospitals, if you have—if you vote no on this amendment, you are making the disparities worse. And I would urge a “yes” vote on the amendment.

Mr. MENENDEZ. Madam President, I ask for 15 additional seconds.

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

Mr. MENENDEZ. And there is nothing that makes any other State in this country more special than our States.

VOTE ON AMENDMENT NO. 996

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

Mrs. BLACKBURN. 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 legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 93 Leg.]

#### YEAS—49

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Murkowski	
Fischer	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—1

Sullivan

The amendment (No. 996) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### PARLIAMENTARY INQUIRY

Mr. LANKFORD. Madam President, I have a parliamentary inquiry before I begin.

Parliamentary inquiry: On page 225, line 23, it appears that the 7(b) disaster loan program allocates \$460 million, but only \$70 million is for the actual disaster loans. The other \$390 million appears to be allocated for administrative costs of the program.

Could the clerk please read page 225 line 20 through page 226 line 2 to confirm the administrative cost for this program is \$390 million and the grant program itself is only \$70 million?

The PRESIDING OFFICER. The clerk will read the section of the amendment.

The bill clerk read as follows:

(2) \$460,000,000 to carry out the disaster loan program authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)), of which \$70,000,000 shall be for the cost of direct loans authorized by such section and \$390,000,000 shall be for administrative expenses to carry out such program.

AMENDMENT NO. 1031 TO AMENDMENT NO. 891

(Purpose: To improve the bill)

Mr. LANKFORD. I call up my amendment No. 1031 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. LANKFORD], for himself and Mr. DAINES, proposes an amendment numbered 1031 to amendment No. 891.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LANKFORD. I ask unanimous consent for 3 minutes of debate equally divided.

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

Mr. LANKFORD. Madam President, millions of Americans see a sonogram, and they see a child. They count 10 fingers. They count 10 toes. They watch that little girl in the womb suck her thumb. They see a child.

Science notes that the DNA of that child in the womb is different than the DNA of the mom and different than the DNA of the dad. It is both confirmed by science that is a baby, and it is self-evident by just looking at her in the womb, that is a child. Millions of Americans see that.

Because we have such a divide in this Nation where some people see every child as valuable and some people see only some children as valuable, because we have had that divide that is unresolved in our Nation, we have, for decades, in every appropriations bill, had the Hyde Amendment, that did not force Americans to have to pay for abortion procedures for the death of children. We have also had that in all five COVID bills that we have agreed together on in the last 12 months.

In this partisan bill, mysteriously, the Hyde Amendment disappeared and suddenly, now, for the first time, Americans who profoundly believe that children are of great value and should be protected will be compelled with our tax dollars to pay for the destruction of life.

This simple statement is that we should maintain Hyde protections in this bill as we have in the previous five COVID bills.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, it is frustrating, but not at all surprising, that in the middle of a pandemic, as we are working to get urgently needed relief to our families, to our small businesses, and to our communities across the country, some Republicans would rather spend time launching political attacks on reproductive health.

That is exactly what this amendment is—an effort to expand restrictions on abortion that already make it harder for women who have low incomes, who are often women of color, to exercise their constitutionally guaranteed right to make their own healthcare choices.

I oppose this amendment because it is completely unnecessary. It is a harmful attempt to distract us from the work that we are on tonight.

#### POINT OF ORDER

Madam President, I raise a point of order that the pending amendment produces budgetary changes that are merely incidental to the non-budgetary

components of the amendment, and it therefore violates section 313(b)(1)(d) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### MOTION TO WAIVE

Mr. LANKFORD. Madam President, in the middle of a pandemic, we shouldn't be dealing with abortion funding. So, I would say, pursuant to section 904 of the Congressional Budget Act, I move to waive.

#### VOTE ON MOTION TO WAIVE

The PRESIDING OFFICER. The question is on agreeing to the motion. Mr. LANKFORD. Madam 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 bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 94 Leg.]

#### YEAS—52

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

#### NAYS—47

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

#### NOT VOTING—1

Sullivan

The PRESIDING OFFICER (Ms. DUCKWORTH). On this vote, the yeas are 52, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order is sustained and the amendment falls.

The amendment (No. 1031) was rejected.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 969 TO AMENDMENT NO. 891

Mr. CRUZ. Madam President, I call up my amendment No. 969 and ask that it be reported by number.

The senior assistant legislative clerk read as follows:

The Senator from Texas [Mr. CRUZ] proposes an amendment numbered 969 to amendment No. 891.

The amendment is as follows:

(Purpose: To provide children with an option for in-classroom education instruction if the child's local public school does not commit to re-opening to 5-day-a-week, in-classroom instruction for the remainder of the current school year and the 2021-2022 school year)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . STATE DIRECT FAMILY GRANT PROGRAM.**

(a) IN GENERAL.—Notwithstanding any other provision of this title, not later than 7 days after the date of enactment of this title, each school that is eligible to receive grant funding under section 2001 shall submit to their respective State Secretary of Education, or equivalent State official, a plan to re-open and resume regular, full-time, 5-day-a-week in-classroom instruction with teachers and faculty physically present for the remainder of the 2020-2021 and for the 2021-2022 school year in such a manner that meets or exceeds the plan for in-classroom instruction that was in effect for that school at the start of the 2019-2020 school year.

(b) DIRECT EDUCATION ASSISTANCE FUND.—Each State shall establish a State-controlled Direct Education Assistance Fund. In the event that a school fails to timely submit a re-opening plan in accordance with subsection (a), the State shall withhold all grant funds that would have been provided to such school under section 2001, depositing such amount into the Direct Education Assistance Fund. The State shall administer the Direct Education Assistance Fund, using the monies deposited therein, to establish and operate a grant program to assist families with educational costs in order to provide students with access to alternative education for the 2021-2022 school year. The State Department of Education shall operate the grant program as follows:

(1) The Department shall establish an application process that allows parents to apply for an education grant from the State's Direct Education Assistance Fund as follows:

(A) Awards grants from available funds in a manner that prioritizes children—

(i) from schools that have not submitted a re-opening plan as required by this section;

(ii) who are special needs students;

(iii) who are suffering from depression or a similar condition or at risk of suicide due to COVID-19-related isolation; or

(iv) who have a parent (or parents) or guardian (or guardians) who work outside of the home during regular school hours and are not available to assist the child with virtual learning.

(B) Includes, as part of the application form, the opportunity for the parent or guardian to submit an education plan for the child that—

(i) as part of an application for a grant for direct education assistance, includes the proposed school, if any, that the parent or guardian has selected for the child and the cost of any fees associated with the application, enrollment, or attendance at such school; or

(ii) as part of an application for a grant for supplemental education assistance a list of any costs which the parent or guardian anticipates will be incurred to purchase items listed in paragraph (5)(B).

(2) The Department shall publicize the availability of direct education assistance to

parents across the State with an application period of not less than 45 days and a deadline for applications as of a date not later than July 1, 2021.

(3) The Department shall first prioritize eligibility for grants awarded from available funds to the parents or guardians of children between the ages of 5 and 18 who are eligible to attend a school that failed to timely submit a re-opening plan as described herein and, if funds remain available in the Direct Education Assistance Fund after each priority student has received a grant, the Department shall make grants from the Fund available to the parent or guardians applying on behalf of students from other elementary and secondary schools in the State.

(4) The Department shall only award a grant to an individual who is the legal parent or guardian of an eligible child provided that such individual is also a citizen or national of the United States or an alien (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) who is lawfully present in the United States.

(5) The Department will administer the Direct Education Assistance Fund as follows:

(A) 75 percent of such Fund shall be set aside and used to award direct education assistance grants to finance all or a portion of the educational costs of a child to attend a different school as selected by that child's parent or guardian in an amount not to exceed \$10,000 per grant award.

(B) 25 percent of such Fund shall be set aside and used to award supplemental education assistance grants to cover a portion of the costs for education such as tutoring services, educational classes, or curriculum inside or outside of the home, books, instructional materials, online educational materials, educational therapies, including educational therapies and services for students with disabilities, and such other educational and instructional materials as the child's parent or guardian determines is beneficial in relation to at-home learning, including online or virtual schooling or home instruction.

(6) All grants shall be awarded not later than August 15, 2021.

(7) The Department shall require that any parent or guardian who receives a grant pursuant to this section maintain records of how any grant funds were spent.

(8) Grants awarded out of the Fund for direct education assistance shall be distributed in an equitable manner among recipients for such grants consistent with the priorities identified in this section but in an amount not to exceed the educational costs identified within an application and grants awarded out of the Fund for supplemental education assistance shall be made in an equitable manner among recipients for such grants in an amount not to exceed the costs identified in such application.

(c) PROHIBITION OF CONTROL OVER NON-PUBLIC EDUCATION PROVIDERS.—

(1) IN GENERAL.—Nothing in this section shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home education provider, whether or not a home education provider is treated as a private school or home school under State law.

(2) NO DISCRIMINATION.—No State shall exclude, discriminate against, or otherwise disadvantage any education provider, including home education provider, with respect to programs or services under this section based in whole or in part on the provider's religious character or affiliation, including religiously based or mission-based policies or practices.

(d) PARENTAL RIGHTS TO USE GRANTS.—No State shall disfavor or discourage the use of qualifying grants for the purchase of elemen-

tary and secondary education services, including those services provided by private or nonprofit entities, such as faith-based providers.

(e) REPAYMENT.—If a school does not re-open and maintain operations consistent with the plan submitted under this section, the school shall be required to repay all monies received under section 2001 to the State.

(f) RETURN TO TREASURY.—Any monies remaining in the Fund as of September 30, 2021, or if subsequently repaid under subsection (e), shall be repaid to the United States Treasury not later than June 30, 2022.

At the end of section 2001(c), add the following: "An allocation to a State shall be made pursuant to the previous sentence only if the State has publicly published, by not later than 7 days after enactment of this Act, a written plan that guarantees each child in the State has a local public school education option to resume regular, 5-day-a-week in-classroom instruction with teachers physically present and that identifies by name and location which schools will be available for regular in-classroom instruction. Assistance from a grant awarded to a State under this section shall only be provided to a school identified by the State under the previous sentence."

Mr. CRUZ. I ask unanimous consent for 2 minutes of debate equally divided.

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

Mr. CRUZ. Madam President, we are facing an absolute crisis with our schools. Today, only 40 percent of school kids in America are attending in-person school 5 days a week.

It has been a year since these COVID lockdowns began. Millions of school kids are falling behind, and it is falling disproportionately on low-income kids, on African-American kids, on Hispanic kids.

This bill spends billions of dollars on schools and doesn't require that they open. My amendment does something very simple. It says if a school is open, it gets the new money that is in this bill, but if the school is not open 5 days a week, then that money goes to the parents, up to \$10,000 per child, so they can get their kids an education.

We have single moms with kids trapped in schools that are not open, and this crisis, this body can do something about. Those kids, if they fall behind, the science and the data tells us that they will be behind, potentially, for the rest of their lives. We should come together in a bipartisan way to say: We are going to open the schools, and we are going to give hope and relief to the kids who are being left behind.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, this is yet another amendment that conditions funding to our public schools under the guise of wanting in-person learning, when in reality withholding this funding is counter to everyone's goal.

But this amendment goes a step further. It strips much needed funds from our public schools that want to reopen for in-person learning and implement safety protocols that are aligned with local public health guidance in order to create a voucher program.

That is right. This amendment takes money from public schools that serve 90 percent of our students and sends those funds to private schools. It is unclear to me if our colleague's goals are really about reopening public schools or just about advancing long-term ideological goals.

If we only provide funding to schools that are physically open, schools in communities with high transmission rates of COVID-19 will not receive the resources necessary to implement safety health protocols. Conditioning funds undermines our ability to actually get our students back into the classroom.

Let's stop wasting time and pass the American Rescue Plan so those resources can get to our schools and our students.

VOTE ON AMENDMENT NO. 969

Mr. CRUZ. 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 Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote or change his or her vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 95 Leg.]

#### YEAS—49

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeben	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Murkowski	
Fischer	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—1

Sullivan

The amendment (No. 969) was rejected.

The PRESIDING OFFICER. The majority leader.

#### ORDER OF BUSINESS

Mr. SCHUMER. Madam President, good morning.

Now, it looks like we have about 14 amendments left, and 1 or 2 of those may be voice-voted. So I would ask that we all stay in our seats so we can expedite the process. I would ask that we try to accomplish these votes in no more than 10 minutes so that we can move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 1364 TO AMENDMENT NO. 891

(Purpose: To provide relief for State and local governments based on demonstrated need)

Mr. ROMNEY. Madam President, I call up my amendment 1364 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant bill clerk read as follows:

The Senator from Utah [Mr. ROMNEY] proposes an amendment numbered 1364 to amendment No. 891.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ROMNEY. Madam President, I ask unanimous consent for 4 minutes of debate equally divided.

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

Mr. ROMNEY. Madam President, I actually believe that we make better legislation if we have two parties work together on something.

In this case, we have crafted a piece of legislation that our party hasn't had any involvement in whatsoever. We tried. We went to the White House, and the President was very gracious in welcoming us and listening to us but did not accept any of our proposals. So we have before us today a piece of legislation that has the benefit of only one party.

There are some errors in that and some things I think we really have to look at and try to fix. One of them is with regard to States and localities.

At the time the President put his bill out there, there was an assumption that States have massive losses associated with the COVID experience. But the data that has come out since then has shown that, in fact, the States did not have those kinds of losses. Many States did not. Twenty-one States are seeing a rise in revenue. States like Florida don't need more money. Oklahoma doesn't need more money. My State of Utah doesn't need more money. California has record surpluses, billions of dollars in surplus. Yet, under this legislation, California itself at the State level gets \$26 billion more and in total with its localities gets \$41 billion. This is on top of their already surplus year.

Think about that. We are going to be asking the American people to allow us to borrow money from China and others, pass that on to our kids and grandkids so that we can send money to States like California and mine and others that don't need the money.

This doesn't make any sense at all. So my amendment does a very simple

thing. It says: Look, you can spend all the money that the President's plan suggests and the way they suggest it, but each State's amount is limited by the amount of their revenue loss—meaning the gap they had from 2019 to 2020 and then 2021—as well as any COVID expenses, as well as any Medicaid expenses that grew. So just limit it by how much they need it. That is all it does.

So I ask that people on both sides of the aisle just get behind this so that we can save probably at least \$100 billion, to keep money from going to States and localities that don't actually need it.

Thank you.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I rise in opposition to the Romney amendment.

First, colleagues, this amendment would be a drastic cut to the relief in the bill. Specifically, it would limit the number of firefighters, municipal workers, and teachers who would actually get their jobs back in the coming weeks and months.

