

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.

Senator RUBIO and I have been working closely together to develop the tools for small businesses. Yes, I do acknowledge the work with Senator COLLINS and Senator SHAHEEN because we have come together to try to put together a package that could work.

What I had mentioned on the floor when the last UC was made was that there were problems with the original request made by the majority leader, and I pointed that out. Underserved communities have not been able to get in, in the same number as those larger small businesses who have relations with banking institutions. I pointed that out to the Secretary of the Treasury and to the Small Business Administrator on April 7 by a letter I authored along with Senator SCHUMER and the Democratic members of the Small Business and Entrepreneurship Committee. We pointed this out 2 days before we had the original UC request.

Quoting from that letter to the Secretary and the Administrator:

We believe that more can be done to reach out to and authorize those lenders, such as Community Development Financial Institutions, Minority Depository Institutions, and mission-based non-profit lenders, which are best positioned to bridge the trust gap between many underserved communities and the traditional financial sector. For example, a survey conducted by the Association for Enterprise Opportunity found that more than half of Black respondents indicated they felt unfairly treated by financial institutions, compared to only 26 [percent] of White respondents.

We knew we had to do something to bridge that gap. When the request was made 10 days ago, it did not include any help for these minority businesses or the rural areas or women-owned businesses that have been shut out in great numbers to the first requests under the Paycheck Protection Program.

What this bill that we now have on the floor does corrects that. It corrects that by providing \$60 billion, in addition to the \$250 billion. We are now up to \$310 billion more going into the Paycheck Protection Program; but \$60 billion is dedicated to dealing with minority communities, rural communities, and women-owned businesses by having more funds going out to the community banking institutions and minority banking institutions and mission-based nonprofit lenders so that we can get more of the funds into the hands of those small businesses that are in desperate need: the smaller small businesses.

I have numerous examples. I will just use one, if I might, from a business in Maryland, e-End Frederick, that writes to us and says that thanks to this program—this employer has 20 employees. This is a small business, 20 employees. What he says basically is: I was looking to how I could transition my employees to unemployment because I couldn't afford to continue to keep them on payroll, but now, thanks to the Paycheck Protection Program, I am able to keep my employees on the

payroll. He says, "That's the best thing about the PPP."

I couldn't agree more. That is what we are trying to do. It is paycheck protection—keep workers employed so small businesses don't have to go back out when this virus is over and try to find a workforce in order to be competitive. They can keep their workforce in place and, by the way, keeping the pressure off our unemployment compensation system.

We were able, through the change we were able to make—and I applaud Senator SCHUMER and Speaker PELOSI for sticking to the principle that all small businesses needed to be included, and as a result, this package now includes these allocations that will get to our minority and underserved communities.

There is a second issue I raised on the floor 10 days ago, and that is the Economic Injury Disaster Loans, the EIDL loans. It ran out of money before the PPP program ran out of money. It was not part of the unanimous consent request by the majority leader, as well as the grant program that was created under CARES.

Smaller small businesses use these disaster loans. Why? Because it gives them working capital so they can stay in business. PPP covers payroll, but they need more than payroll. These are longer-term loans with no payments during the first year so that businesses can stay afloat after a disaster, and we qualify the coronavirus as one of those disasters. This is a critically important program in our State and in our Nation. We added to it by providing a grant program up to \$10,000 in grants, not loans, to small businesses.

In my State of Maryland, we had 12,000 small businesses that applied for that grant. We had 26,000 apply for the PPP. I am just pointing out how popular this program is. The grant program is \$10 billion. The PPP program is \$349 billion. It ran out of money before the PPP grant program. We need to put more money in that grant program. The unanimous consent agreement didn't do that. Thanks to the negotiations of Senator SCHUMER and the Democrats, we were able to get \$50 billion put into the EIDL, the Economic Injury Disaster Loan program, which will be able to leverage about \$300 billion of additional loans under that program that will help the smaller of the small businesses. We were able to get \$10 billion put into the EIDL grant program so that they can open, once again, applications from small businesses that want to get the cash grant from the Small Business Administration. These loans and grants are made by SBA, not by financial institutions, so all small businesses have access.

