

the Affordable Care Act. He failed. So what President Trump couldn't do with a Republican-controlled House and Senate—eliminate health insurance for 20 million Americans—he is now trying to do through the courts. That is right. Rather than defending the law of the land, President Trump's Department of Justice is arguing before the U.S. Court of Appeals for the Fifth Circuit that the entire law is unconstitutional. Protections for people with preexisting conditions? President Trump wants them struck down as unconstitutional. A prohibition on insurers imposing annual or lifetime caps on benefits? President Trump wants that ruled unconstitutional. Tax credits to help people afford health insurance? Unconstitutional, according to our President. If you thought that the U.S. President would be on the side of Americans with preexisting conditions—women in need of maternity and newborn care, young adults just out of college, or seniors with high drug costs—well, you would be wrong. Instead, President Trump's administration is arguing that every single one of these protections should be eliminated. If President Trump and Republicans have their way in court, insurers will once again be able to discriminate against patients with preexisting conditions and impose arbitrary caps on benefits, millions will be thrown off health insurance, and families nationwide will pay more.

Earlier this year, the Democratic-controlled House of Representatives said: Not on our watch. That is right. On a bipartisan basis, the House passed the Protecting Americans with Pre-existing Conditions Act. This bill would prevent President Trump from once again allowing health insurance companies to discriminate against people with preexisting conditions. The House didn't stop there. They also passed a bill to restore funding to programs that help people sign up for health insurance, and they passed a bill to limit the sale of junk plans.

Why is the Affordable Care Act so important? Why are these House-passed patient protection bills so important? Why is this court case so important? They are important because of people like Nathan from Sleepy Hollow, IL, who recently wrote to me about his brother. Nathan wrote:

My 12-year old brother has Crohn's Disease and his treatments are very expensive. . . . I worry about whether he will be able to still have insurance if the ACA is overturned. . . . Please do everything you can to help.

To Nathan and his brother, I say this: The House of Representatives is attempting to help you. Unfortunately, the Republican-controlled Senate is not. What is the Senate, under McCONNELL's watch, doing instead? Nothing. Rather than address the existential threat facing America's health care system, the Senate HELP Committee advanced legislation that is stunningly silent on protections for preexisting conditions. Republicans are abdicating

their legislative duty to preserve healthcare in America. As my colleague, Senator CHRIS MURPHY, said during the HELP Committee markup, we are applying a bandaid to one arm, while the other is being sawed right off. Republicans on the HELP Committee announced grand plans to lower prescription drug costs and shield patients from surprise medical bills, but all they really did is tinker around the edges of the problems. Similarly, the Senate Judiciary Committee was slated to tackle the outrageous cost of prescription drugs. Yet what emerged from committee was the bare minimum of legislative action. When will Congress get serious about going after drug companies that are gouging the American public? When will congressional Republicans stop tweeting and issuing press releases about preexisting conditions and instead do something—anything—to help protect people in need? Talk is cheap, but, unfortunately, it is all congressional Republicans know how to do.

IMMIGRATION

Madam President, I went to Chicago on Friday. I went to the northwest side of the city, and I met with a group called Communities United. It was a meeting I am not going to soon forget. There were about 20 people in the room. Most of them were women with their children, and a couple of us were politicians. They talked about the fear that is running through their community with President Trump's threat of mass arrests and mass deportations. Each one of them had an important thing to say. The one that stuck with me was a young lady—I will give just her first name. Guadalupe was her first name. She is a high school student in that section of Chicago. She started to read from a little piece of paper on which she had written down the feelings of her family about what was happening with the threats of these raids.

You see, one of her parents is undocumented. She is a citizen of the United States, having been born here, but her mother is not so lucky.

Guadalupe said: I am tired of living in fear. I am tired of being afraid that the next knock on the door means our family will be torn apart; that my mother, who has been here for almost 20 years, will be forced to leave.

She has never committed a crime. She has worked hard every single day for the family, to bring a little money home, taking jobs that most of us don't want to take, being paid low wages in the hope that her daughter Guadalupe and others would have a better life in the years ahead.

I remember that meeting because that was just the beginning of a weekend filled with meetings just like those all across that great city of Chicago, particularly among the Hispanic population—a genuine fear that ICE would start knocking on doors. People are being told their rights, their legal rights, if ICE comes to the door. Most of them are being told: Don't open the

door unless there is a real search warrant from a real judge, not an ICE administrative warrant.

These people, I am sure, will find it hard to make that distinction, but it really is a question of whether they may be able to stay in the United States or cannot.

