

the administration has refused to accept responsibility for the sorry state of testing in our country. Under this agreement, the Trump administration will now, at last, be required to report on what its national testing plan actually looks like. Congress provided the startup funds for the testing program. It is now up to the administration to prepare a national testing strategy and implement those funds to proper effect before it is too late.

Of course, this bill is not perfect. We are sorely disappointed Republicans refused to work with us to strengthen food assistance. I am sorely disappointed that Republicans turned a deaf ear to Governors, mayors, Tribal leaders, county and local officials, Democratic and Republican, all 50 Governors who have been pleading with the Federal Government for more help. And it is not about abstract government. I know we don't like government on the other side of the aisle. It is about policemen, firefighters, bus drivers, hospital workers. They are being laid off because the local governments and the State governments are starving and not getting their revenues. We fought and fought, but unfortunately, on the other side of the aisle, they resisted. I hope they won't resist in COVID 4. We are going to need a large, large amount of money to help our localities so those policemen, firefighters, and bus drivers are not laid off. Republicans need to come to the table and work with us to give our States the help they need. They should be eager to do it.

Secretary Mnuchin committed—and the President tweeted today—that they will support State and local funding in the next round of legislation, as well—and this is very important—as a provision providing flexibility to use all past and future relief dollars to offset lost revenue. The President signaled his support for this concept as well in a tweet this morning. We should have passed support for State and local governments. Democrats will see to it that it gets done in the next package.

Now, finally, I would remind my colleagues that this is an interim measure. There are plenty of hard-won provisions that we Democrats are pleased with, but it is, ultimately, a building block.

In the weeks ahead, Congress must prepare another major bill, similar in size and ambition to the CARES Act. The next bill must be big and bold and suited to the needs of a beleaguered country. State localities and Tribal governments need support, so does the Postal Service. Working Americans need rental assistance. Frontline workers deserve hazard pay, and it is not just doctors, nurses, pharmacists, and other medical workers, but truck drivers, grocery store clerks, police officers, firefighters, and more.

We must make sure that our elections this fall are conducted fairly, that States have enough money to run them properly, and that every Amer-

ican can exercise his or her constitutional franchise safely and confidently. This is a COVID-related issue.

So those issues and more will be priorities for the Senate Democratic Caucus in the next bill. Yes, it has been a long few months for the American people, but even now, there are signs that the sacrifices Americans have made are beginning to slow the spread of the disease. We are a long way from the end, but this, too, shall pass.

Until the day when we can begin to return to normal, it is up to Congress and the entire Federal Government to deliver the leadership and resources that only we can provide. The private sector will not provide the aid our Nation requires. The efforts of individual States or even individual citizens, heroic as they are, will not be enough. We dare not abandon them in these dark and difficult times.

The American people need their government. They need their government to act strongly, boldly, wisely. Let us do what we were elected to do and pass this bill today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

#### CORONAVIRUS

Mr. LEE. Mr. President, it is with a heavy heart that I come to the floor of the Senate today. Over the last few weeks, I talked to countless people throughout Utah and across the Nation, but especially in Utah, about the troubles that they have encountered, about the profound sadness that the American people are experiencing right now, the frustrations that they have. This is something that we have never seen in this country, not on this scale, not during our lifetimes.

My thoughts and prayers go out to my fellow Americans and my fellow Utahns as they are struggling to make ends meet, whether it is figuring out how to make payroll or keep food on the table at home or a combination of both, as it is for so many. I am mindful of them and of all the difficulty that the American people are going through right now.

I want to begin by echoing something that Senator SCHUMER said a moment ago. We need to do what we were elected to do. Now, I don't agree with everything Senator SCHUMER just said—in fact, I would strongly disagree with a lot of what he just said—but I do agree with that. We need to do the job we were elected to do.

Let's think about where we are right now and where we have been over the last few weeks. We have seen healthcare providers working 24 hours a day, 7 days a week. We have seen the President and his staff at the White House working 24 hours a day and 7 days a week. We have seen the Centers for Disease Control and members of the public health community who have continued to work tirelessly—farmers, truck drivers, grocery store employees,

and pharmacists working to make sure that we continue to have access to the things we need in order to live. We have seen members of the news media working overtime, even if, as is the case for many of them, they do so only to blame all of this—rather unfairly in my opinion—on the President of the United States. We have seen parents working both their jobs—both of them—from home and simultaneously home schooling their children; yet Congress is in recess. This, Mr. President, is simply unacceptable.

