Sen. Marco Rubio: The PPP -How It Started And Where It's Going





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Announcer:

Welcome to THRIVE, a Paychex Business Podcast, where you'll hear timely insights to help you navigate marketplace dynamics and propel your business forward. Here's your host, Gene Marks.

Gene Marks:

Hey, everybody. This is Gene Marks, and welcome to the Paychex THRIVE Podcast. Hey, do you ever wonder what went on behind the scenes when the Paycheck Protection Program was being created? What were the people thinking? How did they come up with the idea? What were some of their concerns on their mind?

Gene Marks:

Well, join me for this conversation with Senator Marco Rubio from Florida. Marco Rubio, a longtime Senator, was the principle, principle person behind the creation of the Paycheck Protection Program.

Gene Marks:

So, let's hear about his thoughts and his concerns and frustrations and also his look back at the Paycheck Protection Program. I think you'll find the conversation real interesting, particularly if you're one of the beneficiaries of the program.

Gene Marks:

So, we'll be back with Senator Rubio in just a moment.

Gene Marks:

So Senator Rubio, first of all, thanks for joining me.

Senator Marco Rubio:

Thank you.

Gene Marks:

The Paycheck Protection Program. When historians look back at the pandemic, it will be a major part of the conversation. It is a historical part of how we reacted to the pandemic.

Gene Marks:

Almost 12 million loans approved, 800 billion dollars given out through 5,500 lenders. You know those numbers. So, let me ask you if I can.

Gene Marks:

If you can take us back to March of 2020. The NBA gets suspended, Tom Hanks tests positive, the CARES Act is coming out on March 25th. Tell me the story of how you came up with the Paycheck Protection Program, 'cause you were the instrumental part behind it.

Senator Marco Rubio:

Well, interestingly enough, we had started to work on it early in the process, initially as a tool for dealing with supply chain. We had done some work two years earlier arguing that too much of our supply chain was being derived from vulnerable places overseas, primarily because of geopolitics, we were thinking.

Senator Marco Rubio:

And so, what is small business's role and what can we do to repurpose some of these loans that are run through private lenders to small businesses in these key industries where we need to develop some resilience in our economy, in the supply chain? When the pandemic-

Gene Marks:

Sorry, go ahead.

Senator Marco Rubio:

So, when the pandemic sort of emerged, our next view of it is, "Well, we're going to have some supply chain disruptions because of the pandemic, particularly on the healthcare side but just generally."

Senator Marco Rubio:

And so, how can we even tune it up to be that, to deal with pandemic specific supply chains and then by the time we get to that day in March, where it was apparent that we were going to have lockdowns and shutdowns of large portions of our economy is when we realized, "My goodness, we're going to have entire mainstreams wiped out."

Senator Marco Rubio:

I mean, Main Street just wiped out. They're not going to be able to open. The governments and some places are not going to allow them to open for potentially weeks. We didn't know how long, maybe months. And we're going to have a contagion here of unemployment, of the commercial real estate crisis, and a bunch of small businesses that are going to vanish and never come back.

Senator Marco Rubio:

So, we need to step forward and do something to at least keep people attached to their jobs. The view of it was, we're going to spend billions of dollars on unemployment benefits. Aren't we better off keeping people attached to an employer via a paycheck that also provides some money for the small business to be able to make their overhead payments and keep current on their leases and or rent?

Senator Marco Rubio:

And that's how that came about fairly quickly. And then we look, we understood that the SBA is too small to be able to do this through any of its existing programs. It would have to be run, not just through the existing lenders that we now use for those loans, but in fact, we would've to amplify the number of lenders that we're eligible to provide them.

Gene Marks:

So, first of all, when you talk about "we", who's the "we" that you're referring to?

Well, I think honestly the credit begins with my staff and Small Business Committee and myself as we worked through it in my own personal office. But I also give credit to Senator Cardin and Senator Shaheen on the Democratic side. And Senator Collins who's now a member of the committee on the Republican side who played a key role in sort of negotiating the details of it.

Senator Marco Rubio:

Obviously, one of the intricacies of a country like ours is so large and diverse is that, for example, if you're trying to help out a hotel or hospitality business, they're seasonal in some parts of the country. So you have to adjust for that.