Second, the amendment doesn't take into account the full impact the pandemic has had on State budgets and the costs they are going to continue to incur in the months ahead.

Our view is, this is just the wrong time to start hacking away at State and local funding because the job losses are stacking up. As we have heard again and again from independent economists, those losses are going to continue if the Senate doesn't go big, as this bill does. Saving jobs and rehiring laid-off workers is what this portion of the bill is all about.

So, colleagues, I would strongly urge a "no" vote on the Romney amendment.

I yield.

Mr. ROMNEY. Madam President, may I respond?

The PRESIDING OFFICER. The Senator from Utah, without objection.

Mr. ROMNEY. First of all, those States that I described didn't lay people off. They didn't lay off firefighters. They didn't lay off teachers. They have held their teachers. They have held their firefighters. My State has actually paid bonuses to teachers and to State workers, they have so much money coming in.

You see, COVID, the pandemic, did not hit all the States in the same way. So States that need more money, give them more money. I am happy to do that. But States like mine, Florida, Oklahoma, Texas, California, they don't need more money. Why are we borrowing more money and sending on the burden of debt and interest payments to our kids and grandkids to send money to States that don't need it?

By the way, we are talking about States that don't have deficits; they have surpluses. All of their COVID expenses would be reimbursed under the

proposal that I make. There is no COVID expense that is not reimbursed.

Mr. WYDEN. Madam President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Can I have 30 seconds to briefly respond?

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

Mr. WYDEN. First of all, we can't even really determine the formula that is used under the Romney amendment. It is clear to us there are going to be costs to States as a result of this legislation.

Colleagues, the reality is, the pandemic is a public health nightmare, and this provision is designed to specifically address the challenge of making sure that firefighters, municipal workers, and others who are responding day in and day out at risk to themselves are going to be able to get their jobs back in the coming weeks and months. The fact is, this amendment is going to reduce the money the States have to address those critical needs.

I urge colleagues to vote no.

Mr. ROMNEY. I believe I have 10 more seconds.

The PRESIDING OFFICER. The Senator does not have 10 more seconds.

VOTE ON AMENDMENT NO. 1364

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 96 Leg.]

#### YEAS—49

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

#### NAYS—50

Baldwin	Durbin	Lujan
Bennet	Feinstein	Manchin
Blumenthal	Gillibrand	Markey
Booker	Hassan	Menendez
Brown	Heinrich	Merkley
Cantwell	Hickenlooper	Murphy
Cardin	Hirono	Murray
Carpenter	Kaine	Ossoff
Casey	Kelly	Padilla
Coons	King	Peters
Cortez Masto	Klobuchar	Reed
Duckworth	Leahy	Rosen

Sanders	Smith	Wanock
Schatz	Stabenow	Warren
Schumer	Tester	Whitehouse
Shaheen	Van Hollen	Wyden
Sinema	Warner	

NOT VOTING—1

Sullivan

The amendment (No. 1364) was rejected.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 1386 TO AMENDMENT NO. 891

Mr. TUBERVILLE. Madam President, I call up my amendment No. 1386 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Alabama [Mr. TUBERVILLE] proposes an amendment numbered 1386 to amendment No. 891.

The amendment is as follows:

(Purpose: To prohibit funds made available under title II to States, local educational agencies, and institutions of higher education that permit any student whose biological sex is male to participate in an athletic program or activity designated for women or girls)

At the end of part 1 of subtitle A of title II, add the following:

**SEC. 2014. RULE REGARDING ATHLETIC PROGRAMS OR ACTIVITIES.**

As a condition of receiving funds under section 2001, 2003, or 2005, a State, local educational agency, or institution of higher education may not permit any student whose biological sex (recognized based solely on a person's reproductive biology and genetics at birth) is male to participate in an athletic program or activity that is—

(1) administered by that State, local educational agency, or institution of higher education, as the case may be; and

(2) designated for women or girls.

Mr. TUBERVILLE. Madam President, I ask unanimous consent for 2 minutes, evenly divided, to debate this amendment.

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

Mr. TUBERVILLE. Madam President, I started my career coaching high school football and girls and boys basketball 45 years ago, just a few years after title IX was enacted. It ensured young women had the same opportunities as young men and the same access to funding, facilities, and athletic scholarships.

Title IX has given young women the long-denied platform that had always been afforded to men, and today America's female athletes are routinely the best performing on the world stage.

My amendment, cosponsored by Senators GRAHAM and MARSHALL, recognizes title IX's role in protecting women in education and in sports.

Under this amendment, educational institutions would be prohibited from receiving funding if biological males are allowed to compete in women's athletics. This amendment safeguards fairness and equality for women. This amendment will ensure that education funding in the bill is properly directed to schools that are focused on COVID

response and recovery rather than pushing a liberal agenda.

I ask my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, this amendment will undermine the goals of this bill to provide assistance to all educators, all students, and families who have struggled through this pandemic. It is simply an attempt to discriminate against transgender students.

All students, including transgender students, benefit from participating in sports—to challenge themselves, to improve fitness, to be part of a team. Allowing transgender students to participate in athletic activities consistent with their gender identity in no way disadvantages their fellow students.

For the love of God, can't we just have a little bit of heart and compassion in this world for someone who doesn't look or live exactly like you?

Instead of focusing on discriminatory policies, we should be examining the real issues with gender parity in sports when it comes to funding and resources and pay equity.

I oppose this amendment because it discriminates against transgender students. It is a harmful attempt to undermine our work to help students and families.

#### POINT OF ORDER

Madam President, I raise a point of order that the pending amendment produces budgetary changes that are merely incidental to the nonbudgetary components of the amendment and violates section 313(b)(1)(D) of the Congressional Budget Act of 1974.

#### MOTION TO WAIVE

Mr. TUBERVILLE. Madam President, pursuant to section 904 of the Congressional Budget Act, I move to waive and 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 Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

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

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 97 Leg.]

#### YEAS—49

Barrasso	Crapo	Johnson
Blackburn	Cruz	Kennedy
Blunt	Daines	Lankford
Boozman	Ernst	Lee
Braun	Fischer	Lummis
Burr	Graham	Manchin
Capito	Grassley	Marshall
Cassidy	Hagerty	McConnell
Collins	Hawley	Moran
Cornyn	Hoever	Paul
Cotton	Hyde-Smith	Portman
Cramer	Inhofe	Risch

Romney	Scott (SC)	Tuberville
Rounds	Shelby	Wicker
Rubio	Thune	Young
Sasse	Tillis	
Scott (FL)	Toomey	

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

## NOT VOTING—1

Sullivan

The PRESIDING OFFICER (Mr. BOOKER). The yeas are 49, the nays are 50.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

The amendment (No. 1386) was rejected.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

## MOTIONS TO COMMIT EN BLOC

Mr. HAGERTY. Mr. President, I have 11 en bloc motions at the desk, and I ask that they be read and considered en bloc.

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

The senior assistant legislative clerk will report the motions en bloc.

The senior assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. HAGERTY] offers 11 motions to commit the bill to each of the following instructed committees: Environment and Public Works; Agriculture, Nutrition, and Forestry; Health, Education, Labor and Pensions; Banking, Housing, and Urban Affairs; Homeland Security and Governmental Affairs; Small Business and Entrepreneurship; Commerce, Science, and Transportation; Veterans' Affairs; Finance; Foreign Relations; and Indian Affairs, and that the 11 motions be considered en bloc.

The motions en bloc are as follows:

## MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Hagerty moves to commit the bill H.R. 1319 to the Committees on Environment and Public Works with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee;

(2) ensure that the provisions within the jurisdiction of such committee provide appropriations only for purposes for which appropriations were provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(3) ensure that the provisions within the jurisdiction of such committee do not modify the purpose of an appropriation provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(4) ensure that any appropriations for a purpose provided by provisions within the jurisdiction of such committee are not available for obligation until all appropriations made available for that purpose by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) have been obligated; and

(5) ensure that the period of availability of any appropriation provided by a provision within the jurisdiction of such committee is not later than the earlier of the termination of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the coronavirus disease 2019, and September 30, 2021.

## MOTION TO COMMIT WITH INSTRUCTIONS

Mrs. Hyde-Smith moves to commit the bill H.R. 1319 to the Committee on Agriculture, Nutrition, and Forestry with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee;

(2) ensure that the provisions within the jurisdiction of such committee provide appropriations only for purposes for which appropriations were provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(3) ensure that the provisions within the jurisdiction of such committee do not modify the purpose of an appropriation provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260); and

(4) ensure that any appropriations for a purpose provided by provisions within the jurisdiction of such committee are not available for obligation until all appropriations made available for that purpose by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-

127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) have been obligated; and

(5) ensure that the period of availability of any appropriation provided by a provision within the jurisdiction of such committee is not later than the earlier of the termination of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the coronavirus disease 2019, and September 30, 2021.

## MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Tuberville moves to commit the bill H.R. 1319 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee;

(2) ensure that the provisions within the jurisdiction of such committee provide appropriations only for purposes for which appropriations were provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(3) ensure that the provisions within the jurisdiction of such committee do not modify the purpose of an appropriation provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(4) ensure that any appropriations for a purpose provided by provisions within the jurisdiction of such committee are not available for obligation until all appropriations made available for that purpose by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) have been obligated; and

(5) ensure that the period of availability of any appropriation provided by a provision within the jurisdiction of such committee is not later than the earlier of the termination of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the coronavirus disease 2019, and September 30, 2021.

## MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Cramer moves to commit the bill H.R. 1319 to the Committee on Banking, Housing, and Urban Affairs with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(2) ensure that the provisions within the jurisdiction of such committee provide appropriations only for purposes for which appropriations were provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law



116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(3) ensure that the provisions within the jurisdiction of such committee do not modify the purpose of an appropriation provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(4) ensure that any appropriations for a purpose provided by provisions within the jurisdiction of such committee are not available for obligation until all appropriations made available for that purpose by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) have been obligated; and

(5) ensure that the period of availability of any appropriation provided by a provision within the jurisdiction of such committee is not later than the earlier of the termination of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the coronavirus disease 2019, and September 30, 2021.

#### MOTION TO COMMIT WITH INSTRUCTIONS

Mrs. Blackburn moves to commit the bill H.R. 1319 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee;

(2) ensure that the provisions within the jurisdiction of such committee provide appropriations only for purposes for which appropriations were provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(3) ensure that the provisions within the jurisdiction of such committee do not modify the purpose of an appropriation provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260); and

(4) ensure that any appropriations for a purpose provided by provisions within the ju-

risdiction of such committee are not available for obligation until all appropriations made available for that purpose by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) have been obligated; and

(5) ensure that the period of availability of any appropriation provided by a provision within the jurisdiction of such committee is not later than the earlier of the termination of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the coronavirus disease 2019, and September 30, 2021.

#### MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Hagerty moves to commit the bill H.R. 1319 to the Committee on Foreign Relations with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee;

(2) ensure that the provisions within the jurisdiction of such committee provide appropriations only for purposes for which appropriations were provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(3) ensure that the provisions within the jurisdiction of such committee do not modify the purpose of an appropriation provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(4) ensure that any appropriations for a purpose provided by provisions within the jurisdiction of such committee are not available for obligation until all appropriations made available for that purpose by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) have been obligated; and

(5) ensure that the period of availability of any appropriation provided by a provision within the jurisdiction of such committee is not later than the earlier of the termination of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the coronavirus disease 2019, and September 30, 2021.

#### MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Hagerty moves to commit the bill H.R. 1319 to the Committee on Indian Affairs with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee;

(2) ensure that the provisions within the jurisdiction of such committee provide appropriations only for purposes for which appropriations were provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(3) ensure that the provisions within the jurisdiction of such committee do not modify the purpose of an appropriation provided by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(4) ensure that any appropriations for a purpose provided by provisions within the jurisdiction of such committee are not available for obligation until all appropriations made available for that purpose by the bipartisan Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the Families First Coronavirus Response Act (Public Law 116-127), the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139), and divisions M and N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) have been obligated; and

(5) ensure that the period of availability of any appropriation provided by a provision within the jurisdiction of such committee is not later than the earlier of the termination of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the coronavirus disease 2019, and September 30, 2021.

Mr. HAGERTY. Mr. President, I am pleased to be joined by a host of my colleagues. The motions we are proposing are very simple and should attract wide support.

Senators on both sides have said this must be a bipartisan process, but so far, it isn't. Not once did any of the 11 Senate subcommittees with jurisdiction over relevant aspects of this legislation meet to consider it—not once. What is the purpose of the Senate's system of expert committees if, as we consider one of the largest bills ever before this body, we are just going to act as if the committees never existed?

We are for pandemic relief. What we are not for is a decade-long spending spree, rushed through this body, much of which has nothing to do with pandemic relief. Our motions would simply

send this legislation back to committee for 3 days so it can be reviewed in a bipartisan manner. These motions would ensure that the legislation supports proven bipartisan programs before launching new programs or spending more money on programs that are already flush with cash. By midweek, we would have bipartisan legislation with committee input that is targeted to timely pandemic relief for those in need.

I urge my colleagues to support these motions.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I rise in strong opposition to this amendment. There are some people here who do not understand the crises facing the American people. Sixty-three percent of our people today are living paycheck to paycheck. Every day that we do not vaccinate somebody, there is somebody unnecessarily dying. Our kids are not in school. We are suffering a mental health epidemic.

This country is demanding that Congress act now and stand up for the working families of this country. People are tired of obstructionism. They are tired of delays. They want action. Let's do it.

I yield.

#### VOTE ON MOTIONS TO COMMIT

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motions en bloc.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 98 Leg.]

#### YEAS—49

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

#### NAYS—50

Baldwin	Carper	Gillibrand
Bennet	Casey	Hassan
Blumenthal	Coons	Heinrich
Booker	Cortez Masto	Hickenlooper
Brown	Duckworth	Hirono
Cantwell	Durbin	Kaine
Cardin	Feinstein	Kelly

King	Ossoff	Smith
Klobuchar	Padilla	Stabenow
Leahy	Peters	Tester
Lujan	Reed	Van Hollen
Manchin	Rosen	Warner
Markley	Sanders	Warnock
Menendez	Schatz	Warren
Merkley	Schumer	Whitehouse
Murphy	Shaheen	Wyden
Murray	Sinema	

#### NOT VOTING—1

Sullivan

The motions were rejected en bloc.  
The PRESIDING OFFICER. The Senator from Louisiana.

#### MOTION TO COMMIT WITH INSTRUCTIONS

Mr. KENNEDY. Mr. President, I have a motion to commit at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. KENNEDY] moves to commit the bill, H.R. 1319, to the Committee on Small Business and Entrepreneurship of the Senate with instructions.

