

going to put their thumb on the scale of justice again, against voting rights, against civil rights. That is what has happened in support of corporate money.

So dark money has affected the special-interest Supreme Court. We have never seen a Supreme Court in my lifetime that is beholden to corporate interests, that is beholden to billionaire contributors, that is beholden to special interests. We have never seen a Court like this.

What does this mean? It means that instead of citizens choosing their elected officials, it is politicians choosing whom they represent. That is why you get these districts that will stay 12-to-4 Republican, where voters have no real say in these elections because of the way it is lined up.

We have a Supreme Court that is hostile to voting rights, hostile to worker rights, hostile to women's rights, hostile to LGBTQ rights. That is what this Supreme Court has given us, as Senator MCCONNELL, in his office down the hall, continues to push judges like this who don't look toward the public interest. They are always looking toward rewarding their billionaire contributors.

Again, I thank Senator HIRONO for her work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—
S. 386

Mr. LEE. Mr. President, I rise today to speak about the Fairness for High-Skilled Immigrants Act, an important and bipartisan piece of legislation on which I have been a proud sponsor and on which I have been proud to work with Senator HARRIS to bring this bill to fruition.

It has been many years in the making, and I am pleased to stand behind this legislation and to push it forward. There is no question that immigration is one of the most important and also politically fraught and politically charged issues in front of Congress right now. More often than not, we can't even seem to agree on what the problems in our immigration system are, let alone come to an agreement about how best to solve them.

That makes it all the more important for us at least to come together to get something done in those areas where we can find common ground and do so across party lines on issues that are neither Republican or Democratic, neither liberal or conservative, but that are simply American issues that are central to who we are.

We are great as a country not because of who we are but because of what we do, because of the fact that we choose freedom, we choose to be welcoming, and we choose to be that shining city on the hill, where anyone can come into this country, be born or immigrate into this country as a poor

person, and hope and have the reasonable expectation that one day, if they work hard and play by the rules, they might have the opportunity to retire comfortably, in some cases wealthy.

We have to find common ground in these areas. The Fairness for High-Skilled Immigrants Act is an important point of common ground.

Employment-based immigration visas—the one significant area of our immigration system based on skills and based on merit—are currently issued in accordance with rigid, arbitrary, antiquated, and outdated per-country quotas. This means that in a given year, immigrants from any one given country cannot, in most cases, be given more than 7 percent of the total number of visas allocated. As a result of this, immigrants from nations with large populations have significantly longer wait times to get a green card than do immigrants from smaller countries. In some cases, they could be stuck in a backlog of green card petitions for decades.

This makes no sense. This is arbitrary. It is capricious. It is unfair. It is un-American. It is not what we do. This is one of the many features of our Buddy Holly/Elvis Presley-era immigration code that are outdated and that need to be cast into the dustbin of history. These per-country visa caps cause serious problems for good people, for American businesses and American workers alike, and they cause unfair, undue, and immense hardship for the immigrants who happen to be unfortunate enough to be stuck in that very backlog.

While employment-based green cards are supposed to go to immigrants with high skills who will help grow the American economy, the per-country caps distort this system by causing some immigrants to wait years before receiving a green card for a reason that may be totally unrelated and generally is completely detached from their qualifications. This undermines our ability to bring the best and the brightest individuals to our country. It is to our harm, and it is to our own shame.

Further, the per-country caps force the immigrants that are stuck in this backlog—95 percent of whom are already inside the United States—to make the difficult choice between, on the one hand, staying in America and waiting decades for a green card, or on the other hand, leaving and taking their talents to a country that provides a fairer process for allocating legal immigrant status as a worker.

Worse still, because individuals in the green card backlog can only sponsor temporary visas for their children while these children are younger than 21, the per-country caps force families to choose between separating and sending their children back to their country of origin as they age out of their visas while their parents keep waiting in the United States for their own opportunity to receive a green card or

giving up entirely on their dreams of becoming lawful permanent residents within the United States of America. In many cases, these are children who legally immigrated with their parents and did so at an early age and who have come to call America their home, adopting our customs, our language, our ways of life, having been educated here and socialized here.

Because immigrants in the backlog are also severely limited in their ability to change jobs, the per-country caps often force them to work under conditions that other employees would justifiably and understandably find completely unacceptable. This exposes these immigrants to harassment, exploitation, and abuse, without any option of switching employers. What is more, because these employees can't switch jobs, they have less power to negotiate fair salaries, which depresses wages not only for these immigrant workers themselves but also for their colleagues, whether or not they are American citizens.

Fortunately, the solution to these problems is not only straightforward but agreed upon by a broad, bipartisan coalition of lawmakers. We must eliminate the per-country caps to ensure a fair and reasonable allocation of employment-based green cards. That is exactly what the Fairness for High-Skilled Immigrants Act would accomplish, and that is exactly what this bill is all about.

Without the per-country caps, our skills-based green card system would operate on a first-come, first-serve basis, ensuring that immigrants are admitted into the United States purely based on merit rather than on the arbitrary, outdated, unreasonable basis of their country of origin. This, after all, is what the American dream has often been about. It is about who we are as a people rather than where our parents came from, who they were, what they looked like, and what language they might have spoken.

This reform would also ensure that the hardships caused by decades-long wait times would be eliminated.

Importantly, the Fairness for High-Skilled Immigrants Act also contains critical safeguards to ensure that the transition from the per-country cap system to a first-come, first-served system would occur smoothly and without unduly disrupting existing immigration flows. Specifically, this bill includes a 3-year set-aside of green cards for immigrants who are not in the backlog to ensure that they can continue to enter the country as we process backlog petitions.

