

Recently, Florida Power & Light, the State's largest utility, announced that their savings from tax reform will completely cover the costs of rebuilding critical infrastructure in the wake of Hurricane Irma. Absent tax reform, consumers would have paid for much of the repairs in the form of higher rates. Now the utility can cover the cost itself, saving Florida families an average of \$250.

In other States, from Montana to Massachusetts to my home State of Kentucky, utilities are planning to directly pass along their savings by cutting consumers' monthly bills.

Of course, lower utility rates aren't the only way tax reform is helping middle-class Americans. Week after week, the headlines are full of more bonuses, more pay raises, and more new benefits for hard-working Americans as a direct result—a direct result—of tax reform. With all of this good news pouring in, it is easy to forget how hotly the debate over tax reform was contested.

Republicans argued that letting middle-class families keep more of their own money and giving American job creators a 21st-century tax code would unleash prosperity and directly help American workers.

Our Democratic colleagues gambled on a different prediction. Every single House Democrat voted in lockstep with their leader. She predicted tax reform would bring about Armageddon. Every single Democrat in the Senate rallied behind their leader, my friend from New York. He declared that there was "nothing about this bill that suits the needs of the American worker."

We always knew one side would be proven wrong. Either tax reform would benefit middle-class families and help reignite the economy or it would not. The early results speak for themselves. In the great State of Missouri, 20 companies, and counting, have already announced tax reform bonuses, raises, or benefits. That includes thousand-dollar bonuses for 2,500 workers at Central Bank of St. Louis and at Great Southern Bank in Springfield and more bonuses at Mid-Am Metal Forming in Rogersville. One of the Senators from Missouri voted for the policy that made all this happen. Their other Senator tried to block it.

In Ohio, tax reform has already led Jergens to double employees' annual raise. It has enabled Sheffer Corporation, a cylinder manufacturer, to give workers four-figure bonuses. Here is how Sheffer's CEO responded to Democrats who have been trying to talk down these bonuses: "Some people have said that's 'crumbs,' but for the Sheffer people, we consider that fine dining."

Remember, these bonuses and pay raises are just the tip of the spear. The Tax Cuts and Jobs Act also directly helps families by cutting tax rates and expanding deductions. In every paycheck, American workers will keep more of what they earn.

Only one Senator from Ohio voted to put all this middle-class progress on the menu. Every single Democrat in the Senate and the House voted to stop tax reform. Fortunately, for middle-class families in Missouri, in Ohio, in Kentucky, and across the Nation, Republicans overcame the obstruction and passed this historic bill.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### BROADER OPTIONS FOR AMERICANS ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 2579, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 302, H.R. 2579, a bill to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. Mr. President, we are in the midst of debate in the Senate on the issue of immigration. It is the first time in 5 years we have taken up this issue. There are many compelling reasons for us to get this right.

On September 5, President Trump announced that he was going to end the DACA Program, a program created by an Executive order of President Obama's that protects 780,000 young people who are undocumented in the United States. The elimination of that program officially on March 5—just a few weeks away—will mean that these young people and many just like them will be subject to deportation and no longer allowed to legally work in the United States.

President Trump challenged Congress to do something about it, to pass a law. As you can see, more than 5 months have passed, and we haven't done that. But we have a chance this week to get it right. We have a chance to make this work.

This morning, I come to the floor for a brief time to tell the story of two

young women. The first one is named Tereza Lee. Tereza Lee is the reason for the DREAM Act, which is legislation I introduced 17 years ago.

Tereza was born in Brazil. Her parents were from Korea, but they traveled to Brazil first. She was brought to the United States at the age of 2 and made it to Chicago, IL.

Her father wanted to be a Protestant minister and to start a church. That was his dream, and he worked at it. They were a poor family. They didn't have much money to start with, but he pursued his dream. He gathered some people together in church settings.

Her mother went to work at a dry-cleaners in Chicago, which is not uncommon. The vast majority of dry-cleaning establishments in that city are run and owned by Korean families. It is a hard job, a lot of hours, but she was prepared to work to feed her family and to raise Tereza and her brothers and sisters.

During the course of her father's ministry, Tereza started banging away at an old piano at the back of the church and fell in love with the instrument. Someone gave her family a discarded piano, and she spent hours each day practicing. She signed up for something called the Merit Music Program in Chicago, which is available for kids in public schools who can't afford lessons, and she developed her skill as a pianist. At the point she reached high school, she actually was playing with the Chicago Symphony Orchestra. People took notice of it and said: Tereza, you have to go forward with this amazing skill of yours and apply to the best music schools. She did. She applied to the Juilliard School of Music and the Manhattan School of Music, and she was accepted.