The motion is as follows:

#### MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Kennedy moves to commit the bill H.R. 1319 to the Committee on Small Business and Entrepreneurship of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) prohibit the provision of assistance by the Small Business Administration to an individual convicted of a felony for actions during or in connection with a riot or civil disorder that occurred—

(A) during the 15-year period preceding the date of enactment of this Act; or

(B) on or after the date of enactment of this Act.

Mr. KENNEDY. Mr. President, I ask unanimous consent for 2 minutes of debate equally divided.

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

Mr. KENNEDY. Mr. President, my amendment would prohibit the Small Business Administration from providing any assistance including, but not limited to, Paycheck Protection Program 7(a) loans or other small business assistance to anyone who has been convicted during the past 15 years of a felony during and in connection with a riot, a civil disorder, or another declared disaster. Without order, there can be no justice.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I oppose this motion to recommit. This moves us in the wrong direction.

We have had bipartisan support recognizing that those who have been convicted of crime, once they paid their price, should be able to participate in our society.

The motion to recommit would suggest that someone who may have participated in a rally while they were in college 15 years ago and has a perfectly clear record could be prevented from participating in the SBA programs. That is moving in the wrong direction. I hope we would have strong rejection of this amendment.

Mr. President, I want to correct the record or at least clarify the record for Senator LANKFORD. He raised the point in regard to administrative funds being made available to the SBA. There was a small amount, \$70 million, put into the program. That is additional funds.

The EIDL loan program is \$200 billion worth of loans, so it is a much larger program, and that was just some additional funds that were being put into the program.

The PRESIDING OFFICER. The Senator from Louisiana.

The Senator has 6 seconds.

Mr. KENNEDY. Mr. President, it is a felony for rioting. We shouldn't be giving them money.

The PRESIDING OFFICER. All time has expired.

#### VOTE ON MOTION TO COMMIT

The question is on agreeing to the motion.

Mrs. FISCHER. 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 legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alaska (Mr. SULLIVAN) and the Senator from Indiana (Mr. YOUNG).

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

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 99 Leg.]

#### YEAS—48

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

#### 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	Markley	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—2

Sullivan

Young

The motion was rejected.

The PRESIDING OFFICER. The Senator from Florida.

#### MOTION TO COMMIT WITH INSTRUCTIONS

Mr. SCOTT of Florida. Mr. President, I have a motion to commit at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Florida [Mr. SCOTT] moves to commit the bill H.R. 1319 to the Committee on Homeland Security and Governmental Affairs of the Senate with instructions.

The motion is as follows:

# MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Scott of Florida moves to recommit the bill H.R. 1319 to the Committee on Homeland Security and Governmental Affairs of the Senate with instructions to report the same back to the Senate in 3 days (not counting any day on which the Senate is not in session) with an amendment, within the jurisdiction of such committee, that withholds the salaries of all Members of Congress during any fiscal year if all 12 appropriations bills for a fiscal year are not passed by Congress on or before September 30 of the prior fiscal year.

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that there be 2 minutes of debate equally divided.

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

Mr. SCOTT of Florida. Mr. President, as we can tell, this week, Washington is completely dysfunctional, and the unwillingness to work together has caused multiple government shutdowns. If Members of Congress cannot work together to pass a budget, they should not be getting paid. It is pretty simple. If we can't do our jobs, we shouldn't get taxpayer-funded salaries.

My no budget, no pay amendment simply requires Congress to meet appropriations bills deadlines or forgo their own salaries until the job is done. This is a simple concept. There is no reason that Members of Congress should be held to a different standard than American families and businesses across the Nation. Accountability shouldn't be controversial. I hope my colleagues will join me in this motion.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, my colleague from Florida may not know it, but this is a budget, a \$1.9 trillion reconciliation budget, which, in fact, will turn out to be the most significant piece of legislation for working people that has been passed in decades. Finally, Congress is doing its job. Unfortunately, my friends on the other side have used delaying tactics, after delaying tactics, and obstruction, obstruction, obstruction.

The American people want action. They want action now. I urge my colleagues to oppose this motion.

# VOTE ON MOTION TO COMMIT

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

Mr. SCOTT of Florida. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is 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 Alaska (Mr. SULLIVAN).

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 100 Leg.]

# YEAS—48

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

# NAYS—51

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

# NOT VOTING—1

Sullivan

The motion was rejected.

The PRESIDING OFFICER. The Senator from Utah.

# AMENDMENT NO. 1381 TO AMENDMENT NO. 891

(Purpose: To modify the provisions relating to the child tax credit and to strike the provisions relating to dependent care assistance)

Mr. LEE. Mr. President, I call up my amendment No. 1381 and ask that it be reported by number.

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

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE], for himself and Mr. RUBIO, proposes an amendment numbered 1381 to amendment No. 891.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LEE. Mr. President, I ask unanimous consent for 2 minutes of debate equally divided.

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

Mr. LEE. Mr. President, there is a little known feature in our Tax Code created by the Tax Code and the way it interacts with our senior entitlement programs. It is called the parent tax penalty. It is very misunderstood, little known, but very, very harmful.

Sadly, the changes made to the child tax credit in the reconciliation package are not the right way forward. They don't directly attempt to fix the parent penalty. In addition to this problem, the substitute changes to the child and dependent care tax credit would make the penalty on stay-at-home parents in our Tax Code nearly seven times worse.

My amendment with Senator RUBIO would ensure that the child tax credit is targeted to refunding Americans their income and payroll taxes and turning the child and dependent care tax credit, which discriminates against stay-at-home parents, into a young child enhancement to provide some additional help to parents during those critical first 2 years.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise in opposition to this amendment.

Colleagues, the underlying bill has significant improvements in the child tax credit. All told, the bill cuts child poverty in half. But this amendment would set us back. True, it expands the child credit in some ways, but to pay for these expansions, it dramatically cuts back on what is known as refundability.

Here is the problem, colleagues: Refundability is what helps the families at the lower end of the income scale. So to expand the child tax credit in several ways, the Lee amendment reduces benefits to the working families who need them most.

I want to close by way of saying that I will be glad to work with my colleague from Utah and the Senator from Florida. I would also note that the other Senator from Utah has been interested in these issues.

This amendment sets us back because it reduces benefits to working families who need them most.

I yield back.

# VOTE ON AMENDMENT NO. 1381

Mr. LEE. Mr. President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 101 Leg.]

# YEAS—49

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

# NAYS—50

Baldwin	Cardin	Durbin
Bennet	Carper	Feinstein
Blumenthal	Casey	Gillibrand
Booker	Coons	Hassan
Brown	Cortez Masto	Heinrich
Cantwell	Duckworth	Hickenlooper

Hirono	Murphy	Sinema
Kaine	Murray	Smith
Kelly	Ossoff	Stabenow
King	Padilla	Tester
Klobuchar	Peters	Van Hollen
Leahy	Reed	Warner
Lujan	Rosen	Warnock
Manchin	Sanders	Warren
Markey	Schatz	Whitehouse
Menendez	Schumer	Wyden
Merkley	Shaheen	

## NOT VOTING—1

Sullivan

The amendment (No. 1381) was rejected.

The PRESIDING OFFICER. The Senator from Texas.

## MOTION TO COMMIT WITH INSTRUCTIONS

Mr. CORNYN. Mr. President, I have a motion to commit at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] moves to commit the bill, H.R. 1319, to the Committee on Health, Education, Labor, and Pensions of the Senate with instructions.

The motion to commit reads as follows:

## MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Cornyn moves to commit the bill H.R. 1319 to the Committee on Health, Education, Labor, and Pensions of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee;

(2) strike all of the funding under section 2022 of the National Endowment for the Humanities; and

(3) provide funding to the Office of Refugee Resettlement of the Department of Health and Human Services for—

(A) mitigation of coronavirus transmission risk in immigration detention facilities;

(B) adequate bed space to allow unaccompanied alien children—

(i) to remain in safe and humane custody until their immigration court hearings; and

(ii) to be separated from aliens suspected of, charged with, or convicted of criminal offenses.

Mr. CORNYN. Mr. President, I ask unanimous consent for 2 minutes of debate equally divided.

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

Mr. CORNYN. Mr. President, the United States is facing a brewing humanitarian crisis at the border. At the same time, we are experiencing a global pandemic. This motion will help make sure we are prepared.

In January 2021, the Border Patrol recorded about 75,000 encounters on the southwest land border. That is a 60-percent increase over the last year, which was just before the last major migrant surge.

The Department of Homeland Security is reportedly projecting that it will apprehend 117,000 unaccompanied children this year. The Department of Health and Human Services and the Office of Refugee Resettlement are struggling to maintain enough bed space to shelter all of these unaccompanied children transferred into their custody.

It is estimated the COVID-19 restrictions have reduced their capacity by about 40 percent.

The Biden administration has reactivated a facility at Carrizo Springs, TX, to handle this influx of unaccompanied children, and press reports indicate that an additional facility may be necessary.

So this motion, simply put, would commit the bill to the Committee on Health, Education, Labor, and Pensions with instructions to provide adequate funding for the Office of Refugee Resettlement to address this brewing humanitarian crisis.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Let's be clear. This is a delay tactic intended to stop what we are doing here to send the bill to the HELP Committee. It would instruct the HELP Committee to remove \$135 million in critical funding that will help support humanities and cultural organizations weather the worst of this pandemic.

Mr. President, the pandemic has devastated our arts and cultural organizations. Our Nation's museums, indigenous cultural organizations, and local education nonprofits are facing significant losses in revenue, in layoffs, in furloughs. Our cultural organizations in rural and urban and suburban areas need these resources to continue to serve our communities.

The UAC Program at the Department of Health and Human Services is critical for ensuring the health and welfare of unaccompanied children. We absolutely do need to take steps to support this program to ensure the well-being of children in ORR care. But this amendment is merely a delay tactic to address the critical issues at hand related to the COVID-19 crisis. I urge my colleagues to oppose the motion.

## VOTE ON MOTION TO COMMIT

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

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

The yeas and nays have been ordered.

Is there a sufficient second?

There is 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 Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 102 Leg.]

## YEAS—49

Barrasso	Cotton	Hawley
Blackburn	Cramer	Hoeven
Blunt	Crapo	Hyde-Smith
Boozman	Cruz	Inhofe
Braun	Daines	Johnson
Burr	Ernst	Kennedy
Capito	Fischer	Lankford
Cassidy	Graham	Lee
Collins	Grassley	Lummis
Cornyn	Hagerty	Marshall

McConnell	Rounds	Tillis
Moran	Rubio	Toomey
Murkowski	Sasse	Tuberville
Paul	Scott (FL)	Wicker
Portman	Scott (SC)	Young
Risch	Shelby	
Romney	Thune	

## 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—1

Sullivan

The motion was rejected.

The PRESIDING OFFICER. The Senator from Louisiana.

## AMENDMENT NO. 1162 TO AMENDMENT NO. 891

Mr. CASSIDY. Mr. President, I call up my amendment No. 1162 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from Louisiana [Mr. CASSIDY], for himself and Mr. COTTON, proposes an amendment numbered 1162 to amendment No. 891.

The amendment is as follows:

(Purpose: To ensure that the 2021 Recovery Rebates are not provided to prisoners)

On page 356, between lines 19 and 20, insert the following:

“(j) SPECIAL RULES WITH RESPECT TO PRISONERS.—

“(1) DISALLOWANCE OF CREDIT.—

“(A) IN GENERAL.—Subject to subparagraph (B), no credit shall be allowed under subsection (a) to an eligible individual who is, for each day during calendar year 2021, described in clause (i), (ii), (iii), (iv), or (v) of section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)).

“(B) JOINT RETURN.—In the case of eligible individuals filing a joint return where 1 spouse is described in subparagraph (A), subsection (b)(1) shall be applied by substituting ‘\$1,400’ for ‘\$2,800’.

“(2) DENIAL OF ADVANCE REFUND OR CREDIT.—No refund or credit shall be made or allowed under subsection (g) with respect to any individual whom the Secretary has knowledge is, at the time of any determination made pursuant to paragraph (3) of such subsection, described in clause (i), (ii), (iii), (iv), or (v) of section 202(x)(1)(A) of the Social Security Act.”.

Mr. CASSIDY. I ask unanimous consent for 2 minutes of debate equally divided.

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

Mr. CASSIDY. Mr. President, I rise on behalf of myself and Senators COTTON and CRUZ. Our amendment prevents \$1,400 stimulus checks from going to inmates.

You heard that right. This bill sends \$1,400 stimulus checks to people incarcerated for heinous crimes. Prisoners

have all their living and medical expenses paid for by the taxpayer. They don't pay taxes. They don't contribute to the tax base. They can't be unemployed. In other words, inmates are not economically impacted by COVID, and inmates cannot stimulate the economy. But under this bill, Democrats are giving prisoners—again, sometimes incarcerated for heinous crimes—a \$1,400 stimulus check. If we eliminate these, we save taxpayers \$1.9 billion.

Now, I know my Democratic colleagues aren't going to agree, but this spending should be on real needs. Stimulus checks for inmates are nontargeted, inappropriate, and is a total waste of money. I ask my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this amendment will cause harm to the families of incarcerated individuals, joint filers who would receive only half of the payment that the families are owed while the spouse is incarcerated. Given the stark racial disparities in our criminal justice system, this would cause the most harm to Black and Brown families and communities already harmed by mass incarceration. Children should not be forced to go hungry because a parent is incarcerated. Relief payments would allow families to replace lost income and pay rent and put food on the table.

The Cassidy amendment sweeps broadly, denying recovery of rebates not only to incarcerated individuals but also to anyone violating a condition of probation on parole, but the Social Security statute that Senator CASSIDY's amendment copies from has a safety valve giving discretion to allow payments to persons because of mitigating circumstances. His amendment does not.

I would urge my colleagues to understand what we are facing with our criminal justice system today. We need to bring more justice to it and caring for the families of those who are incarcerated.

Mr. CASSIDY. I will reply, it only applies to people incarcerated for a year. That is not true.

VOTE ON AMENDMENT NO. 1162

I call for the yeas and nays.

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

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

The PRESIDING OFFICER. Are there any other Senators wishing to vote or change his or her vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—49

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Murkowski	
Fischer	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—1

Sullivan

The amendment (No. 1162) was rejected.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 968 TO AMENDMENT NO. 891

Mr. CRUZ. Mr. President, I call up my amendment No. 968 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report by number.

The senior assistant legislative clerk read as follows:

The Senator from Texas [Mr. CRUZ] proposes an amendment numbered 968 to amendment No. 891.