In addition, the bill contains an important "do no harm" provision to make certain that green card applicants who are at the front of the line now will stay at the front of the line and not be faced with new delays as we work through the backlog during this transition process. These provisions will ensure that we are truly treating all immigrants in the employment-based system fairly.

For many years, this critical legislation was stalled because of the concerns of some Members that any reform to the employment-based visa system should be accompanied by new protections against fraud and abuse in the H-1B program. To address those concerns this Congress, I negotiated an amendment to the Fairness for High-Skilled Immigrants Act with Senator GRASSLEY to include new protections for American workers in how we process applications for H-1B visas.

This amendment negotiated with Senator GRASSLEY does three things: First, the Grassley amendment would strengthen the Department of Labor's ability to investigate and enforce labor condition application requirements. In addition, it would reform the labor condition application process to ensure complete and adequate disclosure of information regarding the employer's H-1B hiring practices. Finally, it would close loopholes by which employers could otherwise circumvent the annual cap on H-1B workers.

Importantly, the Grassley amendment—like the underlying bill itself—consists of provisions that have long enjoyed support from Members of this body on both sides of the aisle and from every point along the ideological spectrum. They are drawn from an H-1B reform bill that has been championed both by Senator GRASSLEY and by Senator DURBIN.

I am grateful that Senator GRASSLEY was willing to come to the table and work in good faith on achieving a reasonable compromise on this bill. I believe the deal we have struck is a fair and evenhanded way to address longstanding concerns about our H-1B system while eliminating country-of-origin discrimination in how we allocate skills-based green cards.

The reason the Fairness for High-Skilled Immigrants Act enjoys such broad, solemn, deep, and unwavering bipartisan support is because it does not include any of the typical partisan poison pills and other controversial provisions that so often undermine and in many cases doom other immigration reform efforts. This is a narrow, surgical reform—one that is necessary, one that is palatable, and one that is long overdue.

I would like to conclude by thanking Senator HARRIS, who has been an indefatigable partner with me on this bill. I have been proud to work side by side with her to eliminate the country-of-origin discrimination and bring about a system of fairness in how we allocate employment-based green cards.

This is an important and, indeed, essential reform to our immigration laws and one that has been a long time coming.

Mr. President, I therefore ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 386 and that the Senate proceed to its immediate consideration. I ask unanimous consent that the Grassley amendment at

the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, I have offered a modest compromise amendment to this legislation. I stand ready and open to negotiate and discuss this. We have often discussed it in private and in public. I will object until we can get to negotiating terms, and we can hopefully pass this bill once we enter into a dialogue.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I approach with great sadness and disappointment the response just brought about by my distinguished colleague, my friend, the junior Senator from Kentucky. I have a great deal of respect for him. The fact that he and I have worked on so many issues side by side together in order to improve government makes this not easier but makes it more difficult.

The reforms to which my distinguished colleague, the junior Senator from Kentucky, refers are themselves born of a genuine desire to improve our immigration system. But, alas, the reforms he has proposed are not, in my view, compatible with the scope of this bill, nor are they compatible with something that can reasonably pass through this body. That is one of the reasons I have introduced the legislation as I have.

I worked on this nearly the entirety of the 8½ half years I have had the opportunity and great privilege to serve the people of Utah in the Senate. This is by far the closest we have ever come to having a deal, and we achieved that deal by keeping this bill focused on the very things this legislation deals with.

The suggestions that Senator PAUL has made, while born of great concern for our country and a noble degree of commitment to serving the people of his State, are not themselves compatible with the scope of this legislation, nor are they compatible with what would likely be passed by this body.

We have an opportunity right now to pass this. This could pass this body right now. I find it greatly disappointing that my colleague and my friend has chosen not to allow this to pass this body today. This is something that could and should and otherwise would pass this body today without that objection.

I would respectfully but with all the urgency I am capable of communicating implore my colleague, the distinguished Senator from Kentucky, to reconsider his objection and allow this to pass.

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

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

AMENDMENT NO. 883 TO S. 1790

Mr. UDALL. Mr. President, I ask unanimous consent to call up Udall amendment No. 883.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL], for himself and others, proposes an amendment numbered 883 to S. 1790, as amended.

Mr. UDALL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment, as amended, is as follows:

(Purpose: To prohibit unauthorized military operations in or against Iran)

At the end of subtitle C of title XII of the amendment, add the following:

SEC. 1226. PROHIBITION OF UNAUTHORIZED MILITARY OPERATIONS AGAINST IRAN.

(a) IN GENERAL.—No funds authorized by this Act may be used to conduct hostilities against the Government of Iran, against the Armed Forces of Iran, or in the territory of Iran.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to restrict the use of the United States Armed Forces to defend against an attack upon the United States, its territories or possessions, or its Armed Forces;

(2) to limit the obligations under the War Powers Resolution (50 U.S.C. 1541 et seq.); or

(3) to affect the provisions of an Act or a joint resolution of Congress specifically authorizing such hostilities that is enacted after the date of the enactment of this Act.

Mr. UDALL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. UDALL. Mr. President, I ask unanimous consent to speak on my amendment.

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

Mr. UDALL. Mr. President, I rise to respond to some of the criticisms of the Udall amendment that I believe are misleading and deserve a response.

To start, I want to point out an area of agreement. The opposition says our amendment is simple, and it agrees on its intent—that this amendment would prohibit a war with Iran without there being congressional approval, and that is what the vote is about. The arguments from those in the opposition mislead to avoid that simple truth. They are trying to create excuses for why we should ignore the Constitution and open the door to war with Iran without having a vote. President