

are experiencing and more will experience in the future, could Americans please see that I and my colleagues are taking every step not to make this a political exercise but to demonstrate our care and concern for those we represent.

I mentioned a moment ago about veterans. This is the point in time in which, if you take a walk on the National Mall, as I have often done, to walk to the Lincoln Memorial, I will walk by now the World War II Memorial; I will walk by the Vietnam Wall; and on my return, I will walk by the Korean War Memorial. We should hold those veterans—those military men and women who are honored in those settings—as our role models. We should do that every day, but could we please do it over the next few weeks, the next few months, and into the next year as we try to address the challenges that America faces today. No person memorialized in those settings fought and sacrificed their life for a Republican or for a Democrat. They sacrificed because they believed they could make life better for the folks back home—their own family members, their neighbors, and people they didn't know. They sacrificed because they believed they could make the world a more safe and secure place. I pledge myself in every way possible to see that I do the things today, tomorrow, and into the future that mean that this Congress has come together on behalf of the American people, just like those who served our country did and now rest in peace.

To the Democratic colleagues here in the Senate, please consider me open to their suggestions. And to my Republican colleagues, please know that I am an ally in the things that we believe in. But we may all need to give a little so America can return, Americans can be safe, Americans can be secure, our health is protected, and our economy flourishing.

I would ask God in these circumstances to bless this country, to bring us together, hold us in his arms in a way that we can't do today, and to make certain that this Congress represents the will of the people, not the will of any political party.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent to speak for as much time as I may require.

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

CORONAVIRUS

Mr. ALEXANDER. Madam President, I congratulate the Senator from Kansas on his eloquent remarks, expressing the feelings—certainly mine and those, I believe, of virtually every Member of this body—that we are here not as Democrats or Republicans but to work together to do whatever we can to address the concerns that are literally unprecedented.

This is an unprecedented time in our country. I cannot remember a time in my life or in our history when the government has literally closed down the country in order to contain a disease. That is literally what we are doing. Whether it is the Federal Government by its travel restrictions, or whether it is the State governments suggesting that schools be closed, or whether it is mayors saying that restaurants must be closed, we are closing down the country to contain a disease. Because the government is doing that on behalf of all the people, we are going to have to pay the costs of closing down the country to contain this disease.

Today, the news is that the auto industry across the country is closing down, at least temporarily. There are layoffs.

I have watched over the last 40 years as Tennessee has gone from almost no auto jobs to proudly calling itself, in many ways, the No. 1 auto State. One hundred forty thousand Tennesseans work in auto jobs in Tennessee; that is one-third of all of our manufacturing jobs. They are spread through 88 counties. And over these 40 years as textiles and other industries moved away from the United States and out of our State, the auto companies moved in—virtually into every county—and our family incomes went up. So if we are, in many ways, the No. 1 auto State, then we are the No. 1 State to be hurt when the auto plants begin to close.

We are also hurt, as are citizens in every State, when the restaurants shut down. Fifteen million Americans work in restaurants. It is one of our largest industries, if not our largest industry. Almost all of those workers are being laid off in Tennessee and in many other places in the country and even more will be.

Not all of those affected are working for big auto companies or medium-sized restaurants. I received an email yesterday from friends in Tennessee who run a kennel. Well, you may say that is not so important. Well, it is important to a lot of us. They say:

We are . . . suffering a massive drop off in our business as a result of the Coronavirus. I fear we may have to close our doors for a month or two (hopefully not that long), as our wonderful customers are forced to curtail travel. I am currently trying to secure around \$50,000 in loans to supplement our dwindling reserves to see us through until May [or] June. I am currently applying . . . for SBA disaster relief. This precipitous drop in business comes on the heels of major flood damages to our fencing [caused] by the [recent] floods . . . our flood insurance refuses to cover [that]. We are not seeking charity, just a business loan from \$30,000 [to] \$50,000 to secure our business until it passes. We always pay our way.

This couple has two young children and maybe a couple of employees in their kennel. They are awfully good people. They are salt-of-the-earth Tennesseans. They are like many Americans who are suddenly confronted with this disease that just came out of the blue and has caused our government to shut our country down.

Now, what shall we do about it?

Well, a couple of weeks ago, Congress and the President reacted with \$8.3 billion to help beef up our public health system. We have the best public health system in the world, and we wanted to help it get started.

Today, we passed a bill that some people have estimated at \$100 billion, which includes a whole variety of other steps from Democrats and Republicans that includes encouraging more testing, that creates a new system of paid leave for businesses of less than 500 employees, and family leave.