The amendment is as follows:

(Purpose: To ensure that the 2021 Recovery Rebates are not provided to illegal immigrants)

On [page 345, strike lines 12 through 16] and insert the following:

“(2) any alien who is not lawfully present (as such term is used in section 36B(e)(1)).

“(3) any individual who is a dependent of another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

“(4) an estate or trust.”.

Mr. CRUZ. Mr. President, I ask unanimous consent for 2 minutes of debate equally divided.

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

Mr. CRUZ. Mr. President, moments ago, the Democrats in this Chamber just voted to send \$1,400 stimulus checks to murderers, to rapists, and child molesters incarcerated in prison. This amendment, just like the one we just voted on that Senator CASSIDY and I introduced, this amendment before us today provides that the stimulus check should not go to illegal aliens in this country.

The question for the American people to answer is, Should your money,

should taxpayer money be sent—\$1,400—to every illegal alien in America? This amendment provides that it should not; that stimulus checks should only go to American citizens or to people lawfully present.

Now, Democrats may say their language allows for that, but they know that the IRS treats someone who is illegally present in the United States for 31 days last year as a resident alien. So this corrects that and ensures that illegal aliens are not eligible for taxpayer-funded stimulus checks.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the statement of the Senator from Texas is just plain false—false. Let me be clear. Undocumented immigrants do not have Social Security numbers, and they do not qualify for stimulus relief checks, period.

And just in case you didn't notice, they didn't qualify in December when 92 of us voted for that measure, and they don't qualify under the American Rescue Plan. Nothing has changed.

And for you to stand up there and say the opposite is just to rile people up over something that is not true.

Mr. CRUZ. Will the Senator yield for a question?

Mr. SCHUMER. No.

Mr. DURBIN. No. It is not true, and we know what is going on right now. They want to be able to give speeches and say the checks go to undocumented people. In the circumstance where there is a parent receiving—

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

Mr. DURBIN.—a check for the child, that is it; but no money going to undocumented people under the American Rescue Plan.

Mr. CRUZ. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The time has expired.

VOTE ON AMENDMENT NO. 968

The question is on agreeing to the amendment.

Mr. CRUZ. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—49

Barrasso	Cassidy	Daines
Blackburn	Collins	Ernst
Blunt	Cornyn	Fischer
Boozman	Cotton	Graham
Braun	Cramer	Grassley
Burr	Crapo	Hagerty
Capito	Cruz	Hawley

Hoeven	Moran	Scott (SC)	Shaheen	Tester	Warren
Hyde-Smith	Murkowski	Shelby	Sinema	Van Hollen	Whitehouse
Inhofe	Paul	Thune	Smith	Warner	Wyden
Johnson	Portman	Tillis	Stabenow	Warnock	
Kennedy	Risch	Toomey			
Lankford	Romney	Tuberville			
Lee	Rounds	Wicker			
Lummis	Rubio	Young			
Marshall	Sasse				
McConnell	Scott (FL)				

NOT VOTING—1

Sullivan

The amendment (No. 968) was rejected.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 1331 TO AMENDMENT NO. 891

Mr. LEE. Mr. President, I call up my amendment No. 1331 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 1331 to amendment No. 891.

The amendment is as follows:

(Purpose: To limit the expansion of premium assistance for households above 500 percent of the federal poverty line)

Strike section 9661 and insert the following:

**SEC. 9661. IMPROVING AFFORDABILITY BY EXPANDING PREMIUM ASSISTANCE FOR CONSUMERS.**

(a) IN GENERAL.—Section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

“(iii) TEMPORARY PERCENTAGES FOR 2021 AND 2022.—In the case of a taxable year beginning in 2021 or 2022—

“(I) clause (ii) shall not apply for purposes of adjusting premium percentages under this subparagraph, and

“(II) the following table shall be applied in lieu of the table contained in clause (i):

	The initial premium percentage is—	The final premium percentage is—
Up to 150.0 percent .....	0.0	0.0
150.0 percent up to 200.0 percent .....	0.0	2.0
200.0 percent up to 250.0 percent .....	2.0	4.0
250.0 percent up to 300.0 percent .....	4.0	6.0
300.0 percent up to 400.0 percent .....	6.0	8.5
400.0 percent up to 500.0 percent .....	8.5	8.5”.

(b) CONFORMING AMENDMENT.—Section 36B(c)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) TEMPORARY RULE FOR 2021 AND 2022.—In the case of a taxable year beginning in 2021 or 2022, subparagraph (A) shall be applied by substituting ‘500 percent’ for ‘400 percent’.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

Mr. LEE. I ask unanimous consent for 2 minutes of debate, equally divided.

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

Mr. LEE. Welfare for the wealthy, that is what we have here. Expanding ObamaCare and its premium tax credit without limit would allow families making up to \$500,000 a year to access Federal subsidies for health insurance. My amendment would limit this expansion so that no individual or family making more than 500 percent of the Federal poverty line could receive them.

For a family of four, this cutoff would happen at around \$132,000 a year. Any expansion of the ObamaCare premium tax credit must be temporary and limited.

Look, regardless of how you feel about ObamaCare, regardless of how you feel about this expansion of it, I think we should all be able to agree that allowing those who are making hundreds of thousands of dollars a year to access this form of government assistance, even in a pandemic—perhaps especially in a pandemic—is inappropriate.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise in opposition.

Colleagues, this is what this amendment would do: It would deny premium assistance to many middle-class families, forcing them to pay more for healthcare—the last thing they need in the middle of a pandemic.

Now, in 2020, the average cost of health insurance was \$17,244 for a family of 4. That is a hefty bill to pay without assistance for most middle-income families, especially those who live in higher cost areas. ACA premium tax credits can mean the difference between affordable health insurance and doing without coverage.

I urge colleagues to oppose the Lee amendment.

VOTE ON AMENDMENT NO. 1331

Mr. LEE. I call 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 legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—49

Barrasso	Crapo	Johnson
Blackburn	Cruz	Kennedy
Blunt	Daines	Lankford
Boozman	Ernst	Lee
Braun	Fischer	Lummis
Burr	Graham	Marshall
Capito	Grassley	McConnell
Cassidy	Hagerty	Moran
Collins	Hawley	Murkowski
Cornyn	Hoeven	Paul
Cotton	Hyde-Smith	Portman
Cramer	Inhofe	Risch

Romney	Scott (SC)	Tuberville
Rounds	Shelby	Wicker
Rubio	Thune	Young
Sasse	Tillis	
Scott (FL)	Toomey	

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—1

Sullivan

The amendment (No. 1331) was rejected.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 902 TO AMENDMENT NO. 891

Mr. GRASSLEY. Mr. President, I call up my amendment No. 902 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 902 to amendment No. 891.

The amendment is as follows:

(Purpose: To provide funding for payments for losses of crops due to disasters)

In section 1001(b), strike paragraphs (3) and (4) and insert the following:

(3) to make grants and loans for small or midsized food processors or distributors, seafood processing facilities and processing vessels, farmers markets, producers, or other



organizations to respond to COVID-19, including for measures to protect workers against COVID-19;

(4) to make loans and grants and provide other assistance to maintain and improve food and agricultural supply chain resiliency; and

(5) to make payments for necessary expenses related to losses of crops (including losses due to high winds or derechos) in the same manner as under title I of the Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Public Law 116-20; 133 Stat. 871; 133 Stat. 1097; 133 Stat. 2659), for crop losses in crop year 2020.

Mr. GRASSLEY. I ask unanimous consent for 2 minutes, equally divided.

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

Mr. GRASSLEY. Mr. President, you folks on the other side of the aisle, the House Agriculture Committee voted out the bill that Senator WARNOCK successfully defended. That same House Agriculture Committee voted out a bipartisan bill that had the support of Congressman FEENSTRA of Iowa and Congresswoman AXNE of Iowa.

It got out of committee, and then you know what? The Rules Committee took it out of this bill that came over here. So I am asking for the reconsideration of that.

This amendment does this: It makes farmers in Iowa that were hit by the derecho wind—and that is a wind that you don't predict like you do a tornado, and it just crops up, 150 miles long and 30 miles wide. It destroyed 855,000 acres of corn, laid it flat. And if it was meteoric, you still couldn't harvest it. So most of it was plowed under.

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

Mr. GRASSLEY. My time is up already? I would like to have it considered, please.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, to my good friend—we work together on so many things in agriculture—let me first say we all saw the devastation caused by the storm across the Midwest last year. That is why we have a strong crop insurance program in our bipartisan farm bill that quickly responds when disasters strike.

Iowa producers have already received nearly \$600 million in crop insurance indemnities for damages in 2020. If crop insurance can't meet the need, the other opportunity is to consider something in appropriations.

It should not be here. I urge a “no” vote because it would take away, in this amendment, critical funds to repair our broken food supply chain; support our farmers, our food banks, our frontline workers, and our families in need.

We know the supply chain is broken. This provision is going to help fix that, and I would urge a “no” vote. Don't take money away from here, which is so critically needed for farmers and ranchers.

Thank you.

#### VOTE ON AMENDMENT NO. 902

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

Mr. GRASSLEY. I request a rollcall vote.

The PRESIDING OFFICER. The yeas and nays have been requested.

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 Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 106 Leg.]

#### YEAS—45

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

#### NAYS—54

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

#### NOT VOTING—1

Sullivan

The amendment (No. 902) was rejected.

The PRESIDING OFFICER. The Senator from Kansas.

#### AMENDMENT NO. 1154 TO AMENDMENT NO. 891

Mr. MORAN. Mr. President, I call up my amendment No. 1154 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Kansas [Mr. MORAN] proposes an amendment numbered 1154 to amendment No. 891.

The amendment is as follows:

(Purpose: To increase the availability of amounts for the Veterans Community Care program of the Department of Veterans Affairs)

On page 278, beginning on line 18, strike “not more” and all that follows through the

period on line 22 and insert the following: “not less than \$5,000,000,000 shall be available pursuant to section 1703 of title 38, United States Code, for health care furnished through the Veterans Community Care program in sections 1703(c)(1) and 1703(c)(5) of such title, and not less than \$1,250,000,000 shall be available for construction under chapter 81 of such title.”

Mr. MORAN. Mr. President, I ask unanimous consent for 2 minutes of debate equally divided.

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

Mr. MORAN. Mr. President, amendment No. 1154 is on community care funding within the Department of Veterans Affairs. The VA has estimated that it needs \$13.4 billion for medical care. This bill provides \$14.4 billion in care, but it currently limits how much money can be spent within that care for community care. So we generally have all the care within the VA, but sometimes people are referred out to the community, sometimes there is telehealth, and sometimes the care actually occurs in a VA facility.

This would eliminate that cap of \$4.4 billion and replace it with spending up to \$5 billion on community care, the amount that it is expected the VA will need. Again, this amendment removes this arbitrary funding barrier, and it also includes additional dollars for maintenance at our VA medical centers.

I retain the balance of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I rise, and unfortunately I have to speak against this amendment from my good friend JERRY MORAN. But here is the deal. If you talk to the veterans, they like VA care, but there are some cases where community care is very, very important for them to have, either for personal reasons or maybe it is because it is closer to where they live. So community care is also very, very important.

Here is the problem I have with Ranking Member MORAN's amendment. This bill sets it at a cap of \$4 billion. OK. They go over that, they have to come to us and ask for permission to go over that. Under this amendment, they can spend any amount on care, up to \$5 billion and even more if they so choose, without our permission. I want JERRY MORAN and myself and others to be able to say: Hey, what are you spending that money on? Is it really being spent to the best advantage? By the way, that is not only for community care; that is for VA care too. So I would like to leave that as a cap instead of a floor. That is why I oppose this amendment.

Mr. MORAN. Mr. President, the MIS- SION Act allows for the veteran and the VA to make the decision where the care should occur.

#### VOTE ON AMENDMENT NO. 1154

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

Mr. MORAN. 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 legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 107 Leg.]

#### YEAS—49

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Murkowski	
Fischer	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	Markley	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—1

Sullivan

The amendment (No. 1154) was rejected.

The PRESIDING OFFICER. The Senator from Alaska.

#### AMENDMENT NO. 1233

Ms. MURKOWSKI. Mr. President, I call up amendment No. 1233 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself and Mr. PORTMAN, proposes an amendment numbered 1233 to amendment No. 891.

The amendment is as follows:

(Purpose: To use \$800,000,000 of the Elementary and Secondary School Emergency Relief Fund to identify and provide homeless children and youth with wrap-around services in light of the challenges of COVID-19 and other assistance)

In section 2001(b), strike “shall make grants” and insert the following: “shall—

(1) use \$800,000,000 for the purposes of identifying homeless children and youth and providing homeless children and youth with—

(A) wrap-around services in light of the challenges of COVID-19; and

(B) assistance needed to enable homeless children and youth to attend school and participate fully in school activities; and

(2) from the remaining amounts, make grants

Ms. MURKOWSKI. I ask unanimous consent for 2 minutes of debate equally divided.

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

Ms. MURKOWSKI. Mr. President, this is the amendment we are waiting for. This is a bipartisan amendment. This is so bipartisan that we have already agreed to a voice vote, so listen carefully. Yes, thank you for that.

Prepandemic, our public schools had identified about 1.5 million kids who experience homelessness. That is 2.7 percent of all public school students. So think about what that means. That was prepandemic. We know that number is higher now.

Our amendment is pretty simple here. We reallocate less than 1 percent of the funding for the Elementary and Secondary School Emergency Relief Fund to ensure that homeless youth and kids have the resources they need to get into and succeed in school.

In Alaska and around the country, the COVID-19 pandemic and economic downturn have increased the strain on our families and the need for services. Too many of the kids have left their homes, been pushed out of their homes, sometimes many of them to escape a dangerous situation. They are dealing with the challenges of virtual learning. These kids are worrying about where to sleep at night, how they are going to eat dinner, if they are going to be safe.

This amendment ensures that these kids, no matter the trauma and the challenges they face outside of the classroom, will have a safe place to sleep and access to the wraparound services that they need. We have a responsibility to ensure that this vulnerable population, many of whom will be subject to predation, violence, or trafficking, is not forgotten or left behind.

I would like to yield to my friend and my colleague Senator MANCHIN.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I also proudly rise with my colleague on this piece of legislation.

There is not one of us in this room who doesn't have rising homelessness for our children in your State, not one of us. We are all experiencing that right now. We are 10,000 in the State of West Virginia alone.

These are children—basically, if you look at it, it is estimated that there are one in four homeless children. That is about 420,000 kids who are potentially unidentified and not even connected with a school system, not even connected. They are couch surfing. It is horrible what is going on.

I am so proud. This is such a bipartisan piece of legislation. Less than 1 percent, \$800 million, is all we asked for to use for this, and everyone supported it. Thank you very much. I appreciate it.