Senator Marco Rubio:

Then the whole question came up of, what do we do for not for profits who have never traditionally been eligible for SBA loans or SBA programs? What do we do about that? What do we do about the growing number of Americans that are defacto small businesses, but they're independent contractors, they're one or two person shop?

Senator Marco Rubio:

And what do we do for people that don't have banking relationships? How do we get financial techs lenders involved in this and FinTech lenders to new people to step up and be a part of processing in this?

Senator Marco Rubio:

So, they played a key role in putting all that together, but the name, I take credit for it. I actually came up with the name Paycheck Protection Program because we wanted people to understand this was not a bailout or a giveaway.

Gene Marks:

Yep.

Senator Marco Rubio:

This was a way to deliver more effectively unemployment benefits to people who weren't technically unemployed, but were going to be, if their employer was shut down by a government measure.

Gene Marks:

It's interesting, and maybe I'm wrong, but I didn't see any model of this before. Where did you come up with this idea? Was there any other place that you referred to that sort of gave you the inspiration for this?

Senator Marco Rubio:

No, not really. I mean, I think the idea basically came from being very attuned to the needs of small businesses, from personally knowing a lot of small businesses. So, what I tried to do is just put myself in their place, right: the guy that owns the diner we always go to; the friends that own a laundromat; individuals that have a small retail outlet somewhere.

Senator Marco Rubio:

And now the government says, "Look, not only you can't open, you're not allowed to open your restaurant because depending on where you live that lasted for months."

Gene Marks:

Right.

And so now you can't open, you can't function. What do they do? What do they do? They're going to go out of business, is what's going to happen. And they're going to disappear in a couple weeks. Everyone's going to be immediately laid off, and what happens next? So, I sort of...

Senator Marco Rubio:

And then we tried to think through all of the impediments to them actually getting access to these funds in a timely way, because most small businesses only have maybe a week, maybe less of cash on hand to do everything from pay their suppliers and orders to try to make payroll out Friday.

Senator Marco Rubio:

So, there really isn't a model for it because we've never... Anytime we've had a crisis in the past, the government's pretty good at bailing out large Fortune 500 companies and did that again in some cases here, but it never had any experience at helping out the small business sector, which is very large, very diverse, and a huge percentage of our economy.

Gene Marks:

So, because there was no model for this and because your name was really out front during this, from the very get go, how did you feel about this? Were you nervous? What were your biggest fears about...

Gene Marks:

This is a giant... It was like \$350 billion I think it started out with. Obviously, escalated even bigger.

Gene Marks:

Were you thinking this could cause inflation, stagflation? Were you even thinking about fraud at the time as well? What were your fears?

Senator Marco Rubio:

Yeah. No. So, all of those things. So obviously, we weren't too worried about inflation or stagflation because at that point there was a systemic collapse that happened.

Senator Marco Rubio:

When you take 60 or 70% of your economy and close it down for a sustained period of time, two weeks, three weeks, I mean, no one's ever experienced that before. No one knows what happens, but it ain't inflation. I mean, at that point you're really dealing with a borderline depression type situation. So, that was our number one fear.

Senator Marco Rubio:

I think our biggest fear was inaction. My biggest fear was inaction. Could I prove that this medicine works? No. This was an experimental drug that we used, right, experimental treatment but the patient was terminal.

Senator Marco Rubio:

I mean, in essence, we were going to face some things we'd never faced before as a country. And I didn't know it was going to do systemic architectural damage to our economy. In essence, this was going to be permanent damage that would probably take a decade to recover from if it had happened. We would still be talking about that damage today, had that been the case.

Senator Marco Rubio:

Some of these places would've never rebounded in time, had that been the case. But yeah, we knew that there would be people that would try to commit fraud. And that's why we put in the capability to audit these loans and we required some paperwork up front to show payroll and the like.

But ultimately, we understood that we were going to have to roll the dice on this because the price of doing nothing was going to be extraordinarily damaging. And frankly there has been fraud, high-profile cases, but the fraud rate in PPP is substantially less than it is in awe and virtually every other SBA program.

Gene Marks:

Doesn't it frustrate you when people talk about fraud in this program? Not only because of the numbers that you just mentioned, but also that you cobbled, I don't want to say cobble, but you put together this program really under a lot of duress, in a short period of time, facing an unprecedented depression, a fall in the economy.