As Senator MCCONNELL said, we are going to stay here this week until we take step 3. And step 3, according to the President's proposal, would include direct financial payments to Americans; it would include support for essential businesses that need stabilization like the airlines; and it would include loans to small businesses so they can keep their employees working. Perhaps that proposal would be good for that small kennel I talked about.

That is said to cost perhaps another trillion dollars. A trillion dollars is a lot of money, even in the United States. Our gross domestic product is about \$22.3 trillion. We have 25 percent of all the money in the world in this country just for 5 percent of the people. But the idea that we would have to spend a trillion dollars or more to contain a disease would be unthinkable a few weeks ago, but what we have learned very quickly is we are going to have to pay the cost of containing the disease because the way we are containing it is that the government is shutting down major parts of our economy. I don't believe that what we do today or what we propose to do later in the week will be enough because, as I look at the number of people being laid off in this country, our State unemployment agencies are not going to be able to deal with that.

In Tennessee, for example, where unemployment has been very low and where people have found it easy to find a job, there were only 2,000 applications for unemployment insurance last week, but already this week by 2 p.m. on Wednesday, in the middle of the week, there were four times that many applications, 9,177. If you are successful in unemployment compensation in our State, you get \$257 per week for 26 weeks.

So we are going to have to do even more than the Congress has done, even more than the President has done, and I think we have to recognize that the President was wise on January 31, when we only had six cases of coronavirus detected in the United States, to impose the strictest travel bans on people coming into our country in 50 years. Dr. Fauci, whom all of us respect, said if he hadn't done that, we would have many more cases today.

Still, we have a disease that is causing the governments—this one, the State government, the local government—to shut major parts of our economy down. That is why I voted today

for the legislation that was phase 2 in our effort to respond to that, even though I have significant issues with the sick leave and family leave proposals that are part of it. I believe those provisions, while well-intended by the administration and by the House of Representatives, will hurt many employers and will shortchange many employees.

First, to be fair, I want to try to make sure that what the Treasury intends to do is on the record. I have had several conversations with the Secretary of the Treasury and with other officials to ask them just what they intended to do and to list the problems that I had. So here is what they say—and I am characterizing the conversations and the writings we have had.

They pointed out that what many businesses have read is in this bill was what was in the draft of it that the House passed on Friday before technical corrections were made over the weekend and that the technical corrections greatly improved the bill from the point of view of employers.

The Treasury Department writes that, under the legislation, employers receive a dollar-for-dollar refundable tax credit for the COVID-19-related sick and family leave payments made to their employees. As amended—they made the technical corrections over the weekend—the credit is carefully calibrated, in the Treasury's words, to ensure that there is no sick or family leave requirement in excess of the credit. The legislation now also includes explicit grants of regulatory authority to both the Secretary of Labor and the Secretary of the Treasury to ensure consistency between the leave requirements and the credit provisions.

In addition—and this is what the Treasury officials have been saying to us over the last few days—the legislation now provides that the sick and family leave payments are not considered wages for employment tax purposes. The legislation now extends the employer credit to include costs for the maintenance of health benefits that are paid by the employers while employees are on leave.

Lastly, the Treasury and the Internal Revenue Service are considering options to provide an advance payment for the refundable credit to ease any tax flow burden that a small fraction of employers may experience. I will have more to say about that in a minute, but in plain English, what that means is that they are considering a way to make sure that, before the employer has to pay this required family leave to an employee, the Federal Government has given the money to the employer.

Besides this, the legislation now includes an explicit grant of authority, the Treasury writes, to the Secretary of Labor to exempt small businesses from the only long-term leave requirements it contains where those requirements would result in financial hardship.

In its conversations with me and in the writings that it has sent out, the

Treasury makes the argument that, far from imposing special burdens, the net effect of this legislation is to provide an important benefit given that many already provide sick leave and that many more will need to do so in response to the COVID-19 outbreak. Moreover, by structuring coverage for paid sick leave as a credit, the legislation ensures that employers generally receive relief immediately rather than having to wait for refunds.

In the event the amount of the credit exceeds an employer's tax liability, the credit is made refundable to ensure that the employer is fully compensated for all payments made under the leave requirements. The Treasury goes on to write that the Treasury and the IRS are working on options to provide an advance payment of the credit in order to get cash in the pockets of small businesses and their employees immediately.

The intent of the legislation, the Treasury argues, is to fully fund the payments employers make to their employees who experience employment interruptions related to the COVID-19.

In summary, according to the Department of the Treasury, the amended legislation does not require employers to make payments in excess of amounts eligible for the refundable tax credit and does not require employers to pay employment taxes on those amounts. To the contrary, it provides an important and immediate benefit to small businesses and their employees for whom financial assistance is needed as quickly as possible. That has been the argument of the Secretary of the Treasury and his subordinates in conversations with many of us over the last few days. That is their intention.