#### VOTE ON AMENDMENT NO. 1233

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

The amendment (No. 1233) was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

#### MOTION TO COMMIT WITH INSTRUCTIONS

Mr. DAINES. Mr. President, I have a motion to commit at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Montana [Mr. DAINES] moves to commit the bill H.R. 1319 to the Committee on Foreign Relations with instructions.

The motion is as follows:

#### MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Daines moves to commit the bill H.R. 1319 to the Committee on Foreign Relations with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would support American jobs and energy security by directing a portion of the funds appropriated for Department of State Operations to be used to review and approve international cross border permits pursuant to Executive Order 13337 (69 Fed. Reg. 25299 (May 5, 2004)), including the Keystone XL pipeline.

Mr. DAINES. Mr. President, this motion to commit will send this bill back to the Foreign Relations Committee to include authorization of the Keystone XL Pipeline in the final bill. In fact, as we saw earlier this morning, the Keystone XL Pipeline has bipartisan support.

Here is the difference. This morning's amendment vote was a 60-vote threshold. This is a simple majority. This is good for union jobs. It is great for our rural communities. It reduces emissions.

It is time to get this done. I urge my colleagues on both sides of the aisle to support this motion.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, colleagues, this amendment is meant for one purpose and one purpose only and that is to kill the American Rescue Plan, to kill all the work that has brought us to this moment, to kill the \$1,400 checks to American families that will help them stay in their homes and put food on the table, to kill the extended unemployment checks that millions are depending upon us not to let lapse next week, to kill the ability to put more vaccine in the arms of our families, to kill the desperate aid that small businesses need to stay alive, to kill the chance to lift 50 percent of all of those children in poverty into the sunlit plains of opportunity.

The Senate has already expressed itself today on Keystone. The committee rule could not accommodate this referral in the timeframe offered. Enough is enough. It is time to defeat this amendment and pass the American Rescue Plan.

I urge my colleagues to vote against it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. The only thing that has been killed is the Keystone XL Pipeline by President Biden. This resurrects the Keystone XL Pipeline.

The union jobs are needed. The rural communities need these tax revenues for their schools. This is what we want to do. We had bipartisan support for that this morning. Let's do it again. I urge passage of this motion to commit.

#### VOTE ON MOTION TO COMMIT

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

Mr. BARRASSO. 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 proceeded to call the roll.

Mr. THUNE. The following Senator is necessarily absent: The Senator from Alaska (Mr. SULLIVAN).

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 108 Leg.]

#### YEAS—49

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Murkowski	
Fischer	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—1

Sullivan

The motion was rejected.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 1391 TO AMENDMENT NO. 891

Mr. WARNER. Mr. President, I call up amendment No. 1391 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. RUBIO, propose an amendment numbered 1391 to amendment No. 891.

The amendment is as follows:

(Purpose: To extend the authority for Federal contractors to reimburse employees unable to perform work due to the COVID-19 pandemic from March 31, 2021, to September 30, 2021)

At the end of title IV, add the following:

#### SEC. 4015. EXTENSION OF REIMBURSEMENT AUTHORITY FOR FEDERAL CONTRACTORS.

Section 3610 of the CARES Act (Public Law 116-136; 134 Stat. 414) is amended by striking "September 30, 2020" and inserting "September 30, 2021".

Mr. WARNER. I ask unanimous consent that there be 2 minutes equally divided.

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

Mr. WARNER. My colleagues, I think this may be the last amendment. It is broadly bipartisan. This amendment simply continues provisions that were included in the earlier COVID relief packages.

It was called section 3610, and it ensures that our classified government contracting workforce—a workforce that oftentimes takes many years to receive top-level security clearance—continues to be compensated through the balance of the fiscal year. Failure to do this would lose this workforce to private sector and other competitors and seriously put our national security at risk.

I point out this is an independent bill of this nature that cleared unanimously earlier this week on this side of the aisle.

I yield the balance of my time to Senator RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. This is important to the intelligence community. I ask that no one be a fly in the ointment here.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, this amendment is an insult to every cashier at Walmart or bagger at Kroger who comes to work every day in person. This amendment is an insult to every meatpacker or waiter or waitress who comes to work every day in person.

Supporters of this amendment care more about government contractors making \$100,000 a year than they do about the people who serve your food. If food servers and grocery store clerks can go to work in person, I think government contractors can, too.

I urge a "no" vote.

#### VOTE ON AMENDMENT NO. 1391

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 109 Leg.]

#### YEAS—93

Baldwin	Graham	Peters
Barrasso	Grassley	Portman
Bennet	Hagerty	Reed
Blackburn	Hassan	Risch
Blumenthal	Hawley	Romney
Blunt	Heinrich	Rosen
Booker	Hickenlooper	Rounds
Boozman	Hirono	Rubio
Brown	Hoeven	Sanders
Burr	Hyde-Smith	Sasse
Cantwell	Inhofe	Schatz
Capito	Kaine	Schumer
Cardin	Kelly	Scott (FL)
Carper	Kennedy	Scott (SC)
Casey	King	Shaheen
Cassidy	Klobuchar	Shelby
Collins	Lankford	Sinema
Coons	Leahy	Smith
Cornyn	Lujan	Stabenow
Cortez Masto	Manchin	Tester
Cotton	Markey	Thune
Cramer	Marshall	Tillis
Crapo	McConnell	Toomey
Cruz	Menendez	Van Hollen
Daines	Merkley	Warner
Duckworth	Moran	Warnock
Durbin	Murkowski	Warren
Ernst	Murphy	Whitehouse
Feinstein	Murray	Wicker
Fischer	Ossoff	Wyden
Gillibrand	Padilla	Young

#### NAYS—6

Braun	Lee	Paul
Johnson	Lummis	Tuberville

#### NOT VOTING—1

Sullivan

The amendment (No. 1391) was agreed to.

#### PRAYER

The PRESIDENT pro tempore. Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate having been in continuous session since yesterday, the Senate will suspend for a prayer from the Senate Chaplain.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who guides us through life's marathons, we praise Your powerful Name. Have compassion on us and answer our prayers. Lord, You control our destiny. You have promised to do for us all that You have planned.

May our lawmakers confidently face the future, believing that their times are in Your hand. Guided by Your loving providence, may our Senators refuse to depart from the path on which You have placed them. Grant that Your blessings will rest on Your people now and always.

We pray in Your great Name. Amen.

The PRESIDENT pro tempore. The majority leader.

AMENDMENT NO. 1398 TO AMENDMENT NO. 891

(Purpose: To improve the bill)

Mr. SCHUMER. Mr. President, I am pleased that we have finally come to this point. This amendment makes a series of conforming and technical changes. It strikes provisions that the

Parliamentarian advised were extraneous. It makes a series of perfecting changes on behalf of reconciled committees while preserving the will that the Senate has worked over this long day.

I call up my amendment No. 1398 and ask that it be reported by number.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], proposes an amendment numbered 1398 to amendment No. 891.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SCHUMER. Mr. President, I ask unanimous consent for 2 minutes of debate, equally divided.

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

The Senator from Ohio.

Mr. PORTMAN. Mr. President, this amendment comes after about 24 hours of discussion here as a surprise because we are just looking at it for the first time.

But there are two things that are very disturbing about it. One is it completely distorts workers' compensation for Federal employees, which has substantially increased costs to taxpayers, of course. It also sets a terrible precedent in terms of how workers' comp works.

Workers' comp, of course, is for people who are injured on the job, and you have to show you have been injured on the job. That is how it works. It is a basic principle for workers' comp.

In this case, this amendment changes the rules to require compensation for COVID-19 lost wages no matter how risky the Federal employees' behavior might have been outside of the workplace. In other words, no questions asked. If you are a Federal worker and you get COVID-19, you get this.

That is not the way workers' comp works. So this is a big change in workforce policy and establishes, again, a dangerous new precedent in workers' comp policy, generally.

It also creates a wrong incentive—think about it—for the employee and for the employer. So we oppose this.

For Federal workers, the statute is very explicit. It says: Federal workers' compensation "for the disability or death . . . resulting from personal injury sustained while in the performance of . . . duty."

Second—I ask unanimous consent for an additional 30 seconds.

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

Mr. PORTMAN. Second, we are just finding out there is another \$10 billion added through this amendment to State and local governments. I don't know if everybody was listening when Senator ROMNEY gave his explanation during his amendment of what is happening with regard to our States, but a lot of our States don't need the money. Some do and some don't. And there is no requirements here that if you have got a surplus or if you otherwise don't

have COVID-19 expenses that you don't get the money, and yet we are adding another \$10 billion to that pot through this one amendment. So, of course, we object to this amendment, and there may be other stuff in there too. I hope everybody gets a chance to look at it because we have not had a chance to do so yet.

But I hope we do not create the wrong incentives. I hope we do not create this situation where we are substantially increasing costs to the taxpayer through changes in workers' comp and adding another \$10 billion to a category where it has been shown, in many cases, not to be needed.

The PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Vermont.

Mr. SANDERS. Mr. President, I rise in support of the technical amendment and in very strong support of the overall bill, the American Rescue Plan.

Let's be clear. This bill that we are completing now is the most significant piece of legislation that benefits working people in the modern history of this country. Not only are we going to go forward to crush this pandemic, to rebuild our economy, and to get our kids back to school safely, we are going to do something even more important. We are going to help restore faith in the U.S. Government among the people of our country. The people are hurting, and today we responded.

The PRESIDENT pro tempore. All time has expired.

The question is on agreeing to the amendment.

The amendment (No. 1398) was agreed to.

VOTE ON AMENDMENT NO. 891, AS AMENDED

The PRESIDENT pro tempore. The question is on agreeing to amendment No. 891, as amended.

The amendment (No. 891), as amended, was agreed to.

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

The bill was read the third time.

Ms. STABENOW. Mr. President, I rise today in support of provisions in this bill that support socially disadvantaged farmers and ranchers.

One-fifth of all rural Americans—10.5 million people—are people of color. For Black, Native American, Hispanic and Latinx, and Asian American farm families, their experience in the agricultural economy is markedly different than their White counterparts. This has been particularly true when it comes to the interactions between farmers of color and the U.S. Department of Agriculture. This history of longstanding systemic discrimination against farmers of color is well documented. Congress has long recognized this discrimination against farmers of color by USDA and, through various mechanisms, has sought to remedy and alleviate systemic barriers that prevented socially disadvantaged farmers and ranchers from fully participating in the American farm economy. How-

ever, those efforts have fallen short, and Congress is now providing additional assistance.

Various factors have contributed to the historic loss of farmland owned and operated by farmers of color. According to the Economic Research Service, a century ago, Black farmers owned more than 15 million acres of agricultural land and operated almost 1 million farms. A century later, data from the 2017 Census of Agriculture indicated that Black farmers own fewer than 2.9 million acres, less than a fifth of what they owned in 1920. A Tufts University analysis estimated the value of that lost farmland at more than \$120 billion in lost opportunities. According to a 2019 article in the Atlantic, "The Great Land Robbery," in the recovery from the Great Depression, the New Deal Farm Security Administration at the U.S. Department of Agriculture denied loans to poor Black farmers that were available to their White neighbors.

In 1830, the Indian Removal Act formalized Native American removal as a federally sanctioned practice, removing tens of thousands of original inhabitants from their traditional lands within existing State borders to land west of the Mississippi River. The removal disrupted land ownership and tenure and reoriented traditional farm production techniques. The Homestead Act, enacted in 1862, allowed settlers to claim 160 acres of surveyed government land. Records in the National Archive show that land had been inhabited by Native Americans, but Native Americans were not eligible to participate in the program.

The California Alien Land Laws of 1913 and 1920 denied Asian immigrants the opportunity to purchase farmland or enter into long-term lease contracts until a 1952 court decision held the law to be unconstitutional. During World War II, tens of thousands of first and second generation Japanese American families were forced off their farms and into internment camps. For perspective, an estimated half of Japanese Americans living in California at the time were involved in agriculture according to a February 12, 2021, article in "Civil Eats."

Hispanic farmers have faced a particularly difficult time with discrimination at the U.S. Department of Agriculture because demographic information about Hispanic farmers wasn't even collected separately by the Census of Agriculture until 1974. According to USDA, the Census of Agriculture started collecting demographic information about minority farmers in 1900 and published the first record of minority farmers in 1920 but neglected to include Hispanic farmers. This lack of historical documentation has resulted in many Hispanic farmers being left out of critical farm programs and has made it difficult to resolve issues of discrimination and civil rights. A 2001 article in the Natural Resources Journal entitled "Livestock Racism and Traditional

Culture in Northern New Mexico” noted additional struggles Hispanic farmers and ranchers have had with grazing issues and Federal land management, including USDA programs.

American institutions both public and private have thoroughly documented this discrimination. Numerous reports issued since the Civil Rights Era in the 1960s have shown a consistent pattern of discrimination, in particular by USDA, against Black, Indigenous, and other farmers of color. Much of the following history was laid out by House Agriculture Committee Chairman DAVID SCOTT during his floor statement in support of the American Rescue Plan provisions on February 26, 2021.

A 1965 report by the United States Commission on Civil Rights found that Federal, state, and local officials discriminated against Black farmers in agricultural programs and that this discrimination actively contributed to the decline in the Black ownership of farmland.

In 1968, a follow up report from the United States Commission on Civil Rights found that Black farmers continued to face discrimination when seeking farm loans and other forms of assistance.

In 1970, the United States Commission on Civil Rights again found that discrimination continued in USDA program administration. The 1970 report indicated that prior to 1968, no Black farmer had ever been elected to any former Agricultural Stabilization and Conservation Service committee at the county level in the South. In 1970, two out of more than 4,100 committee members in the South were Black farmers, even though there were 58 counties in the South, where Black farmers comprised a majority of the farm operator population. It is hard to view as coincidence then that half a million Black-owned farms in the U.S. failed between 1950 and 1975.

In 1982, the United States Commission on Civil Rights issued another report on the rapid decline of Black-operated farms. The report noted that between 1970 and 1980, the Black farm population declined 65 percent, compared to a 22 percent decline in the white farm population. The report also documented numerous discrimination complaints filed against USDA field offices regarding the administration of farm loan programs and noted that for many of these complaints, USDA’s Office of Equal Opportunity investigated and found equal opportunity violations at those field offices. The report concluded that racial discrimination was continuing within the USDA, at USDA headquarters, and in the network of field offices that implement USDA programs. Instead of responding to recommendations of the report, President Ronald Reagan and Agriculture Secretary John Block closed the Office in 1983, and it would remain closed for another 13 years until reopened under President Bill Clinton and Secretary Dan Glickman in 1996.