Gene Marks:

So, a lot of things couldn't be figured out at that point. I mean, the whole point was to get money in the hands of small businesses. So I'm assuming you went into this saying, "Yeah, this is the government. There's going to be some fraud."

Gene Marks:

But doesn't even now looking back... Because that's a people's biggest criticism of the program is they talk about the fraud and I... Just personally, does that anger you or annoy you?

Senator Marco Rubio:

No. I mean, look, I think people have to nitpick about whatever they want, but I asked people what was the alternative?

Gene Marks:

Yeah.

Senator Marco Rubio:

What were you going to do with millions and millions and millions of small businesses that were going to shut, close, be gone? And then the landlords and those commercial places were also not going to be collecting rent. How were you going to process all these people? Millions of people that were going to immediately hit the unemployment rolls.

Senator Marco Rubio:

We had trouble dealing, in most states, with the numbers as is. People couldn't get access to their benefits. How are you going to deal with that? How are you going to deal with the potential for civil unrest when angry people were out there rioting in streets because they couldn't feed their families or pay their rent or keep the electricity on it?

Senator Marco Rubio:

So, I think people haven't thought through all of those things when they argue that. What was the alternative? They don't have one. And as far as fraud is concerned, yeah, there's... Medicare's full of fraud.

Gene Marks:

Yeah.

Senator Marco Rubio:

There's a lot of [inaudible 00:09:56]... No one's talking about banning Medicare. Medicaid's full fraud. They don't talk about... Just credit card fraud. Is anybody talking about getting rid of credit cards?

The point is, the way you deal with fraud is you try to build some things at the front end to make it harder, but then you prosecute it at the back end. And that's what's happening, and it's happening because people are turning people in; it's happening because the larger loans, the big ones over a certain amount, could be audited and looked at, and you would have to keep that paperwork and prove that that's how you use the money.

Senator Marco Rubio:

And so, I think that's beginning to happen and that's what should happen. These people should go to jail and pay restitution for what they stole.

Gene Marks:

Okay. Initially, when the program started rolling out, the big banks, the larger banks, were really slow to react. And I remember you were on Twitter and you were furious. Can you tell us a little bit more about that story?

Senator Marco Rubio:

Well, a couple things were happening. First, some of the banks were just... they weren't interested in it beyond their commercial clients, even their business accounts were not. They wanted their big commercial clients

Senator Marco Rubio:

And part of that was because they were easier to deal with. They had better record keeping. They had a longer relationship with them. And so, they sort of focused on that.

Senator Marco Rubio:

Some of these banks were acting like the money was their money, that they were at risk. There was no risk for the bank. The bank was just basically a pass-through.

Senator Marco Rubio:

They were the middleman that would put up the money, and then we guaranteed to be paid back. And their only job was to process the paperwork. And so my question to those banks was, well, what are you going to do when all your business customers and your individual account holders for that matter, don't have any money to put in your bank? What are you going to do with that?

Gene Marks:

Right.

Senator Marco Rubio:

But ultimately, I think that was the big issue is that the banks that had existing commercial accounts, handled the commercial accounts, but didn't want to deal with their business clients.

Senator Marco Rubio:

People don't realize that just to have a business account, you're in a totally different section of a big bank. And so, for them, I mean they took some time to come around. The regional banks are the ones that really stepped up.

Gene Marks:

Yeah.

We always thought that would be the case. We think regional banks were like supremely positioned for this kind of lending. And some of them were very proactive about marketing this. And in some ways, ended up attracting a bunch of new account holders who haven't forgotten how those regional banks were there in their time of need, but the one thing that we paid the bankers, a 1% fee to do nothing but process paperwork on behalf of government money. And that there was no liability on their end whatsoever.

Senator Marco Rubio:

Some of it was misunderstanding and not understanding the program well, 'cause it was brand new. Some of it frankly was they just weren't set up with that. They didn't see the benefit in doing it, but ultimately most came around and had they not, we would be in a real tough spot right now.

Gene Marks:

This is true, you're survey with the regional banks and community banks. Well, a lot of banks, the smaller banks recognized it as a great marketing opportunity to connect with a lot of small businesses and keep them flowing.

Gene Marks:

It was a long-term thing, but when all this was happening, and again, you're the one that puts through this legislation, you're seeing the banks are very slow to react, the economy is plummeting, were you doing anything in particular...