Now, I read that in detail because, in the Dakotas, in Tennessee, and in many places all across this country, if my figures are right, there are about 6 million businesses that could be affected by this mandate, businesses that employ 51 million employees—or at least that did employ 51 million employees until all of the problems that have been created by this virus.

In my having tried to be fair in giving you what I understand the Treasury's intention to be, which I think will be useful to the owners of small businesses, to their accountants, and to their lawyers, who are trying to figure out the law that was passed today, here are my problems with it.

No. 1, I am not sure that the Treasury can live up to its promise to make sure that the employer has the money from the Federal Government before the employer has to pay the sick leave to the employee.

Here is my principle. I think, in these circumstances, sick leave and family leave are a good idea. I mean, if someone is quarantined for 2 weeks, I think all of us should have to pay the cost of that and, for another 10 weeks, some of the cost of the medical and family leave. I buy that, and I can support that. Yet I believe, if Washington, DC,

is going to require it, Washington, DC, should pay for it. If Washington, DC, is going to require a small business—many of which are struggling and many of which are going out of business—to pay a mandate, Washington, DC, should pay for it.

This is no time to be imposing on small businesses an expensive, new mandate—an unexpected new cost—when they don't have money coming in to pay for the normal costs that they had. I know it is the Secretary's goal to let it work this way, for he has told me this, and he has told all of us this. He has said it in public and has put out a statement.

Under the sick leave proposal, every couple of weeks, a businessman will put aside enough money for withholding and social security taxes. That adds up to about 15 percent of an employee's salary. What the Treasury is saying is that the employer can use that money. Instead of setting it aside for the government, the employer can use it to pay sick leave.

There are two problems with that. One is that I don't like the idea of the employer's using the employee's tax money. You usually get in trouble for that. If I were to set aside the Senator from North Dakota's tax payment and then use it for some purpose, you could go to jail for that in some cases. At least it is inappropriate. I am uncomfortable with that. A business might only have 7.5 percent of the salary set aside for that purpose, but even if it is 15 percent, I am not sure it is enough.

The Treasury Secretary said the Treasury understands that, so it will allow advance payment, and it hopes that it can come up with a system that would get it there immediately. He hasn't promised that it would come in 1 day. I am sure, if he were here on the Senate floor, he would like to say his objective would be to get it there on the same day. Well, wanting to get it there on the same day and getting it there are two different things.

If I am a small business person in Tennessee and know that I am going to have to cut a payroll check on Monday and that I have no money coming in to pay for it and that there is not enough money in my escrow account to pay for it, I would want my money from the Federal Government before I would cut the check.

So I intend to try to amend the legislation that we passed this weekend to say that, with sick leave and paid family leave, since Washington is requiring it and Washington is paying for it, then Washington will need to make sure the employer has the money before the employer has to write the check. That is No. 1.

No. 2, I want to make sure that the employer doesn't have to pay more on sick leave than the Federal Government's cap. There is a cap that, I think, is about \$132,000 annualized pay on sick leave. If an employee makes more than that, that employee is going to have to take a pay cut or he or she

might use the private right of action to sue the employer and say: I want you to pay the gap between the \$132,000 and whatever I made.

You may say, I am not too sympathetic to the employee who makes that much money. Yet I am not talking about being sympathetic to the employee; I am talking about being sympathetic to the employer who may not have any money. Remember, this is a Washington mandate, and Washington should pay for it. Through technical changes this past weekend—and it said so in the information I just read—the Treasury Department has amended the bill to try to make that clear, and I hope that it is successful.

No. 3 is with regard to layoffs, and I mentioned the restaurant industry. There are 15 million people who work in the restaurant industry. If they are not laid off now, they are going to be mostly all laid off before very long. Unfortunately, none of those men and women who have been laid off are eligible for this sick leave because you are going to have to work for 30 days for this small business, for this company with fewer than 500 employees, in order to be eligible for the paid sick leave.

I am afraid, as a result of this, many employers who are worried about this provision may have an incentive to lay off more of their employees. The truth is that one doesn't need much more incentive because you are a restaurant and have been told by the local health board to close down. You don't have any money coming in, and you can't pay your employees anyway, so you don't have any choice. My point is that this is a very limited benefit in the restaurant industry and, probably, in many other industries because it does not help the laid-off employee.