She did run into a problem. When it came time to fill out the forms to go to school, there was a section where she had to declare her nationality or citizenship.

She said to her mom: What do I put here?

Her mom said: I don't know. We brought you here on a visitor's visa, and we never filed any more papers.

Technically, Tereza was an undocumented person in America. She didn't have legal status. So she contacted our office and asked what she could do. That was 17 years ago. We took a look at the law, and the law is pretty brutal for those who are undocumented in this country. It basically said to this 18-year-old girl: You have to leave the United States for 10 years and petition to come back in and apply for green card status and citizenship. Ten years? Brought here at the age of 2, she was banished by our laws in the United States and given no future.

That is when I introduced the DREAM Act—for her initially but for many others in similar circumstances, kids who are brought here to America as infants and toddlers, young children, young teenagers who had no home, who had no country. They go to our public

schools and pledge allegiance to the same flag we pledge allegiance to every morning, but there is no legal status for them.

The story has a happy ending for Tereza Lee. Even though the DREAM Act is not the law of the land, benefactors stepped forward and paid for her education at the Manhattan School of Music, and she ended up with a Ph.D. in music. She ended up playing piano in Carnegie Hall. She is now married and because of that marriage has become a legal citizen of the United States and is the mother of two.

That is the story of Tereza Lee, a Korean-American young woman who, in her way, with her musical skill, makes America a better nation.

There is another Korean-American girl I would like to salute as well. Her face may be more familiar. In 1982, a Korean immigrant came to the United States. He didn't speak English very well. He carried a Korean-English dictionary with him. He had a couple hundred dollars. He landed in California and decided he was going to make a go of it here in America, so he went off to school and obtained a degree in manufacturing engineering technology, and then he started to raise a family.

In that family was a young girl who showed at a very early age an interest in snowboarding. Her father, this Korean immigrant with no measurable skills and little proficiency in English, decided that he would help her, and he did. He made great sacrifices so she could develop her skills in snowboarding, and ultimately she became one of the best in the world.

Yesterday at the Olympic Games in South Korea, she was awarded the Gold Medal because of her skills in snowboarding and the fact that she won this halfpipe competition against the others, some of the best in the world.

This is Chloe Kim. Chloe Kim, this Korean-American girl, like Tereza Lee, developed an amazing skill. Today, all across this country and all across the world, we are saluting this amazing 17-year-old girl and the skill she developed. But let's remember that Chloe Kim's story is the story of immigration in America. Chloe Kim's story is the story of people who come to these shores determined to make a life. They don't bring wealth. Many of them don't even bring proficiency in English. They certainly in many cases don't bring advanced degrees. They only come here with the determination to make a better life for themselves and a better country for all of us.

That is the story of immigration. It is the story of this Korean-American girl, Chloe Kim. It is the story of Tereza Lee, another Korean-American girl who was a Dreamer and inspired the introduction of the legislation we are debating this week in the Senate.

There is a difference of opinion among Senators about immigration. Several Senators have said: We have too many immigrants; we have to limit

those who come to this country. Some of them have even said that we have to be careful that we select only the best and brightest to come into this Nation. Well, I am the son of an immigrant myself, and I can tell you for sure that my grandparents and my mother didn't come to this country with any special skills or proficiency. They came here with a determination to make a better life, and they did, for themselves and for me. That is my story, that is my family's story, and that is America's story.

This week as we debate immigration, let's not only applaud Chloe Kim for her great achievement as a first-generation American, the daughter of an immigrant who came here with nothing, let's applaud Tereza Lee, too, who was determined against the odds to use her skills to make a better life for herself and a better country for all of us.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, last night the Senate took up a neutral bill on immigration to begin debate on legislation to protect the Dreamers and provide additional border security. It is a debate upon which the lives of the Dreamers depend. They were brought into this country as kids through no fault of their own. For many of them, America is the only country they remember. They learn in our schools, they work at our companies, they serve in our military, and they are stitched into the very fabric of our Nation.

This week we have the opportunity to offer these Dreamers protection and the chance to finally become Americans, and this is supported in every State throughout the Nation. Eighty percent of Americans—a majority of Democrats, Independents, and Republicans all support allowing the Dreamers to stay here and become American citizens. We have an opportunity to improve border security, as well, which is something that also has broad support.