Gene Marks:

Could you do anything as just a Senator? Were you calling up banks? Were you convening meetings? Was there anything going on behind the scenes that you were doing to really push the banking community forward?

Senator Marco Rubio:

Yeah. So, a couple things. As we were drafting it and working through it, we were in communication with banks and lenders because we wanted to understand what it would take from a technical standpoint, for them to be able to participate in it.

Senator Marco Rubio:

Again, understand that in the midst of what us doing this, this was a seven- or eight-day period in which we slowly but surely were seeing these rolling shutdowns across the country. Some cases more severe than others.

Senator Marco Rubio:

I think every day that went by, there was some initial resistance to this. What? Is this a giveaway program? What is this? I think as the days went by and people realized the depth and scope of this, the danger behind all these measures, there was more and more willingness to help both among members of the Senate and House, but also frankly, among the banking sector.

Senator Marco Rubio:

And then we also provided enough flexibility in the bill for the rule make in essence, for Treasury to have enough flexibility to come in and tweak things. And then Treasury came out with this first set of frequently asked questions.

Senator Marco Rubio:

And so, as we were getting questions, we were forwarding that to the Treasury Secretary, and the Treasury, and they deserve a lot of credit because they used that flexibility to tweak the program, to make sure that it was reaching the intended audience and that the legislative intent behind the bill was being achieved.

You can't foresee every... You can't anticipate everything that arises in the midst of this. And that's why you leave enough flexibility in the rule-making side to ensure that the rules allow you to tweak things to make sure that they work.

Gene Marks:

Maybe you've already answered this, but you're absolutely right. The Treasury came out with this. It was this ever expanding frequently asked question document because you really can't foresee everything when you're in that, seasonal businesses, forgiveness of non-payroll costs, the documentation required, all that kind of stuff.

Gene Marks:

So, there were reiterations and renewals. So, Senator Rubio, how involved did you stay with all of this? After the initial CARES Act passed, you got the ball rolling. Were you pretty much like, "All right. It's in the Treasury and the SBA's hands right now and I'm moving on to other issues," or did you-

Senator Marco Rubio:

No, no. We were very involved. So, I felt like the screen writer in dealing with the director and the producer of a movie. And that is that this is what I envisioned when I wrote it. And so, this is how we wanted it to work.

Senator Marco Rubio:

We frankly, we were home at that point. So, we were working off of Zoom, but we were, I would say, probably working 15 hours a day between Zoom calls, with Chambers of Commerce, doing press events online to inform people about the existence of the program, talking to bankers, both regional and large ones, and talking to the small business sector about the impediments they were coming across. And then, frankly, just a bunch of family, friends, and people that I personally know, constituents that were calling in with complaints.

Senator Marco Rubio:

Look, the first couple days that this was going on, we had people going into banks and they were running credit checks on them. And there's no credit check. It's not your money.

Senator Marco Rubio:

We're just asking you to process the paperwork. We're going to pay you 1% fee. I mean, that's the easiest money these banks were going to come across at that point. There wasn't a lot of banking activity happening in this [inaudible 00:15:55], as you can imagine, these things shut down. Many of their branches weren't even open in many cases. So this was happening online and so forth.

Senator Marco Rubio:

So, we stayed very involved with the implementation, and then people forget, but there was a certain amount of money of guarantee that was gone within five or six days.

Senator Marco Rubio:

There was so much that we had to figure out how to go back without bringing the entire Senate and House into session and pass a second and then a third wave of additional authorization for money so that there was money available for the lending.

Gene Marks:

Throughout all this process, you were talking about some of the colleagues in the Senate, like Senator Cardin. I mean, was it throughout a bipartisan effort?

Gene Marks:

I mean, small businesses is a pretty bipartisan thing. It's kind of tough to come out against small businesses. So, I'm assuming your internal process was not as hard as some other bills that you might have been working on. Is that a fair statement?

Senator Marco Rubio:

No. Remember the CARES Act involves so many other provisions that... I would say that ours was probably the most meaningful and the least controversial.

Gene Marks:

Yeah. It was a no brainer.

Senator Marco Rubio:

In fact, we're telling the press in the hallway multiple times that it was... our work is done. If it was just up to us, we'd be ready to go. And it was the only piece of legislation that was reauthorized two other times, without-- unanimously.