I did some rough calculations, and if my math is correct, in Maryland, the average size of the business that qualified for the EIDL grant was between four and five employees. These are really the smallest of small businesses, and that is the group I hope we would

want to help. The original UC did not have that. We now have funds in it. This package is much better to reach those small businesses that desperately need help.

I brought this to the attention of Secretary Mnuchin shortly after our conversations on the floor last time, and I want to thank Secretary Mnuchin. When I explained to him the EIDL program and I explained to him how these programs work for smaller small businesses, he showed interest, and I am glad that we were able to negotiate with him the additional \$60 billion going into those programs. It is a better package thanks to the bipartisan process.

I do want to mention one additional issue that we need to deal with, and that is accountability. We need to get information on how these programs are working, and I would hope we would get bipartisan support for that.

On April 17, I authored a letter with Senators SCHUMER, WYDEN, and SHAHEEN to Secretary Mnuchin and Administrator Carranza in which we asked for the PPP to give us the numbers and amount of loans disbursed to small businesses, including a breakout of loans by State, demographics, industry, and loan size; the number and amount of loans disbursed to businesses under the NAICS 72 exception—that is the one for restaurants and the hospitality field; including a breakout of loans by State, demographics, and loan size. Give us a number of loans provided to nonprofits—nonprofits were for the first time eligible for these 7(a) loans—and religious institutions, including a breakout of the loans by State, industry, and loan size; and the number of loans disbursed by lending institutions, so we could find out what the concentration is of these loans. We asked for similar information in regards to the Economic Injury Disaster Loan program, the numbers, et cetera, giving us that information, including those who received the grants.

Lastly, we ask for information about the loan forgiveness program because there is another program under the CARES Act that allows for a 6-month forgiveness of repayment of existing 7(a) or 504 loans, and we need information on that in order to carry out our responsibility of accountability. We have a responsibility to make sure the money is getting to the right places.

I had a communication with Senator RUBIO this week in which we both agreed that we are concerned that we might be seeing some large chains getting more money than we think we intended under the act. We intended there would be a \$10 million cap; yet we see reports where certain businesses were able to find a way to get more than \$10 million. We also had self-certification that there is need. You have to show that you were damaged by the coronavirus. We think we should examine whether there was any false certification.

The first thing we want to do on the Small Business and Entrepreneurship Committee on a bipartisan basis is do our oversight to make sure that, if there is abuse, that we put a spotlight on it and correct it to make sure that the moneys go to the small businesses that we intended to receive help.

We need now to work on the next stimulus package. I was glad to hear the President talk about this. Senator SCHUMER talked about it. Yes, our first priority should be the health and welfare of the American people in dealing with the coronavirus itself, and we need to do more. We clearly need to do more with State and local governments. That is going to be a critical part of the next package. But we also need to look at improvements in the small business package. We know that, through this 8-week period for repayment, many of us have heard that they need additional flexibility. After all, how do they predict when they can reopen if government has told them they have to stay closed? We need to give some degree of flexibility in the 8-week period.

We have different small businesses that want us to consider their eligibility. What happens after 8 weeks? If we are still seeing our economy not up to full speed, we need to talk about how we transition after 8 weeks to make sure these small businesses can succeed.

The lessons learned on the CARES Act, the lesson learned on this legislation we are taking up this afternoon is, when we work together, when we negotiate together, when we do a bipartisan package which the American people expect us to do during this national emergency, we get a better product, and we can do it quicker. I urge us all, as we move on to the fourth stimulus package, let's start from the beginning in a bipartisan way so that we can get the very best product for the American people and deal with this national crisis.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE).  
The Senator from Kentucky.

#### REOPENING THE ECONOMY

Mr. PAUL. Mr. President, no amount of money—not all the money in China—will save us from ourselves. Our only hope of rescuing this great country is to reopen the economy. If you print up billions of dollars and give it to people, they are unlikely to spend it until you end the quarantine.

The good news, though, is that the scientific community finally has facts instead of conjecture. The models that used 3.4 percent mortality were, fortunately, very wrong. Random samples of thousands of people have now been tested for antibodies or immunity to coronavirus. Two large randomized studies in California show similar results. The number of people who already developed antibodies to the coronavirus is 25 to 50 times higher

than the number that is being reported as infected. This is great news. This study means that the mortality rate may well be 25 to 50 times less deadly than previously thought.