A 1995 U.S. Government Accountability Office (GAO) report found that socially disadvantaged producers were significantly underrepresented on the county and community committees of the former Agricultural Stabilization and Conservation Service. Specifically, the report found that while minority producers accounted for nearly 5 percent of the producers eligible to vote for committee members, minority producers only represented 2.1 percent of county committee members in the United States.

In 1997, the USDA formed a Civil Rights Action Team to hold nationwide listening sessions to hear from socially disadvantaged and minority farmers. A report published after the listening sessions documented Black, Hispanic, Asian-American, and American Indian farmers who told stories of USDA hurting minority farmers more than helping them. Minority farmers described how their discrimination complaints were caught in the backlog of appeals or if successfully appealed, were given findings of discrimination that were not enforced. The report acknowledged that discrimination in USDA program delivery continued to exist to a large degree unabated.

Also in 1997, the USDA Office of the Inspector General (OIG) issued a report to the USDA Secretary that noted “a climate of disorder within the civil rights staff at the Farm Service Agency.” It was difficult for the OIG to even determine the number and status of civil rights complaints at the agency and department because of that climate.

A 1998 OIG report noted the OIG had issued 44 recent recommendations to USDA to improve its civil rights complaints and improve relations with minority farmers and stated that several of those recommendations had yet to be implemented.

In 1998, the USDA National Commission on Small Farms further described and documented the longstanding discrimination of USDA towards socially disadvantaged producers. And, it observed that “discrimination has been a contributing factor in the decline of Black farmers over the last several decades.” The Commission’s report also notes the “history of under-allocation of resources to institutions that have served minority farmers,” the “disgraceful” “failure to elect minority farmers to positions on Farm Service Agency County Committees,” and more.

During the period between 1997 and 2000, Black farmers, Native American farmers, and Hispanic farmers filed lawsuits alleging USDA discriminated against them on the basis of race in processing their farm program applications and that USDA failed to investigate their complaints of discrimination.

In 2001, a report by the U.S. Commission on Civil Rights documented the continued discriminatory lending practices against minority farmers. The Commission found that Black farmers waited four times longer than white farmers for USDA farm loans. The Commission recommended that USDA resolve the backlog of civil rights complaints and document and alleviate discriminatory lending practices. However, USDA continued to struggle with resolving its backlog of civil rights complaints.

In a 2005 audit the OIG stated in a report, “it took 12 days longer to complete minority applications, delinquencies were higher for minority borrowers than non-minority borrowers, and minority borrowers were reluctant to enter into Farm Service Agency offices to apply for loans.”

In 2008, GAO reported that USDA’s difficulties in resolving discrimination complaints persisted and that the USDA had not achieved its goal of preventing future backlogs of discrimination complaints.

The 2010 Jackson Lewis report provided over 200 recommendations to USDA on civil rights issues, including recommendations related to civil rights issues in USDA’s farm lending program and minority farmer access to other USDA programs.

Recent studies and reports continue to document the challenges and barriers faced by farmers of color due to race or ethnic discrimination or the legacy of such discrimination. A September 20, 2017, study in the *Agriculture and Human Values* journal de-

scribed the challenges faced by Latinx farmers due to failure of agricultural agencies to engage in appropriate outreach or account for language barriers.

Most recently in 2019, a GAO report observed that despite specific preference, socially disadvantaged farmers and ranchers had proportionately fewer Farm Service Agency direct and guaranteed loans than non-socially disadvantaged farmers and ranchers. This report found that farmers and ranchers of color continued to face more difficulties in obtaining farm loans and highlighted the historic, systemic discrimination against such farmers.

The record of discriminatory conduct at USDA, as well as the library of studies and reports chronicling that discrimination is indeed long and details many of the barriers between farmers of color and the Department that prevent these farm families from accessing the same programs and experiencing the same success as their White counterparts.

To address long and well-documented history of systemic discrimination, successive Congresses have worked in a bicameral and bipartisan manner over the years to authorize and oversee implementation of programs at USDA.

During the agriculture credit crisis in the 1980s, Congress addressed this well-documented systemic discrimination at USDA and began to target assistance at the U.S. Department of Agriculture to “socially disadvantaged farmers or ranchers,” a farmer or rancher who has been subjected to racial or ethnic prejudice because of their identity as a member of a socially disadvantaged group without regard to their individual qualities. Congress provided support that targeted and prioritizes USDA resources to ensure farmers of color have the same opportunities as White farmers. Today, this support has grown to include a broad range of set-asides, special programs, and incentives for socially disadvantaged farmers.

In 1987, Congress passed the Agricultural Credit Act of 1987. Section 617 of this bill required the USDA to establish annual target participation rates, on a countywide basis, that would ensure that members of socially disadvantaged groups receive direct or guaranteed farm ownership loans. Congress amended this requirement in 1996 to ensure that USDA’s implementation was consistent with the holding of the Supreme Court in *Adarand Constructors, Inc. v. Federico Pena*, Secretary of Transportation, 515 U.S. 200 (1995), which held that race-based actions by the government is within constitutional constraints when it is necessary to further a compelling interest such as the “unhappy persistence of both the practice and lingering effects of racial discrimination against minority groups.”

In the 1990 farm bill, Congress took additional steps to recognize socially disadvantaged farmers and ranchers and created a landmark new program, the 2501 Socially Disadvantaged Farmer and Rancher Outreach program,

which is designed specifically to improve outreach and technical assistance to farmers of color.

In section 741 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 2279 note), Congress took the extraordinary step of suspending the application of the then-2-year statute of limitations regarding Equal Credit Opportunity Claims. This allowed claimants in discrimination suits against USDA, including Black farmers in *Pigford v. Glickman* and Native American farmers in *Keepseagle v. Veneman*, to cite at times decades-old instances of discrimination to qualify for payments under the respective settlements.

In the 2002 farm bill, Congress created the Office of the Assistant Secretary for Civil Rights, with statutory authority to ensure compliance of all civil rights laws and incorporation of civil rights activities into the strategic planning of the U.S. Department of Agriculture.

A sense of Congress in the 2008 farm bill stated that claims and class actions brought against USDA by socially disadvantaged farmers or ranchers, including Native American, Hispanic, and female farmers or ranchers, on racial, ethnic, or gender discrimination in farm program participation should be quickly and fairly resolved. Congress reacted to USDA's discriminatory history and provided \$100 million to help settle the *Pigford* discrimination claims and established a moratorium on acceleration and foreclosure proceedings by USDA against any farmer or rancher who filed a discrimination claim. To further support *Pigford*, Congress provided an additional \$1.15 billion in funding in the Claims Resolution Act of 2010 to settle the additional claims in the *Pigford II* class action lawsuit.

The 2014 farm bill created a permanent Office of Tribal Relations under the Secretary of Agriculture.

Because of the continuing and systemic nature of these concerns, the 2018 farm bill permanently funded the section 2501 Socially Disadvantaged Farmer and Rancher Outreach Program and provided new support to address longstanding heirs property and farmland ownership issues. Additionally, because Congress recognized that discrimination is both pervasive and ongoing, the 2018 farm bill also required the production of several reports by GAO on how both latent and overt discrimination manifest in agriculture programs, including a report specifically on bias-related to loan credit issues for farmers of color within the socially disadvantaged designation to inform Congress for future legislation. As important as Congress's actions have been, the remedies are still not enough as there is still ongoing and pervasive discrimination leaving socially disadvantaged farmers significantly behind.

Settlements resulting from the *Pigford* and *Keepseagle* lawsuits, along

with *Garcia v. Vilsack* that focused on discrimination against Hispanic and Latinx farmers, have not provided the relief necessary for these farmers of color to participate fully in the American agricultural economy. For example, the Los Angeles Times reported in 2012 that payments made to Black farmers under the *Pigford* settlements were significantly eroded by State taxes, as well as tax debt related to forgiven USDA farm loans. In *Keepseagle* only a very small percentage of potential claimants even applied. This was largely due to the older age of many potential claimants and because they were difficult to contact. Claims adjudication simply was not effective and did not adequately remedy the discrimination.

Specifically in the area of farm lending, as recently as 2 years ago, two GAO reports showed that socially disadvantaged farmers and ranchers have more difficulty getting loans and credit from USDA. These loans can help beginning farmers break into the business and help existing farmers continue running their operations. One of the GAO reports focused on the specific barriers of Tribal farmers accessing credit and the other GAO report highlights the systemic discrimination that has hindered farmers of color for generations continue today.

Similarly, a 2019 report from the National Young Farmers Coalition on the structural challenges facing farmers in California shows that while White respondents reported that they had no gaps in access to resources like business entity choice, credit lending, land access and lease development, marketing, policy advocacy, and regulatory navigation; non-White respondents reported significantly impaired access to those same resources, and Native American respondents reported receiving none of the listed resources.

The Farm Bill Law Enterprise reported that 99.4 percent of USDA's Market Facilitation Program payments went to White farmers. Similarly, the Environmental Working Group reported that nonminority farmers received nearly 97 percent of the \$9.2 billion provided through USDA's first Coronavirus Food Assistance Program in 2020.

The diminished relationships between socially disadvantaged farmers and USDA as a result of both latent barriers and historic discrimination limits access of socially disadvantaged farmers to USDA's program, making it more difficult or impossible for socially disadvantaged farmers to participate in USDA programs. The statistics continue to bear this out: 73 percent of Black farmers, when surveyed by the Federation of Southern Cooperatives/Land Assistance Fund, an association of Black farmers and landowners, were not even aware of the agricultural aid provisions of the coronavirus rescue programs at USDA.

Congress recognizes the longstanding systemic discrimination against farm-

ers of color by USDA. Despite multiple congressional efforts to address this discrimination, these efforts, taken mostly on a case-by case basis, have still not remedied the discrimination. Congress is now continuing to address this longstanding, widespread, and well-documented discrimination against socially disadvantaged farmers and ranchers, including systemic barriers preventing socially disadvantaged farmers and ranchers from fully participating in the American farm economy, in recognition that our mostly case-by-case efforts thus far have not done enough. Because of discrimination in USDA's programs, particularly loan programs, at USDA, socially disadvantaged farmers and ranchers are less likely to have the same access to adequate loan servicing and face other barriers in USDA programs, as their White counterparts. As a result, their loans are more likely to be in default or in a precarious situation.

Sections 1005 and 1006 of the American Rescue Plan contain narrowly tailored provisions to address the discrimination in credit and other programs at USDA, the effects of which have been magnified by the pandemic, as well as programmatic changes to support socially disadvantaged farmers and ranchers. The sections provide funding for payments on existing USDA direct and guaranteed loans held by socially disadvantaged farmers and ranchers. In addition, this legislation is providing tools and funding for programs and systemic reforms at USDA to undo the systemic racism that has prevented socially disadvantaged farmers and ranchers from getting access to critical agricultural credit.

The public recognition of longstanding discrimination against socially disadvantaged farmers and ranchers and the accompanying broad support for this work along the food and agriculture supply chain is overwhelming and represents every corner of American food and farming. More than 600 farm, food, and rural organizations, businesses, equity advocates, and legal scholars have sent letters, documents and issued statements of support. Notably, each of these letters includes both acknowledgment that these ongoing barriers exist, and a great many cite staggering examples of the disadvantages many farmers of color experience, as well as why the provisions contained in sections 1005 and 1006 of the American Rescue Plan are an appropriate remedy for these important producers.

While earlier versions of this legislation included specific references to the longstanding discrimination within the Department of Agriculture, as noted in Chairman Scott's February 26, 2021, statement for the record, the manager's amendment in the House Rules Committee was purely to ensure that these sections would meet the requirements of section 313 of the Congressional Budget Act of 1974 for consideration in the U.S. Senate. Congress includes these measures to address the



longstanding and widespread systemic discrimination within the USDA, particularly within the loan programs, against socially disadvantaged farmers and ranchers.

Mr. BOOKER. Mr. President, I rise today to speak in support of sections 1005 and 1006 of the American Rescue Plan Act.

These sections provide loan forgiveness and other critical assistance to Black farmers and to other farmers who are members of racial or ethnic groups that have for many decades suffered discrimination by the U.S. Department of Agriculture.

According to USDA data, in 1920 in the United States there were nearly 1 million Black farmers, and they represented nearly 15 percent of all farmers in our country. Today, as a direct result of a brutal legacy of discrimination by a Federal agency, there are less than 50,000 Black farmers left and they represent less than 2 percent of all farmers in our country.

It is estimated that during the past century, Black farmers have lost between 15 and 20 million acres of land and the hundreds of billions of dollars of generational wealth that land represented.

The cause of the loss of so much Black-owned farmland and the loss of so many Black farmers is not a mystery. Federal court decisions, the U.S. Commission on Civil Rights, and the USDA itself have all told us that a primary cause of that loss was long standing, pervasive discrimination by the USDA.

In his opinion in *Pigford v. Glickman*, Federal District Court Judge Paul Friedman stated clearly that USDA and their county commissioners discriminated against Black farmers when they denied, delayed, or otherwise frustrated the applications of those Black farmers for farm loans and other credit and benefit programs and that USDA and the county commissioners bear much of the responsibility for the dramatic decline in Black farms and Black-owned farmland.

Judge Friedman wrote his decision in 1999, but the systemic discrimination by USDA against Black farmers and other farmers of color by USDA was well documented beginning many decades earlier.

A 1965 report by the U.S. Commission on Civil Rights found that Federal, State, and local officials discriminated against Black farmers in agricultural programs and that this discrimination actively contributed to the decline in the Black ownership of farmland.

In 1968, a follow-up report from the U.S. Commission on Civil Rights found that Black farmers continued to face discrimination when seeking farm loans and other forms of assistance.

In 1970, the U.S. Commission on Civil Rights again found that discrimination continued in USDA program administration. The 1970 report stated that only 2 out of more than 4,100 USDA county committee members in the

South were Black farmers, even though there were 58 counties in the South where Black farmers comprised a majority of the farm operator population.

In 1982, the U.S. Commission on Civil Rights issued another report entitled "The Decline of Black Farming in America" which found that the prevailing practice at the USDA was to follow local patterns of racial segregation and discrimination when providing assistance and that longstanding discrimination in USDA programs contributed to the decline in farms operated by African-American farmers.

In 1997, the USDA formed a Civil Rights Action Team to hold nationwide listening sessions to hear from socially disadvantaged and minority farmers. A report published after the listening sessions documented Black, Hispanic, Asian-American, and indigenous farmers who told story after story of USDA hurting minority farmers more than helping them. This 1997 report acknowledged that discrimination in USDA program delivery continued to exist to a large degree unabated and recommended 92 changes to address racial bias at the USDA.

In 1998, the USDA National Commission on Small Farms further described and documented the longstanding discrimination of USDA towards socially disadvantaged farmers. USDA stated that "discrimination has been a contributing factor in the decline of Black farmers over the last several decades." The Commission's report also notes the "history of under-allocation of resources to institutions that have served minority farmers."