Senator Marco Rubio:

They required a unanimous vote in the House, a unanimous vote in the Senate, but weren't even in sessions. So, these were pro forma sessions and we got those things done and passed because of the lack of controversy around it.

Senator Marco Rubio:

And I think it was a combination of an understanding of how critical and dire the situation was. It was real fear about the systemic risk that posed to our economy, and I also think...

Senator Marco Rubio:

I mean, that's why I really didn't have any sort of partisan overtones. It really didn't have any opposition per se. You had some snide remarks and criticisms from individuals that always have something to criticize, but never anything to offer.

Senator Marco Rubio:

But generally speaking, we didn't come across any of that. And I always ask people the same thing, no one claims any program is perfect. It was drafted by humans. It applies to humans, and humans are imperfect, but what would we have done if we didn't have anything like PPP?

Senator Marco Rubio:

What would America look like right now, if the people and the companies who received these funds had to lay off their workers and shut their doors? What would the country look like right now?

Senator Marco Rubio:

It would not look like it looks right now. With all the problems we have, this would be on top of that. It would be, I would argue, catastrophic.

Gene Marks:

Yeah. I would accept that argument. So looking back now, 2020 hindsight, and I know you had a short period of time to put all this together, but if you were to do this program again or something similar to it, I'm kind of curious, what would you do differently? What mistakes do you think were made? What do you think could have been improved?

Senator Marco Rubio:

Well, I think maybe early on in the process there was some difficulty about onboarding the financial tech companies, getting them on board. Some of these were new to the game, new to the process. So I think that maybe a better outreach at the front end, sort of identifying who some of these companies were and how their processes would work.

Senator Marco Rubio:

I think an understanding of how some of these real small community lenders could have been incentivized, and we tried to do that by giving the higher percentage for the smaller loans so they would step on board.

Senator Marco Rubio:

I think the one thing that I'm not sure we could have done differently, and I certainly had an understanding of is how many people that really are small businesses? Be they're independent contractors or one, or mom-and-pop shops really didn't have banking relationships.

Senator Marco Rubio:

And I understood that was real. I'm not sure that we explained that enough to people about the fact that there are businesses out there that actually don't have-

Gene Marks:

That's true.

Senator Marco Rubio:

... business banking relationships. I mean, it's their personal account. They might deposit money, but for whatever reason, they generally never opened an account on the name of their business.

Senator Marco Rubio:

They're an S corporation, so they're passed through anyway. And I don't know if people understand that the food truck in some places doesn't have a corporate entity business account.

Senator Marco Rubio:

And so, when they go to a bank on behalf of that business, the bank's not in the business opening up a new account just for PPP at that point. So, I think that...

Senator Marco Rubio:

I'm not sure what we could've done differently about it, other than recognize that as a real challenge early on, and try to point that out to people who were going to have some issues with people in these situations. One thing I would hear about is I wasn't...

Senator Marco Rubio:

The one thing that would always tick me off is when I would hear someone say, and the reason I'll tell you why it would tick me off. I would hear people say, "We went to the bank and we weren't approved for PPP." There's no approval process.

Gene Marks:

There was none.

Senator Marco Rubio:

Right. There's just a verification process. So, they were saying one or two things, either A, "By the time we went to the bank, the funds had run out," which ultimately was not the case. Once we got to the second or third trench. Or B, they were saying, they went to a bank somewhere who just didn't want to do the business for them, didn't want to do it for them. And that's why what really upset me is the second one.

I do believe that there were small businesses that had to go through a harder time than needed, because they weren't sophisticated owners. They were good at what they did at business, but they weren't sophisticated about the world of finance and banking.

Senator Marco Rubio:

And bankers decided, we don't really see a need to service people like this. They either don't have big enough deposits, so they're not customers to begin with. And again, that's why I think these credit unions and regional banks are so critical.

Gene Marks:

And it's funny too, because you're right about going forward in the future, particularly in... Look at it in your own state as a huge number of business owners that are immigrants, they're Latino, they're Hispanic.

Gene Marks:

They don't necessarily have banking relationships. It's not what they were used to ever having. And if we were going to have a program done like this in the future, that's got to be taken into account, right?

Senator Marco Rubio:

Yeah. And I think that's just going to be a growing nature of the commercial transactions. They're seeing more and more cashless transactions going on. I'll be talking about crypto and what that all's going to mean, because it's sort of uncertain at this point.