Keep in mind that we are not talking about people who have been convicted of a serious crime. As far as I am concerned, if you come to this country and you are undocumented and you commit a serious crime, you have forfeited your right to stay here. I am not making any defense of those people, but they are a tiny, small percentage of those who are here undocumented. The vast majority came to this country, some undocumented when they came, others who have overstayed a visitor's visa, a work visa or student visa, and started a life and started a family.

These are the people who have become a major part of our economy. Of the 11 million who are undocumented in this country, 8½ million actually work. They are employed. They pay taxes. They are not officially or legally part of our economy. Yet they are all subject to the mass arrests and deportation that President Trump has threatened.

As a Presidential candidate, Donald Trump regularly used inflammatory anti-immigrant language. You will remember most of these quotes because they were said over and over again.

Donald Trump said:

The Mexican government is forcing their most unwanted people into the United States. They are, in many cases, criminals, drug dealers, [and] rapists.

Donald Trump said that a Federal judge was biased against him because the judge was "a Mexican." He called for a "total and complete shutdown of Muslims entering the United States."

He attacked a family I have come to know, Khizr and Ghazala Khan, the Muslim American parents of the American soldier who was killed in the line of duty. This Gold Star family gave their son to this country in defense of it and were ridiculed because they disagreed with President Trump.

For the last 2½ years, President Donald Trump has continued to use divisive language. On January 11, 2018, I heard it personally. In a meeting in the Oval Office that I will never forget, the President used a crude term to refer to Haiti and African countries.

This weekend, President Trump sunk to a new low. His tweets saying four Democratic Congresswomen should "go back" to their countries were racist and reprehensible comments. Elected officials of both parties should condemn the President's statement.

It is important to understand the President's hateful language is also reflected in his policies. The Trump administration has shown unprecedented cruelty on the issue of immigration, especially to children and families.

The Muslim travel ban created chaos at airports across the country and continues to separate thousands of American families.

The cruel repeal of DACA threatens 800,000 young immigrants with deportation to countries they barely remember.

The termination of temporary protected status puts more than 300,000 immigrants at risk of deportation to dangerous conditions. Imagine this for a moment. We have a travel advisory that says to American families: Do not—do not—go to the country of Venezuela. It is too dangerous.

But for those Venezuelans who are in the United States and should qualify for temporary protected status, this President has said: We are returning you to Venezuela.

Really? It is too dangerous for Americans, but, Venezuelans, we are going to force you to go back to the horrible situation in that country.

The disastrous separation of thousands of families at the border has done permanent damage to these families and especially to their children. Under what was known as the zero-tolerance policy announced by then-Attorney General Jeff Sessions, over 2,880 infants, toddlers, and children were separated from their families at the border.

What was even worse, they were cast into this bureaucratic no-man's-land, and they couldn't be located to be reunited with their parents until a Federal judge demanded it. We still have some who have not been reunited with their parents over a year later.

The inhumane overcrowding and migrant detention facilities that the DHS inspector general found was "an immediate risk to the health and safety of detainees and DHS employees" was so bad that after I personally witnessed it, I joined with more than 20 other Democratic Senators writing to the International Red Cross and asking for them to send in a team to investigate American detention facilities. I never thought I would do that.

This President's threatening, and now mass arrests and deportations, of millions of immigrants who have committed no crime and pose no threat—no threat—to the security and safety of this country has created rampant fears, as I mentioned, in Chicago and across the Nation.

Now, today, the Trump administration has put in place a new rule which will block nearly all asylum claims at the southern border from nationals of any country except Mexico, including families and children fleeing persecution.

The UNHCR, the refugee Agency for the United Nations, said this rule proposed by the Trump administration "will endanger vulnerable people in need of international protection from violence or persecution."

How did we reach this point? During World War II, we made a fateful decision in the United States to turn away hundreds who were fleeing Europe. Many of them were people of the Jewish religion who believed the Holocaust, which Hitler had initiated, would eventually reach their families

and take their lives. There were 700 or 800 of them who were on a ship called the *USS St. Louis*. They came to the United States and asked for refuge here, asylum here, to escape the Nazis. Sadly, our government turned them away. They went back to Europe, and 200 died in the Holocaust. After that, after that horrible experience, we said we were going to do this differently from this point forward.

Since World War II, the United States has led the world in accepting refugees and asylees. Other countries have done more than their part. I think of Jordan immediately. We have tried to be a leader among developed countries in accepting refugees and asylees, and we have done it. When you look at all of the Cubans who came to the United States to escape communism under Castro—we have three Cuban Americans serving in the U.S. Senate whose families were part of that exodus from the island of Cuba. We did the same thing with Jews who were facing persecution in the Soviet Union. We did it, as well, after the Vietnam war, when those Vietnamese who had stood by American soldiers and risked their lives were given refuge to the United States. The list goes on and on, and it reflects who we are as a nation. We screen those who come in, but we say our doors are open to give them a second chance in life and the protection of the United States.