Both Democrats and Republicans, in large numbers, have supported both helping the Dreamers become Americans and protecting our borders. That should be the focus of all our energies—finding a bipartisan compromise that would achieve those things and pass the Senate.

We can put together a bipartisan plan here in the Senate and sell it to the Nation. I know that there are other forces swirling around. That was true of the budget deal, but Leader McCON-

NELL and I put together an agreement. The Senate voted for it in large numbers, the House passed it with significant support from both parties, and the President signed it. We can do the same thing on immigration. The Senate can take the lead once again in a bipartisan way that can get 60 votes and move the Nation forward.

We all know Americans in every State—your State, Mr. President, my State, and every State—who ask: Why can't you work together and get something done? Well, this is a very difficult issue and we are all aware of that, but we can get something done. We are on the verge, but it is still hard. We are not there yet, but we can get something done. Let's work toward that.

#### INFRASTRUCTURE AND THE PRESIDENT'S BUDGET

Mr. President, on another matter entirely, the White House released its long-awaited infrastructure plan. After promising a trillion-dollar infrastructure plan to build "gleaming new roads, bridges, highways, railways, and waterways all across our land," President Trump's plan turned out to be less than half a loaf. Instead of a trillion dollars or more of investment, the Trump infrastructure plan includes only \$200 billion in Federal investment, relying on State and local governments and private entities to pony up the rest of the cash.

There is a great irony that on the same day the President put out the \$200 billion infrastructure plan, the administration's budget slashed well over \$200 billion in existing infrastructure investments that we do make every year. While the Trump infrastructure plan gives with one hand, the Trump budget takes more away than is given. That doesn't show much of a commitment to do infrastructure. That shows sort of a schizophrenic administration.

Even on the side where they try to give, the Trump infrastructure plan has a lot of flaws. Already cash-strapped State and local governments would likely have to raise taxes on their constituents to fund new investments. Meanwhile, private entities will seek projects with the quickest return on investment. If you have a big, large resort with a lot of wealthy people going there, yes, a private person might build a road, but if you have a bridge in Shreveport or in Rochester, a middle-sized city or anywhere else in the country, no private investor is going to invest in that. There won't be any money for it. Large parts of the country will be left out. And who will be left out most? Rural America, which lacks the population or traffic to attract investment, would get shut out. They have a set-aside for rural America, but it is not close to enough—not close to enough.

Worse, the Trump infrastructure plan would mean a slew of tolls—Trump tolls—from one end of America to the other. Large developers are going to want to make a quick buck on new investment, and who is going to pay for

it? The average, middle-class, working-class American who drives and pays the tolls.

These companies—let's face it; everyone knows this—are not going to lend money to build a road and not get any return. When the Federal Government puts money into roads, they don't ask for a return, other than jobs created building the roads and jobs created because new companies, new housing, and other new things will locate alongside the road. It does pay for itself through what the economists would call external costs—externalities. But the companies that invest, the big financiers who invest will want an immediate return, and that means tolls—tolls, tolls, and more tolls. More tolls may not sound like a big deal to the bankers and financiers who put together Trump's plan, but they sure mean a lot to working Americans who commute on these roads every day.

I would remind people that the Federal Government has invested in roads and infrastructure for centuries, not decades. Henry Clay, a Whig—the predecessor party of the Republican Party—first proposed it in the 1820s and 1830s. Dwight Eisenhower, a Republican President, expanded our Federal highway system dramatically with huge positive effect in large parts of America. Ronald Reagan never cut infrastructure. He cut a lot of other things, but not infrastructure. He knew it was important. So why are we making this 180-degree, hairpin turn right now? It doesn't make sense.

There are other problems with the Trump plan. What about "Buy American"? Everyone says they are for "Buy American." The Trump infrastructure plan unwinds "Buy American" provisions. If we are going to rebuild American infrastructure, let's do it with American steel, American concrete, and American labor.

This is the kind of plan you would expect from a President who surrounds himself with industry insiders, financiers, people in Wall Street who look at infrastructure as an investment to be made by corporations. But infrastructure has always been something the government invests in because the benefits aren't immediately apparent to business. A road might not generate short-term profits unless it is dotted with tolls, but a factory might locate nearby and bring new jobs to the area. The private sector might not build high-speed internet all the way out to the house at the end of the road if there isn't a profit, but that family is just as deserving as every other family in America to be part of the internet, which is a necessity these days, just as electricity was in the thirties when Franklin Roosevelt proposed connecting all rural homes to the electric grid. The private sector then and the private sector now should not pick and choose. It will leave large parts of America out. That is why the Trump infrastructure plan falls short.