Senator Marco Rubio:

But I think that by and large, because technology has now allowed a business to be someone working out of the spare bedroom of their home using these very WiFi signals that we're using now to conduct this interview.

Senator Marco Rubio:

I mean, I think a lot of people have learned that there are a lot of businesses and business activity that you can do without a PO Box, without a front office. I think that the technology has sort of limited the barrier of entry for a businessperson.

Senator Marco Rubio:

And in some cases, what do you do about the guy that drives for Uber? Drives for Uber Eats, and also has a second job as a landscape contractor?

Gene Marks:

Right.

Senator Marco Rubio:

Neither one probably potentially has an account, a banking account.

Gene Marks:

Two more questions and I'll let you go. Number one is, because this was such a new model of financing for small businesses, do you see a future for it? Do you see it as a potential model for future public, private financing and funding for startups, not necessarily in a pandemic situation?

Senator Marco Rubio:

Yeah. Look, I think there's the potential for going back to what we had originally talked about, which is how do we get small businesses to become part of our supply chain solutions in this country?

Not every supply chain, whether it's in services or goods, has to be built on the back of some large operation, half a world away. So, is there a place for small businesses and is there...

Senator Marco Rubio:

And the hardest thing to do in that regard is get finance. So, is there a way to sort of focus in on some key industries and provide financing, favorable financing through the SBA for small businesses that are in key sectors and could help us whether you're in that critical national need or a potential supply chain vulnerability that the country has?

Senator Marco Rubio:

But the best way to think about PPP is eminent domain, right? If the government comes tomorrow and says, "That property that you own and that you use to live in or for business, we need it. We need it for the public good."

Gene Marks:

Okay.

Senator Marco Rubio:

They can do that. They have the power to do that, but they have to compensate you. They have to make you whole. They have to give you money so that you can go and buy another property to continue on your business.

Senator Marco Rubio:

In many ways, that's what the pandemic shutdowns were. They were a taking. They went into businesses and said, "You cannot operate. You can't seek customers. You can't have people come in. You can't open the gym or the yoga studio, whatever it might be. You can't do it." And that's a taking.

Senator Marco Rubio:

And so, the argument is in this case, "Fine. If you're going to take this from us, then you have to at least help us pay our employees or they're going to come after you for unemployment and you got to help us pay our rent or you're going to ruin our credit. And you're going to begin the collapse the commercial real estate in this country as well."

Senator Marco Rubio:

And that's what we did. There was no profit built into this. All the money here was either for payroll or for overhead, not for profit. And that didn't solve the problem for everybody. It solved the problem for millions of people and millions of businesses.

Gene Marks:

Final question. It's been over two and a half years or getting on two and a half years since the legislation. I got to ask you, you look back on this and the impact that it has, and I'm curious, how does that make you feel?

Gene Marks:

Was that the most impactful legislation you think you've ever done? And is this one of those types of legislation where you're like, "This is why I got into politics"?

Senator Marco Rubio:

Yeah. Let me tell you. Not only was the most impactful legislation I've ever passed, I believe it's been the most impactful legislation that the Congress has undertaken in a quarter century or longer.

I mean, that's how dramatic of an impact this had. When you're talking about 12, 13 million small businesses that would've vanished in this country overnight, no one can tell you what that does to an economy, and how many of them would not have survived. Let's say half of them would not have survived, it would've been cataclysmic.

Senator Marco Rubio:

So yes, I think this was an intervention that was incredibly meaningful and yes, it does make our service meaningful, right. I mean, we go up to D.C. unfortunately every week and largely nowadays, especially now we're in the minority, we're debating stuff that's never going to pass or we're arguing over things that are important and have an impact, but most people, it doesn't impact their lives.

Senator Marco Rubio:

This is probably one of the few and rare times that we were able to get something done and done quickly, that actually impacted real people in a dramatic life changing way immediately.

Senator Marco Rubio:

And you don't get very many opportunities to do that. So, absolutely. I mean, if my service and the Senate ended this very day, I'd be able to say that my time there was meaningful, just because of this, not to mention all the other things I've worked on.

Gene Marks:

Senator Rubio, thank you very much for your time. I really appreciate it.

Senator Marco Rubio:

Thank you.

Gene Marks:

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