Finally, there has been a lot said with regard to the smallest companies—those with fewer than 50 employees—in that they can apply to the Secretary of Labor and he will make you exempt from the mandate. I think that is a good idea because this is the small mom-and-pop diner or it might be the kennel that I just talked about that might have three or four employees and that is not accustomed to dealing with all of this Washington legalese and its requirements and regulations. It is not geared up for that.

As I read the language in the law, it is a much narrower exception than that, so I am going to attempt to amend the law that passed today in order to broaden the exception so the Secretary of Labor has more authority to waive the mandate for businesses with fewer than 50 employees.

As I said, there are a number of important benefits in the bill that we passed today, especially on testing. We have seen a great increase in the number of available tests over the last few weeks. The Governor of Tennessee said yesterday that we have sufficient testing. Well, that is for today but maybe not for tomorrow or the next day.

One of the greatest steps forward has been to finally allow commercial test-

ing to be used. I mean, why shouldn't the Mayo Clinic or the Cleveland Clinic be able to go ahead and develop tests and move ahead with them? Now, they can. While we have done a great deal, there is a great deal more that we must do.

I am convinced, even if we do as Senator MCCONNELL has said and pass our phase three legislation this weekend, which would include loans to small businesses, direct payments to individuals, and stabilizing payments to airlines, for example, and maybe to other industries, that there is more to do.

My guess is that the next step after that—phase four, let's call it—will be to look to our State employment compensation systems and make sure they are able to handle the large numbers of people who are losing their jobs because the government is shutting down the economy in order to contain the disease.

I voted for the Johnson amendment today, which was to the bill for which I later voted, because I thought it was headed in the right direction. Rather than Washington's issuing mandates, I would rather Washington work with the States in an existing program and make sure that States have sufficient funding on top of their own funds to deal with the large numbers of auto-workers, restaurant workers, and workers at the small kennel that has two or three employees. In addition to that, I believe the figure in the weekly fund is going to have to be higher than the \$327 that it is in Tennessee.

This is unprecedented. We are closing down the economy in order to contain the disease. Because we are doing that, we governments at all levels are going to have to pay the bill.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAMER). The Senator from Delaware.

CORONAVIRUS

Mr. COONS. Mr. President, the Senate of the United States has just acted. It has taken up and passed a roughly \$104 billion package of assistance that will go out to American families, to American workers, to our healthcare system, to our States, and to our communities. I want to take a few minutes to talk about this important step we have just taken and where we have to go next.

The Delawareans I have heard from today and this week and this month are worried, and they are anxious. They have been up all night and are trying to figure out how they are going to care for their children who are home from school and need support and instruction and how they are going to care for their parents who are vulnerable and elderly and sick. They are concerned about our hospitals and our healthcare system and its capacity.

They are anxious because they are frontline workers, they are first responders, and they are volunteer firefighters, nurses, and orderlies, who are

exposed every day and concerned. They are just average citizens asking: How can I get a test and where?

I have heard from the presidents of our major universities, the head of our hospital system, our Governor, and my colleagues in our congressional delegation. We have talked repeatedly to our director of public health, our secretary of health and human services, and I have heard from business owners, large and small, who run everything from coffee shops and diners to restaurants and hotels in our State. There is a lot of anxiety and concern.

The folks in my State want to know that we here in Washington are going to put the partisan bickering aside, find answers, and get resources out to deal with this significant public health emergency.

And so I hope folks take some encouragement from today's actions. It passed 90 to 8. Very little passes in this Senate 90 to 8, and I have very rarely seen a bill of this size, scope, and magnitude that goes from an idea to bill text, to enactment in such a short period of time, but this moment demands it.

Let me talk through, also, the priorities that are reflected in the Families First Coronavirus Response Act, because the name reflects the priorities.

Hubert Humphrey, who is a former leader in the United States in our political community and system, once said, "The moral test of our government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped."

I am pleased that the package just passed here in the Senate takes important strides to take care of exactly those folks. Children home from school, who need support for learning remotely, and those, in particular, who rely on school lunch programs for their one good, stable healthy meal a day, will be able to continue to get school lunches delivered, either through their schools or at home. There are significant resources in this bill for that. Those who are on the frontlines of this crisis, the individuals who are cleaning offices and cleaning hospital rooms and cleaning Amtrak cars and public buses, those who are putting themselves directly at risk by cleaning the spaces we all count on for our society, frontline workers, people who are in our first responder community, people who are working in our hospital emergency rooms—this provides support for them.

And for anyone who is concerned about the cost of access to testing, this bill makes clear that testing for COVID-19, for this dreaded disease caused by the novel coronavirus, will have a test for free, including those without health insurance.

There are some big pieces in this bill that I will briefly mention. There is paid emergency leave for workers at companies below 500 employees for 2