For almost our entire history, the consensus in Congress and the White

House was that the government should lead the way on infrastructure. As I have mentioned, Republicans Henry Clay, Dwight Eisenhower, and Ronald Reagan believed that we need investment in infrastructure. Democrats still believe it.

I hope that our mutual desire to fix the Nation's crumbling infrastructure without shifting the burden onto taxpayers and local governments motivates us to put the President's proposal to the side, as we did with the budget, and come up with one ourselves.

Mr. President, yesterday, the Trump administration delivered a budget to Congress that will drastically slash funding for education, environmental protection, transportation, Medicare, and Medicaid. Yes, folks, despite the President's promise that he would never cut Medicare, Medicaid, and Social Security, he is cutting two out of the three in this budget—or so he proposes.

Even with all those cuts, though, the Trump budget actually increases the deficit. Even in the realm of budgetary magic, the Trump budget pulls a trick so absurd that it would even make Houdini blush: Cut Medicare, cut Medicaid, and yet increase the deficit. How the heck did that happen? Only in the world of President Trump and his budgeteers.

Just weeks after jamming through a partisan tax bill that would greatly benefit big corporations and the wealthy while adding \$1.5 trillion to the deficit, the Trump administration is now proposing a massive curtailment of the programs that help almost everyone else in America and, at the same time, increasing the deficit—a bad magic trick, very bad.

After an entire campaign's worth of promises to protect Medicaid and Medicare, President Trump proposes to cut deeply into both of them. After calling education the civil rights issue of our time in his first address to the Congress, President Trump proposes a 10-percent cut in education funding. Ask your school boards throughout America how they feel about that. Alongside his long-delayed infrastructure plan, President Trump proposes to cut transportation funding by nearly one-fifth—a decrease so large it would result in a net cut in infrastructure funding even if you add in the President's new infrastructure bill.

On the heels of a massive corporate tax cut, this budget is the very inverse of economic populism. It cuts back from nearly every program that helps the middle class and those struggling to reach it. The Trump budget is the encapsulation of an administration that promises populism but delivers plutocracy where the rich and powerful get the tax cuts, but everyone else just gets cut out.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for about 15 minutes as in morning business.

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

#### FALSE CLAIMS ACT

Mr. GRASSLEY. Mr. President, I am going to address, as I do often on the floor, problems with the False Claims Act. As author of the False Claims Act of 1986, I want to say upfront, before I talk about some problems, that this is a piece of legislation that has brought into the Federal Treasury \$56 to \$57 billion of fraudulently taken money.

Each year, the Department of Justice updates the amount of money that has come in under the False Claims Act, about \$3 billion to \$4 billion a year. We are talking about a piece of legislation I passed more than 30 years ago, that had been good for the taxpayers, to make sure their money is handled the way the law requires. Obviously, if it is taken fraudulently, it isn't handled the way the taxpayers would expect.

With that introduction, I want to bring up some problems with the False Claims Act. Today, there are some troubling developments in the courts' interpretation of the False Claims Act. To understand these developments, I want to review a little history.

In 1943, Congress gutted the Lincoln-era law known as the False Claims Act. At that time, during World War II, the Department of Justice said it needed no help from whistleblowers to fight fraud. The Department of Justice said, if the government already knows about the fraud, then no court should even hear a whistleblower's case. In 1943, Congress amended the False Claims Act to bar any whistleblower from bringing a claim if the government knows about the fraud.

Looking back at World War II, we know what they did to the False Claims Act was a big mistake because the bar led to absurd results that only hurt the taxpayers. It basically meant that all whistleblower cases were blocked, even cases where the government only knew about the fraud because of the whistleblower. In other words, whistleblowers are patriotic people when they are reporting fraud, but it didn't make any difference because of the way the law was amended in 1943.

In 1984, the Seventh Circuit barred the State of Wisconsin from a whistleblower action against Medicaid fraud. Even today, Medicaid fraud is a major problem. We have ways of getting at it now, but in 1984 they didn't. In this case in Wisconsin, that State had already told the Federal Government about the fraud because it was required to report that fraud under Federal law. Because of the so-called government

knowledge bar enacted in 1943, whistleblower cases went nowhere and neither did prosecution of wrongdoers.