The virus is still dangerous, and we shouldn't ignore the risks, but we should put those risks in perspective. These randomized tests indicate that, instead of a 3.4 percent mortality, that the rate could be as much as only 0.1 percent or 0.2 percent. We now have scientific evidence from randomized studies that we can manage this disease without continuing the draconian lockdown of the economy.

The question before us isn't to do nothing or to print endless amounts of bailout cash. The debate should now include the one choice that will get our economy growing again: reopening American commerce.

Today, I rise in opposition to spending \$500 billion more. The virus bailouts have already cost over \$2 trillion. Our annual deficit this year will approach \$4 trillion. We can't continue on this course. No amount of bailout dollars will stimulate an economy that is being strangled by quarantine.

It is not a lack of money that plagues us but a lack of commerce. This economic calamity only resolves when we begin to reopen the economy. Opening the economy will require Americans to rise above partisanship, to understand that deaths from infectious disease will continue, but that we cannot indefinitely quarantine.

Make no mistake about it, this has been a difficult month for our country. For many of us, we have not seen a greater challenge. I am encouraged to see how our communities are responding. In Kentucky, we have seen tremendous collaboration. People from all walks of life have come together to help each other. We have worked to identify and supply additional protective gear, masks, and gloves to protect our doctors and nurses who risk their lives on a daily basis.

UPS has set up an airlift operation out of Louisville that includes a healthcare facility for FEMA. This lets FEMA make overnight deliveries from anywhere in the country. Over 3 million pounds of masks, gloves, and other equipment have been shipped to the Louisville airport by UPS.

We have worked with some of our bourbon distillers to assist them in transitioning to producing hand sanitizer. We helped repatriate Americans trapped overseas. We also have seen how our communities have banded together to support neighbors, businesses, and those in need.

When protective equipment was in short supply, we discovered a way to use industrial masks, and we supported legislation to allow us to bring approximately 30 million masks into the medical community. When the FDA wouldn't approve COVID-19 tests other than the CDC's—a test that initially failed—we introduced legislation that circumvented the FDA and cir-

cumvented the redtape to get testing done quicker.

Over the years, the U.S. has accumulated more than \$23 trillion in debt, spending money that we do not have and borrowing from our kids' and our grandkids' future. The gargantuan Federal bailout that just passed over \$2 trillion brings us closer and closer to a point of no return, a point in which the world loses confidence in the dollar and a point in which our debt becomes an existential threat to our security. The United States is already having to borrow simply to pay our promises to senior citizens.

The U.S. is borrowing about \$1 trillion a year just to pay for everyday obligations. This is before the pandemic bailout. The U.S. is already borrowing nearly \$2 million every minute. With the recent \$2 trillion bailout, we are borrowing faster than we have ever borrowed before.

Had we practiced sound budgeting in the past, we would have been in a significantly better position to weather this storm. Congress' failures of the past, coupled with the pandemic prices of the present, could seriously jeopardize our economic future. In this moment, we need to think carefully about what we do next.

To stop the spread of this virus, commerce has been disrupted, businesses have closed, and millions have lost their jobs. Right now, the number is 20 million unemployed. The job losses will continue no matter how much money you throw at it until you reopen the economy.

Our government has intervened with unprecedented scale to prop up our economy. We have injected \$2 trillion. I do believe it makes sense for the government to provide support to businesses and families who can't make it through this. I supported expanding unemployment benefits for workers displaced by government quarantine, including self-employed individuals that have lost their businesses. But make no mistake, the massive economic calamity we are experiencing right now was caused by government.

Passing out \$1,200 checks indiscriminately to people who haven't lost their jobs will do nothing to rescue the country. If we were going to make discrete direct payments, the criteria should have been sending checks to people who needed it, people who lost their jobs, people furloughed, people who had wage cuts. Instead of directing help to the unemployed, though, some of these bailout checks will go to couples who earn nearly \$200,000 a year. But you could give everybody in the country \$12,000, and it wouldn't end this recession. Our recovery only comes when the quarantine has ended.

Experts will disagree on the exact date that we should reopen the economy, but sane, rational counsel should continue to push for the quickest end possible. Opining about never shaking hands again is a recipe for keeping the economy closed until no one dies from