If COVID-19 requires Congress to act, then it requires Congress to convene. Now, look, I understand the need for distancing, and there are ways we can accommodate that here. Support staff can stay home. Policy experts can mostly work from home. Many of our meetings—most of them, in fact—can be conducted over the phone or by video conference. I have seen this myself in the last few weeks. I have been working as many hours as ever, just with a lot of meetings over the phone and through Zoom and platforms like that.

The meetings can continue, but all the essential work of Congress—that is, any steps necessary in order to enact legislation, the task of legislating itself—can be done only by Members who are voting and present in their respective legislative Chambers, either the Senate or the House of Representatives. This is a nondelegable duty. We can't delegate it to anyone else in government, and so we have got exactly two choices. We can choose to legislate, in which case we have to convene, or we can stay in recess and not legislate. Those really are the only two options.

It is no coincidence, it is no accident that the very first clause of the very first section of the very first article of the Constitution says that “all legislative Powers herein granted shall be vested in the Congress of the United States, which shall consist of a Senate and a House of Representatives.”

Article I, section 7 then goes on to prescribe the formula by which all Federal law will be enacted. This may happen only when the same discrete set of words presented in the form of a legislative proposal passes the House and the Senate and is then submitted to the President for signature or veto.

Under our constitutional system, under any definition of the term, Senators are essential employees. We are being paid. We have a crisis to continue to work through. Our services are necessary. In order to perform those services, we have to perform them here in Washington.

To be very clear about this, this isn't entirely a new thing. Sure, the most recent iteration of this is new and began when the COVID-19 crisis began about a month ago, but the fact is Congress has, in many respects, been shirking its responsibilities for years—for decades, in fact. For the better part of the last—I don't know—three, four,

five, six decades, Congress has been sort of backing away from its law-making responsibilities. We have ceded voluntarily—sometimes willfully—the responsibility for making law, in some cases, to the courts—in many, many cases to executive branch agencies. This, for many, is a feature, not a bug, but it is an unconstitutional feature. It is something we should dismiss and render a bug. You see, we can't delegate that power. It is supposed to belong only to us, and that means we are not supposed to enact law saying, Entity X, Y, or Z shall enact good law in the area of expertise of that agency.

But in this crisis, we have doubled down on that decades-long bad habit. In many cases, within Congress itself, we have empowered party leaders to negotiate in secret, sort of asking us to rubberstamp out these take-it-or-leave-it proposals without individual Members being able to read them, let alone have meaningful input in their negotiation, and reducing the role of each individual elected lawmaker in the law-making process through a series of tweets and press conferences. This isn't legislating.

I was interested a few minutes ago when Senator Schumer was talking, as he was referring to provisions that were negotiated successfully just last night to add this or that provision into this deal. Well, most of us were not part of that process. Most of us saw this legislative package, this bill, only within the last few hours. That isn't a true negotiation, and it is not a true legislative process. Now, I understand that we are in unusual circumstances, but we can't let it happen this way again. This is not acceptable. We should not be passing major legislation—especially legislation providing nearly a half trillion dollars in new spending—without Congress actually being in session, without Members actually being here to debate, discuss, amend, and consider legislation and vote on it individually, rather than on an absentee basis, rather than by delegating that power to someone else.

This crisis is too big to leave up to a small handful of people. Different parts of the country will face different kinds of threats and, therefore, have different kinds of needs. Different industries will need different kinds of help in order to recover the health of the economy. As long as Congress remains in recess, Democrats are free to politicize and stifle legislation with impunity as they did just a couple of weeks ago. Only returning to work and indeed actually working will give the American people the government they deserve.

The American people need to know who is helping them and who is simply playing politics. We can't allow them to know that if we are not in session. We can't just spend another half trillion dollars every week or 2 or 3 and hope and pretend that it is going to turn out okay.