Getting back to what I was involved in, in 1986, I worked with many of my colleagues—particularly a former Democratic Congressman from California by the name of Mr. Berman—to make it possible for whistleblowers to be heard again. In other words, these patriotic Americans just want the government to do what the law says it ought to be doing and money spent the way it ought to be spent. They want people to know about it so action can be taken.

In 1986, for whistleblowers to be heard again, that included eliminating the so-called government knowledge bar. Since then, what the government knows about fraud has still been used by defendants in false claims cases as a defense against their own state of mind. Courts have found that what the government knows about fraud can still undercut allegations that defendants knowingly submitted false claims. The theory goes something like this: If the government knows about the defendant's bad behavior and the defendant knows the government knows, then the defendant did not knowingly commit fraud. That doesn't make sense, does it? Once you wrap your head around that logic or puzzle, I have another one for you.

In 2016, the question of what the government knows about fraud in False Claims Act cases began to take center stage once again. In *Escobar*, the Supreme Court rightly affirmed that a contractor can be liable under the "implied false certification" theory. That means a contractor can be in trouble when it doesn't make good on its bargain. And it doesn't matter whether the contractor outright lies—a misleading omission of its failures is enough.

Unfortunately, parts of the Court's ruling are getting some defendants and judges tied in knots. Justice Thomas wrote that the false or misleading aspect of the claim has to be material to the government's decision whether to pay it. Justice Thomas said that one of several ways you can tell whether something misleading is also material is if the government knows what the contractor is up to and pays the claim anyway. That is a good way for people to commit fraud. At first glance, I suppose that kind of makes sense. If someone gives you something substantially different in value or quality from what you asked for, why would you pay for it? But if the difference really isn't that important, you might still accept it.

Even if that is true, the problem here is that courts are reacting the way they always have. They are trying to outdo each other in applying Justice Thomas's analysis inappropriately or as strictly as possible, to the point of absurdity. In doing so, they are starting to resurrect elements of that old government knowledge bar that I

worked so hard to get rid of in 1986. And remember, that government knowledge bar goes back to the big mistake Congress made in 1943 by eliminating it from the False Claims Act.

Justice Thomas actually wrote:

[I]f the Government pays a particular claim in full despite its actual knowledge that certain requirements were violated, that is very strong evidence that those requirements are not material. Or, if the Government regularly pays a particular type of claim in full despite actual knowledge that certain requirements were violated, and has signaled no change in position, that is strong evidence that the requirements are not material.

Justice Thomas did not say that in every case, if the government pays a claim despite the fact that someone, somewhere in the bowels of democracy might have heard about allegations that the contractor may have done something wrong, the contractor is automatically off the hook. Think about that. Why should the taxpayer pay the price for bureaucrats who fail to expose fraud against the government? That is why the False Claims Act exists—to protect taxpayers by rewarding whistleblowers for exposing fraud.

Justice Thomas said that the government's actions when it has actual knowledge that certain requirements were violated are evidence of whether those requirements are material. What does it mean for the government to have actual knowledge? Would it include one bureaucrat who suspected a violation but looked the other way? Would that prove the requirement was material? Courts need to be careful here.

First, this statement about government knowledge is not the standard for materiality. The standard for materiality is actually the same as it has always been. The Court did not change that definition in *Escobar*. Materiality means "having a natural tendency to influence, or being capable of influencing, the payment or receipt of money or property." The question of the government's behavior in response to fraud is one of multiple factors for courts to weigh in applying the standard.

Second, courts and defendants should be mindful that Justice Thomas limited the relevance here to actual knowledge of things that actually happened. There are all sorts of situations where the government could have doubts but no actual knowledge of fraud. Maybe the government has only heard vague allegations but has no facts. Maybe the rumors are about something that may be happening in an industry but nothing about a particular false claim by a particular defendant. Maybe an agency has started an inquiry but still has a long way to go before that inquiry is finished. Maybe someone with real agency authority or responsibility hasn't learned of it yet. There are a lot of situations where the government might not have actual knowledge of the fraud.

Third, even if the government does pay a false claim, that is not the end of the matter. Courts have long recognized that there are a lot of reasons why the government might not intervene in a whistleblower case. There are a lot of reasons why the government might still pay a false claim. Maybe declining to pay the claim would leave patients without prescriptions or life-saving medical care. Paying the claims in that case does not mean that the fraud is unimportant; it means that in that moment, the government wants to ensure access to critical care. That payment cannot and does not deprive the government of the right to recover the payment obtained through fraud.