During the period between 1997 and 2000, Black farmers, Native American farmers, and Latino/Latina farmers filed lawsuits alleging USDA discriminated against them on the basis of race in processing their farm program applications and that USDA failed to investigate their complaints of discrimination. But settlements resulting from these lawsuits did not provide the relief necessary for these farmers of color to participate fully in the American agricultural economy.

On March 2, 2021, a group of full-time professors who work in agricultural, food law, and related subjects wrote in a letter to Majority Leader SCHUMER and Minority Leader MCCONNELL that these court settlements were severely flawed because of the adversarial nature of the settlement process and because they attempted to define the problem in terms of discrete incidents of individualized discrimination without correcting the systemic problems that led to that discrimination. These professors noted that while some farmers received a payment, many remained indebted to the USDA, and the system itself remained broken.

Mr. President, I would ask unanimous consent to have this letter printed in the RECORD following my remarks.

In 2001, we then have a report by the U.S. Commission on Civil Rights docu-

menting the continued discriminatory lending practices against minority farmers. The Commission found that Black farmers waited four times longer than White farmers for USDA farm loans. The Commission recommended that USDA resolve the backlog of civil rights complaints and document and alleviate discriminatory lending practices.

However, USDA continued to struggle with resolving its backlog of civil rights complaints. In 2008, the Government Accountability Office, or GAO, reported that USDA's difficulties in resolving discrimination complaints persisted and that the USDA had not achieved its goal of preventing future backlogs of discrimination complaints.

In 2019, a GAO report observed that socially disadvantaged farmers and ranchers had proportionately less agricultural credit than non-socially disadvantaged farmers and ranchers. This report found that farmers and ranchers of color continued to face more difficulties in obtaining farm loans and highlighted the historic, systemic discrimination against such farmers.

So now let's look at where we are today.

USDA spends billions of dollars each year to provide much needed support to American farmers. The Market Facilitation Program and Coronavirus Food Assistance Program are recent USDA programs designed to bolster the farm economy. In both programs the majority of funds went to nonminority farmers.

For example, the Environmental Working Group reported that non-minority farmers received nearly 97 percent of the \$9.2 billion provided by the USDA's Coronavirus Food Assistance Program. Additionally, the Farm Bill Law Enterprise reported that 99 percent of market facilitation payments went to nonminority farmers.

Just last week the USDA stated "there is a lot more that needs to be done and accomplished at USDA to make programming equitable and to root out decades of systemic discrimination that disproportionately affects Black, Hispanic, Indigenous and other farmers of color."

Early this week Secretary of Agriculture Tom Vilsack recognized the residual harm that decades of discrimination have caused to farmers of color when he stated: "Here's the challenge: We're not only dealing with the specific issues of discrimination, but we're dealing with the cumulative effect of that discrimination over a period of time."

And what is the cumulative effect of that discrimination over time? The cumulative effect of all the past systemic racism and discrimination is that Black farmers and other farmers of color were in a far more precarious financial situation before the COVID-19 pandemic hit us, and so many of them have simply not been able to weather the storm.

Approximately 13 percent of borrowers with FSA direct loans are currently delinquent on their loans and could lose their farms to foreclosure. But for Black farmers, 35 percent of those with FSA direct loans are in default and could soon lose their farms. And it is not only Black farmers—approximately 24 percent of the FSA direct loans to Hispanic, Asian-American, and Indigenous farmers are currently in default. What this means is that we are facing yet another wave of foreclosures and potential land loss by farmers of color. But the debt forgiveness and other assistance in the bill we are considering today can prevent this and can begin to turn the page on this shameful history of discrimination by the Federal Government.

I want to close by giving you one specific example of the discrimination I have been talking about.

Eddie and Dorothy Wise were residents of Whitakers, NC. A retired Green Beret, Mr. Wise's dream was to own a pig farm, and so in 1991, Mr. Wise purchased land and started to raise swine. But then came the discriminatory actions by USDA: failure to handle his loan applications in a timely manner, denial of loan applications, change of interest rates and escalation of monthly notes, and other misdeeds.

In 1997, a loan for improvements to the property was approved, but the receipt of the funds was delayed for 7 months, and his 400 pigs froze to death, destroying his operation. Later, he discovered that his original plan had been approved at the State level but that his loan officer never told him.

In the early morning hours of January 20, 2016, at least 14 Federal marshals descended with guns drawn on Eddie's farm and forcibly escorted him and his wife, who was still in bed and suffering from a debilitating medical condition, out of their home and off their property. Forcibly evicted from their home and their land and forced to live in a cheap motel, Dorothy Wise died shortly thereafter. The 106-acre farm was sold to an adjacent White farmer for the miniscule price of \$260,000, and Eddie Wise had lost the one thing that he had always wanted—to own a pig farm.

This story is just one example of the discrimination that literally destroyed the lives of hundreds of thousands of Black farmers and their families over the last century.

Today we have the opportunity to take a step towards justice for those families.

I urge all of my colleagues to support sections 1005 and 1006 of the bill before the Senate today.

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

MARCH 2, 2021.

Re Support for Socially Disadvantaged Farmers.

Hon. CHARLES SCHUMER,  
*Senate Majority Leader,*  
*U.S. Senate, Washington, DC.*

Hon. MITCH MCCONNELL,  
*Senate Minority Leader*  
*U.S. Senate, Washington, DC.*  
Hon. NANCY PELOSI,  
*House Majority Leader,*  
*House of Representatives, Washington, DC.*

Hon. KEVIN MCCARTHY,  
*House Minority Leader,*  
*House of Representatives, Washington, DC.*

DEAR LEADER SCHUMER, MINORITY LEADER MCCONNELL, SPEAKER PELOSI, AND MINORITY LEADER MCCARTHY: We write in support of efforts to level the playing field for socially disadvantaged American farmers as set forth in §§1005 and 1006 of the House-passed American Rescue Plan. If enacted, these sections will help to correct past injustices and create new opportunities to build the diverse, resilient food system that we all want and need.

American agriculture's history began with slavery and the forced removal of tribes from their land. It continued with myriad abuses, including Jim Crow laws, the prohibition of minority land ownership, property laws that facilitated Black land loss, and deceptive practices to entice Hmong farmers to incur huge debts to build chicken houses. Each of these predatory practices were instituted or allowed by U.S. law. At every turn, government policies have either intentionally or inadvertently served to advantage white farmers, creating the category of farmers recognized by Congress and the USDA for decades as "socially disadvantaged."

Cultural traditions in farming in America, long romanticized in disregard of their discriminatory consequences, have further contributed to inequities. Farming is built on relationships: handshake contracts, neighbors helping neighbors, conversations at the local coffee shop. These relationships work well if you are a member of the group; if you are not, they serve as a persistent barrier to success. According to the 2017 Census of Agriculture, of the 3.4 million farmers in the United States, 3.2 million, 95.4% are white. Only approximately 1.7% are American Indian or Alaskan Native; 1.3% are Black; and .6% are Asian. For most of these farmers, their farms are smaller, their sales are smaller, and each year they fall further behind.

The USDA should have served as the equalizer, supporting all farmers and assisting those in need. But most often it has not. It has instead reflected and perpetuated institutional racism since its inception. The problems experienced by the farmers it has disadvantaged have been repeatedly documented in government reports and investigations and in writings by scholars, journalists, and others. While some tell of the decades-long pattern of discrimination, recent reports, including a GAO Report released just last week, confirm that the barriers still exist today, expressly affirming that socially disadvantaged farmers still have less access to credit than other agricultural businesses. Fair Lending, Access and Retirement Security, Government Accountability Office (2021) (finding racial and income disparities in access to financial services, availability of credit, and the ability to accumulate wealth).

Congressionally enacted farm programs have perpetuated and exacerbated the problem by distorting the farm economy. Federal farm programs reward the largest farms the most, providing staggering sums of money to large landowners who produce the program-

avored crops. Not only are the vast majority of these large landowners white, the program-favored crops are not those most often produced by socially disadvantaged farmers. These government payments distort credit, land, input costs, and markets by favoring white farmers to the disadvantage of others, most of whom are small or beginning farmers.

The cumulative effect of decades of unequal treatment by the USDA coupled with farm programs that favor large landowners continues to negatively impact the economic condition of beginning farmers and small farming operations, creating an extra burden for socially disadvantaged farmers. Today, disadvantaged farmers generally have less access to credit than white farmers, less accumulated wealth, and smaller farming operations.

Congress and the USDA acknowledged this racial discrimination and attempted to resolve it through the settlement of two landmark lawsuits—Pigford and Keepseagle. But this approach was severely flawed. These settlements attempted to define the problem in terms of discreet incidents of individualized discrimination without correcting the systemic problems that led to that discrimination. The adversarial nature of the settlement process served to further divide. While some farmers received a payment, many remained indebted to the government, and the system itself remained broken. Providing debt relief to disadvantaged farmers, will help to correct the longstanding past injustice, wiping the slate clean for USDA to start over. Reforming the system will provide the necessary financial and educational infrastructure to finally give these farmers an opportunity to compete on an even playing field.

We depend on our food system, and farming is at the heart of that system. Natural disasters and the COVID pandemic have revealed significant systemic problems, and climate change has and will produce additional challenges. We need strong regional food systems to build the resilience that is necessary for our very survival. We need diversity reflected in that network. We bemoan the aging of our nation's farmers and the high barriers to entry for beginning and would-be beginning farmers. The vast majority of American farmers are white men over the age of 50. We need to open farming to its full potential by offering new opportunities for diverse farmers, thus benefiting from their help in creating a resilient regional food system that is always able to meet our food security needs.

We are all full-time professors who work in agricultural, food law, and related subjects. The opinions expressed in this letter are our own personal views and do not represent the position or policies of the Universities with which we are affiliated.

Sincerely,

Susan A. Schneider, William H. Enfield  
Professor of Law, Director, LL.M. Program in Agricultural & Food Law, University of Arkansas School of Law; Nicole Civita, Sustainable Food Systems Specialization Lead, Graduate Faculty, Masters of the Environment Program, University of Colorado; Josh Galperin, Visiting Associate Professor of Law, University of Pittsburgh School of Law; Neil D. Hamilton, Emeritus Professor of Law, Drake University Law School; Christopher R. Kelley, Associate Professor of Law, University of Arkansas School of Law; Stacy Leeds, Foundation Professor of Law and Leadership, Sandra Day O'Connor College of Law, Arizona State University; Emily M. Broad Leib, Clinical Professor of Law, Director, Food Law and Policy

Clinic, Harvard Law School; Thomas W. Mitchell, Professor of Law, Co-Director, Program in Real Estate and Community Development Law, Texas A&M University School of Law; Michelle B. Nowlin, Clinical Professor of Law, Co-Director, Environmental Law and Policy Clinic, Duke University School of Law; Michael T. Roberts, Executive Director, Resnick Center for Food Law and Policy, Professor from Practice, University of California, Los Angeles; Anthony B. Schutz, Associate Professor of Law, Associate Dean for Faculty, Director, Rural Law Opportunities Program, University of Nebraska College of Law; Jessica A. Shoemaker, Professor of Law, University of Nebraska College of Law; Jennifer Zwagerman, Assistant Professor of Law, Director of the Agricultural Law Center, Drake University Law School.

#### ATTACHMENT

##### EXAMPLES OF GOVERNMENT AND RELATED REPORTS DOCUMENTING USDA DISCRIMINATION

Equal Opportunity in Farm Programs, An Appraisal of Services Rendered by Agencies of the USDA, U.S. Commission on Civil Rights (1965) (finding discrimination in the administration of federal farm programs, contributing to the decline in Black ownership of farmland);

Civil Rights Under Federal Programs: An Analysis of Title IV of the Civil Rights Act of 1964, U.S. Commission on Civil Rights (1968) (finding discrimination in the administration of federal farm programs and in the information services provided by Agricultural Extension);

Federal Civil Rights Enforcement Effort, U.S. Commission on Civil Rights (1970) (finding discrimination in the administration of federal farm programs);

The Decline of Black Farming in America, U.S. Commission on Civil Rights (1982) (documenting discrimination complaints at USDA field offices, the lack of institutional support provided to Black farmers, and legal structures geared to benefit large farming operations);

Hearing on the Decline of Minority Farming in the United States, Committee on Government Operations, U.S. House of Representatives (1990) (documenting evidence of discrimination in USDA programs);

Minorities and Women on Farm Committees, Govt Accountability Office (1995) (reporting on the lack of representation of minority farmers within the USDA committee system);

D.J. Miller Disparity Study: Producer Participation and EEO Complaint Process Study, D.J. Miller & Associates report prepared for the USDA Farm Services Agency (1996) (finding inequities throughout the federal farm programs, with minority farmers not receiving an equitable share of farm payments and loans and serious problems with the USDA EEO Complaint Process);

Report for the Secretary on Civil Rights Issues, USDA's Inspector General (1997) (reporting that a "staffing problems, obsolete procedures, and little direction from management have resulted in a climate of disorder");

Civil Rights at the United States Department of Agriculture—A Report by the Civil Rights Action Team, Report of the USDA Civil Rights Action Team (1997) (documenting widespread discrimination throughout the USDA network of offices);

A Time to Act: A Report of the USDA National Commission on Small Farms, USDA Nat'l Commission on Small Farms (1998) (reporting on the "structural bias toward greater concentration of assets and wealth" and on the importance of developing policies to

support and encourage small farms; noting that "Black, Hispanic Native American, Asian, women, and other minorities have contributed immensely to our Nation's food production and their contributions should be recognized and rewarded.");

USDA: Problems in Processing Discrimination Complaints, U.S. Govt Accountability Office (2000) (reporting on the continuation of "longstanding problems" in the USDA's discrimination complaint process);

Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination, Vol. VII: The Mississippi Delta Report, U.S. Commission on Civil Rights (2001) (finding evidence that Black farmers have unequal access to technical support and financial assistance, with a wait that is four times longer than white farmers to receive farm loans);

USDA: Recommendations and Options to Address Management Deficiencies in the Office of the Assistant Secretary for Civil Rights, Government Accountability Office (2008) (reporting that the USDA's "difficulties in resolving discrimination complaints persist," that its data on minority farmer participation is "unreliable," and that its "strategic planning does not address key steps needed to ensure USDA provides fair and equitable services");

Agricultural Lending: Information on Credit and Outreach to Socially Disadvantaged Farmers and Ranchers is Limited, Government Accountability Office (2019) (addressing USDA survey data that shows that "socially disadvantaged farmers" receive a disproportionately small share of farm loans and noting lack of reliable data on program services to this community; acknowledging concerns of ongoing discrimination);

Indian Issues: Agricultural Credit Needs and Barriers to Lending on Tribal Lands, Government Accountability Office (2019) (reporting on the structural barriers to lending to tribal members, including the difficulty in using tribal land as security, long delays in federal paperwork, lender hesitancy, lack of credit history);

Fair Lending, Access and Retirement Security, Government Accountability Office (2021) (finding racial and income disparities in access to financial services, availability of credit, and the ability to accumulate wealth; specifically finding that "women and minority farmers and ranchers, including tribal members, had less access to credit than other agricultural businesses").