That was what we did from World War II until the election of Donald Trump as President of the United States. Now he has turned back the clock. We are back in the *USS St. Louis* era, where we are turning away refugees who are simply coming here trying to find some safe place to be.

America is better than this. We can keep our Nation safe and respect our heritage as a nation of immigrants. We can have a secure border and abide by our international obligations to protect refugees fleeing from persecution, as we have done on a bipartisan basis for decades.

The reality is President Trump's cruel and ineffective policies on immigration have made our southern border much less secure than when he took office. The President's obsession with his almighty border wall to be paid for by the Mexicans, as he suggested, led to the longest government shutdown in the history of the United States—35 days, paralyzing agencies and the government, ironically paralyzing immigration courts that were supposed to process the people presenting themselves at the border. More refugees have been driven to our border because the President has shut down legal avenues for migration and blocked all the systems to stabilize Northern Triangle countries in El Salvador, Guatemala, and Honduras.

There is also a gaping leadership vacuum at the Trump administration's Department of Homeland Security. In less than 2½ years, there have already been four different people heading this

Department. Every position at the Department of Homeland Security with responsibility for immigration or border security is now held by a temporary appointee, and the White House has not even submitted nominations to fill these positions.

The Republicans have tried to blame Democrats for the President's failure to secure the border, but Democrats have tried to work on a bipartisan basis to solve this crisis. In February, after the President finally agreed to end the longest government shutdown in history, Congress passed an omnibus appropriations bill that included \$414 million for humanitarian assistance at the border. When I hear Vice President PENCE and others saying they were begging the Democrats to give them money for the border, we did—\$400 million in February.

Then, last month, Congress passed an emergency supplemental appropriations bill with \$4.6 billion of additional funding to alleviate overcrowding at detention facilities and provide the basics—food, supplies, and medical care.

Last year, before the border crisis began, Senate Democrats supported a bipartisan agreement—bipartisan agreement—from centrists in both caucuses that included robust security funding and dozens of provisions to strengthen border security. We put this together last year. It was a compromise. I didn't like parts of it, but it is the nature of the Senate that you can't get everything you want; you have to do the best you can to solve a problem. We had a bipartisan solution. This was a chance last year for the President to step up and accept a bipartisan approach. The President rejected it. He threatened to veto it. Instead, he wanted to push for his hardline, get-tough immigration reform instead. The Senate rejected the President's bill, his proposal, with a strong, bipartisan supermajority. It was that unpopular and unworkable.

In 2013, 6 years ago, I was part of a gang of eight Senators—four Democrats and four Republicans—who wrote comprehensive immigration reform legislation. It passed the Senate 68 to 32. Unfortunately, the Republicans who controlled the House of Representatives refused to even consider the bill.

The acting DHS Secretary, Kevin McAleenan, recently said that if our 2013 bill had been enacted into law, "We would have a very different situation. . . . We would be a lot more secure at our border." That is what he says now about a bill we passed 6 years ago.

Republican Senator LAMAR ALEXANDER of Tennessee, who supported the 2013 bill, said: "If that bill became law, most of the problems we're having today we'd not be having." There are ways to deal with this in a sensible, bipartisan way. Our comprehensive bill did that.

Getting tough, threatening a wall, and cutting off foreign aid has backfired on this President. It has created failure when it comes to immigration.

The Democrats have introduced the Central American Reform and Enforcement Act as a comprehensive response to our current border crisis. Let me tell you the highlights.

It addresses root causes in the Northern Triangle countries that drive migrants to flee. It cracks down on traffickers who are exploiting migrants. It provides for in-country processing of refugees and expands third-country resettlements so migrants can find safe haven without making that dangerous and expensive trip to our border. It eliminates immigration court backlogs so asylum claims can be processed quickly. It expands the use of proven alternatives to detention, like family case management, so immigrants know their rights and show up for court.

Democrats stand ready to work on smart, effective, and humane border security policies, but we need our Republican colleagues to condemn President Trump's cruel campaign against families and children and to work with us on a bipartisan basis.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

TREATIES

Mr. MENENDEZ. Mr. President, I am pleased, at long last, to speak on the floor today in support of four protocols amending the tax conventions between the United States and Spain, Switzerland, Japan, and Luxembourg.

I have long been a strong supporter and proponent of these tax protocols and worked to advance them across multiple Congresses. In the Senate Foreign Relations Committee, I voted to advance Japan and Spain protocols three times and voted four times to advance the protocols with Luxembourg and the Swiss Confederation. I am pleased that, after too many years of waiting, the majority leader has finally decided to take up these protocols.