Can you imagine if that were the rule? Can you imagine if providers could avoid all accountability because the government decided not to let someone suffer? Then fraudsters could hold the government hostage. They could submit bogus claims all the time with no consequences because they know the government is not going to deny treatment to the sick and the vulnerable. That is just not what the False Claims Act says. Courts should not read such a ridiculous rule into that statute.

Fourth, courts should take care in reading into the act a requirement for the government to immediately stop paying claims or first pursue some other remedy. There could be many important reasons to pay a claim that have nothing to do with whether the fraud is material. Further, there is no exhaustion requirement. The False Claims Act does not require the government to jump through administrative hoops or give up its rights. And that would be an unreasonable burden on the government, in any event.

We have decades of data showing that the government cannot stop fraud by itself—hence the importance of whistleblowers; hence the importance of the False Claims Act. I also know from many years of oversight that purely administrative remedies are very time-consuming and often toothless.

The government should be able to decide how best to protect the taxpayers from fraud. The False Claims Act is the most effective tool the government has. The government should be able to use it without the courts piling on bogus restrictions that are just not law.

I started with the importance of the False Claims Act. It has brought \$56 billion to \$57 billion into the Treasury since its enactment in 1986. Each year, the Department of Justice updates the law, usually reporting \$3 billion or \$4 billion coming in under that act in the previous year.

I hope the courts understand that every bureaucrat in government has to have the opportunity to report what is wrong so that we make sure the taxpayers' money is properly spent.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. CRUZ). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, for months, Senators have been clamoring for a floor debate on DACA, border security, and other urgent issues pertaining to immigration. We have certainly had ample time to prepare.

The week we set aside for this debate has arrived—the week my Democratic colleagues insisted that we dedicate to this issue. The clock is ticking, but the debate has yet to begin. That is because our Democratic colleagues have yet to yield back any of their postcloture time so we can begin this important debate. If we are going to resolve these matters this week, we need to get moving. In my view, the proposal unveiled yesterday by Senator GRASSLEY and a number of other Senators offers our best chance to find a solution.

I have committed that the amendment process will be fair and both sides will have the opportunity to submit ideas for debate and votes. For that to happen, our colleagues will have to actually introduce their own amendments, rather than just talk about them.

My colleague, Senator TOOMEY, for example, has done just that. He put forward an amendment to address one of the most glaring aspects of our Nation's broken immigration system—sanctuary cities. I see no reason to further delay consideration of this and other substantive proposals. Let's start by setting up a vote on his amendment and an amendment from my Democratic colleagues—an amendment of their choosing, not mine, with their consent. With their consent, we can start the debate and have the first two amendment votes.

Mr. President, consistent with that, I ask unanimous consent that at 2:15 p.m. today, the motion to proceed to H.R. 2579 be agreed to. I ask unanimous consent that Senator TOOMEY, or his designee, be recognized to offer amendment No. 1948 and that the Democratic leader, or his designee, be recognized to offer an amendment; further, that the time until 3:30 p.m. be equally divided between the leaders or their designees and that following the use or yielding back of that time, the Senate vote on the amendments in the order listed, with 60 affirmative votes required for adoption, and that no second-degree amendments be in order prior to the votes; finally, that if any of the amendments are adopted, they become original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Reserving the right to object, Mr. President, I appreciate the process the majority leader agreed

to this week, but the proposal he just offered does not address the underlying issues of this debate and why we are here. It does not address Dreamers, nor does it address border security.

As I said this morning, the Senate must focus on finding a bipartisan solution that addresses those two issues—Dreamers and border security. Rather than the partisan proposal offered by the Republican leader, I suggest we consider two proposals inside the scope of the debate, one for each side. Let the Republicans offer the President's plan, in the form of legislation carried by the Senators from Iowa and Arkansas, which the leader supports, and the Democrats will offer the bipartisan Coons-McCain bill—narrow legislation that protects the Dreamers, boosts border security, and adds resources for immigration courts.

Each is the opening foray—one for Democrats, one for Republicans—and can start the process and let us know where we stand. Our legislation is ready to go, and we would be happy to vote as soon as the Republicans have their proposal drafted and ready for an amendment vote.

To begin this debate as the Republican leader suggests would be getting off on the wrong foot—unrelated to DACA and very partisan. Respectfully, I suggest we move to the bills offered by Senator GRASSLEY and Senator COONS instead. Let's get this debate started on the right foot.

So I object to the leader's request.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Dakota.