The upcoming challenges are far too numerous and onerous and complex to

leave up to just a few staff meetings behind closed doors. We have got issues involving testing, masks, healthcare policy, liability, leave, regulatory reform, immigration, and the judicial system, just to name a few. All of these things require serious legislative action. We can't just give those issues the attention that they deserve simply by sitting in our respective homes.

Now, look, I am not saying that Members aren't working. I and most of the Members I know have been working as hard as ever in the last few weeks, but we can't do that which is uniquely our job—sure, we can have meetings. We can make phone calls. We can help solve problems just like any other American could, but we cannot do the job for which we were elected without actually being here.

You see, the reason Congress works so little, even in moments like this one, is because Congress has chosen to prioritize its own convenience.

The 3½-day legislative workweek, blocking tough amendment votes, nuclear options, things like this are all reminders of the fact that we have to get back to work, especially if we are going to have a debate about when everyone else will be able to return to work. If it makes anyone feel better, remember the Senate floor is often empty—just as it is at this very moment—making it perhaps the safest place in America. We can, in fact, structure our votes in such a way that we can distance ourselves. We have proven that in recent weeks. We can do it again.

In closing, we have to remember that challenges don't, themselves, build character. They reveal it. Our character is revealed rather than built on challenging times. The character of our institution is on the line here. It is being exposed and revealed for all the world to see.

COVID-19 certainly has revealed to us the character of the Chinese Government and its lackeys inside the World Health Organization. It has revealed the character of America's doctors and nurses, our priests and our pastors. Our families and our communities have pulled together. Many State and local leaders have proven themselves to be up to the challenge, especially, I say with great pride, both Democrats and Republicans in my home State of Utah.

Congress stepped up before we recessed to appropriate money for workers and businesses who were facing an unprecedented monumental crisis, but that was weeks ago. That was literally 20 million lost jobs ago. There is more to do—there is a lot more to do—more than we have ever faced. The country is changing along with the rest of the world, and we need policy to change with it.

Unlike millions of our constituents, Members of Congress are still receiving paychecks. It is time for us to earn them. It is time to do our job. It is time to return to Washington and get to work. We are not currently sched-

uled to come back until May 4. When we come back on May 4—which I hope we do—I hope the force will be with us, but we have got to get back together even sooner than that because we can't legislate without our Members here. We can't do that from recess.

The PRESIDING OFFICER. The Senator from Maryland.

#### CORONAVIRUS

Mr. CARDIN. Mr. President, I am pleased that we are ready to act and we will be able to pass legislation in a few moments that will help deal with this pandemic. Like my colleagues, I have been in teleconferences with different groups in Maryland, and I have seen the pain caused by the coronavirus. In Maryland, we are losing around 30 citizens every day to the coronavirus. Over the last week, our Nation has lost over 15,000 to the coronavirus. This pandemic is with us in a very serious way, and we need to respond.

I am pleased that, this afternoon, we will be providing additional resources to our healthcare providers, particularly those that are on the frontlines, in dealing with the coronavirus and that we will be passing legislation to establish a national strategy on testing, working with our States to make sure all communities have adequate testing so that, when we reopen our society, we can do so in a safe manner.

I am also pleased that we are acting on the small business provisions. The programs that we passed in the CARES Act that provide help to small businesses was very popular and was oversubscribed. I am particularly pleased that we are able to pass today provisions that are greatly improved from when I was last on the floor a little over 1 week ago when the majority leader made the unanimous consent request that would have included only additional money for the Paycheck Protection Program,—\$250 billion—and would not have dealt with the healthcare issues or the challenges that I expressed on the floor at that time in regards to the small business provisions. The reason that we now have a bill that we can be very proud of is because this has been negotiated with all Members of the Senate being involved through a bipartisan process, rather than just being brought to the floor by the majority.

We saw that happen on the CARES Act originally. The original bill that was brought to the floor by the majority leader that he attempted to pass did not include major help for our State and local governments, did not include major help for our healthcare institutions, did not provide funds for many of our programs that are critically important to our local communities. We were able to improve that program because we worked together. Democrats and Republicans have produced a bill that we can be proud of.

As I said when I was last on the floor in regards to the small business provisions, we have a bipartisan process.