I am a strong believer in the benefits these treaties provide our country. They play a critical role in relieving U.S. citizens and companies of double taxation, encouraging foreign investment in the United States, and enforcing U.S. tax law on those who seek to evade it. There are no downsides to these treaties.

As I conveyed directly to Secretary Mnuchin, the Treasury Department's initial interaction on these treaties without consulting the Foreign Relations Committee was completely inadequate. This botched effort resulted in a completely avoidable delay in taking up these four protocols. However, I am pleased that Treasury responded quickly to my concerns, including providing a written commitment on behalf of the

administration that the Foreign Relations Committee chair and ranking member would be consulted on any changes to the model tax treaty prior to negotiations based on a new model or new model provisions. Therefore, I support moving the tax treaties as expeditiously as possible and urge my colleagues to support them.

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

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

MEDICARE

Mr. ALEXANDER. Mr. President, last month, during National Nurses Week, Ballad Health, a healthcare system in East Tennessee, announced it would be giving several thousand nurses a raise.

The head of Ballad Health announced a \$10 million investment in pay increases for nurses.

He said: "Our nurses and those who work with them in the provision of direct patient care are heroes . . . however, it is also true that . . . we face significant national shortage of these critical health care providers."

Alan, the head of Ballad Health, said that his investment was, in part, because of a new rule proposed by the Trump administration in April.

This new rule will update the formula that determines how much Medicare will reimburse hospitals for patient care. The formula takes into account, among other things, the cost of labor in that geographic area called the area wage index.

This new rule attempts to level the playing field between hospitals in areas that have higher wages, and therefore are reimbursed at a higher rate than hospitals in areas with lower wages.

The Centers for Medicare and Medicaid Services Administrator, Seema Verma, wrote in a recent op-ed in *The Tennessean* in Nashville:

Many stakeholders have raised concerns that the Medicare hospital payment system disadvantages many rural hospitals. Our proposed rule brings payments to rural and other low-wage hospitals closer to their urban neighbors.

I say this standing in the Senate Chamber, where we have the chairman and the ranking Democrat on the Agriculture, Nutrition, and Forestry Committee—two experts on rural areas and rural hospitals in our country.

In recent years, too many rural Americans have seen their local hospital close and their doctors leave town.

Since 2010, 107 rural hospitals have closed across 28 States and another 637—about one-third of all rural hospitals—are at risk of closing.

In Tennessee alone, 12 rural hospitals have closed since 2010.

A recent survey by the Robert Wood Johnson Foundation and the Harvard School of Public Health found that one in four Americans in rural areas couldn't access healthcare when they need it.

This new rule will help rural hospitals keep up with the cost of providing care and keep those hospitals open.

Alan from Ballad Health said: "This proposed change indicates that Washington finally understands that rural health systems, like ours, have been historically unable to keep up with the real cost growth of nursing and other direct care providers."

Craig Becker, who leads the Tennessee Hospital Association, wrote in *The Tennessean* earlier this month that this rule "is good news for our State's hospitals and will provide much-needed relief to many of them, especially those in rural areas" and that the rule "finally will address the significant inequities in the Medicare area wage index—the first meaningful effort by any administration to address this flawed system."

This new rule from CMS will help ensure Americans can access healthcare close by to their homes by leveling the playing field between urban and rural hospitals that rely on the Medicare hospital payment system.

Last month, the Senate Health, Education, Labor, and Pensions Committee, which I chair and Senator MURRAY of Washington State is the ranking Democrat, approved, by a vote of 20 to 3, a bipartisan package of 55 proposals from 65 Senators to lower healthcare costs that will help rural Americans.

For example, the legislation would ban anticompetitive terms that large hospital chains sometimes use in contracts with employers, such as the so-called all-or-nothing clauses. These clauses increase prices for employers and patients and can block healthcare plans from choosing hospitals based on the care quality, the patient experience, or one hospital's competitive pricing.

Banning all-or-nothing clauses will help level the playing field for smaller, independent hospitals who are not part of a large corporate chain.

Another provision in the Lower Healthcare Cost Act of 2019 will expand technology-based healthcare to help Americans in rural areas have access to specialty care.

I hope the Trump administration and CMS Administrator Verma will quickly finish this rule and give Americans better healthcare choices and outcomes at lower costs, especially in our rural areas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, before our distinguished leader and chairman of the Health, Education, Labor, and Pensions Committee leaves, I want to thank him for his hard work.

Having grown up in a small, rural community in Northern Michigan, I