#### TAX REFORM

Mr. THUNE. Mr. President, when we set out to do tax reform, we had two big goals we wanted to achieve for the American people.

First, we wanted to provide them with immediate relief on their tax bills, which we did, by lowering tax rates across the board, doubling the child tax credit, and nearly doubling the standard deduction. Thanks to lower rates and the new withholding tables, Americans across the Nation will start seeing bigger paychecks this month. Yet our objective went beyond tax cuts, as important as that relief is to the American people.

We wanted to create an economy that would produce the jobs and opportunities that would provide Americans with security and prosperity for the long term. Before the Tax Cuts and Jobs Act, our Tax Code was not helping to create that kind of an economy. In fact, it was working against it. Businesses, large and small, were weighed down by high tax rates and growth-killing tax provisions and all of the regulatory and compliance burdens that went along with them, and our outdated international tax rules left America's global businesses at a competitive disadvantage in the global economy. That had real consequences for American workers.

A small business owner who struggled to afford the annual tax bill for

her business was highly unlikely to be able to hire a new worker or to raise wages. A larger business that struggled to stay competitive in the global marketplace, while having paid substantially higher tax rates than its foreign competitors, too often had limited funds to expand or increase investment in the United States.

So, when it came time for tax reform, we set out to reform the business side of the Tax Code to benefit American workers. We knew that for American workers to have access to good jobs and opportunities, the American economy had to thrive, and that meant American businesses had to thrive, so we took action to lessen the challenges that faced American businesses.

We lowered tax rates across the board for the owners of small- and medium-sized businesses, farms, and ranches. We expanded the ability of business owners to recover the investments they make in their businesses, which will free up cash that they can reinvest in their operations and their workers. We lowered our Nation's massive corporate tax rate, which, up until January 1, was the highest corporate tax rate in the developed world. We also brought the U.S. international tax system into the 21st century by replacing our outdated worldwide system with a modernized territorial tax system so American businesses would not be operating at a disadvantage next to their foreign competitors.

The goal in all of this was to free up businesses to increase investments in the U.S. economy, to hire new workers, and to increase wages and benefits. I am happy to report that is exactly what they are doing. Even though tax reform has been the law of the land for less than 2 months, businesses are already announcing new investment, new jobs, better wages, and better benefits for workers.

Tech giant Apple announced that thanks to tax reform, it will bring home almost \$250 billion in cash, which it has been keeping overseas, and invest it in the United States. It also announced it will create 20,000 new jobs. Fiat Chrysler announced it will be adding 2,500 jobs at a Michigan factory in order to produce the pickups it had been making in Mexico. Nexus Services is hiring 200 more workers. JPMorgan Chase is adding 4,000 new jobs and opening 400 new branches. Boeing is investing an additional \$100 million in infrastructure and facilities and an additional \$100 million in workforce development. Regions Financial Corporation is investing an additional \$100 million in capital expenditures. FedEx is investing \$1.5 billion to expand its FedEx Express hub in Indianapolis. ExxonMobil is investing an additional \$35 billion in the U.S. economy over the next 5 years—and on and on.

We are starting to see similar results, not just from larger and medium-sized companies but from smaller companies too. For example, Jones Auto and Towing in Riverview, FL, is putting two new tow trucks into service,

which means new jobs for local workers.

There are all of the companies that are boosting their base wages: Bank of Hawaii; Charter Communications, Incorporated; Berkshire Hills Bancorp; Rod's Harvest Foods in St. Ignatius, MT; Walmart; Cigna Corporation; Great Western Bancorp in my home State of South Dakota; Webster Financial Corporation; Capital One; Humana. The list keeps going and going and going.

Then there are the companies that are increasing their 401(k) matches, boosting wages, creating or expanding parental leave benefits, and improving health benefits.

Tax reform is already working for American workers, and as the benefits of tax reform accrue, we can expect more jobs, more benefits, higher wages, and more opportunities for American workers in the future. That is what tax reform was designed to do—to unleash the entrepreneurial spirit in this country and provide incentives for American businesses to expand and grow their businesses. In doing that, they will create those better paying jobs, those higher wages, and a better standard of living for American workers and American families. It is having the desired effect, and we are seeing it every single day in this country.

This is not only a short-term thing; this will have a long-term effect and be a change that will be good for the American economy and American workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, about 20 minutes ago, our majority leader, Senator MCCONNELL, tried to move debate along on an immigration bill, and I am puzzled that our minority leader, Senator SCHUMER, objected. The reason I am puzzled is, for a long period of time—maybe 10 years—some of the Senators on the other side of the aisle and even some Senators on our side of the aisle have been advocating for giving certainty to the young people who have been brought here by their parents whom we call either Dreamers or DACA people. They have been advocating for giving them legalization.