Mrs. BLACKBURN. Mr. President, to most people back home in Tennessee, "business as usual" here in Washington means a combination of partisan bickering and reckless spending, usually after someone up high decides not to let a crisis go to waste. They are used to watching this all play out on TV, then looking at the receipt and seeing a billion dollars' worth of earmarks and pork barrel spending they didn't order.

Right now, Democrats are doing their best to spin the scandal their absurd \$1.9 trillion bailout bill has caused as "business as usual" but Tennesseans aren't stupid. They know the spin is a lie because over the past year they have seen what "business as usual" looks like when it comes to passing COVID relief funding.

Since last March, the Senate has passed five separate relief laws with overwhelming bipartisan support, 96-1, 90-8, 96-0, 100-0, and 92-6.

But what happened with last month's vote on the budget resolution? Why did

it end in a tiebreaker? For the same reason the House passed their version of the bill we are considering today in the dead of night. No amount of good PR could ever make the American people forget that this little exercise the Democrats are leading us through has almost nothing to do with providing emergency COVID relief.

Nine percent. That is how much of this package Democrats want to dedicate to a national vaccination program, expanded testing, and public health jobs. They slapped a "COVID RELIEF" label on one of the largest transfers of wealth ever proposed in the history of the U.S. Congress and tried to sneak it through reconciliation before anyone caught on.

This bill is so far over the line that my friends across the aisle have spent the past week fighting over the very provisions House Democrats and the White House used to pitch it. The bill is fatally flawed, right down to the formula it employs to allocate State funding. The previous, bipartisan relief packages used population to determine this. It very straightforward. But this time, Democrats ran the numbers and decided they could benefit by making unemployment rate the deciding factor. And, wouldn't you know it, this new system disproportionately benefits poorly managed blue States at the expense of well-managed red ones. New Jersey, New York, and California, whose destructive shutdowns led to high unemployment rates, will walk away with a combined gain of almost \$9 billion. Tennessee, on the other hand, is still one of the best fiscally managed States in the country. We will lose \$164 million for doing the right thing. Alabama will lose almost \$900 million. Both Florida and Georgia will lose over \$1.2 billion each.

If this body mandates a transfer of wealth based solely on Democrats' desire to clean up their prepandemic mistakes, we will scare off investment and hamper innovation in every State long after we are able to fully reopen. This isn't a hypothetical—leaders on the State level know what is coming. Last week, 22 Governors, including Tennessee Governor Bill Lee, released a joint statement pointing out the foolish premise driving the new formula. I would like to associate myself with what they said: "A state's ability to keep businesses open and people employed should not be a penalizing factor when distributing funds."

If this happens, small towns and mom-and-pop shops will suffer. Those budding tech hubs you hear so much about will suffer. The unemployed people my colleagues on the left are using as leverage against their political rivals will suffer.

So I would ask my colleagues whether fulfilling campaign promises is worth what it will cost the families and small business owners stuck holding the bill. And to the Democratic Senators representing States losing out, I would say that we will be happy

to remind your constituents that you voted to send their tax dollars to New York and California and Illinois and other States that intentionally dragged their economies off a cliff.

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Mr. President, it has been a long day, a long night, a long year, but a new day has come, and we tell the American people: Help is on the way.

When Democrats assumed the majority in this Chamber, we promised to pass legislation to rescue our people from the depths of the pandemic and bring our economy and our country roaring back. In a few moments, we are going to deliver on that promise.

This bill will deliver more help to more people than anything the Federal Government has done in decades. It is broader, deeper, and more comprehensive in helping working families and lifting people out of poverty than anything Congress has seen or accomplished in a very long time.

The pandemic has affected nearly every aspect of American life. So this bill spans the gamut and provides support to every part of our country. For Americans who doubted that the government can help them in this time of crisis, you will be getting direct checks. Your schools will receive assistance to reopen quickly and safely; your local businesses will get another lifeline; and the day when you receive the vaccine will be a lot sooner.

The American Rescue Plan will go down as one of the most sweeping Federal recovery efforts in history. It is never easy to pass legislation as momentous as this, but it will all and soon be worth it.

Now, I know that on Saturday morning the American people aren't watching our proceedings here. They are probably out walking the dog or sitting down at breakfast with the kids. But I want them to know help is on the way; that their government is going to give one final push to get us over the finish line.

I want the American people to know that we are going to get through this, and someday soon our businesses will reopen; our economy will reopen; and life will reopen. We will end this terrible plague, and we will travel again and send our kids to school again and be together again.

Our job right now is to help our country get from this stormy present to that hopeful future, and it starts with voting aye on the legislation before us. Vote yes on the American Rescue Plan. Vote yes.

And before I yield the floor, one final note. Let us all express our deepest gratitude to all of my colleagues who went through a long, long period in the last day; to the staffs of the committees and the personnel in Senate offices who have worked so hard to put this legislation together, and especially let us thank the great floor staff: the clerks, the cafeteria workers, the custodial staff, and the Capitol Police.

(Applause, Senators rising.)

This bill includes important support for state and local governments, allowing them to not only provide services that are needed to fight the pandemic and support the economy, but also ensuring that teachers and first responders don't need to be laid off and services don't need to be cut.

We also know that this crisis is going to have lasting consequences for State and local budgets, that many of the impacts won't just be felt this year, but going forward given how disruptive the last year was.

So in designing this funding, we split the money for localities into two tranches, half to be delivered this year and half next year. For States, the money is delivered up front, with the Secretary given the discretion to calibrate timing of payments for some States based on their unemployment rate. For States with lower unemployment rates, the bill creates a structure for Treasury to work with States to spread the funding out over the course of this recovery.

That will allow States and localities to get the money that they need, but over a timeline that will best support the economy as it recovers.

Additionally, below are names of the staff who worked tirelessly towards the passage of this bill. I want to thank them for their service, and I ask unanimous consent that their names be printed in the RECORD.

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

#### AGRICULTURE, NUTRITION, AND FORESTRY COMMITTEE

Joe Shultz, Mary Beth Shultz, Jacquelyn Schneider, Kyle Varner, Katie Naessens, Claire Borzner, Susan Keith, Adam Tarr, Julia Rossman, Khadija Jahfiya.

#### APPROPRIATIONS COMMITTEE

Charles Kieffer, Chanda Betourney, Dianne Nellor, Jean Toal Eisen, Doug Clapp, Ellen Murray, Scott Nance, Melissa Zimmerman, Alex Keenan, Meghan Mott, Michelle Dominguez, Tim Rieser, Dabney Hegg, Jenny Winkler.

#### BANKING, HOUSING, AND URBAN DEVELOPMENT COMMITTEE

Beth Cooper, Homer Carlisle, Megan Cheney, Phil Rudd, Elisha Tuku, Jeremy Hekhuis, Colin McGinnis, Drew Martineau, Ben Lockshin, Laura Swanson.

#### COMMERCE, SCIENCE, AND TECHNOLOGY COMMITTEE

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Rachael Kauss, Virginia Lenahan, Kristen Lunde, Marisa Morin, Ian Nicholson, Sarah Schaefer, Joshua Sheinkman, Tiffany Smith, Lavanya Sridharan, Kelly Szafara, Beth Vrabel, Jayme White.

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Michelle Sánchez, Vanessa Lobo, Monica Vela, Daniel Elchert, Nimit Jindal, Kimi Chemoby, Sarah Mueller Rob Jones, Andi Fristedt, Kimberly Knackstedt, Nikki McKinney, Joseph Shantz.

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#### SMALL BUSINESS COMMITTEE

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Dahlia Melendrez, Shauna Rust, Tony McClain.

#### DPCC

Matt Williams, Christian Graf, Eliza Duckworth, Amy Brown, Gabby Borg, Rob Curis.

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Abdelhaq, Yazeed, Achibar, Kathleen, Aleman, Jasmin, Armwood, Garrett, Babin, Reggie, Banez, Robert, Barjon, Didier, Barton, Steve, Battle, Sharon, Benavides, Jackie Biasotti, Allison, Bluitt, Tinae, Bodian, Lane Bowman, Quinn, Brennan, Martin, Burns, Caroline, Byrne, Sean, Cardinal, Jon, Cardona, Selena, Carranza, Ramon.

Chang Prepis, Joyce, Charlery, Kristen, Cole, Emily, Contes, Helena, Cook, Andrew, Cooke, Dave, Coutavas, Sophie, Daly, Annie, Dayal, Tushar, Deveny, Adrian, Dickson, Jeff, Dirienzo, Lindsay, Donovan, Patrick, Eagan, Ryan, Ellsworth, Charlie, Emanuel, Marissa, Engle, Tricia, Fado, Kelly Flood, Sam.

Fuentes, Matt, Geertsma, Joel, Glander, Megan, Goodman, Justin, Gray-Hoehn, Hayley, Gutmaker, Joshua, Haberl, Gunnar, Harris, Jasmine, Hawley, Marisa, Hickman, Rob, Housley, Jon, Huus, Amber, Iannelli, Mike, Ilekka, Steven, Jackson, Rachel, Jamaica, Jessica, Jean, Mike, Kazibwe, Rodney, Kiandoli, Cietta, Kuiken, Mike.

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Nunez, Diana, Odgren, Andrew, Olvera, Lorenzo, Orlove, Suzan, Ortega, Sol,

Osmolski, Rebecca, Oursler, Nate, Paone, Stephanie, Patel, Vandan, Patterson, Liza, Patterson, Mark, Petrella, Gerry, Pina, Oriana, Reese, William, Revelle, Justine, Rivera, Tony, Robinson, Alexandra, Rodarte, Sam, Rodman, Scott, Rodriguez, Crisitian.

Roefaro, Angelo, Rosenblum, Zac, Ryder, Tim, Seijas, Nelson, Shah, Raisa, Sharbaugh, Tyson, Sinpatanasakul, Leeann Skapnit, Amanda, Sledge, Alexa, Smith, Hannah, Sonnier-Thompson, Bre, Spellicy, Amanda, Sundaramoorthy, Dili, Sweda, Emily, Talley, Hanna, Taira, Meghan, Tam, Catalina, Taylor, Anna, Taylor, Terri, Tepke, Paige, Timothy, Kimarah.

Tinsley, Dan, Vaughn, Erin, Sager, Velez, Cyre, Virgona, Nicole, Vogel, Kai, Vorperian-Grillo, Karine, Watt, Brad, Watters, Veronica, Weir, Emma, Yoken, Dan, Younkin, Nora, Zeltmann, Chris, Zomorrodian, Reza.

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Maalik Simmons, Miriam Wheatley, Corey Tellez, Jasmine Hunt, Joe Bushong, Emily Hampsten

#### CLOAKROOM STAFF

Gary Myrick, Tricia Engle, Dan Tinsley, Brad Watt, Stephanie Paone, Nate Oursler, Rachel Jackson, Liza Patterson.

#### CHAMBER ASSISTANTS

Lauren Cavagnano, Drew Erickson, Virginia Brown, Brennan Leach, Layne Donovan, Juliana Surprenant.

Mr. SCHUMER. Many of them have worked for as many as 36 hours straight. My notes here say: "Let's give them a round of applause."

And, of course, one more thank-you to my great and wonderful staff. I will thank all of them by name at a later date because I want them to be awake and alert when I do.

I yield the floor.

The PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. The Senate has never spent \$2 trillion in a more haphazard way or through a less rigorous process.

Voters gave Senate Democrats the slimmest possible majority. Voters picked a President who promised unity and bipartisanship.

Democrats' response is to ram through what they call "the most progressive domestic legislation in a generation" on a razor-thin majority in both Houses.

The right path was obvious. We followed it five times last year—five rescue packages totaling \$4 trillion, and none of them got fewer than 90 votes.

The Senate wrote the CARES Act, Republicans and Democrats, shoulder to shoulder. That was the road to real pandemic relief, but Democrats actually wanted something else. They explained their intent very clearly: to exploit this crisis as "a tremendous opportunity to restructure things to fit our vision."

That is how you get this massive bill with only 1 percent—1 percent for vaccinations, that ignores the science on reopening schools, that is stuffed with non-COVID-related spending that even top liberal economists say is wrong for the recovery.

Democrats inherited a tide that is already turning—2021 was already set to

be our comeback year—because of the American people's resilience and the bipartisan foundation that we laid last year.

We could have worked together to speed up victory, but our Democratic colleagues made a decision. Their top priority wasn't pandemic relief. It was their Washington wish list.

So, Mr. President, colleagues, I strongly recommend a "no" vote.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

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

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

Further, if present and voting, the Senator from Alaska (Mr. SULLIVAN) would have voted "nay."

The PRESIDENT pro tempore. Are there any Senators in the Chamber wishing to change their vote?

The result was announced—yeas 50, nays 49, as follows:

#### [Rollcall Vote No. 110 Leg.]

##### YEAS—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	Markley	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

##### NAYS—49

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

##### NOT VOTING—1

Sullivan

The bill (H.R. 1319), as amended, was passed.

(Applause.)

Mr. SCHUMER. I just want to thank everybody. We are a great team. We are a great team.

Ms. DUCKWORTH. Thank you, Georgia.

The PRESIDENT pro tempore (Mr. HICKENLOOPER). The majority leader.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 12.

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

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Marcia Louise Fudge, of Ohio, to be Secretary of Housing and Urban Development.

#### CLOTURE MOTION

Mr. SCHUMER. 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 senior assistant 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. 12, Marcia Louise Fudge, of Ohio, to be Secretary of Housing and Urban Development.

Charles E. Schumer, Sherrod Brown, Richard Blumenthal, Christopher A. Coons, Patty Murray, Chris Van Hollen, Sheldon Whitehouse, Jeff Merkley, Brian Schatz, Cory A. Booker, Amy Klobuchar, Benjamin L. Cardin, Angus S. King, Jr., Kirsten E. Gillibrand, Tim Kaine, Tammy Baldwin.

#### LEGISLATIVE SESSION

Mr. SCHUMER. Mr. 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. Mr. President, I move to proceed to executive session to consider Calendar No. 27.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Merrick Brian Garland, of Maryland, to be Attorney General.

#### CLOTURE MOTION

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