The majority leader, 2 weeks ago, promised the minority an opportunity to have a debate on that issue—the first debate on immigration since 2013, I believe. The majority leader, today, tried to carry out that promise and get this bill moving, and we had this objection. It is very puzzling.

I think it is legitimate to ask the minority leader, in his objecting to a unanimous consent agreement, why the objection is coming with regard to the very debate that he has, on his side of the aisle, been demanding of the majority for a long period of time. Hasn't the minority leader and the entire Democratic Party been asking for this debate? Yes, they have been.

Leader MCCONNELL has honored his commitment and allowed us to have an open, fair immigration debate this week. The key words are an "immigration debate," not a DACA-only debate, not an amnesty-only debate but an immigration debate. An immigration debate has to include a discussion about enforcement measures. An immigration debate has to include a discussion about how to remove dangerous criminal aliens from our country. A real immigration debate has to include discussions about how to protect the American people.

The leader has asked unanimous consent to allow us to start debating these issues, and the Democrats are refusing. Puzzling, I say it is, because they have been the ones to demand this debate. Why don't they want to debate things like sanctuary cities, as one example, which was asked for? Are they unprepared to discuss the vital public safety issues or is it more likely they are worried that some bills on enforcement on this side of the aisle could actually pass? Maybe that is the case, but it is no reason not to allow this body to start debate on this very important issue.

The American people deserve a real immigration debate about the four pillars we agreed to at the White House and not just a debate about the Democrats' preferred policy preferences. Yes, DACA is an important part of that discussion, but it is only one part. If the Democrats are insisting that we debate their preferred policies only, that is not a real debate at all.

We have filed an amendment that takes into consideration the four pillars that were agreed to at a bicameral, bipartisan meeting at the White House, with the President presiding on January 9. Those four pillars include: legalization and a path to citizenship, border security, the elimination of chain migration, and, fourthly, the elimination of the diversity visa lottery. Those all fit in, maybe not in detail and exactly the way the President might want it, but they fit into the four pillars as to which he said he would sign a piece of legislation.

I suggest to my other 99 colleagues that there is a provision that can pass the U.S. Senate, pass the House of Representatives, and be signed by the President of the United States because he has said he agrees with those principles. Other people have bills but not bills that can become law based upon what the President will sign or not sign.

Again, I think it is very puzzling that the Democratic leadership will not allow this debate to go forward, for it is something they have been asking for. More importantly, maybe it is quite the surprise that the majority leader would allow this debate to move forward, but that is how a consensus was met about 2 weeks ago on the issue of opening up government and having this debate and moving forward to a budget agreement. Those things have

been done. Now the leader is carrying out his promise. I hope the other side will agree to move ahead.

## RECESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

## BROADER OPTIONS FOR AMERICANS ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as people around the Nation listen to this floor debate, I am sure they can hear the divisions about immigration loud and clear. I know I can. Immigration policy is hard, it is emotional, and it has vexed this Congress for decades.

While the floor debate we are having right now can be trying and can be thrown off-kilter by one more ill-timed tweet from the President, we have to keep our eyes on the ball because as tough as it may seem right here, the stakes are so much higher for millions of people who live every day in this country, trapped in a broken immigration system. They face the constant fear of deportation, and they suffer from the threat of being ripped apart from their families, their friends, and the communities that they love.

Just like the deep divisions we see on this issue across the country, finding a path forward in the Senate, in the House, and all the way to the White House is not going to be easy, but tackling the tough issues and engaging in fair and honest debate is why we are here. Creating a more perfect union is why we are here. Finding a bipartisan path forward both to secure our borders and protect the futures of so many hard-working families is why we are here.

First, we have to agree to some basic truths. To start, Dreamers—hundreds of thousands of our friends and neighbors, our teachers, firefighters, service-members, and students—are not criminals. They are not MS-13 gang members nor are they the shadowy pictures depicted in disgusting campaign ads in the President's speeches.

They are not a drain on our economy. In fact, Dreamers are just the opposite, contributing in countless ways to our communities and enriching the lives of so many others.

So who are Dreamers?

Dreamers are determined; they are passionate; they are American in every way except on paper. They are fighting for the only lives they have ever known. They are fighting for their loved ones with everything they have, and they are trying to do it the right way.